
Learning the Wisdom to Seize the Moment: How Negotiators Encourage the Learning of Practical Wisdom for Themselves and Others

Kenneth Sharpe

Expert negotiators and mediators need to create, recognize, and seize the moments that are critical for a successful negotiation or mediation. Doing so requires “practical wisdom”—a term that dates back to Aristotle—that cannot be “taught” in any simple or straightforward way. Such wisdom can only be learned through practice. This article considers how the practice of negotiation, and professional practice more generally, can be structured to encourage the learning of practical wisdom. In particular, how do professional negotiators and teachers of negotiation encourage their students and colleagues to learn the character traits and skills necessary to recognize and act well in “critical moments?”

Keywords: negotiation, critical moments, practical wisdom, Aristotle, Charlene Barshefsky

Introduction

The intellectual property rights trade talks in the mid-1990s between the United States and China had been going on for months and suddenly a moment came when they were at risk of collapse. Charlene Barshefsky, the top U.S. negotiator, remembered it well. It was a critical moment that can be analyzed, bringing in lessons from Aristotle and others, to identify the role of practical wisdom in negotiations. A video of Barshefsky talking about this moment is available at <https://www>.

Kenneth Sharpe is Professor Emeritus of Political Science at Swarthmore College. His e-mail address is kenneth.e.sharpe@gmail.com.

dropbox.com/s/q9xyzpwhjcrkekn/Barshefsky%20lunge.mp4?dl=0 and is transcribed below:

So this happened probably 2 in the morning. [The] Chinese negotiator became very angry ... physically lunged across the table. It scared me to death. Lunged across the table and said, pounded on the table and said: That's it, take it or leave it! ... I reacted in a very interesting way. Most people who thought looking at me I was completely calm, not at all perturbed, not shocked, not surprised. I just sat there. The reason that I just sat there was that my heart was pounding in my chest so hard that I thought that if I spoke my voice would shake and he would know that he got to me. So I just sat quietly until my heart stopped pounding ... and it probably took 30, 40 seconds, maybe a little longer, which is a long time when you are in the throes of a negotiation. Everything just goes silent ... what he put on the table, what he left there, was unacceptable. I said: Well, if you're saying take it or leave it, well, obviously I have to leave it. But I don't think that's what you meant. And then I re-characterized what it was he said. And the reason I did that was because he knew after he lunged he had made a mistake. You could see it in his eyes. He lunged, he sat back, his shoulders shifted slightly and his eyes looked uncertain. So I knew he wasn't walking away anywhere. That wasn't the final offer. And he'd have had a heart attack had I left the room. You could just see it. You saw it in his face. So I re-characterized it: I said I don't really think you mean take it or leave it in the sense that we should no longer be talking about this issue ... I think, I think what you're conveying to me, and I appreciate it fully, is that we probably ... that I need to give your proposal very serious thought. And that if I can't give it serious thought well then maybe we shouldn't be talking anymore. And I think you're right. I think any proposal you make to me I should give serious thought. I don't think this is gonna work but I don't want to say that here because you've made it clear you want me to think about this and I intend to do that. Why don't we break and meet again in the morning. He was relieved. You could see it, on his face.

This critical moment in the negotiations allowed them to go forward and reach an agreement acceptable to both sides. The historical and political context that gave Barshefsky the position and power to lead these negotiations successfully—and also the stateswoman-like role she played in helping to create the conditions that allowed the talks to succeed—has been carefully analyzed (Hulse and Sebenius 2003). My focus here is more limited. One way to learn how to recognize and seize a critical moment is to look carefully at what a master negotiator must do to seize a critical moment that could have been disastrous and turn it

around. We will first look at the kinds of character traits and the good judgment that enabled Barshefsky to make good decisions at that critical moment. Aristotle's work on philosophy, ethics, and choice making will provide some useful perspectives and will lead us to my second and central question: How are education and practice designed to encourage negotiators to learn such practical wisdom?

Practical Wisdom: Lessons From Aristotle and Barshefsky

In his landmark book the *Nicomachean Ethics* (a prelude to *Politics*), Aristotle wrote that good citizens and statespeople (he would have said statesmen) like Charlene Barshefsky must have practical wisdom—which he called *phronesis*—and must know how to apply it well. Writing 2,400 years ago, Aristotle called *phronesis* the master virtue and stated that it was a necessary attribute of all practitioners—statespeople, soldiers, citizens, navigators, doctors, and legislators (and I am sure he would have added today's planners). Practical wisdom demands moral skills to *deliberate well* in *making* choices and *acting* on those choices. And this master virtue also demands other virtues—the habits or inclinations (moderns sometimes call these character traits) that motivate people to act, to *do* the right thing. Practically wise policy-makers or doctors or statespeople or negotiators would want to do the right thing, would notice the relevant particularities of each situation, would know how to reflect and deliberate about their choices, and would have the character traits and emotions to actually act—to practice. They would need virtues such as courage, patience, self-control, empathy, and anger at wrongdoing. Such people needed not just good understanding or good judgment. They needed good action. Good *practice*.

