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## Index of Articles with Abstracts

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Author(s)	Title	Date	Pages	Summary
Cutcher-Gershenfeld, Joel	Bargaining When The Future of an Industry is at Stake: Lessons from UAW-Ford Collective Bargaining Negotiations	April 2011	115-145	<p><b>Keywords:</b> collective bargaining; negotiations process; auto industry; United Auto Workers; Ford Motor Company; pattern bargaining; transformation; quality; subcommittees; labor; management; interest-based bargaining</p> <p>The 2007 American automobile industry labor negotiations involved fundamental challenges for labor and management, including a historic shift of responsibility in the management of retiree health care, a need for new approaches to core employment security issues, identification of ways to create new unionized jobs in the industry, and a joint commitment to the competitive viability of U.S. operations. Less visible, but no less important in the United Auto Workers–Ford case, has been unprecedented levels of information sharing and unique innovations in the bargaining process designed to enable problem solving even when tough issues were on the table. More than 300 people were directly involved in the negotiations, serving at the main table and on twenty-four subcommittees. This case study covers the context for the negotiations, key events leading up to the bargaining, a unique process of “bargaining over how to bargain,” the actual negotiation process, and the results achieved. Implications are generalizable to the broader concept of pattern bargaining and many other types of negotiations when transformation is on the table.</p>
Herbst, Uta and Sabine Schwarz	How Valid is Negotiation Research based on Student Sample Groups? New Insights into a Long-Standing Controversy	April 2011	147-170	<p><b>Keywords:</b> negotiation; experience; expertise; student sample; practitioner sample; general sample applicability</p> <p>Although a considerable amount of research has examined the impact of experience on negotiation behavior and performance, we still know very little about the usefulness of student samples in negotiation research because most studies have compared the performance of inexperienced students with those who had received some kind of extensive negotiation training or with experienced professional negotiators(s). Against this background, we investigate whether the results obtained from trained student samples</p>

				<p>are generally similar to those of professional negotiators. Generally, our data confirm our hypotheses that students with some negotiation training and experience perform better than untrained student negotiators and that they are not significantly outperformed by professional negotiators. From this, we conclude that many questions in the field of negotiation research can be effectively tested by using trained students as experimental subjects.</p>
Stuart, Harbone W Jr.	Value Creation: A Coordination Game	April 2011	171-190	<p><b>Keywords:</b> negotiation; creating and claiming; negotiator's dilemma; coordination failure; prisoner's dilemma; game theory</p> <p>Strategy in negotiation is often modeled as an activity involving the interplay of creating and claiming behaviors. Theorists have advanced differing perspectives on what game best describes the consequences of choosing one approach over the other. David Lax and James Sebenius offer the prisoner's dilemma game as a model, whereas Richard Walton and Robert McKersie's analysis is consistent with a version of a classic coordination game — namely, the game of “chicken.” This article revisits these two perspectives and shows that the Walton–McKersie view is applicable to a broad range of contexts. In particular, it demonstrates how what is commonly called the tension between creating value and claiming is better understood as the simple tension between a high-risk and a low-risk choice.</p>
Young, Mark and Erik Schlie	The Rhythm of the Deal: Negotiation as a Dance	April 2011	191-203	<p><b>Keywords:</b> negotiation; dance; concessions; bargaining; <i>capoeira</i></p> <p>In all the literature on the theory and practice of negotiation, the governing metaphors have been games, war, and fighting. This is true not only for tactical schools of power-based negotiation but even for more constructive, interest-based approaches. Our language is infused with talk of tactics, flanks, concessions, gaining ground, and winning. This article explores the possible consequences of abandoning this picture in favor of the less-explored metaphor of the dance. We argue that both the content and the process of negotiation can change dramatically once we think of bargaining as an aesthetic activity that can provide intrinsic joy</p>

				<p>as well as extrinsic benefits. Such a “dance” provides plenty of room for competition as well as cooperation, as movements can be spirited and confrontational as well as smooth and harmonious.</p> <p>We identify many forms of dance that can occur within negotiation and explore three: the dance of positioning, where passions and presentations interact proudly; the dance of empathy, when the partners come to better understand each other; and the dance of concessions, where the deal is struck and the music concludes.</p> <p>Finally, we discuss how the dance can be employed pedagogically, in teaching and training negotiation and mediation. In particular, the Brazilian dance of <i>capoeira</i> illustrates holistically and experientially how movement and rhythm can be interpreted both as fighting and as dancing and how we can come to see a process as both aesthetic and purposeful at the same time. First feeling, then thinking, and, finally, speaking, we can use this medium to explore the dynamics of confrontation and cooperation in a negotiation setting.</p>
Pely, Doron	<a href="#">When Honor Trumps Basic Needs: The Role of Honor in Deadly Disputes within Israel’s Arab Community</a>	April 2011	205-225	<p><b>Keywords:</b> conflict resolution; honor; revenge; identity; needs; priorities; Arabs; Israel</p> <p>This article draws on the existing literature, interviews, and case study analysis to highlight the primacy of honor needs above health and safety needs in the context of honor killings and blood feuds among Israel’s Arab community, including Muslims, Christians, and Druze. Assuming that individuals in conflict situations will generally act to satisfy more basic needs before they act to satisfy less basic needs, this article examines conflict contexts in which disputants perceive their honor to be a higher priority than their health and safety, and consequently, they tend to act accordingly to satisfy their perceived honor needs first, often ignoring obvious health and safety-related needs. Such insights could have important implications for scholars and dispute resolution practitioners studying and working within these conflict contexts.</p>
Foster, Pacey C and John Richardson	The Chocolate Conundrum: A Simple	April 2011	227-240	<p><b>Keywords:</b> negotiation; conflict resolution; negotiation teaching; social dilemmas; tragedy of the commons; public goods; collective action</p>

	Simulation of a Canonical Management Problem			<p>This article describes an exercise that simulates one of the most famous of all human management problems: the “tragedy of the commons.” Coined by Garret Hardin in 1968, the term refers to any situation in which people acting rationally to meet their individual interests wind up depleting a shared resource to the detriment of all participants. Because these patterns arise in many real-world situations — from global warming and natural resource management to free-rider problems in markets and organizations — this exercise may interest a broad range of negotiation scholars, teachers, and practitioners. The Chocolate Conundrum is a simple exercise that uses candy to demonstrate the tension between individual and collective interests that arises in all social dilemmas. Because these dynamics also arise in many real situations, the exercise can be a powerful teaching tool for instructors in management, public policy, sociology, economics, and many other social science disciplines. Unlike some other simulations of collective action problems, this exercise is simple to administer, requires no computation or tallying of results, and works with a broad range of audiences and group sizes.</p>
Movius, Hallam and Timothy D Wilson	How We Feel about the Deal	April 2011	241-250	<p><b>Keywords:</b> negotiation; interests; prefeeling; affective forecasting</p> <p>Recent experimental research suggests that humans are prone to systematic errors when determining how they currently feel, imagining how they will feel about future events, remembering how they have felt about past events, and understanding the preferences that underlie their decisions. In this article, we briefly review three basic assumptions that are called into question by recent findings regarding specific kinds of errors that people are prone to make. We suggest that this line of research has important implications for negotiation theory, research, advice, and practice.</p>
Sebenius, James K	What Can We Learn from Great Negotiations	April 2011	251-256	<p>Review of Fredrik Stanton’s <i>Great Negotiations Agreements that Changed the World</i></p>
Barsky, Allan E	Parenting Coordination:	January 2011	7-27	<p><b>Keywords:</b> mediation hybrid; parenting coordinator; divorce; high-conflict couples</p>

	The Risks of a Hybrid Conflict Resolution Process			Parenting coordination is a conflict resolution process that blends the roles of mediator, decision maker, monitor, assessor, educator, counselor, and enforcer for families involved in high-conflict divorces. This article explores the potential benefits and risks of blending roles in terms of efficiency, effectiveness, trust, posturing, dual roles, self-determination, and allegations of bias.
Bae, Imho	People-to-People dialogue between North and South Korea: Looking Ahead	January 2011	29-44	<p><b>Keywords:</b> conflict resolution; track two diplomacy; people-to-people dialogue; inter-Korean relations</p> <p>The division in the Korean peninsula has lasted more than a half century, and the people on both sides have become quite different in their values, beliefs, behaviors, and lifestyles. As the two sides have increased their exchanges and communications for the last several years, the biggest challenge Korea and its people face is: "How should human relationships be rebuilt after suffering from chronic conflicts between adversary states?" This article considers track two diplomacy/people-to-people dialogue as a response to this question and reviews the issues and obstacles related to initiating such a dialogue.</p>
Nelson, Noa, Rivka Albeck-Solomon and Rachel Ben-Ari	Are Your Disputants Insecure and Does It Matter? Attachment and Disputants' Speech during Mediation	January 2011	45-68	<p><b>Keywords:</b> mediation; personality; attachment theory; attachment styles; disputants' speech</p> <p>An exploratory qualitative study explored the effect of attachment styles on disputants' speech during real-life mediations. Drawing on attachment theory, we classified disputants as secure or insecure individuals using a self-report attachment-style questionnaire.</p> <p>Subsequently, they entered their mediation sessions, where their entire speech was recorded. Qualitative analysis of their speech yielded consistent and sometimes striking differences that portrayed secure speech as remarkably more useful and enhancing toward resolution compared with insecure speech. The findings, presented with many examples, strongly indicate the relevance of attachment to the research of communication during mediation sessions. In this report, we also consider the practical implications of the association between attachment and disputants' behavior, emphasizing the role of mediators.</p>
Sebenius,	Developing	January	69-85	<b>Keywords:</b> negotiation; negotiation pedagogy; case writing

James K	Superior Negotiation Case Studies	2011		While a great deal of excellent advice exists for producing case studies on managerially relevant topics in general, negotiation cases have distinctive aspects that merit explicit treatment. This article offers tailored advice for producing cases on negotiation and related topics (such as mediation and diplomacy) that are primarily intended for classroom discussion. It describes how to decide whether a negotiation-related case lead is worth developing and how to choose the perspective and case type most suited to one's objectives. Finally, in by far the longest part of the discussion, it offers ten "nuts and bolts" suggestions for structuring and producing an excellent negotiation case study.
Wheeler, Michael	Rethinking Decision Making	January 2011	87-94	Review of Sheena Iyengar's <i>The Art Of Choosing</i> and Gary Klein's <i>Streetlights and Shadows: Searching for the Keys to Adaptive Decisions Making</i>
Bates, Christopher	Lessons from Another World: An Emic Perspective on Concepts Useful to Negotiation Derived from Martial Arts	January 2011	95-102	The seminal book on principled negotiation, <i>Getting To Yes</i> , introduced readers to the idea of negotiation <i>jujitsu</i> as a technique to be employed when negotiation counterparts persist in using positional bargaining. While highly useful, it was written from an <i>etic</i> perspective by skilled negotiations with a casual understanding of the martial arts. This article applies an <i>emic</i> perspective derived from within the culture of Asian martial arts and delves more deeply into concepts from combatives as applied to negotiations.
Weiss, Joshua N	Remembering Wallace Warfield (1938-2010): He "Walked the Talk"	January 2011	103-105	
Bottom, William P	Essence of Negotiation: Understanding Appeasements and the "Great Munich Stereotype"	Oct 2010	379-415	<b>Keywords:</b> negotiation; Treaty of Versailles; Paris Peace Conference; behavioral paradigm; rational choice theory; bureaucratic politics; new institutional economics; relational contracting; appeasement; Woodrow Wilson; Walter Lippman  The relative merits of rational choice and behavioral approaches to the study of negotiation continue to be hotly debated. This article tests qualitative postdictions (assertions or deductions about something in the past) from these paradigms as well as the alternative approach of new institutional theory against the extensive record of negotiation

			<p>process, contractual form, and contract implementation from the Paris Peace Conference of 1919. I find the incomplete relational form of the peace treaty to be consistent with the behavioral and new institutional concepts and find that only behavioral theory can explain how unilateral German moves unraveled the treaty during the 1930s.</p> <p>But the historical record further reveals that the close fit between the behavioral paradigm and these events is more than coincidence. I also discuss the role of conference participants, particularly John Maynard Keynes and Walter Lippmann, in establishing the basis for modern behavioral science. The behavioral paradigm emerged from efforts to understand and fix serious policy mistakes such as those made in the peace negotiations. The study of human error was intended to serve as the basis for broad-based organizational solutions. Finally, I discuss the impact of “the Munich stereotype” on such recent events as the planning for the American invasion and reconstruction of Iraq; such examples suggest continued imperfections in the system of organized intelligence that has actually evolved in the United States.</p>
<p>Bollen, Katalien, Martin Euwema and Patrick Muller</p>	<p>Why Are Subordinates Less Satisfied with Mediation? The Role of Uncertainty</p>	<p>417-433</p>	<p><b>Keywords:</b></p> <ul style="list-style-type: none"> <li>• mediation;</li> <li>• hierarchical conflict;</li> <li>• uncertainty;</li> <li>• subordinate–supervisor conflict</li> </ul> <p>This study explores the influence of hierarchical position on both mediation satisfaction and uncertainty about the mediation. As parties involved in hierarchical conflict typically behave differently and have different perceptions and experiences, we think it is most likely that hierarchical position will affect the mediation process and its outcomes. In this article, we investigate the influence of hierarchical position on both uncertainty about the mediation and satisfaction with the mediation and its potential moderating role on the relationship between uncertainty and satisfaction. To test our hypotheses, we use data from fifty real mediation cases dealing with hierarchical labor conflicts in the Netherlands. As expected, uncertainty has a stronger negative effect on subordinates' satisfaction with the mediation than it does on the supervisors who were involved in mediation. Implications for mediation theory and practice are discussed.</p>

Suh, Yonghyun and Yoon-Young Angela Choe	Negotiators as Mediators: The Case of 1987-1995 Korea-United States Bilateral Trade Negotiations	Oct 2010	435-452	<p><b>Keywords:</b> negotiation; integrative negotiation; negotiators as mediators; internal negotiation; international trade negotiations; Korea–United States relations</p> <p>Despite their widely recognized benefits, integrative approaches to negotiation have seldom been effectively used in interorganizational negotiations. This study analyzes the 1987–1995 Korea–United States Trade Negotiations, identifying elements in those talks that could have moved the negotiations in a more integrative direction. The role of building relationships — especially between key negotiators — is examined. Informal negotiations between the key negotiators from both sides were crucial in building such relationships, which helped both sides create solutions for mutual gains. This process was realized, inter alia, by the dual role that the key negotiators took on as negotiators and as mediators.</p>
Shell, G. Richard	<a href="#">The Morality of Bargaining: Identity versus Interests in Negotiations with Evil</a>	Oct 2010	453-481	
Menkel-Meadow, Carrie	Compromise, Negotiation and Morality	Oct 2010	483-499	Review of Avishai Margalit's <i>On Compromise and Rotten Compromises</i>
Volkema, Roger, Denise Fleck and Agnes Hofmeister	<a href="#">Predicting Competitive-Unethical Negotiation Behavior and Its Consequences</a>	July 2010	263-286	<p><b>Keywords:</b> negotiation; ethics; attitudes; behavior; consequences</p> <p>This study examines the relationships between negotiators' attitudes toward competitive and unethical tactics, their actual use of those tactics, and their subsequent perceptions of performance and reputation in two-party, e-mail-based negotiations. The results indicate several predictors of competitive-unethical behavior, including a negotiator's attitude toward competitive-unethical tactics, early use of competitive-unethical tactics, and the behavior of a negotiating counterpart. Furthermore, it was the perceived honesty of one's counterpart rather than the actual use of competitive-unethical behaviors that was associated with a</p>

				<p>negotiator's perceptions of the collective or joint outcome. The implications of these findings are discussed, along with suggestions for future research.</p>
<p>Nelson, Noa, Adi Zarankin and Rachel Ben-Ari</p>	<p>Transformative Women, Problem-Solving Men? No Quite: Gender and Mediators' Perceptions of Mediation</p>	<p>July 2010</p>	<p>287-308</p>	<p><b>Keywords:</b> mediation; mediator gender; transformative versus instrumental mediation</p> <p>A large field study examined female and male mediators' perceptions of their jobs, looking in particular at their attitudes toward mediation styles lying on the continuum between instrumental and transformative. Based on scholarship on gender and negotiation literature that has portrayed women as more interpersonal and somewhat less task oriented than men, we expected female mediators to be more transformative and less instrumental in their practice than their male peers.</p> <p>Our study was both qualitative and quantitative: we formulated the content of twenty in-depth interviews into an extensive questionnaire, answered by a representative sample of 189 Israeli mediators. Compared with their male counterparts, we found female mediators to be more transformative, but no less instrumental, in their view of mediation's goals and orientation. They were also somewhat more facilitative in preferred style, while male mediators were somewhat more directive. We also found additional intriguing gender differences, including that women mediators reported higher job satisfaction than did male mediators, but they also displayed a greater readiness to perceive failure in mediation.</p>
<p>Witkin, Nathan</p>	<p>Consensus Arbitration: A Negotiation-Based Decision-Making Process for Arbitrators</p>	<p>July 2010</p>	<p>309-325</p>	<p><b>Keywords:</b> alternative dispute resolution; mediation; new processes in dispute resolution; arbitration; consensus arbitration; negotiation-based decision making</p> <p>In reaching their decisions, arbitrators are currently expected to act like judges by listening fully to both sides and then withdrawing to write the final and complete decision. But because of some key differences between their roles, I argue, arbitrators and judges should exercise completely different styles of decision making. Unlike judges, who make decisive rulings in order to enforce the law, arbitrators are empowered and chosen by the parties themselves to handle specific disputes or govern continuing relationships. Instead of shifting a negotiated process into an authoritative one, arbitrators</p>

				<p>have the capacity to solicit input from parties as they craft the award. Under a new model of arbitration that I call “consensus arbitration,” arbitrators would facilitate negotiation between the parties but retain the power to break impasses with partial, incomplete decisions, behaving more like facilitators than judges.</p>
Harris, Albert W	Coming to Terms with Separatist Insurgencies	July 2010	327-356	<p><b>Keywords:</b> mediation; insurgency; discrimination; ripeness; homeland; self-determination; Philippines; Indonesia; Mindanao; Aceh; Moro Islamic Liberation Front; Free Aceh Movement</p> <p>Although insurgencies may begin their rebellions with expressed desires for outcomes unacceptable to opposing governments, the desired insurgent outcomes sometimes undergo modification, creating conditions that can make governments more amenable to external mediation. In certain separatist conflicts, the likelihood of external mediation increases when the political redefinition of the state insisted upon by the insurgents undergoes a revision, from secession to self-determination, understood as a variant of autonomy. In the same vein, although it may not happen concurrently, insurgent movements become more amenable to external mediation if and when opposing governments revise the preferred conflict outcome from a military defeat of the insurgents to a containment of the movement. These two developments can serve as objective referents helping external parties to identify a ripe moment in the conflict and initiate mediation.</p> <p>But the implementation of an agreement ending separatist conflict may not occur if the government fails to submit the proposed territorial bounds of autonomy to prior review by constituents. Potential spoilers among government constituents should be identified and recruited to participate in the negotiations so that the likelihood of agreement rejection is reduced. In some states, however, the legal mechanisms and political opportunities for constituents to act as spoilers do not exist.</p>
Lax, David	When Auctions Met Negotiations	July 2010	357-366	<p>Review of Guhan Subramanian’s <i>Negotiauctions: New Dealmaking Strategies for a Competitive Marketplace</i></p>
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Lawrence	Science and Collaborative Decision Making	2010	370	
Special Section: Communication and Negotiation		April 2010	117-175	
Glenn, Phillip and Lawrence Susskind	How Talk Works: Studying Negotiation Interaction		117-123	Negotiation depends on communication as parties attempt to manage their differences and reach agreements through exchanges of messages that make up sequences of moves and countermoves. Complementing language use negotiation interaction is unavoidably situated within physical and social environments that can function as resources for negotiations: location (institutional, architectural), embodiment (posture, gesture, laughter, eye gaze), modes of communication (documents, symbol systems, telephones, emails), and social relationships. Furthermore, even the “mental” elements of negotiation (goals, planning and strategizing, emotional reactions, evaluating outcomes, etc) are communicatively constituted, made public, and mutually understood in and through interaction. More than simply representing and conveying information, communication is the means by which social actors create meanings, outcomes, identities, and relationships.
Maynard, Douglas W.	Demur, Defer, and Deter: Concrete, Actual Practices for Negotiation in Interaction		125-143	<b>Keywords:</b> negotiation; interaction; conversation analysis  Investigators use the term “negotiation” to cover activities ranging from those in hospitals and universities, to labor–management relations in industry, to political alignments in the global economy, and often approach negotiation in a general or abstract sense, as one possible means for jointly “getting things accomplished.” My conversation analytic approach is concrete: I discuss negotiations as talk that contains a bargaining sequence or set of such sequences whereby participants display a position or positions, often serially, until agreement is reached (success) or abandoned (nonsuccess). Bargaining sequences include a proposal and a response that aligns (acceptance) or one that does not align to the proposal (rejection). Interactionally, of course, these are not equivalent responses. A third kind of response is one that withholds acceptance or rejection and instead involves production of a counterproposal. I examine practices related to the bargaining sequence under the terms defer (postponing

