"Advocacy chooses to stand by one side for justice's sake. Mediation chooses to stand in connection to all sides for justice's sake." JP Lederach (1995:14)

Introduction to Community and Environmental Dispute Resolution
Spring 2016 (3cr.)
Thursdays 1:25 - 4:25 pm
West Sibley Hall ROOM B-10

Professor John Forester
Office Hours: Tues. 2:00-5:00 pm (and by appt.)
111 West Sibley
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CRP 5460 explores the theory and practice of dispute resolution strategies as they apply to the work of planners and organizers, policy analysts and evaluators, managers and administrators, and human service professionals more generally. Referring mainly to environmental, community planning, and local land-use disputes, this course will also be immediately relevant to those concerned with participatory planning processes, coalition-building, the politics of participation and deliberative democracy more generally. We will be particularly concerned with issues of effective practice in the face of power and inequality.

The course has two central objectives: First, we hope to provide a basic introduction to the theory and principles of several dispute resolution strategies: negotiation, multi-stakeholder mediation, and deliberative democratic processes. Our seminar discussions will explore the basic ideas underlying these strategies: e.g. interdependence, mutual learning, bargaining range, interests vs. positions, joint gains, value creating, value claiming, negotiating power, competitive & cooperative strategies, process design, etc. We will also read extensively from practicing mediators’ accounts of their work so we can discuss the warnings and the opportunities they suggest to us.

Second, by using laboratory exercises and videos, we will explore and begin to practice diverse skills employed in negotiation, mediation, and group problem-solving strategies. Training exercises will complement readings, and serious engagement with these simulations and exercises constitutes a vital part of the course. We will focus particularly upon exercises involving public disputes (involving, of course, private and non-profit entities too), but we will use more generic training materials as well.

For term projects, course participants will either: a) assess a current environmental or public sector conflict by speaking with diverse parties (write an options analysis or "conflict assessment"); b) devise and analyze a simulation exercise to explore an aspect of dispute resolution strategies of your choice; c) assess current dispute resolution practice in a planning or broader professional context (e.g. environmental dispute resolution), or d) “profile” a compelling practitioner via interview and analysis to probe the demands and character of skillful dispute resolution practice. Project possibilities, then, include options like the following: i) assess a local land use or policy dispute and the range of options parties might devise; ii) design a training simulation/game to teach or explore particular issues arising in practice; iii) assess the place of negotiation/mediation/deliberation in a setting of organizing, public policy or planning practice;
iv) identify a planner, activist, consultant, community leader and/or practitioner whose work you admire (or wish to explore), get a detailed practice story via an interview with him or her, and tell us what their experience teaches us (cf: http://instruct1.cit.cornell.edu/courses/practicestories/ for help), among still other options (e.g. doing a digital story or set of podcasts about dispute resolution strategies. . .). Equipment for audio or video recording of interviews, digitizing and transcribing, etc. is available on loan from Cornell libraries and/or the instructor.

**Due Date for Term Papers: Friday, May 6, noon.**

Books Available New or Used via Amazon, e.g.:
R. Fisher, W. Ury: **GETTING TO YES** (w/ Answers to Ten Questions) (Penguin, 1991)

Available as PDFs on Blackboard as well will be materials from:

PDFs of assigned readings will be available for instructional purposes only via our Cornell Blackboard site. Enroll in the course via Blackboard.cornell.edu, and go to Course Documents. (Also strongly recommended: John Trimble: **Writing with Style.** Prentice Hall, 2000 (1975))

**University Policies on Plagiarism and Special Needs**

Each student in this course is expected to abide by the Cornell University Code of Academic Integrity. Any work submitted by a student in this course for academic credit will be the student's own work. When you use others’ work directly, acknowledge them by citing your sources. Failing to do this—plagiarism—is theft, grounds for that rare “F” grade.

In addition, in compliance with the Cornell University policy and equal access laws, your instructor will be available to discuss appropriate academic accommodations that may be required for students with disabilities. Requests for academic accommodations should generally be made during the first several weeks of the semester.
SCHEDULE OF SEMINAR MEETINGS AND READINGS:

   Introductions: Concerns, Puzzles, Inspirations, Worries, Central Questions

   Exercise: Negotiation Analysis Pre-test: Your Best Coaching Advice
   (How do we now think about negotiation strategy, power, design that might produce shared recommendations? How can we connect (which) dots from “needing to work it out” (negotiate) to “getting it done” (reaching a joint decision/commitment); first individually, then in groups, then together—half prospectively, half retrospectively from your choice of cases]

2. (2/4) Negotiation, Mediated-Negotiation, and Mediator Roles and Accountability in Planning Practice
   Read:
   ii) “From Conflict Generation Through Consensus-Building Using Many of the Same Skills: A Profile of Frank Blechman” [PIFC].