Practical wisdom is not optional, argued Aristotle, because context matters. For negotiators, mediators, and other professionals most contexts are complex, ambiguous, and uncertain. Barshefsky had the character and the practical wisdom needed to recognize and seize a critical moment in this kind of context, and to turn a potential crisis into the possibility of moving ahead. Barshefsky demonstrated the following critical capacities and traits: the capacity for reflection, the capacity to deliberate, the virtues that enable good practice, and emotional mindfulness and know-how.

The Capacity for Reflection

What is immediately evident is Barshefsky's capacity for reflection. She could be a poster child for Schön's "reflective practice" (Schön 1983). She was fully aware of the impasse at hand; she quickly noticed that this ultimatum had the potential to destroy the talks. She could not give

into this ultimatum nor could she let it end the talks. To figure out how to act Barshefsky had to be fully conscious of the purpose—Aristotle might have said the *telos* or final end—of this process: keeping the talks going to find common ground. How to handle “the lunge” was not about the Chinese negotiator’s belligerence, not about fairness or how arrogant men treat women, not about the injustice of being bullied. All of these were issues that, in other circumstances, may have needed to be confronted. But they were not the purpose of her practice and she did not lose sight of this.

The Capacity to Deliberate

Barshefsky had to be more than a reflective practitioner; she needed to be a deliberative practitioner. She needed to (quickly) make difficult choices about when and how to act to achieve her purposes. Those choices were not black or white; they were not rule driven. They involved difficult balancing acts in a tense, uncertain, and conflictual situation. Barshefsky immediately knew that she could not simply fold but neither did she want to say “no way” and walk away. She had to strike the right balance. When her heart was pounding in reaction to “the lunge” she needed the emotional control and imagination to determine how to be silent and stony faced and for how long, and for what purpose. She needed to notice how the Chinese negotiator was framing her options and to decide how to “re-characterize,” to re-frame. To keep the negotiations going Barshefsky needed to figure out *what* she could say to create the space for ongoing negotiating moves and *how* to say it. What language was appropriate both to this moment in the negotiation process and to the personality of this particular antagonist—language that would not force him to “lose face” but enable him to be a partner in moving forward despite what seemed like a final ultimatum? Barshefsky’s capacity to deliberate—to figure out a path through a fraught, ambiguous, and tense situation with no clear guidelines—was a mark of her *phronesis*.

The Virtues that Enable Good Practice

Barshefsky needed to do more than just figure out what to do. She had to *do it*. She needed the capacity to act. To actually *do* the right thing Barshefsky needed certain character traits—what Aristotle called virtues. Barshefsky was clearly a good listener, which required the virtue of empathy. She could put herself in her opponent’s position. She had the disposition and the capacity to notice her opponent’s eye movements and body language, to sense that he himself realized that he had gone too far. But detachment was needed to balance that empathy. As she empathized, she simultaneously needed to understand her own thoughts and feelings; to have self-understanding; and to be mindful,

aware, and in touch with her own emotions. Balancing the empathy and detachment needed to move the talks forward demanded the skills of perspective taking and imagination. Without a good imagination, Barshefsky could not see the scenarios that might result from her particular response; and she could not understand or feel what the Chinese negotiator was going through or what his team or his superiors might be thinking of his move or the difficult position in which he put himself, her, and the entire negotiation process. Without her ability to perceive what the Chinese negotiator was thinking and feeling, and the context in which he operated—to notice where the negotiations were, how he thought others were perceiving him, what was at stake—Barshefsky could not have determined how to reframe what he said in a way that re-opened the process and allowed him to maintain a certain dignity. These kinds of character traits and moral skills enabled Barshefsky to craft a move that opened up possibilities for other critical moments that both she and he might seize.

Emotional Mindfulness and Know-How

Barshefsky herself tells us that this was not simply a rational, analytical, and logical process. She was fearful—“my heart was pounding”—and she was able to reflect on her fears, calm down, and get herself together, as well as to observe her antagonist. Being self-aware—mindful—of her emotion she knew to pause, and she knew how to reflect and deliberate during that pause. But she needed another virtue—courage—to act in the face of her fear. Aristotle saw fear as rooted in anger and argued that emotions such as anger are neither good nor bad. What is critical is learning the practical wisdom to be angry about the right things, for the right reasons, for the right amounts of time, and in the right ways. In this instance, Barshefsky had the know-how needed to channel and direct her emotions in ways that gave her courage to seize and transform that critical moment. In other contexts, she also knew when it was appropriate to express anger, for what reasons, and in what ways.

