



MN MINDFUL NEGOTIATING

Teaching Negotiation in Prison

with Max Bevilacqua



23 JANUARY 2025



Objectives

1. Set the Scene
2. Share Worked Well's
3. Share Do Differently's
4. Prisons as frontline negotiation academies

Setting the Scene



Setting the Scene

The Container

- Medium-Security Men's Prison, known to be closing (extra source of stress)
- Negotiation and Conflict Management, 3-hour classes twice a week for a summer semester (extra source of heat)
- Tufts University Prison Initiative at Tisch College (TUPIT)
- Unable to have contact with students or coordinate with inside resources (not to mention the inability to have guest speakers)
- Locked Classroom – about 16 students
- Entering the Prison, unpredictable timing and variable thoroughness of security affected class start times

Setting the Scene

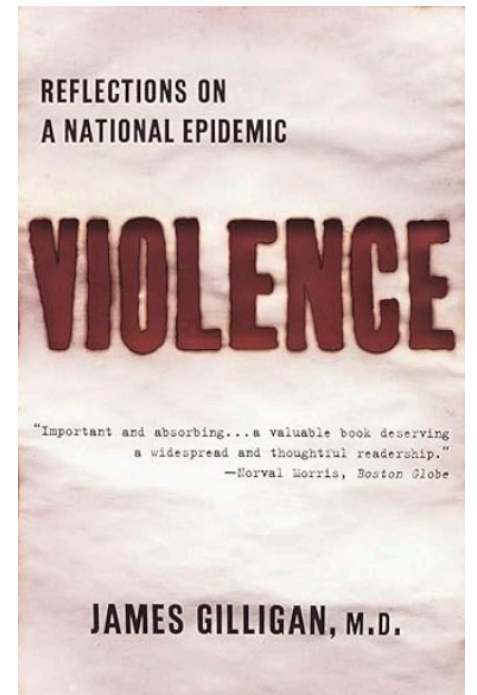
In the Classroom

- Low trust, card game, and carryover
- The value of reputation
- Things didn't end in class (our simulations are one in a series of rounds in a contained environment)
- Large range of learning abilities
- An extreme labor/management dilemma institutionally
- Correctional Officer Interference
- Self-segregation

Worked Well

Worked Well: Process Wise

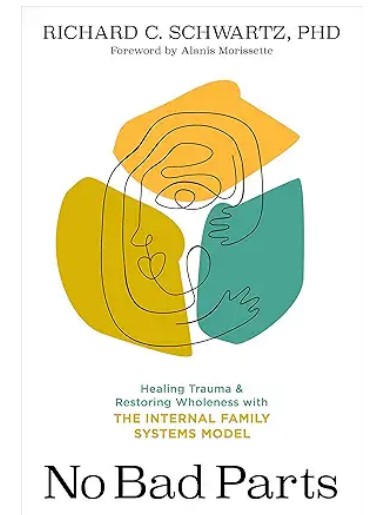
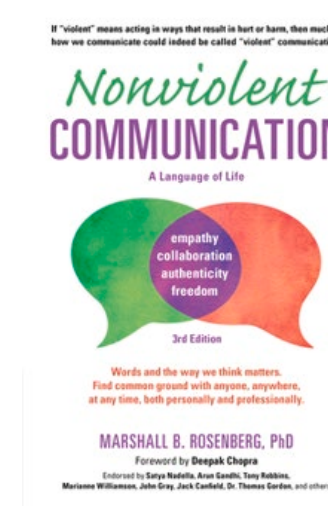
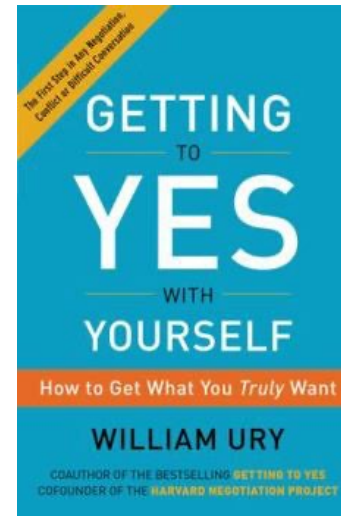
- The most pivotal thing I did was walk in and introduce myself to each student one by one, shaking their hand and looking them in the eye with positive regard stemming from an intention to be of service
 - (Prof. Brian Mandell's "The first 180")
- Framed the course as:
 - I'm not going to pretend I understand your context
 - I'm going to teach you in the way I would teach any class and you tell me what is useful and we'll build together
 - In short, let's negotiate.
- Had them Journal
 - Typed whatever they wrote (re-spect), gave them back a packet with their work, my comments and space for them to comment on my comments in the margins
- Mindful minute to open class



