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## Interpersonal Negotiation Skills



© Gregorio Billikopf, Half Dome, Yosemite National Park, 2005.

The very thought of negotiating is intimidating, yet we are all experienced negotiators. The process of taking turns in a conversation, or of deciding who says hello first, involves tacit negotiation. Some types of negotiation may be almost subconscious, such as holding a door open for another to pass through. It is one thing to negotiate, another to be a skilled negotiator.

Wherever choice exists, there is a potential for disagreement. Such differences, when handled properly, can result in richer, more effective, creative resolutions and interaction. But, alas, it is difficult to consistently turn conflicts into opportunities.

As we put into practice effective interpersonal negotiation techniques, we gain confidence in our ability to find agreement and overcome challenges. This confidence can be contagious.

When I was about thirty years old, I climbed Half Dome, in Yosemite National Park, without much difficulty. The view from the top was spectacular. Twenty years later, I took two of my adult children to the summit. The second climb took a lot more faith, but I knew that since I had succeeded once, I would certainly be able to do it again. Mind would triumph over matter. There were times when doubts crept in. But Andrea, my oldest daughter, kept cheering us on: “We can do it, team!”

When we put negotiation skills into practice in our lives, we know that eventually we will conquer fear, make it to the peak, and find success. Negotiation is not about making it to the top alone, but rather, in tandem with the other person with whom we were in disagreement. Just as with climbing Half Dome, there will be challenging and difficult moments; but, oh, how worthwhile the results!

The good news about conflicts is that there are simple and effective tools to generate positive solutions and strengthen relationships damaged by disputes. Do not let the simplicity of the concepts obscure the challenge of carrying them out consistently.

Effective dialogue entails as much listening as talking. When disagreements emerge, it is easy to hear without listening. While effective two-way exchanges will happen naturally some of the time, for the most part they need to be carefully planned. Certainly life gives us plenty of opportunities to practice and improve.

Experiences can give us the confidence to climb ever-more-difficult heights in the future. Let us begin, however, by discussing why differences can be so challenging.

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## FIGHTING WORDS: HOW DID WE GET HERE?

Two grown men appear to be conversing normally, then suddenly break into a fight. The taller one hits the other twice, hard. The shorter of the two is now bleeding from the side of his

mouth. They exchange further insults, and the taller man walks away only to return an instant later. He creeps up on the shorter man, again lands a couple of punches, and then leaves satisfied.

These men knew each other, and something was eating at them. Despite the apparent calm before the physical attack, their anger had boiled much earlier. Why did their disagreement turn into an act of violence? Why was the taller man compelled to come back and hit his acquaintance again? Many of us have observed, read about, or heard of situations worse than this. The world around us can, at times, erupt into violence.

Good people occasionally do and say things they later regret. I once spoke to an individual who hungered for a kind word from his wife, yet refused to take the initiative to say something nice to her. I could read the concern in his eyes. Another person took offense where none was intended. A youth talked about feeling elated after taking revenge on a friend. Only later, when he arrived home, did he begin to feel guilty about what he had just done. Why is it that people can so easily fall into the gutters like deviant bowling balls instead of rolling straight and true down the lanes?

### **Sam and Porter**

Sam and Porter have allowed feelings of resentment and antagonism to build over the years while they have worked at a dude ranch. I have been acquainted with these men for a long time and know them to be caring, concerned, and giving individuals—when they are not around each other.

Today, Sam and Porter are among those leading a group of trail riders on a weeklong ride through parts of the majestic Rocky Mountains. As usual, each is trying to show off his riding skills and understanding of horses. Lee, one of the ranch guests, asks an innocent question about snaffle bits. Sam is the first to comment on Lee's query. Porter disagrees with Sam, however, by saying, "Those who have spent enough time around horses recognize . . ." With these words, Sam is excluded from the club; his opinion has lost any value, if it ever had any. Everyone around is embarrassed for the two men.

Sam is losing face in front of the people he is trying to impress. He attempts to protect his reputation. “Porter, that’s funny,” Sam quips. “Since when are *you* the big cowboy?” Several riders laugh. But Sam’s moment of glory is short lived. If Sam’s objective is to save face, the last thing he wants to do is to get into a verbal exchange with Porter. Sam has little chance of succeeding. Porter knows all the buttons to push to get a reaction from him.

In the heat of battle, it is difficult to realize how others may be seeing us. Worse, we do not care, for we are invested enough in the contest to feel we must minimize our injuries. We want to make sure the other guy is hurt as badly as we are. If the ship is going down, well, it better take both of us. Such attitudes only serve to escalate the conflict to the next level.

Back on the trail, the cowboys’ subtle attacks are becoming increasingly direct. When Sam desperately makes a flippant comment, Porter loses no time in grinding his face against it with calculating and dripping sarcasm: “I’ll try to remember that next time I ride my mule.”

One gets the impression of Porter as a cool and calculating provocateur. He never raises his voice. He does not have to. His verbal skills are superior to those of Sam. The lion tamer in a cage with a lion. The angry lion is roaring for the crowd at the circus.

During a lull in the action, Sam manages to refocus and brilliantly deals with the matter at hand rather than his quarrel with Porter. Several of the riders are observing and seem impressed. But Sam soon succumbs to the conflict and makes a snide comment about Porter. Sam may be a lion, but Porter verbally squashes him like a mouse and leaves him twisting and turning in pain for exhibiting such insolence.

Another lead rider attempts to smooth things over but only manages to make matters worse. Sam begins to address the riders who are close enough to listen, and ignores Porter. But frustration has taken its toll. Sam’s voice is cracking and betrays deep emotions as he recounts past injuries and the history of the conflict. Sam is now using some profanity, which is out of place

for the culture of the group. In the process of speaking, he continues to provide Porter with ammunition. From the beginning, it has not been a fair match.

The more Sam attempts to defend his hurt ego, the faster the quicksand engulfs him. Porter's tone of voice remains cool and calculating. The lion tamer knows the lion will jump at him, and he is trying to provoke the spectacle.

Sam's next comment takes everyone by surprise. He announces that he has been offered a job at a dude ranch in the Green Mountains of Vermont, where he will be better appreciated.

And that is what Sam has wanted all along—just a little appreciation. Porter mocks him instead. The lion is ready to pounce on the lion trainer. He is roaring and angry. The crowd watches in amazement. Has the lion tamer gone mad? Sam, flushed, stands on his stirrups to speak. None of us had ever heard him use such degrading language. Sam yanks on the reins of his mount and rides back to a different cluster of riders who had not heard any of the conversation.

The lion attacks the lion tamer, and the lion tamer wins. But wait. Did he really win? Are lions always defeated, and do lion tamers always win? In the short run, both of these men lost the respect they desired. It is hard to measure the long-term losses.

In most conflicts, the people involved suffer from a momentary (and sometimes *not-so-fleeting*) inability to think about consequences. They are willing, in a flash of anger, to pay any consequence if need be. Pride displaces prudence.

The origins of conflict can be so many and varied that it would be impossible to catalogue them all. Common sources of conflict include disagreement, perceived lack of fairness, jealousy, misunderstanding, poor communication, and victimization. Several factors may play a role in any given conflict.

### **Contention**

When disagreement is poorly dealt with, the outcome can be *contention*. Contention creates psychological distance between

people through feelings of dislike, bitter antagonism, competition, alienation, and disregard.

