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# Using *Getting to Yes* to Teach English, Negotiation, and Other 21st Century Skills

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#### **ABSTRACT**

English language teaching (ELT) and principled negotiation are separate fields with a surprising amount in common, starting with the shared goal of increasing "understanding." Since the two fields rely on similar communicative strategies to pursue that common goal, most ELT instructors are unknowingly already teaching conflict resolution skills to some extent. This article describes four very different courses that use the classic text on principled negotiation Getting to Yes to teach integrated lessons in principled negotiation and ELT: 1) An LL.M. ESP – negotiations course for lawyers; 2) A summer EAP course for international undergraduate and graduate students focusing on communication skills: 3) A university-level academic reading and writing course for freshmen; and 4) A Content-Based Instruction (CBI) course in university-level academic skills for international undergraduate and graduate students new to American universities. The article concludes with suggestions for additional ways to integrate negotiation and ELT.

Keywords: negotiation content-based instruction English for academic purposes (EAP) English for special purposes (ESP) English language teaching (ELT)

# Using *Getting to Yes* to Teach English, Negotiation, and Other 21st Century Skills

# Barrie J. ROBERTS

There's been a quantum leap technologically in our age, but unless there's another quantum leap in human relations, unless we learn to live in a new way towards one another, there will be a catastrophe.

- Albert Einstein

#### 1. Introduction

Negotiation, English and cross-cultural understanding are essential 21<sup>st</sup> century global skills (U.N. Secretary-General; Seidlhofer, 2005). These skills require critical thinking and problem solving; communication; collaboration; and creativity and innovation, which are the "4Cs" of 21<sup>st</sup> century global education in the U.S. and elsewhere (NEA, n.d.). Combining these skills in one integrated course prepares students to negotiate skillfully and creatively in English while improving their English and global communication skills in authentic and engaging ways.

ELT (English Language Teaching) instructors who agree but feel unprepared to teach negotiation may be surprised to learn that they are probably already doing so, for ELT and negotiation have a surprising amount in common. For example, both fields aim to improve "understanding" and use strikingly similar lessons and activities to help students do so. Thus, ELT instructors who teach communication skills are simultaneously teaching valuable negotiation skills without even trying.

For ELT instructors who wish to integrate negotiation into their English language lessons in a more focused way, and for negotiation instructors who would like to provide such training in English, *Getting to Yes* (GTY) (Fisher, 2011), the classic text on principled negotiation, is one-stop-shopping for instructors and students alike.

This article describes four very different ELT courses that use GTY to teach integrated lessons in principled cross-cultural negotiation and ELT along with the above-described 4Cs. The first three courses are for undergraduate and graduate students at UC Berkeley; the fourth is for foreign lawyers in an LL.M. program at Chapman University Fowler School of Law in Orange, California. The author created these four courses, taught them many times, and trained other instructors to teach their own versions based on their own students' needs. These courses are not presented as models to be copied but as examples to inspire ELT instructors to brainstorm applications of GTY for their own classrooms.

#### 2. Introduction to GTY for ELT instructors

GTY was first published in 1981 to provide "a straightforward, universally applicable method for reaching mutually satisfying agreements — at home, in business, and with people in any situation" (GTY, back cover). The book was written for a general audience of native speakers of English but has also been used to train professionals in business, law and diplomacy throughout the world. GTY has been translated into 18 languages, including Japanese. Readers of the third edition will already be familiar with many of the first edition's then-revolutionary ideas about negotiation, such as win -win; think outside the box; and be hard on the problem, soft on the people.

GTY's opening pages tell us, in simple, everyday English, two things we probably already know: (1) We are already quite familiar with negotiation (i.e., working out small and large agreements with others) because we negotiate many times a day but (2) we may not be very good at it. Some of us are too "soft," sacrificing our needs by swallowing disagreements or giving in to others when it seems to be the only way to keep the peace and protect our relationships. Or we may be too "hard," sacrificing our relationships by competing and trying to "win" when this seems to be the only way to accomplish our goals.