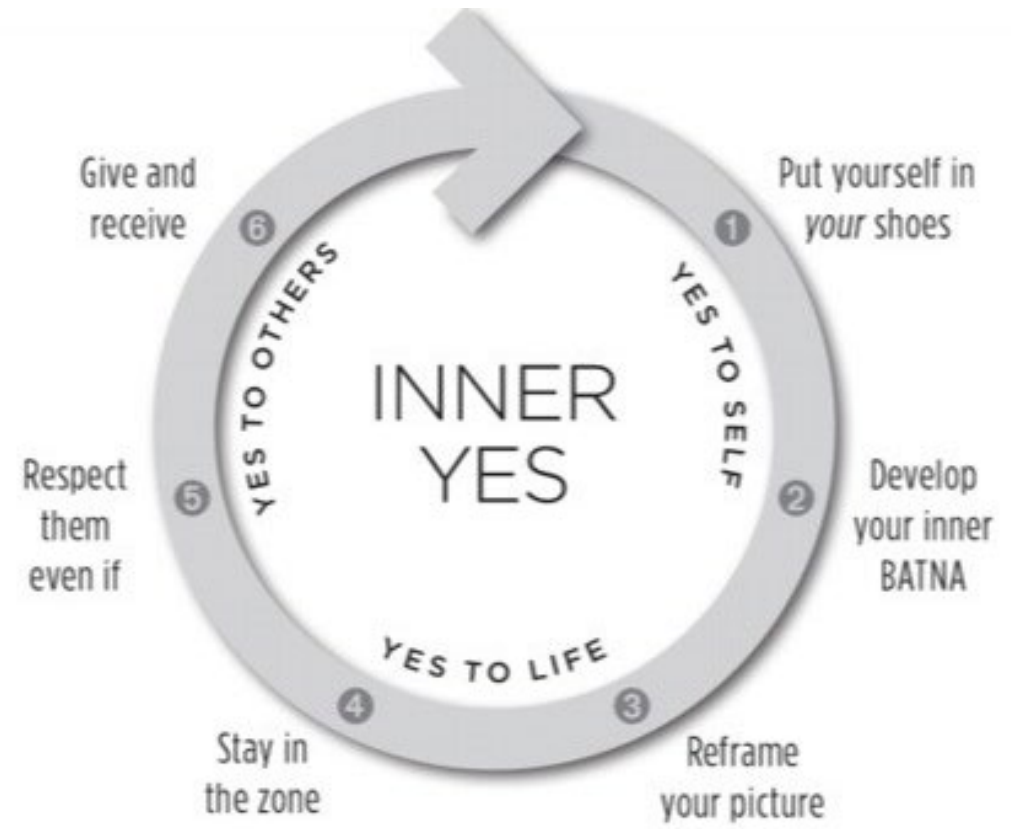


Worked Well: Content Wise

- *Getting to Yes with Yourself* William Ury
- Double Loop Learning
- 7 Elements and Ladder of Inference were core tools
- French and Raven's Bases of Power
- *Non-Violent Communication* by Marshall Rosenberg
- Richard Schwartz's Internal Family Systems
- Attachment Styles/Conflict Modes
- System 1 vs. System 2 Thinking



The Inner Yes Method



Nonviolent Communication

How You Can Use the NVC Process



Clearly expressing
how **I am**
without blaming
or criticizing

Empathically receiving
how **you are**
without hearing
blame or criticism

OBSERVATIONS

1. What I observe (*see, hear, remember, imagine, free from my evaluations*) that does or does not contribute to my well-being:
"When I (see, hear) . . ."

