



Principles for Designing Negotiation Instruction

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***Editors' Note:** In this chapter, the authors make coherent a sweeping range of topics treated in the RNT project's first two volumes. (A personal note: The editors continue to believe that the chapter authors have been too kind about what we see as the project's numerous errors.) Nevertheless, this chapter is the right starting place for any teacher who, upon seeing four volumes that purport to help him or her redesign a course, knows that the course is bound to be too short to incorporate most of the material. So, where to begin? Well – here.*

Introduction

What's a negotiation instructor to do? So much to teach and so little time. Most instructors can't shoehorn into a traditional negotiation course¹ all the things they would like to do. Participants in the Rethinking Negotiation Teaching² (RNT) conferences have identified many additional subjects and instructional methods, which increases opportunities to provide the best possible instruction but also increases the challenges in doing so. Instructors' dilemmas are compounded when teaching negotiation outside of their home instructional environment. In any case, they should consider the many variations in audiences, settings, and goals of the negotiation instruction. The RNT

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project calls on instructors not to “over-rely on ‘canned’ material of little relevance to students” (Honeyman and Coben 2010a: 2).

Since instructors cannot teach everything about negotiation in a single course, this chapter suggests some general principles for instructors to make decisions for their courses, whether they teach them internationally and/or domestically. It incorporates many of the ideas suggested in the three RNT conferences as well as the predecessor efforts reflected in a symposium in the *Marquette Law Review* (Special Issue 2004), *Negotiation Journal* (Special Section 2009), and the *Negotiator’s Fieldbook* (Schneider and Honeyman 2006). Indeed, this article is intended to serve as an index to these publications, helping readers follow up particular issues by identifying readings on point.

There is no one right or best way to teach negotiation, so instructors should select approaches most suitable to their situations. The following ideas include some general suggestions that should be applicable in most situations as well as a menu of ideas that instructors can choose from.

General Principles for Instructional Design

Instructors should carefully develop instructional goals and objectives, which should generally drive their decisions (Abramson 2009; Cohn et al. 2009; McAdoo and Manwaring 2009; Nelken, McAdoo, and Manwaring 2009; Wade 2009). Some common goals are for students to 1) increase their understanding of different negotiation approaches and perspectives, 2) become more careful observers of negotiation process, goals, tactics, and effects, 3) enhance negotiation skills, 4) change their attitudes about particular negotiation approaches, 5) understand policy issues about negotiation, and 6) learn to learn (or “metacognition”) (Moffitt and Peppet 2004; Alexander and LeBaron 2009; McAdoo and Manwaring 2009; Nelken, McAdoo, and Manwaring 2009). Courses using case studies of actual negotiations may emphasize goals of gaining a realistic understanding of what actually happens in negotiation and appreciating the multiplicity of variables and complexity of interactions between actors (Matz 2009). Obviously, these are very general goals and instructors are likely to have particular versions of their goals relating to the specific knowledge and skills they want their students to develop.

Instructors must decide how much to incorporate standard modules from prior courses and how much to tailor the course to the expected class. Generally, instructors should increase the amount they modify the material in proportion to the extent to which the class population is likely to differ from prior classes who took the course. Instructors should consider possible differences in the student popu-

lation (e.g., university students vs. practitioners); instructional format; or educational, practice, or national culture. When instructors have previously taught the course to a similar set of students in the same culture and it worked well, there is less need to modify the course (other than to incorporate new developments since the prior offering). On the other hand, if there are significant differences, instructors should change their plans accordingly. Although it might be easier to use standard repeatable modules for all courses, students are likely to be more motivated to learn if instructors tailor the courses to fit the students' circumstances (LeBaron and Patera 2009; Nelken, McAdoo, and Manwaring 2009; Lewicki and Schneider 2010).

