

# Negotiation as Learning: Pedagogy and Theory<sup>1</sup>

*A paper in honor of Bill Zartman*

Bertram I. Spector  
Center for Negotiation Analysis  
Potomac, MD  
[negotiation@negotiations.org](mailto:negotiation@negotiations.org)  
[www.negotiations.org](http://www.negotiations.org)

Abstract. Experiential learning theory provides the conceptual underpinnings for effective pedagogical techniques, such as simulations and games, to teach about negotiation processes. Learning theory also may offer a useful framework to integrate many negotiation process concepts using a common paradigm. Bill Zartman's use of role-playing games and his many contributions to the negotiation field are applied to illustrate the value of learning theory as an integrative framework.

A recurring theme in the negotiation research literature – sometimes explicit and often implicit – is that the negotiation process can be characterized as *a learning process*. As the engine by which expectations are adapted, learning drives changes in strategic choice, modifications in payoffs that are perceived as acceptable, and ultimately, the ability to achieve negotiated outcomes. Achieving outcomes in negotiation is possible only if the protagonists come to think about the problem, the strategies, the context, and “the way out” differently than they did before the negotiation began. Viewing the situation with new eyes, offering viable opportunities to resolve the problem, and motivating the parties to accept altered conceptions of the situation, become the central purpose of the entire negotiation enterprise. All of these adaptive cognitions and behaviors define what occurs during learning to cope with new situations (Myers 1996) and is central to the negotiation experience.

This paper examines learning and negotiation processes from two perspectives. First, it addresses *learning about negotiations*. Interactive pedagogical techniques have become popular vehicles by which the negotiation process can be taught. There is basic consensus that negotiation role-playing simulations are effective teaching approaches. In this paper, we examine the results of a particular negotiation simulation to determine what findings might be extracted that enhance our understanding of the negotiation process. An overarching finding – that the negotiation process *itself* is a learning system – leads us to the second part of the paper: *the negotiation process as a system of learning*.

The following proposition is examined:

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*Not only does experiential learning provide the theoretical underpinnings for role-playing simulations as appropriate pedagogical techniques to teach negotiation processes, it also offers a useful conceptual framework to understand and explain how real negotiation processes work. Learning theory may provide the most comprehensive paradigm available to integrate the many negotiation concepts and relationships that have been identified to date.*

Throughout the discussion, we employ I. William Zartman's insightful and prolific contributions, both to negotiation teaching and the negotiation research literature, as examples for analysis and extrapolation.

## **PEDAGOGY**

Negotiation is not something to be simply memorized and then applied. It is part art and part science and needs to be experienced. Hence, teaching negotiation "by doing" has become commonplace as one of the pedagogical approaches used in negotiation courses. Experiential learning theory suggests that experience followed by reflection produces learning. Drawing on theories of Dewey, Lewin and cognitive psychologists, experiential learning theories suggest that useful learning occurs as a result of (a) interaction with the social environment, (b) the continuous process of confronting and resolving conflicts between expectations and actual experience, and (c) the testing of principles that emerge from experience (Susskind and Coburn 1999). Experiential learning produces critical thinking skills, which in the negotiation situation results in discovery and the construction of new knowledge (Lantis 1998).

Face-to-face and other forms of negotiation simulations can provide the vehicle for experiential learning. They can bridge the gap between theoretical concepts and practice, illustrating theoretical relationships and processes. Widely used in negotiation training programs today, simulations come in many formats, but most involve role-playing in a negotiation context in which theoretical concepts can be applied, followed by a debriefing in which the players can reflect on the experience.... and thereby, learn. Today's popularity of simulation games in international relations teaching, most agree, began with Guetzkow's Inter-Nation Simulation in the late 1950s.

While simulations may be useful in reinforcing an understanding of negotiation processes, no research clearly demonstrates that this learning approach necessarily makes participants better professional negotiators (Kaufman 1998). However, students typically report that role-playing helps them better appreciate negotiation strategies and enhances their experience of the other's interests and perspectives in negotiation.