We might assume that the solution is to model Goldilocks and seek a middle ground that is just right: not too soft and not too hard; a compromise. But "compromise" is not what makes GTY resonate so powerfully with so many people worldwide. Instead, GTY promotes "principled" negotiation, a way of negotiating that is not soft,

not hard and not medium, but that may turn out to be just right.

GTY's next chapters provide a step-by-step process for rethinking our approach to reaching agreements with others based on the building blocks of *principled* negotiation:

Separate the people from the problem. (Chapter 2)
Focus on interests, not positions. (Chapter 3)
Invent options for mutual gain. (Chapter 4)
Insist on using objective criteria. (Chapter 5)
Develop your BATNA (Best Alternative to a Negotiated Agreement) (Chapter 6)

Once again, readers often feel that we somehow already know all of this but never stopped to think about it or how to apply it. Students often report that GTY is just "common sense."

ELT instructors will certainly find themselves and their students in the pages of GTY and, if inclined, could certainly develop applications to their courses on their own. Again, the purpose of describing the four courses in this article is not for instructors to replicate these specific courses but to encourage them to take the first step, i.e., to simply read GTY while keeping their students—and the ever-pressing need for 21<sup>st</sup>-century global skills—in mind.

3. Using GTY in Four Different High Intermediate – Advanced ELT Courses Before describing the four different courses, it will be helpful to describe the students and what the four courses have in common.

#### 3.1 The students

All four courses are targeted to students at the high-intermediated – advanced ESL level. The Berkeley students are mostly Chinese, Japanese, Korean and European undergraduates including law students as well as students from a range of scientific and technical fields without any particular interest in negotiation. The LL.M. students at Chapman University have been mostly Saudi Arabian, Afghani, Iranian, African and European lawyers interested in learning cross-cultural negotiation skills in

English for professional purposes. Part 4 describes feedback on GTY from all of these students.

#### 3.2 What the four courses have in common

# 3.2.1 Course goals

The goal for all combined courses in negotiation and ELT is for students to learn and practice principled negotiation in English for use outside the classroom. Thus, unlike academic subjects such as history and science that may be taught as English for Academic Purposes (EAP) courses, negotiation courses provide practical communication skills and new ways of thinking that require an integrated mix of content, language, sociolinguistics, critical thinking, risk-taking, self- exploration, communication skills, planning strategies, giving and receiving feedback, consideration of one's strengths and weaknesses, ethical and cultural conundrums, and experiential learning through role-plays.

For some courses, the emphasis is on improving English communication skills. For these students, negotiation is a new way to enrich language lessons with authentic activities that engage students by focusing on real-world conflicts that they can analyze and resolve using their developing negotiation, English and global communication skills. These courses may be considered Content-Based Instruction (CBI) (Snow & Brinton, 2017).

For students in business, law, government, diplomacy and other professional fields, the focus is on mastering negotiation theory, strategies, skills and terms of art in English to prepare for actual negotiations in their professional lives. This type of course is English for Specific Purposes (ESP) (Belcher, 2009).

To reach these goals, instructors may need to begin by making sure that they and their students understand the differences between "principled" negotiation on the one hand, and other communicative activities, such as *bargaining*, *debating*, *arguing* or *fighting* on the other. A quick review of GTY's Introduction and first chapter will help to clarify these different terms.

#### 3.2.2 Methods

All four courses use experiential learning, especially interviews and role-plays, and

these are based on applications of GTY to conflicts from history, current events, film, literature and students' own experiences. Thus, the courses necessarily and naturally include problem solving, critical thinking, flipped classrooms (Lockwood 2014) and authentic materials (Zyzik and Polio, 2017) even if instructors know nothing about these teaching methods.

# 3.3 Reading strategies for GTY

Students in all four courses receive the kind of schema-building, vocabulary, pre-reading and post-reading lessons and activities that are familiar to ELT instructors who teach academic reading skills (e.g., Hedgecock and Ferris, 2009).

### 3.3.1 Pre-reading

Before students read the first page of GTY, they receive scaffolded lessons and activities to connect their own life experiences and beliefs to the text they will soon read. This preparation includes a variety of exercises, games, interviews, partner and group work and journal assignments that would be familiar to ELT instructors as ice breakers or standard communicative activities. Topics include causes of conflict; conflict styles; cultural and ethical issues; brainstorming options for resolution; and vocabulary, idioms and communication styles needed to express all of the above.