Beyond customizing the course to increase knowledge and skills that are relevant to students' national or ethnic cultures (Abramson 2009; Kovach 2009; Bernard 2010; Lewicki and Schneider 2010), instructors should also consider the students' *educational* cultures. For example, negotiation courses in law schools and business schools are embedded in cultures with norms and expectations about how courses are taught, what students are expected to do in the courses, and how the material is relevant to negotiations that students are likely to engage in during their careers. Similarly, negotiation trainings for business executives and lawyers have particular (and usually different) norms and expectations. Instructors should be sensitive to students' technological culture as well. Increasingly, students will be oriented to technologically sophisticated environments and instructors should consider how they can best work with their students in their technological environment. Moreover, when students participate in the instruction as members of an organization, the instruction should be tailored to be most effective within the organizational culture (Cohn et al. 2009).

The tailoring of a negotiation course should be oriented to the assumptions, ideas, and values that students bring into the classroom, as they will have to integrate new ideas and experiences into their initial mindsets (Abramson 2009; LeBaron and Patera 2009; Nelken, McAdoo, and Manwaring 2009). For example, students normally start with certain orientations about competition and cooperation that are likely to affect how they respond to course material. Ideally, before a course begins, instructors would get a sense of what ideas students bring to the course (Bhappu et al. 2009; Cohn et al. 2009) but even if not, instructors can certainly elicit it early in the course (Abramson 2009). They should also consider students' comfort levels with and openness to challenge and ambiguity (Kamp 2010).

Instructors should not necessarily conform to students' educational norms and expectations; but they should pay attention to

them. This is not to suggest that instructors should necessarily try to agree with students' predispositions; actually instructors may want to challenge students to re-examine their preconceptions. Indeed, an important part of learning involves transformation of the mental "schemas" that students bring into the course about the subject and teaching methods (McAdoo and Manwaring 2009). Instructors who deviate from accepted norms may encounter student resistance, which can divert attention and interfere with the learning process. If instructors decide that they can best achieve their goals by deviating from educational norms in some way, it is useful to be especially clear about the learning objectives and rationale, as this is likely to lead students to respond better and learn more. For example, instructors should be particularly clear about the rationale and expectations for adventure learning assignments, since many students are not familiar with them.³ The RNT project documented educational risks as well as benefits in adventure learning, suggesting the need for particular care when incorporating such activities in negotiation instruction.⁴ Instructors should also clearly explain the rationale even for more familiar methods such as simulations (Ebner and Kovach 2010), which can be problematic if not well planned and implemented (Alexander and LeBaron 2009). This principle applies for topics as well as teaching methods, such that instructors should be especially explicit about the rationale for covering topics that students would not immediately expect to be included in negotiation courses, such as mindfulness, curiosity, generosity, and even emotions (Nelken 1996).

Instructors should design their courses to promote students' motivation to engage in the course activities productively. Although it would be ideal if all students were highly-motivated and responsible throughout a course, some start with less-than-optimal motivation and may not respond well to particular course activities and assignments. Students predictably (and sometimes legitimately) do not respond well if they believe that the course activities are not valuable for them.

Engaging students in developing their goals and activities may help motivate them to work harder and learn more (Nelken 2009; Nelken, McAdoo, and Manwaring 2009). There is evidence that requiring students to *design* simulations, for example, may be a particularly good teaching strategy (Druckman 2006; Druckman and Ebner 2010; Ebner and Druckman 2012). The extent that instructors should engage students in designing the instruction, if at all, is a function of various factors including the students' level of motivation, experience, judgment, and maturity as well as cultural norms about roles of students and instructors.

Furthermore, engaging students in designing some aspects of a course can help instructors focus the course at an appropriate level of challenge for the students in the class (Nelken, McAdoo, and Manwaring 2009). Students are likely to learn most if they find the course is neither too easy nor too hard. If it is too easy, they miss some opportunities for learning and may lose motivation to engage in the course. On the other hand, if they find the course too hard, they may get discouraged and also fail to learn as much as possible. Of course, a class may be composed of students at different levels of ability so that what may be too easy for some students may be appropriate or too hard for others. Thus, instructors should consider if there is likely to be a substantial range of student abilities and, if so, design the course to provide learning opportunities at an appropriate level of challenge for as many students as possible. Moreover, students have different learning styles (such as being more active or reflective) that affect how well they respond (Kovach 2009). Instructors need to take special care when the instruction is not in the native language of some or all of the students (Abramson 2009; Stulberg, Canedo, and Potockova 2009).