When faced with problems, the human brain is capable of taking large amounts of data, quickly analyzing it, and coming up with the best solution. Unwanted options are discarded. This is fine when it comes to making quick decisions under time constraints.

Unfortunately, we are often eager to accept the first solution that seems to work rather than the truly creative one. While some decisions may require careful consideration and even agony, we make others almost instinctively.

Our best solution becomes our position or stance in the matter. Our needs, concerns, and fears play a part in the process of establishing our position.

Misunderstanding and dissent arise when our solutions are at odds with other people's positions. Several foes combine to create contention:

- Our first enemy is the natural desire to *explain our side first*. After all, we reason, if they understand our perspective, they will come to the same conclusions we did.
- Our second enemy is our *ineffectiveness as listeners*. Listening is much more than being quiet so we can have our turn. It involves a real effort to understand other perspectives.
- Our third enemy is *fear*. Fear that we will not get our way. Fear of losing something we cherish. Fear we will be made to look foolish or lose face. Fear of the truth—that we could be wrong.
- Our fourth enemy is the assumption that *one of us has to lose* if the other is going to win—that differences can only be resolved competitively.

#### **Four Weak Solutions**

We are often too quick to assume that a disagreement has no possible mutually acceptable solution. Certainly, talking problems through is not so easy. Confronting an issue may require

(1) exposing ourselves to ridicule or rejection, (2) recognizing we may have contributed to the problem, and (3) willingness to change.

When involved in conflict, we often enlist others to support our perspective and thus avoid trying to work matters out directly with the affected person. Once we have the support of friends, we may feel justified in our behavior and fail to put much energy into resolving the disagreement.

Sympathetic co-workers and friends usually tend to agree with us. They do so mostly because they see the conflict and possible solutions from our perspective. After all, they heard the story from us.

Whether dealing with family members, friends, acquaintances, or associates at work, sooner or later difficulties will arise. We usually do not find ourselves at a loss for words when dealing with family members and other people with whom we have extended contact on a regular basis. Communication patterns with those closest to us are not always positive; they often fall into predictable and ineffective exchanges.

With virtual strangers we often put forth our best behavior. Out of concern for how others perceive us, we may err in saying too little when things go wrong. We can suffer for a long time before bringing issues up. This is especially so during what could be called a “courting period.” Instead of saying things directly, we try to hint at problems.

Although it is easier to sweep problems under the psychological rug, eventually the mound of dirt becomes so large we cannot help but trip over it. Honeymoons tend to end. At some point, “courting behavior” gets pushed aside out of necessity. After the transition is made, it can become all too easy to start telling spouse, friend, or co-worker exactly what has to be done differently.

It is good to be perceptive of how others react to us while, at the same time, refraining from taking offense. We can find constructive outlets to dissipate stressful feelings (e.g., exercise, music, reading, service to others, or even a good night’s sleep). It is not helpful to appear unaffected while resentment builds up within and eventually explodes.

Unresolved conflict often threatens whatever self-esteem we may possess. Few people can boast of self-esteem that is so robust that it cannot be deflated by conflict. By finding others who agree with us, we falsely elevate our self-esteem. But we only build on sand.

As our self-esteem is depleted, we become less able to deal with conflict in a positive way. A constant need to compare ourselves to others is a telling sign that something is amiss and that our self-esteem is weak. It is easy to confuse self-esteem with pride.

Self-esteem is built on a firmer foundation as individuals learn to deal effectively with conflict. In Spanish there are two related words: self-esteem is *autoestima*, while false self-esteem is *amor propio* (literally, “self-love”). As we learn to successfully negotiate through conflicts, our self-esteem and confidence are strengthened.

It takes more skill, effort, and commitment—and in the short run, more stress—to face disagreement directly. Instead of effective dialogue, we often gravitate to less helpful approaches to conflict management. We fight (or compete), yield, avoid, or find a weak compromise.

### *Fighting It Out*

A man sat in his train compartment looking out into the serene Russian countryside. Two women joined him. One held a lap dog. The women looked at the man with contempt, for he was smoking. In desperation, one of the women stood, opened the window, took the cigar from the man’s lips, threw it out, and closed the window. The man sat there for a while and then proceeded to re-open the window, grab the woman’s dog from her lap, and throw it out the window. No, this story is not from today’s news; instead, it is a scene from Fyodor Dostoevsky’s nineteenth-century novel, *The Idiot*. The frequency and seriousness of workplace, domestic, sports, and other types of violence seems to be ever on the rise.

The objective of competition is for one person to get his or her way. At least it seems so at first. In the long run, both parties

often end up losing. It does little good, for instance, to secure a spectacular contract for a new facility, if the small profit margin forces the contractor out of business before completing the job. Once people are caught up in competitive negotiation, it is often hard to step back and see clearly enough to work through difficulties in a collegial manner.

Competition tends to focus on a particular episode, rather than on long-term viability—on the present goal, rather than on the long-term relationship. A retired supervisor bragged that his subordinates learned he was “not always right—but always the boss.” Although he might have obtained compliance from his winning-focused tactics, I doubt he got much in terms of employee commitment. Losers often hold grudges and find ways of getting even.

Should a business try to obtain a good price for raw materials? Or negotiate the best possible deal when buying a new piece of equipment? What about one-time situations involving people who will never see each other again? Hidden in these questions are deeper issues. Surely, there are times when people bargain with the idea of getting the best possible results. In some cultures, merchants are offended if you pay the asking price without bargaining.

We have all heard the story about a man who was running late for a job interview. He rudely cut off a woman who was waiting her turn to park. They shouted at each other, and he hurried off to his appointment. The man was relieved to see that his interviewer had not arrived yet and that he had made it on time. His contentment was short lived. The interviewer turned out to be the woman he had cut off in the parking lot! At times, then, people incorrectly assume they are dealing with a one-time situation.

### *Yielding*

Yielding involves unilateral concessions at the expense of the submissive party. People are most likely to yield when they perceive there is little chance of winning or when the outcome is more important to the other person.

In some situations, yielding can be a virtue, but not always. A person who continues to yield sometimes stops caring. I do not see any harm in occasional yielding during a business transaction, or a balanced yielding between spouses, or even the frequent yielding obedience of a child to a parent or teacher. There are two specific types of yielding that are troublesome: (1) saying *yes* today and living with frustration or resentment tomorrow and (2) repeatedly agreeing to go along with a weak solution in order to avoid disagreement. In these instances, yielding is not a virtue. When people stop caring, they often withdraw physically or emotionally.

### *Avoidance*

Avoidance weakens already fragile relationships. Sending someone else to deliver a message is one particularly damaging form of conflict avoidance.

Silence is sometimes confused with avoidance. I have observed numerous situations in which a person was asked a question, and when the listener did not respond, the questioner walked away angrily. In at least some of these cases, it seemed that the listener was about to answer but was not given enough time to reflect and respond.

Among the many reasons for remaining silent is not knowing how to answer without increasing the conflict spiral or hurting someone. Yet silence can hurt. Suggesting that the conversation be continued later, under less emotional circumstances, is effective, unless it is viewed as another form of avoidance. There are individuals who use the expression “We’ll see” when they mean “I don’t want to talk about this.” They have no intention of conversing about the subject later.

### *Compromise*

Mutual concessions in which both parties yield are compromises. Some compromises involve an arrangement somewhere between two positions; others alternate the beneficiary. An example of the former is paying something less than the original asking price but more than one had hoped for.