# 3.3.2 Preparation for the Introduction and Chapter 1

The above-described activities prepare students for the main ideas in GTY's Introduction and Chapter 1. The main ideas here and throughout the book are easy to grasp but two challenges appear right from the start. First, GTY's supporting anecdotes generally occurred long before students were born or, in the case of hypotheticals, can be hard to follow. Second, GTY includes discussions about relationships and emotions that may be new or uncomfortable for students for cultural reasons.

Therefore, students benefit from reading strategies such as reading for the main ideas; identifying and skipping non-essential and unfamiliar examples during the first reading; using headings and subtitles to help summarize the main ideas; noting unfamiliar vocabulary but not stopping to look it up during the first reading; and annotating while reading to keep track of the authors' main ideas on the one hand and students' reactions and questions on the other.

Interestingly, this approach to reading mirrors GTY's approach to principled negotiation: First, seek to understand what you may not agree with; confirm that you really did understand it; and then consider and share your own views in ways that encourage others to listen.

#### 3.3.3 Communication activities to prepare for Chapter 2

Chapter 2 covers relationships, emotions, perceptions, face-saving and the negotiator's key communication tool, "Active Listening." Before reading Chapter 2, students benefit from practicing Active Listening, which ELT instructors would recognize as "telling a story" "paraphrasing" and "clarifying." Interestingly, as discussed above, both ELT and negotiation instructors routinely assign activities like this to improve "understanding."

"Student A tells a story to Student B; B paraphrases that story and checks to make sure he/she got it right. A confirms or clarifies."

Active listening also looks like ELT lessons in interviewing, question formation, asking for clarification and predicting. Thus, as stated in the introduction, ELT instructors who teach these skills are already teaching key negotiation skills.

# 3.3.4 Working with Chapters 2 and 3: Activating critical thinking skills

However, Active Listening also goes beyond simple paraphrasing of the facts to address emotions, interests, needs and values that are often at the root of misunderstandings. Chapters 2 and 3 ask us to consider, "What is really going on?" during a conflict or misunderstanding. Before moving on to Chapter 3, students engage in activities to work with this question while learning and practicing the vocabulary and idioms needed to address it in English.

Thus, by the time students read Chapters 2 and 3, they have experienced much of the material first-hand during active listening exercises and have integrated enough relevant English vocabulary to allow them to read these chapters with relative ease. This increases their engagement with text that could otherwise be abstract and even a bit threatening for some cultures. In fact, while reading, these students usually feel a personal connection to the material and have the confidence, based on their actual experience as active listeners, to agree, disagree and question the material rather than

just accept it as truth, key critical thinking skills.

# 3.3.5 Post-reading: Additional critical thinking

After students read these chapters, instructors can activate their critical thinking skills even more deeply with questions like these: To what extent does "active listening" work? What if people from one culture are comfortable addressing emotions but are negotiating with people from a culture who are not? What if one negotiator thinks the negotiation will be more effective if the atmosphere is informal and everyone uses first names, while the other negotiator considers this rude? What if one negotiator believes that her goal is to meet the needs of both participants, but her counterpart thinks the goal is to create harmony for entire groups of people – perhaps even the entire society? What if negotiators have different ideas about ethics, especially lying? What questions and feedback do students have for the authors, and what examples could they add to the book?

These are excellent questions for small group and whole class discussions, interviews, presentations, journals, surveys and research, risk-taking and trial and error in and out of the classroom, all examples of the active, experiential learning required for 21<sup>st</sup> century global education.

### 3.3.6 Covering GTY's more challenging material

Chapters 4, 5 and 6 continue to be engaging and user-friendly for native speakers of English and advanced ELLs, but the content can be more challenging than in the preceding chapters. Therefore, for Chapters 4-6, students benefit from jigsaws and interactive lectures to help them understand the main points well enough to apply them in negotiation role-plays, presentations and writing assignments with or without actually reading all of the material.

