

# Getting to YES Negotiating Agreement Without Giving In♦

We have excerpted two chapters from *Getting to Yes* for you to read before the training. Each Section Three participant will receive a copy of the book at the training.

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A Note on the Harvard Negotiation Project

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\* By Roger Fisher and William Ury with Bruce Patton, editor (1991 2d Edition. Penguin Books)

## 1. Don't Bargain Over Positions

Whether a negotiation concerns a contract, a family quarrel, or a peace settlement among nations, people routinely engage in positional bargaining. Each side takes a position, argues for it and makes concessions to reach a compromise. The classic example of this negotiating minuet is the haggling that takes place between a customer and the proprietor of a secondhand store:

How much do you want for this brass dish?  
That is a beautiful antique, isn't it?

*I guess I could let it go for \$75.*

Oh come on, it's dented. I'll give you \$15.

*Really! I might consider a serious offer, \$15 certainly isn't serious.*

Well, I could go to \$20, but I would never pay anything like \$75. Quote me a realistic price.

*You drive a hard bargain, young lady. \$60 cash, right now.*

\$25.

*It cost me a great deal more than that. Make me a serious offer.*

\$37.50. That's the highest I will go.

*Have you noticed the engraving on that dish? Next year pieces like that will be worth twice what you pay today.*

And so it goes, on and on. Perhaps they will reach agreement; perhaps not.

Any method of negotiation may be fairly judged by three criteria: It should produce a wise agreement if agreement is possible. It should be efficient. And it should improve or at least not damage the relationship between the parties. (A

wise agreement can be defined as one which meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account.)

The most common form of negotiation, illustrated by the above example, depends upon successively taking — and then giving up — a sequence of positions.

Taking positions, as the customer and storekeeper do, serves some useful purposes in a negotiation. It tells the other side what you want; it provides an anchor in an uncertain and pressured situation; and it can eventually produce the terms of an acceptable agreement. But those purposes can be served in other ways. And positional bargaining fails to meet the basic criteria of producing a wise agreement efficiently and amicably.

### **Arguing over positions produces unwise agreements**

When negotiators bargain over positions, they tend to lock themselves into those positions. The more you clarify your position and defend it against attack, the more committed you become to it. The more you try to convince the other side of the impossibility of changing your opening position, the more difficult it becomes to do so. Your ego becomes identified with your position. You now have a new interest in “saving face”— in reconciling future action with past positions -- making it less and less likely that any agreement will wisely reconcile the parties’ original interests.

The danger that positional bargaining will impede a negotiation was well illustrated by the breakdown of the talks under President Kennedy for a comprehensive ban on nuclear testing. A critical question arose: How many on-site inspections per year should the Soviet Union and the United States be permitted to make within the other’s territory to investigate suspicious seismic events? The Soviet Union finally agreed to three inspections. The United States insisted on no less than ten. And there the talks broke down — over positions — despite the fact that no one understood whether an “inspection” would involve one person looking around for

one day, or a hundred people prying indiscriminately for a month. The parties had made little attempt to design an inspection procedure that would reconcile the United State’s interest in verification with the desire of both countries for minimal intrusion.

As more attention is paid to positions, less attention is devoted to meeting the underlying concerns of the parties. Agreement becomes less likely. Any agreement reached may reflect a mechanical splitting of the difference between final positions rather than a solution carefully crafted to meet the legitimate interests of the parties. The result is frequently an agreement less satisfactory to each -side than it could have been.

### **Arguing over positions is inefficient**

The standard method of negotiation may produce either agreement, as with the price of a brass dish, or breakdown, as with the number of on-site inspections. In either event, the process takes a lot of time.

Bargaining over positions creates incentives that stall settlement. In positional bargaining you try to improve the chance that any settlement reached is favorable to you by starting with an extreme position, by stubbornly holding to it, by deceiving the other party as to your true views, and by making small concessions only as necessary to keep the negotiation going. The same is true for the other side. Each of those factors tends to interfere with reaching a settlement promptly. The more extreme the opening positions and the smaller the concessions, the more time and effort it will take to discover whether or not agreement is possible.

The standard minuet also requires a large number of individual decisions as each negotiator decides what to offer, what to reject, and how much of a concession to make. Decision-making is difficult and time-consuming at best. Where each decision not only involves yielding to the other side but will likely produce pressure to yield further, a negotiator has little incentive to move quickly. Dragging one’s feet, threatening to walk out, stonewalling, and other such tactics become commonplace. They all increase the time and costs of reaching

agreement as well as the risk that no agreement will be reached at all.