After one lengthy, repetitive series of talks, she once passed a note to a colleague, directing him to leap up in frustration, slam his materials on the table and shout at her: “Ambassador Barshefsky, I know I may well be fired for this, but I cannot keep quiet any more. This process is going absolutely nowhere. We should just walk out and declare these pointless talks over!” Shocked by this apparently risky outburst, Barshefsky reports that their Chinese counterparts gaped. “However, the cadence and tenor in the room changed, and for the better. Soon, we were making good progress.” (Hulse and Sebenius 2003: 332)

The character traits and moral skills at the heart of the practical wisdom needed by Barshefsky were crucial to her ability to recognize and seize this critical moment. Such practical wisdom is crucial to good negotiation practice more generally and to all professions including law, medicine, and teaching (see, e.g., Kronman 1993; Pellegrino and Thomasma 1993; Sockett 1993). Choosing how to balance competing goods and determining how and when to act in ambiguous, uncertain, and contradictory situations is the kind of ethical decision-making negotiators do every day.

How is Practical Wisdom Learned? Designing for Wisdom Inside the Classroom and Clinic

How can teacher-practitioners encourage other negotiators to learn the kind of practical wisdom that Barshefsky demonstrated in creating, recognizing, and seizing a critical moment? The kinds of character traits (or virtues) and moral skills that good negotiators like Barshefsky need cannot be taught in any simple or straightforward way through the readings, lectures, rules, or algorithms ordinarily presented in classrooms.

Take the example of the seemingly simple rule advanced in the classic negotiation book *Getting to Yes*: “Focus on interests, not positions.” (Fisher, Ury, and Patton 1991: 10) This injunction, as Michael Wheeler pointed out, is not simple or unambiguous: “[T]he hard truth is that we often cannot know what our interests are until we are really negotiating ... often we do not know our own minds.... Interests are fluid, so we need to be flexible ourselves.” (Wheeler 2013: 10) It takes practical wisdom to work out one’s interests, especially as contexts change and learning takes place. Barshefsky herself understood this:

You’d be surprised how many people don’t actually know what they want with the kind of precision that a negotiation demands. Then you have to think of the two thousand ways to get where you want to go: what the trades might be, what the arguments might be, what the moves might be on the other side. And you watch carefully, and listen carefully, talk less, and remain persistent. (Wheeler 2013: 17)

Another example of a purportedly simple rule is the injunction to “listen carefully.” But as expert negotiator Senator George Mitchell explained, “[W]e don’t listen well to people with whom we know we have a disagreement or people we dislike” because “the receptors in our brain ... for information that’s contrary to our prior beliefs are much more narrow” than for “information that is consistent with our prior

beliefs.” (Beard 2015: 5) Good listening is quite difficult to learn as it involves much more than learning a simple skill set. Joseph Beatty, an astute observer of the enterprise of good listening, asserted that in order for a good listener to focus, the following is required:

[She must] carry out several operations simultaneously. She tracks the literal meaning of the other’s statements but also attends to bodily signs, tones, and mood changes; she keeps up an ongoing internal dialogue, interrogating her own tentative constructions. When patterns or connections begin to form she makes “mental notes,” flags terms and metaphors, synecdoche, notes coordinations or lack of them between certain linguistic expressions and the other’s bodily expressions. Not least importantly, along with the other’s responses she monitors and interrogates her own responses, whatever they are: her feelings of threat, boredom, her impulse to leap upon one set of meanings and to ignore another set, her own susceptibilities and rigidities. (Beatty 1999: 285)

To listen well we need to sense the mood of the other person, to hear what they are saying and what they are *not* saying, to determine whether they are seeing things clearly, to discern what the conversation is really about and how it is changing, and finally to decide what to say and do at each moment. In short, it seems that good listening demands constant improvisation. A good listener is like a good jazz player whose own acts of creative imagination are part of a dynamic interaction with the other musicians. Listening improvisation demands practical know-how that we can only get from practice, including the experience of making mistakes. But learning from mistakes demands character traits such as the courage to admit them and the patience and resilience to try again. Similarly, we are not able to notice or learn from our mistakes without the capacity—the moral skills—to be reflective and deliberative. And that reflection and deliberation are not simply an *individual* enterprise that goes on inside the practitioner’s mind. It must also be a social enterprise, a relational enterprise where listeners and talkers, and coaches and mentors, can reflect together on what was and was not heard and deliberate about what to do and why, and try again.

The only way such practical wisdom can be learned is through experience. But not *any* experience will do. The experience must be specifically designed for the purpose of learning practical wisdom. How is this done? We can learn a great deal from how expert negotiators and mediators have designed classes and clinics to encourage this kind of learning. Holding a mirror up to this kind of learning provides clues to

the more difficult, but potentially more important efforts to design for wisdom outside the classroom—building learning experiences into the ongoing, work-a-day practice of negotiation and mediation. Some of these learning experiences may directly involve practicing how to create, recognize, and seize critical moments. But such learning needs to be part of a broader experience that encourages the development of the character and judgment at the heart of practical wisdom.