An instance of the latter may involve taking turns using one computer. While some issues lend themselves well to compromise, many others do not.

Compromise takes a measure of goodwill, as well as trust and maturity, but not much creativity. Compromise often involves lazy communication and problem solving, and the term has acquired a negative connotation. While mutual concessions may take place at any time in the negotiation process, too often they occur before the challenge is sufficiently understood or more creative solutions are considered.

You may have heard the classic tale of two siblings who argued over who would get an orange. They compromised and split it in half. One ate her half and threw away the peel; the other, who was cooking, grated the peel and discarded the rest.<sup>1</sup>

When we are involved in a conflict, toward which of these methods do we tend to gravitate? Are we likely to fight it out, yield, withdraw, or look for a compromise? We develop techniques for interpersonal relations and conflict management in our youth. As we mature, we need more effective approaches.

Next, we consider behaviors that lead to more positive interpersonal relations and reduced discord.

## INTERPERSONAL RELATIONS

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Interpersonal skills play a critical role in the development and maintenance of trust and positive feelings in our dealings with others. They are the building blocks for successful interpersonal negotiation.

### Social Rituals

The most basic unit of wholesome human interaction is the *stroke*—a verbal or physical way to acknowledge another person's value and existence. A *ritual* is a mutual exchange of strokes—a sort of reciprocal validation of each person's worth promoting a sense of trust between people. The term *stroke* connotes intimate contact, as when an infant is caressed, squeezed, or patted.<sup>2</sup>

People generally do not go around patting or caressing other adults (except in the sports arena) but they may shake hands, wave, or say hello. Most stroking takes the form of verbal communication and body language. Examples include waving, smiling, a glance of understanding, saying hello, and even sending a card or flowers.

Between spouses, touch is an important way to show care and liking. Physical strokes among friends and associates may include placing a hand on another person's shoulder, elbow, or back. While some people do not mind, others feel these gestures, unlike the handshake, can be inappropriate.

A young woman reported that an acquaintance mistook her friendly pats on the back—intended to convey thanks for a job well done—as romantic interest. Similarly, when a woman threw water at a man and grabbed him by his shirt, he confused the horseplay with a show of sexual interest.

People may resent physical strokes, not necessarily because they are sexual in nature, but because they often represent a show of superiority. Dexter, a supervisor, frequently tended to place his arm around Laurie's shoulder. The day Laurie put *her* arm around Dexter's shoulder, he was visibly uncomfortable. As a result, Dexter stopped the annoying practice.

In terms of physical strokes, we may have widely differing feelings about them depending on the situations and persons involved. From one individual, we may find these gestures comforting, yet we resent the same kind of stroke coming from another.

The need for personal validation is so great that people may prefer negative attention to being ignored. Try to imagine how awkward it would be to meet a friend you have not seen for a few weeks and not greet the person through either gesture or word. From an Argentine folk song, I like the saying, roughly translated, "When two people like each other well, from four kilometers away they will greet each other."<sup>3</sup> The opposite of a stroke is the "cold shoulder" treatment.

Some verbal strokes may be neutral or uncommitted, such as "I see." Others show more care or interest: "I heard your daughter

is getting married. That's exciting!" Body language and tone of voice play important roles in the intensity of stroke exchanges.

Generally, when individuals know each other well, have not seen each other for a while, or are responding to a catastrophe or other special circumstances, a more forceful stroke is expected.

At times, the intensity of a stroke may make up for its brevity. For instance, we may realize special circumstances call for a longer stroke exchange, yet we may not be able to deliver at the moment. A neighbor may enthusiastically welcome a friend returning from a vacation, "Hey, I'm so glad you're back! You'll have to tell me everything about your trip this evening. I've got to be running now, before the store closes." This stroking validates the neighbor's existence while simultaneously acknowledging more is owed. A drastic change in ritual length or intensity among people, for no apparent reason, may affect a person's self-esteem or raise suspicion that something is wrong with the other party.<sup>4</sup>

Strokes help maintain goodwill in relationships. Without them, conflict may surface or escalate. When discord has landed, these strokes—even eye contact or other subtle ways to show validation—tend to be eliminated. Part of the reconciliation process requires that these mutual validation gestures be resumed, which may often mean swallowing pride.

### **Conversational Skills**

Once the basic ritual is over, people may either go their own ways or engage in a longer conversation. Poor conversational skills hinder interpersonal relations and thwart the resolution of conflicts. So, what makes a person difficult to talk to? Poor conversationalists are interested in only one topic, tend to be negative, talk excessively about themselves, resort to monosyllabic answers, talk too much, or are overly competitive (that is, they can top anything you say).

Some conversations are much more animated than others, involving some interruption, exchange of stories, and description of experiences. In *The Lost Art of Listening*, Michael Nichols says, "Talking and listening is a unique relationship in which speaker and listener are constantly switching roles, both

jockeying for position, one's needs competing with the other's. If you doubt it, try telling someone about a problem you're having and see how long it takes before he interrupts to tell you about a problem of his own, to describe a similar experience of his own, or to offer advice—advice that may suit him more than it does you (and is more responsive to his own anxiety than to what you're trying to say).”<sup>5</sup> While this competition to share ideas and feelings can be invigorating at times, all too often both parties feel discounted and dissatisfied.

Some claim they can simultaneously listen while they work on the computer, read a newspaper, or attend to other business. Certain individuals are better at multi-tasking than others. Nevertheless, the message to the speaker is discomfoting: “You are not important enough for me to attend exclusively to your needs.” The crucial skill, then, is not only listening but also letting the other person feel heard.

Effective conversationalists will take turns speaking and listening as well.<sup>6</sup> Difficulty arises when people take more than their share of the talking time. This may happen when individuals feel others are not listening or when they suffer from lack of self-esteem.<sup>7</sup> When they let someone else speak, they fear they may not get another turn. Whatever the reason, regularly monopolizing a conversation is likely to alienate others. Of course, there are times when people have a need to be listened to rather than a need to converse.

At the opposite extreme is the individual who pouts and refuses to speak. People who have nothing to offer or are not sure they can control their emotions can instead say something like “That is an interesting issue,” and then indicate whose turn is next:<sup>8</sup> “Inesa, what do you think of that?”

It has been decades since I consumed any alcohol, but I had an interesting experience as a seventeen-year-old in Chile. I attended a *ramada* to celebrate Chilean Independence Day. A worker from a neighboring vineyard approached me, staggering, with a glass of wine clutched in his hand and a singsong in his voice.

“*Patroncito, ¿se sirve una copita de tinto?*” (My young boss, would you like a cup of red wine?)

I politely declined.

“Ah!” the farm worker uttered. “One can tell you are not a *true* Chilean!”

His comments pierced me with anguish. “May I have that cup?” I demanded.

The worker gladly handed me the glass and said, “*¡Salud!*” (To your health!)

I gulped down its contents. If my original refusal had upset him, his facial expression now betrayed an even greater distress. After getting over the shock of being left with an empty glass, he proceeded to teach me a lesson in interpersonal relations.

“Here is what the *people* do,” he began. “When someone offers you a glass, you accept, you hold it in your hand, you chat, and then you return the cup.” After a pause he added, “Or you hold it in your hand, chat, take a sip, and then return it. But you don’t *drink it all!*”

Perhaps this lesson can also apply to avoiding extremes in conversational turns. Keeping comments short and checking to make sure the other person is still interested are two essential dialoguing skills. In a mutually productive discussion, individuals normally share equally in speaking and listening.

