Teaching Negotiation in the Business Sector: Methods, Models, and Challenges.

La enseñanza de la negociación en el sector empresarial: métodos, modelos y desafío.

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ABSTRACT
The present paper explores the different methods, models, and challenges of teaching negotiation in the business sector. Particular attention is paid to the challenges brought about by borrowing methods and techniques borrowed from the fields of law and conflict analysis and resolution. A problem-based approach is favored as a way to make negotiation less theoretical and more pragmatic. The integration of communication and problem-solving techniques as part of the negotiation curriculum is also recommended and a case study of the application of the Buzan mind-mapping technique as part of integrative negotiation is explored in detail. Moreover, certain best practices borrowed from applied anthropology are also operationalized to deal with cultural and social differences in business negotiation.
Keywords: negotiation, mind-mapping, business education, conflict analysis and resolution.

RESUMEN

El presente artículo explora los diferentes métodos, modelos y desafíos de la enseñanza de la negociación en el sector empresarial. Se presta especial atención a los desafíos que plantea el préstamo de métodos y técnicas de los campos del derecho y el análisis y la resolución de conflictos. Se favorece un enfoque basado en problemas como una forma de hacer que la negociación sea menos teórica y más pragmática. También se recomienda la integración de técnicas de comunicación y resolución de problemas como parte del plan de estudios de negociación y se explora en detalle un estudio de caso de la aplicación de la técnica de mapas mentales de Buzan como parte de la negociación integradora. Además, ciertas mejores prácticas tomadas de la antropología aplicada también se ponen en práctica para hacer frente a las diferencias culturales y sociales en la negociación empresarial.

Palabras Clave: negociación, mapas mentales, educación empresarial, análisis y resolución de conflictos.

INTRODUCCIÓN

Managers understand the importance of negotiation as a core skill of the discipline (Constantino & Merchant, 1996). However, there is disagreement as to how to teach this important skill. Moreover because of the interdisciplinary nature of management and business administration there is a lack of consensus on the particular approach to negotiation that should be promoted (Ertel, 1991). Another important challenge is the expense involved in including negotiation as part of professional training beyond the basic undergraduate education in order to fill the gap of, what many managers consider to be, overly theoretical and impractical formal studies (Ewest & Klieg, 2012; Jordan, 2003). A final issue is the incomplete teaching of negotiation and the feeling by many managers that their employees grasp the main concepts of negotiation but lack the tools to implement those concepts in practice (Goldsmith, Greenberg, Robertson, & Hu-Chan, 2003).

The present paper explores the traditional schools of thought in the field of negotiation and how they differ in terms of methods and goals. In addition to dealing with broad paradigmatic differences, the following sections discuss different approaches to the teaching of negotiation at the undergraduate and graduate level. A discussion of the teaching of negotiation outside of the university context, in workshops and professional training is also included so as to explore complementarities and synergies between the different sources of training. A final section of the paper discusses the integration of facilitation tools such as the Buzan mind-mapping technique as a best practice rather than the superficial introduction of a vast array of techniques without the achievement of mastery by practitioners.

Brief Literature Review:

The literature dealing with negotiation is vast but fragmented (Iji, 2010; Lewicki, Barry, & Saunders, 2006; Mahoney & Schamber, 2004; Manring, 1993). There are deep disciplinary cleavages which reflect broad disagreement over both goals and methods (Rowe, 1991). The Legal approach to negotiation initially developed virtually independently to approaches derived from the social sciences(August, 1995; Bowen, 2005; Chilberg, 1995). Disciplinary cradles have an important effect on the assumptions and goals of each broad framework (Kuhn, 1996; Lueddeke, 2008). Legal negotiation developed as an alternative to traditional litigation and therefore displays many similar characteristics (Gallis, 2009). Legal negotiation tends to be more confrontational than other styles of negotiation and suffers from serious constraints due to its emphasis on the legal structure and legal precedent (Roht-Arriaza & Gibson, 1998). In other words, legal practitioners extrapolated lessons learned from litigation into the negotiation field. Barbara Ashley Phillips points out that lawyers who practice negotiation tend to be constrained by the alternatives usually provided as solutions by previous legal decisions (Phillips, 2001). Therefore, rather than negotiation over a dispute leading to a vast array of creative solution, the process becomes a struggle over a limited number of predetermined outcomes (Phillips, 2001). Cohen et. al. has also identified a tendency of negotiators with a legal background to monetize disputes and to focus on short term interests at the expense of long-term relationships and sustainable outcomes (Orna Cohen, Luxenburg, Dattner, & Matz, 1999).

