
USING-ELECTRONIC MAIL FOR INTERNATIONAL NEGOTIATION SIMULATIONS

by

John Barkai and Andrew Clark
University of Hawai`i at Mānoa
Program on Conflict Resolution

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Program on Conflict Resolution
University of Hawai`i at Mānoa
2424 Maile Way, Saunders 523
Honolulu, HI 96822
Tel: (808) 956-6433 • Fax: (808) 956-9121 • Email: program@hawaii.edu
Website: http://www.peaceinstitute.hawaii.edu/
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INTRODUCTION

During the past few years, a large number of schools around the world have given attention to the ADR movement by offering classes in negotiation, mediation, conflict resolution, and peace studies. In many of these classes, traditional classroom discussions are supplemented with weekly negotiation and mediation simulations. However, the simulations often reflect the close and known relationships within the classroom rather than the more arms’ length transactions that take place in the real world. Although simulation exercises are an important component of such courses, the fact that the simulations are done with classmates who know each other and who have had exactly the same training tends to reinforce the artificiality of these simulations.

In the spring of 1990, law students in the clinical program at the University of Hawaii School of Law in the United States used electronic mail (e-mail) to conduct a simulated negotiation with law students in the Legal Practice course at the University of Warwick Faculty of Law in England. During the fall of 1990, law schools in Australia and Canada also joined in what we call the International Electronic Mail Computer Negotiation Project.

The simple and inexpensive methods used to conduct those international e-mail negotiations are the subject of this
article. We will describe how conflict resolution teachers can establish e-mail negotiation simulations with other students across the campus, across the country, and across the world.

PROJECT GOALS and DESIGN

Our e-mail negotiation project was designed to enhance the teaching of international negotiation and conflict resolution by doing negotiation simulations between students who are studying conflict resolution in different countries. We believe that negotiating with students in different countries leads to a greater understanding of cross-cultural differences than simply doing simulations in which classmates pretend that they are from a different culture. Our negotiations were actual, not simulated, international cross-cultural communication.

This project had its genesis in our interests in negotiations, e-mail, international business transactions, and the recognition that as our negotiation classes progressed through the semester the students found that negotiating with their classmates each week was no longer novel and exciting. In attempting to create a more interesting negotiation simulation format for our students, we think we have discovered an innovative teaching methodology for negotiations which has a wide range of teaching applications. E-mail negotiators do not have to be in the same class, the same field of study, the same level of education, or even in the same country.

It seemed obvious that if we could get our students to negotiate with someone who was not in their class, then the
simulated negotiations would become much more real, complex, and exciting for the students. However, since getting negotiation partners who are not in the class is very difficult in the traditional academic setting, finding international negotiating partners seemed virtually impossible. Yet e-mail provides the opportunity for finding and using such negotiation partners.

A grant from the University of Hawaii's Educational Improvement Fund provided the initial funding to acquire the necessary hardware and software for the project. However, today most schools probably already have all the necessary computer resources to start doing e-mail negotiations immediately. Even people who wish to do the negotiations from their home computer will only need to purchase a modem and some communications software, both of which can be purchased for about $100.

ELECTRONIC MAIL SYSTEMS

We did our negotiation on the "Bitnet" (Because It's Time) e-mail network, an academic network which currently links thousands of universities and research organizations in the United States and many other countries. Although simulated, international negotiations could be conducted by postal mail or telephone, the former is too slow and the latter is too costly for academic purposes. Even telex and fax are generally considered to be too expensive for classroom use.

Bitnet and other e-mail networks are linked through an international academic network called Internet. Internet has
spread to almost anywhere that reliable telephone systems and university computing centers exist. Because universities generally pay a fixed cost for maintaining the phone lines that link these e-mail systems worldwide, individual use does not add any variable costs to the e-mail system. Hence e-mail is generally free for faculty and students and thereby provides a "no cost" method for conducting international negotiation simulations.

E-mail is continually becoming more accessible to faculty and students. Most universities have computers around campus that are linked directly to the university's e-mail system on a computer network. Many faculty members can access e-mail from their office computers, and students can use computers in the libraries that are linked to the e-mail system. Students and faculty can link their home computers to the e-mail system with an inexpensive modem and communications software. Today, many U.S. law students already have purchased modems for their home computers because the major law data bases (LEXIS and WESTLAW) have given students free access to their data for educational purposes.

MECHANICS OF THE NEGOTIATIONS
In project negotiations, students are assigned roles and confidential information just as if they were doing a negotiation simulation face-to-face. The same role is assigned to all the students at one school. To negotiate with a student at school,
the students send e-mail messages in two basic ways. Messages are either typed directly into the university's e-mail system, or messages are typed in a word processing program on personal computers, converted into ascii, uploaded into the university's computer, and then sent via e-mail.

Even if your school is part of the e-mail system, your students (and you) may not know how to use e-mail. Fortunately, there are many options for sending messages other than having students send their own messages. For example, students could be assigned to negotiate in teams being sure that at least one student on each team can use the e-mail; a paid research assistant or student employee could send and receive all the messages; or, the faculty member could send and receive all the messages.