From Classrooms to Simulations

Law schools and negotiation programs have long understood the need to move beyond the standard lecture format to a more engaged, practice-oriented approach. Practice is exactly what the case-based approach to law is all about and why legal educators like Anthony Kronman see it as key to learning practical wisdom. The case studies in law school classes are meant to encourage students to learn discernment, empathy, and detachment, and how to balance empathy and detachment—how to exercise judgment. The case method is designed to encourage active dialogue between the professor and the students. The professor's questions push students to see the narrative and the decision making through multiple lenses: the eyes of the defendant, the prosecutor, and the judge (Kronman 1993). Just as this method teaches a novice lawyer to “think” like a lawyer, so too can it be used to encourage negotiators and mediators to think like negotiators and mediators.

However, there are limits to the kind of practical wisdom that can be taught by reading reports of legal cases: the information given to students is prepackaged so they do not learn how to frame or reframe problems based on the evidence; students cannot see or interpret the contextual information presented at trial or learn to notice for themselves what is important; and the parties are reduced to the abstract categories of “plaintiffs” and “defendants,” their rich narratives condensed into just those facts that judges consider on appeal.

Classroom simulations developed in negotiation programs aim to ameliorate some of the limits of relying on the study of reported cases. One key design principle is the incorporation of hands-on practice. Students (often people with negotiation or management experience) practice simulating “real” cases in real time under the guidance of instructors (often practicing negotiators or mediators). Each student is paired with another player or players and is given confidential information about her role. The players then negotiate. Learning here is continually reshaped by experience and the “role plays and simulations ... can help participants learn negotiation skills more naturally (or experientially) in a particular context.” (Bell and Valley 2020: 62) The design of this pedagogy encourages students to learn not only analytical and

thinking skills but also some of the practical wisdom a good negotiator needs to read a particular context and exercise judgment—including moral skills and character traits that are particularly important in creating and seizing critical moments.

A second design principle is providing the opportunity for students to immediately reflect on the choices they made in the simulations. Lawrence Susskind, who has developed these negotiation courses, advises his coaches that “[e]ach exercise should be debriefed.” (Susskind 2014: 18) Instructors not only encourage individual self-reflection (getting students to ask themselves “What were my biggest obstacles?” “Did I meet all my objectives?”) but small group reflection among members of a team or between negotiation counterparts. There also may be instructor-led debriefs of the whole class “aimed at tying the negotiation lessons ... together with the exercise experience.” (Bell and Valley 2020: 68–69) This practice of group debriefing encourages students to learn the social skills and habits need to reflect and deliberate together.

A third key design principle in these simulations is the emphasis on coaching, mentoring, and modeling—quite different from a lecture about a case or the case-based discussions of first-year law school classes. Susskind’s advice to negotiation coaches: “Unless senior staff models good negotiation practices, trainees may not think it’s important to use what they have learned.” (Susskind 2014: 19).

A fourth key design principle is the structuring of experiences such that participants will learn through trial and error. This requires students to practice overcoming their fears of making mistakes or of “losing,” fears that impede learning. The aim is to design an environment where there is the expectation of failure and it is relatively safe to fail. The hope is that participants will learn to practice courage, the habit of facing their fears and working through them. According to psychologists like Carol Dweck, this is the kind of environment that has been shown to encourage a “growth mindset.” (Dweck 2017) The design of the simulations allows participants—often mid-level professionals—to learn that their unchallenged core assumptions are, in fact, sometimes mistaken. They then practice reflecting and deliberating on why their assumptions were not borne out.

An important element of these classroom simulations is the practice students get in improvisation; they are figuring out what to do on the spot. Experts in improvisational theater have designed their own kind of simulation lab. Chet Harding has pointed to the ways that the practices at the heart of improvisational theater encourage the learning of negotiating skills—and character. Improvisation is not just an interesting “analogy” for what negotiators, lawyers, doctors, teachers, and other

professionals do; it is a practice that encourages the kind of learning such professionals need. Harding wants to teach negotiators improvisational skills to train them in noticing, quick reflection and deliberation, good listening, empathy, dealing with uncertainty, and acting in ambiguous circumstances. Such training in improv can help negotiators learn how to rapidly read a situation, to notice how issues are being framed, to read the thoughts and feelings and intentions of those with whom they are interacting, to seize a critical moment they have noticed, to find a way to make moves that lead the group to a common outcome, and to figure out ways to keep the flow going—“yes, and” instead of “yes, but.” (Harding 2004; Balachandra et al. 2005; Wheeler 2013) In Ambassador Richard Holbrooke’s words: “Negotiation is like jazz. It is improvisation on a theme. You know where you want to go, but you don’t know how to get there. It’s not linear.” (Wheeler 2013: 3).

Connecting the Classroom to Real-World Practice

Clinical programs in professional schools go beyond simulations. They try to bridge the classroom world of academia with the world of actual practice. These programs build on some of the same design principles in simulations—hands-on practice, encouraging reflection and deliberation, an emphasis on coaching and mentoring, learning through trial and error, practicing improvisation—but they add another key pedagogic principle: working with real clients on real problems with real consequences.

