

GETTING TO YES¹

- **Focus on *principles*** (change the game, negotiate on the merits) vs. *positions* (bargaining, deciding which game to play):
 - Separate the people from the problem.
 - Focus on underlying concerns, not stated positions. Ask why.
 - Generate a variety of solutions before deciding what to do.
 - Base agreement on objective standards, or fair procedure.
 - Prepare in advance what you'll do if negotiation fails (know your BATNA or Best Alternative To a Negotiated Agreement)
- **Focus on *interests vs. positions*:**
 - Put yourself in their shoes to understand their basic concerns.
 - Weigh pros and cons of a proposal from their eyes. What prevents them from doing what you want, *today*? What would happen if they did? Construct a balance sheet on that basis.
 - Realize each side may have multiple interests and/or multiple constituents.
 - Make a list of the other party's interests, in order of importance.
 - Don't overlook the basic human needs motivating each side: recognition, security, economic independence, a sense of belonging, and control over one's life.

Next, communicate what you want, and why:

 - Make your interests come alive. Be specific.
 - Demonstrate that you understand *their* interests.
 - Describe the problem as you see it before you propose a solution.
 - Look forward; don't argue about past failure, talk about goals.
 - Be concrete, but flexible.
 - Avoid blaming the other side. Again, be hard on the problem, soft on the people.
- Create options for mutual gain. Use brainstorming (separate inventing from deciding):

Before brainstorming (on your own or with the other side):

 - Define your purpose.
 - Choose a few participants, between five and eight people.
 - Find a comfortable place, design an informal atmosphere.
 - Choose a facilitator to keep the meeting on track.

During brainstorming:

 - Seat participants side by side, facing the problem (not each other).
 - Clarify the rules, including the no-criticism rule.
 - Offer solutions freely, without editing.
 - Record the ideas in full view.

After brainstorming:

 - Nominate the ideas worth considering.
 - Improve on promising suggestions.
 - Set up a time to select and evaluate the best ideas.
 - Invent options (shuttle from the specific to the general and back to the specific, in an ongoing circle; i.e., what's wrong, what are the symptoms; what are the causes, barriers to resolving the problem; what are possible prescriptions; what specific steps might be taken?)

¹ From the *Listener's Guide* for the audiotapes of *Getting to Yes: How to Negotiate Agreement Without Giving In*, by Roger Fisher and William Ury of the Harvard Negotiation Project. (Simon & Schuster Product #0671634860, \$59.95 for six-tape set with study guide, Customer Service 1-800-223-2348.)

- Use objective criteria and negotiating alternatives:
 - Frame each issue as a *joint* search for an acceptable external standard.
 - Examples: market value, precedent, scientific judgment, professional standards, efficiency, cost, legal decisions, moral standards, equal treatment, tradition, reciprocity, community practice, etc.
 - If an outside standard cannot be found that suits both sides, try using a fair procedure (e.g., "one cuts, the other chooses").
 - Knowing what you'll do if unable to reach an agreement is a powerful tool, because you'll know whether to accept or reject an offer: your BATNA:
 - Invent a list of actions you might take.
 - Convert the most promising ones into realistic options.
 - Select your best option.
 - If the other side continues to attack you or your position, don't return the fire. As in the martial arts of judo and jujitsu, avoid pitting your strength against theirs directly. Instead, turn their strength to your ends:
 - Don't attack their position--look behind it.
 - Don't defend your ideas, invite criticism and advice.
 - Recast an attack on you as an attack on the problem.
 - Ask questions, then pause; silence is very effective.
- Cope with tough negotiators (richer, more powerful, better connected, or just don't want to negotiate):
 - Call in a third party.
 - Use the one-text procedure (proposals are drafted and revised based on each party's underlying concerns)--when the text can no longer be improved the mediator asks each side to make only one decision: yes or no.
 - Respond to "taking another bite" ("I want one more last-minute change," or "I'll need outside approval") by stating that if this happens, the entire negotiation is open again (try to avoid this by determining up front if they have the authority to commit to an agreement).
 - Respond to "good guy, bad guy" tactics by saying you recognize the tactic and want to deal on principle instead; if the "bad guy" is absent, insist on seeing that person and then begin negotiating again.
 - Respond to "psychological warfare" (tactics to make you feel uncomfortable so that you will give in easily—e.g. room too hot/too cold, their turf, personal attacks/threats, etc.) by discussing why you are uncomfortable and negotiating better conditions (remember to avoid placing blame—instead, ask for what you want).
 - Respond to deliberate deception by asking in a nonthreatening way to verify their statement; if they ask you to take their word, say you are interested in building trust but want to prevent any misunderstanding; then proceed on principle.
- Library of standard phrases and sentences:
 - "*Please correct me if I'm wrong.*" Be open to persuasion, new information.
 - "*We appreciate what you've done for us.*" Separate people from the problem, give personal support.

- "*Our concern is fairness.*" Announce early that you stand on principle, and will only be persuaded by principle.
- "*We would like to settle this on the basis not of selfish interest and power, but of principle.*" Recognize what they've just said, but instead of criticizing them or returning to their attack, offer a positive proposal, i.e., discussing the merits of the problem.
- "*Trust is a separate issue.*" Use straightforward sentences like this to avoid entanglements.
- "*Could I ask you a few questions to see whether my facts are right?*" Statements can be threatening; ask questions instead.
- "*What's the principle behind your action?*" Assume the other side has integrity, and good reasons for their behavior.
- "*Let me see if I understand what you're saying.*" Restate in positive terms what you've heard, to check that you got it, and to let them know you've been listening.
- "*Let me get back to you.*" Don't feel pressured to make on-the-spot decisions you'll regret later.
- "*Let me show you where I have trouble following some of your reasoning.*" Present your argument first, before offering a proposal.
- "*One fair solution might be...*" Make a suggestion, invoke fairness, ask for joint consideration.
- "*If we agree...if we disagree...*" Spell out alternatives, distance yourself from any negative option, but don't commit to action yet.
- "*We'd be happy to see if we can leave when it's most convenient for you.*" Incorporate their interests in any solution; give them a stake in a good outcome.
- "*It's been a pleasure dealing with you.*" A working relationship is maintained for the future.