In Hawaii, the students always did their e-mail negotiations in teams even if a similar negotiation would have been done one-on-one in a classroom setting. Students were asked to form their own teams, and they were encouraged to get at least one person who was computer literate on each team. Teams reduced the number of negotiations that were necessary to supervise and reduced the number of potential computer problems. Also, using teams made the students talk over their work with someone else, and that seemed to improve the learning.

The project encouraged, but did not require, the students to use e-mail themselves. Computer disks with public domain communications software configured for either internal and
external modems were put onto 3.5 and 5.25 inch computer disks and placed in the library so that students could check out the disks and load the software onto their home computers. We also provided some basic written instructions about using the e-mail system.

E-mail accounts were set up by the computing center for the students who wanted them. Initially all messages were sent between the faculty members using titles that indicated to whom the communication was directed, e.g., "To Team 3." Faculty checked their e-mail account several times each day and simply forwarded the message to the appropriate team if the team had a member who was using an e-mail account. We also posted a notice on the student bulletin board - "Message for Team 3." The public message was likely to get the team's attention faster than waiting for an infrequent, inexperienced e-mail user to sign on to the e-mail system and look for messages. The public message also directed attention to the e-mail project (a little free publicity never hurt in getting enrollment for an elective negotiation class).

Turn around time on the messages between the teams ranged from less than 24 hours to a few days. Generally the negotiations took about 3-7 round trip message exchanges. Sometimes the complete negotiation was as short as a week; sometimes it took as long as one month. We suggest that you allow 2-3 weeks. Clearly the time frame is much longer than a face-to-face negotiation simulation.
The only unanticipated problem that came up was term scheduling. The best times for scheduling e-mail negotiations seemed to be in the middle of the semester. The first few weeks of the semester is used for introductory simulations. It also takes some time to get e-mail accounts set up. Such projects are also not good to do in the last weeks of class because you cannot accurately predict when the negotiation will end. The main problem with international negotiations was that school semesters in different countries ended at different times. In the spring semester, the U.K. team need to finish the negotiation by March 1, but classes in Hawaii went until the end of April. The Australian teams needed to finish by November 1, but classes in Hawaii went until the end of November. Some schools were on a semester system; others on a trimester or quarter system. And of course, different countries have different holiday times.

WIDER APPLICATIONS

Although our e-mail negotiations have been exclusively with law students, the methodology seems equally applicable for students at any educational level who are studying conflict resolution, foreign languages, or simply studying other cultures. Certainly undergraduate and graduate students could be involved in the same negotiation. We have already done that. In the U.S., law is a graduate, professional education program. However, in the U.K., law is an undergraduate program. The Hawaii-Warwick negotiation was a graduate-undergraduate negotiation. In many countries of
the world, students who study law are doing so at the undergraduate level.

Of course e-mail negotiations do not have to be limited to law students and the negotiation can be between students in different fields. Classes in negotiation and conflict resolution are being offered in many different departments of universities. At the University of Hawaii for example, classes in dispute resolution are offered in the college of business administration and in the departments of speech, communication, urban and regional planning, political science, sociology, and education. In addition, the University of Hawaii has two specific programs related to conflict resolution and peace studies - The Program on Conflict Resolution and the Spark Matsunaga Institute for Peace. There is even a new Master of Peace and Conflict Resolution program. Because general negotiation principles cut across the various fields of study, students in different departments can negotiate with each other as long as the subject of the negotiation was not too technical.

**FOREIGN LANGUAGE CLASSES and NEGOTIATIONS**

Foreign language classes also might find e-mail negotiations very useful. For example, students in a Japanese language class in the U.S. could negotiate with students in Japan who are studying English. The students might "negotiate" the issue of which language will be used for the negotiation; they might decide to alternate the language of the messages; the Japanese team might
be asked to write in English and the U.S. team could be asked to write in Japanese. The opportunities seem endless. The foreign language possibilities could also be integrated into an e-mail negotiation project for business schools. For example, students in foreign language classes could be paired up with business students to act as translators for international business negotiations.

There may be great opportunities for U.S. schools in international e-mail negotiations by linking up with foreign schools that are teaching English as a Second Language (ESL). English is the most commonly taught second language and is taught virtually worldwide. Because English is considered to be the language of international business, (Schleppegrell and Royster 1990), many non-English speakers study English to improve their international business skills, including their negotiation skills.

The most common ESL subject is referred to as "business" English. The case study, a description of a problem that faces the business manager, is used in most American business schools and is considered to be very useful in ESL teaching (Grosse, 1988, Grosse and Grosse, 1988). When English is taught as a second language for business purposes, the newer texts tend to use international business problems in a case study approach as the underlying subject of the text (Sawyer-Laucanno, 1987). One text, which is designed for people who already have a good working knowledge of English, is focused entirely on negotiating
skills (O’Connor, Pilbeam, and Scott-Barrett, 1992). Also, negotiation is one of several business skills covered in other ESP texts (Casler and Palmer, 1989; Jones and Alexander, 1989; Howe, 1988). The ESL texts that teach English in the context of negotiations recognize how important the negotiating process is to international business and how communication breakdowns during international business negotiations can be costly to both the negotiator’s career and the negotiator’s employer (Neu, 1986).