Character and judgment are needed to recognize, create, and seize critical moments. Clinical programs model ways to design education so that it nurtures such practical wisdom. Such apprenticeship—modeling and coaching by mentors—was once *the* way to prepare professionals. But over the past century learning by doing has fallen out of favor, as professional education moved into university classrooms and now relies on more academic instruction. While the value of such clinics is widely recognized—there are hundreds of legal clinics in law schools across the country—they generally remain peripheral to legal education. Such practical clinical training is optional, and the clinics are often taught by a separate faculty, one that typically is not tenured and has a lower academic status (Sullivan et al. 2007). The importance of putting clinical training at the center of professional education was researched and documented in studies done by the Carnegie Foundations Preparation for the Professions Program in the early 2000s. William Sullivan, the program’s director and the lead author of the volume *Educating Lawyers*, found such clinical programs extremely valuable in nurturing character and practical wisdom across all professions, including law, nursing, teaching, medicine, and engineering. These programs, according

to Sullivan, teach “judgment in action.” Such judgment, he says, “is reasoning not from a set of rules but by analogy to model cases and precedent,” and practicing it in an actual situation. The habits of the practical mind are instilled “as the learner sees expert judgment in action and is then coached through similar activities.” (Sullivan et al. 2007: 95–96) In contrast, if students are sitting in a traditional classroom they will only be looking at model cases and precedents in textbooks and this will severely restrict the kind of judgment they can learn. Learning how to listen, resolve conflicts of interest or questions of confidentiality, and balance the inevitable tensions of the professions—between empathy and detachment, counseling and advocacy, duties to the client and duties to the public interest—is embedded in clinical practice. The student has the additional advantage of learning these skills with a mentor who can serve as a model and a coach. Rather than the hypothetical question typically asked of law students—“What might you do?”—clinical education asks students these more demanding questions, whose answers have real-life consequences: “What will you do?” “What did you do?” Sullivan emphasized that this “puts responsibility for clients and accountability for one’s own actions [at] the center of clinical experiences.” (Sullivan et al. 2007: 246–247). This is how novices begin to learn the skill to act morally and the desire to act morally that Barshefsky demonstrated.

Designing for Practical Wisdom in Real-World Negotiations

Many of the design elements so powerful in simulation classes and clinics can be built into the practices of negotiators and mediators, creating ongoing learning experiences, and can be incorporated into the workplace environment, creating ongoing learning organizations: mentoring, modelling, and coaching; encouraging learning through structured reflection, deliberation, and trial and error; promoting good listening and improvisation; and creating an environment in which participants feel safe to learn from their own mistakes and those of their colleagues.

The importance of such ongoing education for practitioners in situ was highlighted by Atul Gawande in his *New Yorker* article on coaching directed to doctors and other professionals (Gawande 2011). Expertise, Gawande argued, is not something that you finally attain and simply just have for the rest of your career. A surgeon’s capacity to make ongoing, contextually specific judgments demands continual improvement and refinement. The expert’s own individual reflection on her practice and her deliberation about how to improve is not sufficient nor is attending “continuing education” courses. Gawande gives examples of well-known experts—violinist Itzhak Perlman, opera singer Renée Fleming, and tennis player Rafael Nadal—who hire coaches to observe their

practices. He argues that expert doctors—like himself—need coaches too. Building coaching into ongoing practice is an example of a design approach that encourages the learning of practical wisdom in professional practice throughout one’s career, not only before professional certification or licensing and not in continuing education courses that take one into the classroom and away from the real world.

Designing institutions in ways that guide practitioners to recognize critical moments they may not have used for maximum gain or may have missed entirely is not rocket science. Sports teams’ post-game reviews—in which the educational tool is the video of the game—provide one example. The coaches and team members notice the state of play and the moves, reflect on how to improve their moves, and practice them. Firefighters often do similar post-action reviews. College faculty have used nonevaluative peer coaching and classroom observation together with peer reflection seminars to improve how they deal with critical moments in teaching—learning the best ways to use their emotions, develop listening and communication skills, and strengthen the character traits and judgments needed to make decisions in the ambiguous, contradictory, and rapidly changing conditions of a classroom discussion (Sharpe and Bolton 2016). In the negotiation and mediation fields there are provocative examples of institutional practices that are designed to encourage practitioners to nourish the key virtues and skills they and those they work with need to exercise practical wisdom.