### **Arguing over positions endangers an ongoing relationship**

Positional bargaining becomes a contest of will. Each negotiator asserts what he will and won't do. The task of jointly devising an acceptable solution tends to become a battle. Each side tries through sheer win power to force the other to change its position. "I'm not going to give in. If you want to go to the movies with me, it's *The Maltese Falcon* or nothing." 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. Positional bargaining thus strains and sometimes shatters the relationship between the parties. Commercial enterprises that have been doing business together for years may part company. Neighbors may stop speaking to each other. Bitter feelings generated by one such encounter may last a lifetime.

### **When there are many parties, positional bargaining is even worse**

Although it is convenient to discuss negotiation in terms of two persons, you and "the other side," in fact, almost every negotiation involves more than two persons. Several different parties may sit at the table, or each side may have constituents, higher-ups, boards of directors, or committees with whom they must deal. The more people involved in a negotiation, the more serious the drawbacks to positional bargaining.

If some 150 countries are negotiating, as in various United Nations conferences, positional bargaining is next to impossible. It may take all to say yes, but only one to say no. Reciprocal concessions are difficult: to whom do you make a concession? Yet even thousands of bilateral deals would still fall short of a multilateral agreement. In such situations, positional bargaining leads to the formation of coalitions among parties whose shared interests are often more symbolic than substantive. At the United Nations such coalitions produce negotiations between "the" North and "the" South, or between "the" East and "the" West. Because there are many members in a group, it becomes more difficult to develop a common position.

What is worse, once they have painfully developed and agreed upon a position, it becomes much harder to change it. Altering a position proves equally difficult when additional participants are higher authorities who, while absent from the table, must nevertheless give their approval.

### **Being nice is no answer**

Many people recognize the high costs of hard positional bargaining, particularly on the parties and their relationship. They hope to avoid them by following a more gentle style of negotiation. Instead of seeing the other side as adversaries, they prefer to see them as friends. Rather than emphasizing a goal of victory, they emphasize the necessity of reaching agreement. In a soft negotiating game the standard moves are to make offers and concessions, to trust the other side, to be friendly, and to yield as necessary to avoid confrontation.

The following table illustrates two styles of positional bargaining, soft and hard. Most people see their choice of negotiating strategies as between these two styles. Looking at the table as presenting a choice, should you be a soft or a hard positional bargainer? Or should you perhaps follow a strategy somewhere in between?

The soft negotiating game emphasizes the importance of building and maintaining a relationship. Within families and among friends much negotiation takes place in this way. The process tends to be efficient, at least to the extent of producing results quickly. As each party competes with the other in being more generous and more forthcoming, an agreement becomes highly likely. But it may not be a wise one. The results may not be as tragic as in the 0. Henry story about an impoverished couple in which the loving wife sells her hair in order to buy a handsome chain for her husband's watch, and the unknowing husband sells his watch in order to buy beautiful combs for his wife's hair. However, any negotiation primarily concerned with the relationship runs the risk of producing a sloppy agreement.

## PROBLEM

### Positional Bargaining: Which Game Should You Play?

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#### SOFT

Participants are friends.  
The goal is agreement.  
Make concessions to cultivate the relationship.  
Be soft on the people and the people.  
Trust others.  
Change your position easily.  
Make offers.  
Disclose your bottom line.  
Accept one-sided losses to reach agreement.  
Search for the single answer: the one *they* will accept.  
Insist on agreement.  
Try to avoid a contest of will.  
Yield to pressure.

#### HARD

Participants are adversaries.  
The goal is victory.  
Demand concessions as a condition of the relationship.  
Be hard on the problem and the problem.  
Distrust others.  
Dig in to your position.  
Make threats.  
Mislead as to your bottom line.  
Demand one-sided gains as price of agreement.  
Search for the single answer: the one you will accept.  
Insist on your position.  
Try to win a contest of will.  
Apply pressure.

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More seriously, pursuing a soft and friendly form of positional bargaining makes you vulnerable to someone who plays a hard game of positional bargaining. In positional bargaining, a hard game dominates a soft one. 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. The process will produce an agreement, although it may not be a wise one. It will certainly be more favorable to the hard positional bargainer than to the soft one. If your response to sustained hard positional bargaining is soft positional bargaining, you will probably lose your shirt.

#### **There is an alternative**

If you do not like the choice between hard and soft positional bargaining, you can change the game.

The game of negotiation takes place at two levels. At one level, negotiation addresses the substance; at another, it focuses — usually implicitly — on the procedure for dealing with the substance. The first negotiation may concern your salary, the terms of a lease, or a price to be paid. The second negotiation concerns how you will negotiate the substantive question: by soft positional bargaining, by hard positional bargaining, or by some other method. This second negotiation is a game about a game — a “meta-game.” Each move you make within a negotiation is not only a move that deals with rent, salary, or other substantive questions; it also

helps structure the rules of the game you are playing. Your move may serve to keep the negotiations within an ongoing mode, or it may constitute a game-changing move.