1. What you observe (*see, hear, remember, imagine, free from your evaluations*) that does or does not contribute to your well-being:
"When you see/hear . . ."
(Sometimes unspoken when offering empathy)

FEELINGS

2. How I feel (*emotion or sensation rather than thought*) in relation to what I observe:
"I feel . . ."

2. How you feel (*emotion or sensation rather than thought*) in relation to what you observe:
"You feel . . ."

NEEDS

3. What I need or value (*rather than a preference, or a specific action*) that causes my feelings:
". . . because I need/value . . ."

3. What you need or value (*rather than a preference, or a specific action*) that causes your feelings:
". . . because you need/value . . ."

Clearly requesting that
which would enrich **my**
life without demanding

Empathically receiving that
which would enrich **your** life
without hearing any demand

REQUESTS

4. The concrete actions I would like taken:
"Would you be willing to . . .?"

4. The concrete actions you would like taken:
"Would you like . . . ?"
(Sometimes unspoken when offering empathy)



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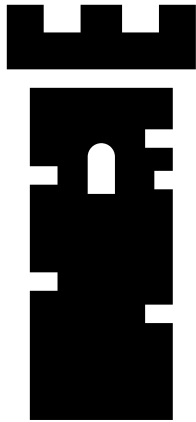
Bases of Power (French and Raven)

- 1. Reward Power** – Ability to give rewards, access to resources
- 2. Coercive Power** – Ability to punish, use of force
- 3. Legitimate Power** – Position-based authority
- 4. Expert Power** – Knowledge-based influence
- 5. Referent Power** – Personal charisma
- 6. Informational Power** – Access to Information, networks

Internal Family Systems

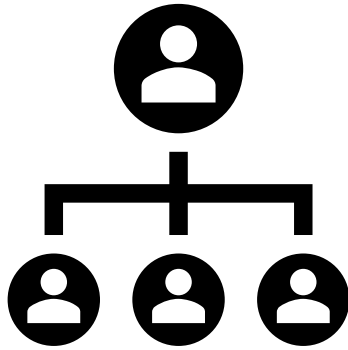


Internal Family Systems: Exiles



- Hold painful emotions that have been isolated from the conscious Self (rejected, wounded, and traumatized parts)
- Protectors (Mangers and Firefighters) believe Exiles will destabilize the system
- Inadequacy, abandonment, dependency, and shame

Internal Family Systems: Managers

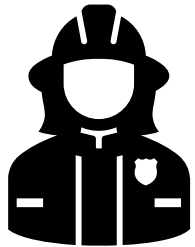


Protects: Proactive resistance, control and judgement.

- Runs daily life and is most “acceptable” part of Self
- Creates illusion of safety with inner critic
- Uses self sufficiency to prevent humiliation and abandonment.

Ex: People pleasing, perfectionism, self-sabotage, anxiety, procrastination, overachieving, caretaking

