

Learning How to Learn to Negotiate

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Editors' Note: This chapter is for everyone who ever wondered if they could really implement all the new negotiation ideas they have read. By analyzing research on how we can learn to learn, the authors of this chapter provide specific advice to negotiators and negotiation trainers. (For those whose students—or colleagues—are more hardheaded than most, this chapter should be read in conjunction with the chapter by Kirschner.)

All of us negotiate all the time—at work, at home, with colleagues, counterparts, family, and friends. We hope that we learn from these experiences. We imagine that we are building our negotiation skills incrementally, so that over time we are becoming more capable negotiators. But *do* these experiences help us to improve? Unfortunately, an honest assessment suggests that the answer is often “no.” Just as reading about negotiation theories is no guarantee of improvement, simply having more experience negotiating does not necessarily make someone a better negotiator. Instead, most of us seem to miss most of the learning opportunities we encounter.

This chapter explores three aspects of learning to negotiate. First, we discuss what it takes for negotiators to learn from their experiences. In particular, we argue that negotiators-in-training need access to valid data about their abilities, their actual practices, and the impact of those practices. Negotiators also need a willingness to explore such data in ways that will expose their implicit, and sometimes unhelpful, action strategies for dealing with conflict or bargaining. Second, we argue that most negotiators do not expose themselves to such learning opportunities—largely for fear of what they might find out about themselves and their abilities. Instead, most of us shield ourselves from real learning, all the while *telling ourselves and others* that we are eager to find ways to learn and improve. Finally, we discuss what negotiators and negotiation teachers can do to overcome some of these barriers to getting better.

As a theoretical foundation for our observations about negotiators' efforts at learning, we draw heavily from the work of Chris Argyris and his colleagues. Argyris uses the umbrella term “Action Science”¹ to describe the process of critically examining one's own behavior in an effort to improve. Much of his work focuses on the learning behaviors of individuals in organizational settings—for example, exploring how managers learn and adapt their managerial practices. Here we ap-

ply some of his ideas to the question of how negotiators in all contexts can best learn from their experiences.

What it Takes to Learn to Negotiate (Well)

In the last several decades, negotiation scholars, teachers, and practitioners have developed robust advice on what it takes to negotiate well in varied circumstances. The negotiation literature has moved beyond lists of “dirty tricks” and now incorporates interdisciplinary research from economics, psychology, organizational behavior, and other fields to provide guidance for aspiring students of negotiation. Though not all theories of negotiation articulate advice in the same way, most share some common themes that we will not review in detail in this chapter: search for underlying interests and potentially value-creating trades rather than take arbitrary haggling positions; explore the other side’s perspective through listening and empathy even if you discover you disagree with it; build a working relationship with the other side; manage your emotions to engage productively in the conversation rather than suppressing or ignoring feelings, etc. The message in most negotiation courses today is that learning to negotiate requires learning to collaborate and problem-solve with others, despite severe differences. Strategy and self-interest do not disappear, but negotiation students often discover that they can accomplish more, and more easily, by fostering collaboration rather than turning every aspect of every negotiation into a zero-sum, escalatory, or haggling-type experience. In general, the message is that negotiators should be adept at multiple approaches to negotiation. The most skilled negotiators can determine when collaborative approaches make most sense, are able to defend against counterparts who engage in non-collaborative behaviors, and can adopt strategies that produce favorable outcomes even when the other negotiator’s competitive approach does not permit collaborative problem-solving. We do not have the space here to review or explain the nuances of all of this advice—we will assume, for our purposes here, that the reader is largely familiar with this canon.

We do not suggest that there is total uniformity in these messages across all negotiation courses, nor that there should be. Collaboration is not always the right approach to every negotiation. Still, among other skills, effective negotiators need the ability to spot opportunities in which collaboration could yield benefits *and* the ability to engage in those collaborative negotiations effectively. We take as our starting point, therefore, that for a student—whether in a corporate or academic setting—to learn to negotiate *well*, that student must learn to collaborate and problem-solve in difficult conflicts.

How can a student of negotiation learn these skills? One aspect of learning to negotiate is simply testing all of this advice against your own experience. For example, if you try to “focus on interests,” does it actually help you achieve the results you want? What problems does it create? In what ways must the advice or maxim be modified or tailored to deal with various kinds of circumstances in which it might *not* be helpful?

Testing negotiation advice against your own experiences is an incredibly valuable process—there is a great deal of quality theory about negotiation, and it takes time to absorb and test it. But a negotiator must be careful during this testing process. There is a danger that a negotiator may *misinterpret* her experience, and therefore dismiss valid advice prematurely. If you try to focus on interests and it doesn’t seem to help, for example, is that because the advice is bad, or because you implemented the advice poorly? It may be your *skills* that need improvement, not the advice itself.