				<p>an occasioned next bargaining action), demur (withholding a tacitly implicated next bargaining action), and deter (using “projected reportable speech” to discourage a negotiator's expectations). Related to the latter practice, but opposite from deterring expectations, a practice for encouraging expectations is to animate speech in which the speaker as agent for the principals appears to urge those principals toward the coparticipant's position. The data for this study include recordings of a real estate case and plea bargaining episodes in a misdemeanor criminal court. I draw implications for the division between descriptive analysis and prescriptive analysis and for the general understanding of negotiations in a variety of arenas.</p>
Putnam, Linda L	Negotiation and Discourse Analysis		145-154	<p><b>Keywords:</b> negotiation; discourse; issue development; risk framing</p> <p>Discourse analysis focuses on the ways that language and symbols shape interpretations of negotiators' identities, instrumental activity, and relationships. These meanings arise, in part, from language patterns that bargainers employ while they are involved in a negotiation. This article provides a brief overview of research findings on language use in six areas of negotiation: strategy, relational development, identity management, emotional expression, issue development, and framing. It also employs a case example of a real estate negotiation to illustrate how discourse patterns discursively construct the nature of risk, certainty, and loss-gain through framing and issue development.</p>
Glenn, Phillip	A Mediator's Dilemma: Acknowledging or Disregarding Stance Displays		155-162	<p><b>Keywords:</b> mediation; stance; empathy; neutrality; formulations; conversation analysis</p> <p>Mediators must strike a balance. On the one hand, they must direct participants' talk toward possible agreement. On the other hand, they must be sensitive and responsive to participants' evident stance (including affect and point of view) toward what is happening. In a case study of a videotaped, actual small claims court mediation session, several moments in which these competing constraints appear evident in the talk are analyzed. One participant (the landlord in a housing dispute) provides repeated indicators of his stance. The mediator disregards several of these. Finally, in a private</p>

				<p>caucus session, he acknowledges the landlord's stance. Understanding how talk works in such moments can help mediators respond sensitively to participants while maintaining impartiality and guiding the mediation process.</p> <p>Editors' note: The following analysis is based on a videotaped real-life mediation session held in 2009 in a small claims court. The participants include Chuck, the mediator; Frank, a landlord, who has filed the suit; and Ann, his tenant, who is several months behind on her rent payments. We suggest that readers consider viewing the video clip and reading the transcript prior to reading the analysis. To view the clip discussed below, visit <a href="http://www.pon.harvard.edu/publications/negotiation-journal">http://www.pon.harvard.edu/publications/negotiation-journal</a>. A list of transcription symbols appear as Appendix A to this special section on page 171. Edited versions of the videotaped mediation are available for purchase through the Program on Negotiation at Harvard Law School Clearinghouse at <a href="http://www.pon.org/catalog/index.php">http://www.pon.org/catalog/index.php</a>.</p> <p><i>Publication History</i></p> <p>Issue published online: 14 APR 2010 Article first published online: 14 APR 2010</p>
Susskind, Lawrence	Looking at Negotiation and Dispute Resolution through a CA/DA Lens		163-166	<p><b>Keywords:</b> negotiation; conversation analysis; discourse analysis; jointly constituted meaning; social constructionist perspectives; dyadic framing; CA and DA in negotiation</p> <p>Negotiation analysts have increasingly focused on the internal decision-making dynamics in the minds of the parties. They ought to give more attention to the ways in which meaning is jointly constituted through sequences of verbal and nonverbal exchanges. The tools of conversation analysis (CA) and discourse analysis (DA) can be helpful in this regard.</p>
Miller, Jane K, Kevin P Farmer, Daniel J Miller and Linda M Peters	Panacea or Snake Oil? Interest-Based Bargaining in the US Airline and Rail Industries	April 2010	177-201	<p><b>Keywords:</b> negotiation; collective bargaining; labor relations; interest-based bargaining; railway industry; airline industry</p> <p>This study of interest-based bargaining (IBB) examined past usage, current preferences, and future intentions to use this approach in U.S. airline and railroad labor negotiations. Based</p>

				<p>on a survey of eighty-four union and management chief negotiators, we found that the personal attributes of the chief negotiator (orientation toward relationships, personal conflict handling style, and competency in IBB approaches) were strong predictors of the past use of IBB. However, personal affinities and styles became irrelevant as experience with IBB accumulated. The negotiator's preferences for IBB in general were strongly correlated to his or her awareness of other carriers' and unions' experiences with IBB, as well as to his or her own direct experience. The negotiator's intention to use IBB in the future was also related to the quality of the contract personally obtained through IBB practices. The study also revealed the unpopularity of IBB among labor negotiators relative to their management counterparts.</p>
Zariski, Archie	A Theory Matrix for Mediators	April 2010	203-235	<p><b>Keywords:</b> mediation; theory; behavior; perception; emotion; cognition; communication; intervention</p> <p>The author uses a behavioral perspective to survey theory that may be useful in mediation. He notes the lack of diffusion of knowledge of theory among practitioners and argues that mediators should pay more explicit attention to theory. He presents a matrix comprising the behavioral factors of perception, emotion, cognition, communication, and intervention at the micro, meso, and macro levels of conflict and uses this matrix to organize and review some mediation theories. Several types of intervention theory are identified: integrated, generic, dialectical, developmental, and dialogical. The article closes by posing some outstanding theoretical issues and questioning whether current mediator training programs are adequate to bridge the gap between theory and practice.</p>
Goldberg, Stephen B and Margaret L Shaw	The Past, Present, and Future of Mediation as Seen through the Eyes of Some of its Founders	April 2010	237-253	<p><b>Keywords:</b> mediation; mediation practice; alternative dispute resolution; mediation standards; mediation training; commercial mediation; public mediation; future of mediation</p> <p>This article is drawn from interviews with thirty-one of mediation's "founders," those pioneers who began mediating in the 1970s and 1980s, when the field was young. They describe what first attracted them to mediation and why they have remained active in the field. Some told us that they have found it to be both intellectually challenging and</p>

				<p>interpersonally satisfying to assist disputing parties in their search for a mutually acceptable resolution they could not find on their own. Others see mediation's collaborative approach to decision making as a means of bringing about social and political change that might be otherwise unattainable. The mediators also described the changes they have observed since they entered the field: mediation's dramatic growth, institutionalization in the judicial system, and market domination by lawyers and retired judges. Among the concerns they expressed were the prevalence of a mediation model that focuses primarily on the legal strengths and weaknesses of each party's position, and the dollar amount that should resolve the dispute, with little interest in creative outcomes. Other concerns are a lack of quality control of mediators and trainers, and unproductive debate about whether the "correct" approach to mediation is evaluative, facilitative, or transformative. The mediators who work on public policy matters, including environmental disputes, were the most positive about the opportunity for creativity in their work, considerably more so than those mediators whose practice is primarily business/commercial. The mediators' views of the future of mediation are remarkably similar — their general sense is that the type of mediation that takes place in the shadow of the courts is likely to increase and to become even more routinized than it is at present. Several respondents told us that they also expect to see substantial growth in the use of mediation to resolve public policy issues. Many of these mediators predicted that this type of mediation is likely to be carried out by organizational insiders, rather than outside interveners. As one mediator said, "Maybe there's a new set of mediation roles for people within traditional institutions, not just for free-standing neutrals."</p>
Poitras, Jean Arnaud Stimec and Jean-Francois Roberge	The Negative Impact of Attorneys on Mediation Outcomes: A Myth or a Reality?	Jan 2010	9-24	<p><b>Keywords:</b> mediation; conflict; outcome; lawyers; workplace</p> <p>Mediators often do not welcome the presence of attorneys at the mediation table. Because of the apparent contradictions between both professions, many mediators believe that the presence of attorneys is prejudicial to the mediation process. Using empirical data collected from workplace mediation cases, we have explored the actual impact of the presence of attorneys. Our results indicate that the presence of an</p>

				attorney does not significantly affect the outcome of a mediation, with two exceptions. First, the presence of attorneys in a mediation process reduces the parties' level of satisfaction with the mediator. Second, the presence of an attorney would appear to hinder the level of reconciliation possible between the parties.
Katz Jameson, Jessica, Andrea K Bodtker and Tim Linker	Facilitating Conflict Transformation: Mediator Strategies for Eliciting Emotional Communication in a Workplace Conflict	Jan 2010	25-48	<p><b>Keywords:</b> mediation; emotion; conflict transformation</p> <p>Although the recent literature on negotiation and mediation indicates the important role of emotion in the conflict process, few guidelines have been developed to assist new mediators in addressing parties' emotions during the mediation session. This study starts with the premise that attention to parties' underlying emotional experience is pivotal to achieving conflict transformation. We further suggest that mediators are in a unique position to help parties better understand both their own and each others' emotions and how they affect the unfolding conflict interaction. In the study, we analyzed the transcripts from eight simulated mediations of a common workplace conflict in an effort to identify the types of strategies mediators use to elicit emotional communication. Participants include undergraduate students role playing parties in a conflict mediated by experienced mediators. We identified five types of emotion-eliciting strategies: grant legitimacy, encourage emotion identification, confront avoidance of emotion, paraphrase emotion, and encourage emotional perspective taking. In this article, we provide examples of each strategy, discuss its potential implications, and consider the implications for theory and practice.</p>
Nowak, Andrezj et al	Seeking Sustainable Solutions: Using an Attractor Simulation Platform for Teaching Multistakeholder Negotiation in Complex Cases	Jan 2010	49-68	<p><b>Keywords:</b> negotiation; complexity; dynamical systems; attractors; conflict resolution; negotiation pedagogy</p> <p>We live and work in an increasingly complex and dynamic world. The demands of working in such environments require that negotiators understand situations of conflict and work with these situations in correspondingly complex and dynamic ways. Dynamical systems theory offers important insights and tools to enhance the understanding of difficult social conflicts, including the conceptualization of ongoing destructive conflicts as strong attractors: a particular form of self-organization of multiple elements comprising the mental and</p>

				social systems associated with conflict. This article describes the pedagogical use of a computer simulation of conflict attractors (the attractor software) that allows participants to visualize and work interactively with the dynamics of conflict as they unfold over time. It further describes a negotiation workshop that employs the simulation to enhance participants' understanding of complex long-term dynamics in conflict and presents the findings of two outcome studies comparing the effectiveness of a workshop that employed the simulation with one that employed a traditional integrative problem-solving method. While not definitive, these studies suggest that an understanding of the dynamical approach to conflict, supported by use of the attractor software, can promote the generation of more sustainable solutions for long-term conflicts.
Holtom, Brooks C, Katharine C Gagne, and Catherine H Tinsley	Using "Shocks and Rumors" to Teach Adaptive Thinking	Jan 2010	69-83	<p><b>Keywords:</b> negotiation pedagogy; simulation; adaptive thinking; schema; dynamic</p> <p>The business landscape is constantly changing. Moreover, because of globalization, increased competition, and instant communication, the rate of change is accelerating. A student who has practiced only static scenarios is ill prepared to recognize, process, or adapt to changing negotiation issues and interests. Thus, negotiation instructors must change our practices to prepare students to succeed in the increasingly dynamic negotiation situations they will face by utilizing simulations that are also dynamic. This article reviews research on adaptive thinking, applies it to negotiation training, and provides examples of dynamic simulations that require students to adapt. Finally, it offers advice on how to make existing cases dynamic by using "shocks and rumors."</p>
Heen, Sheila	Walking Alongside our Clients on their Journey Through Conflict	Jan 2010	85-92	Review of Bernard Mayer's <i>Staying with Conflict: A Strategic Approach to Ongoing Disputes</i>
Ibbotson Groth, Brian	To Textbook or Not to Textbook?	Jan 2010	93-106	Review of Michael R Carrell and Christina Heavrin's <i>Negotiating Essentials: Theory, Skills and Practices</i> , Roy J Lewicki, David M Saunders and Bruce Barry's <i>Essentials of Negotiation</i> , Leigh L Thompson <i>The Mind and Heart of the Negotiator</i>

Special Section: 25 of Negotiation Theory, Research, Practice and Teacher		Oct 2009	415-557	
Menkel-Meadow, Carrie	Chronicling the Complexification of Negotiation Theory and Practice		215-429	<p><b>Keywords:</b> negotiation; negotiation research; mediation; consensus building; multiparty issues; international conflict resolution</p> <p>The essay reviews the content of twenty-five years of <i>Negotiation Journal</i>, identifying themes and issues explored on its pages in the past, the current issues challenging the field's scholars and practitioners, and the issues likely to confront us in the future. It argues that while we in the field hoped for simple, elegant, and universal theories of negotiation and conflict resolution, the last twenty-five years have demonstrated the increasing complexification of negotiation theory and practice, from increased numbers of parties and issues, and dilemmas of intertemporal commitments, ethics, accountability, and relationships of private action to public responsibility.</p>
Druckman, Daniel	Intuition or Counterintuition? The Science behind the Art of Negotiation		431-448	<p><b>Keywords:</b> conflict resolution; context; counterintuitive findings; metaphors for negotiation; negotiation processes; research traditions</p> <p>This article celebrates the achievements made by the community of negotiation researchers. Looking back on what has been accomplished, the article addresses three questions: How have we thought about negotiation? How have we studied it? And what have we discovered through conducting research? Of particular interest are counterintuitive findings about processes at the negotiating table, around the table, and away from the table. Building on these contributions, the article looks forward by asking: What are some avenues for further research? The article concludes optimistically by noting that there will be even more to celebrate at the journal's fiftieth anniversary.</p>
Sebenius, James K	Negotiation Analysis: From Games to Inferences to Decisions to Deals		449-465	<p><b>Keywords:</b> negotiation analysis; decision analysis; game theory</p> <p>Exemplified by the pioneering work of Howard Raiffa and often expressed in the pages of <i>Negotiation Journal</i>, the emergent prescriptive field of "negotiation analysis" progressively developed from Raiffa's early contributions to</p>

				<p>game theory and to his later foundational work in statistical decision theory and decision analysis. Drawing from each of these fields but methodologically distinct from them, negotiation analysis has mainly adopted an “asymmetrically prescriptive/descriptive” orientation. It develops the best possible advice for what one or more parties should do conditional on empirically grounded assessment of what the other side(s) actually will do. An extensive negotiation analytic literature has developed, often making the traditional assumption of a well-specified and fixed situation for analysis. Relaxing this requirement, however, more recent work systematically puts the “setup” of a negotiation itself — its parties, their interests, their no-deal options, the sequence and process choices or design — into the realm of strategic and tactical choice.</p>
Tsay, Chia-Jung and Max H Bazerman	A Decision-Making Perspective to Negotiation: A Review of the Past and a Look to the Future		467-480	<p><b>Keywords:</b> negotiation; bargaining; decision analyses; biases; ethics; affect; intuition; negotiation training</p> <p>Over the past quarter century, the decision-analytic approach to negotiation has seen the development of a better dialogue between the descriptive and the prescriptive and has also attracted the interest of both academics and practitioners. Researchers have built upon the work in behavioral decision theory, examining the ways in which negotiators may deviate from rationality. The 1990s brought a renewed interest in social factors, as work on social relationships, egocentrism, attribution and construal processes, and motivated illusions was incorporated into our understanding of negotiations. Several promising areas of research have emerged in recent years, drawing from other disciplines and informing the field of negotiations, including work on the influence of ethics, emotions, intuition, and training.</p>
Patton, Bruce	The Deceptive Simplicity of Teaching Negotiation: Reflections on Thirty Years of the Negotiation Workshop		481-498	<p><b>Keywords:</b> negotiation; negotiation training; negotiation pedagogy; advanced negotiation; negotiation teaching goals; negotiation teaching effectiveness</p> <p>What is required for effective teaching depends on the goal of the effort, and our criteria for success should be much more demanding than positive ratings from participants. If the goal is to improve participants' effectiveness as negotiators, we need a proven theory and associated skills. In the absence of</p>

				robust confirming empirical data, which is still mostly lacking, we can take some confidence from qualitative evaluations. But whether or not we have a proven theory, the pedagogical task is complex and challenging, calling for a variety of sophisticated techniques deployed by a skilled instructor committed to joint learning. This article tells the story of some of the instructors' pedagogical learnings in thirty years of teaching the pioneering Negotiation Workshop at Harvard Law School, many of which now have empirical support. It also suggests some areas and tools for more experimentation in future advanced courses.
McKersie, Robert and Joel Cutcher-Gershenfeld	Labor-Management Relations: Understanding and Practicing Effective Negotiations		499-514	<p><b>Keywords:</b> negotiations; collective bargaining; labor-management relations; interest-based bargaining; unions; constituencies; concession bargaining; cooperation; distributive bargaining; integrative bargaining; power</p> <p>Periodic collective bargaining between employers and unions, combined with contract administration and workplace dispute resolution, has provided many core insights for the broad field of negotiations. Over the past twenty-five years, this arena has advanced knowledge regarding the interdependence of integrative and distributive bargaining, the concurrent shaping of attitudes, the management of internal relations (within a party), and the roles of elected and appointed agents. Public sector negotiations have provided new insights into the dynamics of multilateral bargaining as well as a broad array of mediation and arbitration models. While the number of labor agreements negotiated each year has declined over the past half century, at least 23,000 private sector agreements are still executed each year and fundamental changes in industrial relations systems make continued attention to labor-management negotiations of increasing importance. In particular, this arena now features highly structured approaches applying interest-based bargaining principles and presents profound challenges as power relations shift in multiple ways.</p>
Kolb, Deborah M	Too Bad for the Women or Does It Have to Be? Gender and Negotiation		515-531	<p><b>Keywords:</b> negotiation; gender difference; gender schemas; negotiated order; second-generation gender issues; dual agenda for change</p> <p>One overriding question that scholars have addressed over the</p>