Internal Family Systems: Firefighters



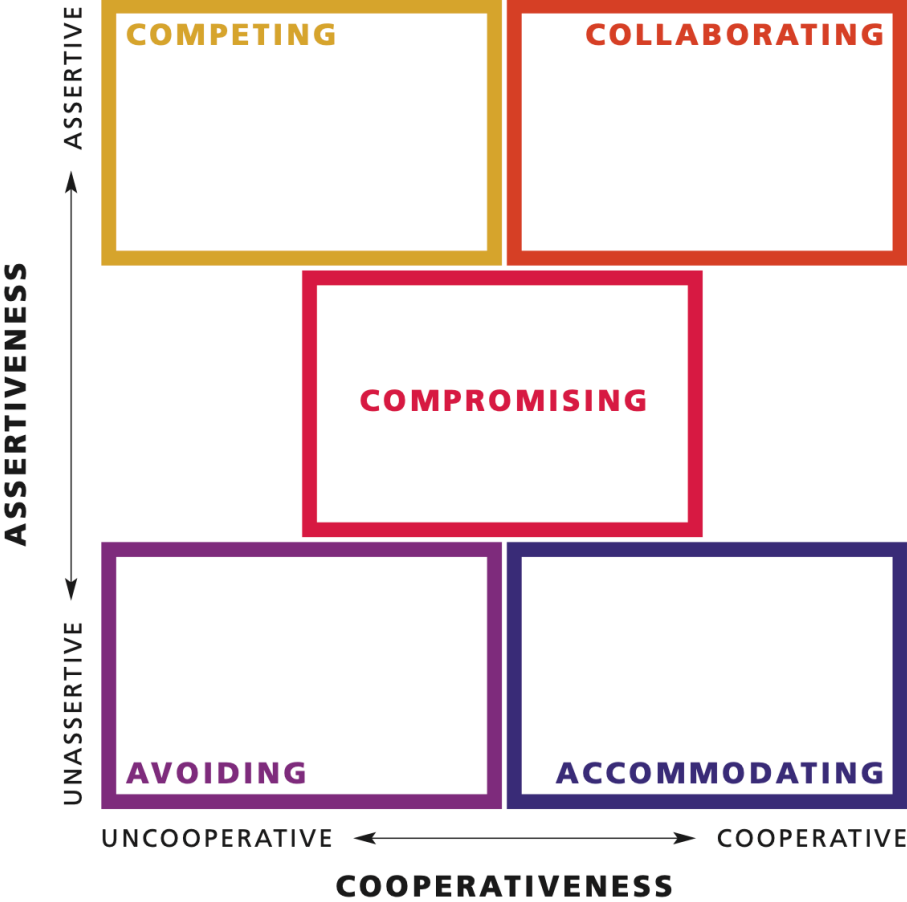
Protects: Automatic reacting, attacking and creating diversions

- First responder called into service when identity is threatened
- Creates illusion of stability by numbing and distracting from exiles' pain with distractions

Ex: Anger issues, overspending, eating disorders, addictions, obsessions, TV/video games, social media binges.