### **The Camp Game**

In 1974, the author developed a simple negotiation game for his dissertation research (under the tutelage of Bill Zartman) with the objective of studying the impact of power,

personality and perception on the negotiation process and outcomes (Spector 1975). The “Camp Game” presents a problematic situation to two negotiating teams that can produce either a distributive or integrative solution. While providing a particular context for negotiation, the scenario of the Camp Game was designed to reduce role-playing effects. The players negotiate as themselves, in a scenario that all can understand and that requires very little in terms of situation, background and role identification. The objective was to reduce the influence of role over personality.

The premise of the Camp Game is that two parties have agreed to purchase a campground and operate two summer camps, but they still need to allocate the seven distinct territories of the campground that each contain particular and valuable facilities. Over the course of several negotiation rounds, the parties learn about the interests and tactics of the other side, adjust their own strategies and continue negotiating until a mutually acceptable outcome or stalemate is reached.

During the past 30+ years, up to the present, Zartman has used the Camp Game as a teaching device in his graduate negotiation courses, changing the goal of the simulation from research on psychological impacts to an experiential learning exercise for teams of students. A review of approximately 50 after-action reports that were written by these student teams – and saved over these 30 years -- reveals some interesting propositions about how any negotiation process works and reinforces the idea of negotiation as a group learning process. While these reports do not permit systematic analysis, interesting generalizations from the practical gaming experience can be derived. Some of these findings/propositions are presented below.

**Ripeness and Breakthrough.** Ripe moments did not occur often in the Camp Game; the context did not naturally promote the occurrence of hurting stalemates. However, deadlines and frustration about lack of progress in the negotiation did produce situations that could be categorized as breakthroughs, which in some cases led to agreement.

*Proposition: Breakthroughs are more likely when both sides develop an understanding of what the other side wants from the talks and can more accurately anticipate the other’s needs and demands. Without such ability to anticipate the other, breakthroughs do not generally occur.*

**Formula-Detail and Strategies.** Many of the teams used the campground map effectively to prioritize their own interests, develop formulas, and communicate them to the other team. The presentation of formulas by each party (often as trial balloons) appeared to promote a mutual understanding of the other’s needs, helping each side anticipate the needs of the other and present clear options for compromise and agreement. Without a reciprocal sharing of formulas and overall goals, negotiations took on a random and unproductive quality.

*Proposition: Very little learning of the other’s goals or strategies is accomplished when the negotiation process takes the form of demand-concession transactions. However, teams appear to be able to learn much more about the other’s goals and strategies if negotiations take the form of a formula-detail process.*

*Proposition: When both sides devise clear formulas and share them with the other side early in the negotiation, it is possible to proceed quickly to the negotiation of details. When only one party develops a formula or when neither does, the negotiation process often becomes illogical, inconsistent, contradictory and random.*

*Proposition: Formulas that are contextual, thematic and integrative (for example, to develop a tennis camp or a sailing camp) appear to be more sustainable and likely to lead to agreement than those formulas which merely divide or prioritize the camp territories. Non-thematic formulas are quickly dropped and those negotiation processes revert to demand-concession bargaining.*

Development of a clear and thematic formula appears to provide negotiation teams with a greater understanding and vision of their own objectives. It provides unity, meaning and value to the team and motivation to the negotiation process as a whole.

**Learning and Strategies.** Prenegotiation preparations and inter-session caucuses were extremely important to share information and impressions among the team members and to devise the strategies for the next round. They essentially helped team members assess what they themselves wanted out of the negotiations, but contributed less about what the other side wanted.

*Proposition: Internal team caucuses are negotiations by themselves, requiring the need for learning and adjustment among team members.*

Tit-for-tat strategies were evident in many of the negotiations.

*Proposition: Teams often become disheartened if they do not see clear and rapid reciprocation of their strategies.*

Adaptive learning about the other team, when it happened, tended to yield creative strategies, based on solutions not yet rejected in previous rounds of negotiation.

*Proposition: Negotiation between teams over the rounds can be characterized as an adaptive learning process, revealing details about the other side's goals, interests and strategies. If learning takes place about the other party's wants and needs, early high expectations of one's own outcomes are often dropped or modified.*

*Proposition: The negotiation process, by itself, can engender a belief that solutions should be attainable that satisfy all sides. Once entered into, there is a general commitment to using negotiation processes to identify a mutually acceptable outcome; parties do not resort to alternate processes.*

Teams sought to find out about the other side's needs and expectations, but were not often successful. Communications were usually unclear and incomplete – intentionally and unintentionally – making the negotiation process extremely inefficient and often resulting in missed opportunities for convergence. Learning on the part of team members

was rarely linear. Misplaced expectations, wrong assumptions, and a general lack of information provided insufficient cues to learn about the other parties' needs, goals, and interests, prolonging the negotiations.