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## INTERPERSONAL NEGOTIATION

Jack comes home from work, and after greeting his wife, he enthusiastically suggests:

“Sue. Hey, what would you think if we go to the river with the kids this Saturday?”

“Noooo, Jack,” she responds in a complaining voice. “I don’t want to.”

Jack has suggested taking a trip to the river next Saturday, and Sue, his wife, has refused. This conversation, like a thousand others, could result in feelings of contention between the individuals—especially if Jack keeps insisting that they go to the river and Sue continues to resist the idea.

What are the options here? Sue and Jack seem pretty set in their ways. Perhaps they will shout, or stop talking to each other, or Sue will yield and go to the river but let Jack know how utterly

miserable she is the whole time. Or maybe they will take turns going or not going and making each other miserable. Perhaps Jack will take the children and leave Sue behind, or go alone and leave the whole family behind. These solutions are likely to increase the feelings of contention between Sue and Jack.

### Search for Interests

Some of the most powerful concepts are the simplest. One such principle was developed by the Harvard University negotiation team and is described in the book *Getting to Yes*.<sup>9</sup> People in disagreement, such as Jack and Sue, can benefit from focusing on their needs, fears, and interests rather than on their positions. Jack's stance is that he wants to go to the river. Sue's position is that she does not. By concentrating on *positions* we tend to underscore our disagreements. Roger Fisher and William Ury suggest that during a conflict, we attempt to satisfy the other person's needs as well as our own.

When Jack patiently attempts to determine what Sue's needs are—patiently, because Sue might not have considered her own needs very carefully—he begins to discover that, for his wife, a trip to the river normally means: (1) a long drive into town to purchase supplies for the picnic, (2) being left alone with the children for a couple of hours while Jack chats with the fishermen, (3) keeping her eyes constantly on the children because of the dangerous river currents, and (4) the responsibility of putting things away when they return home. In other words, the trip to the river is no picnic for Sue.

Jack has his own set of needs and fears. He wants to be away from the phone, because his boss sometimes calls him back to work and because he enjoys spending time with his family away from the distractions of the television.

Once Jack begins to understand his wife's concerns and the weight of responsibility Sue feels when they make the trip to the river, perhaps he can tentatively offer some suggestions.

"Sue, I have to go into town a couple of times a week. Would it help if you gave me the shopping list and I brought those items home?"

Sue nods her head affirmatively, “Yes, that would really be nice.”

“And you know me. I love chatting with the guys at the river. You always mention that you have no time to just read. How about if I take the kids with me while I go for a walk, and you take a good book to read?”

“I think I am liking this idea,” Sue smiles.

“I realize I’ve been unfair to you when we get home and I just want to go to bed. What if we all pitch in, including the children, to leave things in some semblance of order when we get home?”

Would you be surprised to learn it was Sue who suggested they go to the river the next time? The additional work for Jack was minor. He ended up bonding with his children, who developed a love for their river walks with Dad.

Once we understand another person’s needs and interests, we see that there are many solutions to challenges that seemed impossible.

In traditional negotiations we are inclined to focus exclusively on our own needs and assume it is the other party’s responsibility to worry about having his or her needs met. Yet, by showing a sincere interest in the needs of others, we increase the chances of having our needs met. While talking about our expectations and fears may have been considered selfish in traditional negotiation, creative negotiation entails the consideration of not only our needs and fears but also those of the other individual.

When the light goes on, we realize it is not a zero-sum game in which one person must lose for the other to win. Nor is it necessary to resolve disagreements with an ineffectual compromise. Instead, both parties can be winners. Individuals can learn how to keep communication lines open and overcome challenges when things go wrong.

Interest-based negotiation, then, is built upon the principle of meeting the needs of all the individuals or stakeholders. “Deep conflict requires a tremendous exertion of psychological and physical energy,” argues Jay Rothman. “Such conflict may be creatively transformed when adversaries come to learn, ironically perhaps, that they may fulfill their deepest needs and aspirations

only with the cooperation of those who most vigorously oppose them.”<sup>10</sup>

### Seek to Understand

Steven Covey reinforced an important notion in his book *Seven Habits of Highly Effective People*: “Seek first to understand, then to be understood.”<sup>11</sup> If we encourage others to explain their side first, they will be more apt to listen to ours.

In the process of conducting organizational interviews, one day I came across an executive who was less than enthusiastic about my study. It was clear from his words and tone that I would not be interviewing anyone at his operation, so I switched my focus to listening. The manager shared concerns about a number of troublesome issues, and we parted amiably. As I began to walk away, the executive cried out to me, “Go ahead!” I turned around and inquired, “Go ahead and what?” To my surprise he responded, “Go ahead and interview my employees.” The principle was at work.

Problems are likely to increase, however, if we put all our needs aside to focus on another person’s perspective. The other party may think we have no needs and be taken aback when we introduce them all of a sudden, almost as an afterthought. In order to avoid such unproductive shocks, I like the idea of establishing a psychological contract with the other person in the conversation.

Successful negotiators are more likely to label their intentions, such as a desire to ask a difficult question or provide a suggestion, and yet are less prone to label disagreements as people tend to become defensive.<sup>12</sup> Therefore, in order to make my intentions clear, but at the same time allow the other individual to speak first, I say something along these lines: “While I want to share my needs and views with you later, let me first focus on your thoughts, needs, and observations.” At this point, I attempt to put my own needs aside and truly listen. I might say: “So, help me understand your concerns regarding . . .”

That is the easy part. The difficulty comes in fulfilling the resolution to listen—to resist the tendency to interrupt with

objections, no matter how unfounded the comments we hear may be. Instead of telling someone that we understand, just so the person can finish and give us a turn to present our perspective, we can be much more effective by revealing exactly what it is that we understand.

All along we must resist, as we listen, the temptation to bring up our viewpoints and concerns. In trying to comprehend, we may need to express our understanding in the form of a tentative question and avoid being judgmental.

We can refine our statement until the other party feels understood. Only then can we begin to explain our perspective and expect to receive the other party's complete attention. Once everyone's concerns have been laid out, we can both focus on a creative solution.

If we have no history with someone, or if the relationship has been a troubled one, we need to use more caution when disagreeing. The potential for a disagreement to be sidetracked into contention is always there, so it helps if we have made goodwill deposits over time. Otherwise, differences can lead to defensiveness.

### **Control Emotions**

Our emotions regularly get in the way of effective negotiations. Nothing kills creativity quicker than anger, pride, embarrassment, envy, greed, jealousy, or other strong negative emotions. Anger is often an expression of fear or lack of confidence in our ability to get what we think we want. Emotional outbursts tend to escalate rather than resolve a conflict.

If we can improve our ability to manage our emotions and respond without getting defensive, we have gone a long way towards creative negotiation. Kamran Alavi, a friend, once wisely said, "When we permit negative emotions, such as anger, to take control of us, this is a sure sign we are about to step into a trap."

It is extremely difficult to hide our emotions, especially when we feel there is much in the balance. Our body language, particularly our facial gestures and voice qualities, often give us away. We are not emotionless robots. However, it is better to

describe negative emotions (e.g., a feeling of disappointment) than to display them.

