

Negotiation Stands Alone

*Alexandra Crampton & Michael Tsur**

***Editors' Note:** Yes, the authors concede, "everybody" negotiates: but that's like saying "everybody drives," and then watching aghast when "everybody" climbs into a racing car, or an eighteen-wheeled tractor-trailer. The authors draw from Tsur's experience teaching Israeli hostage negotiators and in other high-pressure environments to argue for an entirely distinct concept of a professional negotiator, one that starts with a rather experienced "student" and builds a sharply different training regimen from there.*

Introduction: Getting Past Negotiation 1.0

While this book series began with the shortcomings of "Negotiation 1.0," by way of context as well as contrast this chapter will begin with a brief tribute to the Negotiation 1.0 legacy. First, the popularization of negotiation through books like *Getting to Yes* (Fisher, Ury, and Patton 1991) made negotiation more visible and accessible to millions. The complex contexts and nuances of negotiation were drastically simplified to clear, instrumental tasks and principles that have been widely translated to personal and professional application around the world. Those who have avoided negotiation or resorted to adversarial bargaining now have a method that can be more effective and efficient. The pioneers of the interest-based model also negotiated successfully

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to bring Negotiation 1.0 into professional education, despite criticisms that negotiation cannot be taught.¹ Negotiation has become an accepted specialization within professional practices such as law, business, and public policy. In the process, negotiation acquired a recognized empirical and theoretical literature, fostered through centers of research and practice, academic and professional conferences, and peer-reviewed specialty journals.

Yet this recognition continues to be limited to negotiation at most as a specialization, and more often as a sub-function of other fields, rather than as a profession that might stand alone. Moreover, what professional negotiators practice is usually quite different from the basic and even advanced forms taught in short courses. Professional negotiators are not simply more familiar with navigating the typical terrain of negotiation processes. They become highly skilled at perceiving and understanding nuances of communication and interaction that are hard to evaluate by, or simply overwhelming to, the negotiation novice. In other words, negotiation is a language too difficult for most to speak fluently. And when that terrain seems to dissolve into the high seas of stress, ambiguity, and conflict, a professional negotiator becomes an expert navigator who can guide the principals to safety – or at least a less rocky peace. The necessary intuition and inner qualities of professional negotiators are not universal, and not everyone can become a professional negotiator, even though everyone may benefit from basic negotiation training.

We contend that these “soft skills” and sensibilities cannot be trained didactically, but must be cultivated over time through reflective practice and experience. Several other chapters in this book series hint towards this conclusion. Differences noted between Negotiation 1.0 as “basic” and Negotiation 2.0 as “advanced,” for example, offer a start to this conversation. However, taking culture and context as integral rather than additional to negotiation suggests a need to push this idea of advancement further. The result is an argument for a more advanced *concept* of negotiation, a different pool of potential students, and corresponding changes to pedagogy. This then leads to a second argument for establishing negotiation as a stand-alone profession.

In Michael’s as yet unpublished work on which this chapter is based, what the negotiation field needs is not a revolution but an evolution: formalizing, structuring, and upgrading negotiation as a stand-alone profession should in no way diminish what went before, and what continues to thrive in many, many venues. The need for evolution is in part due to the complex demands of an increasingly globalized and interconnected world. These demands require professional negotiators to possess both global and local expertise in that

there are general areas of expertise (outlined in this chapter) required of all negotiators as well as a need for local adaptation to contexts of culture, region, negotiating parties, and other case specifics. The general role of a professional negotiator is that of a mentor able to stimulate and provide negotiation skills to a growing number of potential end-users within established professions. Business or political leaders, for example, already hire professional negotiators such as crisis negotiators under some circumstances, to help analyze, strategize, and coach them through negotiations when the negotiations are nominally “conducted” by the parties themselves. We propose to build on this for more general usage.