This brings us to a second, and more challenging, aspect of learning to negotiate: rigorous investigation into one’s own actions, skills, and behavioral patterns. If a negotiator is going to construct *valid* tests of different types of negotiation ad-

vice, she needs to be able to reflect on her negotiation experiences and really investigate whether those experiences support or discredit the advice. Most negotiation courses, therefore, offer opportunities for students to engage in simulated negotiations, which the students can then review together to compare notes and determine what worked and what didn't.

Really learning from such experiences, however, is much easier said than done. In our experience teaching students in many different organizational and academic contexts, people often do *not* learn much from experience. It is remarkably difficult to change your negotiation habits and techniques—the skills needed to negotiate successfully do not come easily.

Instead, really learning to negotiate requires at least two things that are often missing in negotiation courses (as well as most other educational experiences).² First, a negotiator needs high-quality information—or data—about her behavior during these experiences. Without it, she is likely to mislead herself about how she acted, and thus about what her experience means. Second, she needs to engage in high-quality inquiry into her behavior—inquiry that is structured to lead to deep and lasting change in her implicit theories of action. We explore each in turn below.

The Need for High-Quality Information About Your Actions

People rarely act randomly. Instead, we craft our actions through conscious and subconscious choices about how to behave in the circumstances that confront us. Those choices, in turn, are guided by implicit or explicit “rules” that we hold about how the world works, and how to act within it. These rules are theories or hypotheses (e.g., “If someone threatens me, it is best to fight back by...”). In other words, our action choices are guided by “theories of action”—theories about what will be effective in a given circumstance.³

Negotiators have no shortage of theories of action. In describing approaches to negotiation, one person may say that she “always looks for common ground.” Another says that he “tries to knock the other side off balance.” A third insists that she “sticks to her guns,” and a fourth says that he “tries to remain open to learning” throughout the conversation with the other side. These examples illustrate explicit or “espoused” theories of action—the action-strategies that we are familiar with and that we try to implement.

We do not, however, always act consistently with our conscious or espoused theories of action. A negotiator says, “It’s always best to keep your cool in a negotiation,” and then proceeds to explode with emotion during a bargaining session. Afterwards, the negotiator may acknowledge a gap between his espoused theory and his behavior by admitting, “I lost it in there. I really shouldn’t have.”

To learn to negotiate, we need to examine this gap between how we *advise ourselves* to act in a negotiation and how we *actually* act. You may *think* you are listening, or asking questions, or exploring the other side’s interests, but it is quite possible that if you were observing yourself, you would discover the opposite.

There is nothing remarkable about the observation that we do not always do what we set out to do—otherwise we would all be more physically fit! What makes learning difficult, however, is that individuals are very often *unaware* that their actions were inconsistent with their espoused theory of action. For example, a mother describes herself as “completely hands off” vis-à-vis her daughter’s wedding, but is actually (according to those around her) quite domineering. A boss says, “my door is always open” but brushes aside most complaints and surrounds herself primarily with people who are not critical of her efforts. A colleague says, “I am *not* shouting” even as his voice gets louder and louder. A student receiving feedback about her performance in a negotiation may tell an observer that she believes constructive criticism is critical to learning. In practice, however, she may

shut down, withdraw, or otherwise defend herself when faced with suggestions for improvement.

It is not that we have *no* theory of action at these moments when we act inconsistently with our plan. Again, we rarely act randomly. Instead, our departures from our espoused action-strategies are actually predictable and consistent. The boss continues to brush aside criticism, the colleague's voice almost always rises when the stakes get high, and the student consistently assumes an intellectually defensive stance in a conversation about her performance. These are not isolated events in the lives of these actors. Instead, one can discern a pattern to the governing rules or assumptions driving their behavior, suggesting that they are acting according to *some* theory of action—just not their espoused theories.

Chris Argyris and his colleagues label these implicit patterns or governing rules our “theories-in-use.”⁴ All of us have implicit rules of action that govern many of our decisions about how to behave. In other words, we have our conscious, explicit set of rules for behavior (our espoused theories of action), and then we have a second set of more implicit rules that actually govern us, particularly in times of stress or conflict. This second set of action-strategies is in some ways invisible to ourselves and others—we may say (and even believe) that we are acting according to our espoused theory of action when in fact we are in the grips of our more implicit theories-in-use.