	Research over the Past Twenty-Five Years			<p>past twenty-five years is: are women the same or different from men when it comes to negotiating and what might explain these differences? The inquiry has shifted and has become more nuanced over time, but in its essence the issue of individual difference still dominates much of our thinking and research on the topic. The purpose of this article is to provide a structured overview of this considerable literature on gender and negotiation as it has evolved over the past twenty-five years. In doing this, the article highlights how the social construction of gender has generally changed the discourse from essentialist concepts of differences between men and women to seeing gender as a more complex and shifting dimension of individual identity that is shaped by the contexts in which negotiation occurs. The second purpose of this article is to consider how recent feminist perspectives on gender, which have shifted from viewing gender as a property of individuals to considering the role of institutionalized social practices that sustain gender differences and inequities, can be incorporated into our understanding of gender relations in negotiation theory, practice, and research.</p>
Sander, Frank E A	Ways of Handling Conflict: What We Have Learned, What Problems Remain		533-537	<p><b>Keywords:</b> ADR; dispute resolution; mediation</p> <p>This article canvasses the principal achievements of the past twenty-five years in alternative dispute resolution and addresses some of the current challenges and how they might be addressed.</p>
Babbitt, Eileen F	The Evolution of International Conflict Resolution: From Cold War to Peacebuilding		539-549	<p><b>Keywords:</b> international conflict resolution; peacebuilding; Track I diplomacy; Track II diplomacy; nongovernmental actors; human security</p> <p>Shaped by the changing nature of international conflict, the field of international conflict resolution evolved significantly throughout the latter years of the twentieth century and continues to be redefined. The end of the Cold War created space for a major transformation of the international conflict resolution field. This transformation was marked by three trends: (1) an expansion from a focus on superpower negotiating strategies to a wider peacebuilding agenda, (2) an increase in the role of nongovernmental actors as both disputants and third parties in international conflicts, and (3) a</p>

				growing concern about human security in addition to state security, creating both tensions and opportunities for collaboration between governmental and nongovernmental bodies. This article presents a brief overview of each trend, as well as some concluding questions to frame the field's further development at this important juncture.
Susskind, Lawrence	Twenty-Five Years Ago and Twenty-Five Years from Now: The Future of Public Dispute Resolution		551-557	<p><b>Keywords:</b> public dispute resolution; professional mediators; values and identity-based disputes</p> <p>Over the past twenty-five years, public dispute resolution has emerged as an important area of practice — linked, in part, to ongoing efforts to promote deliberative democracy. As the field has evolved, however, the market for public dispute mediators has shifted. It is already possible to glimpse the further shifts and the new intellectual challenges likely to face the public dispute resolution field over the next twenty-five years.</p>
Winslade, John	The Secret Knowledge of Peacemaking	Oct 09	559-568	<p><b>Keywords:</b> mediation; narrative; narrative mediation; narrative analysis; local knowledge; pragmatic knowledge; performative knowledge</p> <p>In this article, the author tells stories of relationship conflict in which the trajectory of the conflict narrative is disturbed by one of the participants instigating a shift to a different story line. He analyzes these shifts in terms of narrative theory and accounts for them in terms outlined in the narrative mediation literature, interrogating the knowledge called upon by the protagonists to initiate these narrative shifts. This knowledge seems to be pragmatic knowledge, local knowledge, and performative knowledge, with implications for professional practice. Practitioners are urged to be alert for opportunities to privilege such knowledge.</p>
Menkel-Meadow, Carrie and Irena Nutenko	The Next Generation: Creating New Peace Processes in the Middle East	Oct 09	569-586	<p><b>Keywords:</b> negotiation; conflict resolution; Middle East peace processes; pedagogy; mediation; consensus building; multilayered dispute resolution processes</p> <p>This essay describes how Israeli students in a course on mediation and consensus building taught in an Israeli university law department by an American law professor and an Israeli instructor analyzed and studied the conflict in the Middle East. It describes the suggestions they made for</p>

				process design for the next stages of whatever peace process might emerge for the region. In light of the students' suggestions, the authors present some ideas as to how different approaches to reconciliation and peace might be used, managed, and coordinated.
Hackman, J. Richard	Repairing Pairs	Oct 09	587-592	Review of Diana McLain Smith's <i>Divide or Conquer: How Great Teams Turn Conflict Into Strength</i>
Goldberg, Stephen B, Margaret L Shaw and Jeanne M Brett	What Difference Does a Robe Make? Comparing Mediators with and without Prior Judicial Experience	July 09	277-305	<b>Keywords:</b> mediation; mediator success; mediator failure; judge mediators  This article reports the results of two studies. The first study, based on the responses of attorneys to questions about the reasons for the success of mediators with and without prior judicial experience, shows that the capacity of the mediator to gain the confidence of the disputants was most important for mediators with and without prior judicial experience. Although certain process skills were viewed as important to the success of both former judges and nonjudges, in general, process skills were significantly more important for nonjudges than for former judges. The capacity to provide useful case evaluations, on the other hand, was significantly more important for former judges than for nonjudges. The second study, based upon attorney responses to questions about unsatisfactory mediators, reinforced the conclusions of the first study regarding the importance of confidence-building attributes. For both judges and nonjudges, the mediator's inability to gain the confidence of the parties was a major reason for his or her lack of success.
Poitras, Jean	What Makes Parties Trust Mediators?	July 09	307-325	<b>Keywords:</b> mediation; trust; mediator conflict; phenomenology  The relationship of trust between mediators and parties is a key element of the mediation process. This article reviews the trust relationship from the parties' perspectives. A qualitative research methodology was used to identify five key factors explaining why parties trust their mediator: degree of mastery over the process, explanation of the process, warmth and consideration, chemistry with the parties, and lack of bias toward either party. The theoretical and practical implications of the results are discussed.
Bailey, Jo	Assessing	July 09	327-	<b>Keywords:</b> mediation; empowerment; visitation; divorce; child

Daugherty and Dawn McCarty	Empowerment in Divorce Mediation		336	<p>custody</p> <p>The empowerment of disputants is a fundamental concern of mediation research, but empowerment is difficult to measure. This study operationally defines empowerment in a divorce case as an agreed-upon modification of the Texas Standard Possession Order in the direction of granting more time with the child to the noncustodial parent. Using a cross-case analysis of mediated and nonmediated divorce cases, this study found that couples that participated in mediation were empowered, not disempowered, in the construction of their visitation arrangements. Implications for measuring empowerment, litigation, and legislative policy are discussed.</p>
Money, R. Bruce and Chad R Allred	An Exploration of a Model of Social Networks and Multilateral Negotiations	July 09	337-356	<p><b>Keywords:</b> negotiation; multilateral negotiation; social network theory; coalition building; centrality; integrative negotiation</p> <p>Multilateral (many-party) negotiations are much more complex than traditional two-party negotiations. In this article, we explore a model of social network activity, especially clique formation, among parties engaged in multilateral negotiation and the implications that such networks might have on the negotiation process and outcome. Using data collected from 375 subjects participating in a negotiation simulation, our results reveal that, primarily, the negotiator's perspectives of clique formation (coalition building) — both his or her own and the other party's — have unique effects on the integrative, problem-solving approaches used in the process and on the negotiator's satisfaction with outcomes. Secondly, centrality (manifest as emergent power) has a positive effect on both problem solving and satisfaction. Interestingly, we found that those players who emerged as the most dominant and powerful were not as satisfied (in relative levels) as those who were less powerful.</p>
Enia, Jason S	Sequencing Negotiating Partners: Implications for the Two-Level Game?	July 09	357-383	<p><b>Keywords:</b> negotiation; sequencing; two-level game; free trade agreements; Japan; South Korea</p> <p>In the late 1990s, Japan and South Korea concluded their first bilateral free trade agreements (FTAs) in completely opposite sequences despite similar domestic pressures. Japan concluded an “easier” FTA with Singapore first and then</p>

				<p>concluded a more “difficult” FTA with Mexico. South Korea concluded a more difficult FTA first with Chile and then moved on to negotiate with Singapore. In this article, I analyze these cases and review the literature on bargaining and two-level games to develop a model of how these differences in sequence account in part for the relative differences in each country's bargaining strength in their more difficult negotiations. The preexistence of the Singapore FTA eased domestic pressures to reap the benefits of entry into the bilateral FTA game. Thus, Japan could approach the more difficult FTA negotiation knowing that a “no-agreement” outcome would not fundamentally increase domestic pressure to get into the free trade “game.” This alternative to no agreement put the Japanese in a stronger international bargaining position. South Korea negotiated its harder case knowing that the relative domestic pressure to get in the FTA game would increase without an agreement. This relatively worse bargaining position created a context in which South Korea conceded more internationally at the expense of higher side payments domestically.</p>
Hardy, Samantha	Teaching Mediation as Reflective Practice	July 09	385-400	<p><b>Keywords:</b> mediation; reflection; teaching; learning</p> <p>This article contributes to a growing body of research about how to effectively teach mediation by considering how best to use role-plays in the mediation classroom to encourage reflective practice with a particular emphasis on the role of the teacher as a facilitator of reflective learning. The author suggests that the process of teaching mediation as reflective practice starts with teaching as reflective practice and emphasizes the importance of teachers' critical self-reflection. The article provides some examples of how teachers can encourage students to engage in reflective learning and develop their skills as reflective practitioners for their continued professional development.</p>
Guthrie, Chris	Be Curious	July 09	401-406	<p>Negotiation is an interpersonal process, and negotiators need to understand their counterparts’ perspectives to do well at the bargaining table. However, understanding the other side’s perspective isn’t always easy. Often, negotiators focus narrowly on their own concerns at the expense of understanding those of their counterparts. The best way to overcome this, according to negotiation literature, is to “be</p>

				curious.” In <i>Bargaining to Advantage</i> , Richard Shell goes even further. Among the “wide range of talents” that good negotiators must develop, “the ability to understand your bargaining opponent’s perspective may be the most critical of these skills.”
Special Section: Second Generation Global Negotiation Education		April 09	141-266	
Bernard, Phyllis E	Bringing Soul to International Negotiation		147-159	<p><b>Keywords:</b> negotiation; mediation; cross-cultural; international commerce; intuition; emotion; ethnicity; gender; negotiation training</p> <p>In this article, the author calls for a shift in training for international commercial negotiation, away from the standard Western linear, rational, fact-oriented style toward training that makes room for “soul.” As used here, the term “soul” combines several concepts that integrate learning on human cognition, cultural intelligence, and effectiveness in international management. The article discusses soul in terms of three components: emotion and subjectivity, deep narratives rooted in faith and ethnic traditions, and cultural intelligence. The article presents three negotiation scenarios from around the globe, contrasting first-generation training approaches to next-generation training approaches that would value the unconscious processes of decision making.</p>
Avruch, Kevin	What is Training All About?		161-169	<p><b>Keywords:</b> negotiation training; education</p> <p>This article compares “training” to “education” generally and, specifically, with respect to the question of how this distinction plays a role in teaching negotiation and the possible emergence of a “second generation” of negotiation theory and practice.</p>
Wade, John	Defining Success in Negotiation and Other Dispute Resolution Training		171-179	<p><b>Keywords:</b> negotiation; training courses; realistic and aspirational goals; Benjamin Bloom; learning ecosystem</p> <p>This article describes three types of negotiation courses and asks what range of goals is usually achieved in such courses from the overlapping perspectives of organizers, teachers, and participants. It then translates Benjamin Bloom's categories of educational goals into aspirational goals for any negotiation course.</p>

Nelken, Melissa L	Negotiation Classroom Process: Lessons from Adult Learning		181- 194	<p><b>Keywords:</b> negotiation; classroom process; adult learning; culture</p> <p>Learning by doing is standard fare in negotiation courses across disciplines, and techniques such as learning contracts, self-reflective essays, and small-group work are commonly used. In addition, teachers must resist the temptation to “teach the canon” without regard to the needs, interests, and concerns of the students in the room. Learner-centered education requires that teachers build from the beliefs and preconceptions that students bring to the classroom, including their cultural beliefs and norms about conflict resolution, some of which may be at odds with the North American canon. A discussion-based approach to teaching not only engages students more actively in the learning process but also models many of the skills negotiation teachers seek to develop in their student-negotiators.</p>
McAdoo, Bobbi and Melissa Manwaring	Teaching for Implementation: Designing Negotiation Curricula to Maximize Long- Term Learning		195- 215	<p><b>Keywords:</b> negotiation; curriculum design; adult learning; adult education; schemas; learning transfer</p> <p>Most negotiation students — and their instructors — aspire to develop negotiation skills that they can transfer to real-world contexts beyond the classroom. Instructors can maximize the likelihood of long-term learning through transfer-oriented curriculum design. Curriculum design elements likely to support lasting and flexible learning include (1) articulation of clear, performance-oriented goals; (2) careful selection of a range of learning activities tailored toward those goals, including activities that promote schema development and adjustment, activities that promote behavioral skill development, and activities that reinforce explicit theoretical understanding; (3) provision of multiple opportunities for constructive feedback from a variety of sources; and (4) the facilitation of self-reflection and metacognition.</p>
Freshman, Clark and Chris Guthrie	Managing the Goal-Setting Paradox: How to Get Better Results from High Goals and Be Happy		217- 231	<p><b>Keywords:</b> negotiation; psychology; mindfulness; goals; outcomes</p> <p>Many negotiation teachers share the same tip early on: negotiators who set higher goals “do better.” It turns out that one of the most empirically supported “truths” about negotiation comes with a big “but.” Negotiators who set</p>

				<p>higher goals are likely to feel worse. In other words, negotiators who set optimistic goals are likely to obtain better objective outcomes but worse subjective outcomes. We call this empirical finding the “goal-setting paradox.” This article considers sources of and explanations for the goal-setting paradox and suggests how negotiators and negotiation teachers may better manage this paradox through mindfulness and other techniques.</p>
<p>Tinsley, Catherine H, Sandra I Cheldelin, Andrea Kupfer Schneider and Emlity T Amnatullah</p>	<p>Women at the Bargaining Table: Pitfalls and Prospects</p>		<p>233-248</p>	<p><b>Keywords:</b> negotiation; gender; identity; power; culture</p> <p>Research evidence across a number of disciplines and fields has shown that women can encounter both social and financial backlash when they behave assertively, for example, by asking for resources at the bargaining table. But this backlash appears to be most evident when a gender stereotype that prescribes communal, nurturing behavior by women is activated. In situations in which this female stereotype is suppressed, backlash against assertive female behavior is attenuated. We review several contexts in which stereotypic expectations of females are more dormant or where assertive behavior by females can be seen as normative. We conclude with prescriptions from this research that suggest how women might attenuate backlash at the bargaining table and with ideas about how to teach these issues of gender and backlash to student populations in order to make students, both male and female, more aware of their own inclination to backlash and how to rectify such inequities from both sides of the bargaining table.</p>
<p>Shmueli, Deborah, Wallace Warfield and Sanda Kaufman</p>	<p>Enhancing Community Leadership Negotiation Skills to Build Civic Capacity</p>	<p>April 09</p>	<p>249-266</p>	<p><b>Keywords:</b> negotiation executive training; civic capacity building; leadership in disadvantaged communities</p> <p>Most intra- and interorganizational decision making entails negotiations, and even naturally talented negotiators can improve with training. Executive trainings for managers and leadership programs for publicly elected officials, public managers, and nongovernmental organizations frequently include negotiation modules. These efforts, however, have yet to reach community leaders who also need to develop their negotiation skills.</p> <p>We propose that members of disadvantaged low-income communities who lack educational and economic</p>

				<p>opportunities, and are less able to advocate for their own interest, need to build and strengthen their civic capacity, including their negotiation skills, to become more effective parties to decisions affecting them. While many professionals and executives have access to training, such opportunities are less accessible to the leaders of these disadvantaged communities. Although such leaders draw from their own heuristic knowledge, skills, and abilities, they could also benefit from sharpening their negotiation skills.</p> <p>We propose that the multidimensional understanding of their community that members accumulate through direct experience is indispensable, nontransferable to outsiders, and not teachable through in-class activities. Leaders with the ability to leverage knowledge and assets to connect effectively to community insiders as well as to outside people, institutions, and resources, however, possess some specific inherent personality traits as well as an understanding of social structures, strategies, and agency, which can be taught and learned. Such skills as how to conduct negotiations around the table and away from it and how to identify community members who can help and how to rally them are also teachable. The cases were chosen to illustrate the knowledge, skills, and abilities (KSAs) that make these leaders effective in and beyond their communities. We highlight those KSAs that we think are teachable in the framework of a negotiation module in community leadership training to enhance civic capacity for community betterment.</p>
Druckman, Daniel, Mara Olekalns and Philip L Smith	Interpretive Filters: Social Cognition and the Impact of Turning Point in Negotiation	Jan 09	13-40	<p><b>Keywords:</b> negotiation processes; orientations; outcomes; power; precipitants; trust; turning points</p> <p>A number of studies have shown that certain events that occur during a negotiation can alter its course. Referred to as “turning points,” these events are precipitated by actions taken either outside or inside the talks that have consequences for outcomes. In this article, we report the results of two experiments designed to examine the impacts of two types of precipitating actions, external and internal. In the first experiment, which focused on external actions, we found that crises — as opposed to breakthroughs — produced more movement in negotiations in which parties viewed the social climate positively (high trust, low power). We found that</p>

				<p>parties achieved less movement in negative social climates (low trust, high power).</p> <p>In the second experiment, which focused on internal actions, we found that cooperative precipitants (factors inducing change) were more likely to occur when parties negotiated in the context of positive social climates. Negotiation outcomes were also influenced by the climate: we found better individual outcomes for negotiations that occurred in positive climates (high trust, cooperative orientations). In both experiments, the social climate of the negotiation moderated the effects of precipitating factors on negotiation outcomes. Perceptions of trust and power filter the way negotiators interpret actions that occur outside or are taken inside a negotiation, which can lead to agreements or impasses.</p>
Erikson, Truls and Terje Berg-Utby	Preinvestment Negotiation Characteristics and Dismissal in Venture Capital-Backed Firms	Jan 09	41-57	<p><b>Keywords:</b> negotiation; dismissal; event history; governance; venture capital</p> <p>In this study, we investigated idiosyncratic preinvestment process characteristics that influence the dismissal of management team members of venture capital-backed firms in the postinvestment phase by analyzing sixty-three portfolio firms. We considered two salient perspectives within the literature on governance of interfirm relationships: contractual and relational governance, which are related to positional and collaborative negotiation styles. Our findings indicate that positional bargaining in the preinvestment phase may be a reliable indicator that there is a greater risk that new venture team members will be dismissed when things get tough in the post-investment period.</p>
Ben-Ari, Rachel and Itzhak Hirshberg	Attachment Styles, Conflict Perception, and Adolescents' Strategies of Coping with Interpersonal Conflict	Jan 09	59-82	<p><b>Keywords:</b> conflict resolution; adolescence; attachment styles; conflict perception; coping strategies</p> <p>In this study, we examined the relationships between and among adolescents' attachment styles, conflict perceptions, and strategies for coping with conflicts with their peers. The study participants were 146 pupils at a junior high school who completed self-report questionnaires about their attachment styles (secure, anxious, or avoidant), conflict coping styles (avoiding, dominating, obliging, compromising, and integrating), and conflict perceptions (positive or negative), as well as social and academic status and the frequency with</p>

				<p>which they and their friends were involved in conflicts. We found strong, statistically significant correlations between attachment style, coping strategy, and conflict perception. Generally, participants whose secure attachment scores were higher reported that they held more positive attitudes toward conflict, used more cooperative strategies to cope with conflicts, and were involved in conflicts less often; they also seemed to be less obliging and more dominating in their coping strategies. Avoidant attachment adolescents in our study displayed more negative conflict perceptions and made greater use of dominating strategies.</p> <p>We also found that participants' conflict perceptions mediated the relationship between their attachment styles and coping styles. Because it is generally easier to change attitudes than it is to change attachment styles, which are more fixed, our findings suggest that changing adolescents' conflict perceptions, through school curricula, for example, may be an effective way to improve their ability to cope with conflict.</p>
Pugh, Jeffery	The Structure of Negotiation: Lessons from El Salvador for Contemporary Conflict Resolution	Jan 09	83-105	<p><b>Keywords:</b> negotiation; El Salvador; civil war; peace agreements; Central America; third-party intervention</p> <p>During more than a decade of violent conflict (1980–1992) involving the military, rebel forces, and paramilitary “death squads,” El Salvador suffered some 75,000 casualties, mostly civilians. After three years of negotiations, the government and the largest rebel group signed a historic comprehensive peace accord that brought an end to the war and instituted wide-reaching political and social reforms. This agreement, and the peace process that produced it, has been widely hailed as a successful example of a negotiated end to civil war. In order to understand the conditions that led to the 1992 Chapultepec Peace Accords ending the war, this article tests ripeness theory in the context of the Salvadoran peace process.</p> <p>This article affirms the validity of theories of ripeness and the mutually hurting stalemate as structural explanations for the initiation of dialogue and notes the role of “indicators of ripeness” in forcing the parties to recognize a hurting stalemate that may already exist. It also proposes several hypothesized explanations for the effectiveness of the Salvadoran negotiations themselves. These explanations</p>

				include the presence of strong, empowered policy entrepreneurs on both sides with the political will and capability to make credible commitments; the combination of internal and external pressure for a negotiated solution that raised the cost of defection; and the active involvement, based on consent of both parties, of a neutral, empowered, and credible mediator who provided both technical assistance and vigilance to move the process forward. After analyzing the Salvadoran case through this theoretical lens, the article applies the same concepts to contemporary conflict cases such as Iraq and Colombia, discussing how the lessons learned in El Salvador do and do not provide instructive guidance for managing civil conflicts today.
MacDuff, Ian	Using Blogs as a Teaching Tool in Negotiation	Jan 09	107-124	<p><b>Keywords:</b> negotiation; teaching; blogging; social networking; deliberative skills</p> <p>This article reports on the experimental use of blogs as a teaching tool in a course on negotiation and mediation. The blogs were of two kinds: individual “journal” blogs accessible only by the student author and the course instructor, and a class or collective blog, accessible by all members of the course. The use of blogs builds on the familiar use of journals as a tool for reflection and personal review and adopts the technology of online communication with which the student body is increasingly familiar and comfortable. The article reports on the student response to this development and the perceived impact on extended peer-to-peer communication, cooperation, and skills development. This note also briefly places this experiment in the wider context of the widespread use of blogging, online social networking, and — more ambitiously — the promotion of critical and deliberative skills through the use of information communications technology.</p>
Sonnenberg, Stephan	The Complexity of Humanitarian Neutrality in a Political World	Jan 09	125-129	Review of Jan Egeland’s <i>A Billion Lives: An Eyewitness Report from the Frontlines of Humanity</i>
Special Section: Gender in Neogitation		Oct 08	389-508	
Riley Bowles, Hannah and Kathleen L	Gender in Job Negotiations		393-410	<p><b>Keywords:</b> negotiation; gender; compensation; household labor; salary; sex stereotypes; two-level game</p>