The partnership between U.S. students studying negotiations and foreign students studying English could work well for e-mail negotiations. Both groups of students possess knowledge that the other group would like to attain. For example, U.S. students who do e-mail negotiations in an international business class will be using their English skills to learn more about international business; students in other countries will be using their international business skills to learn more about using English. Non-U.S. ESL teachers may be ready to join in an e-mail partnership with U.S. negotiation classes. Some ESL teachers are already using e-mail to link teenage students in different countries to engage them in dialogues (Bee-Lay & Yee-Ping 1991). Some university ESL students also are linked by e-mail in a computer negotiation game (Crookall, Wilkenfeld, Landis, Coleman, Farmer, and Tammelin, 1992).

RESEARCH APPLICATIONS and CLASSROOM TOPICS
Besides being motivating and enriching for the students, e-mail negotiations also present interesting opportunities for faculty. Because negotiations can be conducted between students who are studying negotiations in different disciplines, the teachers could jointly do interdisciplinary research about negotiations. Furthermore, research will be facilitated because the e-mail systems will automatically keep a record of messages exchanged.

Whatever discipline the e-mail negotiators come from, there are likely to be topics related to their discipline that are important in the e-mail negotiation process and which can be made a topic for research and class discussion. For example, the legal aspects of e-mail contracting is a rapidly developing field with many uncertainties and can be an interesting topic for study in law school. The practice of e-mail contracting seems more advanced than the law of e-mail contracts. The use of e-mail to make contracts introduces a number of important legal issues related to contract formation and evidentiary issues. Critical legal issues which have not yet been decided by the courts or statutory law include qualifying a paperless e-mail message as a "writing" for contracting purposes, the lack of a signature which is normally required for written contracts, and authenticating an e-mail message in court (Merger and Reynolds, 1986; Thomas, 1992; Wright, 1991).

Faculty and students from other disciplines might be interested in research related to the use of electronic mail as a means of communication. For example, they might study how
electronic mail communication differed from face-to-face communication and, in particular, how the absence of nonverbal and paralinguistic cues may influence the process and outcome of negotiation. The available evidence from earlier studies of telephone communication suggests that the withdrawal of the visual channel has little effect on information exchange and problem solving activities but may influence conflict resolution (Reid, 1977, and Meyrowitz, 1985).

LIMITATIONS
There are certainly some significant limitations with doing negotiations by e-mail, most obvious are the lack of real time interaction, immediate responses, and nonverbal cues. Yet some businesses are already doing some negotiating by e-mail (Emily, 1990). In addition, some business people have had negotiation training by using e-mail (Pirates and Wilkenfeld, 1991). The above mentioned limitations also apply to fax negotiations, and fax is already a very important method for conducting negotiations especially where the parties live on opposite sides of the world.

Perhaps the most difficult problem that we have encountered was just finding teachers who are interested in both e-mail and negotiations. Hopefully readers of this article will contact us and indicate that they would like to participate in e-mail negotiations. We will either set up negotiations with our
students, play the role of matchmaker, or act as a clearinghouse for finding negotiation partners.

SIMULATIONS USED
We have used the following types of problems for our e-mail negotiation: (1) a student exchange, (2) the employment contract for a foreign, professional athlete, (3) the licensing and distribution of authoring software, and (4) the employment contract for an international lawyer. We believe that a wide variety of problems can be done on e-mail. Although we have used the e-mail process only for negotiations so far, it would be equally applicable to mediation and arbitration. In fact, e-mail would be very well suited for "documents-only" arbitrations, which are very common in maritime disputes.

CONCLUSION
Electronic-mail negotiations may become an important part of dispute resolution classes. Doing negotiation simulations by electronic mail provides a method to make simulations more interesting and motivating because the simulations are done with people who are not classmates and who have not had the exact same training. The negotiating partners may be from different fields of study and from different educational levels. When used internationally, e-mail negotiations provide a means for doing real (not simulated) cross cultural negotiations. The
methodology may also encourage faculty members to engage in more interdisciplinary and cross-cultural research.

Simulated negotiations are likely to have benefits beyond the teaching of negotiation skills and the international business transaction process alone. Such simulations give future lawyers, business people, and world leaders experience with a process that seems likely to become a standard method of communication in the future. It may also give these future world leaders the opportunity to form a network of international contacts that will be used in later life.

Anyone who would like assistance in finding e-mail negotiation partners for their students should contact Professor John Barkai, University of Hawaii School of Law, 2515 Dole Street, Honolulu, Hawaii, 96822, Phone (808) 956-6506, FAX: (808) 956-6402, e-mail: barkai@uhunix.bitnet or barkai@uhunix.uhcc.hawaii.edu.

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