

Negotiating Your Way to Yes – The Art of Making Compromises

(Getting to Yes: Negotiating Agreement Without Giving In, Roger Fisher and William Ury, 1991.)

1. Don't Bargain Over Positions

- Arguing over positions produces unwise agreements
 - i. Tendency to lock oneself into a position
 - ii. The more one clarifies a position and defend it against attack, the more committed one becomes to it
 - iii. There is now a new interest in “saving face” and one's ego can become identified with the position
- Arguing over positions is inefficient
 - i. It begins with starting with an extreme position and stubbornly holding to it
 - ii. Small concessions become only necessary to keep the negotiation going
 - iii. Decision-making is difficult and time-consuming at best
- Arguing over positions endangers an ongoing relationship
 - i. Positional bargaining becomes a contest of will
 - ii. Anger and resentment often result as one side sees itself bending to the rigid will of the other while its own legitimate concerns go unaddressed.
- When there are many parties, positional bargaining is even worse
 - i. Most negotiations involve more than two persons, and the more people involved in a negotiation, the more serious the drawbacks to positional bargaining.
 - ii. Sometimes there are ‘higher authorities’ who, while absent from the table, must nevertheless give their approval
- Being nice (may not be the) answer
 - i. There is a hope in avoiding the high costs of hard positional bargaining by following a more gentle style of negotiation
 - ii. Rather than emphasize the goal of victory, emphasis is on the necessity of reaching agreement.
 - iii. Emphasizes the importance of building and maintaining a relationship
 - iv. In positional bargaining, a hard style dominates a soft one
 - v. If the hard bargainer insists on concessions and makes threats while the soft bargainer yields in order to avoid confrontation and insists on agreement, the negotiating game is biased in favor of the hard player

2. Separate the People From the Problem

- Negotiators are people first
 - i. Failing to deal with others sensitively as human beings prone to human reactions can be disastrous for a negotiation
- Every negotiator has two kinds of interests: In the substance and in the relationship
 - i. The relationship tends to become entangled with the problem
 - ii. Positional bargaining puts relationship and substance in conflict
- Separate the relationship from the substance; deal directly with the people problem
 - i. Perception, Emotion, and Communication
- Perception
 - i. As useful as looking for objective reality can be, it is ultimately the reality as each side sees it that constitutes the problem in a negotiation and opens the way to a solution
 - ii. Put yourself in their shoes
 - iii. Don't deduce their intentions from your fears
 - iv. Don't blame them for your problem
 - v. Discuss each other's perceptions
 - vi. Look for opportunities to act inconsistently with their perceptions
 - vii. Give them a stake in the outcome by making sure they participate in the process
 - viii. Face-saving: Make your proposals consistent with their values
- Emotion
 - i. In a negotiation, particularly in a bitter dispute, feelings may be more important than talk
 - ii. First recognize and understand emotions, theirs and your.
 - iii. Make emotions explicit and acknowledge them as legitimate
 - iv. Allow the other side to let off steam
 - v. Don't react to emotional outbursts
 - vi. Use symbolic gestures
- Communication
 - i. Without communication there is no negotiation
 - ii. There are three big problems in communication
 1. Negotiators may not be talking to each other, or at least not in such a way as to be understood
 2. In a negotiation, you may be so busy thinking about what you are going to say next that you forget to listen to what the other side is saying now.
 3. Misunderstanding – what one says, the other may misinterpret
 - iii. Listen actively and acknowledge what is being said
 - iv. Speak to be understood
 - v. Speak about yourself, not about them
 - vi. Speak for a purpose
- Prevention works best
 - i. Build a relationship that works

- ii. Face the problem, not the people

3. Focus on Interests, Not Positions

- For a wise solution reconcile Interest, not positions
 - i. Interests define the problem
 - ii. Behind opposed positions lie shared and compatible interests, as well as conflicting ones
- How do you Identify Interests?
 - i. Ask “Why”
 - ii. Ask “Why not?” Think about their choice
 - iii. Realize that each side has multiple interests
 - iv. The most powerful interests are basic human needs
- Talking about Interests
 - i. Make your interest come alive – be specific
 - ii. Acknowledge their interests as part of the problem – demonstrating that you understand their interests
 - iii. Put the problem before your answer
 - iv. Look forward, not back
 - v. Be concrete but flexible
 - vi. Be hard on the problem and soft on the people

4. Invent Options for Mutual Gain

- Problem of searching for the single answer
- Problem with thinking that ‘solving their problem’ is ‘their problem’
- Brainstorming (with your side and with the other side)
 - i. Physically seat the participants side by side facing the problem
 - ii. Clarify the ground rules, including the no-criticism rule
 - iii. Brainstorm ideas
 - iv. Record the ideas in full view
 - v. Star the most promising ideas
 - vi. Invent improvements for promising ideas
 - vii. Set up a time to evaluate ideas and decide

5. Insist on Using Objective Criteria

- Principled negotiation produces wise agreements amicably and efficiently
- Developing objective criteria
 - i. Standards and procedures
 - ii. Frame each issue as a joint search for objective criteria
 - iii. Insisting that an agreement be based on objective criteria does not mean insisting that it be based solely on the criterion you advance