A broad interpretation of these many cases and rounds of the Camp Game suggests strongly that while the participants are "learning by doing," the negotiation process they are operating within is clearly a learning process too. Interests, objectives and perceptions are adjusted as more is discovered about the other side. Even if the learning is not explicit, negotiators can find out about the other side incrementally by analyzing and inferring motive and intent to strategies and statements. Adjustments are made to expectations and strategies are adapted as responses to the other side's actions and behaviors, moving the parties from their initial positions, interests and strategies to new ones, sometimes leading to a convergence of interests and outcomes.

## **THEORY**

Comprehensive theory-building to interrelate the many useful concepts that already exist in the negotiation field is sorely lacking. Many of the pieces are already present to explain particular aspects of negotiation complexity, but what is missing are the integrative propositions and framework that interrelate the concepts and construct the theory (Blalock 1969). Learning theory may serve to be the glue that unites what we know about the various aspects of the negotiation process.

One prominent thread of negotiation research – reciprocity research – is based on a simple learning model. Negotiation success is best achieved by learning that in-kind responses to the other's strategy are most effective. Negotiation is viewed as a tit-for-tat exchange, but to reciprocate, each party needs to first learn the strategy of the other side. Axelrod's Prisoner's Dilemma simulations indicated that reciprocation of cooperation yields a winning strategy. Osgood's GRIT strategy (1962) requires clearly interpreted initiatives and immediate reciprocation of cooperative initiatives, but will remain conciliatory in the short term even in the face of nonreciprocation. GRIT condones eventual retaliation if noncooperation persists long term. Subsequent research suggests that while rapid reciprocation of cooperative overtures produces high levels of success, delays in reciprocation can damage cooperation over the long term (Parks and Komorita 1996). The learning element of the reciprocation model breaks down if the expression of one's position is not expressed clearly and unambiguously. As well, learning may be imperfect – and reciprocation may be a failed strategy – if the intent of the other's strategy is misperceived.

Cross takes a more complex perspective on negotiation as a learning process (1996). He identifies several different types of learning that occur during negotiation situations:

- One form of learning in negotiation situations can be depicted as "finding out." Uncertainty and imperfect information are hallmarks of the negotiation process. Actors need to come to terms with this uncertainty and seek through the process to gain a better understanding of interests, desired payoffs, and outcomes.

- Cross refers to another type as Bayesian learning – understanding and modifying expectations of what the other party will do given each strategic choice that one takes.

Based on these two types of learning, Cross presents a third model of negotiation as *adaptive learning* (1996). Negotiation strategies evolve over time based on experiences one has with the other party. He proposes that learning takes place in the adaptation of expectations as the process evolves (1978). Negotiators seek to optimize their payoffs, but this is contingent on how the opponent's strategy is perceived. If misperceived, expectations need to change, leading to modifications in strategic choices. This experience, resulting in learning and adaptation of strategies, is extremely sensitive to the mutual interdependence of the negotiation parties. Ultimately, this conception of the negotiation process is based upon trial-and-error encounters, where different strategic choices are tested and the response of the other party is noted. Over time, learning occurs from the combination of choice-response interactions as to which work and which do not. Strategies are adapted and evolve toward those that are more likely to succeed. Of course, what is learned by one set of negotiators or in a particular negotiation context, may not be consistent over time or across different contexts or actors.

Because of the nature of negotiation as an interpersonal or group activity, when we speak of learning within the process, we are primarily considering *group learning*. Adaptation by only one party to the negotiation may not be enough to yield a tractable outcome. It is usually the case that all parties must show some movement from initial interests, positions and objectives; they all must react and change in response to the strategies and use of power and persuasion in the negotiation activity for mutually acceptable solutions to be found.