Depending on students' needs, GTY may be the basis for vocabulary quizzes to help them master the terms of art used by negotiators; grammar lessons to help them notice and use the kinds of structures negotiators use (question formation; direct vs. indirect speech; modals; figurative language) and pronunciation, with a focus on helping students match their tone to their intentions when engaging in principled negotiation.

GTY also lends itself to lessons on references; i.e., how to refer and give credit to authors when summarizing, paraphrasing and quoting their writing. For example, GTY is filled with pithy lines such as "Understanding is not agreeing." (GTY, p. 37) Students can quote, explore and challenge lines like these in journals, essays, discussions and presentations, while giving proper credit to the GTY authors. These skills are important not only for reading comprehension, academic writing, critical thinking and professional-level presentations but also for preventing plagiarism. And referring to the ideas of others in fair and neutral ways is also a key skill for principled negotiators.

Finally, students in all four courses receive this deceptively simple culminating assignment: "Apply GTY to the conflict of your choice. Use critical thinking skills to discuss how GTY does or does not provide an effective approach to resolving this conflict. Suggest ways to adapt the underlying principles of GTY to provide more effective approaches."

Depending on the course, this assignment includes a negotiation role-play of the selected conflict, an academic essay, or an individual or group presentation. For this assignment, students have chosen Romeo and Juliet; Batman vs. Superman; Israel and Palestine; the South China Sea; preventing WWI; family disagreements over students' choices of majors and mates; Japanese textbooks; women driving in Saudi Arabia; preventing an honor killing in Afghanistan, and many other personal and global concerns.

#### 3.4 The four courses that use GTY

#### 3.4.1 Communication Skills for Conflict Resolution

This Intensive English Program (IEP) - type course is offered in 3 and 6-week sessions as part of UC Berkeley's Summer English Studies (SELS) program. http://summerenglish.berkeley.edu/about/ The term "conflict resolution" in the course title is an umbrella term for a variety of communication processes including negotiation and mediation.

Students generally include a mix of undergraduates with no particular interest in negotiation along with a few law students with a strong interest. Most report that they chose this course to help them sound more natural, fluent and confident in

English. In recent years, most students have been from mainland China, Taiwan and Europe.

This course has been an excellent fit for international students on a short study abroad program, many of whom are away from home or in the U.S. – in Berkeley, California, of all places, for the first time. During their first few weeks of adjusting to the culture shock of living, studying and eating rice and noodles in Berkeley, often in the company of international roommates with bewildering habits and a wide range of English pronunciation skills, these students are reading GTY and learning about the causes of misunderstandings and conflicts and new, exciting ways to think about preventing and resolving them while learning the specific English words, phrases and communication skills needed to do exactly that. All of their confounding experiences in the San Francisco Bay Area and in their dormitories become grist for the classroom mill, so reading and journal assignments and in-class exercises and discussions feel less like English lessons or homework and more like lifelines offered just in the nick of time.

Thus, students' journals tend to follow this format:

X [insert terrible experience] was happening and I didn't know what in the world I was going to do when suddenly I remembered Y [insert something from GTY]; I tried to apply it and then everything worked out.

One unique challenge in these short 3 or 6-courses is getting GTY read in time to put it to use. Ways to handle this include jigsaw exercises; stressing the skill of reading for the main idea and skipping unfamiliar references; and interactive lectures on material from the book instead of, or before, assigned readings.

# 3.4.2 Academic Reading and Writing (R1A)

R1A is an intensive 6-unit, semester- long course in reading, writing and critical thinking in UC Berkeley's College Writing department. Each class section is limited to 14 students and has the same challenging requirements, but each instructor selects a theme as the context for cohesive reading and essay assignments throughout the semester. Examples of themes include immigration, education, culture, and conflict resolution.

Students in the conflict resolution section read GTY early in the semester so that it may serve as a framework for critical analyses of a variety of other texts and conflicts. For an early essay, students are assigned a "rhetorical analysis" in which they must apply all or selected sections of GTY to the conflict of their choice. They must work with a classmate to role-play a negotiation of their selected conflict and must use this experience as evidence to support their thesis or a counterclaim. Critical thinking is mandatory – their essays must challenge GTY in at least one significant way. And they must demonstrate university-level uses of quotes, paraphrases and summaries of GTY within UC Berkeley's strict academic honesty code.