McGinn				<p>We propose taking a two-level-game perspective on gender in job negotiations. At Level One, candidates negotiate with employers. At Level Two, candidates negotiate with household members. In order to illuminate the interplay between these two levels, we review research from two separate bodies of literature. Research in psychology and organizational behavior on candidate–employer negotiations sheds light on the effects of gender on Level One negotiations. Research from economics and sociology on intrahousehold bargaining elucidates how negotiations over the allocation of domestic labor at Level Two influence labor force participation at Level One. In conclusion, we integrate practical implications from these two bodies of literature to propose a set of prescriptive suggestions for candidates to approach job negotiations as a two-level game and to minimize the disadvantageous effects of gender on job negotiation outcomes.</p>
Croson, Rachel, Melanie Marks and Jessica Snyder	Groups Work for Women: Gender and Group Identity in Social Dilemmas		411-427	<p><b>Keywords:</b> negotiation; social dilemma; identity; gender</p> <p>Behavior in social-dilemma (mixed-motive) situations has been of great interest to economists, psychologists, and negotiation scholars. In this study, we used a threshold social-dilemma game to examine factors that have not yet been investigated and that may have an impact on behavior in these settings: gender and group identity. We found that, for women, interacting with members of a naturally occurring group increased coordination and efficiency, while for men, interacting with members of a naturally occurring group decreased coordination and efficiency. Psychological literature on gender differences and group interdependence explains these differences. We conclude by discussing the implications of these results for gender differences in negotiation behavior.</p>
Eckel, Catherine, Angela CM De Oliveira, and Philip J Grossman	Gender and Negotiation in the Small: Are Women (Perceived to Be) More Cooperative than Men?		429-445	<p><b>Keywords:</b> negotiation; gender; dictator game; ultimatum game; experimental economics</p> <p>We surveyed research by experimental economists that examines gender differences in negotiation in the context of two simple, two-player games. Our purpose is to uncover empirical regularities in the results that might be useful to teachers or practitioners of negotiation. In the dictator game, one player unilaterally determines the division of a fixed amount of money. In the ultimatum game, one player offers a</p>

				<p>division and the other must accept or reject that offer; if rejected, both players receive a zero payoff. The results have shown that, on balance, women tend to be more egalitarian than men, to expect and ask for less in the negotiation. Women also seem to be more responsive to the context of a negotiation and are less likely to fail to reach an agreement than men. These differences are small, however, in comparison with differences in expectations about what women and men will do. We conclude that stereotyping is alive and well in negotiations and that this can help or hinder negotiation outcomes, depending on the context.</p>
Niederle, Muriel and Lise Vesterlund	Gender Differences in Competition		447-463	<p><b>Keywords:</b> negotiation; gender differences; competition; confidence</p> <p>Negotiating in a highly competitive environment may prove particularly challenging for women. We describe three experimental studies that investigated and documented differences in the competitive behaviors of men and women. The first study examined gender differences in competitive performances. In a setting in which men and women performed at similar levels in single-sex competitions, men were found to outperform women in mixed-sex competitions. The second study focused on the decision of men and women to enter a competition. In a mixed-sex setting in which we found no gender differences in performance, many more men than women chose a compensation scheme in which they had to compete against others. Finally, we report the results of a recent study that examined an institutional intervention that may encourage more women to compete. Specifically, we found that a quota-like affirmative action environment in which women must be equally represented encourages many more women to compete. This response was greater than one would predict based solely on the increase in one's chances of winning and can be partially explained by the fact that the affirmative action competition was more gender specific.</p>
Rosenblat, Tanya S	The Beauty Premium: Physical Attractiveness and Gender in Dictator Games		465-481	<p><b>Keywords:</b> negotiation; beauty premium; gender; economic experiments; labor markets</p> <p>Are beautiful people better negotiators? In this article, I present evidence from a simple bargaining game in which players listened to prerecorded speeches and viewed the</p>

				<p>pictures of other players. I found that physically attractive players received a greater share of the surplus when their partners could both listen to their speeches and view their pictures. This effect was strongest when the listening partner was female. These results suggest new directions for experimental and empirical research on the role of nonresumé characteristics on labor market outcomes, and also has implications for those practitioners involved in negotiations characterized by extreme power imbalances between the parties.</p>
Kray, Laura J and Conson C Locke	To Flirt or Not to Flirt? Sexual Power at the Bargaining Table		483-493	<p><b>Keywords:</b> negotiation; gender; sex; flirtation; power; likability</p> <p>We begin by exploring the lay belief that women can use flirtation to their advantage in professional contexts and contrast it with trained negotiators' negative views on flirtation. We then examine the impact of flirtation on negotiators' impression formation. We explore whether a flirtatious style aids women in the trade-off they often face between perceived likability and perceived competence. We discover both an upside and a downside to flirting at the bargaining table. Although flirtation appears to be positively related to women's likability, negotiators who flirted were judged to be less authentic than those who refrained from exercising their sexual power.</p>
Greig, Fiona	Propensity to Negotiate and Career Advancement: Evidence from an Investment Bank that Women are on a "Slow Elevator"		495-508	<p><b>Keywords:</b> negotiation; gender; career advancement</p> <p>Women are underrepresented at senior levels in most companies. This article examines whether gender differences in the propensity to negotiate contribute to this pattern. Based on a behavioral experiment run in a major investment bank in the United States, I found that fewer women than men are willing to negotiate, but employees who have a propensity to negotiate are promoted on average seventeen months more quickly than those who do not. Women advance more slowly than men, which accounts for the underrepresentation of women in senior positions. I conclude that gender differences in the propensity to negotiate partially explains why women are on a "slow elevator" to the top.</p>
Movius, Hal	The Effectiveness of Mediation	Oct 08	509-531	<p><b>Keywords:</b> negotiation training; training outcomes; negotiation pedagogy; training investment</p>

	Training			<p>In the last twenty-five years negotiation has become widely recognized both as a topic of serious research and as an essential, frequently used set of skills. Organizations currently spend tens of billions of dollars annually on training, and mounting evidence suggests that training in interpersonal and problem-solving domains typically has a significantly positive effect. But little systematic research has been conducted concerning the actual effectiveness of negotiation training. This article reviews the available evidence regarding the effectiveness of negotiation training using four levels of outcome measurement. While far less prevalent than one would wish, existing evidence suggests that negotiation training can have positive effects. In this article, I review the specific effects of different teaching methods, and recommend additional research.</p>
Matz, David	When the Mediator gets Tough	Oct 08	533-540	<p>Review of Daniel Kurtzer and Scott Lasensky's <i>Negotiation Arab-Israeli Peace: American Leadership in the Middle East</i>, Aaron David Miller's <i>The Much Too Promised Land: America's Elusive Search for Arab-Israeli Peace</i>, and Dennis Ross' <i>Statecraft: And How to Restore America's Standing in the World</i>.</p>
Altran, Scott and Robert Axelrod	<a href="#">Reframing Sacred Values</a>	July 08	221-246	<p><b>Keywords:</b> conflict resolution; sacred values; framing; negotiation; Israel; Palestine</p> <p>Sacred values differ from material or instrumental values in that they incorporate moral beliefs that drive action in ways dissociated from prospects for success. Across the world, people believe that devotion to essential or core values — such as the welfare of their family and country, or their commitment to religion, honor, and justice — are, or ought to be, absolute and inviolable.</p> <p>Counterintuitively, understanding an opponent's sacred values, we believe, offers surprising opportunities for breakthroughs to peace. Because of the emotional unwillingness of those in conflict situations to negotiate sacred values, conventional wisdom suggests that negotiators should either leave sacred values for last in political negotiations or should try to bypass them with sufficient material incentives. Our empirical findings and historical analysis suggest that conventional wisdom is wrong. In fact, offering to provide</p>

				<p>material benefits in exchange for giving up a sacred value actually makes settlement more difficult because people see the offering as an insult rather than a compromise. But we also found that making symbolic concessions of no apparent material benefit might open the way to resolving seemingly irresolvable conflicts.</p> <p>We offer suggestions for how negotiators can reframe their position by demonstrating respect and/or by apologizing for what they sincerely regret. We also offer suggestions for how to overcome barriers by refining sacred values to exclude outmoded claims, exploiting the inevitable ambiguity of sacred values, shifting the context, provisionally prioritizing values, and reframing responsibility.</p>
Hardy, Samantha	Mediation and Genre	July 08	247-268	<p><b>Keywords:</b> mediation; genre; narrative; melodrama; tragedy</p> <p>This paper examines the constitutive elements of the genre of melodrama and relates them to typical Western conflict stories. It demonstrates why a conflict narrative based on the genre of melodrama tends to work against the resolution of the conflict and proposes tragedy as a more constructive genre for a conflict narrative. The paper also discusses how the mediation situation itself can constrain the possible genres that can be constructed in the process and explores the implications of those constraints for people in conflict and for the mediators facilitating a resolution.</p>
Ward, Andrew et al	Acknowledging the Other Side in Negotiation	July 08	269-285	<p><b>Keywords:</b> negotiation; conflict resolution; acknowledgment; influence; perceived control</p> <p>In a negotiation study, we investigated the efficacy of acknowledging an opponent's role in securing a concession made to that opponent. The study featured a face-to-face, one-shot bargaining session between a student favoring marijuana legalization and a confederate playing the role of a legalization opponent. When the confederate acknowledged the student's putative influence in producing a concession by the confederate, the student perceived the magnitude of the concession to be greater and was more likely to accept it. The student negotiators also reported that they liked the other party more following acknowledgement, and our mediational analysis suggested that enhanced interpersonal sentiments</p>

				played a role in facilitating agreement. In this article, in addition to documenting these findings, we also discuss their implications, both for theoretical analyses of conflict and negotiation and for the practical problem of settling disputes.
Van Roosebroek, Steven and Steven Van de Walle	The Relationship between Ombudsman, Government, and Citizens: A Survey Analysis	July 08	287-302	<p><b>Keywords:</b> mediation; ombudsman; survey; citizen; trust in government; Matthew effect</p> <p>Since the 1960s, ombudsmanship has become increasingly popular. Although there is a great deal of literature on ombudsmen, existing research rarely focuses on the people who actually use the ombudsman's services. This article examines those who seek the help of ombudsmen in Belgium, and asks whether ombudsmen's intervention has a noticeable effect on citizens' confidence in government and public administration. Based on three surveys of 626 complainants, our analysis suggests that we should not see the ombudsman in Belgium as merely an instrument to help citizens but that they can also function as "change agents" and provide early warnings of problems in public administration. The role of ombudsmen in directly strengthening trust in government is limited at best. Furthermore, it seems that the profile of ombudsman complainants is skewed; our findings indicate that the socially disadvantaged are less likely to use the institution.</p>
Minkle, Beryl, Anthony S Bashir and Claudia Sutulov	Peer Consultation for Mediators: The Use of a Holding Environment to Support Mediator Reflection, Inquiry, and Self-Knowing	July 08	303-323	<p><b>Keywords:</b> mediation; mediator; holding environment; emotions; mindfulness; reflection; peer consultation; inquiry; self-knowing; consultation strategies</p> <p>In order to help the parties in mediation address their interests, concerns, and responses to the conflict, the mediator must monitor and manage his or her own inner thoughts, emotions, and feelings throughout the process lest they negatively influence the outcomes of the mediation. Peer consultation offers one approach that can be used effectively to support the mediator's inquiry into practice dilemmas and invite self-knowing that benefits the mediator as well as the parties in the mediation. The effectiveness of a group consultation process, however, depends on the development of "a holding environment" that can provide a safe and confidential space within which such an inquiry can occur. The mediation process is improved when the mediator is able to</p>

				sustain relational and emotional tension within herself and between the parties long enough for new understandings and actions to develop.
Weiss, Stephen E	Mega-Simulations in Negotiation Teaching: Extraordinary Investments with Extraordinary Benefits	July 08	325-353	<p><b>Keywords:</b> negotiation; negotiation pedagogy; complexity; mega-simulation; experiential learning; situated learning; international business</p> <p>A mega-simulation is a complex-negotiations teaching exercise involving complicated issues and challenging conditions that is undertaken by three or more teams of students. In this article, I draw on two decades of teaching with mega-simulations in international business negotiation courses to discuss potential learning goals for this type of experiential exercise, effective ways to organize the experience, challenges for the instructor, and the distinctive educational benefits that justify the substantial investment of time and resources required to implement these mega-simulations. These simulations can help students to develop greater sophistication in basic negotiation skills, become more extensively exposed to complex skill sets, and develop a deeper understanding of negotiation subject matter and complex processes than they would by conducting standard role plays. Mega-simulations offer major opportunities for students to move to advanced levels of negotiation skill not just in international business, but in diplomacy, law, engineering, and a host of other professional arenas.</p>
Crump, Larry and John S Odell	Analyzing Complex US trade Negotiations	July 08	355-369	Review of Charan Devereaux, Robert Z Lawrence and Michael D Watkins' <i>Case Studies in US Trade Negotiation, Vol 1: Making The Rules</i> and <i>Vol 2: Resolving Disputes</i>
Golden, Jim	The Negotiation Counsel Model	July 08	371-378	Rather than assuming the adversarial approach to negotiation, the "Negotiation Counsel Model" serves as a more cost-effective and humane approach to solving difficult disputes. Based on the author's personal experience working as the general counsel to a public trucking company, serving as outside counsel for other companies, negotiation literature and the Program of Negotiation at Harvard Law School.
Metcalf, David	The Protest Game: Animal Rights Protests and the Life	April 08	125-143	<p><b>Keywords:</b> negotiation analysis; protest game; life sciences; animal rights; game theory</p> <p>In 1997 a small group of animal rights protesters devised a</p>

	Sciences Industry			strategy of legal and illegal protests that almost closed down one of Europe's largest animal testing firms, Huntingdon Life Science (HLS). The animal rights protesters successfully disrupted the operations of HLS and severed its links with some of the world's largest financial institutions. This case study examines the “protest game” that was played between the animal rights protesters, HLS, and its business partners. In the first section, I describe the interactions between the parties to the dispute, applying negotiation analytic concepts to better explicate the structure of the game, the alternatives available to the players, and the psychological heuristics and biases that influenced decision making. The conclusion suggests alternative ways in which the protesters and the life sciences industry could resolve the dispute over the ethics and cruelty of animal testing.
Young, Mark	Sharks, Saints and Samurai: The Power of Ethics in Negotiations	April 08	143-155	<p><b>Keywords:</b> negotiation; ethics; power; principle; Nelson Mandela; self-interest; samurai</p> <p>In this article, I explore the notion that ethics, far from being a check or drag on negotiator power, can actually help to enhance it. As the example of Nelson Mandela negotiating with the South African government showed, ethics (or at least the perception of being ethical) can be a major source of power, diminishing or even neutralizing many other weaknesses. I explore some of the principal ethical dilemmas facing negotiators and illustrate the sometimes surprising ways that “right” ethical choices can actually increase negotiator power. This occurs not only in the more superficial case of instrumental or even prudential ethics, (the province of “saints” and “sharks”), where “right” behavior is employed to gain short-term advantage or to improve long-term negotiator reputation, but even more so in the case of intrinsic “principled” negotiation, where the “right” thing is done for its own sake. As in the case of the medieval Japanese samurai, ethics can be a major source of power. This thesis is then illustrated anecdotally in three practical examples, leading to a proposal for how to deepen and apply this lesson to negotiation analysis and practice.</p>
Sclavi, Marianella	The Role of Play and Humor in Creative Conflict	April 08	157-180	<p><b>Keywords:</b> conflict resolution; bisociation; displacement; body language; cultural construction of emotions; play; humor; wisdom; conflict transformation</p>

	Management			<p>In this article, I draw on the theories of three scholars whose works have not typically been part of the negotiation and conflict resolution canon (Arthur Koestler, Edward T. Hall, and Gregory Bateson) to develop the beginnings of a new model for creative and constructive conflict transformation that features playfulness and humor as its key components. I explore the connections between Koestler's theory of bisociation in the act of creation, Hall's ideas about the cultural construction of emotional responses, and Bateson's theories about the role of play and humor in human communication. All three authors focused particularly on body language and on the cognitive impact of emotions. Drawing on their theories and the connections between them, I suggest the theoretical underpinnings of a model for approaching conflict in which displacements and surprises, playfulness, humor, and "punch lines" can serve to reframe issues and open up new avenues for consensus building and resolution.</p>
Brady, Rory	Post-Conflict Societies: Reconciling Pragmatism with Principle	April 08	181-187	Review of Erin Daly and Jeremy Sarkin's <i>Reconciliation in Divided Societies: Finding Common Ground</i>
Hammond, John S	A Readable, Practical, Rigorous Book on Negotiation	April 08	189-199	Review of Deepak Malhotra and Max H Bazerman's <i>Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond</i>
Susskind, Noah and Lawrence Susskind	Connecting Theory and Practice	April 08	201-2009	In the spirit of bridging the apparent divide between theorists and practitioners, the organizers of the 2006 Environmental and Public Policy section meeting of the Association of Conflict Resolution sponsored some novel theory-practice dialogues.
Finnegan, Amy C and Susan G Hackley	Negotiation and Nonviolent Action: Interacting in the World of Conflict	Jan 08	7-24	<b>Keywords:</b> negotiation; nonviolent action; power; strategy; framing; coalition building; communication Negotiation and nonviolent action are arguably the two best methods humanity has developed for engaging constructively with conflict. Both have played central roles in helping manage or resolve seemingly intractable conflicts, sometimes sequentially and sometimes in tandem. But experts and practitioners in both fields often underestimate the relevance and effectiveness of the other. This article explores the interface between the fields of negotiation and nonviolent action, their mutual commitment to engage constructively with conflict, and the concern both methods share for

				leverage, power, and strategic preparation and action. After examining the shared linkages, this article highlights how the two fields have synergistic qualities when utilized together in the same conflict. Using examples from a diverse set of conflicts, the overlap explored in this article lays an important foundation for the future convergence of the two fields.
Brach, Darshan	A Logic for the Magic of Mindful Negotiation	Jan 08	25-44	<p><b>Keywords:</b> negotiation; meditation; mindfulness; interest-based negotiation; Buddhism</p> <p>In this article, the author identifies similarities between the theories of mindfulness meditation (and its Buddhist foundations) and interest-based negotiation. She argues that incorporating such facets of mindfulness as purpose, presence, acceptance, and connectedness can improve negotiator effectiveness as well as make the experience more satisfying and uplifting for the negotiator.</p>
Mohammad Reza Ayatollahzadeh Shirazi and Ahmad Abdollahzadeh Barfouroush	A Conceptual Framework for Modeling Automated Negotiations in Multiagent Systems	Jan 08	45-70	<p><b>Keywords:</b> negotiation; automated negotiation; agent; multiagent system</p> <p>In fully automated e-negotiation all involved parties are software agents, so negotiation takes place in a multiagent system between software agents that have been developed as a computer system for automating tasks in a specific application domain. A multiagent system is a group of agents that interact and cooperate with each other to fulfill their objectives or to improve their performance. How do these agents negotiate with each other to manage their task interdependencies? What negotiation mechanisms are needed? These are important questions.</p> <p>In this article, we present a conceptual framework for modeling and developing automated negotiation systems. This framework represents and specifies all the necessary concepts and entities for developing a negotiation system as well as the relationships among these concepts. This framework can also be used to model human negotiations scenarios for analyzing these types of negotiations and simulating them with multiagent systems. The work reported in this article is the first unified framework that represents all the needed elements for modeling and developing automated negotiation systems and existing relationships between them.</p>
Williams, Gerald R, Larry C Farmer and Melissa Manwaring	New Technology Meets an Old Teaching Challenge: Using Digital Video Recordings, Annotation Software, and	Jan 08	71-87	<p><b>Keywords:</b> negotiation; negotiation pedagogy; negotiation curriculum; deliberate practice; reflective practice; behavioral skills; well-defined tasks; microskills; video annotation software; MediaNotes; curriculum design</p> <p>There is a world of difference between teaching negotiation theory, which pertains to conceptual understanding, and teaching negotiation skills, which pertain to actual behavior in</p>