The ideal “students” to mentor for this role have already proven successful in general negotiations within a first or even second career field of practice. They are far from the novice negotiator typified in negotiation pedagogy literature. Early differences between future novice and professional negotiators may even be seen in childhood, when the latter responds automatically to challenges by negotiating options, process, and outcomes with curiosity, respect, and creative thinking.² This means that professional negotiation programs would not compete for generic undergraduate or young graduate students. Instead, they should recruit from established professionals, perhaps even those nearing retirement from their original professions. This approach takes advantage of a major demographic trend, which is longevity in the work force. This also incorporates economic trends that both allow and require people to actualize their potential by changing careers. The ideal student of professional negotiation has already become an expert within his or her first career. In the Israeli context, for example, Michael has worked with high-ranking military officers, who typically retire between the ages of forty-five and fifty after years of commanding and managing personnel and operations in a very challenging environment. This work experience makes them potential candidates for negotiation as a second career.

We take up Michael’s advanced negotiation concept next, and introduce the skills and sensibilities required for mastery. Space limitations require focusing this discussion down to a brief description of a general course of study of negotiation, such as could be taught globally. (Programs of study better tailored to local specifics, and how to adapt from the general model, will have to be explored in later work.) The introduction offered in this chapter leads to a discussion of the ideal student and program of study to train professional negotiators. Our chapter ends with next steps for formalizing negotiation as a second- or even third-career profession, and a conclusion about innovation and negotiation.

Advancing Negotiation Base Concepts

The first step in developing negotiation as a stand-alone profession is to bring complexity back into base models. The second is to address complexities that were not part of creating Negotiation 1.0, such as distinguishing leadership negotiation and how to negotiate in a crisis or hostage situation.³ This section begins with the first task and then moves into the second.

Section One: Getting Past Negotiation 1.0

Participants in the Rethinking Negotiation Teaching (RNT) project have, from the beginning, emphasized that culture and context are integral and ongoing influences in negotiation. It can be presumptuous to use the predefined variables of Negotiation 1.0 when these very terms are themselves open to interpretation. For example, “interest” and “commitment” can vary in meaning and expression cross-culturally and situationally. In addition, what are explained as preparation tasks in the interest-based model may have to be renegotiated, in complex cases, not once beforehand, but throughout the negotiation. What first appears simple can quickly become also “wicked problems”⁴ about what can be negotiated, who can negotiate (at the table or behind the scenes), how negotiations will unfold, the role and importance of time, and how to identify success and even outcomes. We should immediately disclaim any intent to provide here a thorough justification for the opinions which follow; that will have to await a more developed treatment, since we are just beginning on this subject. But we believe a brief review of some areas of particular importance would have to include at least the following:

Inter-cultural and cross-cultural dynamics

Culture may be an obvious factor in cross-cultural negotiation; that is, when negotiation parties come from two or more recognized “cultures.” Culture as found in typical negotiation concepts is based on the idea that cultures derive from distinct cultural groups, typically identified as “traditional” tribes or “modern” nation states (see Knauff 1996). This concept of culture has been an important part of colonial and post-colonial global discourse and geopolitics. However, culture manifests itself more in social behavior like negotiation through patterned meanings of ideas, actions, and interpersonal dynamics that inform individual and collective understanding. In a postmodern, global world, culture is less a question of nation and more about other groupings; moreover, culture is always subject to change rather than timeless (see Crampton 2008). For example, a second-generation American with grandparents from Italy is likely to be somewhat cul-

turally different from a second-generation American with Russian origins.

Culture is derived not only through nationality (or nationalities) but also family, neighborhood, workplace, religion, and occupation. Moreover, the *salience* of cultural traits or practices may vary among negotiations, such that what was a significant difference or point of conflict in one case is a superficial and even mundane aspect of another (see Docherty 2010). This variation is due in part to how each person internalizes cultural influences in their life, so that cultural differences can even be found among those who are nominally from the same cultural background. Cultural sensitivity then requires openness and curiosity about these differences, the variable significance of those differences, and the dynamics of cultural influence on negotiation processes. Negotiators must attune themselves to how culture informs the emotional *and* rational foundation of negotiations as brought in by each party, and how it affects the dynamics of group interaction over time. Acknowledgment of differences integral to the identity or understanding of parties can also be important.