At the international level the influence of the legal field is more complex (August, 1995; Brunnee & Toope, 2006; Feigenblatt, 2010c; Roht-Arriaza & Gibson, 1998). The absence of a global sovereign authority to enforce legal rulings has resulted in a more nuanced and flexible approach to disputes in the subfield of international law(Anaya, 2004; August, 1995; Brunnee & Toope, 2006; Feigenblatt, 2011; Roht-Arriaza & Gibson, 1998). The very nature of practice in the field of international law exposes lawyers to practitioners from different disciplinary backgrounds such as diplomacy, international relations, applied anthropology, and business administration, which in turn results in a more flexible a nuanced approach to negotiation which takes into consideration a broader array of concerned stakeholders and adopts a longer time frame (Eriksen, 2005; Lempert & Sanders, 2005).

Working closely with international law professionals, diplomats and experts in the field of international relations, have made important contributions to negotiation theory and training (Cordoba, 2005; Kissinger, 1994). Historically diplomacy has focused on the personal aspects of negotiation such as communication and protocol while international relations was initially dominated by a quantitative approach to the study of disputes best known for Game Theory and its application to nuclear deterrence during the Cold War (Kissinger, 1994; Kriesberg, 1997). Mathematical simulations were used

to train diplomats and negotiators to try to predict the outcome of a tense military encounter between nuclear armed superpowers (Kriesberg, 1997; Mintzberg & Waters, 1985).

Later developments in the field of international relations and political science gave more prominence to norms and values in the complex process of negotiation and thus added the "art" to the "science". Concepts such as "soft power" popularized by Joseph Nye received increasing attention both in the field and in closely related disciplines (Miller, 2009).

Negotiation in the field of business administration was historically focused on distributive approaches due to the important influence of theories borrowed from economics and financial sciences (Emery & Trist, 1965; The Essentials of Strategy, 2006; Ewest & Klieg, 2012; Mann, Marco, Khalil, & Esola, 2001; Weise, 1989). Economics and in particular the subfield of development economics have moved away from a focus on distributive negotiation due to internal challenges to foundational disciplinary assumptions such as the rationality of the economic man and the finite nature of resources (Suttipun & Arwae, 2020). Nobel Laureate Daniel Kahneman rejected the assumption that people make decisions rationally in his seminal Prospect Theory (Feigenblatt, 2012; Levy, 2000). Kahneman's Theory was particularly influential in the field of negotiation because it attacked expected utility theory and rather studied how individuals assess loss and gain. In the field of development economics, Amartiya Sen broadened the goals of economic development to include a broader definition with consideration for human potential and capabilities (Sen, 1999).

The rise of the interdisciplinary field of conflict analysis and resolution is the result of the cooperation of a vast array of scholars from the social sciences and communication studies. This relatively young field focused on conflict as a phenomenon with the overarching goals of harnessing the power of conflict for good and of developing models, theories, and techniques to deal with the negative effects of disputes (Druckman, 2005; Feigenblatt, 2010a; Kriesberg, 1997). As a result of this sustained focus on conflict as a phenomenon it was possible to explore a vast array of dispute resolution approaches such as negotiation, mediation, and arbitration in a wide range of contexts.

The urgency of improving alternative dispute resolution in the private sector has been brought to the fore by issues of social justice (Chilberg, 1989). Greater diversity in the workplace, greater employee mobility, and global trends favoring products and companies with a good social and environmental record has made negotiation one of the core skills for managers and employees in the 21st century (Guinier, Fine, Balin, Bartow, & Stachel, 1994; HSIN-HUANG, HSIAO, & WAN, 2007; Patton, 2009; Sabogal, 2012; Williams, 1997).

Teaching Negotiation in the Business Sector:

Managers and business leaders recognize the importance of negotiation skills for their workforce (MacGeorge, Graves, Feng, Gillihan, & Burleson, 2004; Masser & Abrams, 2004; Rangel, Ivanova, & Singer, 2009). Nevertheless, they work with a fragmented and archaic training system that is not of their making. The actually existing training system for negotiators and every single member of the workforce is a negotiator in one way or another, starts in primary and secondary schools and then continues through higher education. Undergraduate education is particularly important in this regard because it is the terminal degree for most managers, something that is slowly changing towards the MBA (Ewest & Klieg, 2012; hallinger & Lu, 2013). The literature on the structure and purpose of higher education is very clear on the immense societal investment on undergraduate studies for the rank and file of the professional class (Iloh & Toldson, 2013; Kimball, 2013; Lytle, 2013; Mangu-Ward, 2008; Meenakumari & Krishnaveni, 2011). On average four years are invested on full time study to learn a trade and in particular to learn problem solving skills (Foster, 2013; Roche, 2013). Taking into consideration the opportunity cost of spending four years away from the workforce and the investment of resources into teaching them a wide range of skills, society as a whole but employers in particular have the expectation that graduates will have mastered the basic core skills needed to function in a modern economy (Schiller & Liefner, 2007; Scholz, 2013). Sadly, both empirical studies and many managers bemoan the apparent failure to prepare graduates for their future jobs (Mangu-Ward, 2008; Praphamontripong, 2010). While the purpose of higher education transcends the narrow goal of preparing students to enter the workforce, that does not obviate the challenge of "supplementing" undergraduate education with hundreds of hours of "professional training", "continuing education", and internships.