This second negotiation by and large escapes notice because it seems to occur without conscious decision. Only when dealing with someone from another country, particularly someone with a markedly different cultural background, are you likely to see the necessity of establishing some accepted process for the substantive negotiations. But whether consciously or not, you are negotiating procedural rules with every move you make, even if those moves appear exclusively concerned with substance.

The answer to the question of whether to use soft positional bargaining or hard is “neither.” Change the game. At the Harvard Negotiation project we have been developing an alternative to positional bargaining: a method of negotiation explicitly designed to produce wise outcomes efficiently and amicably. This method, called *principled negotiation* or *negotiation on the merits*, can be boiled down to four basic points.

These four points define a straightforward method of negotiation that can be used under almost any circumstances. Each point deals with a basic element of negotiation, and suggests what you should do about it.

**People: Separate the people from the problem.**

**Interests: Focus on interests, not positions.**

**Options: Generate a variety of possibilities before deciding what to do.**

**Criteria: Insist that the result be based on some objective standard.**

The first point responds to the fact that human beings are not computers. We are creatures of strong emotions who often have radically different perceptions and have difficulty communicating clearly. Emotions typically become entangled with the objective merits of the problem. Taking positions just makes it

worse because people’s egos become identified with their positions. Hence, before working on the substantive problem, the “people problem” should be disentangled from it and dealt with separately. Figuratively if not literally, the participants should come to see themselves as working side by side, attacking the problem, not each other. Hence the first proposition: *Separate the people from the problem.*

The second point is designed to overcome the drawback of focusing on people’s stated positions when the object of a negotiation is to satisfy their underlying interests. A negotiating position often obscures what you really want. Compromising between positions is not likely to produce an agreement which will effectively take care of the human needs that led people to adopt those positions. The second basic element of the method is: *Focus on interests, not positions.*

The third point responds to the difficulty of designing optimal solutions while under pressure. Trying to decide in the presence of an adversary narrows your vision. Having a lot at stake inhibits creativity. So does searching for the one right solution. You can offset these constraints by setting aside a designated time within which to think up a wide range of possible solutions that advance shared interests and creatively reconcile differing interests. Hence the third basic point: *Before trying to reach agreement, invent options for mutual gain.*

Where interests are directly opposed, a negotiator may be able to obtain a favorable result simply by being stubborn. That method tends to reward intransigence and produce arbitrary results. However, you can counter such a negotiator by insisting that his single say-so is not enough and that the agreement must reflect some fair standard independent of the naked will of either side. This does not mean insisting that the terms be based on the standard you select, but only that some fair standard such as market value, expert opinion, custom, or law determine the outcome. By discussing such criteria rather than what the parties are willing or unwilling to do, neither party need give in to the other; both can defer to a fair solution. Hence the fourth basic point: *Insist on using objective criteria.*

The method of principled negotiation is contrasted with hard and soft positional bargaining in the table below, which shows the four basic points of the method in boldface type.

The four propositions of principled negotiation are relevant from the time you begin to think about negotiating until the time either an agreement is reached or you decide to break off the effort. That period can be divided into three stages: analysis, planning, and discussion.

During the *analysis* stage you are simply trying to diagnose the situation -- to gather information, organize it, and think about it. You will want to consider the people problems of partisan perceptions, hostile emotions, and unclear communication, as well as to identify your interests and those of the other side. You will want to note options already on the table and identify any criteria already suggested as a basis for agreement.

<b>PROBLEM</b>		<b>SOLUTION</b>
Positional Bargaining: Which Game Should You Play?		Change the Game Negotiate on the Merits
<b>SOFT</b>	<b>HARD</b>	<b>PRINCIPLED</b>
Participants are friends.	Participants are adversaries.	Participants are problem-solvers.
The goal is agreement.	The goal is victory.	The goal is a wise outcome reached efficiently and amicably.
Make concessions to cultivate the relationship.	Demand concessions as a condition of the relationship.	<b>Separate the people from the problem.</b>
Be soft on the people and the problem.	Be hard on the problem and the people.	Be soft on the people, hard on the problem.
Trust others	Distrust others.	Proceed independent of trust.
Change your position easily.	Dig in to your position.	<b>Focus on interests, not positions.</b>
Make offers.	Make threats.	Explores interests.
Disclose your bottom line.	Mislead as to your bottom line.	Avoid having a bottom line.
Accept one-sided losses to reach agreement.	Demand one-sided gains as the price of agreement.	<b>Invent options for mutual gain.</b>
Search for the single answer: the one <i>they</i> will accept.	Search for the single answer: the one <i>you</i> will accept.	Develop multiple options to choose from; decide later.
Insist on agreement.	Insist on your position.	Insist on using objective criteria.
Try to avoid a contest of will.	Try to win a contest of will.	Try to reach a result based on independent of will.
Yield to pressure.	Apply pressure.	Reason and be open to reasons; yield to principle, not pressure.

