



## "Getting to Yes Negotiating an Agreement without Giving In"

Roger Fisher, William Ury & Bruce Patton

The opening sentence of this book says it all: "Like it or not, you are a negotiator" It happen 24 hours a day: with ourselves, our family, work colleagues or business partners.

This book is a classic: it grew out of the Harvard Negotiation Project which commenced in 1979 and continues today. This is around the time that win-win became part of the negotiators vocabulary (win-win comes from Economic Game Theory) which Fisher, Ury and Patton (the latter became a co-author in the second edition) have expanded to become "**Principled Negotiation**": the foundation of their book.

### What's your style?

Everyone wants to participate in decisions that affect them; fewer and fewer people will accept decisions dictated by someone else – therefore we see conflict as a growth industry.

Although negotiation takes place everyday, it is not easy to do well. People find themselves in a dilemma - they see two ways to negotiate: soft or hard. The soft negotiator wants to avoid personal conflict and so makes concessions easily in order to reach agreement. The hard negotiator sees any situation as a contest of wills – s/he wants to win irrespective of the costs at all times.

There is a third way to negotiate which is neither soft or hard. It is the method of *principled negotiation* the basis of this book.

### The principles

Fisher and Ury first developed four principles that underpin *Getting to Yes*. These principles have become the framework for many negotiations worldwide. Other, more recent negotiators such as Allan Parker (*The Negotiators Toolkit*), have introduced more elaborate framing methods and tools developed through a deeper understanding Neuro Linguistic Programming (NLP).

The four principles are:

1. Separate the people from the problem
2. Focus on interests rather than positions
3. Generate a variety of options before settling an agreement
4. Insist the agreement be based on objective criteria.

These principles should be observed at each stage of the negotiation process. The process begins with the analysis of the situation or problem, of the other parties' interests and perceptions, and of the existing options. The next stage is to plan ways of responding to the situation and the other parties. Finally, the parties discuss the problem trying to find a solution on which they can agree.

Reflecting on these principles continually reinforces our approach to any sort of conflict management regardless of the size of the issue. By using these principles we are far better placed to manage traditional patterns and habits that creep into any conflict.

The book is organized in three sections:

- I - The problem
- II - The method
- III - Yes, but...

## I - The problem

Arguing over positions produces unwise agreements. Our natural tendency is to become associated with our position and so, when the position is the focus of an argument, our ego (self) becomes involved, we become stubborn and the problem can quickly escalate.

Arguing about the price of an item is typical positional bargaining. Buying or selling a car is a classic. And it is intriguing that both parties start off with a lie!! The seller starts with a higher price than s/he hopes to get and the buyers offers less than s/he expects to pay.

## II - The method

### 1. Separate the People from the Problem

All parties come to the table seeking an outcome that is better than the current situation (if this were not the case, then there would no need for the negotiation). In other words, each party wishes to satisfy their interests and the authors point to two types of interests: the substance and the relationship. In the car example above, the seller wants the sale (substance) but also wants the relationship (after sales service, the next sale, etc).

All too often negotiations end up being personal and the issue to be resolved becomes secondary. Responses are frequently taken as personal attacks, so stating up front that you want to focus on the problem and that in no way are any comments aimed at the other parties personally helps both sides. You might even say that exploring the problem helps us all to get a clearer view of the issue.

The authors discuss three common people problems:

1. Differences in perceptions between the parties. As Allan Parker states, perceptions lead to generalizations, omissions or distortions. Clarifying what is a perception versus the facts about the issue is essential.
2. Emotions can generate fear or anger when people feel their interests are being threatened. This is particularly the case when the facts are perhaps not as we perceived them to be.
3. Poor communication can hamper the conversation through not speaking to the issue (grandstanding on position) or misunderstandings (poor listening or lack of clarification). Frequent paraphrasing and acknowledgement of what is being said helps.

### 2. Focus on Interests, not Positions

Good agreements focus on the parties' interests, rather than their positions. As Fisher and Ury state, "Your position is something you have decided upon. Your interests are what caused you to so decide." Defining a problem in terms of positions means that at least one party will "lose" the dispute. When a problem is defined in terms of the parties' underlying interests it is often possible to find a solution that satisfies both parties' interests.

It is important to understand that a position is likely to be concrete and explicit whereas the other parties' interests may not be stated or even fully consistent. Seeking to get behind the position is more likely to generate better outcomes.

Putting yourself in their shoes (going to the second position in NLP language) and asking “how would I respond in their position?” helps. Continually seeking to ask: “what is driving them to this view?” also helps.

Finally, when their interests are clear, acknowledgement ensures that the other party knows that you know why they seeking a solution – never assume that they know you know.

### 3. My solution versus options for mutual gain

Far too often we come to the table with a solution – “my solution” without seriously exploring all the options available. In this section the authors identify four obstacles to generating options and provide four techniques for overcoming these obstacles to generate options.