When it comes to managing emotions, I recommend the chapter “Master My Stories” in the book *Crucial Conversations*. The authors contend that negative emotion is *always* preceded by *telling ourselves a story*. This may happen in milliseconds. The more critical the situation, or the more important our relationship with an individual, the more likely it is that we are vulnerable to such storytelling.<sup>13</sup> When we presume to understand another’s feelings or intentions, we may come up with the worst possible scenario in terms of future consequences.

Some years ago, I was asked to address a group of young adults at church. I noticed that as I spoke, a young man would lean toward the young lady beside him and whisper in her ear. I found this to be very distracting and annoying. I feel very strongly that only one person should speak at a time, so every time he began to talk, I stopped. When I stopped, he stopped, and so it went. I later learned he was interpreting for a visitor from Japan. The story I had constructed, however, was that this individual was flirting with the young lady and was being rude.

Have you ever gone into a difficult situation with intentions of putting forth your best behavior, only to fail partway through the experience? After attending a *Crucial Conversations* seminar, I came to understand that this happens to us because we permitted the negative story to prevail. In other words, it is difficult to control our negative emotions as long as we give preeminence to our unproductive stories.

As we give people the benefit of the doubt and consider alternative narratives that avoid the presumption of evil, allowing for more honorable or even noble motives, we will succeed in managing our emotions.

### **Avoid the Presumption of Evil**

One individual tended to think, anytime he saw two people conversing, that they were talking about him. This is called *negative attribution*. It is all too easy to incorrectly interpret another person’s innocent behavior and assume the worst.

An effective practice, when we do not know how to interpret something, is to very *briefly* describe a situation, behavior, or apparent fault without offering an interpretation—and then permit the other person to explain. Such a description should avoid inferences as to why someone did something. We will often find out there was a good reason for what took place or at least give others the opportunity to explain their perspective.

### **Break down Bigger Issues into Smaller Ones**

An effective negotiator is constantly looking for ways to break down challenges into smaller, more easily solvable issues. For instance, if a supervisor is resisting the introduction of new technology to track employee performance, it helps to talk it over and find out specific concerns. There may be some apprehension about (1) the reliability of the system, (2) setup time, or even (3) staying on top of production data. Each of these concerns can be addressed separately.

### **Move away from Blame**

It is unfortunate that people often feed on fault-finding. If individuals are sufficiently introspective, they will often acknowledge that they had some blame in the matter. As long as the contest is about blame, peace will flee.

At one time, I was responsible for a large group of teenagers. A man arrived in the middle of an activity and demanded to take two sisters home. He seemed very agitated. I was aware that at one time he had been a close friend of the girls' mother, but he was not the legal guardian of these two young women. He became increasingly anxious when I would not let him take the girls without first ascertaining the mother's wishes. Unfortunately, the mother was not answering her phone. I was not about to let him depart with the two young women, but he kept insisting. In desperation, I asked, "Who are you?" (as if to say "What makes you think you can take these girls?") To say he was offended would be an understatement. I made arrangements to have two of the adult leaders take the sisters home. They were met by a panicked mother who was waiting for her daughters to

arrive so they could leave town. A relative had been in a serious accident.

While no one would question the wisdom of refusing to let the young women go with this man, I blame myself for having offended him. Many individuals have, with great fervor, told me it was not my fault. They have either focused on the responsibility held by the man or by the mother.

In discounting my fault in the matter, they are making the mistake of thinking that the difficulty of the situation excuses my failings. Yet, if I were to hold others culpable but not myself, I could not have grown from this experience. I have often reflected on alternative approaches I could have taken, which would have permitted me to keep the young women safe *and* avoid being rude.

### **Focus on the Problem, Not the Solution**

The suggestion of concentrating on the problem rather than the solution may sound counterintuitive. Yet, for a number of reasons, it is one of the keys to effective negotiation. The more complex the situation, the greater the importance of this principle. When someone comes with *the solution*, even when that solution is a good one, it gives the other party the feeling of not having any control. Research has shown<sup>14</sup> that people often prefer an outcome that is not as beneficial, as long as they have some control over the results.

Even when parties have gone out of their way to find a fair solution for all involved, when one person presents the solution as firm, it tends to put the other individual on the defensive. A family business partner who was presented with a firm solution felt coerced to do all the compromising. She was not able to see the concessions being made because of the poor manner in which the other party negotiated.

The timing and approach must be right. An individual with an excellent idea needs to wait until the predicament has been rigorously discussed and the needs of all concerned understood. Only then can the solution be presented, and this needs to be

done in a tentative fashion. “Would such and such an idea meet your needs, or can we play with the concept and twist it a bit so it does?”

In an emotionally charged atmosphere, or when there is much riding on the outcome in terms of consequences for individual parties, this approach may make the difference between success and failure. An effective negotiating technique, then, is to come to the bargaining table with the idea of studying the problem and individual needs, rather than imposing a solution.

Coming right out with a solution, and doing away with all the bargaining, is known to most of us as the “take-it-or-leave-it” tactic. In collective bargaining, one variation of this tactic is called *Boulwarism*, after former General Electric vice-president Lemuel R. Boulware. Under his leadership, the company’s management would propose a final offer to the trade union up front. The members of the management team went out of their way to study all the facts that could pertain to the contract and to make it fair for all involved, “trying to do right voluntarily.” They refused to budge from their position, however, unless any “new facts” of sufficient strength were presented. Such an approach was highly resented by the union representatives, who felt undermined. Two “new facts” played key roles in defeating Boulwarism: (1) the practice was found, to some degree, to constitute bad-faith bargaining by the National Labor Relations Board and the courts, and (2) the union made a very strong point against the tactic through a successful labor strike.<sup>15, 16</sup>

When we are the ones being presented with a possible solution, it is good to be slow to find fault. If someone’s proposal is quickly followed by our counterproposal, the other party is likely to feel slighted. There are two key reasons for avoiding quick counterproposals: (1) individuals are least receptive to hearing another proposal after setting theirs on the table, and (2) such counteroffers are often perceived as disagreement, or an affront to “face.”<sup>17</sup>

At the very least, efforts should be made to let others feel their proposals are being taken seriously and have been understood. If a counterproposal builds on the other party’s proposal, and credit

is so given, then the chances for negative feelings are further curtailed.

### **Reject Weak Solutions**

As negotiators, it helps to learn about other people's preferences and to make our own clear. One manager explained that it was hard enough to understand his own needs and preferences, let alone be able to concentrate on someone else's. And perhaps that is one of the reasons we do not see interest-based negotiation used as frequently. It does take a certain amount of exertion, especially at first. With time, it can begin to feel more natural.

In traditional negotiation, as soon as individuals get close enough to the desired solution, they are prone to accept another person's yielding. While some people's motives may be selfish, others believe that their solutions will best serve all involved.

Sometimes a person will yield or pretend to yield—asserting, out of frustration, “That’s fine; do it your way.” By accepting another's yielding, individuals reduce their future negotiating power.

Instead, negotiators obtain better solutions when they first ensure the other person is completely satisfied with the solution. They gain the trust of the other party and can thus increase their negotiating strength.

Emotion may indicate strength of conviction in another person. The very opposite may mean the individual is giving in rather than agreeing. Either way, parties may want to step back and consider together what unmet needs still need to be addressed.

Yasuo and Akemi Matsuda were making some joint family plans. They came to an agreement, but Yasuo noticed that his wife had done so hesitantly. Rather than just accepting Akemi's agreement and moving on with his own plans, Yasuo said, “I notice you're not totally pleased with our decision. It's really important to me that you're as happy with this decision as I am.”