A Canon of Negotiation

We believe that there is significant value in both having a common body of instruction and also tailoring instruction to the particular circumstances of each course. Without a shared “canon” of negotiation instruction (Honeyman and Schneider 2004), people essentially talk different “languages,” making it hard to be as effective as possible. When most instructors include major elements of the canon in their courses, it can help students and practitioners communicate and work with each other more effectively as part of a common professional community. This is not to advocate an orthodox canon or a single, unassailable approach to instruction. Instead, we believe that the canon is (and should be) a general set of issues and understandings that is always subject to question and improvement. The RNT project challenges the community of negotiation instructors to consider broadening the canon by including additional perspectives, topics for instruction, and teaching methods.

In fact, there has been a general canon of negotiation instruction, sometimes called “Negotiation 1.0” in RNT terminology. We believe that the terms “Negotiation 1.0” and, as the reader will encounter later, Negotiation 2.0 may have had developmental value in assisting us to think about the distinctions between “what we have always done” and “what we could possibly do.” That said, we think that this terminology oversimplifies and creates a misimpression that Negotiation

2.0 is necessarily superior to Negotiation 1.0. We will say more about this at the end of this chapter.

In 1999-2000, the Harvard Program on Negotiation conducted a study involving interviews with prominent negotiation instructors in law, business, public policy and planning, and international relations programs. The study found some common themes as well as variations within and between the four types of programs. Some of the variations reflected differences in emphasis on particular elements (such as instruction in theory and practical skills).

In general, the courses normally provided an intellectual framework for negotiation analysis such as assessing parties' interests and options, identifying reservation points and bargaining ranges, gathering necessary information, and considering various factors that might affect negotiation. The courses also shared common methods including use of simulations and debriefings, opportunities for student reflection, and requirements for self-assessment and evaluation (Fortgang 2000; Cobb 2000).

Similarly, Christopher Honeyman and Andrea Kupfer Schneider (2004) reported that experts at a 2003 symposium on negotiation instruction identified six topics that are most commonly part of negotiation teaching: 1) personal strategy, 2) communication skills, 3) integrative and distributive negotiation, 4) bargaining zones, alternatives to negotiated agreements, and reservation prices, 5) generating options, and 6) preparation for negotiation.

A review of law school syllabi of negotiation courses posted on the website of the ADR Section of the Association of American Law Schools suggests a similar congruity. The courses covered various negotiation theories, typically including interest-based and positional negotiation, as well as others such as game theory and procedural justice theory. Courses covered stages of negotiation and legal and ethical issues related to negotiation, and included instruction in relevant skills such as self-reflection, communication, interviewing, counseling, using assertiveness and empathy, preparation, and dealing with differences in power and culture. As one would expect, not all courses include all of these issues.

Several RNT authors have highlighted the importance of including negotiation ethics as part of the canon (Gibson 2004; Gibson 2006; Menkel-Meadow 2006; Nolan-Haley and Gmurzynska 2009; Schneider et al., *Ethics in Legal Negotiation*, in this volume). Similarly, we believe that laws governing negotiation should be part of the canon, at least when the negotiation is subject to legal regulation (Korobkin, Moffitt, and Welsh 2004).