	Deliberate Practice Techniques to Improve Student Negotiation Skills			<p>real-world situations. The principle of reflective practice is widely used for theoretical instruction. Deliberate practice, however, is a more powerful model for skills training. Cognitive scientists have discovered that subjects will learn skills best when they perform well-defined tasks at appropriate levels of difficulty, and when they are given immediate feedback, an opportunity to correct their errors, and an opportunity to practice until the tasks become routine. To satisfy the deliberate practice conditions for large graduate-level negotiation courses (some as large as seventy students), students were assigned to use webcams with their laptop computers to video record their negotiation exercises. Before each exercise, students were assigned to prepare for and to concentrate on performing two or three well-defined tasks. Students reviewed these recordings and commented on their performances in a journal before uploading the videos and journals to an assigned network folder. The instructor and teaching assistants then reviewed the journals and specified portions of the videos and provided individual written feedback to the students.</p> <p>The instructors found that student negotiating skills have improved significantly using this new system. In comparison with earlier semesters, students also felt they were involved in a more intense and personal learning experience. A majority of students reported they intend to apply the principles of deliberate practice in their professional lives after graduation. The authors have found this method continues to challenge their ability to identify and describe the skills used by expert negotiators.</p> <p>As an addition to this new methodology, two of the authors have spearheaded the development of video annotation software, known as "MediaNotes," to help students and instructors review, comment upon, and learn from video recordings of negotiations. Based on their experiences using the software to support deliberate practice, the authors expect this tool to initiate a significant advance in our ability to recognize and describe expert negotiation behavior and in students' ability to improve their negotiating skills.</p>
Freshman, Clark	Don't <i>Just</i> Say No	Jan 08	89-100	Review of William Ury's <i>The Power of a Positive No: How to Say no and Still Get to Yes</i>
Kuttner, Ran	Wisdom Cultivated through Dialogue	Jan 08	101-112	Review of Gregory Kramer's <i>Insight Dialogue:; The Interpersonal Path to Freedom</i>
Bazerman, Max H, Ann Tenbrunsel and Kimberly	When "Sacred" Issues are at Stake	Jan 08	113-117	Three different motivations may underlie sacredness claims. First, a negotiator may truly be constrained by ideology; his or her "sacred" issue is indeed not open for discussion and perhaps never will be. Second, a sacredness claim may be a

Wade-Benzoni				tactic that a negotiator uses to try to claim value. Third, we argue that certain issues may be “pseudosacred” – sacred to the speaker under some, but not all, conditions. Claims of sacredness present a significant challenge to the negotiation process because they directly challenge much of the advice offered by scholars and teachers.
Moeller, Frida, Karl DeRouen Jr, Jacob Bercovitch and Peter Wallensteen	The Limits of Peace: Third Parties in Civil Wars in Southeast Asia	Oct 07	373-391	<p><b>Keywords:</b> mediation; third-party intervention; civil war; Southeast Asia; assisted talks</p> <p>At the end of 2005, Asia had the highest number of active civil war dyads. The number of active dyads in other regions was either low or declining. Africa, in particular, experienced a sharp drop in the number of active dyads from 2001 to 2005. Civil wars in Asia also last longer than wars in other regions. With a high number of warring dyads fighting in long wars, the expectation would be that the region would be the focus of third-party conflict management, but this is not the case. In this article, we use an original data set to take a closer look at this gap in expectations by focusing on third-party efforts in Southeast Asia between 1993 and 2004. Bilateral talks were the most common form of third-party engagement, but mediation has been the most likely form to lead to agreements between warring parties. We conclude the article with a discussion of the policy implications of this research.</p>
Goldberg, Stephen B and Margaret L Shaw	The Secrets of Successful (and Unsuccessful) Mediators Continued: Studies Two and Three	Oct 07	383-418	<p><b>Keywords:</b> mediation; mediator success; mediator failure; mediator skills and attributes; successful mediator profiles</p> <p>In a survey of 216 advocates in mediation, the successful mediator's ability to gain the confidence of the parties was cited as important to his or her success more frequently than were any of the skills used by the mediator to bring about agreement. This article discusses the means by which mediators gain the confidence of disputing parties. The article also discusses the different skill and attribute profiles of different successful mediators and the advocates' views of the reasons for mediator failure. The article considers the implications of its findings for mediators, trainers, and advocates, and concludes with suggestions for future research.</p>
Kesting, Peter and Remigiusz Smolinski	When Negotiations Become Routine: Not Reinventing the Wheel While Thinking Outside the Box	Oct 07	419-438	<p><b>Keywords:</b> negotiation; routine; knowledge; learning; skills; context changes</p> <p>In this article, we seek to apply the insights of recent research on routine to the context of repeated negotiations. To demonstrate the link between both concepts, we introduce an analytical framework in which we identify different negotiation situations in which routine can develop. We distinguish two dimensions of the negotiation process: a problem-solving dimension and a communication dimension.</p>

				Our framework for analyzing the role of routine in negotiation is built around these two dimensions. We define those skills that we argue in repeated negotiations can help negotiators manage particular kinds of negotiations depending on the level and type of routinization that type of negotiation involves. Moreover, we demonstrate that our framework is inherently dynamic, which we illustrate with simplified business examples.
Special Section: Negotiation Lessons from <i>12 Angry Men</i>		Oct 07	439-471	
Sunstein, Cass R	Group Polarization and <i>12 Angry Men</i>		443-447	<p><b>Keywords:</b> negotiation; group polarization; peer pressure; deliberation; juries; film</p> <p>Deliberating groups, including juries, typically end up in a more extreme position in line with their predeliberation tendencies. A jury whose members are inclined, before deliberation, to find a defendant not guilty will likely render a verdict of not guilty; a jury whose members want to award punitive damages will likely produce an award higher than that of the median juror. The phenomenon of group polarization, found in many domains, stems from a combination of information pooling and peer pressure. The events portrayed in the film <i>12 Angry Men</i> seem to defy the logic of group polarization, but the film nonetheless shows an acute psychological sense.</p>
Flouri, Erini and Yiannis Fitsakis	Minority Matters: <i>12 Angry Men</i> as a Case Study of a Successful Negotiation against the Odds		449-462	<p><b>Keywords:</b></p> <ul style="list-style-type: none"> <li>• negotiation;</li> <li>• minority viewpoints;</li> <li>• persuasion;</li> <li>• juries;</li> <li>• film</li> </ul> <p>In his famous book, <i>Social Influence and Social Change</i>, celebrated social psychologist Serge Moscovici contended that minorities influence change by creating conflict. Because people wish to avoid conflict, they will often dismiss the minority position. But when the minority refuses to be dismissed by remaining committed to its position and maintaining a well-defined and coherent point of view, then the minority can make the majority reconsider its beliefs and consider the minority's position as a viable alternative. Moscovici identified five key aspects of the minority's influential behavior: consistency, investment, autonomy, rigidity, and fairness.</p> <p>In this article we analyze the negotiation process depicted in the 1957 film <i>12 Angry Men</i>. This critically acclaimed film</p>

				powerfully illustrates the dynamics of bargaining and the use of informal authority with a focus on the role of personality. The film illustrates how, by adopting the five behavioral strategies described by Moscovici, the minority — in this case a lone dissenting juror — is able to successfully negotiate and, against the odds, influence the overwhelming majority comprising the other eleven jurors.
Hackley, Susan	One Reasonable and Inquiring Man: <i>12 Angry Men</i> as a Negotiation-Teaching Tool		463-468	<p><b>Keywords:</b></p> <ul style="list-style-type: none"> <li>• negotiation;</li> <li>• pedagogy;</li> <li>• film;</li> <li>• juries</li> </ul> <p>The film <i>12 Angry Men</i> is often shown in law school and business school to teach lessons about negotiation, group process, communication, decision making, team building, leadership, and critical thinking. It effectively and powerfully depicts the ways in which a successful negotiator can make critical moves and capitalize on turning points in a negotiation. It also illustrates vividly such key negotiation concepts as the difference between positions and interests and the role of such skills as coalition building, framing, and active listening. For these reasons, <i>12 Angry Men</i> can be a powerful negotiation teaching tool.</p>
Wheeler, Michael	<i>One Angry Man?</i> A New Look at an Old Film		469-471	<p><b>Keywords:</b> negotiation; juries; film; satire</p> <p>In this satire written from the perspective of the fictional defendant in the film <i>12 Angry Men</i>, the arguments used by the dissenting juror to prove the possibility that the defendant is innocent are explained in ways that actually support his guilt.</p>
Volkema, Roger J	Negotiating for Money: Adding a Dose of Reality to Classroom Negotiations	Oct 07	473-485	<p><b>Keywords:</b> negotiation; pedagogy; simulations; realism; money</p> <p>Negotiation and conflict management courses have become increasingly common in business schools around the world. Frequently, these courses employ role plays and simulations to encourage students to try new strategies, tactics, techniques, and behaviors. While these simulations generally are designed to elicit realistic negotiation dynamics, they often lack the full emotional tension inherent in actual negotiations. One possible reason for this reduced tension is that no tangible resources, such as money, are at stake. This article describes an experiment in which MBA students paid a player's fee at the beginning of a negotiation course, and in which each negotiation exercise had an actual dollar value at risk. The</p>

				article reports some results from this experiment and offers suggestions for instructors who might seek to add a player's fee to their own courses. In general, most students found the experience valuable, as it provided performance benchmarks while focusing their attention more sharply on risks and returns.
Donohue, William A	Methods, Milestones and Models: State of the Art in Conflict Analysis Research	Oct 07	487-497	Review of Daniel Druckman's <i>Doing Research: Methods of Inquiry for Conflict Analysis</i> .
Joseph, Jeremy	Mediation in War: Winning Hearts and Minds Using Mediated Condolence Payments	July 07	219-248	<p><b>Keywords:</b> mediation; Iraq; insurgency; counterinsurgency; post-war reconstruction; peacekeeping; condolence payments; reparations</p> <p>When an Iraqi noncombatant civilian is killed in the crossfire between the U.S. military and insurgents, the victim's family can apply for a "condolence payment" of up to \$2,500 as a token of condolence and sympathy. As the process currently stands, the family member is handed a sum of money by U.S. personnel and ushered out the door. In this model, money equals apology. In this article, the author argues that the efficacy and efficiency of the current condolence payment program could be greatly increased by adding Arab-Muslim mediation techniques tailored to Iraqi culture. Mediation would fill a gap in the current program to help foster a constructive, stabilizing dialogue between the U.S. military and aggrieved Iraqi civilians. The author believes that with each positive, mediated interaction — each reconciliative engagement between an aggrieved Iraqi civilian, a mediator, and a U.S. military representative — the U.S. military can prevent today's aggrieved Iraqi parent, sibling, or child from becoming tomorrow's insurgent.</p> <p>This article was written with two goals. The implementation of a mediated condolence payment program, even on a limited or pilot basis, would likely increase the chances of American success in Iraq and improve the daily lives of Iraqi civilians. If it is not possible to implement such a program in Iraq before American involvement there ends, then it may still have value as an important component of the post-conflict nation-building playbook of the U.S. and other foreign forces.</p>
Cutcher-Gershenfeld, Joel, Thomas Kochan, John-Paul Ferguson and Betty	Collective Bargaining in the Twenty-First Century: A Negotiations Institution at	July 07	249-265	<p><b>Keywords:</b> negotiations; collective bargaining; industrial relations; transformation; National Labor Relations Act; Federal Mediation and Conciliation Service</p> <p>Collective bargaining, a core social institution, faces a fundamental transformational challenge. National survey data</p>

Barrett	Risk			provide unique insights into the current status of the bargaining process — revealing challenges and opportunities. Awareness and use of interest-based bargaining principles is widespread but complicated by underlying tensions between labor and management. The findings illustrate the value of conducting an institutional-level analysis of a negotiations process.
Poitras, Jean	The Paradox of Accepting One's Share of Responsibility in Mediation	July 07	267-282	<p><b>Keywords:</b> mediation; responsibility; cooperation; workplace conflict</p> <p>Mediators generally avoid the issue of whether parties accept their individual share of responsibility for a conflict. But the results of this study demonstrate the important role that taking responsibility for the conflict can play to encourage the emergence of cooperation within the mediation process. In this article, the author first explores the role of responsibility within the context of various mediation approaches and styles. Next, he reports the results of a quantitative study that examined the attitudes of disputants involved in workplace conflict mediations. His results indicate that acceptance of responsibility can play a paradoxical role in the mediation process: it seems to be effective only when both parties jointly acknowledge responsibility. When responsibility is acknowledged unilaterally, it seems to have a negative effect on the emergence of cooperation. Finally, the author proposes an intervention strategy for mediators that is designed to encourage the joint acceptance of responsibility and thus facilitate the emergence of cooperation in mediation.</p>
Hatta, Taketoshi, Ken-ichi Ohbuchi and Mitsuteru Fukuno	An Experimental Study on the Effects of Exitability and Correctability on Electronic Negotiation	July 07	283-305	<p><b>Keywords:</b> negotiation; electronic negotiation; exitability; correctability</p> <p>The purpose of the present study was to examine via a laboratory experiment the effects of two features of electronic negotiation, correctability and exitability, on negotiation processes and outcomes. We define correctability as the negotiator's ability to revise messages before transmitting them to the other party, thus prompting informational and social elaboration. The opportunity to exit the negotiation that the use of the electronic medium creates, a phenomenon for which we have coined the term "exitability," can give rise to the perception that electronic negotiation is inherently more unstable than face-to-face negotiation. In two experiments, we manipulated the exitability of one of the parties in three ways. In another experiment, we manipulated correctability in two ways. We found that increased exitability caused by the existence of a potential alternative party with whom to negotiate prompted participants to decrease their demands and to reach agreement more often. Increasing the</p>

				correctability of messages enhanced their clarity and generated more trade-offs, thus leading to more frequent agreements.
Donohue, William A and Paul J Taylor	Role Effects in Negotiation: The One-Down Phenomenon	July 07	307-331	<p><b>Keywords:</b> negotiation; role; expectations; interdependence; one-down; social identity</p> <p>Role is a concept that underlies most studies of human behavior in negotiation as subjects take on the roles of buyers and sellers or labor and management contract bargainers, for example Naturalistic studies also focus on such roles as teacher and administrator contract bargainers, hostage takers and hostage negotiators, Palestinian and Israeli peace negotiators, and husbands and wives in divorce mediations. This article examines these role effects and finds consistent patterns across both experimental and naturalistic contexts. Specifically, a “one-down effect” emerges when individuals in lower power roles assume more aggressive negotiation strategies that are significantly less effective in achieving desired outcomes. The article concludes by identifying the theoretical frameworks that might explain these role differences.</p>
Watkins, Michael D	Teaching Students to Shape the Game: Negotiation Architecture and the Design of Manageably Dynamic Simulations	July 07	333-342	<p><b>Keywords:</b> negotiation pedagogy; simulation; negotiation design</p> <p>Although important work is being done in the emerging field of negotiation architecture and “shaping the game,” little of it has found its way into the classroom. Simulation exercises are among the most powerful pedagogical tools available to negotiation educators, but most existing exercises have static architectures in the form of fixed parties, issues, and interests. This article summarizes existing research on negotiation design and proposes a framework for designing “manageably dynamic” exercises that can be used to teach key game-shaping concepts. The framework is illustrated through an in-depth discussion of an exercise based on the negotiations to end the civil war in El Salvador.</p>
Fairman, David, Patrick Field and Hal Movius (eds)	<i>The Negotiator's Fieldbook: The Virtues and Limits of a Kaleidoscope</i>	July 07	343-354	Review of Andrea Kupfer Schneider and Christopher Honeyman's <i>The Negotiators Fieldbook: The Desk reference for the Experienced Negotiator</i>
Susskind, Lawrence and Carri Hulet	The Practice of Public Dispute Resolution: Measuring the Dollar Value of the Field	July 07	355-364	

Kriesberg, Louis	Long Peace or Long War: A Conflict Resolution Perspective	April 07	97-116	<p><b>Keywords:</b> peace; violence; counterterrorism; foreign policy; George W. Bush</p> <p>Since the end of the 1980s, both the incidence and severity of violent conflicts and of domestic and international wars have declined globally. These declines are attributable to the convergence of many developments that help prevent, limit, and stop large-scale violence, and the author suggests that those developments persist. Consequently, he suggests that the recent U.S. engagement in wars and recent surges in terrorist attacks are limited spikes in violence that can be overcome. The author discusses how the current violent events may be in part a consequence of behaviors of the U.S. government and other governmental and nongovernmental organizations that are contrary to the major developments that contribute to global peace and cooperation. Governments and peoples acting in concert with those ongoing changes can help reduce the current mass violence.</p>
Crump, Larry	A Temporal Model of Negotiation Linkage Dynamics	April 07	117-153	<p><b>Keywords:</b> negotiation analysis; negotiation linkage; temporal frameworks; trade policy; trade talks</p> <p>This article explores negotiation linkage dynamics (how one negotiation influences or determines the process or outcome of another) by examining three bilateral trade treaty negotiations conducted by the governments of Australia, Singapore, and the U.S. from 2000 to 2004. After developing a temporal framework of negotiation linkage, the study examines how one negotiation can influence another negotiation when time is treated as an independent variable and negotiation process and outcome are treated as dependent variables. The study's findings can be used to help negotiation scholars and practitioners strategically manage the opportunities and challenges inherent in negotiation linkage dynamics. The study concludes with a proposed research agenda and a temporal enhancement of the negotiation paradigm.</p>
Honoroff, Brad and Susan Opotow	Mediation Ethics: A Grounded Approach	April 07	155-172	<p><b>Keywords:</b> mediation; alternative dispute resolution; mediation practice; mediation ethics</p> <p>Using insights drawn from mediation practice, social justice scholarship, and debates on ethical thinking in other professional fields, the authors argue that prevailing ethical codes for mediators in the United States stunt the development of ethical thinking in the field. Current codes and even their critiques take a "top-down" approach that proceeds from the perspective of the mediator and gives primacy to abstract principles rather than to the particulars and contexts</p>

				of disputes. This approach ignores a much richer practice on the ground, depends on an artificial division of procedural and substantive justice, and constricts the scope of ethical questions raised, inhibiting effective systemic solutions. The authors argue for ethics grounded in the context of particular substantive areas, which do not focus on the mediator alone and which remain open to a wider set of social justice considerations.
Ibbotson Groth, Brian and Solvi Glevoll	A New Use for Practitioners in Teaching Negotiation	April 07	173-184	<p><b>Keywords:</b> negotiation pedagogy; practitioners in the classroom; distributive versus integrative negotiation</p> <p>This article examines the role that practitioners as guest lecturers have traditionally played in the teaching of negotiation. The authors argue that, as seen from the perspective of student learning, this traditional role has not utilized the practitioner's expertise and experience to an optimal degree. Because of this, they have redesigned the role of the practitioner as guest lecturer in their negotiation course. They describe this new role in some detail. Their goal is to encourage students to understand how and why integrative negotiation techniques can work beyond the classroom in what students call the "real world."</p>
Handler Chayes, Antonia	Sleeves Rolled Up on Peacemaking: Lessons from International Mediators	April 07	185-192	Review of Harriet Martin's <i>Kings of Peace, Pawns of War: The Untold Story of Peacemaking</i>
Costantino, Cathy A	Managing Facilitation and Consensus-Building Processes: Forget the Discipline and Break the Rules	April 07	193-201	Review of Lawrence E Susskind and Jeffery L Cruikshank's <i>Breaking Robert's Rules: The New Way to Run Your Meeting, Build Consensus and Get Results</i> , and Jon C Jenkins and Maureen R Jenkins' <i>The 9 Disciplines of a Facilitator</i> .
Honeyman, Christopher	A Sale of Land in Somerset County	April 07	203-212	
Burg, Steven L	NGOs and Ethnic Conflict: Lessons from the Work of the Project on Ethnic Relations in the Balkans	Jan 07	7-33	<p><b>Keywords:</b> nongovernmental organizations; conflict resolution; mediation; ethnic conflict; Balkans</p> <p>This article examines the impact of nongovernmental organization-sponsored contact and communication on fostering peaceful solutions to ethnic conflict via case studies of the activities of the Project on Ethnic Relations (PER) in Romania, Macedonia, Montenegro, Kosovo, and Serbia. It</p>

				<p>explores five operational principles that guide PER activity: creating credible, neutral forums for dialogue; maintaining momentum; working within political realities; encouraging indigenous solutions from within existing processes; and acting with the backing of powerful states. These principles explain PER's success as a "weak mediator" of ethnic conflicts. According to this analysis, PER also exhibits organizational characteristics that contribute to success, including nonpartisanship, area expertise and extensive networks of local contacts, and an ability to secure the trust of local actors. A significant indicator of the success of PER activities is the establishment by conflicting parties of institutionalized mechanisms for addressing their differences. Contrary to the view that electoral competition contributes to conflict, this study finds that the possibility of achieving an electoral advantage by participating cooperatively in conflict resolution activities creates incentives for local actors to recognize opportunities offered by PER activities and leads local actors to heed PER's advice. Finally, the article offers a cautionary observation. While PER's perceived influence with major international actors may contribute to its local successes, once a state actor with the power to impose a solution has committed itself to ending a conflict, its preferences outweigh any local interests in determining the outcome and renders the efforts of a "weak mediator" such as PER irrelevant.</p>
Alon, Ilai and Jeanne M Brett	<a href="#">Perceptions of Time and Their Impact on Negotiations in the Arabic-Speaking World</a>	Jan 07	55-73	<p><b>Keywords:</b> negotiation; time; culture; Western culture; Arabic-speaking Islamic culture</p> <p>This article examines how perceptions of time affect Arabic-speaking Islamic negotiators and how their attitudes about time, and their corresponding behaviors, may differ from those of their Western counterparts. We begin by identifying cultural differences in the conceptualization of time and then comment on the role of time in negotiations, discussing how time influences bargaining, trust, and negotiation tactics. In the section on tactics, we discuss stall-and-delay tactics, the use of the past as an objective standard, and limits on negotiating the future. Our purpose is to encourage negotiators from the West to be knowledgeable about the way they, as well as negotiators from Arabic-speaking Islamic cultures, conceive of and use time in negotiations. We believe that understanding that the very concept of time is often quite different in these two cultures is an important step in facilitating negotiations that cross these cultural boundaries.</p>
Babcock, Linda	Dinner Parties	Jan 07	75-83	Review of David A Lax and James K Sebenius' <i>3-d Negotiation</i> :

	and Poker Games: Setting the Table, Shaping the Game, and Other Negotiation Metaphors			<i>Powerful Tools to Change the Game in Your Most Important Deals, and Michael Watkins Shaping the Game: The New Leaders Guide to Effective Negotiating.</i>
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## Summaries of Selected Articles (in date order, newest to oldest)

Title: [When Honor Trumps Basic Needs: The Role of Honor in Deadly Disputes within Israel's Arab Community](#)

Author: Doron Pely

Thesis: Drawing on existing literature, interviews and case study analysis, the author highlights the primacy of honor above "basic" needs (health and safety) and the role of forgiveness in the context of honor killings and blood feuds in Arab communities, providing insights that could have important implications for scholars and dispute resolution practitioners working within these conflict contexts.