Burns Lake, British Columbia

Leonie Sandercock is a planner and filmmaker, not a professional mediator or arbitrator. But when the Canadian government mediator assigned to Burns Lake, British Columbia called on Sandercock to help mediate the escalating conflict between the indigenous and settler populations, Sandercock played a critical role in laying the groundwork for discussions between the two groups. At the heart of what she did was to design a structure that encouraged the conflicting parties to see each other differently. It is a story about how planners and mediators attempt to get a highly divided community—the indigenous “bands” and the “settlers”—to move from bitter conflict toward planning and building a community together. Achieving that goal required them to learn how to listen to each other, how to understand the sources of their deep divides, how to express the pain and hurt that both groups had experienced for decades, and how to find common ground by working together on small mutually beneficial projects. The story is beautifully described in Sandercock’s film *Finding Our Way* and analyzed in an article co-authored with Giovanni Attili (Sandercock and Attili 2012). The multiyear process of creating the film was designed to facilitate

dialogue. Sandercock spent months interviewing the indigenous residents and the white Anglo Canadian settlers—and some of the big companies exploiting the natural resources—to allow them to tell their own stories. She focused on the rich and complex context: the stories of different people's lives, how the settlers came to the community, and how the indigenous residents' ancestors were treated by the logging and mining companies and by the former "residential school" system that forcefully removed children from families and sent them to Christian state schools. The process built trust and interest and often got people talking to each other in positive ways. The first step for Sandercock's team was good listening.

We were entering this community as learners, as researchers, and we saw it as our responsibility to gather as many stories as we could from all sides of the community in order to find a larger meaning ... Our political antennae had to be acute, and yet we were neophytes in this town, and somewhat eager to be accepted by everyone. (Sandercock and Attili 2012: 147–149)

From the very beginning Sandercock recognized the ethical dilemma she faced as an anthropologist-planner-mediator: "[W]ere we going to judge and vilify them [the settlers] as 'colonizers,' or listen to them and try to empathize with their stories as well as identifying 'tension points?'" Sandercock's work underlines the importance of her ability to listen to and empathize with people, to win the trust of those with whom she disagreed, and to understand—and absorb the pain and anger of—all sides in the conflict. Her work also underlines the possibility of encouraging the community to learn these skills as well. Her capacity to turn their stories into learning moments for each other required great character and practical wisdom.

A critical moment came early for Sandercock when a local newspaper photographer came to take a picture for a story. He arrived to take the team's photo at a moment when they were meeting with the chief of the Burns Lake Band and Sandercock suggested that the photographer include the chief in the photo. When the newspaper came out Sandercock suddenly found her relationship undermined with the non-native residents, who asked: [W]as this a film they were doing "for the Band?" Sandercock immediately realized her misstep and learned from it. However, it took time to repair the damage and regain the confidence of the nonnative community (Sandercock and Attili 2012).

The film itself was used to build bridges and encourage dialogue. Sandercock showed early rough cuts to the community to get their feedback: "[E]veryone we interviewed was given the chance to see how we used their interview but also the right to withdraw their permission for

us to use their words. This evolved as the collaborative model of film making with the community.”(Sandercock and Attili 2012: 149).

Sandercock recognized that showing the finished film to the community could be a critical moment and she had the wisdom to carefully design the dialogue process. One pivotal decision she took was to create an advisory group to figure out how to use the film to foster dialogue and how to lead the change process. The group was composed of the mayor and two chiefs, plus the school principal, two city counselors, the police chief, one (native) policeman, and the theater director at the school. This diverse and representative advisory group designed the dialogue process around “dialogue circles,” one for the youth and one for the community at large. Trained facilitators, one a First Nations person and one a nonnative person, coached and modeled how to listen, empathize, and make the post-screening discussions productive. The facilitators encouraged people to talk about the most significant impact the film had on each of them, and how the community might move forward now, and on what projects and issues. The decision to design the dialogue process in this way turned out to be pivotal because it encouraged a series of critical moments where emotions and feelings surfaced that rarely had been talked about between First Nations people and nonnative persons (and often not openly discussed even within these groups).

Some of the native youth spoke with heavy hearts and tears about their own ignorance of the town’s history of relations between Native and non-Native peoples. There was also anger that this was being kept from them in the school text books.... Among the Native youth some spoke of growing up ashamed of being Native but now, with the existence of this film, they could finally be proud of who they are and they wanted to show the film to all their friends, immediately. Some spoke of growing up and not wanting to hear their parents’ stories of pain, especially the pain of the Residential School experience, but now they understood why it was important to hear and discuss those stories.... [Among the school teachers] we witnessed people reaching into places of profound honesty, displaying emotions from shame to anger to relief. The relief expressed was that finally “the veil of silence about what’s been going on in this town has been lifted.” One male teacher spoke of trying to imagine how he would feel if his children were forcibly removed from his family and taken away for ten months of the year to a place where they were not allowed to speak their own language or engage in their own cultural practices.... [At the end of the dialogues among the various community groups] the mayor acknowledged the past mistakes made by the village and Chief Rob Charlie publicly

buried his resentment, noting that four years ago he had given up on this town but now he was filled with hope, in seeing the young people energized for change and the spirit of hope for moving forward reflected in the dialogues. (Sandercock and Attili 2012: 158–162)

Sandercock laid the groundwork for skilled mediators, including the government mediator, to work with leaders and community members to resolve conflicts and to plan further projects on which to work together. The process she designed helped people to form trusting relationships that enabled deep and serious dialogue. It was a process that encouraged the practical wisdom—patience, good listening, the courage to speak out and admit error, reflection, and deliberation—that community members needed in order to make possible the resolution of their conflict through mediation and negotiation.¹

Labor Negotiations and a “Reconstruction” Clinic

Intentionally designing a process to encourage the exercise of practical wisdom and the seizing of critical moments can work on a scale that is larger than Sandercock’s efforts in Bruce Lake. Two articles, published in this issue, illustrate the possibilities.

