

Negotiating Learning Environments

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***Editors' Note:** Why doesn't negotiation teaching model negotiation more often? The authors argue that negotiation teachers are missing an extraordinary opportunity to educate when they don't allow students to negotiate elements of the course itself. They argue that other factors need to be emphasized more strongly, too. These include clear and performance-based goals tailored to the particular group of students; a sequence of learning activities specifically tailored to those goals; and development of self-reflective skills, so that students will be encouraged and enabled to apply what they have learned, as well as to continue learning on their own.*

Introduction

Adults who study negotiation at the graduate and post-graduate or continuing education level typically do so for a practical reason: they have a professional and/or personal need to improve their negotiation skills. Like other adult learners, these students develop interest in the subject from the tasks and problems they encounter in everyday life. They often bring rich experience to bear on the new material presented, and they are motivated to learn things that they can

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productively transfer to their lives outside the classroom (Knowles, Holton, and Swanson 2005).

A top-down, hierarchical approach to teaching – the traditional university model of the teacher as repository and conveyor of knowledge – is unlikely to appeal to such students because it encourages passivity, dependence and, ultimately, withdrawal on the part of would-be learners.¹ In addition, in its undiluted form, it presumes certainty about what it is that needs to be taught. As Brazilian educational theorist Paolo Freire put it, “[W]e start giving answers to [students] before they have the questions” (Freire 1986, quoted in Christensen 1991: 163). Adult learners, by contrast, respond to an environment in which they are active participants in structuring their own learning, in terms of subject matter, pacing and goals (Knowles, Holton, and Swanson 2005).

What are the features of an environment conducive to adult learning? Giving students an active role may involve using learning contracts, by means of which students set their own goals and terms of engagement in a course; a mid-course evaluation of how well those commitments are being fulfilled and reflection on whether they are still appropriate; and self-appraisal as an aspect of assessment in a graded course (Schneider and Macfarlane 2003). In addition, most North American teachers of negotiation use a combination of role plays, games, reflective and analytical writing, mini-lectures, oral presentations and demonstrations to engage students with varied learning styles and to keep them actively involved in the process (Bordone and Mnookin 2000). In many respects, then, much negotiation teaching developed in law, business and other graduate and executive training programs during the past thirty years incorporates important aspects of contemporary adult learning theory.²

Going forward, how might we expand our understanding of adult learning in general to move beyond the important structural elements of current negotiation teaching noted above? In particular, how might we leverage the educational power of *classroom process* and *transfer-oriented learning activities* in order to maximize student learning about negotiation?

Creating a Learning Environment: Classroom Process

“The question for us as teachers is *how* we influence our students, not whether. It is a question about a relationship: *Where are our students going, and who are we for them in their journey?*” (Daloz 1986: 3)

The Learner-Centered Classroom

As a starting point, adult learning theorists have suggested that a student-centered focus on learning should replace the traditional instructor-centered focus on teaching. The change is significant because it entails recognizing that “process and classroom climate”³ are as important to learning as the subject matter and content of a course (Garvin 1991: 8). Authority cannot reside in the teacher alone: the goal is to encourage curiosity and interest among the students – who will learn from each other as well as from the teacher – rather than to deliver “truths” to be digested.⁴ The brain is “designed to perceive and generate patterns [and]...resists having meaningless patterns imposed on it...isolated pieces of information that are unrelated to what makes sense to a particular student” (Caine and Caine 1990: 67). Before a teacher can know what she needs to teach, she has to know the people she is teaching. Students, and especially adult students, are not blank slates. Without taking the time to figure out what beliefs and (mis)understandings students bring to the task of learning, what the teacher offers may be only of superficial and fleeting value:

Students come to the classroom with preconceptions about how the world works. If their initial understanding is not engaged, they may fail to grasp new concepts and information that are taught, or they may learn for purposes of a test but revert to their preconceptions outside the classroom (National Research Council 1999: 14-15).

The writers for the television comedy show *Saturday Night Live* long ago grasped the basic point made by the National Research Council: people do not retain what they learn unless it builds on what they already know. As Laurel Oates has recounted, the *SNL* character Father Guido Sarducci “proposed a new type of university: The Five-Minute University. Because most students forget most of what they are taught, the Five-Minute University would teach only those

things that the typical student remembers" after five years, such as the phrase "supply and demand" in a five-minute economics course (or, perhaps, the phrase "win-win solution" in a five-minute negotiation course) (Oates 2008: 677-78). If the aim is to accomplish more than that, even in a short executive education course, one must tailor the material to the particular individuals involved.

Every book on negotiation says something to the effect that we all constantly negotiate in our daily lives. Unlike teaching histology or Mandarin, then, teaching negotiation inevitably involves engaging with many pre-existing beliefs and practices. This rich foundation makes it all the more important for instructors to uncover students' implicit understandings, to discover their preconceptions, to link their everyday knowledge to theoretical negotiation concepts, and to improve the possibilities for learning transfer. Without a sense of what students already believe about negotiation, it is hard to know what they need to learn (or unlearn) in the time available.

The cultural practices that students bring to the study of negotiation are an important aspect of their preconceptions about the subject. By ignoring such practices, North American teachers of negotiation working in foreign countries risk having what they teach forgotten quickly once the course has ended and the students return to a more familiar environment. In addition, students' professional cultures have a powerful effect on their assumptions about negotiation. North American law students, for example, usually take their first formal negotiation course after one or two years of courses focused on the adversary legal model and the study of litigated cases. Many of them are skeptical about the possibilities of integrative bargaining. Unless their professional cultural assumptions (for instance, the privileging of individualistic, rights-based, and distributive approaches to conflict) are identified and built upon, there is not likely to be much lasting transfer of the potential for value added by integrative bargaining.

Making Meaning Together

To take Freire at his word, then, before a teacher starts giving answers, he has to discover the learners' questions, so that he can make the information he offers meaningful to the particular group of people in the room. For example, he might start a law school negotiation class by asking, "What are your concerns about yourself as a negotiator?" and "What are your questions about negotiating as a lawyer?" More generally, he might ask, "What images or metaphors come to mind when you hear the word 'negotiation'?" or "Think of someone whom you consider a good negotiator. What are the characteristics that make him or her good at it?" Such an approach sig-

nals to the students that they are expected to be active participants in their own learning and to take responsibility for it. It also acknowledges that they do not come to this subject as complete novices, and thus begins the process of surfacing their pre-existing beliefs and understandings of the subject. The teacher can further foster active learning by asking the students to discuss their answers in small groups to see where they overlap, and then listing the most common ones on the board or a flip chart, which can give everyone (including the teacher) a road map of where the class needs to go. In one group, the questions may reveal that students have difficulty behaving assertively in negotiations and need more focus on distributive techniques. In another group, the questions may reveal a hyper-competitive zeal that calls for carefully working to develop a capacity for collaboration. Individual concerns can also serve as a guide in focusing one-on-one feedback or personalized reading/writing assignments as the class progresses. Such a student-centered approach may wreak havoc with a tightly organized and planned syllabus, but it has the distinct advantage of increasing the likelihood that the students will actually be able to use what is taught.

Simply plunging in and teaching what the students “need to know,” based on the teacher’s understanding of the subject, runs the risk that much of what he says will go in one ear and out the other, either because it challenges what students believe, without engaging those underlying beliefs, or because the teacher is talking about oranges (and juice and peels) when the students are interested in apples. This is not to say that teachers should avoid drawing upon their experience and expertise in developing goals for what students ought to be able to do by the end of the course, nor that they necessarily should defer to students’ preconceptions of what they should learn in a negotiation course.⁵ However, learning that “sticks” has to build on what students already know in order to have meaning and relevance for them: “The more information and skills are separated from prior knowledge and actual experience, the more we depend on rote memory and repetition....[C]oncentrating too heavily on the storage and recall of unconnected facts is a very inefficient use of the brain” (Caine and Caine 1990: 68).

To apply what learning theorists have to say about the *process* by which people learn, the teacher needs to start from students’ existing knowledge about negotiation and use his expertise to build from there an organized understanding of important concepts in the field. A learning environment is not something that he can simply decree: it is co-created by the students and the teacher. It does not emanate

from the teacher, as in the traditional model, but is the product of a relationship. The emotional message that is sent by the teacher is as important as the intellectual message, and it often determines whether the latter is received at all. Is the teacher open to the needs and interests of the students, or does he have a set agenda? Is it safe to take risks, or is there a “right” way to do things? Is there room for the students to engage with each other, or is the teacher supposed to be the center of attention and the focus of student comments?