### I. Introduction

- Abraham Maslow's (1954) theory of needs postulates that as people attend to their needs, the more basic ones, such as survival, health and safety are met first. Other higher needs, e.g. belonging, esteem, etc, will not be attended to until the basic needs are satisfied. With this, it is possible to hypothesize that disputants would be expected to deal first with the basic needs before progress would be made toward dealing with less basic needs. (Maslow 1954; Sites 1972) (206)
- However, disputants in the Arab community in Israel tend to focus more on satisfying family honor and belonging needs, as perceived by them, while ignoring or allocating secondary or tertiary place to basic survival needs and health needs, such as safety, freedom from incarceration, economic security, etc. (Dodd 1973; Elster 1990; Barakat 1993; Anonymous 2002; Lang 2002; Gellman and Vuinovich 2008). (206)
- Honor killings involve a situation in which an agnate male (relative whose relationship can be traced exclusively through males) murders a female family member to restore the family's perceived lost honor. The act of restoring the family's honor by murdering a perceived female offender demonstrates the primacy of honor needs because it often takes place with total disregard to the severe ramifications, including destruction of the immediate family unit, extended incarceration for one or more male family members, and financial hardship. (206)
- Blood feuds involve a situation in which a member of one extended family kills a member of another *hamula*, after which the victim's *hamula* seeks revenge for the damage done to their clan's honor. This puts all male members of a clan in danger because all male members are obliged to defend each other with their lives and to avenge every attack with equal ferocity to restore their damaged honor. (207)
- This questions the rationality of such actions because it appears to prioritize honor above the accepted "basic" needs. Evidence shows that the need to restore honor is clearly selected as a higher priority than the need for economic health and safety and/or obey the law. (207)
- This insight helps practitioners take a more informed and nuanced approach when working with disputants within cultures that prioritize honor so highly and find ways to take different prioritization hierarchies into account when participating in cross-cultural dispute situations. (207)

### II. Honor in Arab Culture

#### 1. Literature Review

- Many researchers have identified honor as central to Arab culture and general and the dispute resolution process in particular, with several pointing to honor as *the* core value and motivator in Arab cultures. (208)
  - Similarly, scholars have highlighted the predominance of the family, with its strong patriarchal orientation, as a central social structure in many Arab cultures. (208)
  - However, much of that literature does not examine the ramifications of the centrality of the family and the unique aspects of the clan (*hamula*) identity on the need choices of disputants and their behavior in certain situations. (208)
  - Several writers have examined aspects of Muslim and Middle Eastern traditional dispute resolution processes, particularly the inter and intraclan tradition of *sulha*. This is practiced with variations throughout the Muslim world, employing third-party interveners, called *Jaha* who use a mix of mediation and arbitration to guide the disputants through the gradual process of restoring honor. This process includes 6 stages: 1) recruiting the perpetrator's family, 2) recruiting the victim's family, 3) fact finding and negotiations, 4) determining the verdict, 5) participating in a reconciliation ceremony, and 6) participating in postceremony activities designed to ensure the durability of the agreement.
2. The Place of Honor
- Identifying key concepts of honor, family, revenge and forgiveness, placing them in their relevant culture and dispute context, and establishing the link between them are essential elements to any effort to understand how these elements express themselves and create a priority of needs that starts with honor. (209)
  - Mohammed Abu-Nimer (1996:46) linked the utilitarian use of honor to dispute resolution in the Middle East, writing: "the initiation and implementation of intervention are based on the social norms and customs of the society...These values are maintained and preserved by the disputants in their social context. Even if a dispute is over scarce resources...values such as 'honor,' 'shame,' 'dignity,' 'social status,' and religious beliefs are at stake." (203-210)
  - George Irani (1999: 9) linked constructs and their impact on disputes and the centrality of honor writing: "Clientelism and the absence of citizenship in the Western sense of the word have profound implications for reconciliation and processes of conflict reduction in the Middle East. Private justice is meted out through a network in which political and/or religious leaders determine the outcome of feuds between clans and conflicts between individuals. Ideologies of honor and shame also play a key role in this context." (210)
  - The maintenance of honor and its expression through honor killing finds itself in the legal system of several Arab countries (including Jordan, Egypt, Syria and Lebanon), where honor is viewed and used as a formal cause of extenuating circumstance in murder cases. (210)
  - The positioning of honor within Arab culture in general and within dispute resolution is not an "orientalist" artifact manufactured by "outsiders," or Western people with a view of Eastern cultures as naïve, irrational and emotive. Native and non-native scholars have identified the same constructs and analysis positions these constructs as both functional and rational. (210)
3. The Centrality of the Family

- Peter Dodd (1973:43) wrote: “The family forms the core productive unit in Arabian society, and it represents the foundation for unity in the community...If some member of the family makes a mistake, or does something shameful, this is considered a disgrace to the whole family. Therefore, the relationships between members of the family are simply relations between interconnected members of a cohesive unit...This is where the roots of the crimes of killing on the basis of honor lie. The family undertakes a crime to attempt to re-establish its perceived lost or diminished honor.” (211)
- The Arab community in much of the Middle East is structured along superextended family clan lines (*hamula*; plural *humai*), with each village or town a mosaic of large and small *hamail*). When an individual in a community commits an infraction, it is the entire *hamula* who can be held responsible and is responsible for handling the resulting situation. “The importance of the *hamula* cannot be overstated: it is the ultimate body to which members of traditional Arab society owe their loyalty.” (Nathan 2005:118). As such, the *hamula* can be both the key to resolving conflicts and the cause of the rapid expansion of others. (211-212)
- The “group” social structure together with the realities of living in close proximity creates a social topography that is conducive to out-group bias; “The mere awareness of the presence of an out-group is sufficient to provoke intergroup competitive or discriminatory responses on the part of the in-group.” (Tajfel and Turner, 1979:38) (212)

### III. The Place of Revenge

- Revenge is defined as “the attempt, at some cost or risk to oneself to impose suffering upon those who have made one suffer, because they have made one suffer.” (Elster 1990:862) (212)
- Among the Arab community of Israel, revenge is considered an organic part of life and honorable choice in disputes: “To avenge the murder of a close kinsman is honorable; to fail to do so is dishonorable.” (Lang 2002:54) (212)
- Forgiveness, the only other acceptable restoration of honor, requires the application of a highly ritualized process designed specifically to preserve or enhance the parties’ honor while substituting forgiveness for revenge. (212)
- In the West, revenge without state sanction tends to be viewed as an irrational, primitive social ill, afflicting the weak of character and countered only by forgiveness. (212)
- Alan Hamlin linked revenge and honor, with honor as “the key to understanding the pattern of approval and disapproval associated with a norm-based practice of revenge.” (Hamlin 1991: 377). This perspective is key to understanding the rationality of honor in the examined contexts: if revenge is seen as rational, and if the preservation and restoration of honor is the cultural construct designed to facilitate and enable revenge, then, it is possible to understand why the restoration of honor is seen as rational and as a basic need. (213)

### IV. The Place of Forgiveness

- In both intercommunal and intranuclear family disputes, disputants are essentially making choices that put their need to restore honor above all other needs. (217)
- In interclan disputes, society as constructed a potential alternate route to reconstitute honor through forgiveness – the *sulha*. (217)

- For internuclear family conflict between agnate relatives, society only allows honor-restoration through extreme violence. (217)

#### 1. Views on forgiveness

- Allport (1950) argues that forgiveness represents an attempt to mask our primitive urges to revenge with a veneer of civility. (215)
- McCullough (2007) argues that forgiveness is intrinsic to human nature, as natural selection has granted humans the ability to view things from other perspectives, reason about the causes of our behavior and the behavior of others, and to exert control over our natural tendencies or emotions in the service of higher ideals. (215)
- Forgiveness is a fundamental value in Arab culture (Abu-Nimer 1996), also connected to honor in the sense that forgiveness is the only action other than revenge that can redeem the honor of a disputant. (215)

#### 2. The *sulha*

- Jabbour (1993:31) explains the “*Sulha* is first and foremost based on forgiveness. If the offended side does not forgive, there will be no *sulha* and there will be no peace.” (216)
- The practical meaning of this forgiveness is 1) cessation of the conflict between the families (ie, the victim’s family ceases to seek revenge); 2) the families of the disputants may return to live in the same neighborhood and reengage in trade and other social contacts, and 3) move about without fear of belligerent acts by any side. (216)
- The *sulha* functions as a social mechanism for the promotion of forgiveness through an established series of discussions and public reconciliation ceremonies witnessed by many dignitaries who serve as communal guardians of the settlement. The public nature of the ceremony takes the dispute out of private domain and makes a formal testimony of peace as a policy between the two clans in their entirety, with the community and dignitaries as witnesses. (215-216)
- Though the *Jaha* (group of dignitaries who serve as the *sulha* committee) has the authority to impose a verdict, it usually tries to achieve the disputants’ agreement. (215-216)
- Though Sharia law based, the practitioners are not religious leaders, though religious leaders are always present at the reconciliation ceremony to symbolize the coming together of the community and to help further cement the agreement. (216)
- This forgiveness is not limited to present disputants, but covers past, present and future generations.

### V. Case Studies

- Three case studies examine the primacy of honor over those needs generally considered to be a higher priority and more rational – health, safety, freedom from incarceration, and economic concerns. (217)
- In each case, individuals act against the Western-consideration of “their own best interest” to fulfill their perceived honor-restoration or preservation needs. (218)

#### 1. Honor Killing of Nura ‘Asa’asha

- Honor kills are a special type of dispute between an agnate relative and his daughter, sister, mother or other female relative in which the only way to expunge the perceived damage to the family’s honor is through an act of severe punishment (often death). (214)

- This case demonstrates the selection of honor-restoration needs above health and safety, with Nura's father and brother risking Israeli prison, loss of family income, additional expense of the trial and legal expenses. (218-219)
  - Manar Hasan (2002) contends that "women in the patriarchal family are sacrificed on the altar of 'honor' because that has a cheaper social price tag on the family," positioning honor as a higher need than the survival needs of both men and women in the family. (219)
2. Attempted Murder of Ramzi Safia
- Dr. Salim Safia, a respected gastroenterologist from Kfar Yasif in Israel's Galilee region, went to great lengths to have his future son-in-law, a lawyer named Ramzi Safia, killed by hiring several men for allegedly making advances on Dr. Safia's wife. (219)
  - This case represents a variant on honor killing because the intended victim was a man and the protagonists in the case were in a respectable cast. (220)
  - Despite both economic and physical risks, the doctor chose the path designed to restore his own and his families honor, prioritizing honor above and beyond basic survival needs that are often regarded as instinctual. (220)
3. Blood Feud between Abdel Kader Clan and Al-Hariri Clan
- The third case study involves the history and evolution of a conflict between the *hamail*, both involved in criminal enterprise, originally from the village of Taibe. (220)
  - The first round of hostilities started in the early 1980's and continued for a decade. (220)
  - Multiple conciliation attempts have failed since then, resulting in a decade-long chain of tit-for-tat killings. (221)
  - This blood feud represents an extreme example of an interclan dispute escalated into a mutual retaliation bloodbath. (221)
  - Though the clans are not considered "respectable" people, with feud carrying an element of turf war, both observers and the disputing families themselves have admitted that most killings were carried out as opportunistic revenge assassinations designed to redeem the disputants' honor. (220)
  - Both sides are willing to put their needs for honor and revenge above another other, including health, safety, and economic needs by putting literally every member of both clans at risk of assassination and threatening their ability to move about freely, work and socialize. Unlike typical turf wars, for more than a decade the areas of operation of both clans have been different, so they do not threaten each other's economic interests, and the feud has not resulted in any significant change in economic or operational status of either family. (Ben Zur, 2006). (221-222)
  - "In societies with a strict code of honor, the ostracism suffered by a person who fails to avenge an offence can be crippling." Elster (1990:864) While sanctions, such as refusal to marry into the family, do business or even have children play together in the street, may appear minor in a Western urbanized context, the village, clan, and community are often the sole framework for social reference giving such sanctions significant weight. (221-222)

## VI. Lessons for Practitioners

- Views of Israel's Arab Community capsizes the Maslow's (1943) "pyramid of needs" and challenges many of the rational choice theories that have traditionally defined classical negotiation and mediation theory. (222)
- 1. Recognize the primacy of honor as a basic need. (222)
- 2. Work with secular and religious to find ways to provide alternate cultural and behavioral outlets to restore honor, as in the *sulha* process. (222-223)
- 3. In the case of family-honor conflict is the recognition of the need to separate disputants immediately and maintain this separation while discussion of other options takes place. This requires participation and collaboration of official and unofficial elements within the relevant area such as police, judicial authorities, social workers and shelter-providing officials, civic leaders, religious leaders, clan leaders and even local political figures with influence on offended parties. (223)

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Title: [The Morality of Bargaining: Identity versus Interests in Negotiations with Evil](#)

Author: G. Richard Shell

Thesis: In a review of Robert Mnookin's *Bargaining with the Devil: When to negotiate, When to Fight*, which addresses the basic question of when is it morally acceptable to refuse to negotiate with "devils" or certifiable "evil," followed by best practices based on IBN, including the timing of negotiations so as to not appear weak, using third party channels, managing the media, maintaining the high moral ground, rallying one's own side in a show of temporary strength and relying on moral character and moral authority as negotiation assets. Shell, considering this framework useful but incomplete, closes with an analysis including a basic decision-making taxonomy by March to create what he calls "identity-based bargaining."

#### I. The Problem of Evil

- Mnookin takes up two questions,
  1. When is it morally acceptable to refuse to negotiate with certifiably evil people (453)
  2. In such cases in which negotiations are morally permitted, or even required, what are the best practices for conducting them? (454)
- For too long, negotiation pedagogy has implicitly assumed that the decision to negotiate is a function only of interests and alternatives. But that decision is about more than just consequences, it is a form of self-expression that says something about who we are, who we are willing to be seen as, and ultimately who we are willing to become. (455)

#### II. Mnookin vs Fisher: Negotiating with the Taliban

- 2 months after the attacks of September 11, 2001, Mnookin and Fisher conducted a public debate on whether the US should have accepted a Sept 19 offer made by the Taliban to negotiate on issues of mutual interest, with Fisher saying "yes" and Mnookin "no." (456)
- Fisher's position was categorical: one should always talk if talk is possible. "The notion that negotiation is risky comes from the idea that negotiation is about making concessions. This is wrong. Negotiation is talking *and* listening, understanding what the other side wants and having a chance to persuade them" (Fisher). In other words, there is a moral duty to talk, if only through a back channel or a neutral intermediary, unless such talk is impossible. (457)

- Mnookin's response was a point-by-point, cost-benefit analysis of what the US might have achieved through any such negotiations. Based on his analysis, it was concluded that the costs and risks of negotiating far outweighed any possible benefits. He asked 5 questions, to which the answers to the last 3 made the most crucial part to his conclusions (457):
  1. What were the interests at stake?
  2. What were the alternatives to negotiation?
  3. Were there likely outcomes that would meet the interests of both parties and would any agreements to such outcomes actually be carried out? (Even if options were identified, the Taliban had proven entirely unreliable and would be neither willing nor able to implement them. (457-458))
  4. What were the costs to the US of choosing to negotiate? (the US would lose enormous credibility around the world by opening discussions with Taliban leaders- undermining our ability to assemble a coalition to fight terrorism. (458))
  5. Was the US alternative of using military force morally justifiable? (that bin Laden's declaration of war on the US, which Mnookin imputed to the Taliban as Osama bin Laden's allies, more than justified military action as an alternative to negotiation. (458))

### III. Pragmatism vs Principle

- Some argue that the word "evil" often *causes* evil acts and labeling others as "evil" allows us to switch off our natural feelings of empathy toward them and act in violent ways that we would otherwise find humanly impossible. (458-459)
- Mnookin holds otherwise, standing by his decision to side with Bush regarding the Taliban because:
  1. The Taliban were implicated in the attacks of September 11 and were "evil"
  2. His strong moral impulse was against negotiating with such an enemy
  3. His cost-benefit analysis affirmed that negotiations would have been a bad bet anyway. (459)
- When deciding whether to negotiate, Mnookin outlines four decision-making steps:
  1. "Systematically compare the expected costs and benefits."
  2. "Get advice from other in evaluating the alternatives: don't do the analysis alone"
  3. "Have a presumption in favor of negotiation, but make it rebuttable"
  4. "When deciding on behalf of others, don't allow your own moral intuitions to override a pragmatic assessment." (459)
- Underlying this set of decision rules is a set of 3 explicit assumptions about the way people process information in stressful conflict situations. These three assumptions explain the high hurdles Mnookin places before any decision refusing an opportunity to negotiate with an evil person, based around a distrust of moral intuitions:
  1. People have two fundamentally different ways of perceiving reality and making judgments – the System 1 (intuitive/emotion-laden) and System 2 (deliberative/reason-based). "The operations of System 1 are fast, automatic, effortless, associative and difficult to control or modify. The operations of System 2 are slower, serial, potentially rule-governed" (Kahneman 2002:2). (460)
  2. The operation of intuition (System 1) is subject to an especially reliable pattern of biased and distorted responses in human conflict situations. In conflict, people resort to tribalism,

demonization and dehumanization of their opponent, self-righteousness, zero-sum/win-lose thinking, fight/flight responses and literal or figurative “calls to battle” which Mnookin calls “negative traps.” “Positive traps” assume people have equally intuitive tendencies in conflict to make peace, appease others, forgive and accept fault or blame. (460)

3. Moral judgments, like “subjective impressions of all kinds....arise from the intuitive side of the brain: they are gut feelings that are instinctively reached and deeply felt.” Morality has its origins in sentiment, and as such Mnookin implies that a deliberative, purely reasoned approach to moral decision making in conflict situations is either impossible or so rare that it is not worth exploring as a special case.