During the planning stage you deal with the same four elements a second time, both generating ideas and deciding what to do. How do you propose to handle the people problems? Of your interests, which are most important? And what are some realistic objectives? You will want to generate additional options and additional criteria for deciding among them.

Again during the discussion stage, when the parties communicate back and forth, looking toward agreement, the same four elements are the best subjects to discuss. Differences in perception, feelings of frustration and anger, and difficulties in communication can be acknowledged and addressed. Each side should come to understand the interests of the other. Both can then jointly generate options that are mutually advantageous and seek agreement on objective standards for resolving opposed interests.

To sum up, in contrast to positional bargaining, the principled negotiation method of focusing on basic interests, mutually satisfying options and fair standards typically results in a wise agreement. The method permits you to reach a gradual consensus on a joint decision *efficiently* without all the transactional costs of digging in to positions only to have to dig yourself out of them. And separating the people from the problem allows you to deal directly and empathetically with the other negotiator as a human being, thus making possible an amicable agreement. Each of the next four chapters expands on one of these four basic points. If at any point you become skeptical, you may want to skip ahead briefly and browse in the final three chapters, which respond to questions commonly raised about the method.

### 3. Focus on Interests, Not Positions

Consider the story of two men quarreling in a library. One wants the window open and the other wants it closed. They bicker back and forth about how much to leave it open: a crack, halfway, than quarters of the way. No solution satisfies them both.

Enter the librarian. She asks one why he wants the window open: “To get some fresh air.” She asks the other why he wants it closed: “To avoid the draft.” After thinking a minute, she opens wide a window in the next room, bringing in fresh air without a draft.

#### **For a wise solution reconcile interests, not positions**

This story is typical of many negotiations. Since the parties’ problem appears to be a conflict of positions, and since their goal is to agree on a position, they naturally tend to think and talk about positions -- and in the process often reach an impasse.

The librarian could not have invented the solution she did if she had focused only on the two men’s stated positions of wanting the window open or closed. Instead she looked to their underlying interests of fresh air and no draft. This difference between positions and interests is crucial.

**Interests define the problem.** The basic problem in a negotiation lies not in conflicting positions, but in the conflict between each side’s needs, desires, concerns, and fears. The parties may say:

“I am trying to get him to stop that real estate development next door.”

or

“We disagree. He wants \$50,000 for the house. I won’t pay a penny more than \$47,500.”

But on a more basic level the problem is: “He needs the cash; I want peace and quiet.”

or

“He needs at least \$50,000 to settle with his ex-wife. I told my family that I wouldn’t pay more than \$47,500 for a house.”

Such desires and concerns are *interests*. Interests motivate people; they are the silent movers behind the hubbub of positions. Your position is something you have decided upon. Your interests are what caused you to so decide.

The Egyptian-Israeli peace treaty blocked out at Camp David in 1978 demonstrates the usefulness of looking behind positions. Israel had occupied the Egyptian Sinai Peninsula since the Six Day War of 1967. When Egypt and Israel sat down together in 1978 to negotiate a peace, their positions were incompatible. Israel insisted on keeping some of the Sinai. Egypt, on the other hand, insisted that every inch of the Sinai be returned to Egyptian sovereignty. Time and again, people drew maps showing possible boundary lines that would divide the Sinai between Egypt and Israel. Compromising in this way was wholly unacceptable to Egypt. To go back to the situation as it was in 1967 was equally unacceptable to Israel.

Looking to their interests instead of their positions made it possible to develop a solution. Israel's interest lay in security; they did not want Egyptian tanks poised on their border ready to roll across at any time. Egypt's interest lay in sovereignty; the Sinai had been part of Egypt since the time of the Pharaohs. After centuries of domination by Greeks, Romans, Turks, French, and British, Egypt had only recently regained full sovereignty and was not about to cede territory to another foreign conqueror.

At Camp David, President Sadat of Egypt and Prime Minister Begin of Israel agreed to a plan that would return the Sinai to complete Egyptian sovereignty and, by demilitarizing large areas, would still assure Israeli security. The Egyptian flag would fly everywhere, but Egyptian tanks would be nowhere near Israel.

Reconciling interests rather than positions works for two reasons. First, for every interest there usually exist several possible positions that could satisfy it. All too often people simply adopt the most obvious position, as Israel did, for example, in announcing that they intended to keep part of the Sinai. When you do look behind opposed positions for the motivating interests, you can often find an alternative position which meets not

only your interests but theirs as well. In the Sinai, demilitarization was one such alternative.