This underscores our first criterion for learning to negotiate: the need for negotiators-in-training to have access to high-quality data about their own behavior. Only by actually observing yourself can you see whether you acted in keeping with your espoused action-strategy rather than your more default and habitual theories-in-use. Fortunately, students in formalized educational settings may have the opportunity to watch videotape of themselves, to listen to audiotape of their negotiations, or to read transcriptions of such tapes.⁵ Some practicing professionals ask (and receive) permission from their negotiating counterparts to record certain interactions, in order to provide the professional with better data on which to base future learning. Even in contexts in which such recording is impossible, a negotiator truly focused on improvement would seek to preserve actual data—for example by inviting in a junior colleague to serve as an observer, with instructions to capture as many specific quotations as possible. High-quality, sustained learning requires that negotiators be able to examine their *actual* behavior (for example, by watching themselves on videotape) rather than rely on their reconstructions of how they *think* they acted.

Often, close examination of such actual data about your behavior can lead to profound discoveries. When you see that you have not acted as you planned—that you have not acted according to your espoused theory of action—and you dig into what set of implicit rules must have taken over to guide you in that instance, it can be a remarkably powerful opportunity to learn. Such learning is possible, however, only with high-quality data with which to confront yourself, so that you do not fool yourself by assuming that you acted as you planned to act.

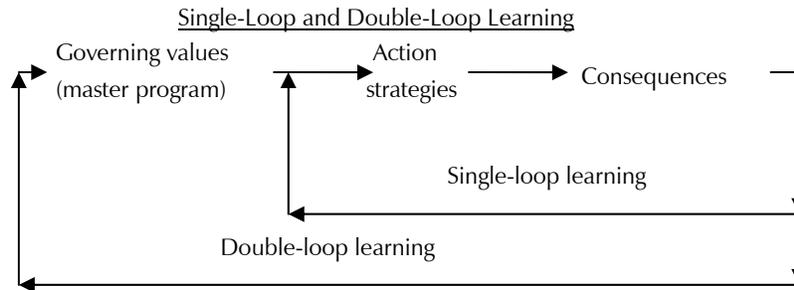
This is our first criterion for learning to negotiate: access to high-quality information about your own behavior during negotiations.

Inquiry Crafted to Help Question Our Theories-in-Use

Our second criterion, mentioned above, is engaging in high-quality inquiry structured to lead to deep and lasting change in one's implicit theories-in-use. What does that mean?

There are different levels at which we can learn. At one level, when we do something that produces results we dislike, we simply need to figure out a different approach that is more successful. In other words, when we fail, we change course until we succeed. Argyris has called this “single-loop” learning. (See Figure

1.)⁶ We “loop” through action strategies, examining the consequences they produce until we find one that gets us the results we want. For example, if we’ve been avoiding a certain type of conflict, but not getting the results we want, we might adjust our approach and begin to confront such situations more directly (assuming we see that being more direct produces better consequences).



We often overlook opportunities to engage in a deeper level of learning, however. “Double-loop” learning involves an honest re-examination of the foundational theories-in-use that led us to choose our default action strategy in the first place. Through careful inquiry, we examine the beliefs, assumptions, and “theories” about the world that originally led us to choose our unsuccessful strategy rather than the more successful approach we discovered through single-loop action-adjustments. Returning to our example, we might ask ourselves why we avoided such conflicts in the first place. What assumptions did we have about the conflict, the players, or ourselves that made us decide that avoiding was best? In what ways were those assumptions misguided—and how must they change if we want to be able to confront such situations consistently and successfully?

Put differently, rather than treat the question of learning as a discrete problem to be solved (e.g., “Should I have made that offer at that time?”), double-loop learning treats learning as a larger enterprise of critical examination. What assumptions was I making about the bargaining process that made me think this was the best approach? What led me to those assumptions? Are they accurate? Are they testable? “[D]ouble-loop learning is not simply a function of how people feel. It is a reflection of how they think—that is, the cognitive rules or reasoning they use to design and implement their actions.”⁷

Double-loop learning is critical for sustained behavior change. If a negotiator simply engages in a single-loop process of finding a new strategy that produces better results, she leaves in place the default assumptions and beliefs that led her to choose a different strategy originally. When faced with a similar conflict or circumstance again, those beliefs—or implicit theories-in-use—are likely to re-engage and again lead her to act unproductively. This explains, at least partially, why some negotiation students can consciously adopt a new approach in one negotiation, only to revert to their original approach in subsequent negotiations. Our actions are controlled by our implicit theories-in-use, and without shifting those theories we are unlikely to change our behavior over time.