Akemi said she felt comfortable with the decision, but Yasuo still sensed otherwise. Yasuo might have been justified in moving

forward and doing things his way, but he hesitated: “I still sense there’s something you’re feeling, perhaps difficult to put into words, that’s causing you some uncertainty.”

“Actually, you may be right,” Akemi responded. She agreed to think over the matter. That night, they had another chance to converse at length, and Akemi was able to articulate her fear. As a result, she and Yasuo were able to make some small yet important adjustments. Moreover, Akemi was able to further build her trust in her husband. He had honored her feelings, thoughts, and opinions.

Conversely, it is important to be clear regarding our own needs. In the 1980s, when non-smoking policies had not yet been implemented in Chile, I was teaching a three-month graduate course on human resource management at the University of Chile. Perhaps as many as 80 percent of the class participants smoked. I did not want to be impolite, yet I knew the cigarette smoke would give me an unbearable headache. After introducing myself, I told the students: “I want all to know that you can smoke anytime you desire. However, I would request that you do so outside of the classroom.” The comment was taken in a positive manner.

### **Look for Creative Solutions**

A needs-based approach to negotiation frequently calls for creative thinking that goes beyond the poorly devised compromise—such as those arrived at when there is a rush to solve before an effort is made to comprehend. We frequently fail to explore beyond the obvious solution.

The following six-step process has been suggested to get the creative juices flowing: (1) define the problem, (2) actively consider alternatives, (3) internalize the data, and (4) set the challenge aside and wait. Wait for what? For (5) a sudden flash of inspiration, which needs to be (6) carefully tested.<sup>18</sup> The first four steps may need to be repeated several times until that inspiration comes.

### Consider the Worst Alternative

Sometimes people are afraid to act for fear that speaking out will have detrimental consequences. Even not agreeing to negotiate is a form of negotiation. If we cannot come to an agreement, what is the worst possible outcome? In thinking of the worst alternative, it is useful to consider *both* how the other party and how we will be affected.

Negotiation can suffer when we think the other person is the only one who will undergo negative consequences or when we think we are the only ones who will lose.

A man would not listen to his wife, who had asked for some changes, as he never imagined she would leave him. At work, a supervisor never confronted an employee with his shortcomings for fear the employee would leave. Often, the worst alternative is not talking things through in a calm manner.

### Maintain Integrity

At a time when many decisions were made on a handshake, my parents—grape growers in Chile’s central valley—invited their children to a family conference.

“Earlier this year, we came to an agreement with the winery for a price,” they explained. “Since then, many vineyards were affected by a terrible freeze—one that has meant a huge decline in supply. Had we waited a few more months, we could have gotten a much better deal.”

My parents asked each of their five children for his or her opinion. The answer was a unanimous decision to honor the oral agreement. At the time, I was impressed that my parents would ask for our input. Since then, I have come to the conclusion that they knew the answer all along but wanted to teach us an important lesson about integrity.

Trustworthiness plays a huge role in successful negotiation. Dependability, honesty, and consistency are all part of trustworthiness. I often hear individuals involved in negotiations say, “I don’t trust that person.”

It has also been said, “It is more important to be trusted than to be loved.” When we lose trust for people, we begin to think of them as undependable or dishonest.

### **Understand Time Pressures**

Deadlines are often self-imposed. How often do we feel obligated to respond right away when facing a difficult situation? Why not solicit a little more time to study a matter or to accomplish a task? Do not be afraid to explain, “This is a tough one. It is now 8:15 and I’m tied up for the next two hours. If I call you between 11:00 and 11:30 this morning, will that work for you?” This type of detail takes only a few minutes longer to negotiate.

If we can build a little cushion for the unexpected, that is helpful. Most people do not mind waiting longer if they know what the real situation is. If a deadline seems hard to meet, ask to renegotiate an extension *before* the due date. An effective negotiator will ask the other party to suggest, or take a role in establishing, a deadline rather than arbitrarily impose one.

“I will call you back as soon as I can” or “I will call you right back,” on the other hand, can leave much to be desired. The recipient of that message will wonder whether a call will come in the next half hour, two hours, or week. “Can I go to lunch,” the person may question, “or do I need to sit here and wait?”

Lack of clarity can also come across as an avoidance tactic. To be credible, we need to be specific about time and about the nature of the task to be accomplished.

To do what we say we will do, in a timely fashion, builds trust. People who can be counted to follow through with what they say they will do are considered invaluable.

### **Admit Error and Apologize**

If the foundation is wrong, we may have to undo all our work and begin from scratch. Depending on how far into a project we are, this can be quite painful and expensive. We must first recognize that we have been wrong before we can make things right.

If we notice that the concrete foundation for the structure we are building is faulty, we can close our eyes and continue work at our own peril. As painful as it may seem, the sooner we recognize our mistake and make the necessary expenditures to break up and remove the concrete so we can start over, the better off we will be.

Sometimes, we become overinvested in an idea. It may be as hard to admit we are wrong as it is to break up that concrete. People who are willing to admit their mistakes are more likely to be considered trustworthy.

A proper apology is extremely convincing. So is sharing a new interpersonal skills goal. If we have been critical in the past, it helps to let people know we will be working to eliminate that negative trait.

To be genuine, an apology must not come across as a justification for what we have done wrong. A true apology is also accompanied, when possible, by an offer to make restitution. Furthermore, a sincere apology implies a willingness to make the appropriate changes commensurate with the wrong that has been done. When it is warranted, I like the idea of asking the person who has been offended, “Will you accept my apology?”

When someone expresses regret yet makes little effort to change, it is hardly an apology. As powerful as an apology can be, when an individual rescinds it by word or deed, it would have been better if no regrets had been offered. For example, in cases of domestic violence (physical or verbal) it is not uncommon for the aggressor to be contrite after beating his wife. By the next day, he may have begun to minimize the damage, start to blame her, and not long thereafter begin striking her again. Domestic violence is a very serious matter that requires professional help.

But returning to the general topic of apologies, a person who is willing to accept an apology and forgive another is, likewise, in a better position than one who is not. It is difficult to trust a person who will not acknowledge a sincere apology accompanied by behavioral change. An individual who has truly forgiven another does not continually remind the other of that fact. Some comments and deeds are so hurtful, however, that it may take time before a person can truly feel free of the associated pain.

## Value Others and Oneself

Everyone brings *inputs* (or “contributions,” such as a person’s job, education, skills, or efforts) into a relationship. People put a value on each other’s inputs. The best way of preserving the value of our own contributions is by valuing the contributions of others. The value placed on a person’s *time* is a good proxy for power, which helps explain why quality time spent with people can be so meaningful.<sup>19</sup>

Conflict may arise when other people’s assets are not valued. One young woman, a college graduate, may look at her formal education as an asset. A more seasoned individual might look at her life experiences. Neither may value the other’s assets. Both may compete for privileges or status based on their perceived contributions. Instead, they would be better off by acknowledging each other’s strengths.

For some people, it is very hard to say something kind about another. “I shouldn’t have to say it,” they reason, “because my actions should show my positive feelings.” Others have trouble accepting the sincerity of affirming comments.

Part of healthy interpersonal relationships is being able to both offer and accept positive comments: “Thanks. I appreciate your kind words. They made my day.”