First impressions count (Leary and Wheeler 2003), and much of the information that students gather about their teachers is based not on what they say, but on what they do, and that sets a tone for the classroom exchange. The norms and values that will prevail in the classroom begin to be set in the first class, and the implicit contracts a teacher establishes with students through his conduct of the class will have equal if not greater force than any explicit ones he enters into with them.⁶

Encouraging Active Learning

Management scholar David Garvin has written that active learning requires three “fundamental shifts” from the traditional lecture format: from an “autocratic classroom...to a more democratic environment,” from “a concern for the material alone to an equal focus on content, classroom process, and the learning climate,” and from “declarative explanations...to questioning, listening, and responding” (Garvin 1991: 10).⁷ To develop and maintain a commitment to a more active learning process requires considerable thought and effort. In many ways, an active learning environment is more work for both teacher and students because it requires more flexibility from the former and more participation from the latter. To help a room of students become a working group – a learning community – instead of a collection of largely passive individuals awaiting enlightenment from above (or release by the bell) requires far more than substantive knowledge. The teacher is responsible for both process *and* content, and it is a responsibility she can fulfill best by creating a climate in which the students do most of the talking and make most of the important points in a discussion.

Questioning

The shift to “questioning, listening and responding” to which Garvin referred is central to the active learning process that he and his colleagues described in their book *Education for Judgment* (Christensen, Garvin, and Sweet 1991). This shift is also key to accomplishing the other pedagogical shifts Garvin emphasized, because it is through the use of such techniques that the teacher puts the focus on the

students and *how* they are learning, as well as on what they are learning. For teachers of negotiation, these techniques have the significant added value of embodying important negotiation principles.

Some of the ideas discussed in *Education for Judgment* (1991) will be familiar to teachers of negotiation and mediation who rely largely on experiential learning in their classes. In many ways, the teacher's role described in the book often mirrors the lessons we seek to teach our negotiation students. For example, many negotiation teachers spend time helping students practice different ways to ask questions – open-ended, closed, and so on – as a means to gather information and promote a productive interchange in a negotiation. In the classroom, equal attention to the forms of questioning the teacher uses and the sequence and pacing of questions can help her develop an inquisitive attitude among students, as well as guide the discussion in a way that balances coverage of content with respect for the particular interests of the class.⁸ An open-ended question, e.g., "What aspect of this negotiation was most challenging for you?" invites reflection and helps the teacher tailor feedback to the students' perceived needs, while an information-seeking question such as "What were the parties' walkaway points?" provides a factual basis for further discussion of the bargaining surplus. Similarly, in an iterated prisoners' dilemma exercise, a question of extension might be, "What are the implications for the parties' future relations of renegeing on an agreement to collude?", while a question such as "Can anyone think of an earlier negotiation that also involved tradeoffs?" would reinforce students' analogical learning, a topic explored later in this chapter.

This approach to questioning differs from the Socratic one-on-one method of law school questioning because its aim is to engage the whole group in a discussion as it develops. Questions open up the field in a way that answers cannot, and careful attention to questioning can set the tone for the class, raise or lower the abstraction level of the discussion, allow one student to demonstrate experience or another to overcome shyness, all the while modeling both a search for understanding and respect for the other minds in the room: "A pervasive spirit of inquiry...can turn the barrenness and 'endingness' of answers into the richness and openness of exploring the yet to be known" (Christensen 1991: 162).

Listening

When it comes to listening, a focus on group process means that the teacher must listen to individual answers not only for what they reveal about a given student's grasp of the material but also to see

how they contribute to the group's understanding and the discussion as a whole. The listening skills emphasized in negotiation teaching are critical for promoting active learning as well. Through careful listening, teachers learn how well the students understand the material, how able they are to listen and respond to each other, how open they are to other points of view, and whether they are deeply engaged in the topic at hand or ready to move on to something else. As with questioning, the quality of a teacher's listening in the classroom models one of the skills she aims to teach negotiation students, and thus pays double dividends: it enriches the immediate group process and also pervasively conveys a core aspect of the curriculum.

Like the students, the teacher should improve his listening skills by reflecting outside of class on what he has heard, so that he can increase his understanding of the class as a whole and its individual members as he goes along. Careful listening will enable course corrections that a teacher might otherwise overlook because of the tyranny of the syllabus: Are there important foundational points that only a few students have grasped? Does he need to double back and try another approach to bring the rest of the group along before moving ahead? If a teacher is truly concerned about knowledge transfer and not just maximum information delivery, he needs to be mindful of the tendency to hear what he wants to hear and to fall prey to the confirmation bias in the classroom. Business educator C. Roland Christensen wrote:

I try, while listening to others, to listen to my own listening. Where are my barriers? Where do my own firmly held convictions interfere with my understanding? ...Typically, we succeed in bringing to the forefront the material we strongly want the students to consider – but our success can block our own ability to hear what the students are trying to communicate to us (1991: 165).

Responding

Responding to students, another aspect of the active learning environment discussed in *Education for Judgment* (1991), puts the teacher in the position of any negotiator after the first moves have been made. She must think ahead about what questions she wants to ask to bring out the important lessons of the day and to engage the students' critical thinking. She must listen carefully, and at many levels, to what students say and how they say it, and then decide on the spur of the moment which response – a further question to the same or a different student, an invitation to another student to re-

spond to the first comment, a summary or analysis by the teacher – will best further her overall goals. Flexibility is key, and improvisation – based on a deep understanding of the subject matter, the dynamics of the particular group and the constraints imposed by time – is at the heart of the matter.

Lakshmi Balachandra and her colleagues (2005) suggested that negotiation instructors teach *students* the improvisational skills of formulating and adapting a strategy, managing the process in the moment, and developing creative solutions. Teachers need to apply these same improvisational skills in the classroom, teaching them implicitly through modeling, whether or not they teach them explicitly as well. Through her responses, the teacher negotiates each class session and the potentially contradictory needs of teacher, class, and individual student. C. Roland Christensen suggested the following benchmarks in considering what responses to make:

Will my response put the speaker at high risk in terms of self-esteem or peer relationships? ...balance the needs of the individual student and the wider group? ...balance the immediate interests of the class with the need to cover the instruction program of the day? ...stretch the group's knowledge of subject material and its discussion expertise and yet permit honorable retreat if my expectations are unrealistic? ...fit the norms and values of the learning community—cohere with terms of the teacher-student learning contract? ...balance the amount of available class time with that needed to explore the topic in appropriate depth? (Christensen 1991: 169).⁹

Depending on how the teacher responds (for example, acknowledging a tangential remark without allowing it to derail discussion, versus ignoring emotional comments rather than addressing the feelings behind them), the group is either supported as a learning community that can move forward and build on what has developed so far in a discussion, or it may revert to a more familiar, teacher-dependent format (what psychoanalyst Wilfred Bion described as shifting from a “working group” to a “dependency group”) (Bion 1961, 1994). The quality of the teacher's response depends in the first instance on the quality of questioning and listening that precedes it. The depth of the teacher's understanding of the individuals *in* the group and of the patterns they have developed *as* a group also aid her in choosing a response. Do they quickly move toward consensus as a way of masking differences of opinion? Do they instead

tend to polarize on any topic? How does the teacher bring up the quiet voices in the room and temper the strident ones without silencing them altogether? These and other questions have to be answered in an instant, over and over again in every class session, as they shape the teacher's responses.¹⁰

The focus of the teacher's attention is never simply the subject matter of the day: it is always also the process in the room and the emotional tone of the group that determine whether learning occurs. Without an atmosphere of emotional safety, the change that learning entails is too risky:

[e]motional processing takes place in the cognitive unconscious beyond our direct access. As a result, we have no thought without emotion. It is impossible to balance our checkbooks, drive to the store, or deal with our co-workers without an emotional component. We cannot move through our world or conjure up thoughts of past events absent accompanying emotions (Jones and Hughes 2003: 490).

As in many negotiations, sensitivity to the mood in the room often determines the success or failure of any day's effort in class. It is only in reflecting back on the flow of the discussion that a teacher can see where her responses helped things take off or fall flat.

Questioning, Listening and Responding Across Cultures

A teaching approach that emphasizes questioning, listening and responding is unfamiliar to many North American students trained in the traditional university system. In a cross-cultural setting, the social distance between teacher and student may be even more marked than it is in North America; and the method itself may well need to be adapted in order to bridge a cultural gap. In addition, teaching negotiation abroad requires testing one's own cultural assumptions about the relevance of certain content to different groups of students. To further their understanding of negotiation on a global scale, North American teachers have to be prepared to question some of their dearly held beliefs about how negotiation works, a point that cultural scholars have been making for some time. Kevin Avruch wrote that the theory Roger Fisher and William Ury advanced in their book *Getting to Yes* (1981) "corresponds deeply to the *idealized* Anglo middle-class model of what negotiation looks like....The theory derives ultimately from a folk model – the privileged folks, in this case....In the end, by ignoring any consideration of the model's ethnic and class provenance, its promotion from folk

model to expert's 'theory' occurred totally unselfconsciously" (Avruch 1998: 79).