Gender dynamics

Similar to culture, gender is a dimension largely lost in Negotiation 1.0 but found in advanced negotiation trainings. The style of the early days of approaching negotiation as a battlefield – a male tendency – has evolved into something beyond satisfaction with short-term achievements alone. As in other fields such as education, business and also entertainment, over the last thirty years more and more behavior that was once considered “feminine” is emerging as “mainstream” and is being embraced across the board. Factors such as listening, collaborating, and expressiveness are qualities becoming increasingly apparent and acceptable in the “male façade” and, of course, in “men’s style” of negotiation. Yet this is all still true only up to a point (see Tinsley et al. 2009; Schneider, Cheldelin, and Kolb 2010).

Gender dynamics also include roles of women and men in negotiating. Sensitivity to the place and part that women are taking – or allowed to take (see, e.g., Kolb and Williams 2006) – in negotiation in different cultures is very important to consider. Where in some places in the world women will negotiate almost exclusively with women, such as in the Haredi community (an ultra-religious Jewish sect), in other places, merely raising the question of what is acceptable or unacceptable for women may seem out of place or strange.

This means that in some negotiation contexts, despite recent American gender-blind mores, a strategic choice of a male or female negotiator (or one of each) may be all but unavoidable. Depending on the content, a negotiation may proceed more effectively if done

by a man, or a woman. Or, in some cases, the situation may call for men who easily display feminine characteristics without compromising their manliness, or vice versa, a woman who does not blink in the most hostile male environment, without losing her “feminine mystique.” While varying from locale to locale, accepting the influence of gender in negotiation as fact, and being able to address it, is extremely important. It hardly needs emphasizing that this runs counter to the thrust of the typically American-influenced and (supposedly) gender-blind basic instruction in this field. There are also cultures where its full application is likely to contravene the law.

Role of emotions

Much has already been written about Negotiation 1.0 as a model that attempts to ignore or suppress emotion (see, e.g., Patera and Gamm 2010). However, emotions are an integral part of negotiation in at least five ways: emotions of the negotiators, emotions of parties as triggered through societal influences; emotions that emerge during negotiation; emotions of parties outside the direct negotiation who nevertheless can influence the process and outcomes; and emotions triggered by larger circumstances that may put pressure on negotiation parties, process, or outcomes. Clearly, in different places and cultures, dealing with emotions, and developing the *ability* to deal with them, may involve very different practical skills. The intensity and variability of emotional dynamics requires what Melissa Lewine-Boskovich, director of Peace Child Israel, calls the “triple A” facilitation approach: Aware, Allow, Address. This tool enables the negotiator to be aware of the emotional palette, to respect and allow the power and pertinence of emotions, and to acknowledge and address emotions as they emerge.

Emotions are an area that demands humility and mastery of the self. This includes willingness to be emotionally vulnerable, and an ability to retain composure in the face of strong emotional reactions of each and any party, as well as group dynamics.

Non-negotiables: Religion and values

Not every aspect of a conflict is negotiable. Religion and values, for example, are stronger than needs, stronger than emotions, and have no price tag. Religion can be defined as a cultural system that creates powerful and long-lasting meaning by establishing symbols that relate humanity to beliefs and values. Values are important and enduring beliefs or ideals shared by the members of a culture about what is good or desirable and what is not. Values exert a major influence on the behavior of an individual, and serve as broad guidelines in all situations.

Religious values and fundamentalism are sometimes embraced to help restore order and inner peace from the chaos of current times. They have an enormous impact on many negotiations. In a connected world, they can be the nemesis of even a brilliant negotiator. Raw edges are exposed; there is no perceived room for judgment; there is only right and wrong, as differently perceived by the parties. These are conditions of fragility and must be approached accordingly, especially when the parties' belief systems differ with those of others involved.

In some situations, there will be religious authority figures who are not directly involved but who can influence negotiations more than anyone else. Professional negotiators should help identify them and realize how they can be more than a source of information; they can also be a source of accessibility to negotiating parties. Humility in a negotiator is essential in addressing non-negotiables. The professional serves the process by honoring the religion and values of the partners to the negotiation. This is not an easy or immediate area of expertise, but rather rewards life experience.