#### IV. Case Studies

##### 1. Soviet Dissident Natan Sharansky vs. the KGB

- Anatoli (Natan) Sharansky was a nonobservant Jew in the Ukraine who became involved with the Soviet Zionist movement that “sought to pressure the Soviet regime to grant Jews the right to leave the USSR for Israel” during which he developed a strong Jewish identity. Shortly after marrying Natasha Stieglitz, as the leading spokesman for the Soviet Zionist movement he was seized and imprisoned by the KGB. (462)
- Shortly after his arrest, he was offered a deal: confess and condemn the Soviet Zionist movement, and he would be allowed to join his wife and immigrate to Israel. It was understood that he could repudiate his confession as soon as he left the country, however he refused this offer. (462)
- Sharansky later gave three reasons for deciding to remain in prison for 9 years:
  1. He did not want to betray his friends in the movement
  2. He thought that “collaborating” with the KGB would compromise his movement’s only asset – it’s “strong moral position” that gave people in the world a reason to concern themselves with Soviet Jews
  3. He knew that if he recanted, it would make it easier for the regime to “initiate new repression and another round of arrests.” (462)
- Sharansky relied on an “intuitive, automatic feeling” and desire “to continue being free” and “to enjoy my inner freedom in prison” as the “basis of resistance,” noting, “As a religious, rational person, I was relying on my instincts, but as a scientist I had to rationalize these instincts. I had to explain to myself rationally, why I should not cooperate with them.” (463)
- Considering Sharansky’s decision in Mnookin’s 4 step process:
  1. Thorough cost-benefit analysis: This case demonstrates the complicated, intertwined relationship between System 1 (Intuitive) and System 2 (Deliberative) mental processes. On the “benefit” side, the 3 political reasons Sharansky gave for his initial refusal to collaborate are all solid, rational reasons to resist. However, Sharansky “so completely ignore[d] his other interests” on the cost side, including freedom, joining his wife, and working to promote the movement from the outside. Mnookin postulates that Sharansky eliminated these costs in a sheer act of will, fearing they would undermine his principles. As such, he was acting on emotions related to “self-respect, moral purpose, and identity.” (464)

2. Consultation with others: Given the nature of the KGB before his arrest, it can be assumed that discussions with fellow dissidents took place as to how they should resist the KB if arrested.
  3. Rebuttable presumption: Mnookin suggests that Sharansky faced a conflict between System 2 pragmatism and System 1 principle and that he allowed his moral instincts to override a more rational cost-benefit analysis. However Shell follows that Sharansky continued to weigh, at some level, the personal and political interests in his freedom and could have concluded that his political movement would be better served by his remaining defiant. (465)
  4. Not allowing moral intuitions against negotiation overwhelm more pragmatic judgment: it can be argued that his steadfastness paid huge pragmatic dividends as it inspired a global political campaign for his release, strengthening the Zionist movement and contributing to the overall erosion of Soviet credibility.
    - Can humans have instincts that are rational and that manifest differently in matters of religion, science, and cost benefit analysis? Mnookin's association of System 2 rationality exclusively with pragmatism does not allow for such possibilities. (465)
    - Cost-benefit analysis is based on each observer's perceptions and judgment, as this case highlights the difficulties of *post hoc* evaluation in morally complex situations as it is impossible to reconstruct the actual motivations of people under extraordinary stress. (465)
2. Winston Churchill vs. Hitler
- Churchill, after discussion with his cabinet, decided to go to war against Nazi Germany rather than continue to negotiate with Hitler. (466)
  - With Lord Halifax having the strong cost-benefit argument (possible destruction of homeland by bombing and almost certain destruction of the British Army at Dunkirk), Mnookin offers 2 reasons why they chose not to negotiate;
    1. Events shifted as the war cabinet learned that Mussolini would soon be declaring war on France, undermining the idea that Italy could act as a neutral broker between Germany and Great Britain. (467)
    2. Amidst the declaration of war in France, it was perceived that any weakness on the part of Great Britain would encourage the Germans and Italians and undermine the morale in both France and Britain. (467)
  - Mnookin views Churchill's "go down fighting" attitude as crazy, arguing that a leader has no right to sacrifice his countrymen on the basis of his own moral instincts. Churchill's position as a national political leader meant that the price would be visited by his people who could not possibly be polled to gain their consent on the question. (468)
  - This case also shows the difficulty in examining cost-benefit decisions after the fact, particularly when one knows the decision worked out very well in the end. (469)
3. Rudolf Kasztner vs. Nazis
- Rudolf Kasztner was a Jewish leader in Nazi-occupied Hungary who made a deal during this occupation with SS Colonel Adolf Eichmann that saved nearly 1,700 Jews from the

concentration camps by organizing a special train for them to Switzerland in exchange for a payment of millions of Swiss francs. (469)

- In this time, he also opened talks for the possible saving of 1 million Jewish lives in exchange for 10,000 winterized trucks, however this deal never came to pass. (469)
- He also worked with a Nazi officer named Kurt Becher towards the end of the war to persuade officers at a number of concentration camps to stop the killing and surrender the camps peacefully to the advancing Allies in exchange for Kasztner promising to testify on Becher's behalf at any postwar trials – which was fulfilled and resulted in Becher escaping any punishment for war crimes. (470)
- A simple cost-benefit analysis is sufficient to show that, if he could do some good, he was justified in trying provided his efforts didn't condemn even more people to death than he was seeking to save. (470)

#### 4. Nelson Mandela

- Nelson Mandela, after 23 years of imprisonment and refusing to negotiate with the apartheid South African government, opened talks with his enemy over 5 years eventually gaining concessions leading to the fall of the apartheid regime in return for his eventual release. (471-472)
- In this instance, he both refused to negotiate with evil until the terms and context were more in his favor, throwing aside the simple-minded notion that one must either negotiate or not. The most important lessons from this case is that we must reject the foolish categorical claim that it is wrong to negotiate with an evil adversary. (473)

#### V. Identity-Based Bargaining and the Problem of Evil

- Mnookin makes three modest claims: 1) evil exists, 2) faced with evil counterparts, cost-benefit analysis may often counsel against bargaining with them and 3) there are a few, relatively rare occasions when principle alone is sufficient justification for refusing to talk to an evil counterpart. Mnookin imposes a duty to first engage on a full-fledged cost-benefit analysis to test the wisdom of one's moral intuitions, with the implicit assumption being that purely moral motivations are "intuitive" and "emotional" (System 1) while cost-benefit analysis is more fully "rational" and deliberative (System 2). (474)
- March suggests that "standard contemporary discourse [regarding rational choice], particularly in the traditions of decision theory, tends to equate reason with the logic of consequences. The idea is that a reasoning decision maker will consider alternatives in terms of their consequences for [their] preferences" (1994:100-101).
- Cost-benefit analysis is a practical model for considering and weighing alternatives in 99% of all conflicts and negotiations, even if the practitioners of utilitarian, interest-based bargaining are sometimes baffled or frustrated by people who stubbornly refuse to follow their well-meaning, common-sense advice to act rationally. The moral perspective on decision making, however, is relegated to the realm of emotion and intuition. (474)
- However, Mnookin works to address the 1% of cases that uniquely call concern with moral principles that transcend consequences, costs and benefits. Shell posits that these decisions, rather than being a contest between cost-benefit rationality and moral intuition, are contests between *rival forms of rationality* requiring a complementary framework. (475)

- March calls the logic of “appropriateness and rules” which is often recognized as the decision making mode used regarding such things as duty, obligation, and (most important) *identity* as our social roles and identities deeply affect our decision making. He maintains that decision making based on fully articulated notions of duty, obligation, and identity is no less “rational” than decision making based on consequences. (475)
- Consequentialists make two standard moves to push identity-based decision making to the side:
  1. a deep suspicion of the rationality of identity-based decision factors, typically portraying them as “unthinking and automatic,” “arbitrary” or “imposed” (March 1994:101);
    - Cost-benefit analysis requires us to engage in at least close-to-impossible mental/emotional feats;
    - anticipating the future which we all know rationally is unknowable and our bets are biased by wishful thinking, risk aversion and other unavoidable System 1 mechanisms
    - we must correctly predict how we will feel in the future once we obtain something we wanted or experience something we feared.
  2. absorbing it within their cost-benefit framework by taking identity and duty into account by listing them as being among their interests, allowing them to be part of the trade-off calculations. This does not apply to the decision whether or not to negotiate, however, because this is an all-or-nothing decisions and it will often be based on decision factors that are not (ever) subject to compromise. (476) \*Note: I find this to be invalid, based even on just the case studies provided earlier in the article, eg Nelson Mandela choosing what to negotiate on and with whom at different points in his stay in prison.\*
- Final decisions in hard cases involving war or peace, prison or freedom, or life and death should be made not by favoring rational cost-benefit analysis over moral intuitions, but by engaging in *two different kinds* of rational thinking. (477)
- Thus, Mnookin’s 4 rules need to be supplemented (perhaps to Rule 3 as constituting acceptable grounds for “rebutting the presumption” or Rule 4 regarding the “cost of resistance”) to include an additional test that would assure people confronting evil behave “rationally” not only as cost-benefit analysts but also as identity-based decision makers.
- Shell suggests 6 additional questions that might be included:
  1. Is the sense of duty, obligation or identity a deeply felt, authentic aspect of one’s self, legitimately connected to profession, family, religious faith, national identity or other social group?
  2. Does this sense of duty, obligation or identity stand up to a reasoned challenge to the legitimacy of the social group I feel connected to? Is this group honorable or evil, racists, or dedicated to harming others without justification?
  3. What does a reasoned analysis of the history and past encounters with similar situations suggest about duty in this case?
  4. Are there competing duties, obligations or identities to consider in reasoning whether or not to negotiate?
  5. Would duty, obligation or identity be compromised by speaking with and listening to the adversary, even if all material points of dispute are not compromised?

6. Are third-party negotiations possible that would not, if revealed, compromise duty, obligation or identity.

#### VI. Beyond *Getting to Yes*

- *Getting to Yes* implies that we should always negotiate if there is even a remote chance that we could gain something from engaging in dialogue with our enemies, offering a “principled” approach for conducting the negotiation process. (479)
- Mnookin suggests a theoretical exception to that approach when our adversary is evil; sometimes it is wrong to negotiate even if we have something to gain from doing so, presenting principles for deciding whether, in morally compelling situations, we can walk away from negotiation altogether. (479)
- *Bargaining with the Devil* raises a whole new set of questions, including; what role, if any, does identity-based bargaining play in the toughest negotiations? Do moral rules that transcend utilitarian cost-benefit analysis have a role beyond the usual “bargaining ethics” aspects of conflict resolution? Should experts in interest-based negotiations spend more time studying the origins of obligation, duty and identity as sociological, anthropological, and historical aspects of conflict? And should they treat these factors as distinctly different from conventional “interests?” (479)
- Finally, moving beyond the IBN tactics, Mnookin establishes a roadmap to best practices, strategies, leverage dynamics and psychological variables that practitioners can use when negotiating with true “devils.” These include: timing negotiations so they will not be mistaken as signs of weakness, using third-party channels, managing the media, maintaining the moral high ground, rallying one’s own side in a show of temporary strength, and relying on character and moral authority as negotiation assets. However, the frameworks are incomplete for truly tough negotiations with the likes of the Taliban.

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Title: [Predicting Competitive-Unethical Negotiation Behavior and Its Consequences](#)

Authors: Roger Volkema, Denise Fleck, and Agnes Hofmeister

Thesis: This study examines the relationships between negotiators’ attitudes toward competitive and unethical tactics, their actual use of those tactics, and their subsequent perceptions of performance and reputation in two-party, email-based negotiations. The results indicate several predictors of competitive-unethical tactics, including a negotiator’s attitude toward competitive-unethical tactics, early use of competitive-unethical tactics, and the behavior of a negotiating counterpart. Furthermore, it was the perceived honesty of one’s counterpart rather than the actual use of these tactics that was associated with a negotiator’s perceptions of the collective or joint outcome.

#### I. Ethics and Information Sharing in Negotiations

- Negotiators may employ tactics designed to gain an advantage in a negotiation, including false promises and misrepresented information, to create a sense of rapport and trust that will lead the target party to reveal confidential information. This deception can be difficult to detect, requiring an ability to discern and integrate a number of behavioral cues and contextual factors (Vrij 2000; Vrij and Mann 2004). (264)

- Several potential predictors of competitive and unethical (C-U) behavior have been suggested, including:
  - o Economic and performance pressures on the negotiator
  - o Demographic or cultural characteristics, including the lack of salient standards or a sanctioning system
  - o A counterpart's reputation for benevolence or dishonesty
  - o The medium employed, that is, media with low to moderate information richness, such as e-mail, producing lower levels of pre-negotiation trust than face-to-face encounters. (265)
- This article reports on a study of negotiators' attitudes toward C-U tactics and the affect of those attitudes on initial and overall behavior of participants in a two-party, e-mail based negotiation. In addition, the relationships between C-U behavior and perceptions of performance and honesty/reputation are examined.

## II. Background and Hypotheses

- Following the work of Sissela Bok (1978) and others, Roy Lewicki (1983) developed a typology of questionable or unethical tactics consisting of 5 categories: traditional competitive bargaining, information misrepresentation, bluffing, questionable information collection, and influencing a counterpart's professional network. (256-266)
- In a meta-analysis of other studies, Min-Sun Kim and John Hunter (1993) found statistical support for linkages between attitudes and intentions, attitudes and behavior, and intentions and behavior for a cross-section of choices. Cases in which an individual's actions fell within his/her control, intentionality was also found to be a significant mediating variable between attitudes and behavior. (266-267)
  1. Hypothesis One: The more appropriate a negotiator perceives the use of C-U negotiating behaviors to be, the more competitive and unethical behaviors she/he will employ. (267)
  2. Hypothesis Two: The more appropriate a negotiator perceives the use of C-U negotiating behaviors to be, the more likely the negotiator will be to employ one of those behaviors in an initial message. (267)
  3. Hypothesis Three: The more appropriate a negotiator perceives the use of C-U negotiating behaviors to be, the fewer exchanges will elapse between his/her counterparts initial C-U behavior and the negotiators C-U response. (268)
  4. Hypothesis Four: the more a negotiator employs C-U behavior in a negotiation, the more frequently his/her counterpart will employ C-U behavior. (268)
  5. Hypothesis Five: The earlier a negotiator employs C-U behavior in a negotiation, the more total C-U behaviors he/she will use during negotiation. (268)
  6. Hypothesis Six: The more a negotiator employs C-U behavior in a negotiation, the less honest he/she will be perceived to be by his/her counterpart. (269)
  7. Hypothesis Seven: A negotiator will perceive himself/herself more honest than his/her counterpart when it is the counterpart who *initiates* the C-U behavior in a negotiation. (269)
  8. Hypothesis Eight: The greater a negotiator perceives the collective honesty of the parties in a negotiation, the greater he/she will perceive the joint outcome to be. (270)

9. Hypothesis Nine: The greater the actual collective use of C-U tactics in a negotiation, the smaller a negotiator will perceive the joint outcome to be. (270)

### III. Methodology

1. Participants: 66 graduate students from two businesses negotiation courses with a mean age of 25.6 years and 60.6% male. (270)
2. Procedure
  - The parties were asked to negotiate 7 issues: cost per square meter, duration of lease, advanced payment, renovations, furnishings, utilities, and parking space. (271)
  - All negotiations took place via e-mail. (271)
3. Variables and Analysis
  - To test hypotheses One through three, the attitudes of the participants toward various negotiation tactics were measured. The questionnaire focuses on 18 tactics that represent a range of behaviors from competitive bargaining behaviors to more questionable tactics such as misrepresenting information and manipulating another party's professional network. (272)
  - The C-U tactics actually employed by the participants were identified by 3 individuals who were asked to identify four tactics: exaggerated offers, misrepresented information, pretending not to be in a hurry, and making promises that could not be kept. These four represent 3 of the 5 categories of C-U tactics identified by Lewicki and Robinson (1998): competitive bargaining, misrepresenting information, and bluffing. (272-273)
  - The number of C-U behaviors (Hypotheses One, Four to Six and Nine) was the sum total of uses of these four behaviors by a negotiator. (273)

### IV. Results

- In this analysis, the independent variables were: attitude toward C-U tactics (ie perceived appropriateness), the party initiating the C-U behavior, and counterpart's use of C-U behavior as well as pair-wise interaction effects. The dependent variable was the number of C-U tactics employed. (276)
- 2 independent variables – an individual's attitude toward C-U tactics and the interaction of an individual's attitude toward behaviors and his/her counterparts C-U behavior - were found to be significant predictors of use. The interaction term suggests that attitude and reciprocity can be particularly potent combination, as the more appropriate a focal negotiator perceived the use of C-U tactics and the more such tactics were employed by his/her counterpart, the more C-U tactics the focal negotiator employed. (276)
- At least one of the two parties used a C-U behavior in 31 (93.9%) of the 33 negotiations. (273)
- In 22 cases (66.7%), both parties used C-U behavior. (273)
- The most commonly used tactic was misrepresenting information (25 times by Logan Telecom reps, 22 times by RJW reps), followed by exaggerating an offer or demand (10 times by Logan Telecom reps, 15 times by RJW reps). Reps from both sides employed C-U tactics in *initial* messages 10 times. (273-274)
- The focal negotiators' attitudes toward C-U tactics were found to be predictive of their actual use of such tactics. (274)

- The earlier that C-U tactics were employed, the more it amplified the overall use of such behavior. (276)

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#### V. Discussion

- The best predictor of C-U behavior was the interaction between the attitude of a focal negotiator towards C-U and the behavior of his/her counterpart. The more appropriate a focal negotiator perceived C-U tactics to be and the more his/her counterpart employed these tactics, the more the focal negotiator employed such tactics. (279)
- The significant interaction effect suggests that situational factors (ie counterpart's behavior) can fuel a negotiators behavior, ethical and unethical, consistent with what has been predicted by others (Trevino 1986, Volkema and Fleury 2002). (279)
- Focal negotiators appear to have discounted their own C-U attitudes and behaviors, attributing consequences to perceptions of a counterparts' C-U behavior, which likely triggered comparable behavior. This is consistent with the tendency of individuals to attribute success to internal factors and failures to external ones. (280-281)

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Title: [Reframing Sacred Values](#)

Author(s): Scott Atran and Robert Axelrod

Thesis: Sacred values differ from material or instrumental values in that they incorporate moral beliefs that drive action in ways dissociated from prospects for success. Understanding an opponent's sacred values offers surprising opportunities for breakthroughs to peace. Empirical findings and historical analysis suggest that offering to provide material benefits in exchange for giving up a sacred value actually makes settlement more difficult because people see the offering as an insult rather than a compromise, but rather making symbolic concessions of no apparent material benefit might open the way to resolving seemingly irresolvable conflicts.

#### I. Conflicts that Appear Intractable

- Across the world, people believe that devotion to essential or core values are or should be absolute and inviolable, with deeper "cultural" values bound up with people's identities often trumping other values, particularly economic ones (Carmichael et al, 1994). (222)
- Differences in sacred values are an important part to any fundamental political disputes and tend to make such disputes much harder to resolve. (223)
- Appeals to sacred values can motivate both war and peace. The issue for conflict resolvers is to determine how sacred values appeal to war and how they can be reframed to appeal to peace. (224)
- This analysis begins with the interest-based approach (a la Fisher and Ury). While the importance of framing is well recognized in the negotiation literature, little is written on how the process actually works. This essay seeks to fill that gap by analyzing how one frame can displace another. (222)
- Empirical findings and historical analysis suggest that conventional wisdom is wrong, and that offering to provide material benefits in exchange for giving up sacred values actually makes

settlement more difficult because people see the offering as an insult rather than a compromise. Leaving issues related to sacred values for last only blocks compromise on otherwise mundane and material matters. (223)

- This approach suggests that a creative reframing of these values may often allow symbolic concessions that can help resolve long-standing disputes, be they religious, ethnic, or cultural. (224)

## II. Rational versus Devoted Actors

- Rational actor models have always had serious deficiencies as general models of human reasoning and decision making because human behavior can never be reduced to purely rational calculation. (224)
- Now there is the rise of “*devoted actors*,” such as suicide terrorists, who are willing to make extreme sacrifices that are independent of, or seem all out of proportion to, likely prospects of success. This is most evident in conflicts based in cultural and religious opposition rather than those based primarily on political competition for resources. (224)
- Efforts to resolve political conflicts or counter political violence are still often based on the assumption that adversaries make rational choices, with such assumptions prevalent in risk assessment and modeling by foreign aid and international development projects and by American diplomatic, military and intelligence experts. (225-226)

## III. Sacred Values

- Sacred Values are moral imperatives that seem to drive behavior independently of any concrete material goal, often based in religion or a transcendent core secular value such as the importance of individual morality, fairness, reciprocity, and collective identity. These values will often trump economic thinking or considerations of *realpolitik*. (226)
- Devotion to some core values may represent universal responses to long-term evolutionary strategies that go beyond short-term individual calculations of self-interest but advance aggregate and long-run, e.g. devotion to children, to community, or sense of fairness. (226-227)
- Others are particular to specific societies and historical contingencies, e.g. sacred status of cows in Hindu culture as or Jerusalem in Judaism, Christianity and Islam. (227)
- Political leaders often appeal to sacred values as a way of mobilizing their constituents to action and as a least-cost method of enforcing policy goals. (227)
- Even apparently “irrational” behaviors arguable reflect “rational” calculations of the holdout’s long-term interests, however incomprehensible those interest appear to others. (227)
- While sacred values can be exploited by politicians for their own material interests or some future gain, the seeming intractability of certain political conflicts and the reality of violence associated with these conflicts such as suicide bombings compels negotiation scholars and researchers to pay greater attention to the nature and depth of peoples’ commitment to sacred values. (227-228)