Negotiators seeking to improve must therefore have two goals. First, they must seek out valid information or data about their behavior, so that they can examine the gap between how they wanted to act and how they actually acted. This will allow the negotiator to successfully engage in a single-loop process of testing different advice, strategies, and tactics to see which produce desired results most consistently. Second, however, the negotiator must inquire into the implicit rules, beliefs, hypotheses, and assumptions that drove her unhelpful actions to start

with. What led her to act as she did? What made her choose to stop listening, or take an arbitrary position, or yell irrationally at the other side, or disengage prematurely from a potentially difficult conversation? Without investigating her default theories-in-use, she is unlikely to make real progress.

Why We Don't Learn From Our Experiences

Our twin suggestions may seem easy to implement, but, unfortunately, they are not. Instead, our experience suggests that most negotiators neither seek out valid data about their behavior nor engage in rigorous exploration of their implicit theories-in-use. Here we explore some of the barriers that prevent the kind of learning that leads to sustained improvement.

The primary barrier to learning is behavioral: people often actively seek to *prevent* exposure to the information and inquiry required for learning. How can this be so, particularly in academic and professional settings where students are supposedly committed to improvement? The answers, for most of us, lie in our implicit theories-in-use—our implicit action-strategies.

Research shows that these unarticulated action-strategies are often quite uniform—and quite problematic.⁸ According to Argyris, most people have theories-in-use that are governed by four principles or values: (1) achieving our intended purpose, (2) maximizing “winning” and minimizing losing, (3) suppressing negative feelings, and (4) emphasizing rationality.⁹ The devilish part is that we often do not *espouse* these values consciously. Indeed, we may espouse shared responsibility, collaboration, finding joint gains, and expressing emotion. Unfortunately, actual observation of most individuals in high-stakes, threatening situations will usually reveal behavior consistent with the four implicit values Argyris identifies. At their core—and despite whatever we might *think* about our openness and commitment to learning—our theories-in-use generally devolve to these four principles in order to help us maintain a sense of *control* over our environment and results.¹⁰

The way theories-in-use manifest themselves in behavior varies by context, but there are some common themes. These include “making unillustrated attributions and evaluations, advocating courses of action in ways that discourage inquiry, treating one’s own views as obviously correct, [and] making covert attributions, evaluations, and face-saving moves such as leaving potentially embarrassing facts unstated.”¹¹ Each of these behaviors helps you to feel in control, even though the behavior may inhibit real learning. A senior account manager tells a younger colleague on their way out of a negotiation that broke down, “You have to play hardball with these guys. I know them, and they’re constantly looking for a way to take advantage of others. That’s why I had to make the threat. Their hostile reaction just shows that I was onto something.” The manager’s negotiation strategy assured him of control both in the negotiation and in the post-mortem review with his younger colleague. Furthermore—and most interestingly—the manager’s account of the situation after the fact uses evaluative judgment, attribution, and advocacy to maintain a “minimum acceptable level of being in control [or] winning.”¹² It is unlikely that the younger colleague will offer observations about the interaction that are inconsistent with the manager’s description. As a result, it is unlikely that the manager will learn from this experience. At its worst, the way we typically act produces “defensiveness, misunderstanding, and self-fulfilling and self-sealing processes.”¹³

It is important to note that our theories-in-use, though largely or entirely subconscious, are not exactly unskillful. The boss who deflects or avoids criticism is highly skilled—at *avoiding criticism*. She does not wave her hand and tell people not to tell her if anything goes wrong—that would be too obvious, and too explicit. Instead, she asks questions only of those she thinks will tell her un-critical observations. Or she asks the questions in a way that makes it difficult or

uncomfortable for a subordinate to raise an issue. Or she emphasizes legitimate examples that support the conclusion that her efforts were successful, rather than inquiring about whether there are any examples to suggest that it was not a complete success. In this way she not only deflects criticism, but *she also manages to deflect criticism about her ability to deflect criticism*. By acting as if (and even saying that) she is open to learning while simultaneously avoiding learning opportunities, the boss skillfully manages to avoid exposure to challenging data that might require real skill-building.

The basic point is that our control-oriented and self-protective implicit theories-in-use make learning difficult. Double-loop learning is not easy, and it is not typical. Individuals and groups are masterful at defending against real examination and testing of underlying values, assumptions, and beliefs. As the gap between our espoused theories and our theories-in-use becomes visible, we tend to run from, rather than embrace, learning about it. Our typical theories-in-use, after all, are about control—and examining their fundamental assumptions requires giving up our understanding of control. This poses true challenges for anyone—including negotiation instructors—hoping to help others with sustainable behavioral change.