Generating options	
Obstacles to generating options	Techniques to overcome the obstacles
1. The parties decide prematurely on an option and so fail to consider other options	1. Separate the act of inventing options from the act of judging them.
2. The parties may be intent on narrowing their options to find the single answer	2. Broaden the options on the table rather than look for a single answer.
3. The parties may define the problem in terms of win-lose terms assuming that the only options are for one side to win and the other to lose	3. Search for mutual gain.
4. The parties may decide that it is up to the other side to come up with a solution to the problem	4. Invent ways to make their decisions easy.

### 4. Insist on using Objective Criteria

Moving forward based on a contest of wills is not only dangerous but can be very emotionally draining. Seeking to establish objective measures helps manage both perceptions and emotions. On the other hand, decisions based on reasonable standards makes it easier for the parties to agree and preserve their good relationship.

The parties must agree which criteria is best for their situation. Criteria should be both legitimate and practical. One way to test for objectivity is to ask if both sides would agree to be bound by those standards.

There are three points to keep in mind when using objective criteria:

1. Each issue should be approached as a shared search for objective criteria. Ask for the reasoning behind the other party's suggestions. Using the other parties' reasoning to support your own position can be a powerful way to negotiate.
2. Each party must keep an open mind. They must be reasonable, and be willing to reconsider their positions when there is reason to.
3. While they should be reasonable, negotiators must never give in to pressure, threats, or bribes. When the other party stubbornly refuses to be reasonable, the first party may shift the discussion from a search for substantive criteria to a search for procedural criteria.

### III - Yes, but.....

#### **What if they are More Powerful?**

No form of negotiation can completely protect against a party who has power and uses it absolutely against you. As the authors point out, the most any negotiation can do is:

1. Protect you against making an agreement you should reject
2. Help make the most of the assets that you do have

#### **Protecting you against making an agreement that you should reject**

The authors introduce the concept of a BATNA – Best Alternative to a Negotiated Agreement. The rule is never to negotiate without knowing your BATNA. Having a BATNA significantly removes the possibility of accepting something you couldn't live with or becoming a victim.

BATNA is different to a bottom line – a bottom line is just that and so it can be limiting and may reduce the incentive to invent a solution that meets interests exposed during the negotiation. Through understanding your own BATNA you are more likely to end up with a better outcome than the simple bottom-line approach.

They also point out that seeking to estimate what the other parties' BATNA is, helps generate better outcomes.

#### **Making the most of your assets**

Again the authors place great store in knowing and developing your BATNA. They suggest that “the better your BATNA, the greater your power.” The alternative of not reaching an agreement is frequently worse than some agreement.

Developing your BATNA requires three distinct operations:

1. Listing all the actions you might take if no agreement is reached.
2. Improving some of the more promising ideas and converting them into practical alternatives.
3. Tentatively selecting the one option that seems the best.

#### **What if they Won't Play?**

If a party won't play for whatever reason: in other words, they stick to their position, they attack your alternatives and you personally, what do you do.

The authors suggest three options:

1. Stick to your strategy of principled negotiation – often this is the most contagious.
2. Focus on what *they may do*. They call this *Negotiation jujitsu*.
3. Focus on what a **third party may do**.

#### **Negotiation jujitsu**

We agree with the authors that Negotiation Jujitsu is one of the most effective ways of dealing with parties that stall, won't communicate or won't come to the table.

**Rejecting their proposal locks them in, defending your proposal locks you in.**

Principles	Techniques to manage attacks
1. When they assert their positions, do not reject them	Don't attack their position, look behind it. Treat their attack as a possible option.
2. When they attack your ideas, do not defend them	When putting forward ideas or suggestions invite the other side to point out what might be wrong with it.
3. When they attack you, don't counterattack	Recast an attack on you as an attack on the problem.

The authors suggest two practices in negotiation jujitsu:

1. Ask questions: Questions generate answers, statements generate resistance. Ask questions and pause.
2. Use silence: Silence is one of your best weapons. If the other side makes what you consider an unreasonable demand, then it may best simply not to respond and let it sit.

-

### What if they use Dirty Tricks?

The skill of taming the hard bargainers can be fraught with danger if not done well. Most people know some, if not all of the common tricks that can be played. Such tricks are not only inappropriate but illegitimate since they fail the test of reciprocity: that is, they are designed to be used by one side only.

Dirty tricks include deception, good guy/bad guy, uncomfortable seating, leaks to the media, time pressures, changing the rules, threats, etc.

Ignoring dirty tricks generally fails more times than it gives a benefit. Ideally, the best solution is prevention: that is seeking agreement on HOW the negotiation will take place prior to commencing. However, if this did not happen, then for each trick that is recognized, bring it to the table. For example, if there is deception, then seek clarification and verification of the facts behind any propositions.

### In summary

*Getting to Yes* is a straightforward, universally applicable method for negotiating personal and professional disputes. It provides a very well thought out strategy for reducing conflict in the actual negotiation process. The book is relevant for families, businesses and corporations.

It is a very readable little book and its popularity today (some 25 years after the initial publication) attests its influence.

Importantly, it assists in improving communication skills.

*Getting to Yes* is available in good bookstores, Amazon and also in audible form ([www.audible.com](http://www.audible.com)).