In other parts of the world, and even in many sub-cultures in North America, the prevailing cultural model is not that of the negotiator as an independent, individual "rational actor":

Interdependent views of personhood...assume that what is obvious and "natural" is that the self is a *relational* entity. The self...is understood as fundamentally interdependent with others....These cultural models of the person place greater stress than individualist models on social and relational concepts such as empathy, reciprocity, belongingness, kinship, hierarchy, loyalty, honor, respect, politeness, and social obligation (Markus and Lin 1999: 308-309).

The advice in *Getting to Yes* (Fisher and Ury 1981; Fisher, Ury, and Patton 1991) to "separate the people from the problem," for example, does not make sense in a cultural setting in which individuals are rarely viewed as separate entities: "Fisher and his colleagues assume that the content of conflict may be extracted from the relationship between the participants....Moreover, they assume that this separation facilitates the reconciliation of problematic issues that are inherently extra-relational." (Markus and Lin 1999: 314).

Michelle LeBaron and Zena Zumeta made a similar point about the professional cultural assumptions of lawyer-mediators:

Reflecting the influence of dominant culture values on legal training, lawyers tend to be oriented to individualist perspectives, expecting clients and others to act in autonomous, self-interested ways. They are at home in the mind, comfortable with logical analysis and direct communications, and trained to dissect the facts...They get satisfaction from solving problems, so they pay attention to practical possibilities and achieving closure (LeBaron and Zumeta 2003: 469).

In taking their understanding of negotiation and negotiators abroad, then, North American teachers need to approach the task of teaching cross-culturally with a recognition that they may have as much to learn from their students as to teach them. What they learn, among other things, may be the extent to which their own understanding of negotiation is itself culture-bound, and thus open to challenge in other settings.

Process as Model

How can a teacher make use of the educational power of process responsibility in teaching negotiation? As Andrea Schneider and Julie Macfarlane (2003) have noted, a negotiation class *is* a multi-party negotiation. The more the *way* one teaches models *what* one teaches, the more deeply the lessons will be learned.¹¹ Students will learn what it means to listen closely, to take the other party's interests into account, to care about their perspectives on the situation, to seek joint gain, and to adapt strategy flexibly if that is what the teacher models in the classroom in the way she structures discussion and attends to students' comments and questions. If teachers only pay lip service to those concepts – in terms of who controls the conversation, who has the last word, who has the “right” answers – rather than entering into a real collaboration, students will learn only thin versions of integrative bargaining, active listening, and the like. What a teacher *tells* them will not survive in the world of practice, or will serve only to provide them with sophisticated tools of manipulation. What they *experience* in the classroom is far more likely to stay with them and affect their work as negotiators.

Experiential learning is not just about going through role plays; it is also about the process of being a learner in a particular classroom environment. Negotiation teachers ask students to take the risk of “learning by doing,” and teachers should take risks as well. Like negotiation, “[t]eaching is a messy, indeterminate, inscrutable, often intimidating, and highly uncertain task” (Elmore 1991: ix).¹² Teachers emphasize the importance of thorough preparation for negotiation, in part because a negotiator needs to be able to meet the challenges of negotiating with flexibility. Similarly, if a teacher's goal is not the delivery of a preformed “package” of information, but of lessons that are right for this group now, she has to be prepared, practiced, and skilled in the classroom so that she can be flexible in the moment. She can teach students what to do first in a negotiation, but they have to improvise from there on, as the dynamic of the negotiation develops. The same is true for the negotiation teacher in the classroom.

The best negotiation plan is useless unless the negotiator can make it work with *these* parties in *this* situation at *this* time. Similarly, gathering information about the members of a class, meeting with students to get to know them individually, are as important as learning all you can about people you expect to negotiate with professionally, because that is what you will be doing in the classroom. Students may have to come to class, but they don't have to engage; and they won't, unless the teacher brings something of value to them. In terms of transfer, all learners build from what they already

know, and a teacher can only teach them to the extent that she figures out what their implicit knowledge is.

The goal of knowing students, which is central to making class time meaningful, is hard to achieve in a short course. This obstacle makes it all the more important to involve participants in the process, to get feedback from them on what they want to learn and how they need to learn it, because there will be little time to compensate for mistakes. In a cross-cultural setting, teacher missteps (often based on unfounded assumptions) are more likely to occur, which makes involving the participants early and often crucial. In addition, cross-cultural teaching calls for humility in the face of the tendency to present our received wisdom as the “truth” about negotiation, rather than acknowledging the cultural specificity of the dominant North American model, with its emphasis on reason over emotion and the individual over the collective good. If North American negotiation teachers aim to do more than speak English louder and louder to get people to understand, they will have to learn how to adapt their model in cultural settings where both implicit and explicit preconceptions about negotiation may be different.¹³

Creating a Learning Environment: Curriculum Design (and Redesign)

Bearing in mind the elements of classroom process that tend to help create an environment conducive to learning, what sorts of activities are most likely to help adult negotiation students actually learn?

If asked about their aspirations for a negotiation course, most instructors and students will likely express a desire that the students will improve their real-world negotiations after the course is finished. Both instructors and students may vary, of course, in how modest or ambitious their goals for improvement are, and what “improvement” entails, but most no doubt hope that students will transfer at least some new skills or understandings from the classroom to the outside world. So, in addressing what will help negotiation students learn, we focus on learning that students can transfer from the classroom to novel, real-world contexts – both during and after the course.

Simply including a topic in a negotiation syllabus – “dealing with difficult tactics,” for instance, or “anchoring” or “managing coalitions” – does not guarantee whether or to what extent students will learn anything about that topic, let alone transfer any such learning to a non-classroom context. Indeed, many education specialists lament the “tyranny of content” that drives some teachers to

focus on the quantity of material they must “cover” rather than on whether and what their students are actually learning (see, e.g., Wankat and Oreovicz 1998:15). Thoughtful curriculum design – including clear articulation of performance-oriented learning goals, tailoring of learning activities to meet those goals, and a metacognitive orientation – along with ongoing openness to redesign in response to how students perceive the course – can help support student learning during the course, as well as the continued development and application of that learning after the course is finished.¹⁴

Articulation of Performance Goals

Just as a negotiator cannot prepare a useful negotiation strategy without any sense of her goals in the negotiation – for instance, the goal of “squeezing as much money as possible out of the other party” calls for a different strategy than “getting a fair deal while building a foundation for additional long-term business” – a negotiation instructor cannot design an effective curriculum without any sense of what the goals of the course should be. As discussed above, these goals may well be modified as the instructor learns more about the students and how their learning develops – and perhaps may be negotiated with students¹⁵ – but the point is that learning activities should be selected with clear learning goals in mind.

Defining goals from a performance perspective – that is, articulating what students *should be able to do* by the end of the course, and not just what the teacher will “cover” – can help orient the curriculum toward learning that “takes.”¹⁶ For example, imagine an introductory, semester-length, graduate-level negotiation course in which the goals include something like “covering barriers to dispute resolution, including cognitive biases and principal-agent tensions.” Re-conceived with a performance orientation, the course goals might include the following:

- Possible overarching performance-oriented goal: *Students will be able to recognize and identify a range of cognitive, psychological, structural, and other barriers to resolving disputes, as well as develop and implement approaches for managing or overcoming these barriers.*
- One possible performance-oriented subgoal: *Students will be able to demonstrate a practical understanding of the nature of the reactive devaluation bias by recognizing conditions under which this bias is likely to emerge and by developing and applying techniques for strategically avoiding and/or managing this bias.*

- Another possible performance-oriented subgoal: *Students will be able to recognize a number of variables that can contribute to tensions between negotiation agents and their principals, and will be able to develop and apply techniques for managing or minimizing these tensions.*

As another example, imagine that another goal for the same course is for students to learn about value creation techniques, including logrolling (trading on differing priorities) and the use of contingent contracts. Pushed to re-define this goal in terms of what students will learn to *do*, the instructor might articulate the goal and subgoals as follows:

- Possible overarching performance-oriented goal: *Students will be able to create value in negotiation from a range of sources and through a range of techniques.*
 - One possible performance-oriented subgoal: *Students will be able to demonstrate their understanding of the principle of logrolling (i.e., trading on issues with different priorities) by recognizing circumstances in which logrolling may be appropriate, and they will be able to create value through logrolling in appropriate circumstances.*
 - Another possible performance-oriented subgoal: *Students will be able to demonstrate their understanding of contingent agreements by recognizing circumstances under which contingent agreements can create value, and by drafting value-creating contingent contractual clauses.*

The difference between a content-oriented course goal and a performance-oriented course goal is not merely semantic if the instructor uses the performance-oriented goal as the basis for designing the course and the corresponding learning activities. In the same way that a party to a complex multiparty negotiation might articulate a target deal and then “map backward” in order to develop a logical strategy for obtaining that deal (see Lax and Sebenius 2006: 102-105; 227-235), a negotiation teacher can articulate target performances for the students and work backward from these goals to design and sequence learning activities oriented toward those goals (see Wiske 1998: 72-76). And, just as a good negotiator will adapt and adjust her strategy in response to the other parties’ behavior and the emergent dynamics, a negotiation teacher should adapt and adjust his course design in response to his students. Neither blind adherence to a preplanned design nor utter lack of goals and strategy will work well: the balance between goal-oriented strategic design and responsive adjustment is critical, both in negotiation and in the classroom.