Consider the following examples from our own negotiation courses. In keeping with our commitment to provide students with valid information about their behavior, we often try to give our students—whether corporate managers, practicing lawyers, or law students—opportunities to observe their own and others' negotiations either in person or on video. This can take many forms. Sometimes it is as simple as requesting that a student describe her negotiation to others in the class in a way that really allows for testing of the student's assumptions. For example, if a student says "I had no choice in this negotiation—I *had* to start with an outrageous offer or I would've gotten completely taken," we encourage the student to describe the negotiation more concretely so that others in the room can *test* the student's conclusion that "there was no choice, given the circumstances, other than to make an outrageous offer." What did the opposing negotiator say or do, specifically, that led this student to her belief that she had such limited choices? What comments or actions from the opposing negotiator would have led this student to a different conclusion? What had the student herself done that might have contributed to her situation? Does anyone else in the classroom have a suggestion for how she might have reacted differently to the circumstances in which she found herself? Only by giving a more concrete and specific description¹⁴ [Heen & Stone, *Perceptions*] of the circumstances in question can the student provide others in the room with the information *they* need to draw their own conclusions about whether or not her approach was indeed the only one available. In other words, only by really diving into the data of what happened can the student herself create a valid test of her assumptions.

Learning to describe the specific interactions that took place during a negotiation can be surprisingly difficult. Time and time again, students offer vague, general descriptions, and either forget or cannot reconstruct the details of what was actually said or done during their negotiations. Even when asked *before* they negotiate to keep careful notation or to pause and write down actual quotations from the negotiation, most students (like most practitioners) find it difficult.

What makes it so hard to describe negotiations in careful detail? At one level, reconstructing a series of events in this way requires new skills—it can feel clunky and strange. But the instruction "be specific with your descriptions" is not so hard that we would expect rooms full of bright people to fail at it so consistently. In our experience, it often seems as if a more fundamental resistance is taking place. Consciously or subconsciously, students know that providing detailed information (rather than vague generalizations and self-sealing conclusions) opens their asser-

tions about what happened (e.g., "I had no choice") to real testing by others. That vulnerability—that lack of unilateral control over their experience in the classroom—produces anxiety. And as a result, students sometimes work hard *not* to get into the details, even when they understand that avoiding the details will inhibit real learning.

To avoid some of these problems of data reconstruction, we sometimes ask a pair to come forward and negotiate in a "fishbowl" in front of the room, so that they can be observed by others. Sometimes we videotape or audiotape pairs of negotiators and have them review their video or audio either in private, with us, or with others. Sometimes we use the Internet to stream video of pairs of negotiators so that the entire class has access to the video and can watch and learn from all of the captured information about how their classmates negotiated.¹⁵ Sometimes we have them engage in email-only negotiations so that they will have a written transcript of their entire exchange to review later.

At the risk of falling into our own trap (of staying general and failing to provide you, the reader, with enough detail to draw your own valid conclusions), we can report that students of all types often exhibit a great deal of resistance to entering educational experiences that involve real data-capture such as video or audiotaping, review, and analysis. "I don't like seeing myself on video," is the most common plea, followed by "I didn't have a chance to watch it." Even when they have watched the tapes, many students spend considerable energy challenging the validity of the data they see. "The tape didn't capture everything that was going on," or "I wouldn't have handled it this way, if there hadn't been a camera in the room." Both of these critiques are potentially valid, but neither is significant enough that we should completely ignore the data a videotape makes available. Analyzing a tape or transcript of a negotiation is a skill in itself, and one that we have to teach our students to master.¹⁶ More fundamentally, however, we have to teach them to let down their guard and open up to the possibility of learning.

The same is true for negotiation practitioners not engaged in a formal learning environment, but instead trying to learn from their experiences. How often do we seek out opportunities to watch someone else negotiate? How often do we invite others to watch as we negotiate, or ask our counterparts for permission to audiotape ourselves? If a colleague is planning to observe us in action, do we prepare the colleague to collect useful information (by writing down actual quotations, etc., rather than just saying "Hey, you did great")? And how meaningful is the normal feedback conversation with that colleague? In order to be able to learn from experience, practitioners must learn to learn, and must commit themselves to collecting the information and engaging in the inquiry needed to make learning possible.

Learning to Learn

Learning anything new is difficult—learning to negotiate well is particularly difficult. One of the important reasons lies in the nature of modern negotiation advice. As mentioned above, in the last twenty-five years, most negotiation scholars and teachers have moved away from teaching "dirty tricks" and toward teaching tools for fostering collaboration, joint decision-making, and joint-gain problem-solving.¹⁷ They teach their students to focus on interests rather than take positions, to listen to others' radically different perspectives, to look for creative solutions collaboratively with the other side, to use their emotions during negotiations rather than try to suppress them, to work *with* others rather than against them. We are persuaded that many of these developments have been extraordinarily helpful, because the underlying advice they seek to impart to students is more robust and more promising than traditional models of negotiation.