To their surprise, instructors as well as students have discovered interesting similarities between the two very different fields of academic writing and principled negotiation. Both require similar ways of thinking and communicating: clearly stating one's claims in ways that will be convincing to one's audience; providing trustworthy data from a variety of sources to support those claims; using the science and art of "persuasion" to convince our readers/opponents; analyzing the claims and tactics of other writers/negotiators; considering multiple perspectives, including opposing views; and seeking understanding and synthesis of views when possible but holding firm to our perspectives and needs as appropriate.

# 3.4.3 Academic Skills for the University

This 3-unit course is an orientation to academic speaking and listening skills for regularly enrolled international undergraduate and graduate students who are new to American universities. In a relatively stress-free environment, the course gives these students the opportunity to ask questions about their academic experiences in other courses and to learn and practice the types of academic skills that their Berkeley professors and classmates expect along with the English and cross-cultural communication skills needed to help them meet those expectations.

As with the R1A writing course described above, many substantive themes could form the basis for lessons in such academic skills as contributing to and leading group discussions; speaking up in class; participating in group projects; public speaking; critical thinking vs. demonstrating knowledge of memorized facts; "academic honesty"; attending office hours and developing relationships with

academic advisers; emailing the professor; requesting and providing feedback; and understanding the use of American humor in the classroom. However, negotiation serves the additional purpose of simultaneously providing the very communication skills students need to master these challenging and often culturally confounding academic skills.

Classroom activities model typical Berkeley classes, which include a strong emphasis on student participation during and after lectures and in group discussions. Students from China, Japan and Korea are often surprised to learn that their Berkeley professors and classmates do not interpret their respectful silence as "respectful," "wise" or anything positive. The course addresses these and other cultural assumptions directly and gives students many opportunities to take risks and practice, using GTY both as subject matter and guide for key communication skills.

For example, during group discussions on GTY, students must communicate using the active listening skills described in GTY to lead, agree, disagree, expand and question. And, during the instructor's lecture or a classmate's presentation on GTY, students use communication skills described in GTY to practice the unthinkable: politely interrupting to ask a question or raise an opposing view, highly prized skills at Berkeley.

Berkeley courses also favor group projects, a rich source of conflict among students campus-wide, especially with students from so many different cultures thrown together to produce a graded project. This course requires 4 -5 students to work together to present a panel discussion on selected aspects of GTY, and the presentation must include survey data from Berkeley students outside our course and critical thinking about GTY. To prepare for this project, students study group dynamics and evaluate the strengths and weaknesses of their own contributions to their group.

This project is a fine example of learning to swim by jumping in the pool rather than by sitting poolside with a book on the theory of swimming. As it turns out, one of the best ways to learn about principled cross-cultural negotiation – and oneself - is to participate in a graded group project with classmates from a variety of cultural and linguistic backgrounds, in which the instructions are to apply GTY to the group's

interpersonal relationships and communications during preparation for the class presentation on GTY.

# 3.4.4 Negotiation for Foreign Lawyers

This course follows the standard format used in U.S. law school negotiation courses but with some significant differences.

- 1. The students are practicing lawyers with a range of cultural and linguistic backgrounds, and their needs in these regards are treated not as obstacles to completing daily lesson plans but as key parts of the curriculum. For example, time is built in for questions about GTY's vocabulary, idioms, grammar and cultural assumptions that would not occur to American law students, and if raised, might annoy them for slowing down the class. Thus, in standard negotiation courses, LL.M. students might refrain from asking such questions, diminishing their ability to get the full benefit of the course or the best possible grade. And, in this special course, LL.M. students are encouraged to discuss GTY in the context of their various legal cultures, which unfortunately, may not be as compelling a topic as it should be for some American law students.
- Negotiation role-plays include time before, during and after to help LL.M. students practice putting GTY to use. International LL.M. students who are not native speakers of English need time to practice professional-level communication, sociolinguistic and cross-cultural communication skills in English.