Instructional Enhancements

The RNT project is designed to improve negotiation instruction, at least partly by increasing the range of subjects and teaching methods that instructors might include. In RNT parlance, the new instructional approach is called “Negotiation 2.0.” In the past, some instructors have certainly included some of these enhancements in their teaching, though they have probably not been included in most courses. Since instructors have a hard time cramming in everything they want from Negotiation 1.0, the challenge is even greater with the enlarged menu of options offered by Negotiation 2.0.⁵ This section summarizes some of the additional choices that instructors may consider.⁶

Perspectives, Theories, and Assumptions

Instructors must make explicit or implicit decisions about their overall perspectives in teaching their courses. For example, this may involve a broad perspective based on theories about social construction of conflict, relationship systems, identity and culture, or particular disciplines such as psychology or neurobiology. A cross-cutting framework involves learning theories and the most appropriate teaching methodology (Hughes 2004; Yarn and Jones 2006; LeBaron and Patera 2009).

All instruction has some theoretical frameworks and assumptions. Even if instructors do not consciously and explicitly decide to present such perspectives, they effectively choose some perspective. When these decisions are implicit, they reflect what some call the “hidden curriculum” (LeBaron and Patera 2009). Specific descriptive and prescriptive assumptions involve:

- Whether knowledge has independent existence and/or is socially created (Fox 2009);
- The level of stability of the context or social structures surrounding negotiations (Docherty 2006);
- Whether negotiation is oriented to resolution of immediate disputes, dealing with underlying or protracted conflicts, and/or promoting systemic change (Avruch 2006; Coleman et al. 2006; Docherty 2006; Hauss 2006; Ricigliano 2006; Mayer 2009);
- The extent to which people have independent agency in making their decisions as opposed to being directed or constrained by social forces (Gold 2009; LeBaron and Patera 2009);
- The extent to which people act based on conscious, calculating, and competitive self-interest as opposed to less-conscious and cooperative motivations (Docherty 2006; Fox 2009; Gold 2009; LeBaron and Patera 2009; Fox, Schonewille, and Çuhadar-Gürkaynak 2010);

- The roles of culture, relationships, identity, and emotion in negotiation, and whether they are discrete variables in negotiation that represent potential problems to overcome, or are parts of people's general worldviews (Docherty 2004a; Goh 2006; Kelly 2006; Abramson 2009; Bernard 2009a; Bernard 2009b; Fox 2009; Gold 2009; Volpe and Cambria 2009; Ebner and Kamp 2010; Fox, Schonewille, and Çuhadar-Gürkaynak 2010; Nelken, Schneider, and Mahuad 2010; Patera and Gamm 2010);
- The role of justice and fairness in negotiation (Welsh 2004; Ryan 2006; Wade-Benzoni 2006);
- Whether power is conceived as a function of resources, constraints on action, or in other ways (Cobb 2000; Docherty 2004c; Honeyman 2004; Korobkin 2004; Bernard 2006);
- The extent to which people think of time in terms of linear or other sequences (Bernard 2009a);
- Whether explicit communication and direct confrontation are generally desirable (Gold 2009; LeBaron and Patera 2009);
- When interest-based negotiation can be useful (Chamoun-Nicolas, Folberg, and Hazlett 2010; Roberge and Lewicki 2010) and whether it is universally applicable (Abramson 2009; Gold 2009; LeBaron and Patera 2009);
- The appropriate goals for negotiation and measures of success, and particularly whether reaching agreement should be a predominant goal (LeBaron and Patera 2009, Ebner and Efron 2009);
- What norms are relevant and appropriate in negotiation, e.g., legal, religious, moral, and ethical norms (Seul 2006; Abramson 2009; Fox, Schonewille, and Çuhadar-Gürkaynak 2010).