Conflict transformation

Negotiation 1.0 provides "tips" for avoiding or reducing conflict by reframing disputes. What was conflict is now a misunderstanding, solvable through improved communication or adherence to common principles. However, conflict in negotiation cannot always be so easily dismissed. What Peter Coleman (2012) refers to as "the 5%" can become the Achilles heel of even top leaders, who then find a professional negotiator's contribution particularly critical. Advanced communication skills needed for this type of conflict resolution are derived, again, from a blend of confidence and humility, which allows transparency in conflict processing and management. Similarly, such a professional negotiator also must be able to assess when a third-party intervention is necessary for dispute resolution, and which type of third party would be most beneficial.

Multi-party negotiation

Multi-party negotiation is often taught in negotiation courses as an additional and optional means of advancing basic skills. However, multi-party negotiation is becoming more common and thus must become an expected part of negotiation training. This is partly a result of the increased level of connectedness in the world, with an increasing need to deal (often, without much time) with people very unlike yourself, and a consequently greater set of opportunities for fear and suspicion. The choice of a team rather than an individual negotiator offers valuable support in a world seen as threatening. Or, it may be a cultural habit to bring a team rather than appoint a lone negotia-

tor. An inexperienced negotiator, who perceives a team approach as a “crutch” that is “unnecessary” may require guidance by a professional (see the Bosnia discussion by Calvin Christie in Gadlin, Matz, and Christie, *Playing the Percentages in Wicked Problems*, in this volume). Professional negotiators are also needed to advise on how to identify the potential for a coalition, and when and how to build or dissolve coalitions. Another area of expertise is understanding how group dynamics can be volatile and change from meeting to meeting. One vital skill is to help identify the roles parties assume, such as the leader, trouble-maker, joker, problem-solver, etc. Being sensitive to “group-think” is also critical, even when that group has lots of past success stories.

Preparation for multi-party negotiations, especially when preparing a team, includes organizing data in order to influence the participants, timing, atmosphere, and place. This demands balancing empathy with assertiveness during negotiation, as well as sensitivity to direct and indirect communication within group dynamics – all of which reward long experience. More time is generally needed, also, than the parties may have budgeted for, if the negotiator is really to help limit misunderstanding and miscommunication. A negotiator who will have to play for that time, and therefore for more resources to be devoted to the effort, will find the sense of authority that comes from a long and successful previous career an advantage.

Section Two: Additional Issues

Leadership negotiation

Leadership negotiation (that is, negotiation about, by and among leaders) is distinct from that of directors and managers. A director focuses on goals and objectives, which often serve as functional models. A manager’s focus is generally on overall systemic understanding of objectives. The leader, however, is charged with creativity and vision. The leader is required to see beyond the here and now. This creates a dynamic in which leaders of organizations are less likely to respond well to negotiators who are not seen as of comparable professional stature.

Particularly in light of the political considerations present in leadership negotiation, whatever the immediate topic, it is one of the most complex forms of negotiation. Professional negotiators become familiar with four different types of leaders, based on four styles of leadership:

- 1) Charismatic leadership, based on personality rather than credentials;
- 2) Status leadership, based on specific responsibilities;

- 3) Circumstantial leadership, based on context and immediate events; and
- 4) Enabling leadership, used to empower and support.

Professional negotiators in leadership negotiations clearly understand transparency, accountability, staff development, exposure impact, and awareness of internal and external politics. They provide this expertise in helping leaders improve negotiation outcomes. Again, this kind of expertise and the resulting credibility are difficult to acquire early in a career.

High-risk and crisis negotiation

Under stressful situations, external forces are at work and our control of reactions is limited. The quality of decision making is critical, because severe damage may be caused to the relationship and parties involved. When pressured, we tend to err and make decisions based on “optimistic overconfidence” (see Korobkin and Guthrie 2006), thinking that we have at our disposal all the necessary information and that we can rely on past experience and on our interpretation of the situation. However, this is often not the case, because stress tends to restrict abilities to accurately interpret complex situations. In particular, stress causes the physiological fight-flight-freeze reaction to take over, none of which are useful in negotiation. We cannot entirely control such basic reactions; but with training and experience, we can be aware of these reactions and of their influence on our train of thought. This then helps us to control impulses and avoid rash measures. Professional negotiators know that it is generally possible to negotiate for time⁵ for constructive thinking and consulting. But do most ordinary negotiators have command of these skills? Probably not, we think.