The challenge is an issue of fit rather than a failure on the part of the higher education sector. Students are clearly learning important skills and concepts but the rapidly changing workplace has outpaced the rate of change of the undergraduate curriculum (Scholz, 2013). This is specially the case in terms of teaching core skills such as negotiation. Disciplinary silos ossified through complex bureaucratic structures and the nature of the academic career itself; provide disincentives to make sudden changes to the curriculum. Moreover, the feedback loop between undergraduate programs and the business sector is imperfect and indirect (Stewart & Knowles, 2003).

Important changes have been made to undergraduate education to deal with the challenges mentioned in the previous paragraph such as the integration of business

incubator programs into university structures, an expansion of internship opportunities, and the hiring of practice-oriented professors in some universities (Praphamontripong, 2010; Stewart & Knowles, 2003). All of those changes notwithstanding, the quality of teaching and of the curriculum materials for negotiation at both the undergraduate and professional training levels vary widely.

At the most basic level there are two main models taught in terms of negotiation (Feigenblatt, 2010b; Fisher & Ury, 1991; Negotiation: Your Mentor and Guide to Doing Business Effectively, 2003). There is the distributive model focused on bargaining and the maximization of value and there are varieties of integrative negotiation focused on finding a balance between value and relationships. Many programs attempt to teach both as part of an introduction to business course or as a lesson in more advanced management courses. Integrating negotiation as part of the overall curriculum is a good idea but in many cases the lesson is theoretical rather than practical and other than exposing the student to concepts and theories there is little in terms of gaining new skills. There is a focus on the "what" but not on the "how". This is understandable due to time limitations and to large class sizes in introductory undergraduate sections.

Negotiation in professional training sessions and in continuing education programs tends to be more skill based and in many cases is devoid of theory (Rangel et al., 2009). Professional training tends to be paid by employers and thus focuses on practical skills needed for a particular job (Goldsmith et al., 2003). Training is an investment and the imperatives of efficiency and effectiveness guide decisions when deciding who to hire and what model to promote in the workplace. One of the problems in the case of negotiation training in the professional training environment is that many programs oversimplify the negotiation process and offer step by step recipes for employees to apply to an infinitely variable set of circumstances (Bush & Folger, 2005). In the short term the trainings are focused, and students learn and practice the application of the favored recipe but with little understanding of the underlying structure of disputes and with an even more superficial understanding of the method itself (Chilberg, 1989).

Therefore, the challenge is to find a balance between the theoretical teaching of negotiation and the overly simplistic step methods promoted by many coaches and trainers dealing with professional training and continuing education for the private sector. The following section explores a few best practices as to how that balance can be achieved at both the undergraduate and professional training levels.

Teaching Negotiation for Mastery: Best Practices

There is no single solution to the complex problem of teaching negotiation for the business sector but there are a few best practices that point us to an overall multipronged approach to tackle the challenge. Close cooperation between universities

and employers in both internships but also in curriculum design is needed (Rangel et al., 2009). Universities are much more sensitive to employment figures in the 21st century than in previous decades but the focus has become job placement rather than the achievement of a true integration between the delivery of instruction and the needs of employers (Schiller & Liefner, 2007). Superficial changes such as the hiring of a few practices based faculty and the requirement of internships for graduation do not achieve true synergy with the private sector, the consumer in this case, of trained human capital. The establishment of interdisciplinary and inter-sectoral committees to review course curricula, in particular in business programs, would help at least point out areas ripe for improvement. Furthermore, negotiation should be pushed as part of the hidden curriculum at the undergraduate level. Negotiation can be integrated into a wide array of activities and subjects thus providing opportunities to practice. Rather than exposing students to a full gamut of techniques and negotiation methods it would be much more efficient and effective to focus on a single school of thought and style of negotiation in order to achieve mastery. The same recommendation applies in terms of the many techniques for facilitation and communication that students are exposed to (James, Eggers, Hughes-REase, Loup, & Seiford, 2005; Jenkins, 2005; Keltner, 1989). It is impossible even for full time practitioners of conflict analysis and resolution to master the full range tools for the facilitation of meetings which range from the Delphi Method to mind-mapping, inter alia. A focus on a single method and the mastery of a flexible toolkit to be able to apply the method of choice, will allow students to enter the workforce with the knowledge and ability to apply at least one negotiation method with confidence.