Topics for Instruction

Most negotiation courses include instruction in a combination of theory and practical skills, though the proportions of each vary depending on the instructional goals and students' needs in each course. Where there are differing philosophies about particular issues, instructors need to decide whether to advocate some philosophies over others (or possibly whether to present only a preferred view), or merely to present the differing views (Adler 2006). Ron Fortgang (2000) describes this issue as whether to "proselytize" or use an approach like a "world religions" course. In particular, many negotiation instructors favor interest-based negotiation and disfavor positional negotiation (Ebner and Efron 2009). RNT-oriented instructors may advocate

certain other perspectives. In general, we recommend that instructors provide accurate, realistic, and respectful portrayals of various approaches, including advantages and disadvantages. Instructors should prepare students for negotiations that they are likely to encounter in real-life practice. This not only includes respectful treatment of positional negotiation but also “ordinary legal negotiation” in which lawyers exchange information to work out what they consider to be an appropriate result primarily based on the norms in their legal practice community (Lande 2012). Presenting a realistic portrait of negotiation need not preclude instructors from advocating their preferred views about contested issues, while encouraging students to develop their own views.

Good instructional design requires balancing the depth and breadth of coverage of particular issues. On one extreme, instructors may try to cover such a wide range of issues that students do not learn or retain much knowledge. On the other extreme, instructors may focus on a few issues or perspectives in such depth that students do not learn enough different subjects or perspectives. In general, instructors should strive to find a happy medium in their courses.

Almost inevitably, instructors will cover some topics that are not in the standard canon, which should include matters that best advance the instructional goals in their particular courses. Some of these topics may be embedded in the canon, but may deserve their own listing in the syllabus. These topics might include:

- When negotiation is or is not appropriate (Bingham 2006; Blum and Mnookin 2006; Morash 2006; Mnookin 2010);
- How to get others to agree to negotiate (Hawkins, Hyman and Honeyman 2006; Lande 2011; Zartman 2006b);
- Procedures that can improve or complement negotiation (Brown et al. 2004; Mayer 2006);
- Effect of parties’ abilities and disabilities (Jeglic and Jeglic 2006; Larson 2010);
- Communication patterns (Kolb 2006; Putnam 2006);
- Effect of participation of agents in negotiation (such as tensions in lawyer-client relationships) (Docherty and Campbell 2004; Mnookin, Peppet, and Tulumello 2000; Brazil 2006; Nolan-Haley 2006; Macfarlane 2006; Macfarlane 2008; Lande 2011);
- Planned early negotiation such as Collaborative, Cooperative, and Settlement Counsel processes (Lande 2011);
- Two-level negotiation (i.e., negotiation both within and between negotiation teams) (Fortgang 2000; Sally and O’Connor 2004; Bellman 2006; Matz 2006; Sally and O’Connor 2006; Honeyman et al., *The “Deliberation Engine,”* in this volume);

- Timing and rhythm in negotiation (Ricigliano 2006; Zartman 2006a; Zartman 2006b);
- Aspirations (Schneider 2004; Guthrie and Sally 2006);
- Gender issues (Kolb and Putnam 2006; Tinsley et al. 2009a; Tinsley et al. 2009b; Schneider, Cheldelin, and Kolb 2010);
- How identity issues affect negotiation (Shapiro 2004b);
- Emotions (Shapiro 2004a; Nelken, Schneider, and Mahuad 2010; Patera and Gamm 2010; Chamoun-Nicolas and Hazlett, *Influence of Emotion*, in this volume);
- Partisan perceptual biases (Brown 2009);
- Prosocial preferences (Sally 2004a; Wade-Benzoni 2006);
- Ceremony, generosity, and developing rapport (Williams 1996; Nadler 2004; Bernard 2009a; Bernard 2009b; Chamoun and Hazlett 2009; Bernard 2010; Love and Singh, *Following the Golden Rule*, in this volume);
- Curiosity and creativity (Brown 2004a; LeBaron and Honeyman 2006; Guthrie 2009; Alexander and LeBaron, *Embodied Negotiation*, in this volume; Honeyman, et al., *Education of Non-Students*, in this volume);
- Framing of issues and use of metaphors (Campbell and Docherty 2004; Docherty 2004b; Gadlin, Schneider, and Honeyman 2006; Miller and Dingwall 2006);
- The role of information and learning before and during negotiation (Moffitt and Peppet 2004; Kirschner 2006; Sally 2004b);
- Mindfulness, perceptions, heuristics, neuroscience, persuasion and other psychological issues (Guthrie 2004; Guthrie and Sally 2004; Korobkin and Guthrie 2004; Sally 2004a; Sally 2004b; Deutsch 2006; Heen and Stone 2006; Riskin 2006; Shestowsky 2006; Freshman and Guthrie 2009; LeBaron and Patera 2009; Birke 2010; Fox, Schonewille, and Çuhadar-Gürkaynak 2010);
- Risk, decision analysis, uncertainty, and ambiguity (Hoffer 1996; Senger 2004; Moffitt 2004; Honeyman 2006b; Senger 2006);
- Trust (Bernard 2010; Roberge and Lewicki 2010);
- Effect of reputations (Tinsley, Cambria, and Schneider 2006);
- Apology and forgiveness (Brown 2004b; Waldman and Luskin 2006);
- Negotiation by email or other electronic means (Bhappu and Barsness 2006; Ebner et al. 2009; Matz and Ebner 2010)
- Use of experts, interpreters, mediators, and other professionals (Abramson 2006; Kaufman 2006; Honeyman 2006a; Love and Stulberg 2006; Wade 2006c; Lande 2011);