The Role of Schemas in Learning Transfer

Once learning goals are developed, the negotiation curriculum can be tailored to meet those goals. What considerations are most relevant in selecting and sequencing learning activities for a negotiation course?

Jean Piaget and other constructivists posit that knowledge is constructed through the experiences and discoveries of learners, who develop mental models (or schemas) to explain these experiences (Piaget 1957). Conceptual change, or the development of new schemas, occurs when interactions between these existing cognitive structures and new experiences create disequilibrium or confusion in the learner so that new ways to organize thinking are needed (National Research Council 1999). In fact, developments in the field of neuroscience tell us that new experiences and discoveries actually modify the structures of the brain to allow such conceptual change (National Research Council 1999).

From this perspective, one goal of a negotiation course may be to help learners develop and apply effective schemas for negotiating in a range of contexts. For some learners, this may mean identifying and clarifying their existing schemas – which may be both powerful, due to their embeddedness in past thinking or experience, and also implicit and unexamined. For other learners, it may mean adapting or supplementing their schemas; for still others, it may mean revising their pre-existing schemas completely. We should be wary of assuming that we can predict these pre-existing schemas, however, or whether and how learners will want to modify these schemas. For instance, one learner may enter a negotiation course with an implicit belief that either competitive or compromising behaviors are always appropriate negotiation strategies. Critical reflection on this belief may lead this learner to a more nuanced understanding of when such behaviors may be appropriate, or it might lead the learner to develop alternative behaviors (such as a problem-solving, integrative approach) that may be appropriate in certain contexts, or both. Alternatively, another learner may enter a course with a mental model of negotiation that embraces integrative negotiation approaches and implicitly rejects distributive approaches. Depending on her perspective and how she experiences the course, this learner may reinforce her “integrative-negotiation-is-best” schema, or she may adapt it to acknowledge and accept the distributive aspects of many negotiations and hone her distributive bargaining skills. (See Ebner and Efron, *Moving Up*, in this volume). Still another learner may shift from an analytically-oriented schema to one that encompasses the interpersonal, relational aspects of negotiation. The point is not to assume that all learners will enter with a predictable set of assump-

tions about negotiation (e.g., that negotiation is always distributive) or that they will have predictable needs in terms of what they should learn (e.g., that they need to appreciate the value of integrative negotiation) but rather to provide opportunities for critical examination of whatever their existing assumptions and schemas may be, along with opportunities for reinforcement, adaptation, expansion, or revision of these schemas as appropriate. For many learners, this may require a higher order of self-reflection than that to which they are accustomed (Manwaring 2006).

Research from diverse disciplines such as education, psychology, and anthropology has led to conclusions about the particular kinds of learning experiences most likely to affect the existing schemas learners bring to the classroom, and thus to promote learning transfer – the appropriate application of the learning – inside and outside the classroom. Some of this research has concentrated on an understanding of the differentiating characteristics of expert and novice approaches to problem-solving in various disciplines. By definition, experts are expected to think and reason effectively. Research to understand the nature of expert problem-solving schemas concludes that experts “have acquired extensive knowledge that affects what they notice and how they organize, represent, and interpret information in their environments. This, in turn, affects their abilities to remember, reason, and solve problems” (National Research Council 1991; National Research Council 1999). At the risk of an oversimplification of a very complex idea, it is useful to consider how this ability to notice can be taught, and how this can assist the learner to construct a new model of thinking and decision-making in negotiation practice. Helping learners develop the nuanced ability to notice achieved by expert negotiators involves the development in the learner of both theoretical understanding and practical skills.¹⁷

Facilitating Schema Development through Analogical Learning

A number of studies have demonstrated the power of analogical thinking to help learners internalize their understanding. During the 1980s, Mary Gick and Keith Holyoak designed experiments to test the use of analogies in problem-solving. Noting that the development of new theories was often based on analogy (e.g., the hydraulic model of blood circulation, the planetary model of atomic structures), Gick and Holyoak theorized that analogies, like schemas, organize information for learners and promote the transfer of problem-solving skills (Gick and Holyoak 1980). Building on prior work on geometric analogical learning, Gick and Holyoak studied

analogical learning transfer in experiments using two problems with analogous structures and ideal solutions (Gick and Holyoak 1980).

Their first problem was presented as a learning task in a military context and involved the storming of a castle from which roads radiated outward. The scenario concluded that the army would fail at its task of taking the castle if it used only one road, but could succeed with multiple, small forces converging at the center (a dispersion strategy). The second scenario, in a radiation context, was presented as a new problem to be solved. It involved a tumor that needed to be destroyed. Radiation strong enough to kill the tumor would damage skin tissue if directed at one place, but could succeed if multiple, less intense rays converged on the tumor simultaneously – another dispersion strategy (Gick and Holyoak 1980).

Gick and Holyoak found that learners who were explicitly directed to notice the commonalities between the two stories were much more likely than learners given no additional guidance to develop an effective analogous dispersion strategy to solve the second problem (Gick and Holyoak 1980). Beyond supporting the principle that analogical reasoning promotes effective problem-solving, the results of the study suggest that the transfer of learning by analogy works for more abstract schemas, and not simply for similar sets of facts (Gick and Holyoak 1980; Sander and Richard 1997; Moran, Bereby-Meyer, and Bazerman 2008). This is relevant for negotiation teachers who seek to help their students cultivate an understanding of abstract negotiation principles (e.g., “differences between negotiators can be a source of value creation”) and an ability to apply these principles in a wide range of factual contexts.

At the same time, transfer using analogical commonalities is limited by a learner’s ability to recall relevant examples of past problem-solving – and negotiators outside of the classroom (or the laboratory) are rarely given explicit prompts to look for analogies between two negotiation situations. Moreover, if learners have a highly contextualized and situation-specific understanding of a past negotiation, the past negotiation may not prompt recall (or analogical transfer) in the context of a current negotiation if the surface details of the two problems are dissimilar (Gentner, Loewenstein, and Thompson 2003). This is, of course, especially true for novices who do not know what is important to notice in a first case (National Research Council 1999).

Given this dilemma, researchers at Northwestern University conducted a series of studies on analogical encoding, in which learners compared *and* contrasted two case examples in order to “notice” and understand the abstract structural features of negotiations (e.g., the existence of value-creating opportunities) and not just factual

details (e.g., an intra-organizational negotiation setting) (Thompson, Loewenstein, and Gentner 2000; Loewenstein and Thompson 2000; Gentner, Loewenstein, and Thompson 2003). The studies were premised on the assumption that an understanding of abstract structural commonalities is central to the learner's ability to clarify new concepts and develop abstract problem-solving schemas that transfer to new situations (Gentner, Loewenstein, and Thompson 2003; see also Wiske 1997; Schwartz and Bransford 1998).

In their experimental research on analogical encoding, the professors at Northwestern investigated its use in a series of studies involving negotiation skills. Initially these scholars concluded that analogical encoding did facilitate learning and transfer with fairly experienced negotiators (Thompson et al. 2000). Then the research was expanded to test whether the specific value-creating negotiation strategies of trade-offs and contingent contracts could be taught to novices who would be able to transfer the learning to new contexts (Gentner, Loewenstein, and Thompson 2003). Students first read a case in which the application of logrolling or contingent contract strategies created more value than an alternative strategy such as compromises, then read a second case applying the same principle(s), and finally were tested on their ability to apply those principles in a novel negotiation case. After giving and testing differing degrees of guidance for the case comparisons, the researchers concluded that:

- 1) Case comparison analysis results in more learning and transfer than separate analysis of the cases because it strips away the surface features of cases and highlights the principle(s) to be applied in new contexts (Loewenstein, Thompson, and Gentner 1999; Loewenstein and Thompson 2000); and
- 2) Students guided by instruction that facilitates active comparison (for example, juxtaposition of cases and questions about their similarities) develop a greater ability to learn and transfer the principles involved than students without such active instructional guidance (Gentner, Loewenstein, and Thompson 2003).