There are ten components for negotiating crisis situations:

- 1) Team building experience relevant to the crisis situation;
- 2) Evaluation of risk in terms of what parties are capable of doing as evidenced through past behavior;
- 3) Assessment of advantages and disadvantages of time, such as time constraints;
- 4) Heightened need and intensity of communication, which includes collapsing physical distance between parties as emotional intensity rises;
- 5) “Second circle” influences from outside parties that may have a direct or indirect influence⁶;
- 6) Leverage gained through attention to emotional, physical, or rational needs and dynamics;
- 7) Intermediaries who can be of assistance;

- 8) Interim agreements that help build trust;
- 9) Maintaining and monitoring progress by preserving achievements; and
- 10) Reducing stress by creating and announcing the final scene of negotiated outcomes.

How, we ask, is an early-career or part-time negotiator supposed to become competent at *that* list? And as noted above, in our chaotic reality of living in a “flat world,” crisis and high-risk negotiations are more common than ever before. The abilities and sensibilities required will be increasingly relevant in business (Taylor and Donohue 2006) and in other environments well beyond the traditional crisis milieu.

Identifying Professional Negotiation Students:

Not Everyone Can Negotiate, After All

Interest-based negotiation is an inspirational and powerful model for those who tend either to avoid conflict or to default into adversarial bargaining. Novice negotiators can indeed learn integrative bargaining alternatives through short courses, whether using classic simulations or the adventure learning and other tools developed in these volumes. The ideal students for professional negotiation programs, however, do not need this training now, if they ever did. (They may have identified inner traits and an inclination to negotiate from an early age.) Over time, either way, they have developed and internalized basic principles, interpersonal skills, and intuition about negotiation through personal and professional experience. This most likely means they are older and have demonstrated maturity through successfully meeting life challenges.⁷

While modern technology has introduced fabulous advances, YouTube and Facebook are not a replacement for life experience. Time, on the human relations level, is a force of nature that high tech has yet to alter. Simply put, a forty-year-old professional negotiator will have a greater repertoire to access than a negotiator twenty years his or her junior. The impact of interpersonal relations on negotiation is significant, and while there are those who are “wise beyond their years,” most forty-year-olds will have explored and accrued more of this life-experience than almost any twenty-five-year-old fresh out of law or graduate school. Furthermore, a person’s character is enriched by dealing with the challenges life throws his or her way, controversial or not. A more experienced negotiator may have richness of character proportionate to his or her time roaming the planet. Professional negotiation, with its extended parameters and demands, further reinforces the need to begin training, at the level we describe, with experienced professionals rather than novice negotiators.

A professional negotiation program, then, does not attempt to add information onto a blank slate,⁸ but rather to *mentor* experienced students, in two ways. The first is by providing a framework and vocabulary of negotiation theory, practice, and ethics. The second is by cultivating the self-awareness and maturity that prove instrumental during difficult or challenging negotiations. Content for the first part consists of the analytic work already developed in the negotiation field, along with additional issues raised in this chapter. Each profession consists of theory, practice, and ethics, and certainly the groundwork of interest-based Negotiation 1.0, leading into the mass of knowledge that has been described for convenience in the RNT teaching series as Negotiation 2.0, is a logical starting point. The common denominator in professional negotiation remains that partners to the negotiation must be satisfied enough that they can live with the result; success means that neither the process nor outcome results in substantial negative fallout or residual hard feelings.⁹

In addition to teaching theory, practice, and ethics, however, professional education requires a second and parallel process of personal development. Much has been written about the former in our field, but insufficient attention has been given to the latter. Challenging negotiations, such as those that are more “wicked” than “tame,”¹⁰ require not only explicit skills but also a maturity and ease of ego that are the outcome of time invested, hard-won experience (which is not the same thing), and a clear ethical code.