   Additional References:
   [Conflict Research Consortium's http://conflict.colorado.edu/]

   Exercise: Elements of Negotiation I—Bradford’s Public-Private Negotiation

3. (2/11) Introduction to the Challenges of Mediating Multi-Stakeholder Negotiations
   Read:
   i) "Dispute Resolution Meets Policy Analysis, Or Native Gathering Rights on "Private" Lands? A Profile of Peter Adler." [PIFC].
Additional References:
Follet, Mary Parker, "Constructive Conflict," (orig.1925), in H.C. Metcalf, and L.Urwick, eds.
Conflict Resolution Web Links: see: http://www.adrr.com/adr0/links.htm

Exercise: Interdependent Decision-Making—and the Challenge for Planning Analysis and Design

4. (2/18) From the Basics of Distributive Negotiation to More Than Winning and Losing, or The Essential Place of Claiming and Creating Value
Read:
i) David Lax and James Sebenius, "The Negotiator's Dilemma: Creating and Claiming Value,"

Additional References:
The Association for Conflict Resolution: http://www.acrnet.org

Exercise: Elements of Negotiation II: Challenges of Integrative Negotiations—Redstone, Sally Soprano, Arms Exercise and/or Map Negotiation

5. (2/25) Mediated Negotiations in Physical Planning and Urban Design Contexts
Read:

Additional References:


Available at http://ssrn.com/abstract=741404


**Video I: Prosando and Hi-Tech, A Commercial Example**

**6. (3/3) Integrative Negotiation: Negotiating (Even or Especially) When Others Are Just Out for Themselves —and an Introduction to Styles of Negotiation**

Read:


ii) “Explosion and Redemption in Community Mediation (or, When Neighbors Aren’t Neighborly): A Profile of John Townsend”

Additional References:

"Facilitating the Land-Use Planning Process for Vancouver Island: A Profile of Gordon Sloan,” J. Forester, ed. CRP, Cornell University, [PIFC].


**Video II: G. Williams (toughness on the merits and aggressiveness) [OR Zabian Exercise and/or Video: Deborah Kolb's "Women Negotiate"]**

**7. (3/10) Principled Negotiations, Ambiguities of Culture and Gender, and Applications**

Read:


ii) "Facilitation, Ethnicity, and The Meaning of Place: A Profile of Shirley Solomon,” [PIFC].

iii) “From Rights-Based Activism to Mediated Negotiations In the Trade Union Context of South Africa: A Profile of John Brand,” J. Forester, ed. February 2011

Additional References:

Kolb, D. J. Williams, and C. Frohlinger, eds. Her Place at the Table: A Woman's Guide to Negotiating Five Key Challenges to Leadership Success Jossey Bass 2004.
National Conference on Peacemaking and Conflict Resolution: http://www.apeacemaker.net

Exercise: Video III: Hacker-Star (Approaches to Negotiating a Contentious Case)

8. (3/17) Mediation: Debating How or If Third Parties Might Help
Read:
iii) John Forester, Dealing with Differences, Chapter 9, “Conclusion: Transforming Participatory Processes,” pgs. 175-187.

Additional References:

Smith, William P. "Effectiveness of the Biased Mediator" and C. Honeyman, "Bias and Mediator Ethics," p419-432 in Breslin and Rubin;
[and see the site of the Consensus Building Institute: http://www.cbuilding.org/]

Exercise: The Westville Shelter Mediation
9. (3/24) Mediation II: Consensus-Building When Values Differ and Anger Flares
Read:

Additional References:
"From “Nightmare” to National Implications: A Profile of Lisa Beutler.” [PIFC].
Forester, John, Jessica Pitt and John Welsh, ed. Profiles of Participatory Action Researchers, Cornell U. CRP, typescript, 191 pages, 1993. [In Olin Library].
Horton, Myles and P. Freire: We Make the Road By Walking, Phil: Temple U. Pr. '90
The Alternative Newsletter (extensive annotated bibliography): http://mediate.com/tan

Exercise: Dialogue/Debate/Negotiation or Multi-Stage Office Imbroglio [Issues & Options, Agendas, Weighting, Deciding] [15, 25, 5, 20] vs [15, 50]
[Or Farmland Conversion or multi-party Negotiation]