Gentner, Loewenstein, and Thompson concluded that analogical encoding promoted "the abstraction of schemas, which in turn promote recall and transfer," and speculated that analogical encoding in experiential learning could yield broad conceptual change in learners (Gentner, Loewenstein, and Thompson 2003: 403). More recent experimental research has extended the knowledge about analogical encoding by showing that case comparisons can help learners to understand and transfer the more general and abstract

principle of value creation in multiple contexts (Moran, Bereby-Meyer, and Bazerman 2008). The experimenters guided students to compare cases that used divergent value-creation techniques such as logrolling and contingent contracts and found that this not only supported the students' understanding and transfer of those particular value-creation techniques, but it also improved the students' ability to notice opportunities to apply new value-creation techniques that they had not yet been explicitly taught (Moran, Bereby-Meyer, and Bazerman 2008). Presumably, the comparison across contexts of different techniques for accomplishing the underlying principle of value-creation pushed the learning to a deep level of abstraction that was more effective for transfer than the more superficial level of abstraction required for comparing factually and structurally similar cases.

Additional experimental research in the negotiation context has compared analogical learning (reading two negotiation vignettes with divergent fact patterns but structural similarities, in that trading on different priorities resulted in a favorable outcome) with three other learning methodologies: didactic learning (reading a synopsis of negotiation principles); learning via information revelation (reviewing the confidential instructions and "pay-off schedule" for negotiation counterparts after a first negotiation task was completed); and observational learning (viewing a videotape modeling the best outcome for a previously examined negotiation scenario) (Nadler, Thompson, and van Boven 2003). In this research, the experimenters trained four groups of students in each of these four learning methodologies between their undertaking two separate negotiation tasks. A control group received no additional training. Joint negotiation outcomes, as a measure of performance, were highest in the observational and analogical learning groups. It was only in the analogical reasoning group, however, that students were able to articulate the underlying negotiation theory or principle upon which they had relied in their second negotiation task (Nadler, Thompson, and van Boven 2003). In the observational group, the video model promoted demonstrable skill development, but only implicit (or "tacit") knowledge; those students were unable to articulate their strategy or explain why their performance improved.

In assessing the intriguing result of the observational learning group in the Nadler et al. research described above – i.e., the fact that their skills improved but that they were unable to articulate why – Hal Mowius suggests that the group's implicit learning is supported by "a fairly large literature regarding human memory and the neuroscience of memory systems;" that "different kinds of knowledge are encoded and stored in different ways;" and that "it may be

that learning to negotiate requires more than the mere recognition of new frameworks or ideas; rather, it may require seeing and undertaking complex sequences of interrelated behaviors" (Movius 2008: 520-521). This research then supports the value of a variety of learning activities, including observational learning for behavior skills, as well as the more conceptual and insightful learning which results from analogical encoding and which is better understood as contributing to enhanced performance on subsequent transfer tasks (Bransford and Schwartz 1999: 64). Indeed, the literature on "high-road" and "low-road" transfer of learning (discussed below) sheds additional light on why the successful teaching of negotiation usually requires attention to both theory building and behavioral skills.

Supplementing "High-Road" Conceptual Learning with "Low-Road" Skill Training

Clearly, analogical reasoning is particularly effective for supporting "high-road transfer" – that is, the ability to abstract, understand, and apply *general* principles to different contexts (Perkins and Salomon 1992). Depending on the student performance goals for the course, the instructor may also design learning activities to support "low-road transfer" – that is, the triggering of reflexive responses in sufficiently similar learning conditions, without the need for deliberate application of abstract principles. Examples of teaching for low-road transfer include the use of practice dummies in a CPR class (intended to prepare participants to perform CPR on humans), the use of driving simulators in a driver's education course (intended to prepare students to drive a real car), or evidentiary objection drills as part of law school moot court exercises (intended to prepare future lawyers to make proper evidentiary objections in a real court). Because low-road learning transfer is semi-automatic, requiring less mindful effort than high-road learning transfer, it has the benefit of freeing a negotiator's cognitive resources to attend to other things.

Low-road learning transfer works when the stimulus (e.g., some aspect of a particular negotiation situation) is highly similar to the learning context, so it would be particularly appropriate for participants who are likely to share common negotiation experiences (e.g., a negotiation course for urban planning students or a workshop for an in-house legal department) and thus encounter similar stimuli. Because low-road transfer is more behavior-oriented than conceptually-oriented, activities tailored toward low-road transfer are more appropriate for discrete behavioral learning goals than for cognitive, conceptual learning goals.

One example of a low-road approach to behavioral skill development is that of *deliberate practice*, an approach widely used in the performing arts, chess, medicine, and other arenas that require high levels of skill. Under conditions of deliberate practice, subjects attempt “(1) a well-defined task that is (2) *challenging but achievable*; (3) the subjects receive *immediate feedback* on their performances and outcomes; (4) they *correct their errors*; and (5) they *repeat the tasks until performance becomes routine*” (Williams, Farmer, and Manwaring 2008: 71). In a negotiation course, the well-defined task might consist of a common, observable, discrete negotiation skill such as “reframing demands as options” or “demonstrating active listening” (Williams, Farmer, and Manwaring 2008: 77). As one application of deliberate practice for low-road negotiation transfer, students might attempt to apply discrete negotiation skills in the context of a video-recorded negotiation exercise. They then review video recordings of their performances, receive individual feedback on what they were already doing well and how they might improve, and then repeat their performances until their skills improve. Professors Gerald Williams and Larry Farmer applied this approach to the teaching of negotiation and client interviewing and counseling, finding that it resulted in measurable improvements in students’ skills and performances (Williams, Farmer, and Manwaring 2008). Such an approach to skill building is congruent with a learner-oriented classroom process because it meets students where they are, and responds to their needs as expressed, not as assumed.

While “skill drills” and other activities oriented toward low-road transfer may be helpful in developing discrete behavioral skills, they are almost certainly insufficient for teaching students to apply behavioral skills *appropriately* in negotiations outside the classroom. Negotiation is not like driving, in which certain behaviors (e.g., putting on the turn signal or applying the brakes) should be reflexive and nearly automatic under certain contextual triggers (e.g., approaching one’s exit on the highway or approaching a stop sign). The relational and situational nature of negotiation tends to resist universal contextual triggers, such as “when my counterpart says X, I say Y” – because while Y might be an appropriate response to a certain counterpart under certain circumstances, it may be an inappropriate response to a different counterpart – or even to the same counterpart under different circumstances. We should not “assum[e] that transfer ‘represents the degree to which a behavior will be repeated in a new situation’” because “[i]n many cases, repeating an old behavior in a new setting produces what has been labeled ‘negative transfer’” (Bransford and Schwartz 1999: 80). In negotiation, effective transfer involves not only the ability to apply certain

behaviors outside the classroom; it also involves the ability to recognize when those behaviors are likely to be relevant, and when they should be adapted – or not used at all.¹⁸

This ability to recognize when and how to apply certain negotiation behaviors almost certainly requires some level of conceptual understanding in addition to behavioral abilities. The key to increasing the likelihood of positive (situationally appropriate) transfer and decreasing the likelihood of negative (situationally inappropriate) transfer is developing conceptual understanding at the “appropriate level of abstraction” (Bransford and Schwartz 1999: 64-65). Too little abstraction and too much contextualization (e.g., “use anchoring when you’re buying a car from a dealership”) – hinders transfer in that learners won’t recognize situations in which there are superficial factual differences but deeper structural commonalities. Too much abstraction (e.g., “use anchoring whenever a negotiation involves numbers”) runs the risk that the learner will over-apply behaviors in situations where the behaviors may be inappropriate.