The Content of Professional Negotiation Training

Negotiation is not the only profession that requires specific training content, but also prior experience, demonstrated maturity and personal ethics, personal reflection, and ongoing practice opportunities. Professional graduate programs in other areas, such as business, often value prior work experience. Admissions committees in law, medicine, and social work evaluate ethics and maturity of each applicant. Helping professions, such as psychotherapy, require personal reflection and self-awareness in both educational and licensing credentialing. Ongoing practice opportunities are common in professional education, offered through clinics, field placements, internships, and apprenticeships. In the more “sink or swim” approach of cultural anthropology, students may be sent to a remote field site with little instruction, while in more technical professions, such as medicine and engineering, supervised placements are necessary. The exact structure may vary globally according to the national and regional contexts of graduate education, including norms about required hours of classroom versus practical experience, supervision and reflection, and the

ability of a professional program to organize practice opportunities formally (such as clinics or short term contracts) rather than requiring students to be more entrepreneurial. But clearly what we are proposing differs more in degree than in kind from existing practice in a variety of fields.

In terms of procedure, professional negotiation programs could incorporate a combination of graduate seminar-type discussion and personal reflection with direct observation and practice. The purpose of the seminar would not be to present content as if negotiation were a topic new to the student, but rather to engage students in mastering and then dismantling and modifying negotiation frameworks and concepts. The dynamic would be similar to that described by Jayne Docherty (2010), presenting interest-based negotiation, and even some of the material developed in this project, more as a start to dialogue about how then to tailor these models to individual students and particular negotiation contexts. In such a model, the instructor is not the sole source of knowledge (and the outcome might help push further advances in negotiation theory and practice.)¹¹ Classroom discussion would also be used to debrief and share experiences following direct observation and participation in negotiation processes.

Although a student would be encouraged to share his or her past experiences based on memory, some form of clinic or field internship or residency would be ideal. In fact, practice experience should be the main part of training. This could also allow students who are expert in one field to develop familiarity with the terrain of others. For example, a student whose background was in a law firm might seek a placement with a police force, to learn the cultural context of a different profession, and how that impacts negotiation dynamics. An ideal program would attract students from a range of professional backgrounds to enrich understanding of variable negotiation dynamics, processes, and potential outcomes.

One of many logistical questions would be how many hours of direct observation and how many hours of supervised negotiation would be necessary to earn professional credentials. Significant time is needed not only to ensure quality of skill development, but also to allow students to develop their own personal style and mode of action through seminar discussion, practice debriefing, and personal reflection. Becoming a professional negotiator has quite a lot to do with the "self," and capacity for self-assessment is not as simple or natural as it may sound. Particularly in high-stakes situations, ego is a factor, demanding nurturing, but also development of advanced self-control, in such a way as to allow for a "day-after" that is sufficiently gratifying for all parties in the negotiation. (Any reader of a biographical

description of a negotiator such as the late Richard Holbrooke – see, e.g., Cholett and Power 2011 – will recognize that this is not easy for a highly-talented practitioner to accomplish; indeed, above a certain level of quickness of mind and technical skill, it may become *more* difficult.)

What is the outcome of such an effort? As a profession, negotiation might follow the rituals and organizational forms of twentieth century professions, or pursue a more twenty-first century approach through social networking. These options are explored next.

Recognizing, Organizing, and Sustaining Negotiation as a Profession: Formalization or Networking?

Much has been written and discussed on the development and evaluation of formalizing practice into distinct professions. Early pioneers of alternative dispute resolution (ADR), for example, have both pointed to great success, evidenced by institutionalization, and lamented the loss of some originally hoped-for outcomes (Honeyman and Schneider 2004; Menkel-Meadow 2006). The professionalization process requires recognition and promotion of a distinct body of theory and knowledge, an area of practice, and a code of ethics. This chapter mainly addresses the “theory and practice” element, arguing for an integration of international negotiation expertise and cultural experience to develop a truly global profession. Ethics have been given less space here, as this discussion is preliminary, and have been addressed primarily in the context of non-negotiable values differences, along with the broad principle to “do no harm.” One challenging question is how to develop a global code of ethics broad enough for diverse negotiation contexts, and whether the ethical principles of interest-based negotiation are simply too narrow a starting point for this task (see Docherty and Lira, *Adapting to the Adaptive*, in this volume; Pou 2003).