Challenges include intonation, direct vs. indirect language, idioms, asking for clarification, small talk, body language, the various possible meanings of "yes" and "no," ethical issues, trust, saving face, apologies and writing up agreements vs. handshakes. This course provides a relatively embarrassment-free zone for these professionals to take risks with the above concerns – and with GTY's ideas about negotiation that may at first seem counterintuitive at best, and weak, at worst.

3. This course places less emphasis on U.S. and California ethical rules

concerning negotiation and court-connected Alternative Dispute Resolution, and more on general, global and international perspectives.

By the end of this special course, LL.M. students are confident in their negotiation and English skills and well prepared for advanced negotiation courses with native speakers as well as for real-world negotiations in which English is the lingua franca.

# 4. Additional applications

In addition to using GTY for ELT lessons in negotiation and communication, instructors may apply it to any topic that involves conflict or differences of opinion, such as literature, social studies, social justice, international relations, history, science, politics, family life – and the daily news. Activities may include using GTY to analyze conflicts in these areas and/or to invite students to role-play negotiations using GTY as their guide.

For ELT students with an interest in science and technology, current hot topics in the dispute resolution field include neuroscience, game theory and online dispute resolution (ODR). ODR includes conducting negotiations online via video, voice, chat and document sharing, all of which is already old news, along with algorithm-based negotiation programs that use artificial intelligence to promote GTY-type communications online. This "future" is already well under way, with E-Bay as just one example (Rule, 2008), but the fast-paced technological potential as well as related ethical and practical considerations should be fascinating for today's students. (e.g., Maney, 2017).

#### 5. Student responses to GTY

In terms of English, students report that GTY is easy to understand with just the right amount of challenge. However, it isn't clear how easy the book would be without the above-described reading activities. In terms of GTY's content, these diverse students have expressed similar sentiments across the board:

I feel like I already knew this information but didn't know how to pull it out and use it.

This book is in sync with my culture, except for a few small things I can work around.

I can really use the book's tools in my actual life—in fact, I just used them yesterday!

I learned that I don't have to swallow problems with others and give up my needs in order to maintain good relationships with them.

I want everyone I know to read this book!

This is the good news. The next section addresses the challenges ELT instructors may face when using GTY.

#### 6. Challenges and opportunities

GTY was written for native speakers of English. There are no ELT activities whatsoever. On the bright side, this makes GTY "authentic material" (Zyzik and Polio, 2017) and students who read it in English can feel accomplished in terms of their English skills and proud to become part of the global GTY community that conducts principled negotiation using English as the lingua franca.

International students report that GTY does not adequately address cross-cultural issues or concerns about social media and other internet-based communication and that, as discussed above, the examples and anecdotes need some updating. On the bright side, students new to critical thinking often feel comfortable raising these sorts of challenges and suggesting creative revisions.

GTY was not intended to be a comprehensive negotiation textbook, so it must be supplemented with other negotiation texts and with activities and role-plays from other sources. However, this is precisely why GTY has remained the popular, user-friendly, manageable and adaptable best-seller it has been for over 30 years.

ELT instructors who would like to fill in some of the above-described gaps may wish to take a negotiation or mediation course online, in a community college or university extension program or through a community mediation center. Additionally, instructors may contact the author and/or await her proposed Resource Book for ELT instructors who wish to teach combined lessons as described above or in other ways.

#### 7. Conclusion

Readers of GTY will understand that the title of this article could have been "GTY as a Second Language," referring not only to English but to GTY's principled way of thinking and communicating that, with practice, becomes a second language and second nature. However, courses in principled negotiation do not aim to create a cookie-cutter army of GTY robots; instead, the hypothesis and the hope is that GTY is universal enough for each individual to adapt to his/her unique situation, or as some students have described, to find GTY within themselves and apply it in their own ways.

If negotiators—and we are all negotiators—follow GTY's basic principles with adaptations as needed, they will be embarking upon Einstein's "quantum leap in human relations," perhaps in small ways during a vocabulary lesson, but in ways that may nonetheless have significant rippling effects, especially if we can accomplish this with negotiating partners worldwide, using a lingua franca for language – as well as for conflict prevention and resolution.

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