The Synergies of Multiple Approaches

The research on the effects of different negotiation teaching methodologies provides an interesting backdrop for more sophisticated thinking about how to teach negotiation effectively, and supports the importance of the development of behavioral skills, as well as an understanding of theory to enhance the potential for the transfer of learning (Stulberg 2000; Barnett and Koslowski 2002; Macfarlane and Mayer 2005). As Professor John Wade has noted, “[w]ithout theory, skills are shallow and ephemeral” (Wade 1994: 14). Wade suggests that prescriptive advice from the research on teacher training can be instructive for any skill-building endeavor. He quotes from N.A. Flanders’ work that identifies six key components, including theory and practice elements, for implementing a successful teacher education program. The successful and complex elements of the task include:

- “[P]resentation of theory...[so that the] trainee knows, in terms of theory, when, how, and why an instructional strategy is used” (Wade 1994: 11);
- Demonstrations (e.g., modeling and numerous examples) to help translate theory to practice and to imagine adaptations and modifications to model(s);
- Simulated practice;
- Structured feedback (e.g., learning “interaction analysis” and using checklists to reinforce a cycle of “teach-analyse-reteach”) (Wade 1994: 12);

- Unstructured feedback (e.g., informal discussion with peers); and
- Coaching to assist with the adaptations of model(s) to real life (Wade 1994; Flanders 1987).

Of course, the teacher should tailor the choice and/or sequencing of these elements in response to the teacher's performance goals and the students' needs. In some classes, not all these components will be incorporated into the training, but the teacher is well-advised to keep them in mind as curricula are developed. Importantly, even if the stated goal of a negotiation course is to promote (only) behavioral changes, theoretical understanding should not be given short shrift. The theoretical understanding of negotiation supports recognition of when particular behavioral skills are appropriate.

Professors John Bransford and Daniel Schwartz have developed an alternative view of the concept of transfer based on "preparation for future learning" that also supports the need for both theoretical and practical learning if we expect students to apply their new understandings outside of the classroom. This frame incorporates a broad view of transfer, not measured solely by a learners' ability to apply knowledge in sequestered environments such as psychology laboratories.¹⁹ Rather, Bransford and Schwartz recognize that the development and transfer of expertise occurs throughout many years during multiple types of learning experiences, each with a contribution to the "noticing" needed for future problem-solving. Bransford and Schwartz acknowledge, for instance, the value of the sometimes-denigrated lecture as an effective teaching tool when used in combination with other more active, learner-centered approaches.

In experiments to help college students understand memory concepts, Bransford and Schwartz hypothesized that the analysis of contrasting cases would better prepare students for future learning from an expert than would the act of summarizing textbook material. In a well-designed study, the contrast-based analysis in this experiment did not *itself* lead to deep understanding and new application. Rather, "[s]tudents needed an explanation for the patterns of data they discovered and it seemed unlikely that they could generate one without help from an expert" (Bransford and Schwartz 1999: 76). The contrast-based analysis did, however, create a learning experience for students that allowed them to understand ("notice" the right things about) a subsequent theoretical lecture about memory. In other words, after both a case analysis and an organizing lecture, students were better prepared to perform a subsequent task than after the case analysis alone.

Bransford and Schwartz write that “novices needed both the discovery and the telling” for deep understanding, and that “a synergy [may exist] between the opportunity to differentiate one’s knowledge of the phenomena at hand and the opportunity to hear a conceptual framework that articulates the significance of those phenomena” (Bransford and Schwartz 1998: 502-03; see also National Research Council 1999). In short, the organizing lecture can bring clarification and understanding to bear on disequilibrium created by an experiential exercise and can help the student to develop a more sophisticated mental schema for the material being studied.

None of these approaches represents the single best approach to helping students learn negotiation skills that they can transfer to real-life contexts. In general, a transfer-oriented negotiation curriculum should include some theoretical learning activities for high-road transfer as well as some behaviorally-oriented activities for implicit learning and low-road transfer; the nature and proportion of these activities will be dependent on the particular learner group. Moreover, the effective teacher will adapt the curriculum design in response to what and how the students are learning.

Self-Reflection and Metacognition: Helping Students Learn to Learn

To maximize the likelihood of transferring classroom learning to the outside world, negotiation students should attend not only to *what* they learn, but also to *how* they learn (National Research Council 1999). Not only will increased self-reflection and metacognitive abilities allow learners to monitor their current levels of skill and understanding and provide critical feedback to the teacher about what they need to know (as discussed above); these abilities also will help learners continue to practice and refine their skills and understandings after the course is finished.

Self-reflection – or the ability to reflect on, analyze, evaluate, and learn from one’s performance – is consonant with the constructivist theoretical approach. Learning is an intentional and continuous process of constructing meaning from information and experience; thus, (new) knowledge must become “integrated with the learner’s prior knowledge and understanding, [or] this knowledge remains isolated, cannot be used most effectively in new tasks and does not transfer readily to new situations” (APA 2008, par. 3; see also, Hedeem 2005; Hedeem, Barton, and Raines 2007). Therefore, the integration of (old) knowledge and understanding and experience with (new) knowledge, from simulated and other experiential training activities, must be purposeful and have as its goal the self-

reflection necessary to ensure this (new) knowledge will transfer to new situations (National Research Council 1999). Much of this self-reflection and integration emanates from good debriefing activities within the training, which should include frequent trainer feedback whenever possible.

Guided reflection before, during, or after an experiential activity can be oriented toward helping learners develop their self-reflective skills (Cranton 1994; Bransford and Schwartz 1999). The American Society for Training and Development has published a suggested structure for debriefing activities, with questions designed to maximize student learning (ASTD 1996; Hedeem, Barton, and Raines 2007). These questions emanate from the research on adult learning and transfer that has been referenced throughout this article, and can be tailored to support the teacher's instructional purposes:

- *How do you feel?* (to "provide participants with the opportunity to vent their feelings and emotions" [ASTD 1996: 526]).
- *What happened?* (to collect data that will encourage participants to "recall their experiences and discover similarities, differences and patterns" [ASTD 1996: 527]).²⁰
- *What did you learn?* (to "encourage participants to come up with generalizations and to test them" [ASTD 1996: 527]).
- *How does this relate to the real world?* (to "relate the simulation game experiences to real-world experiences" [ASTD 1996: 527]).
- *What if?* (to "encourage the participants to extrapolate from their experiences" in multiple ["altered"] contexts [ASTD 1996: 527]).
- *What next?* (to "encourage action planning based on the insights from the activity" [ASTD 1996: 527]).

Reflection on these questions is not limited to one mode, such as the large all-class discussion. It can be accomplished in large or small group class discussions, group and individual presentations, group and individual journal writing, and so on. The point is simply that, however it is done, reflection should incorporate meaningful self-assessment about the learner's progress towards the mastery of the material in order to promote transfer.

In addition to learning to reflect on and evaluate one's negotiation performance, learning to reflect on one's own *learning processes* (or "metacognition") can increase the likelihood that such learning will be sufficiently robust to apply outside the classroom. Every negotiation student learns somewhat differently, depending on his/her own experiences, preferences, level of epistemological development (Manwaring 2006), and numerous other factors. A metacognitive orientation helps students understand not just what they know and

don't know but also the idiosyncratic ways in which their own learning processes work. Just as a good negotiator is sufficiently aware of the negotiation process to proactively influence it, a good negotiation *student* is sufficiently aware of her learning process to proactively manage that.

Bransford and Schwartz articulate the need to develop this metacognitive ability because learning (and therefore transfer of learning) proceeds throughout a lifetime (Bransford and Schwartz 1999: 65). A novice learns how to learn what experts already have achieved (e.g., how to "notice" the right things and organize thinking about a problem); and with this framework, she can continually improve (Bransford and Schwartz 1999). Metacognition internalizes a focus on sense making, self-assessment, and reflection on what works and what needs improving, with the goal that the teacher's role will become less and less relevant (National Research Council 1999). In short, the student learns to evaluate her own progress towards understanding and take appropriate corrective action (National Research Council 1999).

Metacognitive awareness demands that learners assume an "objective" stance toward their own minds, and make their learning processes rather than their cognitive achievements or specific behaviors the subject of their awareness. This is challenging for many adults, let alone younger students (see Manwaring 2006). At the same time, teachers can support students in developing metacognitive awareness through discussion questions, reflective exercises, and other activities. Examples of questions that might promote metacognition include:

- *What surprised you in the negotiation? Why do you think that was surprising?* (to prompt learners to uncover their pre-negotiation assumptions – and what happened when those assumptions were disconfirmed – and what this means for future learning patterns);
- *What was difficult or challenging about this negotiation? Why did you find that difficult?* (to give learners the opportunity to notice cognitive, emotional, or other intra-personal barriers);
- *What do you find puzzling about this activity / exercise / discussion? Why is it puzzling? What would help you better understand it?* (to help students hone in on where their understanding might be fuzzy, and what they might do about it);
- *What metaphors or images come to mind when you think about [negotiation; value creation; preparation; etc.]?* (to heighten students' awareness of their own mental models or schemas and how this supports or hinders their learning process).