Thomas-Kilmann Conflict Mode Instrument





Thinking Fast and Slow

System 1 Thinking



System 2 Thinking

17 x 24

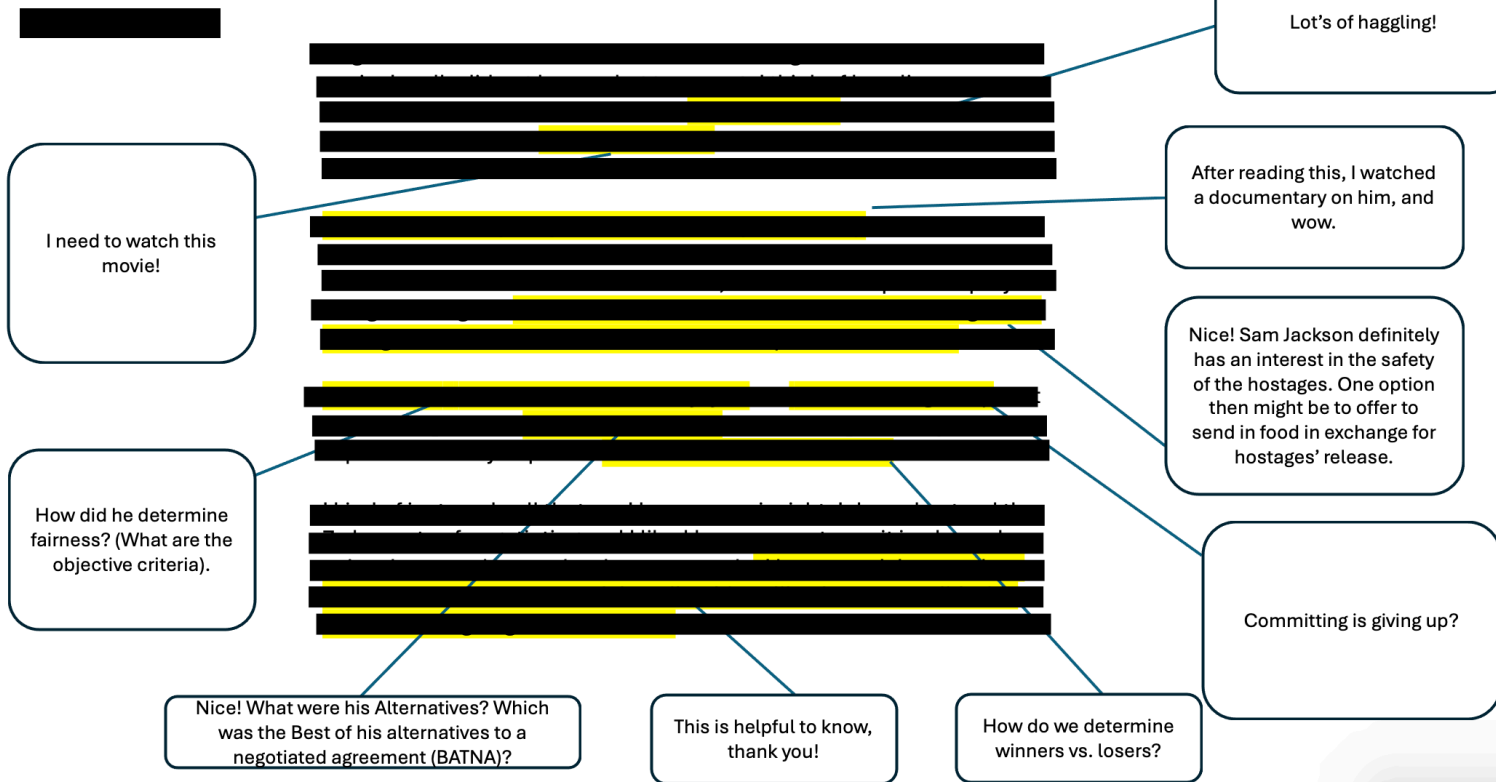


Our finals.

