***GETTING TO YES***

***NEGOTIATING AGREEMENT WITHOUT GIVING IN***

***By***

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**SYNOPSIS**

We are all negotiators. Every day we confront issues that require negotiation—from deciding with friends where to go to dinner, to discussing a raise with your boss or agreeing on a price for a new house. People have differing opinions and they use negotiation to reach agreement.

*Getting to Yes* proposes a method for negotiating based on the merits of issues rather than through a haggling process. The authors say “It suggests that you look for mutual gains whenever possible, and that where your interests conflict, you should insist that the result be based on some fair standards independent of the will of either side. The method of principled negotiation is hard on the merits, soft on the people.”

Positional bargaining proceeds with each side taking a position, arguing for it and then making a series of concessions to reach a compromise. The problem is that it is inefficient, endangers ongoing relationships and frequently leads to unwise decisions. The alternative is principled negotiation, which is contrasted with positional bargaining below:

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| PROBLEMPositional Bargaining: Which Game Should You Play? |  | SOLUTIONChange the Game—Negotiate on the Merits |
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| **Soft** | **Hard** | **Principled** |
| 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 | **Separate the people from the problem** |
| 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 | **Focus on interests, not positions** |
| Make offers | Make threats | Explore interests |
| Disclose yor 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 | **Invent options for mutual gain** |
| Search for the single answer: the one they will accept | Search for the single answer: the one you 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 standards independent of will |
| Yield to pressure | Apply pressure | Reason and be open to reason; yield to principle, not pressure |

**THE METHOD**

**1. Separate the People from the Problem**. Every negotiator has an interest in both the substance and the relationship. Deal directly with the people problem—it is the difference between their thinking and yours that is the problem. The parties should see themselves as partners in a hard-headed, side-by-side search for a fair agreement that is advantageous to all.

Perception. Put yourself in their shoes—how you see the world depends on where you sit. Don’t deduce their intentions from your fears—people tend to assume that whatever they fear is exactly what the other side intends to do. Don’t blame them for your problem—separate the symptoms from the person with whom you are speaking. Give them a stake in the outcome by making sure they participate in the process. Make your proposals consistent with their values.

Emotion. First recognize emotions—theirs and yours. Acknowledge emotion as legitimate, allow the other side to let off steam and don’t react to emotional outbursts.

Communication. Listen actively and acknowledge what is being said. Speak to be understood. Speak about yourself, not about them.

**2. Focus on Interests, Not Positions.** Your position is something you have decided upon; your interests are the needs, desires, concerns and fears that caused you to decide. Behind opposed positions lie shared and compatible interests, as well as conflicting ones. To understand interests, ask yourself “Why do they take that position?” Then ask yourself, “Why not?” Why don’t they accept my position? Realize that each side has multiple interests and the most powerful of those are basic human needs such as security, economic well-being, a sense of belonging, recognition and control over one’s life.

Talk about your interests—be specific, credible, detailed. Acknowledge their interests—people listen better when they feel that you have understood them. Give your interests and reasoning first and your conclusions and proposals last. Look forward, not back. Be concrete, but flexible. Be hard on the problem, but soft on the people.

**3. Invent Options for Mutual Gain**. As valuable as it is to have many options, there are four major obstacles in most negotiations: premature judgment, searching for a single solution, the assumption of a fixed pie and thinking that solving their problem is their problem. To overcome these obstacles, we need to separate inventing from deciding—use brainstorming to broaden the options. Look through the eyes of different experts. Look for mutual gain and identify shared interests. In almost every case, your satisfaction depends on making the other side sufficiently content with an agreement to want to live up to it.

**4. Insist on Using Objective Criteria.** Objective criteria need to be based on fair standards for the substantive questions or fair procedures for resolving conflicting interests and independent of will. In negotiating objective criteria frame each issue as a joint search for objective criteria, reason and be open to reason as to which standards are most appropriate and how they should be applied, and never yield to pressure—only to principle.