

Suggested Answers to Concept Exercise #8

1. No. At this stage in the process, the mediator is trying to understand the Klingons' interests. Soliciting criticism of a draft agreement is an easy means to that end. Allowing acceptance or rejection of the draft or any part of it would limit the mediator's and the parties' flexibility by locking them into positions. The mediator wants to postpone commitments until he or she can put forward their best, final draft.
2. Yes. Publicity during the process of inventing can raise the expectations of constituencies and/or fuel criticism, thus locking their representative into positions prematurely.
3.
 - a) This is probably the best answer. If time is short, wise negotiators will discover that your draft is more likely to change in their favor if they use their time to criticize your proposal rather than to criticize other negotiators.
 - b) Generally not a good approach. Likely to make the Athenian negotiator unnecessarily hostile and defensive.
 - c) Unlikely to be constructive. While the Spartans may feel somewhat mollified, the Athenians may think you are taking sides against them. In any case, it does nothing to keep parties from focusing on each other instead of the elements of a good solution.
 - d) Shares the drawbacks of b) and c).
 - e) Not a bad strategy in any event to reward good behavior, but does not address the Athenian incentives and could be dangerous if the Athenians found out about this conversation.