Facilitated discussion is not, of course, the only instructional technique for promoting metacognition in a negotiation course. Students might, for instance, keep a weekly journal throughout the semester in which they reflect on, analyze, and evaluate their negotiation performances in and out of class. Then, as a final assignment, the instructor might ask the students to annotate their journals with reflections on how their earlier thinking might have evolved, changed, been confirmed, been challenged, etc. during the course of the semester. In addition, Stephen Brookfield describes a “Critical Incident Questionnaire” – a single-page, five-question form that students complete on a weekly basis, for the purpose of “finding out how students are experiencing their learning and your teaching” (Brookfield 2006: 41-54).²¹

None of these questions or activities will automatically trigger metacognition, but they can open the door. As discussed above, the instructor can then listen to (or read) students’ responses, and depending on the course goals and the students’ needs, respond more or less directly to encourage metacognition.

Ideas for Implementation

With the foregoing “theories” about transfer in mind, what are some ways we put these theories into practice? A number of negotiation instructors no doubt use many of the following techniques, although perhaps without knowing exactly why or knowing that research supports what they do.²² These are not “one-size-fits-all” prescriptions – and this is far from a comprehensive list. Rather, these are examples of how a teacher might implement some of the transfer principles, depending on the goals of the course and the needs of the students.

- 1) If conceptual changes for students occur in part when some disequilibrium is present, manufacturing some of this disequilibrium might be beneficial. For example, using scored exercises that “prove” the advantages of integrative bargaining to maximize joint gain can produce profitable discomfort in students who think that only distributive bargaining is correct. So, too, an “Ugli Orange” type of exercise – one in which missed information has disastrous results for one’s simulated interests – can be useful for students who need to learn to take time to actively question and listen if they are to discover opportunities for joint gain possible through integrative bargaining. And a simulation in which distributive bargaining may be appropriate (e.g., a single-issue, one-shot negotiation between unrelated people) might also be used,

to ensure that the emphasis on integrative bargaining does not signal to students that it is always preferable.²³

- 2) While much of the expert's "ability to notice" relevant data develops with time and experience, there may be ways to facilitate the development of this ability. For instance, we might consciously guide students to compare and contrast what has occurred in class: how are two or more negotiation scenarios similar and how are they different – and in what ways are these similarities and differences relevant for negotiators? We might also plan two simulations to reinforce a particular learning point, and tell students before the second simulation that the principle learned and discussed from the first will be helpful to the successful completion of the second. During simulation debriefing, we can be mindful to ask questions to ensure that students learn explicitly what they should have noticed. And we might invite some students to act as observers for other students negotiating role simulations, perhaps with checklists for what to notice. This technique offers the role-playing students the benefit of targeted feedback and offers the observing students the opportunity to develop relevant "noticing" skills.
- 3) Given the power of analogical learning and the often-cited ability and desire of adult learners to connect classroom experience with what they already know, we might explicitly encourage students to compare their classroom experiences with their real-life negotiating experiences. Whether the "classroom experience" derives from observing a lecture, reading a case study, participating in a simulation, watching a video or live demonstration, or some other experience, students can look for connections and/or distinctions between the dynamics of that classroom experience and the dynamics they have experienced in their own negotiations. This form of analogical thinking might be very open-ended ("What similarities do you notice between this exercise and the negotiations in which you typically engage?") or more focused ("Now that you've seen this video on coalition-building in multi-party negotiation, can you think of a negotiation situation in your own life in which you either built a coalition or had the opportunity to do so? Would the coalition-sequencing strategy you saw in the video have made sense in your own situation or not? Why or why not?"). We cannot assume that students who demonstrate negotiation skills or conceptual understanding in the classroom will automati-

cally transfer these skills or understandings to appropriate contexts outside the classroom. Explicit analogical training is no guarantee, either, but it can help support transfer in many cases.

- 4) High-road transfer is most likely if negotiation opportunities are presented in a variety of contexts. The obvious prescriptive advice here is to be sure that the principles being taught are experienced in multiple contexts (a business context, a personal context, different types of business or legal situations, etc.) so that the learning goes deeper than the surface features of a particular simulated fact pattern.
- 5) Models or demonstrations of effective negotiation behaviors – for instance, through videos or live demonstrations – can harness the power of observational learning. The “right” time to do this is likely to be after students have struggled a bit with the course content, so that students are primed for learning with a sense of what they “need to know” (ASTD 1996: 256). There is a danger (especially in short trainings) that models and demonstrations will promote a mimicry effect, but used in combination with other techniques such as deliberate practice, observational training can help support transfer of behavioral skills.
- 6) Theory should be explicitly incorporated into the learning process. For example, a short lecture on a particular negotiation framework prior to a simulation can give students the opportunity to attempt explicitly to apply the framework in the simulation. During a post-simulation debriefing, students can be asked to reflect on the extent to which they did or didn’t apply the framework, or the extent to which the framework was or wasn’t relevant – thus promoting both metacognition and critical reflection. Alternatively, instructors might choose to let students “mess about” negotiating a simulation without being guided (or constrained) by a previously presented theory or framework, and might then use the debriefing to help students induce theoretical principles from their own reflections. Regardless of whether theory is taught deductively or inductively (or through some combination), student learning about negotiation will be deeper (and more transferable) if it includes an understanding of the theoretical underpinnings of their work.
- 7) Finally, students should be explicitly encouraged to reflect on their own learning processes as well as their negotiation processes. Instructors might schedule reflection time before, during, and/or after simulations; in small and large group

discussions; with or without class presentations; in written personal or group journals. Explicit directions and questions can guide the learners to a level of deep thinking about successes and failures, leading to the capacity for self-assessment and self-correction when the teacher fades out of the learner's life. As one example, students might be asked to reflect and share (with a small or large group or in writing) on the "most useful thing" learned each day, or to complete the sentence, "Back on the job I can apply what I learned today by...." The products of these reflections can also help the teacher to make mid-course corrections if s/he discerns that they are needed.

Transfer is a dynamic process. Danny Ertel counsels negotiators to "start with the end in mind" (2004: 63; see also Ertel and Gordon 2008) – that is, to negotiate with an implementation-oriented mindset rather than a deal-oriented mindset. The final agreement is not the end in itself; the point of the deal is the real-world implementation of the agreement. Similarly, negotiation teachers can design (and possibly re-design, in response to emerging dynamics) their curricula with the "end in mind" – not the end of the course, but the end or aim of helping students transfer useful learning to their real-world contexts – ideally for many years to come.

Conclusion

Effective teaching, like effective negotiating, calls for a balance between thoughtful preparation and flexible process. The design of a negotiation curriculum, be it an advanced graduate-level seminar or a two-day executive workshop, will influence what participants learn and whether they might transfer that learning to other settings removed in time and space from the classroom. Articulating clear, performance-oriented goals, selecting and sequencing transfer-oriented learning activities tailored to those goals, and supporting the development of self-reflective and metacognitive skills can all increase the likelihood that students will retain and apply what they've learned after the course has concluded. At the same time – just as good negotiators will adapt and adjust even the most carefully prepared strategy in response to emerging negotiation dynamics – we as negotiation teachers should be prepared to adapt our curricula in response to emerging classroom dynamics. By taking the time to learn about our students – what they already know, think they know, don't know, believe, wonder about – and inviting them to co-create the curriculum as well as to co-construct their understanding of negotiation, we not only harness the power of collabora-

tive and constructivist learning, but we might also model (and thus perhaps implicitly teach) some of the very negotiation practices we espouse.

Notes

This chapter integrates concepts explored by the authors in two separate articles included in the April 2009 special issue of *Negotiation Journal* – “Negotiating Classroom Process: Lessons from Adult Learning” (Nelken 2009) and “Teaching for Implementation: Designing Negotiation Curricula to Maximize Long-Term Learning” (McAdoo and Manwaring 2009). The authors would like to thank John Wade, Ran Kuttner, Jim Coben, and Christopher Honeyman for their valuable feedback, along with Ross Oden and Michael Graskemper for their research and editorial assistance.

¹ The British psychoanalyst Wilfred Bion distinguished several types of group process based on his experiences leading therapy groups in a military psychiatric hospital during World War Two. What he called a dependency group operates on the assumption that there is a leader who has and will dispense all the necessary answers (the traditional professor-student relationship), while a work group is one whose mental activity “is geared to a task...related to reality, [and] its methods are rational” (Bion 1994: 143). One of the challenges in teaching any group, adults or not, is that group dynamics are unstable, and a functioning work group may turn into a dependency group under stress, or into one of the other “basic assumption” groups Bion described (“pairing” and “fight-flight” groups).