- Overcoming apparent impasse and using “negotiation nimbleness” (Wade 2006b; Wade and Honeyman 2006; Volpe and Cambria 2009);
- Dealing with negotiators’ constituencies (Wade 2006a);
- Wicked problems (i.e., some problems that are unique, complex, and ill-defined) (Lira 2006; Taylor and Donohue 2006; Volpe et al. 2006; Chrustie et al. 2010; Docherty 2010; Honeyman and Coben 2010b; Chrustie et al. 2010b; Lira 2010; Docherty and Lira, *Adapting to the Adaptive*, in this volume; Lira and Parish, *Making it up as You Go*, in this volume; Docherty and Chrustie, *Teaching Three-Dimensional Negotiation*, in this volume; Gadline, Matz, and Chrustie, *Playing the Percentages in Wicked Problems*, in this volume; Lewicki, Kaufman, and Coben, *Teaching Wickedness to Students*, in this volume).

The conflicts and settings that instructors address in a course convey important information to students (Abramson 2009). To a large extent, these decisions follow naturally from the disciplinary setting as instructors are likely to choose examples that seem particularly relevant to their students. Even so, there are significant variations within disciplines, so that law school instructors may choose between negotiations of disputes or transactions, various types of cases (e.g., contract, tort or family), and cases involving varying degrees of salient legal issues. Similarly, international relations instructors may focus on negotiation in diplomatic relations, treaty negotiation, crisis intervention, and/or trade disputes. An important and hoped-for development is the pending introduction, using a sophisticated Internet-based platform, of practical tools to create *multidisciplinary* student teams. These will have the edifying experience of negotiating within a (generally multinational) team as well as with their opposite-number team, in simulations that will draw their problem sets from all disciplines represented (Honeyman et al., *The “Deliberation Engine,”* in this volume).

Teaching Methods and Related Issues

Instructors should consider what roles are most appropriate for themselves and the students. Instructors may be in the role of an expert or a “co-learner” with the students or some combination (LeBaron and Patera 2009; Nelken, McAdoo, and Manwaring 2009; Chamoun-Nicolas et al., *Bringing the Street to the Classroom*, in this volume). A related issue is the extent to which instructors present planned material and/or elicit students’ learning of whatever actually occurs in the class (Fox, Schonewille, and Çuhadar-Gürkaynak 2010).