## IV. Apparently Irrational Conflict

### 1. “Who We Are”

- One reason resource-deficient revolutionary movements can compete with much larger armies and police forces is the willingness of members of these movements to delay gratification and sacrifice themselves for a greater cause. Matters of principle, or “sacred honor,” are enforced to a degree far out of proportion to any individual or immediate material payoff when they are seen as defining “who we are.” (228)
- It is this identity that is often so hard for members of one culture to understand regarding another. Nevertheless, understanding and acknowledging other peoples’ values may help to avoid or resolve even long-standing and deep-seated conflicts. (230)
- For example, “ping-pong diplomacy” between the US and China. While in the US, ping-pong is considered a basement sport, in China table tennis is a sport of national prestige. So, at little cost to itself, the US was able to provide something of great symbolic value for the other side by allowing China to win several matches against the American table tennis team in 1971, contributing to a historic breakthrough in Sino-American relations during the Cold War. (230)
- The recognition of one another’s sacred values is not a transparent process, even for allies or members of societies seemingly similar in other ways. Recognition and showing respect for another’s core values is easy or even possible only if doing so does not entail compromising one’s own core values. (231)

## 2. Moral cause

- To study possible trade-offs between sacred values and material rewards, in 2005 families and supporters of Palestinian suicide bombers were asked about the amount of compensation that their society should give to the family of a suicide bomber. It was found that willingness to allow compensation decreased as the amount offered increased: one hundred thousand dinars is significantly less acceptable than ten thousand dinars, and one million dinars is much less acceptable. Follow up interviews point to a willingness to accept minimal compensation for loss of a family member or one’s home. (229)
- Nevertheless, Palestinians see more substantial payments to families as unacceptable, even disgusting, because they would create the impression that the martyr had acted as a materially calculating actor rather than as a martyr devoted to a moral cause. (229)

## 3. Moral framing

- >1200 Palestinians in the West Bank and Gaza were surveyed to find differences between those Palestinians who refuse political compromise because they believe it violates sacred values versus those who do not. Both groups overwhelmingly support suicide bombings that may include killing civilians. (229)
- Each group was given a hypothetical choice to delay a suicide bombing to save the lives of an entire Palestinian family or to delay a suicide bombing to save only the sick father. Palestinians who do not consider political compromise to violate sacred values expressed the rational preference of trading off an obligation for the sake of the entire family rather than for the father alone. By contrast, the sacred values group was more likely to express willingness to delay the suicide bomb only if the sick father would benefit rather than to save the lives of an entire family, including the father. (229)

- This highlights moral framing. When considering delaying a martyrdom mission in order to help the sick father, the trade-off is allowed within an overarching moral of social duties and (material) attempts to balance duties. But when considering delaying a mission to save one's own family from retaliation, only the bombing mission itself falls within the moral frame of duty, and avoidance of retaliation is considered a cowardly and immoral act. In this case, the higher the costs, the less likely there is willingness to compromise in the performance of duty. (229)

#### V. Symbolic Concessions

- To measure the emotional outrage and propensity for violence, the research team asked about various peace deals involving compromise over issues integral to the Israeli-Palestinian conflict using 3 samples from the West Bank and Gaza: 1) 535 Palestinian refugees, 2) 719 Palestinian students, and 3) 601 Jewish adult settlers residing in the West Bank and Gaza. The proposed compromises were exchanging land for peace (asked of settlers), sovereignty over Jerusalem (asked of students), the right of Palestinian refugees to return to their former lands and homes inside Israel (asked of refugees), and recognition of the validity of the adversary's own sacred values (asked of all 3 groups). Material incentives were proposed, such as significant payments to individual families, credible offers to relocate or rebuild destroyed infrastructure, etc. (231)
- It was found that material offers to promote the peaceful resolution of political and cultural conflicts backfire when adversaries consider contested issues to reflect sacred values and are perceived as insults. (231)
- Also found symbolic concessions of no apparently material benefit might open the way to resolving seemingly irresolvable conflicts. (231)
- In rational-choice models of decision making, something as intangible as an apology should stand in the way of peace does not readily compute. (232)
- Recognition of sacred values will not lessen tensions if it is perceived as half-hearted or insincere. (233)
- Symbolic gestures do not always stand alone, but rather often help to recast a moral frame that determines the scope and limits and possible material transactions and negotiations. A closer look at apologies in political conflicts indicates that concessions may not be so much deal makers in themselves but more a means of facilitating political compromise that may also include significant material transactions. (233)
- For example, from February to March 2007 discussions with leaders of Hamas in Damascus and Gaza, Fateh in Ramallah, and Israel in Jerusalem and Tel Aviv on issues of material trade-offs and symbolic concessions showed that leaders responded in the same way as their publics, except that for leaders symbolic concessions were not enough in itself but a necessary condition to open serious negotiations involving material issues as well. (234)

#### VI. Overcoming Sacred Barriers

- Sacred values usually become highly relevant and salient only when challenged with direct threats to a community's sacred values are most apparent when different moral communities come into conflict. (235)

- Such conflict becomes so intense as to appear irresolvable when different communities frame values to seem incompatible with the other when applied to the here and now. (235)
1. Refine Sacred Values to Exclude Outmoded Claims
    - Talks with leaders from both Hamas and Israel indicate awareness that their current positions involve outmoded and historically inaccurate claims. They also acknowledge that were the other side to renounce such blatant falsehoods, this could lead to a psychological breakthrough. (235)
    - Overcoming historical precedents and emotional barriers to renouncing even patently false claims, however, may require neutral mediation by those who understand both sides. Even then, it takes time. (235)
  2. Exploit the Inevitable Ambiguity of Sacred Values
    - Reframing values may require creative ambiguity and involve asymmetry in the way each side perceives the reframing. (235)
    - People often apply the “same” sacred values in different ways, which facilitates creative use of ambiguity. For example, many Americans consider “equality” to be a core value. Historically, though, popular and legal notions of equality have varied considerably and continue to do so. (236)
    - Religious values are particularly open-textured in this way, however much people believe their interpretation to be the only literal or right one. (236)
    - For example, for both Israelis and Palestinians, “The Land” is sacred, with Jerusalem at its center. If Palestinians, who simply refer to Jerusalem as “The Holy” (*Al Quds*) can reframe their idea of the city to include on its Arab suburbs and part of the Temple Mount (*Haram Al-Sharif*), then Israel might be willing to accept the Palestinian capital there. Constructively reframing the issue of Jerusalem in this way need to call into question “the strength of attachment” to the sacred value of Jerusalem. (236-237)
  3. Shift the Context
    - One way leaders can navigate through the muddle of meanings that attend sacred values is to shift the context so that the one sacred value becomes more relevant than others in a specific context. (237)
    - For example, Sheikh Hassan Yousef said about suicide bombers: “Suffering and humiliation make it understandable, even animals defend themselves to the death. But God created people to live, not to die. We have to find an exit. We need a dialogue of civilizations, not a clash of civilizations.” This appeals to our common understanding of humanity as being equal to, or greater than, Islamist calls for martyrdom. (237)
    - These priorities can change with changing circumstances, showing the paradoxical nature of sacred values, ‘eternal’ and morally absolute, yet widely open to interpretation. (237)
    - One way to shift context is to change a value’s scope from the here and now to an indefinite time in the future. (238)
  4. Provisionally Prioritize Values
    - Fulfilling one sacred value may require delay in achieving others. For example, Israeli leader David Ben Gurion was willing to accept a partition of Palestine that left Israel without control over historical Judea or Jerusalem in order to attain statehood. Later in life, Ben Gurion

argued against settlement in the West Bank and Gaza, suggesting that prioritization of current values may allow for a change in the scope of values over time. (238-239)

- In another example, Hamas' Ghazi Hamad noted that although Hamas may continue to call to an end to Israel, a Hamas-led government could officially acknowledge Israel if a majority of Palestinians expressed this desire through popular referendum. "There is a difference between a political party's principles and obligations of a government." (239)
  - The pragmatic prioritization of one value over another, however provisional to begin with, may facilitate a more permanent realignment of values. (239)
5. Demonstrate Respect Where Possible
- One way to demonstrate respect for the other side's sacred values is to avoid insulting the other side with offers to buy off their core values with money, as this can backfire and actually increase moral outrage, disgust and propensity for violence. (239)
  - Another relatively low-cost way to show respect for other's values is to find things that mean much to the other side but little to one's own side. I.e., "ping-pong diplomacy" that the US demonstrated towards China with respect to Chinese sensitivity about receiving equal treatment on the world stage. (239)
  - Still another way to demonstrate respect for the "who we are" aspect of a sacred value is to use the other side's preferred name: for example, the People's Republic of China rather than "red China," Israel rather than "the Jewish entity," or the Palestinian people rather than "Palestinian Arabs." (240)
6. Apologize for What You Sincerely Regret
- An apology should be consistent with one's own core values while simultaneously demonstrating sensitivity to the values of others. (240)
  - An apology viewed as insincere can make matters worse, and a qualified apology can be seen as worse than none at all. (240-241)
  - Without acceptance of responsibility, apologies may not work. (240)
7. Reframing Responsibility
- In the Winter 2008, Israel was unable to prevent numerous rocket attacks coming from the Gaza Strip, challenging both its sovereignty and honor. The Israeli government had a choice about whom to hold responsible, choosing a frame that held Palestine as a whole responsible for what any of their factions did. Framing the situation this way had the advantage for Israel of putting pressure on Hamas not only directly but also indirectly through Fateh. (241)
  - Alternatively, Israel could have reframed the situation so as to hold only Hamas (and its allies in Gaza) responsible, which would have forgone whatever leverage Fateh might have had over Hamas but have the advantage of sustaining the understandings with Fateh that led to a relatively low level of attack from the West Bank. (241)
  - In general, the choice of how to frame responsibility for an action from the other side is implicitly a matter of strategic analysis even more than a question about which frame is more accurate as a description of who caused the action to be taken. (241)

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Title: [Perceptions of Time and Their Impact on Negotiations in the Arabic-Speaking Islamic World](#)

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Thesis: Negotiation is temporal in at least two important ways; as a part of the process and as a tool to be manipulated as a tactic. The idea of time is culture-dependent and varies in important ways between Western and Arabic-speaking Islamic, in that 1) time is conceived between the earthly versus heavenly domains, 2) time is event rather than time based. This impacts both how Arabic-speaking Islamic negotiators view their rushed Western negotiating partners as well as how the Western negotiators can use Arab-speaking Islamic views of time to their benefit in negotiation.

## I. Concepts of Time

### 1. Earthly vs Heavenly Domains

- Time as conceived in Arabic-speaking Islamic culture integrates the domains of man's earthly existence, which has a beginning (birth) and an end (death), and a man's heavenly existence (*dahr*), which does not. (57)
- These two domains are mutually influential: from the heavenly to the earthly by revelation, reward, retribution, and from the earthly to the heavenly by faith, duties, and rituals. Moreover, the two domains share temporal units, sometimes in a fixed ratio to one another: one earthly day equals 50,000 days (Quran 2:85) in heaven (Quran 32:4-5, 70:4-5). (57)
- In Islam, the heavenly domain dominates the earthly domain: believers must act with the knowledge that they will stand trial on Judgement Day. (57)

### 2. Event Time vs Clock Time

- Like many other non-Western cultures, Arabic-speaking Islamic culture is more event-time oriented and less clock-time. In event-time cultures, events schedule people. (58)
- Pierre Bordieu (1963) described event-time in the Arab world as follows: "There are not precise hours for meals; they are eaten whenever preparation is complete and eating is leisurely. The notion of an exact appointment is unknown; they agree only to meet 'at the next market.'" (58)
- Because modern organizations and states can no longer function efficiently in a globalized, digitized, industrial world on event-time alone, the attitude has begun to change in the Islamic world. (58)

## II. Impact of Conceptions of Time

### 1. Bargaining

- The Western public, by and large, is not very comfortable with bargaining which is viewed as an inefficient means of decision making and by negotiation theorists both as a reason why negotiations fail and as the manifestation of a "fixed-pie" mentality and thus of a failure to create value in negotiations. (58-59)
- In Arabic-speaking Islamic culture, bargaining is not viewed as inefficient, but rather as a trust-building mechanism, whose essence is its lengthiness (Khouri, 1968). A Syrian proverb encourages bargaining yet emphasizes trust: "Haggle as smartly as you wish, but do not cheat on the scales!" (59)
- Bargaining culture obeys a strict set of temporal rules: like a conversation, it is conducted in turns, perhaps initiated by the buyer in a commercial transaction, usually in the form of the question, "How much?" Afterwards a series of offers and counteroffers is conducted both verbally (with quoted prices) and nonverbally (the buyer walks away until the seller makes a unilateral move). (59)

- Another temporal rule of bargaining in Arabic-speaking Islamic culture is that the length of the bargaining is proportional to the value of the commodity (Khouri, 1968). (59)
- You will know when trust is established when your partner starts asking for things, and may not necessarily engage in reciprocity until an event is created (like walking away from a seller in an Arab *souk*). (60)

## 2. Building Trust

- In Arabic-speaking Islamic culture, speed and trust are seen as contradictory. Trust and trustworthiness are qualities that are held in great esteem and not easily earned but rather must be built gradually. (60)
- In post-Gulf War I negotiations with the Kuwait Oil Company (KOC), one consultant describes the process over time as follows: "Embedding a negotiation in a series of repeated dealings can induce trust in the relationship. In the KOC negotiation, the process was broken down into many meetings or stages...this meaningful repetition was conducted over a fairly lengthy period of fifteen weeks so that by the end of the entire negotiation process each side was satisfied they had negotiated in good faith and could report with reasonable certainty to their owners that they had achieved the best deal possible for their respective companies." (60-61)
- Conversation in the Arabic-speaking world followed strict conventions with regard to the length of statements, order of speakers, and use of language and quotations. Westerners may mistake such conversations for empty, time-consuming small talk, but in Arabic-speaking Islamic culture, such conversation may serve to consolidate knowledge about the extent to which the other follows the conversation protocols and therefore is or is not to be trusted to follow other protocols. (61)
- One rule, which applies especially in formal statements, requires that speakers open with the *basmallah*, or verbal formula that states everything that follows is done in the name of God, which can sometimes be rather prolonged. (62)
- In many quarters of the Arabic-speaking Islamic world, "the worst discourtesy [is]...to come to the point and express oneself in as few words as possible" (Bourdieu 1963: 58). (62)

## III. Time as a Tactic

### 1. Stalling and Delaying

- The Western culture clock-time perspective encourages actions such as negotiation or litigation; while the Arabic-speaking Islamic culture's orientation toward event time may encourage inaction. This may stem in part from Islam's basic belief that time is on its side, both universally (because God will turn the entire world Islamic) and individually (because he has promised a future reward, sufficient for satisfaction) (Quran 93:5). (62)
- Because a believer's time is not restricted to this world, but shares in eternity, negotiations may be unnecessary (Naufal 1996) because eventually God will provide an intervening event. (62-63)
- Time can be used as a negotiation tactic in two ways: one can delay and/or can patiently absorb a delay or let one's opponent wait. When dealing with Westerners, these tactics of stall and delay are sometimes calculated to take advantage of the proverbial Western short patience and tendency to reach hurried decisions (Goldman and Rojot, 2003). (63)

- The countermeasure to stalling and delay is patience, which in Arabic-speaking Islamic culture is a most important asset. Patience enables the negotiator to resist making concessions on matters of substance because he or she is feeling time pressures. Patience is prized especially by the religiously devout: as the truest waiting in Islam is that for the world to come, any other waiting shrinks to insignificance. This value, *Sabr*, arises from the strong belief that time works for the believer and suggest the importance of perseverance against adverse circumstances. (63-64)

- Westerners are not expected to respond with the same degree of patience as Arabic-speaking Islamic negotiators when faced with these tactics, thus giving the Arab negotiator a possible edge. (64)

- Winning in haste is inferior to losing slowly or patiently. (64)

- Deadlines and ultimatums can be used to limit the use of stall-and-delay tactics, but they are not well received among Arabic-speaking Muslims, given the event-time orientation of their culture. Nevertheless, deadlines and ultimatums have been used: the very early Caliph Umar recommended that a time limit be set by the judge for producing evidence (Hamidullah 1956). (64)

## 2. Using the Past as a Standard

- In negotiations in Arabic-speaking Islamic culture, historical precedents are widely used, sometimes even to achieve two opposing negotiation goals. (64)

- Western culture negotiators focus on the future more than negotiators from other cultures who rely more on precedent and rules of past action. (65)

- In Arabic-speaking Islamic culture, the past is often glorified, and with a few rare exceptions, the older is of greater value than the recent, not only with reference to the Prophet Muhammad, but also to his companions and their followers. Perhaps the clearest and strongest manifestation of this traditionalist perspective that emphasizes using the past as a standard is the requirement of Muslims to model their behavior and worldview on those of the Prophet's (*Uswah*) in the minutest matters (Quran 33:21). (65)

- Another important manifestation of Islam's emphasis on the past is the only legitimate legal methods are those that respect the authority of the past. The source of legal rulings that the Islamic lawyers may use are the Quran, the *Sunnah* (ie the corpus of utterances and actions by the Prophet Muhammad), analogy, unanimous agreement by the whole community (*ijama'*) and finally discretionary reasoning (*ijtihad*) in that order (Schacht, 1960: 1026-1027). (65-66)

- Thus, in negotiations, it is important to develop a knowledge of history relevant to the particular negotiation both before and during and incorporate the past into discussions of the future. This can be done by referring to Islamic historical, legal and literary precedents, models, and texts. Acquaintance with Islamic history and law may, therefore, be important for conduction any degree of successful negotiations with members of Arabic-speaking Islamic cultures because when one acknowledges and shows respect for the past, one's arguments carry more weight. (66)

## 3. Looking Toward the Future

- Negotiating about the future in Arabic speaking Islamic culture is problematic because human actions run the risk of interfering with God's plans. Discussion of the future is possible only if negotiations are focused on intentions rather than results. (66)
- Avoid prediction and the setting of conditions or contingencies based on future events. (67)
- However, promises are recognized in Islamic culture and their keeping is required, as God never fails to keep his (Quran 22:47). (66)
- In practice, oral commitments that extend for a period beyond a week are not as firm in Arabic-speaking Islamic culture as Westerners would consider them because they are frequently accompanied by the phrase "*in sha'a Allah*" ("If God Wills"). Threats, or negative promises, are more frequently accompanied by the phrase "*ana wa-iyyak wal-zaman tawil!*" ("I and you, and time is long!") which denotes a timeless commitment. (67)
- Intention is critical in Islam: it is acknowledged and authorized by the law and is the basis for how God is believed to judge man. In theory, one is required to utter *in sha'a Alla* for any future action, however oaths and vows are more acceptable utterances about the future than others and the phrase can be omitted. If the intention of the person making the vow is to obey the duty to add the expression whenever the future is addressed, then not fulfilling it is pardonable. If, on the other hand, his or her intention is to avoid fulfilling it, then this is punishable (Shafi'I 1982; vii, 65). (67)

#### IV. Bridging the Gap – Recommendations

##### 1. Spend extra time preparing for cultural differences.

- In addition to standard preparation (BATNA, etc), collect as much information as possible about the party at the table ahead of time, ie does the other party have the authority to make a commitment or acting as an agent, negotiation experience in or with the West, talk to someone who has negotiated with this person in the past if possible. (69)
- Learn enough about Islamic and Arab culture to have a genuine appreciation for the events of the day (prayers), a week (holy days), a month (high holy days), and historical precedents that might be relevant to your negotiation. (69)

##### 2. Commit the time to building and to maintaining relationships.

- Plan to engage in casual conversation to begin the relationship-building process, but be sure to check with your cultural expert which topics are appropriate for conversations. (69)
- Mr. G, a Middle Eastern regional manager for a Swiss chocolate producer said, "it would be regarded as arrogance and may seriously damage a relationship if one focuses too much on business and too little on the person." (69)

##### 3. Plan your actions according to clock time, but allow for wide margins to accommodate for event time.

- Refrain from automatically interpreting time behavior as a deliberate offense. (69)
- Never make concessions because of time pressure. (69)
- Avoid committing to a tight time schedule in the first place, and work with your cultural expert about what auspicious events may be occurring at the same time as the negotiations to serve as milestones for progress. (69-70)

- For example, the onset of Ramadan has motivated the finalizing of negotiations with a Saudi partner, or the success of the democratic elections in Iraq seemed to spur an Iraqi partner to ask for a final contract. (70)
4. Prepare argumentation in advance, use precedents, models, and history.
    - Western culture may use precedents or past practice to justify a position in negotiation, however the preferred style seems to be reference to alternatives. (70)
    - In contrast, Arabic-speaking Islamic culture is more likely to rely on precedents, history, metaphors, and models. (70)
    - Arrive prepared with a few precedent setting tales of your own. (70)
  5. Try to avoid language that might suggest that the parties have full control over future events.
    - Use deterministic not probabilistic language. (70)
    - Avoid trying to negotiate contingencies based on the likelihood of future events, as such eventualities are view as in God's hands. (70)
    - For example, instead of saying "Because we both expect higher volumes this year than last, we expect you will benefit from a 10% price reduction next year," you might say "God willing, we will grant you a 10% price reduction in year two, if, with God's help, your volume this year exceeds last year's. (70)

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