Mind-Mapping as a Strong Contender:

Integrative negotiation has become the gold standard in MBA programs partly due to its endorsement and refinement by the Harvard Business School (Negotiation: Your Mentor and Guide to Doing Business Effectively, 2003). Roger Fisher and William Ury developed the core principles of the HBS version of negotiation which was then streamlined in the popular Harvard Business Essentials series (Fisher & Ury, 1991; W. Ury, 1993; W. L. Ury, Brett, & Goldberg, 1993). Integrative negotiation as proposed by Fisher and Ury is about the creation of value and the protection of relationships and thus transcending distributive negotiation through the creative exploration of alternative solutions (Fisher & Ury, 1991). Fisher and Ury's approach is flexible enough to take into consideration contextual factors beyond the immediate dispute and to integrate the interests of a vast array of stakeholders. Moreover, integrative negotiation maintains the focus on value and thus does not sacrifice a realistic emphasis on achieving short terms goals with a healthy concern for other long-term goals and sustainability (W. L. Ury et al., 1993).

Ury and Fisher as well as the Harvard Business School negotiation training materials make the assumption that students have mastered certain basic communication

and problem-solving skills. Without basic skills in brainstorming and in note taking it would be very challenging to apply the integrative negotiation method. Their assumption is reasonable taking into consideration their intended audience and also the scope of their work. The focus is on negotiation itself and not on the techniques to facilitate each step in the process. In a way, the overall approach can be adapted to a wide range of decision-making tools and styles.

The challenge is that many users of the method such as the majority of undergraduate students lack clear mastery in brainstorming techniques and many lack facilitation skills. Individual steps of negotiation in general and integrative negotiation in particular, require a high degree of creativity and mental organization. Lackluster performance in the exploration of creative alternatives can doom a negotiation to failure and unstructured brainstorming can lead to confusion and backtracking (Gouran & Hirokawa, 2005). Anthony Peter Buzan, better known as Tony Buzan, promoted the idea of metal literacy and in particular emphasized radiant thinking through the application of a technique known as mind-mapping (Buzan & Buzan, 1996). Negotiation requires higher order thinking abilities such as analysis and synthesis (hallinger & Lu, 2013). Therefore, the integration and parallel teaching of a technique such as mind-mapping as part of a negotiation training program can help students dramatically improve their general problem solving skills but in particular can help them confidently navigate the many complex stages of the negotiation process.

Integrating the teaching of mind-mapping to the teaching of negotiation skills can lead to powerful synergetic positive externalities. Many students will avoid the effects of "learned helplessness" when faced with a challenging dispute with no obvious solution. Students would also be more conscious about their own thinking processes through a mixture of symbols and images reflecting the multifaceted relationships between interests, relationships, and stakeholders. Rather than adding more work to students, integrating mind-mapping will reveal the hidden logic behind the mechanics of integrative negotiation by adding greater transparency to the process. The theoretical understanding of the importance of "expanding the pie" is very different from the ability to think of creative alternatives that actually create value (Folger, Poole, & Stutman, 2005). Cognitive limitations can slow down or break down negotiations and therefore expanding the cognitive abilities of the students concurrently to teaching them about the process can lead to immediate and long term benefits such as: systems thinking, increased creativity, and improvements in higher order thinking. A final advantage is that this integration of mind-mapping and negotiation applies the educational concept of "scaffolding", meaning providing the tools for students to master continuously higher levels of complexity(Davis, 2009).

Conclusions

The present study has explored some of the challenges faced by the field of negotiation training for the private sector. A lack of coordination between employers and higher education institutions has resulted in a mismatch of graduate skills with those needed by the market (Agresto, 2011). Greater consultation between different stakeholders can lead to better coordination and to crosspollination of ideas. Business programs can integrate the needs of employers directly into curricula while in many cases the private sector can also discover skills and knowledge that can be integrated into their work processes.

Integrative negotiation has gained a place of honor in the business sector as the premier model because of its combination of lessons learned from the social sciences and from economics (W. Ury, 1993). Nevertheless, the pre-requisites of mastering the method include a high level of higher order thinking and creativity which requires many years of trial and error to achieve under natural conditions. The integration of mind-mapping and radiant thinking into the teaching of integrative negotiation can facilitate both the mastery of the method as well as lead to a vast array of positive externalities such as greater confidence and a greater toleration for uncertainty, both important ingredients for successful problem solving.

For Further Research

The present study provides a tentative exploratory qualitative overview of the many reasons for the integration of mind-mapping as part of negotiation training. Nevertheless, more research is needed as to the effects of the proposed integration on student achievement. A first step is to design a pilot project integrating mind-mapping to the teaching of integrative negotiation. The pilot project can then be followed by focus groups to map and interpret the effects of the different stages of the learning process on the target students. Methods borrowed from applied Anthropology can be very helpful in this regard. The author is preparing such a curriculum and pilot project in cooperation with other experts in the field of negotiation and mind-mapping.

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