Joel Cutcher-Gershenfeld describes the re-imagining of the complex bargaining negotiations between the Ford Motor Company and the United Auto Workers (UAW) union in 2007. He discusses pivotal events that led to organizational transformations that in turn shaped how the key actors listened and negotiated. One such transformation was in the “institutional arrangement” for the labor–management relationship “from what might be termed an arm’s length adversarial relationship to a labor-management partnership employing interest-based, problem-solving approaches in negotiations and conflict management.” (Cutcher-Gershenfeld 2020) He shows how this made possible a critical moment in the talks leading up to the actual negotiations: a decision to conduct a series of pre-bargaining workshops in 2006 involving over 300 negotiators “focused on bargaining over how to bargain.” At a time when the global recession was threatening other auto companies with bankruptcy, the interest-based approach forged in the workshops—the first in a negotiation of this scale in the auto industry—contributed to avoiding bankruptcy at Ford.

David Laws gives us another example of redesigning institutions and processes in ways that encourage the learning of practical wisdom through reflection and deliberation. Laws were concerned that negotiators who failed to forge an agreement had done so in part because they did not have the trust or the practical wisdom to recognize the critical moments in the negotiation and capitalize on them. He describes

how he and his colleagues at the Public Mediation Programme at the University of Amsterdam designed a “reconstruction” clinic to bring the participants together to listen carefully to each other, to candidly notice what went wrong at critical moments in the process, to reflect on why things did not work at these moments, and to deliberate about what might be done going forward. The idea was not simply to encourage individual reconsideration but to design a *social* reflection and deliberation among the various parties to the failed negotiation (Laws 2020).

The team’s first step in designing the clinic was to interview the stakeholders to create a timeline of critical moments that each of them experienced in the negotiations. The team wanted “thick descriptions” of what made certain moments critical for each of the negotiators, how they experienced the behavior of others, what doubts and fears the interactions provoked. The team created a map of critical moments based on the experience of each negotiator and arrayed the map of these moments on a wall in front of the participants in the clinic. Teams of independent “reflectants” commented on what they observed but did not evaluate, trying instead to move the discussion in constructive directions.

The process was not perfect. Emotions surfaced and threatened the discussion. People vented. They assigned blame and attributed responsibility to others—just the sorts of behavior associated with escalation.... Individuals also acknowledged responsibility. Apologies were offered alongside the blaming and over fifty people engaged their shared history and common future at a level of concrete detail that opened options for reframing their relationship through joint action. (Laws 2020)

Such efforts to bring parties to the table, parties that at first may seem unwilling to negotiate, are often required by international negotiators and mediators who sometimes take the initiative to design the conditions necessary to start and carry out successful talks, as George Mitchell did in Ireland (Mitchell 2015). Like the Ford and UAW negotiators, like Leonie Sandercock and her colleagues, they design formats that facilitate the creation of the kind of critical moments that allow negotiations to succeed.

Designing for Wisdom in Everyday Professional Practice: The Palliative Care Team

In the cases discussed above, negotiators, mediators, and stakeholders were encouraged to attain the character traits and moral skills needed to create, recognize, and seize critical moments. Negotiators created learning environments outside the classroom where reflection on the experience was deliberately planned, where character traits and moral

balancing skills were continually learned through practice, and where there was safety for participants to communicate with honesty and empathy.

It is also possible to structure practitioners' *everyday workplace environments* so as to encourage this kind of ongoing learning of practical wisdom. Let me conclude with an example from the medical profession: the Palliative Care Program at Dartmouth Hitchcock Medical Center in New Hampshire, which I studied from 2014 through 2019.

If you arrived at the palliative care staff room any morning at 8:00 A.M. you would see more than twenty professionals and trainees—doctors, nurses, social workers, chaplains, a massage therapist, residents, and medical students—meeting to discuss how best to care for the chronically ill patients they will see that day. You would hear an opening poem followed by expressions of bereavement for patients who recently died. Then would ensue a discussion of each patient on the day's roster—discussion not just of “are the pain medications working” or “what are the immediate medical problems.” You would hear discussion of the patients' stories, hopes, and fears: it is her nine-year-old grandson that's giving her something to live for ... the patient's spouse does not have enough money for a taxi to the hospital ... she wants to attend her son's graduation.