² We use the term “adult learning theory” to refer generally to a range of 20th and 21st-century theories by educators, educational psychologists, and educational philosophers about how adults learn, from early work by Paolo Freire and Malcolm Knowles to more contemporary work by the likes of John Bransford, Robert Kegan, and Stephen Brookfield. While there is not a single unifying theory of adult learning, and while there may be some inconsistencies or even contradictions between particular adult learning theories (see, e.g., Brookfield 1986, ch. 5), we use the collective term “adult learning theory” to refer to the substantial descriptive and prescriptive consistencies among individual adult learning theories. See, e.g., Knowles, Holton, and Swanson 2005 (identifying several common themes among theories of learning in general and of adult learning).

³ While we focus here on the traditional face-to-face classroom, process is no less important in negotiation courses taught online or through other media. Indeed, much of the online education literature advocates the creation of a participatory, responsive, learner-centered environment rather than an instructor-centered environment. See, e.g., Collison et al. 2000: 7 (“The style of ‘guide on the side’ [vs. ‘sage on the stage’] is most appropriate for leading a virtual learning community”); Garrison and Anderson 2003: 122-23 (“The greatest benefit of the Net for education is its capacity to support the social construction of new knowledge and its validation and enhancement by participants spread around the world and across temporal

space...The challenge for twenty-first century educators is to create a purposeful community of inquiry that integrates social, cognitive, and teaching presence in a way that will take full advantage of the unique properties of e-learning”).

⁴ Indeed, given the severe time limitations (half-day, one day, two days) of the typical executive training course, we should probably consider ourselves lucky if we manage to stimulate some curiosity and interest in the subject of negotiation and to prepare participants for continued learning after the course concludes. It is difficult to foster lasting learning in such a brief encounter.

⁵ Particularly to the extent that negotiation *theory* is new to many students, negotiation teachers and students face some version of what Donald Schön calls “the paradox of learning a really new competence,” which is that “a student cannot first understand what he needs to learn, can learn it only by educating himself, and can educate himself only by beginning to do what he does not yet understand...[The student] must jump in without knowing – indeed in order to discover – what he needs to learn” (Schön 1987:93). However, negotiation *itself* can hardly be called “a really new competence” for anyone, and thus students are more apt to have some sense of what they need to learn about negotiation than students studying a truly unfamiliar subject or skill.

⁶ See Caine and Caine 1990: 67 (“What we learn is influenced and organized by emotions....Thus, emotions and cognition cannot be separated. Emotions are also crucial to memory because they facilitate the storage and recall of information”).

⁷ This is not to say that there is no place for the traditional lecture in a negotiation course: as discussed below, lectures can help clarify concepts and prepare students for future learning, *when used in combination with other more active, learner-centered approaches*. The combination is key. See Schwartz and Bransford 1998; National Research Council 1999.

⁸ C. Roland Christensen (1991: 159-160) lists the following typology of discussion questions: open-ended, diagnostic, information-seeking, challenge (testing), action, priority- and sequence-focused, prediction, hypothetical, extension, and generalization.

⁹ A consideration of what response is most likely to be constructive in the moment may involve choosing a particular form of question (see n. 8, *supra*, and accompanying text) to follow and reinforce the teacher’s response. See also Harding 2004.

¹⁰ For those who prefer some structure while winging it, C. Roland Christensen offers a decision tree approach to choosing what response might be appropriate in a given situation: “The use of a decision tree that matches academic objectives and personal teaching style can relieve some of the time pressures inherent in making a response. One arrives in class with a framework that lays out general ‘first-order’ options as well as secondary steps that might follow from each potential choice” (1991: 167-168).

¹¹ See also Patton 2000: 39-40 (discussing teaching negotiation by example, explicit and implicit learning, and the “need for congruence between content and process”) and Brookfield 2006: 67-69 (arguing that congruence

between a teacher's words and actions is an indicator of authenticity, which in turn helps students develop trust in such teachers and to perceive them as allies in learning).

¹² See also Brookfield 2006: 1 (“[T]eaching is frequently a gloriously messy pursuit in which shock, contradiction, and risk are endemic”).

¹³ Even in the United States, questions have been raised about how well the integrative bargaining model represents actual “best practice” among lawyers and about the extent to which it has set up a straw man in its characterization (or caricature) of competitive or distributive bargainers (Condlin 2008).

¹⁴ Of course, one risk of a highly thoughtful, well-designed curriculum is that the teacher may become too attached to the design, insisting on “delivering” the course as planned. Ironically, a teacher who resists the “tyranny of content” by designing a highly learner-centered curriculum may unwittingly fall prey to a subtler “tyranny of design” if she insists on teaching the course exactly as designed, irrespective of student input or response. As discussed above, just as a highly prepared negotiator may adjust her strategy in response to the dynamics that arise with her counterpart, a highly prepared negotiation teacher may adapt his curriculum in response to what he learns about his individual students and the collective classroom dynamics that emerge.

¹⁵ This is not intended to suggest that instructors simply defer to students regarding the appropriate goals for a negotiation course. Particularly at the outset of a course, there may be a tension between what the instructor thinks the students should learn and what the students think they should learn. An instructor who recognizes that tension by learning where students' minds and hearts are will be better equipped to educate students sufficiently to re-evaluate and possibly change their assumptions (or her own assumptions) about what the students need to learn.

¹⁶ The Teaching for Understanding framework – a research-based pedagogical framework developed by Howard Gardner, David Perkins, and others at the Harvard Graduate School of Education – advocates framing curricular goals in terms of “understanding” – which is defined as a *flexible performance capability*. In other words, if a student truly understands something, she is able to do something with it, adaptively, in different contexts. See Wiske 1997: 66-72.

¹⁷ Drawing attention to what should be noticed in a problem-solving environment is, of course, a critical methodology of disciplines that teach through examples and specific cases. For example, Socratic questioning in law school assists students to understand the underlying principles for case decisions so that they will be able to apply these principles (or precedents) in future cases. Many law professors pose hypotheticals in the hope that students will draw analogies from cases already studied in order to inform their answers to the hypotheticals (Aldisert, Stephen, and Peterson 2007).

¹⁸ See Williams, Farmer, and Manwaring 2008: 86, n.11 (“[I]t is not enough to only master the building blocks of negotiation skill; students must also know how to organize and sequence these building blocks” (citation omitted)).

¹⁹ As Bransford and Schwartz write, “we must go beyond the ‘knowing that’ (replicative knowledge) and the ‘knowing how’ (applicative knowledge)....

People also 'know with' their previously acquired concepts and experiences. 'Knowing with' refers to the fact that the educated person 'thinks, perceives and judges with everything that he has studied in school, even though he cannot recall these learnings on demand.' By 'knowing with' our cumulative set of knowledge and experiences, we perceive, interpret, and judge situations based on our past experiences" (Bransford and Schwartz 1999: 69-70 [citations omitted]).

²⁰ Whatever happened in the negotiation is useful data for this step, reinforcing the point that a student has not "failed" even if she did not reach agreement (ASTD 1996: 523).

²¹ The five questions are: (1) At what moment in class this week did you feel most engaged with what was happening? (2) At what moment in class this week were you most distanced from what was happening? (3) What action that anyone (teacher or student) took this week did you find most affirming or helpful? (4) What action that anyone took this week did you find most puzzling or confusing? (5) What about the class this week surprised you most? (This could be about your own reactions to what went on, something that someone did, or anything else that occurs) (Brookfield 2006: 42-43). Brookfield notes that while "students sometimes find the activity of completing the five questions on the form to be somewhat artificial," his students report that over time they begin to have "pedagogic 'out of body' experiences" and that after several weeks, "they are in the habit of hovering above themselves and studying the ways they react to different situations" (id. at 47). The ability to take this "meta" stance on one's behavior or on one's thinking is critical both for self-reflection and metacognition.

²² By the same token, many negotiation students intuitively use effective negotiation techniques, without necessarily realizing why they are effective or making a purposive choice to use those particular techniques. In many cases, this works fine – though this "gut" approach may not work so well in certain situations or with certain counterparts (and may result in acceptable but suboptimal outcomes). A conscious awareness of the range of potential techniques at our disposal, along with their potential risks and benefits, can facilitate more purposive, goal-oriented approaches more consistently – both in negotiation and in teaching.

²³ A useful scored exercise is "Blockbuster" in Korobkin (2002); "Uglier Orange" can be found in Barkai (1996). Exercises and simulations are plentiful in teacher's manuals for negotiation textbooks, and available through negotiation resource centers such as the Program on Negotiation Clearinghouse (www.pon.org) at Harvard Law School and the Dispute Resolution Research Center at Northwestern University. See also Ebner and Efron, in this volume.

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