## **Learning Theory**

There are several competing theories of learning (Pellone 1991). Behavioral conditioning (exemplified by Pavlov and Skinner) focuses on the behavioral stimuli that reward, punish and provide feedback cues, thereby reinforcing certain learned behaviors. The cognitive theory of learning, on the other hand, deals with how we perceive and think about the world. We learn progressively by observing, taking what is already known and applying it to the unknown, and explaining new concepts by referring to previously learned ideas. Developmental theories (typified by Piaget) view learning in terms of individual maturation. Like the previous theories, learning takes place because of external stimuli, but it is also very much influenced by the internal capacity of the individual that develops and matures over time. The cybernetic theory of learning combines many of these earlier theories and emphasizes the importance to learning of feedback loops. Learning can occur in either a linear or non-linear fashion, following a deductive or inductive path.

In a highly simplified presentation, the key elements of various schools of learning theory include:

- Stimuli – input events that trigger responses (often containing positive or negative incentives or reinforcements)
- Responses – behavioral outcomes or reactions to the stimuli
- Feedback – information provided to the learner about responses to stimuli
- Conceptual schema – known learning against which new information is compared and understood.
- Environment – stimuli and responses are always influenced by factors in the environment including other groups and individuals.

These are primarily theories of how *individuals* learn. But negotiation is inherently a bilateral or multilateral activity where adaptation is needed across all parties for outcomes to be achieved. So, in addition to the learning that each negotiation party experiences independently during the negotiation process that influences change in its interests, objectives, and strategy, there is also a *group dynamic of learning* that occurs where each party influences the others. The field of cooperative or collaborative learning addresses this phenomenon. Cooperative learning can occur under the following conditions, which are common to many negotiation situations (Johnson and Johnson 1994):

1. Clearly perceived positive interdependence
2. Considerable face-to-face interaction
3. Clearly perceived individual accountability and personal responsibility to achieve the group's goals
4. Frequent use of interpersonal and small group skills
5. Frequent and regular group processing to improve the group's future effectiveness.

### **Negotiation Concepts in Search of a Framework**

Since the early 1970s, Zartman and others introduced sophisticated and complex ideas as to how various elements of the negotiation experience operate as a progressive process, one that facilitates or induces changes in attitude and behavior across parties that, in turn, promote outcomes that are likely to be acceptable to the parties. While many negotiation experts did not explicitly describe their concepts as such, many embodied the fundamental elements of learning systems.

We will examine a sampling of Zartman's principal contributions in more detail to illustrate the linkage between negotiation concepts and learning theory. Many of his ideas have spawned broader research and analysis of the negotiation process by others.

- Zartman's "**formula-detail**" **conception** (1977) challenges the concession-convergence model and seeks to describe *how* agreements are reached.

- His **ripeness theory** (1989; 1999) explains *when* conflicts are ready to be resolved through negotiation.
- His **challenge to the culturalist explanation** of negotiation (1982; 1993) helps to refocus research away from national stereotypes and toward the factors that may be important in motivating negotiator behaviors.
- Zartman's discussion of how international regimes function, evolve and adjust over time, through **post-agreement negotiation processes**, is a recent exposition of the pervasiveness of continuing negotiation activity even after the primary negotiated agreements are completed (2003).
- His analysis of the effects of **power asymmetry** explains how weak states can negotiate effectively with the strong (2000).
- Zartman's analysis of **preventive diplomacy** examines how negotiation can be applied to reformulate situations to prevent future conflicts (2001).
- He examines the distinguishing characteristics between **forward-looking and backward-looking outcomes** of negotiations to assess their differential impact on resolving violent conflicts (2005).

How do these negotiation concepts demonstrate key aspects of learning theory? Where in these concepts does learning spur the dynamics of change and adjustment that facilitate mutual movement of negotiating parties toward a common solution? At the risk of oversimplifying Zartman's concepts, the following discussion specifically addresses their learning aspects in particular.

1. **Formula-Detail.** The search for a negotiation formula is essentially an exercise in learning. The search for a formula itself is a learning experience. What is considered to be fair and just? What visions do each party have of a fair and just outcome? How can these separate visions be shared and combined to achieve a group vision of a fair and just future outcome? All of these steps usually require the presentation of incentives - rewards and punishments - to motivate change, feedback, and adjustment by all parties. The agreement to a formula within which implementing details can be subsequently negotiated is a learning process requiring change and adjustment to prior attitudes on the part of each protagonist for a convergence of opinion to emerge on general principles.