Reconciling interests rather than compromising between positions also works because behind opposed positions lie many more interests than conflicting ones.

**Behind opposed positions lie shared and compatible interests, as well as conflicting ones.**

We tend to assume that because the other side's positions are opposed to ours, their interests must also be opposed. If we have an interest in defending ourselves, then they must want to attack us. If we have an interest in minimizing the rent, then their interest must be to maximize it. In many negotiations, however, a close examination of the underlying interests will reveal the existence of many more interests that are shared or compatible than ones that are opposed.

For example, look at the interests a tenant shares with a prospective landlord:

1. Both want stability. The landlord wants a stable tenant; the tenant wants a permanent address.
2. Both would like to see the apartment well maintained. The tenant is going to live there; the landlord wants to increase the value of the apartment as well as the reputation of the building.
3. Both are interested in a good relationship with each other. The landlord wants a tenant who pays the rent regularly; the tenant wants a responsive landlord who will carry out the necessary repairs.

They may have interests that do not conflict but simply differ. For example:

1. The tenant may not want to deal with fresh paint, to which he is allergic. The landlord will not want to pay the costs of repainting all the other apartments.
2. The landlord would like the security of a down payment of the first month's rent, and he may want it by tomorrow. The tenant, knowing

that this is a good apartment, may be indifferent on the question of paying tomorrow or later.

When weighed against these shared and divergent interests, the opposed interests in minimizing the rent and maximizing the return seem more manageable. The shared interests will likely result in a long lease, an agreement to share the cost of improving the apartment, and efforts by both parties to accommodate each other in the interest of a good relationship. The divergent interests may perhaps be reconciled by a down payment tomorrow and an agreement by the landlord to paint the apartment provided the tenant buys the paint. The precise amount of the rent is all that remains to be settled, and the market for rental apartments may define that fairly well.

Agreement is often made possible precisely because interests differ. You and a shoe-seller may both like money and shoes. Relatively, his interest in the thirty dollars exceeds his interest in the shoes. For you, the situation is reversed: you like the shoes better than the thirty dollars. Hence the deal. Shared interests and differing but complementary interests can both serve as the building blocks for a wise agreement.

### **How do you identify interests?**

The benefit of looking behind positions for interests is clear. How to go about it is less clear. A position is likely to be concrete and explicit; the interests underlying it may well be unexpressed, intangible, and perhaps inconsistent. How do you go about understanding the interests involved in a negotiation, remembering that figuring out their interests will be at least as important as figuring out yours?

**Ask “Why?”** One basic technique is to put yourself in their shoes. Examine each position they take, and ask yourself “Why?” Why, for instance, does your landlord prefer to fix the rent — in a five-year lease -- year by year? The answer you may come up with, to be protected against increasing costs, is probably one of his interests. You can also ask the landlord himself why he takes a particular position. If you do, make clear that you are asking not for justification of this position, but for an understanding of the needs, hopes, fears, or desires that it serves. “What’s your basic concern, Mr. Jones, in wanting the lease to run for no more than three years?”

**Ask “Why not?”** Think about their choice. One of the most useful ways to uncover interests is first to identify the basic decision that those on the other side probably see you asking them for, and then to ask yourself why they have not made that decision. What interests of theirs stand in the way? If you are trying to change their minds, the starting point is to figure out where their minds are now.

Consider, for example, the negotiations between the United States and Iran in 1980 over the release of the fifty-two diplomats and embassy personnel held hostage in Tehran by student militants. While there were a host of serious obstacles to a resolution of this dispute, the problem is illuminated simply by looking at the choice of a typical student leader. The demand of the United States was clear: “Release the hostages.” During much of 1980 each student leader’s choice must have looked something like that illustrated by the balance sheet below.

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**Presently Perceived Choice of: An Iranian student leader**

**Question Faced: "Shall I press for immediate release of the American hostages?"**

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**IF I SAY YES**

- I sell out the Revolution.
- I will be criticized as pro-American.
- The others will probably not agree with me; if they do and we release the hostages, then:
  
- Iran looks weak.
- We back down to the U.S.
- We get nothing (no Shah, no money).
- We do not know what the U.S. will do.

**BUT:**

- + There is a chance that economic might end.
- + Our relations with other nations, especially in Europe, may improve.

**IF I SAY NO**

- + I uphold the Revolution.
- + I will be praised for defending Islam.
- + We will probably all stick together.
  
- + We get fantastic TV coverage to tell the world about our grievances.
- + Iran looks strong.
- + We stand up to the U.S.
- + We have a chance of getting something (at least our money back).
- + The hostages provide some protection against U.S. intervention.