If you shadowed one of the doctors on her rounds you would not only see the professionals in action; you would observe how new residents and fellows were coached and mentored. Before meeting with a patient or family member, the lead doctor or nurse practitioner sits down with the medical fellow or team member and asks what he or she had observed so far. The professional then offers her interpretation, reinforcing or correcting or asking more questions as need be. She then lays out her approach—her goals for the meeting and how she hopes to get there. After meeting with the patient and his family the team debriefs: “What did you notice about the patient or family? What did you notice about your own feelings? What did you notice about what I did? Did you notice that I totally changed my approach five minutes into the meeting. Why? What didn't I understand?” In short you would see a team *doing* reflection and deliberation in practice.

Arrive midweek and you would see the team engaged in a morning session they call “Wisdom Wednesdays.” Two staff present an ongoing case. The whole team joins in to question, reflect, deliberate: “What did you expect before you walked into the room? What did you find? What did you fail to notice? What is the patient and the family going through? How did you feel when so and so said such and such? How did you deal with your frustration? Your anger?” You would see a team that had designed an environment that was safe enough to support each other and to learn the good judgment needed to care.

Notice a few things about this design. Although the medical staff never uses the term “critical moments,” the very way the discussion of the case is organized highlights frequent critical moments they face. First, there is the difference between what the team expected before they walked into the room and what they actually found—and how and why they reacted the way they did. Second, what they found when they talked to the patients and their families was often surprising and unexpected and that quickly created a set of important but difficult choices for the team—not simply about “treatment” but what to say and how to say it to those living through the crisis. Finally, there was the question of whether and how they would reframe or redirect the choice making and the dialogue when they went back in tomorrow. Also notice that a central part of the reflection and deliberation is about emotion: the feelings of the patients and the families; how the staff perceived and worked with those emotions; and also very importantly, the staff’s own frustrations, emotions, anger, and sadness, and how to deal with these when they went back to visit the patient the next day. There are other things to notice about how the learning process is structured. There are novices and advanced beginners and experts always working together. The team is not hiring outside experts to coach them; they are coaching each other. Those with more experience are modeling for those with less experience. There is a range of expertise in the room; not everyone is “equal.” But they all have something to learn *and* they all have something to contribute and for that they are all respected. It is assumed that everyone is always learning and that everyone makes mistakes. Moreover, the team created a relatively safe environment for these discussions: learning through social reflection, not through fear of bad evaluations. They designed an environment that encouraged the learning of character and purpose and practical wisdom.²

Conclusion: Encouraging the Learning of Practical Wisdom

Recognizing, seizing, and reframing critical moments, as Barshefsky did, demands practical wisdom. As educators and professionals we can design our classrooms and clinics and practices to encourage the learning of such wisdom. The practical wisdom of a good negotiator is learned the same way as are other sorts of expertise: through practice, through experience, through learning to listen well and notice the details of context, through trial and error, through reflection and deliberation. (Dryfus 2004; Sullivan et al. 2007) We start out as novices, following clear rules that are not context dependent. As we slowly progress toward expertise we learn how to notice and react to changing contexts until we can almost intuitively read a situation and can act quickly without a constant recourse to rules. We learn how to work with and rely

on others. We practice, stumble, reflect on what worked and what did not and why, deliberate together about what would have been a better way, then try again. We avoid creating gotcha environments. We work with each other to learn how to listen better, improvise more successfully, notice more astutely the subtleties of context. What good teachers, coaches, and mentors do is structure learning environments—in schools and in practice—to encourage this kind of learning.

Such design for wisdom itself demands *wise leadership*: leaders with the skills to create wisdom-inducing institutions; leaders with the empathy and courage to create environments that encourage learning through failure; leaders who expect imperfections and who lead with encouragement not punishment.

Aristotle urged the statesmen and legislators of his time to design the political community in Athens—the *polis*—so that the very nature of citizens’ community participation would encourage them to learn the practical wisdom and character they needed to practice well. Educators and professionals are among the stateswomen and statesmen of today. We need the will and the skill to redesign our educational practices, our negotiating teams and processes, and our workplaces to encourage the wisdom to practice well. And we must find ways to nurture the capacity to help create and shape critical moments that can successfully move negotiations forward.

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NOTES

1. The mediators at the Humanitarian Dialogue Center (HDC) in Aceh, Indonesia are another example of mediators creating the conditions required for participants in a conflict to learn empathy, good listening, and the know-how required to dialogue, reflect, and deliberate. The HDC designed a process that encouraged the Indonesian government and the rebel leadership of the GAM to return to the negotiating table and to negotiate successfully (Leary 2004).

2. See Schwartz and Sharpe (2019) for more details on this case and other examples of designing for wisdom in medical practice. See Schwartz and Sharpe (2010) (especially chapter 12) for examples in other professions.

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