To the extent this is good advice, however, it is also very difficult advice to absorb, because *the prevailing negotiation advice emphasizing collaboration runs counter to the implicit theories-in-use that most human beings seem to exhibit when they get into high stakes, high anxiety situations like a negotiation*. We might learn to espouse all of this collaborative advice, but if our hidden theories-in-use guide us to actually act in accordance with the four fundamental principles discussed above (e.g., achieving our purpose, winning not losing, suppressing feelings, maintaining the appearance of rationality), our negotiations will only have a false gloss of collaboration layered on top of very traditional, partisan, win-lose behavior.¹⁸

It is worth pausing here for emphasis, and to highlight our thesis again. We each have espoused theories of action—ways we wish to act. We also have implicit theories-in-use that seem to take over in times of stress, anxiety, or conflict. These theories-in-use, according to Argyris' research and our own experience in helping to coach thousands of negotiators, often revolve around maintaining unilateral control over one's experiences by reverting to win-lose, overly "rational," non-collaborative action-strategies. Such behavior is at odds with the prevailing canons of advice presented to most students of negotiation. In other words, students of negotiation are trying to change in the very ways that are *most difficult* for human beings to change.

This gap between our espoused theories and our theories-in-use is *not inevitable*. Theories-in-use need not be about control, and with conscious effort, they *can* change. A negotiator *can* challenge and test her deep assumptions sufficiently to bring her underlying values, beliefs, and behavioral rules in line with collaborative negotiation practices. Practitioners and students *can* shift their theories-in-use to align more closely with productive espoused theories.

Admittedly, making this kind of shift is not easy. Shifting your theory-in-use requires a genuine commitment to (1) capturing and using valid or validatable information, (2) providing yourself and others with the tools and discussion needed to make free and informed choices together about what works and what doesn't, and (3) monitoring over time how well you are implementing your commitment to learning.¹⁹ It is not about *saying* that you want to learn, nor even *meaning* that you want to learn. Shifting a theory-in-use is about actively seeking to create opportunities for you to see actual data about your own practices, to critically examine those data, and to welcome (as part of a healthy learning process) feedback that you are acting inconsistently with your espoused theory of action. Those feedback discussions must combine advocacy and inquiry, link evaluations and attributions to observable data, invite disconfirming data, welcome public testing, and minimize unilateral face-saving. In the beginning, such discussion can feel a little disorienting. Ultimately, however, it is radically liberating.

What might that look like in practice? By engaging with her younger associate, the manager described above may have an opportunity to collect important perspectives on what took place in the room. The manager might discover information that would disconfirm (or confirm) foundational assumptions. The manager might break the chain of self-fulfilling, error-escalating processes.²⁰ Consider the difference if the manager, rather than immediately "explaining" the negotiation to her junior colleague, instead asked a series of questions like: "What are your reactions to the things you saw in there?" "What specific things did I say that surprised you?" "In what ways do you think my actions contributed to the dynamic that developed?" "What other ways can you imagine someone in my position might have responded?" "Given what you know about my purposes going into this meeting, did any of my behaviors suggest that I changed goals during the conversation?" "What opportunities do you think might have been missed in this interaction?" Notice the role the manager is inviting the younger associate to play, and notice the way she is directing the younger associate to provide specific data

that will help the manager to continue the process of testing the utility of her negotiation assumptions and behaviors.

Why don't most managers ask questions like this? If asked, the manager is unlikely to say, "I'm uninterested in learning more" or "The younger associate can offer nothing to my learning experience." Instead, she is likely to say that she does not have the time right now, that her efforts are best focused on helping *the younger associate* to learn, or that asking such pointed questions might make the younger associate uncomfortable. The manager's espoused theory says that learning (among other things) is important. The manager's theories-in-use suggest otherwise. To receive honest and specific answers to the questions listed above deprives the manager of control in the conversation. The data may be unflattering. The manager's behaviors might suggest adherence to an unproductive set of assumptions. The gaps between espoused theories and actual practice are sometimes uncomfortable—uncomfortable enough that many people like this manager skillfully (though perhaps unconsciously) avoid being confronted with these important learning opportunities.

For negotiation instructors, learning to provide opportunities for this level of learning is a lifelong endeavor. Leading groups towards real learning requires a combination of skills and humility that is difficult to achieve and even more difficult to maintain. It requires commitment to collaboration with your students, and enough personal experience, analysis, and awareness to know when you are helping and when you need help. As a preliminary step, it requires thinking through the educational experiences you create—each simulation, each exercise, each class session—to see whether that experience actually provides the students what they need to learn something that can change behavior. Are there opportunities for the student to watch or hear valid information about their behavior during their negotiations? If not, could you work in videotape, audiotape, transcription, or observations so that students have access to such data? Are group discussions designed to help students test what worked and what didn't (single-loop) as well as test why they chose to act in a way that didn't work to begin with (double-loop)? These are all useful questions for course designers to consider.