Another question is whether to follow twentieth century professionalization practices. This includes formation of a professional association supported by dues-paying members, conferences, and peer-reviewed journals, for purposes of networking and establishing authority over education and credentialing of those who carry professional titles. Once institutionalized, however, negotiation as a profession would face the same pressures that have led scholars to argue against such formalization, as resulting in a cycle of innovation, institutionalization, and capitulation “to the routine” (Honeyman, Ackerman, and Welsh 2003). (This concept includes both the dangers and the opportunities of routinization and bureaucracy.) Such a process could ironically lead negotiation to give up the hallmark of its own expertise – creative responses to ambiguity and conflict.

However, new social forms are emerging in the twenty-first century, as a result of new technologies. The internet and cell phones facilitate ongoing contact and easy access to information-sharing and publication. This means that global networks can be driven and sustained by the needs of members more than by the external control of a small group of leaders. Moreover, these technologies are changing relationships between producers and consumers, by inviting and sometimes requiring ongoing dialogue rather than singular production of an identified commodity. The news and entertainment *industries*, for example, no longer control news and entertainment as they did in the twentieth century, and adaptation has led to some creative results.¹² In the fields of international development and nonprofit work, social entrepreneurs are finding ways to succeed outside of formal institutions, in terms of both funding and organization (see Bornstein 2004). As a twenty-first century profession, global negotiation may be able to avoid the dangers of capitulation, given creative exploration of how technology can facilitate new forms of organization and sustainability. Sustaining global negotiation as a standalone practice then becomes itself another area of negotiation, rather than an obvious process of imitating existing professions.

Conclusion

Most of this chapter has been an argument for what should change in conceptualizing, teaching, and professionalizing negotiation. However, we do not propose a complete departure from the legacy of ADR and negotiation pioneers. Michael's proposal is for an evolution rather than revolution: this legacy began with recognizing negotiation as a distinct area of practice. Emphasis was placed on then teaching broad audiences how to improve this practice in both everyday and professional lives. The next step is in recognizing that negotiation as practiced by experts is also beneficial to broad audiences who might hire professionals for particularly important or challenging cases. This proposal, then, focuses not on how to bring the novice negotiator up to speed, but rather how to train professional negotiators who can then advise and guide others through the negotiation process. The role has something in common with Bernard Mayer's concept of a negotiation coach (Mayer 2004), though Mayer's version starts with a "professional neutral."

In keeping with the focus on context and culture in this series, Alexandra also notes that another need for this evolution lies in how the historical, political, and economic context that made interest-based negotiation so innovative and important in the world has changed. Roger Fisher often explained that he wrote *Getting to Yes* as

a World War II veteran who wanted to teach an alternative to war. In the binary context of the Cold War, the global focus was on two nations whose approach to negotiation was underpinned by the rather simple concept of mutually assured destruction. In this context, interest-based negotiation, fleshed out by game theory, offered a necessary counter to adversarial bargaining that might result in nuclear war.

After about 1990, “Negotiation 1.0” thrived globally in U.S. foreign policy funding for democratic, civil society and anti-terrorism initiatives. The “Negotiation 1.0” legacy to some extent continues. However, the global context is also changing. As economic, technological, and demographic trends shape ever more complex international contexts, what were taught as basic negotiation variables such as “who are the parties,” “what do they want,” and “how should we evaluate success” may themselves require ongoing negotiation. The continuing need for innovation in and impact of negotiation as a field now requires bringing context and cultural variations at a high professional level into negotiation concepts, teaching, and practice. This proposal is one option. We welcome dialogue on it, and on others.

Notes

¹ While the success of Negotiation 1.0 may seem like manifest destiny today, Bruce Patton wrote a PON working paper about the struggle to convince the faculty of Harvard Law School that negotiation *could* be taught (Patton 1984). This struggle was won in part by inviting criticism and dialogue about the model as it developed.