## Use Humor Effectively

Humor, when properly directed, can help break up tension and make us more effective negotiators.<sup>20</sup> It helps if the humor is clever; it makes light of the situation or ourselves, but never the other party; it does not involve potentially offensive ideas or language; and the timing is right. Some of the most effective humor is subtle, and we often arrive at it by accident. Humor may involve telling about life events that were embarrassing at the time but that show we are human. Effective humor communicates to others that we are willing to take ourselves lightly. Humor, of course, can do more harm than good when it is not used appropriately. Sometimes people think they are quite funny when they are not.

### **Be Flexible in terms of a Negotiation Approach**

Not everyone finds the interest-based concept easy to swallow. A little caution, if not cynicism, may well be necessary. While we can attempt to model effective negotiation strategies when dealing with others, at times we may have to resort to a more traditional approach. Research has demonstrated that those who prefer mutually productive tactics are considered more credible negotiators when it is known that they are willing to stand firm, if necessary.

For instance, Daniela, a relatively new executive, had heard of the obstinate reputation developed by John, one of the assistants—although she had never encountered any difficulties with him. Daniela approached John one day and found him sitting with his feet up on a table, reading a magazine. She apologized for disturbing him, assuming that perhaps this might have been his break period.

“John, when you have time, could you please pick up some supplies for me?” Daniela asked politely.

John answered rather curtly, “Right now?”

Daniela, refusing to be intimidated, responded, “Well . . . Wow! That would work great for me. Thanks!” John continued to show difficult behaviors with other individuals but never again showed Daniela any discourtesy. I am not suggesting that Daniela took the best approach available, but it served her well on that occasion.

### **Show Patience**

Effective negotiation frequently calls for a great amount of patience. Logic is not the only thing that prevails in bargaining efforts. Allowing other people, as well as ourselves, the time to work out problems is vital.

Avoiding the appearance of wanting something too much is related to patience. When we become overly narrow as to the result we will accept, we put ourselves at a negotiating disadvantage.

So it was when my wife and I bought our first home. We were so openly delighted with it that we lost an opportunity to bargain

much over price. Of course, there is a balance between being desperate and playing hard to get, neither of which is very helpful.

### **Separate Problems from Self-Worth**

Without a doubt, it is a mistake to permit an issue to become intermixed with our self-worth. It is ineffective and manipulative, for instance, to imply that disagreement with our ideas is equivalent to a vote of no confidence in us. Such an approach will sooner or later make us feel rejected.

While we often have a great need to share feelings with those who can be supportive, we ought to choose such confidants with care. People who tend to see matters from our perspective may not be doing us any favors.

Individuals who feel validated elsewhere sometimes put less effort into improving failing relationships. A healthy relationship is one in which the listener can help identify when the speaker may have contributed to the problem. We all need people who can help us discern our blind spots.

### **Prepare Carefully**

When a person is willing to spend a little time comparison shopping, often the same product or service can be found for vastly different prices. Also, it helps to gather factual information that can be shared in a spirit of discovery, rather than one of superiority. Parties can even seek out the facts together.

Preparation entails understanding the situation and the personalities involved as much as possible. An effective way to prepare for difficult or emotionally charged encounters is to role-play ahead of time. Taking the role of the party with the perspective opposite the one we hold can be particularly enlightening.

### **Avoid Threats and Manipulative Tactics**

Threats of consequences directed towards ourselves or others hamper our ability to negotiate. Any type of threat can greatly

undermine our long-term negotiating ability. This is particularly so when the threat is not carried out. Furthermore, threats do not engender trust or liking.

Even inconsequential threats can be annoying. At a family game, one player repeatedly threatened to quit. After a half dozen threats, his mother told him, “The first time you threatened, I was concerned. By the last threat, I was just ready for you to quit and let the rest of us enjoy the game.”

The greater the potential consequence of a threat, the larger the possible damage to the relationship. That is why threats to divorce or separate are so harmful to a marriage. The spouse who is threatened begins to disassociate psychologically from the other. The message given to the threatened spouse is that the marriage is not that important.

Some threats—as well as verbal or emotional abuse, intimidation, harassment, disruptive behavior, and bullying—may be considered part of workplace violence.<sup>21</sup>

### **Avoid Generalizations, Name Calling, and Labels**

Vague or broad statements, generalizations, insults, or labels—such as selfish, inconsiderate, overbearing, and racist, to name a few—do nothing to facilitate mutual understanding. All of these expressions have a certain sense of fatality, almost like saying a person is tall or short—not something that can be changed. In contrast, talking about specific events behind these generalizations and labels opens the door to improving communication and solving challenges. A wife’s complaint that her husband is lazy is likely to place him on the defensive. A more specific request for him to help the children with their homework, in contrast, is likely to be received in a more positive light and to promote dialogue.

Calling someone by a label, even when the person identifies with it (e.g., a person’s nationality), can be offensive, depending on the tone and context. A more subtle—but still ineffective—way of labeling is describing our own perspective as belonging to a desirable category (e.g., a particularly cherished philosophy, principle, belief, or status group) while assigning another person’s perspective to a less desirable category.

Parties also look for ways to enlist even theoretical supporters of their views. They may attempt to inflate the importance of their opinions with such statements as, “*Everyone* else agrees with me when I say . . .” Or they may attribute their words to a higher source of authority, such as a boss, an author, or another respected person. Individuals sometimes discount the opinion of others by the way they refer to their own experience: “In my twenty years with this organization, I have never encountered any problems with . . .” Once again, the tone and context of a conversation may make some of these statements appropriate in one circumstance and not in another. People may resort to dysfunctional tactics when the force of their arguments does not stand on its own merits.

### **Avoid Distorted Mirroring**

People involved in highly charged conflicts frequently try to ridicule their contenders by distorting or exaggerating what has been said. I call this *distorted mirroring*. For instance, a person may inaccurately mirror a comment by saying, “So you are telling me that you *never* want me to go fishing again”; “I get it—you’re the *only* one who does any work around here”; or “It seems that you are *always* upset these days.” Likewise, it can be quite hurtful to say, “You used to be [something positive], but now you’re [something negative].”

## CONFRONTING PEOPLE AND SITUATIONS

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People may avoid acting for fear of failure. Those who have overcome difficult obstacles in the past often gain the confidence to try to resolve new challenges. Both failure and success can transform into either a vicious or a positive cycle. Modern theories suggest that self-esteem is strengthened when people face rather than avoid challenges.<sup>22</sup> The following steps can be adapted to a particular situation in order to confront differences (these points summarize much of what has been said):

1. *Make psychological contact.* By speaking about an *unrelated* subject that is of interest to both, a positive

psychological connection is built in which mutual validation takes place. It is important, before tackling a challenging issue, to remember what things we have in common with one another. I suggest that we do this until we can relax enough to step back a little from the negative feelings we may be experiencing. In some cases, this may take a long time. In effect, we want to both see the other person as human and be seen as human.

2. *Introduce the idea that there is an important subject you wish to discuss.* Say something like “Changing subjects a bit, there is something I have been meaning to discuss with you for a while.”

3. *Let the other person know something you value about him or her.* “Before getting right into the topic, I want to tell you how much I admire your ability to know each of the employees in the whole department by name.” Hopefully, goodwill deposits have been made all along. Make sure the trait you choose to mention (as something you value in the other individual) is *not* related to the troubling issue you will bring up. What you are doing here is separating the issue at hand, as well as the potential negativity of the challenge, from the personalities.