**BUT:**

- Economic sanctions will no doubt continue.
- Our relations with other nations, especially in Europe, will suffer.
- Inflation and economic problems will continue.
- There is a risk that the U.S. might take military action (but a martyr's death is the most glorious).

**HOWEVER:**

- + The U.S. may make further commitments about our money, nonintervention, ending sanctions etc.
  - + We can always release the hostages later.
-

If a typical student leader's choice did look even approximately like this, it is understandable why the militant students held the hostages so long: as outrageous and illegal as the original seizure was, once the hostages had been seized it was not irrational for the students to *keep* holding them from one day to the next waiting for a more promising time to release them.

In constructing the other side's presently perceived choice the first question to ask is "Whose decision do I want to affect?" The second question is what decision people on the other side now see you asking them to make. If you have no idea what they think they are being called on to do, they may not either. That alone may explain why they are not deciding as you would like.

Now analyze the consequences, as the other side would probably see them, of agreeing or refusing to make the decision you are asking for. You may find a checklist of consequences such as the following helpful in this task:

***Impact on my interests:***

- Will I lose or gain political support?
- Will colleagues criticize or praise me?

***Impact on the group's interests***

- What will be the short-term consequences? The long-term consequences?
- What will be the economic consequences (political, legal psychological, military, etc.)?
- What will be the effect on outside supporters and public opinion?
- Will the precedent be good or bad?
- Will making this decision prevent doing something better? Is the action consistent with our principles? Is it "right"? Can I do it later if I want?

In this entire process it would be a mistake to try for great precision. Only rarely will you deal with a decision-maker who writes down and weighs the pros and cons. You are trying to

understand a very human choice, not making a mathematical calculation.

**Realize that each side has multiple interests** In almost every negotiation each side will have many interests, not just one. As a tenant negotiating a lease, for example, you may want to obtain a favorable rental agreement, to reach it quickly with little effort, and to maintain a good working relationship with your landlord. You will have not only a strong interest in affecting any agreement you reach, but also one in effecting an agreement. You will be simultaneously pursuing both your independent and your shared interests.

A common error in diagnosing a negotiating situation is to assume that each person on the other side has the same interests. This is almost never the case. During the Vietnam war, President Johnson was in the habit of lumping together all the different members of the government of North Vietnam, the Vietcong in the south, and their Soviet and Chinese advisers and calling them collectively "he." "The enemy has to learn that he can't cross the United States with impunity. He is going to have to learn that aggression doesn't pay." It will be difficult to influence any such "him" (or even "them") to agree to anything if you fail to appreciate the differing interests of the various people and factions involved.

Thinking of negotiation as a two-person, two-sided affair can be illuminating, but it should not blind you to the usual presence of other persons, other sides, and other influences. In one baseball salary negotiation the general manager kept insisting that \$200,000 was simply too much for a particular player, although other teams were paying at least that much to similarly talented players. In fact the manager felt his position was unjustifiable, but he had strict instructions from the club's owners to hold & m without explaining why, because they were in financial difficulties that they did not want the public to hear about.

Whether it is his employer, his client, his employees, his colleagues, his family, or his wife, every negotiator has a constituency to

whose interests he is sensitive. To understand that negotiators interests means to understand the variety of somewhat differing interests that he needs to take into account.

**The most powerful interests are basic human needs.** In searching for the basic interests behind a declared position, look particularly for those bedrock concerns which motivate all people. If you can take care of such basic needs, you increase the chance both of reaching agreement and, if an agreement is reached, of the other side's keeping to it. Basic human needs include:

- security
- economic well-being
- a sense of belonging
- recognition
- a control over one's life

As fundamental as they are, basic human needs are easy to overlook. In many negotiations, we tend to think that the only interest involved is money. Yet even in a negotiation over a monetary figure, such as the amount of alimony to be specified in a separation agreement, much more can be involved. What does a wife really want in asking for \$500 a week in alimony? Certainly she is interested in her economic well-being, but what else? Possibly she wants the money in order to feel psychologically secure. She may also want it for recognition: to feel that she is treated fairly and as an equal. Perhaps the husband can ill afford to pay \$500 a week, and perhaps his wife does not need that much, yet she will likely accept less only if her need for security and recognition are met in other ways.

What is true for individuals remains equally true for groups and nations. Negotiations are not likely to make much progress as long as one side believes that the fulfillment of their basic human needs is being threatened by the other. In negotiations between the United States and Mexico, the U.S. wanted a low price for Mexican natural gas. Assuming that this was a negotiation over money, the U.S. Secretary of Energy refused to approve a price increase negotiated with the Mexicans by a U.S. oil consortium. Since the Mexicans had no other potential buyer at the time, he assumed that they

would then lower their asking price. But the Mexicans had a strong interest not only in getting a good price for their gas but also in being treated with respect and a sense of equality. The U.S. action seemed like one more attempt to bully Mexico; it produced enormous anger. Rather than sell their gas, the Mexican government began to burn it off, and any chance of agreement on a lower price became politically impossible.