Negotiation courses vary in the types of activities involved. These may include case simulations, real-life negotiation (as a participant or observer) or similar activities, dance, movement, and exercise,

among others (Alexander and LeBaron 2009; LeBaron and Patera 2009; Howell and Cohn 2010; Honeyman and Parish 2012; Alexander and LeBaron, *Embodied Negotiation*, in this volume). Activities vary in whether they are designed to teach one or more points (Fox, Schonewille, and Çuhadar-Gürkaynak 2010). Instructors may organize different activities to be done by the entire class together, in small groups, and/or by individual students. Thoughtful planning of logistics of activities is important, especially for adventurous activities that have critical aspects beyond the instructors' control (Coben, Honeyman, and Press 2010; Larson 2010; Panga and Grecia-de Vera 2010), online simulations (Ebner et al. 2009; Matz and Ebner 2010; Honeyman et al., *The "Deliberation Engine,"* in this volume), and also for more traditional activities like face-to-face simulations (Alexander and LeBaron 2009; Ebner and Kovach 2010). Debriefing is critically important because students are not likely to fully appreciate the significance of their experiences without careful reflection (see Deason et al., *Debriefing the Debrief*, in this volume).

Written assignments may include journals, self-assessment tools, academic papers, creation of simulations, creative works like plays or short stories reflecting negotiation insights, and exams (Fortgang 2000). The dizzying array of teaching topics and methods creates significant challenges in giving students appropriate evaluations; volume three in the RNT series contains eighteen chapters on this subject alone (Ebner, Coben, and Honeyman 2012. See also Cohn et al. 2009; McAdoo and Manwaring 2009).

Many instructors consider that students' systematic instruction is completed at the end of the course, though courses produce greater value if they provide guidance for students to continue learning and practicing key skills (Bhappu et al. 2009; Cohn et al. 2009; LeBaron and Patera 2009; Lande 2011). Moreover, the instructors' own learning should not end when a course is over as they should conduct evaluations to identify what worked well and what might be improved in future courses (Abramson 2009; Cohn et al. 2009).

Conclusion

The RNT project makes a major contribution to teaching of negotiation and dispute resolution more generally. It embodies an adventurous spirit of questioning accepted beliefs and even its own theories and assumptions. Rather than confidently asserting dogmatic positions, it promotes experimentation and continuous innovation. Although it is impossible to know the specific effects of this work, there should be no doubt that the RNT project will lead to substantial improvements in teaching and learning of negotiation around the world. We believe that there is substantial value in maintaining a general canon

of negotiation while incorporating instruction of a wide range of additional perspectives, topics, and teaching methods. We hope that the RNT project will help the community of negotiation instructors refine and possibly expand the canon to some extent.

The terms Negotiation “1.0” and “2.0” reflect the infectious spirit of innovation in RNT. While there may have been some developmental value in the 1.0/2.0 terminology, continued usage may be confusing as these terms do not have clear, shared, and helpful meanings. This framework oversimplifies the characterization of various instructional approaches into two discrete and uniform models. Obviously, there is variation in both models. Courses that some might consider as “1.0” actually embody some “2.0” features and presumably some “2.0” courses include “1.0” features. Rather than choosing between two coherent models, instructors face a profusion of difficult choices in theoretical frameworks, topics, and teaching methods, as this chapter demonstrates. Moreover, this terminology implies that “1.0” is inherently inferior and “2.0” is superior when, in fact, there are valuable and problematic aspects of both “models.” In particular, there is real benefit to teaching a shared canon and it would be unwise to throw out valuable parts of the “1.0” baby with the bathwater of problematic elements of some instruction (Gadlin et al., *Of Babies and Bathwater*, in this volume). It may be particularly important to retain important elements of “1.0” for negotiation principals and professionals in settings with poorly developed negotiation cultures (Grecia-de Vera 2010) while also incorporating important elements of negotiation cultures that do exist (Lee 2010). Although it may not make sense to continue using this terminology, the RNT project has stimulated productive reflection and concrete ideas about how best to advance negotiation teaching, as this chapter demonstrates.