2. **Ripeness.** Zartman's ripeness theory clearly draws on the basic principles of learning. Negotiation processes are feasible when the parties perceive that they are faced with mutually hurting stalemates or enticing opportunities, and there is a credible way out of the conflict that all parties can see. The stalemates and opportunities are external cues for the protagonists that signal future punishment or reward if the parties seize the moment and pursue negotiation as their preferred mode of conflict resolution. The consequences of their adjusted behaviors are anticipated in the vision of the negotiated outcome. By averting the punishing stalemate or approaching the beneficial opportunity, the parties mutually reinforce their decision to negotiate versus staying the course.

3. **Alternative to the Cultural Explanation.** Zartman has challenged the popular conception that different national groups have a particular style of negotiating that effects the way they view the negotiation situation overall, perceive of demands and concessions, and apply negotiating strategies. He proposes that what is often viewed as culturally-determined orientations and styles can be easily explained in other behavioral terms. It is



not the Russian-ness or African-ness of the negotiator that determines his or her negotiating style, but how tough or soft their strategy, and how creative and flexible their approach, for example. While cultures do instill certain values, these values manifest themselves in the negotiation situation in ways that can be explained without any reference to their cultural underpinnings, thus making the behaviors universal. What Zartman does emphasize as being important in the negotiation process is not *national* culture, but *professional* culture within the international diplomatic and business community. This is where observational learning (imitation) and common educational experiences play an essential and influential role.

**4. Post-Agreement Negotiation.** Post-agreement negotiation is a quintessential learning concept. The functioning of international regimes relies on continued negotiation to resolve issues and conflicts that arise as a result of change in the situation – successes or failures of the regime, unresolved issues from the initial regime-forming negotiation, or changed environments. Regimes persist – well or badly – because they can adapt to changing circumstances and resolve old problems. Post-agreement negotiation is the vehicle for sustaining regimes. Here, a wide range of environmental factors influence the process of learning and change and feedback loops are a major source of information for the regime system, feeding future agendas, informing local constituencies, and creating new coalitions – all so that the regime can continue to function effectively in its given issue frame despite changed circumstances.

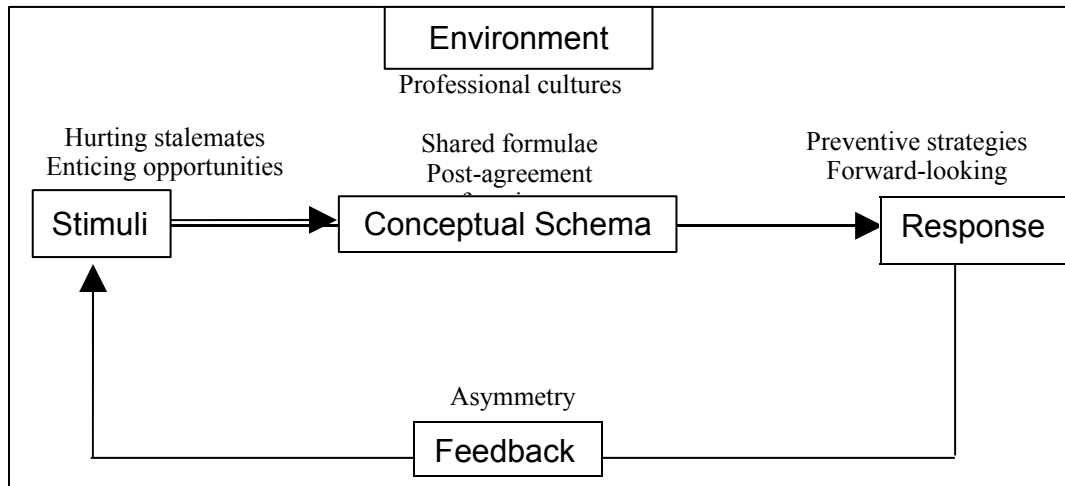
**5. Power Asymmetry.** Perceived and actual power asymmetry can be productive for achieving mutually acceptable negotiation outcomes. The weak manage to negotiate effectively with stronger actors, in part, when they are flexible enough to adapt their strategies to the relative power of the other. By framing and reframing the conflict and adjusting counter-strategies and response behaviors, weaker parties in an asymmetric relationship can often succeed in satisfying their interests in negotiation. This adaptive behavior is learned over time through experiencing negotiation.