Skits & Journal Commentary

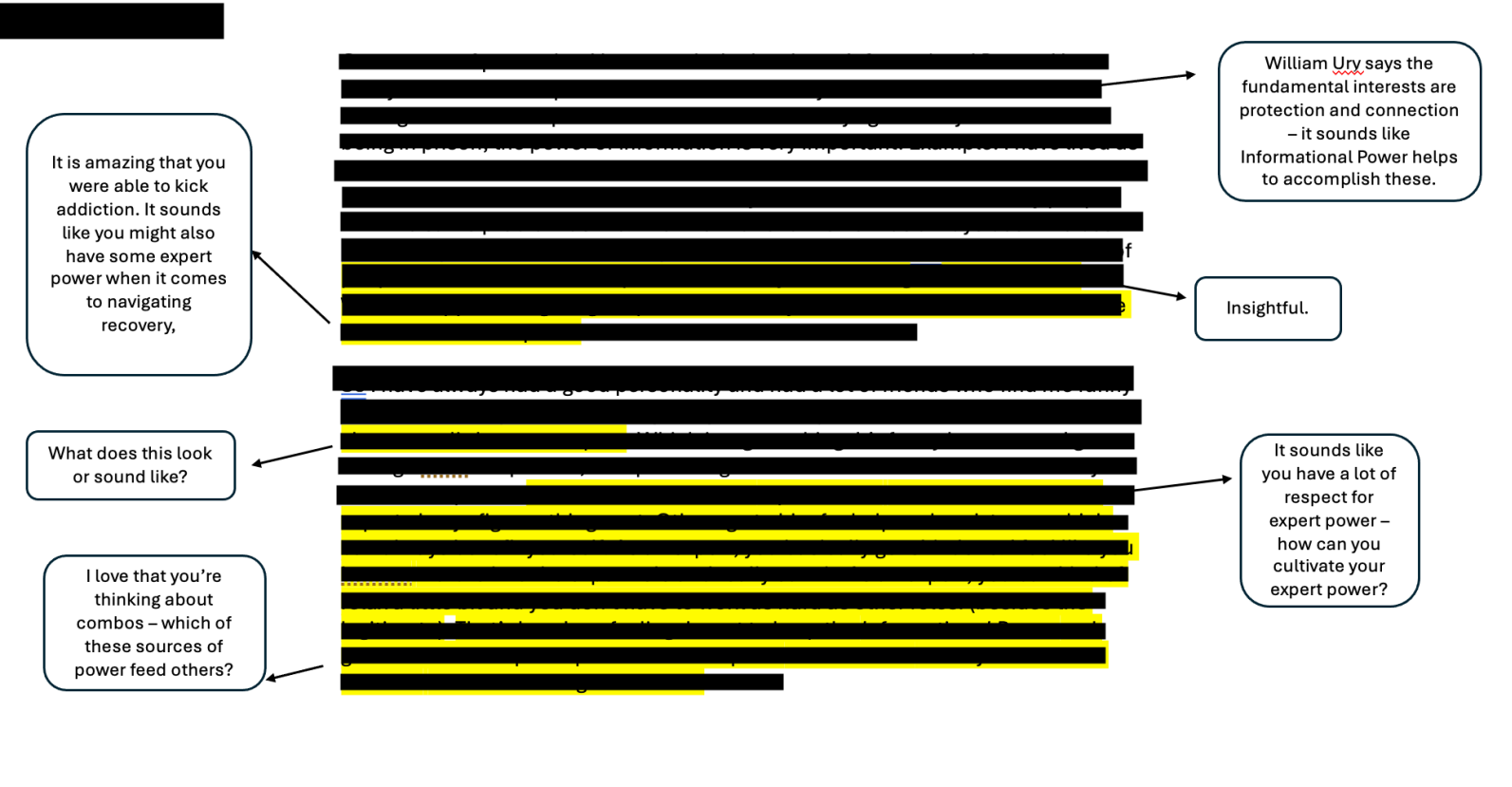
What is your relationship to/with conflict?

(#1) What is your relationship to/with conflict?



