"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
Fall 2017 (3 cr.)
Thursdays 1:25 - 4:10 pm
West Sibley Hall, Room 211

Professor John Forester
Office Hrs: Tues. 2:00-5:00pm
(and by appt.)
111 West Sibley Hall
jff1@cornell.edu

CRP 5460 explores the theory and practice of dispute resolution strategies—primarily negotiation, mediation and facilitation—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 interested in 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, conflict and inequality.

The course has two central objectives: First, we hope to provide a basic introduction to the theory and principles of the dispute resolution strategies of negotiation and multi-stakeholder mediation, with attention to facilitation and deliberative democratic processes more generally. 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. Unlike most other negotiation and mediation courses, we will also read extensively from practicing (public and non-profit sector) 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 their actual 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: Thursday, December 7, 5 pm.

Books Available New or Used via Amazon, e.g.:
R. Fisher and 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. Pearson, 3rd. Ed. 2014)

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:

1. 8/24, Introduction: Planning in the Face of Conflict, and Challenges of Decision-Making and Interdependence

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

   Exercise: Negotiation Analysis
   Pre-test: Your Best Coaching Advice

   Let’s see how we now think about negotiation strategy, power, and process design in the face of conflict. “Planning instructor Chris” gets a call from the city: neighbors and businesses, with little trust for each other, have killed an important physical planning/traffic plan for very different reasons: “Can you help?” First individually, then in groups, consider what you’d advise Chris to do. Then we’ll compare your recommendations, reasons and second thoughts.

2. 8/31, 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:

   Two classics:

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

   Exercise: Elements of Negotiation I—Bradford’s Public-Private Negotiation
3. 9/7, 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:


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. 9/14, From the Basics of Distributive Negotiation to More Than Winning and Losing, or The Essential Place of Claiming and Creating Value

Read:


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. 9/21, Mediated Negotiations in Physical Planning and Urban Design

Read:

Additional References:

Video I: Prosando and Hi-Tech, A Commercial Example
6. 9/28, Integrative Negotiation: Negotiating (Even or Especially) When Others Are Just Out for Themselves —and Styles of Negotiation

Read:
ii) “Explosion and Redemption in Community Mediation (or, When Neighbors Aren’t Neighborly): A Profile of John Townsend”
iii) D. Malhotra and M. Bazerman: read Chapter 6, “Negotiating Rationally in an Irrational World”, p139-156.

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. 10/5, Principled Negotiations, Ambiguities of Culture and Gender, and Applications

Read:
(Finish the book).
ii) “Facilitation, Ethnicity, and The Meaning of Place: A Profile of Shirley Solomon,” [PIFC].
iv) Sallyann Roth: “On Speaking the Unspoken: A Work-Group Consultation to

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. (10/16, Monday Evening, 7:30-10:30pm, in Room 211) Mediation: Debating How or If Third Parties Might Help

Read:


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. 10/19, Mediation II: Consensus-Building When Values Differ and Anger Flares

Read:


Additional References:


"From “Nightmare” to National Implications: A Profile of Lisa Beutler.” [in Forester 2013].


Forester, John, Jessica Pitt and John Welsh, ed. Profiles of Participatory Action Researchers, Cornell U. CRP, typescript, 191 pages, 1993. [In Olin Library].

Horton, M. and P. Freire: We Make the Road By Walking, Phil: Temple U. Pr. ’90


The Alternative Newsletter (extensive annotated bibliog.): 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]

10. 10/26, 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"
(in Forester 2013).
See also: http://www.colorado.edu/conflict/civil_rights/interviews/

Video IV: The Fire Next Time

11. 11/2, Value Conflict and Powerful Presumptions

Read:

Additional References:
J. P. Lederach, Preparing for Peace, Syracuse Pr.1995.
Campus Mediation Resources: http://www.mtds.wayne.edu/campus.htm
[for extensive work on public dialogues, see the work of the Public Conversations
Video V: Threats of Armed Conflict in Catron County, New Mexico: “Whose Home on the Range?”

12. 11/9, 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.
iv) "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).

Role Play Exercise or Discussion of Papers

13. 11/16, Related Dispute Resolution Practices in Italy (Milan, Florence, Sicily)

Read:


Additional References:

DeLeo, Daniela and J. Forester. “Reimagining Planning: Moving from a Reflective to a Deliberative Practice,” Planning Theory and Practice, Spring 2017. 18:3…


Design Exercise (elements of Dialogue, Debate, Negotiation)

14. 11/30, On Challenges of Process Design and the Dangers of Smothering Invention

Read:


Additional References:


On conflict and trauma: http://www.usip.org/library/topics/trauma.html

Tobias, Saul. 1999. "History, Memory and the Ethics of Writing: Antjie Krog's
http://www.ceri-sciencespo.com/themes/re-imaginingpeace/index.htm
Long Night's Journey Into Day (video)
Cf. http://www.newsreel.org/guides/longnight.htm#Discuss

THURSDAY, DEC. 7: PAPERS DUE, 5 PM, in Prof. Forester’s mailbox or to 111 W. Sibley.

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 paragraph liberally to distinguish changes of topic. 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. 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.