As a final note, let us say a quick word about safety. Many educators and group facilitators stress the importance of creating a "safe" classroom.²¹ If a student's role in a classroom is simply to sit and absorb an instructor's offered wisdom, if a student spends her time in fear that any of her failures will be made public for no apparent reason beyond humiliation, if a student has no say in the structure or content of his learning, one can understand the radical and important proposition that the learning space ought to be made "safe"—that is, free of these arbitrary stresses.

Given the discussion above of the ways in which real learning can provoke anxiety in students, and the ways in which students defend themselves from the information and inquiry needed to learn, we might be expected to champion this approach and vocabulary. Clearly we strive to create physical and emotional safety, in the sense that we do not want our students to be in any danger or suffer pain. We are very cautious, however, about the generalized notion of "safety."

We are strongly committed to *offering* opportunities for real learning to our students, rather than trying to *force* "learning" down their throats. Ultimately, the level of inquiry we engage in must be decided collaboratively, as a group. Just because we are the instructors does not mean that *we* can have delusions of unilateral control either—we must acknowledge and be mindful of the ways in which the group experience is co-created by all the group's members.

At the same time, we think too much focus on "safety" in the classroom is a red herring. Safety often is a camouflage for allowing participants in a group to get away with defensive and unproductive reasoning. It can become the battle cry for

those trying to *avoid* learning, rather than for those trying to promote it. At the very least, we must test the notion: what does the group mean by safety? Does each participant experience the same thing as “unsafe”? Are there ways to accommodate individuals’ safety concerns without sacrificing the opportunities to learn—without jettisoning videotape altogether, for example, or without simply pretending as if vague descriptions of events are sufficient? We think there are—but the advice often given to instructors and facilitators related to “safety” tilts too much towards self-protection for students and not enough in the direction of learning to learn.

And it is not just concerns about participants’ safety that can stand in the way of genuine learning opportunities. Citing participants’ safety, some instructors may also mask their own nervousness about exploring the practical application of the theories they are describing. It is much easier to tell a group that negotiators should “focus on interests,” for example, than it is to invite the group to watch as someone (perhaps even the instructor) attempts to model the behavior being described. What happens if the student cannot model the behavior well in front of his colleagues? (And what happens if the instructor cannot construct a useful demonstration on the spur of the moment either?) Is the result embarrassing? Threatening? An important learning opportunity for everyone in the group—including the instructor—about the proposed “lesson” about searching for interests? All of the above? Instructors who are able to model the kind of openness to learning we describe in this Chapter may teach their students a lesson even more valuable than the substantive negotiation advice included in that day’s lesson plan—they may teach their students how *to learn* to negotiate.

Conclusion

Most of us engage in unconscious, defensive routines that shield us from learning to be better negotiators, even though most of us say that we are open to improvement. As we described above, one of the important contributions of Argyris and his colleagues is the observation that our theories-in-use—the operating assumptions that drive most of our behaviors—tend to emphasize *control*, and thus make us less open to the kind of new information we need to do real, transformative learning.

To be clear, jettisoning control-based theories-in-use does not mean becoming *passive* learners. Truly effective learning about negotiation is a profoundly active enterprise. The negotiator who truly wants to learn must actively seek out valid data about her actual practices. She must inquire into those practices, unearth the operating assumptions that led her to adopt those practices in the first place, examine honestly the impacts of her actions, explore a range of possible alternative actions, and be willing to test the impacts of those alternatives. These behaviors are neither typical nor easy. They are, however, the path to lasting learning and improvement.

Endnotes

This chapter draws heavily on Michael L. Moffitt & Scott R. Peppet, *Action Science & Negotiation*, 87 Marquette Law Review 649 (2004).

¹ The book that captures the bulk of the three theories we describe in this piece is CHRIS ARGYRIS, ET AL., *ACTION SCIENCE* (1985).

² These are necessary, but not sufficient, conditions for learning. Obviously there are many other things a negotiator must have in order to learn—the time to engage in a learning process, sufficient food and water, the ability to communicate, consciousness, etc.

³ CHRIS ARGYRIS, *KNOWLEDGE FOR ACTION* 50-51 (1993).

⁴ *Id.* at 52.