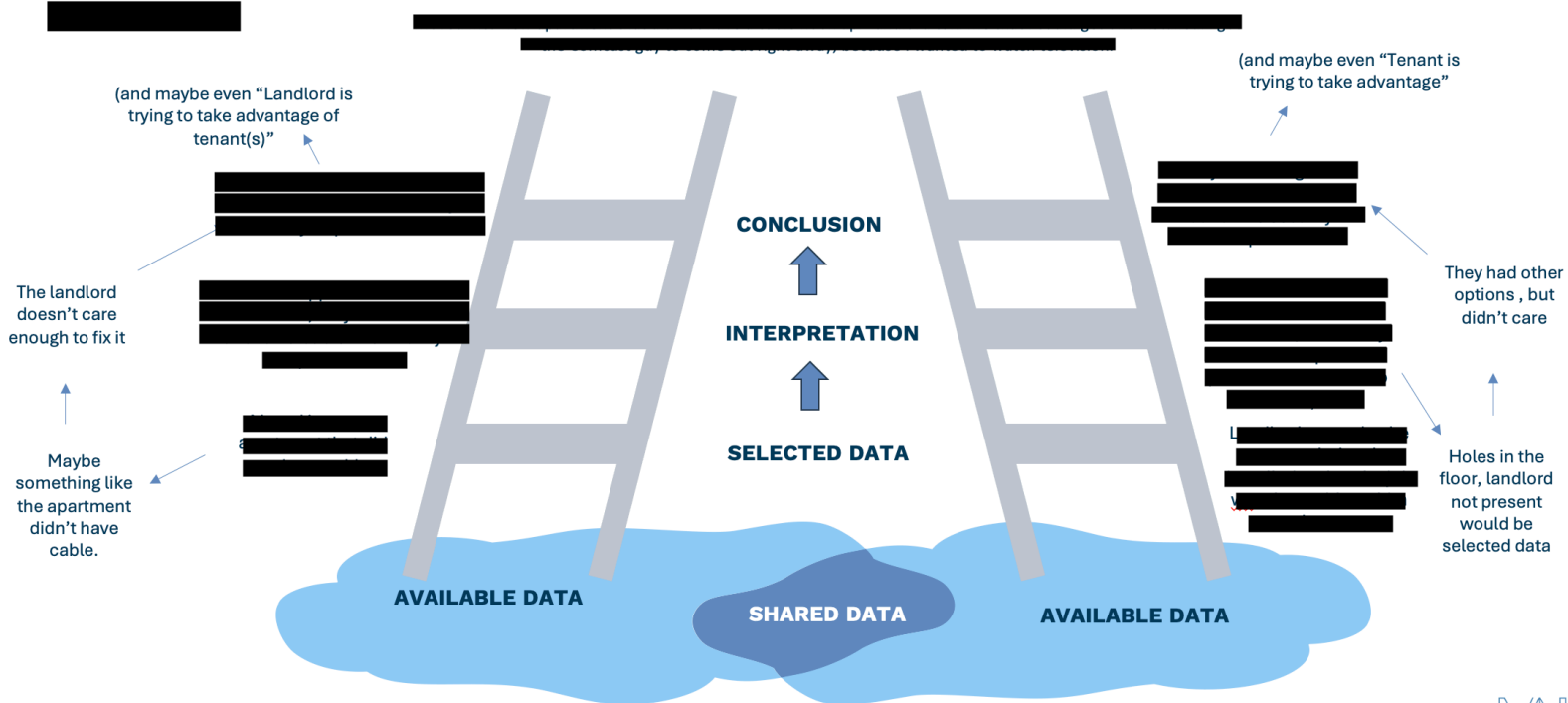
What are the sources of power you've been drawing from the most? Which are the sources you want to draw from in the future? What could that look like?

(#3) Sources of Power



Use the Ladder of Inference to Reflect on a Difficult Conversation you've had

#4 Ladder of Inference Assignment: Security Deposit



What are you taking from this course? Write a letter to yourself.

Letter to Self

Dear [REDACTED],

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear [REDACTED],

I'm so happy that you've found some of these tools to be useful; it's very clear to me that you've absorbed many of the concepts already. Absolutely the corners of the 7 Elements are crucial – Relationship and Communication are what enables us to get into the circle of value our Interests, potential Options which might meet the parties' interests, and Criteria to evaluate which Options are the most fair/appropriate. Our interests and the potential options we can come up with factor into we say "Yes" to a deal with Commitment (which we want to be clear about) or "No" with Alternatives (our "BATNA" or Best Alternative to a Negotiated Agreement being our source of "leverage"). I'm curious which elements you feel most comfortable with and which elements you might want to incorporate differently.