To take another example, in the negotiations over the future of Northern Ireland, Protestant leaders tend to ignore the Catholics' need for both belonging and recognition, for being accepted and treated as equals. In turn, Catholic leaders often appear to give too little weight to the Protestants' need to feel secure. Treating Protestant fears as "their problem" rather than as a legitimate concern needing attention makes it even more difficult to negotiate a solution.

**Make a list.** To sort out the various interests of each side, it helps to write them down as they occur to you. It will not only help you remember them; it will also enable you to improve the quality of your assessment as you learn new information and to place interests in their estimated order of importance. Furthermore, it may stimulate ideas for how to meet these interests.

### **Talking about interests**

The purpose of negotiating is to serve your interests. The chance of that happening increases when you communicate them. The other side may not know what your interests are, and you may not know theirs. One or both of you may be focusing on past grievances instead of on future concerns. Or you may not even be listening to each other. How do you discuss interests constructively without getting locked into rigid positions?

If you want the other side to take your interests into account, explain to them what those interests are. A member of a concerned citizens' group complaining about a construction project in the neighborhood should talk explicitly about such issues as ensuring children's safety and

getting a good night's sleep. An author who wants to be able to give a great many of his books away should discuss the matter with his publisher. The publisher has a shared interest in promotion and may be willing to offer the author a low price.

**Make your interests come alive.** If you go with a raging ulcer to see a doctor, you should not hope for much relief if you describe it as a mild stomachache. It is your job to have the other side understand exactly how important and legitimate your interests are.

One guideline is *be specific*. Concrete details not only make your description credible, they add impact. For example: "Three times in the last week, a child was almost run over by one of your trucks. About eight-thirty Tuesday morning that huge red gravel truck of yours, going north at almost forty miles an hour, had to swerve and barely missed hitting seven-year-old Loretta Johnson."

As long as you do not seem to imply that the other side's interests are unimportant or illegitimate, you can afford to take a strong stance in setting forth the seriousness of your concerns. Inviting the other side to "correct me if I'm wrong" shows your openness, and if they do not correct you, it implies that they accept your description of the situation.

Part of the task of impressing the other side with your interests lies in establishing the legitimacy of those interests. You want them to feel not that you are attacking them personally, but rather that the problem you face legitimately demands attention. You need to convince them that they might well feel the same way if they were in your shoes. "Do you have children? How would you feel if trucks were hurtling at forty miles per hour down the street where you live?"

**Acknowledge their interests as part of the problem.** Each of us tends to be so concerned with his or her own interests that we pay too little heed to the interests of others.

People listen better if they feel that you have understood them. They tend to think that those who understand them are intelligent and sympathetic people whose own opinions may be worth listening to. So if you want the other side to appreciate *your* interests, begin by demonstrating that you appreciate *theirs*. "As I understand it, your interests as a construction company are basically to get the job done quickly at minimum cost and to preserve your reputation for safety and responsibility in the city. Have I understood you correctly? Do you have other important interests?"

In addition to demonstrating that you have understood their interests, it helps to acknowledge that their interests are part of the overall problem you are trying to solve. This is especially easy to do if you have shared interests: "It would be terrible for all of us if one of your trucks hit a child."

**Put the problem before your answer.** In talking to someone who represents a construction company, you might say, "We believe you should build a fence around the project within forty-eight hours and beginning immediately should restrict the speed of your trucks on Oak Street to fifteen miles an hour. Now let me tell you why ...." If you do, you can be quite certain that he will not be listening to the reasons. He has heard your position and is no doubt busy preparing arguments against it. He was probably disturbed by your tone or by the suggestion itself. As a result, your justification will slip by him altogether.

If you want someone to listen and understand your reasoning, give your interests and reasoning first and your conclusions or proposals later. Tell the company first about the dangers they are creating for young children and about your sleepless nights. Then they will be listening carefully, if only to try to figure out where you will end up on this question. And when you tell them, they will understand why.

**Look forward, not back.** It is surprising how often we simply react to what someone else has said or done. Two people will often fall into a pattern of discourse that resembles a negotiation,

but really has no such purpose whatsoever. They disagree with each other over some issue, and the talk goes back and forth as though they were seeking agreement. In fact, the argument is being carried on as a ritual, or simply a pastime. Each is engaged in scoring points against the other or in gathering evidence to confirm views about the other that have long been held and are not about to be changed. Neither party is seeking agreement or is even trying to influence the other.