⁵ For more on the use of video in negotiation classes, see Scott R. Peppet, *Teaching Negotiating Using Web-Streaming Video*, 18 NEGOTIATION JOURNAL 271 (2002); Michael Moffitt, *Lights, Camera, Begin Final Exam: Testing What We Teach in Negotiation Courses*, 54 JOURNAL OF LEGAL EDUCATION 91 (2004).

⁶ This chart is taken from ARGYRIS, *supra* note 3, at 50.

⁷ Chris Argyris, *Teaching Smart People How to Learn*, HARVARD BUSINESS REVIEW 99 (May-June 1991).

⁸ Based on his studies of thousands of individuals from varied backgrounds, ethnicities, class groups, genders, and nations, Argyris claims that although “espoused theories vary widely, research indicates that there is almost no variance in theory-in-use.” ARGYRIS, ET AL., *supra* note 1, at 88-89. See also ARGYRIS, *supra* note 3, at 51 (“The behavior of individuals varied widely, but the theory they used to design and implement behavior did not vary.”).

⁹ ARGYRIS, *supra* note 3, at 52.

¹⁰ Argyris labels the dominant theory-in-use employed by almost all of us, almost all the time, as “Model I behavior.” ARGYRIS, ET AL., *supra* note 1, at 88-89.

¹¹ *Id.* at 89.

¹² ARGYRIS, *supra* note 3, at 52.

¹³ *Id.*

¹⁴ The best framework we know for encouraging this particular form of specific description is the Ladder of Inference, an organizing tool originally developed by Chris Argyris and Donald Schon. Summarized briefly, one can chart (on an ascending sequence of inferential steps) the progression individuals make as they select data (from among a universe of observable data), compare those data to existing beliefs, prior experiences, thought processes, etc., and arrive at conclusions about what has happened or what should happen. For a brief description, see DOUGLAS STONE, ET AL., *DIFFICULT CONVERSATIONS: HOW TO DISCUSS WHAT MATTERS MOST* (1999). For an extended view of the utility of the Ladder of Inference in understanding how disputants arrive at differing perceptions and conclusions, see Douglas Stone & Sheila Heen, *From Bone Chips to Dinosaurs: Perceptions, Stories, and Conflict in THE HANDBOOK OF DISPUTE RESOLUTION 150-69* (Michael L. Moffitt & Robert C. Bordone eds., 2005).

¹⁵ See Peppet, *supra* note 5.

¹⁶ See Moffitt, *supra* note 5, at 106-13.

¹⁷ Many works in this volume articulate aspects of this shift. Among the publications most prominently associated with this focus on joint problem-solving and collaboration are ROGER FISHER & WILLIAM URY, *GETTING TO YES* (1981); Carrie Menkel-Meadow, *Toward Another View of Legal Negotiation: The Structure of Problem Solving*, 31 UCLA LAW REVIEW 754 (1984); HOWARD RAIFFA, *THE ART & SCIENCE OF NEGOTIATION* (1982); DAVID LAX & JIM SEBENIUS, *THE MANAGER AS NEGOTIATOR* (1986); ROBERT MNOOKIN, ET AL., *BEYOND WINNING* (1999). This list is not exhaustive, of course, as contributions to this understanding of negotiation have come from a broad variety of disciplines.

¹⁸ Some students, of course, are insufficiently assertive and competitive—they tend to try to collaborate *too much*, even in the face of exploitation. Again, we are *not* saying that collaboration and problem-solving are always the right approach, nor that they are all a negotiation instructor should teach her students. Instead, we are noting the difficulties that students experience with learning *any* serious shift in their default assumptions about managing conflict. Throughout this Chapter we have focused on the typical student who is overly competitive, win-lose, and perhaps aggressive, and who will have difficulty really absorbing collaborative strategies because his control-oriented theories-in-use prevent real learning. The same problem exists, however, for a student trying to learn to be *more* assertive and competitive. Often, “overly collaborative” students are simply good at negotiation-ending capitulation. In order to avoid conflict, they simply give up their interests and allow the other side’s needs to dominate. *This is still an expression of the same unilateral control theories-in-use.* By avoiding conflict and capitulating, a student can again maintain the semblance of unilateral control. And, again, as the student tries to learn a different approach, he is likely to avoid opportunities to learn because those opportunities create anxiety.

¹⁹ See ARGYRIS, ET AL., *supra* note 1, at 98-102.

²⁰ See CHRIS ARGYRIS, *FLAWED ADVICE AND THE MANAGEMENT TRAP* 52-81 (2000).

²¹ See, e.g., JENNY ROGERS, *ADULTS LEARNING* 15 (3d ed. 1989); Susan Imel, *Guidelines for Working with Adult Learners*, ERIC DIGEST NO. 154 (1994).