**6. Preventive Diplomacy.** Achieving preventive results through negotiation is often a matter of changing the actors' stakes and attitudes. This requires adaptation of their expectations about future benefits against future costs. It also demands adjustment of their conceptions of the conflict to a positive-sum future. To accomplish these changes, the winner-take-all motive must be replaced by a reformulated vision of the outcome and how it reflects on each party's interests. This can only be achieved through a process of open-mindedness and learning, in which the parties progressively adapt and accept a changed view of the future – often issue by issue -- that values cooperation over continued conflict.

**7. Forward-Looking/Backward-Looking Outcomes.** Backward-looking outcomes are based on a concept of justice defined by accountability and retribution; such negotiated agreements often result in failed outcomes over the long term. Forward-looking results, on the other hand, are based on a definition of justice that values mutual recognition, new formulas and new relationships; these results appear to have a greater degree of longevity and success. Open-mindedness and willingness to adapt attitudes through learning about the other appear to be the determinants of forward-looking negotiations.

By placing Zartman’s principal concepts in the context of learning theory, we begin to see a comprehensive negotiation learning system emerging – one that interrelates and highlights the dynamics of adjustment that are essential in the negotiation activity to bring about solutions (see Figure 1). What is most important is using this learning system to understand how and why adjustment takes place, how the concepts fit together, and how to make that system more efficient.

**Figure 1. Simple learning model and Zartman concepts**



*Ripeness* is clearly an input factor – with hurting stalemates and enticing rewards stimulating a learning-based adjustment of values toward achieving agreement. *Formulas*, once they are found, represent conceptual schema - a vision of a future outcome - against which all new strategies can be judged, evaluated and responded to. *Post-agreement functions* also provide an institutional and procedural schema for continued negotiation of outstanding or new conflicts within particular issue areas where some agreement has already been reached. In both cases, these schema offer negotiators with some commonly shared understanding against which new information can be compared and processed.

*Preventive strategies* and *forward-looking approaches* are learned strategy responses of the negotiation process to the other party’s strategies, ripeness signals, and shared values. They are based on mutual recognition of a shared future vision of cooperation and a reframing of the conflict. The implications of negotiator *asymmetry* is revealed through a feedback loop that helps negotiators learn from past mistakes to adapt counter-strategies that are more likely to produce better outcomes for weaker actors. The *professional culture* shared by professional negotiators is a constant environmental factor that conditions certain responses to strategies and facilitates shared expectations for the process and the outcomes. Within such an environment with shared values and understandings, learning is quicker and more accurate.

## **Implications of Applying Learning Theory to Negotiation**

Does this learning framework tell us anything we did not already know about the negotiation process?

First, it leads us to further question the interrelationships among these well-research concepts and suggests paths for additional research. For example:

- What are the most effective enticing opportunities (carrots) that can be offered under conditions of asymmetry?
- How does a shared professional culture among negotiators impact on an asymmetric situation? What if there is no shared professional culture?
- Are forward-looking strategies less likely to occur if asymmetry is a prominent feature of the negotiation context?
- How does ripeness impact on the ability to achieve preventive outcomes?

Second, the learning framework may be able to lead us to more efficient negotiation processes. Where, among all of these key negotiation concepts does learning – the ability to adapt and adjust – take place in greatest quantity and most rapidly to yield better and more sustainable outcomes? Case analyses and simulations can focus on monitoring and measuring the size, quality and rapidity of the learning/adjustment factor at various points in the negotiation process to identify the prominent determinants of outcomes. This might yield practical approaches of how to “engineer” the negotiation situation.

Viewing these negotiation concepts within the context of learning theory has critical practical implications as well. Learning stimulates anticipation. Thus,

- Even seemingly intractable conflicts may be resolvable, if the parties can just find the right way to adjust their attitudes and behavior – through learning. Adaptation can occur over time through learning.
- Inefficient as it is, negotiation may be the best technique that we have to resolving conflicts. As a learning system, the negotiation process can improve and become more efficient over time. Negotiators who are trained in theory can engineer the negotiation situation more effectively and use strategies more efficiently to effect change in other party.
- Good negotiators are not necessarily born that way; they can be taught. Negotiation is a learned skill. More needs to be done to find the right channels to bring theory to practitioners.

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