If you ask two people why they are arguing, the answer will typically identify a cause, not a purpose. Caught up in a quarrel, whether between husband and wife, between company and union, or between two businesses, people are more likely to respond to what the other side has said or done than to act in pursuit of their own long-term interests. "They can't treat me like that. If they think they're going to get away with that, they will have to think again. I'll show them."

The question "Why?" has two quite different meanings. One looks backward for a cause and treats our behavior as determined by prior events. The other looks forward for a purpose and treats our behavior as subject to our free will. We need not enter into a philosophical debate between free will and determinism in order to decide how to act. Either we have free will or it is determined that we behave as if we do. In either case, we make choices. We can choose to look back or to look forward.

You will satisfy your interests better if you talk about where you would like to go rather than about where you have come from. Instead of arguing with the other side about the past -- about last quarter's costs (which were too high), last week's action (taken without adequate authority), or yesterday's performance (which was less than expected) -- talk about what you want to have happen in the future. Instead of asking them to justify what they did yesterday, ask, "Who should do what tomorrow?"

**Be concrete but flexible.** In a negotiation you want to know where you are going and yet be open to fresh ideas. To avoid having to make

a difficult decision on what to settle for, people will often go into a negotiation with no other plan than to sit down with the other side and see what they offer or demand.

How can you move from identifying interests to developing specific options and still remain flexible with regard to those options? To convert your interests into concrete options, ask yourself, "If tomorrow the other side agrees to go along with me, what did I now think I would like them to go along with?" To keep your flexibility, treat each option you formulate as simply illustrative. Think in terms of more than one option that meets your interests. "Illustrative specificity" is the key concept.

Much of what positional bargainers hope to achieve with an opening position can be accomplished equally well with an illustrative suggestion that generously takes care of your interest. For example, in a baseball contract negotiation, an agent might say that "\$250,000 a year would be the kind of figure that should satisfy Cortez's interest in receiving the salary he feels he is worth. Something on the order of a five-year contract should meet his need for job security."

Having thought about your interests, you should go into a meeting not only with one or more specific options that would meet your legitimate interests but also with an open mind. An open mind is not an empty one.

**Be hard on the problem, soft on the people.** You can be just as hard in talking about your interests as any negotiator can be in talking about his position. In fact, it is usually advisable to be hard. It may not be wise to commit yourself to your position, but it is wise to commit yourself to your interests. This is the place in a negotiation to spend your aggressive energies. The other side, being concerned with their own interests, will tend to have overly optimistic expectations of the range of possible agreements. Often, the wisest solutions, those that produce the maximum gain for you at the minimum cost to the other side, are produced only by strongly advocating your interests. Two negotiators, each pushing hard for their interests,

will often stimulate each other's creativity in thinking up mutually advantageous solutions.

The construction company, concerned with inflation, may place a high value on its interest in keeping costs down and in getting the job done on time. You may have to shake them up. Some honest emotion may help restore a better balance between profits and children's lives. Do not let your desire to be conciliatory stop you from doing justice to your problem. "Surely you're not saying that my son's life is worth less than the price of a fence. You wouldn't say that about your son. I don't believe you're an insensitive person, Mr. Jenkins. Let's figure out how to solve this problem."

If they feel personally threatened by an attack on the problem, they may grow defensive and may cease to listen. This is why it is important to separate the people from the problem. Attack the problem without blaming the people. Go even further and be personally supportive: Listen to them with respect, show them courtesy, express your appreciation for their time and effort, emphasize your concern with meeting their basic needs, and so on. Show them that you are attacking the problem, not them.

One useful rule of thumb is to give positive support to the human beings on the other side equal in strength to the vigor with which you emphasize the problem. This combination of support and attack may seem inconsistent. Psychologically, it is the inconsistency helps make it work. A well-known theory of psychology, the theory of cognitive dissonance, holds that people dislike inconsistency and will act to eliminate it. By attacking a problem, such as speeding trucks on a neighborhood street and at the same time giving the company representative positive support you create cognitive dissonance for him. To overcome this dissonance, he will be tempted to dissociate himself from the problem in order to join you in doing something about it.

Fighting hard on the substantive issues increases the pressure for an effective solution; giving support to the human beings on the other side tends to improve your relationship and to

increase the likelihood of reaching agreement. It is the combination of support and attack which works; either alone is likely to be insufficient.

Negotiating hard for your interests does not mean being closed to the other side's point of view. Quite the contrary. You can hardly expect the other side to listen to your interests and discuss the options you suggest if you don't take their interests into account and show yourself to be open to their suggestions. Successful negotiation requires being both firm and open.