[Spring Break, No Class on March 31]

10. (4/7) Community Conflict and Racial/Ethnic/Cultural Issues
Read:

Additional References:
"Dispute Resolution, Deliberation and Racial Violence: A Profile of Karen Umemoto"
"Consensus Building and Water Policy in San Antonio: A Profile of John Folk Williams"
See also: http://www.colorado.edu/conflict/civil_rights/interviews/

   Video IV: The Fire Next Time

11. (4/14) Value Conflict and Powerful Presumptions
Read:

Additional References:
J. P. Lederach, "Training on cultures: survey of the field" Conciliation Q. NewsLtr. 9 (1) 6-13; J. P. Lederach, Preparing for Peace, Syracuse Pr.1995.
Facing Racial and Cultural Conflict: Prog. for Community Prob. Solving, Wash, D.C.
Campus Mediation Resources: http://www.mtds.wayne.edu/campus.htm
[for extensive work on public dialogues, see the work of the Public Conversations Project: www.publicconversations.org/pcp/index.asp]

   Video V: Threats of Armed Conflict in Catron County, New Mexico:
   “Whose Home on the Range?”

12. (4/21) Planners As Third Parties: Joint Fact Finding and Jointly Generated Design
Read:
i) Mike Hughes, “After 30 Years of Fighting, Aesthetics Provides a Solution to “One Bridge or Two, and How?” Profile by J. Forester. 2014. CRP, Cornell.
Facilitative Leader to Do?" Ch. 6 in *Dealing with Differences*, Oxford U. Press.


iii) "From Environmental to Urban to Inter-Municipal Disputes: A Profile of Bill Diepeveen's Mediation Practice." [PIFC].

Additional References:


"Land Use and Community Development in a Rural (Swedish) Setting: A Profile of Goran Cars." J. Forester, edited. (CRP, on file).

**Design Exercise or Discussion of Papers**


**Read:** Marianella Sclavi, Participatory Neighborhood Planning and Design in Milan;

Silvia Givone, Challenges of Building a Mosque in Florence (pending approval);

Laura Saija: Participatory Action Research in the Simeto Valley.


View and discuss: *Long Night's Journey Into Day* (video)

Cf. [http://www.newsreel.org/guides/longnight.htm](http://www.newsreel.org/guides/longnight.htm#Discuss)

On conflict and trauma: [http://www.usip.org/library/topics/trauma.html](http://www.usip.org/library/topics/trauma.html)


FRIDAY, MAY 6: PAPERS DUE, Noon (12 PM).

Note on Writing, Re-writing, Editing and Analysis:

Editing of your papers or transcripts and your analysis requires that you: use page numbers, eliminate all typos, check your spell-checker (beware: “spell the write words correctly”), use double spacing, 1” margins, and 12 pt Times font.

Please liberally use paragraphs to distinguish topical changes. Use capitalizations to begin, “Quoted material,” use [brackets] to show where you have tried to embed your questions, and to clarify meaning or to complete a sentence fragment, use the very helpful em-dash (the long dash)—where you (or your interviewee) wishes to pause in the middle of a sentence, for example—rather than a comma.

You can use subtitling in your own analysis to mark significant shifts of topics and to mark specific findings or sections. Your care in editing appreciates your readers so that they will in turn appreciate (and want to keep reading) your work.

You can do this in all of your papers. Remember, for help, to see John Trimble, Writing with Style (any edition).

Note on Grading:
“Methods For Grading [Should Be] Clearly Stated At The Beginning Of The Semester”

When I assign grades at the end of the semester, here’s what I take into account:

i. Class participation: (roughly 10-30%)
   Contribution to our shared sense of exploring whatever’s valuable, striking, eye-opening, useful, productive, disturbing in our readings/discussion
   Questions about the topics/ideas at hand that stimulate discussion (these count as much as insights that stimulate discussion)
   Attendance presumed, with a couple absences excused;

ii. Class project: (roughly 70-90%)
   Analyzing the case, simulation, or practical work of an interviewee of your choice, with:
   a) clear structure: intro, profile or case or simulation, analysis, conclusion;
   b) well-edited, typo-free, liberally paragraphed case, simulation or profile; and
   c) insightful analysis of case, simulation or interview, with
      c1: links to relevant readings where your analysis/readings inform each other;
      c2: implications assessed for practice in applied fields/pedagogy;
      c3: implications assessed for your personal/professional interests, puzzles, or future studies.