Notes

¹ Negotiation is typically taught in training programs and university courses, among other formats. Compared with courses, training programs are often in shorter and more concentrated periods of time and typically do not require students to do substantial reading or writing assignments. So instructors encounter greater constraints in training programs than in courses. Even so, course instructors have a daunting set of decisions to make in designing their instruction. The principles described in this chapter apply to various instructional formats, though instructors would necessarily apply them differently in different formats. For convenience, this chapter generally refers to course instruction but can be applied in various formats. Similarly, the chapter generally refers to students rather than trainees. This usage differs from Kevin Avruch’s (2009) thoughtful discussion of distinctions between training and education, which focuses on whether the instruction involves supposedly undisputed canonical knowledge (i.e., training) as opposed to

matters that are subject to critique and revision (i.e., education). This is similar to Ron Fortgang's (2000) distinction between "proselytizing" and a pluralistic "world religions" approach to instruction.

² Hamline University School of Law has conducted the Rethinking Negotiation Teaching (RNT) project in cooperation with the JAMS Foundation, Convenor Conflict Management and ADR Center Foundation (Italy). The project's goals are to "critique contemporary negotiation pedagogy and create new training designs." The project has published four volumes of publications as well as a special issue of the *Negotiation Journal* and one of the *Hamline Journal of Public Law & Policy* based on conferences of negotiation instructors and other experts. The project has also launched *Tan Pan, the Chinese-English Journal of Negotiation*. The conferences took place in Rome, Italy (May 2008), Istanbul, Turkey (October 2009), and Beijing, China (May 2011). The chapters from the four volumes (including the one in which this chapter appears) can be downloaded from the project's website, <http://law.hamline.edu/rethinking-negotiation.html>.

³ Some chapters in prior RNT publications focus on achieving a goal of "authenticity" in student activities (e.g., LeBaron and Patera 2009). We think that it is more useful to focus on goals of relevance and promoting learning. Authenticity in a course activity can be useful but, in itself, it does not necessarily lead to students finding that the activities are relevant to them, or that they promote important learning (Manwaring, McAdoo, and Cheldelin 2010; Panga and Grecia-de Vera 2010).

⁴ There are so many chapters about adventure learning in the two prior RNT volumes that we do not list them all. Two chapters were particularly helpful in providing systematic analysis and advice in planning and conducting adventure learning activities (Manwaring, McAdoo, and Cheldelin 2010; Press and Honeyman 2010). Some hybrid activities may combine the benefits of simulations and adventure learning activities (Cohn and Ebner 2010).

⁵ This is somewhat reminiscent of our meals in Beijing where our gracious hosts provided an overwhelming assortment of dishes. Some of us used strategies of trying a little of everything. Others favored the tried and true. Still others were especially attracted to unfamiliar dishes. In any case, we all had to choose. We didn't notice anyone who tried to fill up on all the dishes, but even that would have been a choice.

⁶ The Program on Negotiation study of negotiation pedagogy identified many issues arising in the RNT project. It found differences:

- 1) between a focus on skills and a focus on analytic or theoretical competence;
- 2) between a commitment to the practice of reflection and a commitment to analytic writing;
- 3) between a focus on structural and strategic analysis and a focus on managing relational processes;
- 4) between an essentialized view of culture and a view of culture as emergent normative frames for interaction;
- 5) between a view of negotiation power as a function of resources and a view of power as the structural and discursive constraint on action;
- 6) between a preference for scorable games/structured simulations and a preference for the inductive use of cases/role plays to surface core issues in negotiation;

- 7) between courses that offer multiple frames for understanding and those that advocate a particular frame;
- 8) between courses that accent two-party negotiations and those that presume multi-party;
- 9) between professors/institutions that have resources to use videotape and multiple teaching assistants and those who must rely on individualized meetings with students in order to provide feedback;
- 10) between courses that address gender and those that do not;
- 11) between courses that problematize the role of the agent in multi-party disputes (as neutral or as advocate) and those that do not;
- 12) between courses that focus on emotion and identity as contexts for negotiation and those that focus on emotion and identity as barriers to the negotiation process (Cobb 2000: 5-6).

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