² In other words, not everyone becomes a professional negotiator because not everyone responds to opportunities and challenges with a negotiation temperament or mindset.

³ See Taylor and Donohue (2006) as to why, from a professional skills point of view, these situations occur quite often in business, not just in violent bank robberies or terrorist attacks and the like.

⁴ See generally chapters 24-27 in *Venturing Beyond the Classroom* (Honeyman, Coben, and De Palo 2010: 439-528), where the authors used the term “wicked” to describe problems that exhibit some combination of the following features: the problem is ill-defined and resists clear definition as a technical issue; each problem contains an interconnected web of sub-problems; merely defining the problem can incite passionate conflict. Solutions to a wicked problem cannot be labeled good or bad; they can only be considered better or worse, good enough or not good enough; and every proposed solution to part or the whole of the wicked problem will affect other problems in the web.

⁵ Jack Cambria, commanding officer of the hostage negotiation team of the New York City Police Department (NYPD) offers the following insight (Cambria et al. 2002: 338):

Bob Loudon [former chief hostage negotiator, NYPD] . . . was negotiating a rather difficult, very long and ongoing hostage situation. The chief of detectives said, ‘Hey Loudon, seems like you aren’t

having any success here.' Bob said, 'I think we are.' The chief says 'What's your definition of success then?' Bob says 'Lack of failure.'

⁶ As noted by Maria Volpe and colleagues (2006), hostage negotiation is far from the only circumstance in which the person responsible for a negotiation must somehow report to difficult supervisors, who may try to micromanage a job and too often do not appreciate the intricacies, the need for patience and the time inevitably involved in making talk work. But in a police department, the hierarchy is overt and often insistent. There could easily be a district commander in the offing, saying "I don't have any time for this, this guy is blocking traffic," or resenting the fact that the case happened on their watch, because there is a meeting to go to, or theater tickets to be considered. Hostage takers, however, cannot be told to come back tomorrow. The role of the coordinator is therefore to handle all of the *external* negotiations that threaten to disrupt the all-important negotiation "at the door." (When Hugh McGowan, one of the co-authors of the 2006 book chapter, was promoted to NYPD chief negotiator, he was informed that that did not mean that he got to negotiate any time he wanted. It meant he got to negotiate with the Chief – a significantly less desirable and more challenging honor.)

⁷ This description is very similar to the "wise elder" described in anthropological research about dispute settlement in "traditional" societies (see, e.g., Gibbs 1963). Although this wise elder concept was part of the early ADR movement in the United States (Crampton 2005: 231-232), emphasis on identifying and training local leaders has generally been replaced by training professionals in other fields, or volunteers, who have no presumed prior experience or demonstrated expertise.

⁸ Or to civilize Rousseau's "noble savage."

⁹ This corresponds to common professional codes of ethics to "do no harm" as a first principle. For a longer treatment of hoped-for outcomes and some typical blockages, see Wade and Honeyman (2006).

¹⁰ See supra endnote 4 for description of "wicked" problems. "Tame" problems, as summarized by Ritchey (2005-2008:1) have relatively well-defined stable problem statements that belong to a similar class of problems, which can be solved in a similar manner; a definite stopping point, so all know when a solution is reached; and a solution that can be objectively evaluated as right or wrong. See also chapters 24-26 in *Venturing Beyond the Classroom* (Honeyman, Coben, and De Palo 2010: 439-509), and chapters 17-21 in this volume.

¹¹ Jayne Docherty (2010) contrasts Paulo Freire's description of a "banking model," seen as typical in formal education, in which teachers deposit information directly into students as whole chunks of content, with the need for greater humility from the instructor and willingness to let students modify content according to their interests and expertise. This approach reflects changes in higher education pedagogy today known as "student-centered learning" – reflected in a number of writings in this series.

¹² Here we are thinking of the paradoxical success of allowing consumers to comment on, and even contribute to, creative direction – in the past, few could produce music or mass media publications without the resources of the entertainment or news publishing industry. Now, content creators often follow the lead from consumers – and still maintain a sense of originality (and still make a lot of money).

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