It has been a joy to have you, your enthusiasm and your curiosity in each class, [REDACTED]

Sincerely,

Professor B

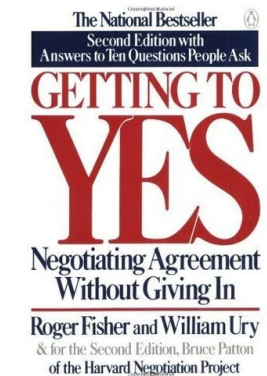
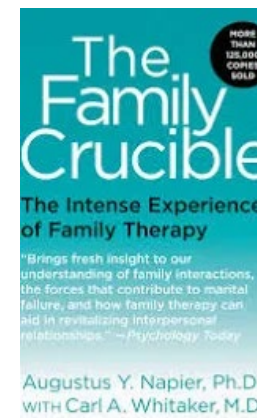
Do Differently

Do Differently: Process Wise

- More abbreviated temperature checks – caution around opening exercises
- A curriculum structured around their most pressing negotiations:
 - Negotiating with Self
 - Negotiating with other Inmates
 - Negotiating with Correctional Officers (Extreme labor/management relationship)
 - Negotiating with/through Attorneys (bring actual attorneys as speakers)
 - Parole Hearing Simulation
- A co-facilitator
- More of a system for “Office Hours” (Competition over fixed pie)
- Relationship building with Correctional Officers (C/O’s) and wider administration
- Self-care protocols

Do Differently: Content wise

- Throw out *The Family Crucible* (and replace with Bowen Theory)
- Present 7 Elements and Ladder of Inference within prison context
- More (in-context) simulations
- Use the TV shows and movies available to students
- Case studies





Negotiating Corrections

Violence is the absence of creativity.

Questions?

max@mindfulnegotiating.com

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- *Nonviolent Communication: A Language of Life* By Marshall B. Rosenberg
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- *No Bad Parts* by Richard Schwartz
<https://ifs-institute.com/nobadparts>
- Bases of Power Model by John R. P. French and Bertram Raven (1959)
https://en.wikipedia.org/wiki/French_and_Raven's_bases_of_power
- Internal Family Systems Model by Richard C. Schwartz
https://en.wikipedia.org/wiki/Internal_Family_Systems_Model
- The Internal Family Systems (IFS) model is a psychological approach that views the mind as composed of multiple "parts" or sub-personalities, each with its own distinct characteristics and functions, and aims to heal by identifying and working with these parts to achieve inner harmony

- Thomas-Kilman Conflict Mode refers to a model that identifies five primary ways people tend to handle conflict situations: competing, collaborating, compromising, avoiding, and accommodating.
- Watch a recorded session on the PON website with Daniel Kahneman titled Negotiating, Fast and Slow: A Conversation with Nobel Prize Winner Daniel Kahneman
<https://www.pon.harvard.edu/events/kahneman-conversation/>
- Ladder of inference is a step-by-step process that you naturally follow while making decisions. The seven steps of this decision-making process are observation, data selection, interpretation, assumptions, conclusion, beliefs, and action.
- *The Family Crucible* by Augustus Napier and Carl Whittaker
<https://www.amazon.com/Family-Crucible-Intense-Experience-Perennial/dp/0060914890>
- Watch recorded session on the PON website here with Sarah Federman discussing her book *Transformative Negotiation: Strategies for Everyday Change*: <https://www.pon.harvard.edu/events/kelman-seminar-sarah-federman/>
- Getting to YES: Negotiating Agreement Without Giving In by Roger Fisher, William Ury, and Bruce Patton
<https://www.pon.harvard.edu/shop/getting-to-yes-negotiating-agreement-without-giving-in/>

Additional Sources:

- *The Work*
[https://en.wikipedia.org/wiki/The_Work_\(film\)](https://en.wikipedia.org/wiki/The_Work_(film))
(Documentary available on Amazon prime)
- Bowen Theory by Murray Bowen
<https://www.thebowencenter.org/introduction-eight-concepts>
- *Are Prisons Obsolete* by Angela Davis
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