4. *Briefly introduce the topic, but let the other individual speak first.* The key here is *brevity*. Let the other person know you wish to hear from him or her first and that later on you will share your feelings. You may also wish to bring up the topic in a way that makes it clear you are both fighting together against the challenge, rather than against each other: “We’ve both agreed that our finances are tight. So, I am concerned about purchasing a car right now.” You can slow your speech pattern, inviting the other individual to interrupt you before you finish the sentence. At this point, the focus needs to be on listening and, if needed, taking notes. Encourage the other person to speak. Some of what the other person has to say may sound somewhat abrasive or hurtful at first. Make every effort to avoid becoming defensive. Try to make out the needs and fears behind the other person’s position.

5. *Attempt to show understanding.* Without being cynical, pouting, or using other dysfunctional conversational techniques, tentatively let the other individual know what you think you have understood.

6. *Present your interests and fears.* After you have made it clear that you understand the challenges as presented by the other individual, make your interests and fears clear.

7. *Look for sustainable solutions.* Look for solutions that will be good for both of you in the long run. Do not permit yourself to take the position of either victim or aggressor. Keep insisting on a solution that will meet the needs of both of you, else you might be revisiting the challenge sooner than you expected.

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## INVOLVING A THIRD PARTY

Differences in power, personality, or self-esteem among the participants in a disagreement may require the participation of a mediator. For instance, one volunteer leader had resorted to bullying and implied threats to get his way. “I would have gladly tried to find a way to help this leader achieve his goals,” another volunteer explained through her tears. “But now I’m so sensitized, I’m afraid of talking to him.”

Telling people to work out their troubles on their own, grow up, or shake hands and get along may work occasionally, but most of the time the conflict will be sent underground only to resurface later in more destructive ways. One option is to allow individuals to meet with a third party, or mediator, to assist them in resolving their differences.

### Choosing a Mediator

All things being equal, an outside third party has a greater chance of succeeding than a family member, friend, co-worker, or other insider. Such persons may be part of the problem, or they may be perceived as favoring one of the disputants. Individuals may be hesitant to share confidential information with insiders.

If the third party is in a position of power, such as a supervisor or a parent, the mediator’s role becomes more thorny. People who hold power often tend to become overly directive, taking more of an arbiter’s role and forcing a decision upon the disputants.

A mediator should treat issues with confidentiality, with some exceptions (e.g., sexual harassment in the workplace). All parties

should be informed of exceptions to the confidentiality rule ahead of time. Any sharing of information based on the exceptions needs to be done on a need-to-know basis to minimize potential harm to one or both of the parties.

Many conflicts involve personal issues that may be embarrassing. People are less hesitant to speak out when assured of confidentiality. For this reason, mediators of organizational conflicts should permit the parties to decide exactly what it is that they will share with management. I do not believe that mediators should submit reports or summaries to the organizations that engage them.

Researchers have found that, in some instances, mediation works best when the third party is able to change roles and, in the event mediation fails, become an arbiter. On the plus side, parties may put their best feet forward and try hard to resolve issues. Unfortunately, while some mediators may be able to play both roles without manipulating the situation, the road is left wide open for abuse of power. People may feel coerced and refuse to trust a mediator when what is said in confidence might be used against them later. More importantly, such a strategy discounts the third party's efforts to explain that the role of the mediator is to *facilitate conversation*, not to decide who is right.

The conflict management process is more apt to succeed if individuals have respect for the mediator's integrity, impartiality, and ability. Esteem for the mediator is important, so parties will be on their *best behavior*, a key element in successful negotiation. Although not always the case, over-familiarity with an inside mediator may also negate this "best behavior" effect.

### **Mediation Styles**

A mediation style's efficacy depends on the situation and the personalities and preferences of the parties involved. One variable is the degree to which the mediator controls the process. While some mediators are capable of using multiple approaches, let us discuss some of the extremes.

### *Mediator-Directed Approach*

At one extreme, we find mediators who will listen to the interested parties and help them find a solution. Generally, in order to avoid giving the impression of favoritism, these mediators will meet with both parties at once in a joint session.

The mediator asks one of the parties to explain his or her perspective while the other individual listens, and then the roles are reversed, with the other person doing the talking while the first one listens. The parties face the mediator rather than each other.

Some of these mediators are especially talented in perceiving solutions the parties themselves have not seen. Such an approach is suited to situations in which (1) resolutions to specific challenges are more important than the ongoing relationship between the parties and (2) the parties do not interact on a regular basis. The disputants' emotional investment is generally less intense. One disadvantage is that the mediator can favor one person over another, despite the suggestion that mediators are neutral parties. Another disadvantage is that conflicts that on the surface appear to be about substantive matters, often have large interpersonal components.

### *Party-Directed Mediation*

At the opposite extreme, we have Party-Directed Mediation, an approach that seeks to empower individuals by offering contenders negotiating skills that will help them manage the present contention, as well as improve their ability to deal with future conflict. The two most important elements of Party-Directed Mediation are (1) a separate meeting between the mediator and each of the parties *prior* to the joint session (in what is called a pre-caucus or pre-mediation) and (2) a joint session in which parties face and speak directly to each other rather than through the mediator.

During the pre-caucus, the third party mostly listens empathically. But there is also time for the mediator to help parties prepare to become more effective negotiators and to

determine if it is psychologically safe to bring contenders together in a joint session.

More harm than good can take place when contenders who are not ready for the joint session use it as safe ground on which to insult each other. In some instances, the pre-caucuses may be so effective that parties go on to resolve their conflict without further assistance from the mediator.

During the joint session, the disputants sit directly across from each other and address each other with very little interference from the third party. In fact, the mediator sits at a substantial distance from the parties to underscore the fact that the conversation belongs to the disputants.

Issues of mediator neutrality become a little less relevant, because the contenders control how challenges are overcome. In Party-Directed Mediation, the whole process underscores the fact that the mediator is there to promote effective conversation, negotiation, and mutual understanding—not to come up with the solution.

Party-Directed Mediation requires more up-front preparation and in the short run is often more time consuming than a more traditional style. The concept behind Party-Directed Mediation, then, is that, to the degree that the case lends itself to it and the individuals wish to spend the time to acquire the skills to become more effective negotiators, they can be empowered to do so. When the conflict involves deep-seated antagonisms, and when the participants will continue to live or work together, interacting on a regular basis, Party-Directed Mediation can be especially effective.

## SUMMARY

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We negotiate our way through life. While there are no easy answers that will fit every occasion for negotiation, there are some important principles that will help us become more effective. Negotiation calls for a careful understanding of the issues involved, the ability to break down big issues into smaller ones, caring about the needs of others as well as our own, and

focusing first on the problem rather than the solution, to name but a few.

Interpersonal communication skills affect our success with people and can help us avoid or defuse conflict. Strokes tend to validate a person's sense of worth. Most people expect a stroking exchange, or ritual, before getting down to business. Being able to hold a conversation—a key interpersonal relationship skill—is based on the participants' ability to give and take.

Everyone brings a set of inputs or assets to a job or relationship. Little trouble may occur as long as there is agreement about the value of these assets. Individuals who want to preserve the benefits of their contributions, whether personal or organizational, need to value the assets held by others.

Creative negotiation differs enough from the way we may have reacted to challenges in the past that it is not a matter of simply reading a book in order to successfully incorporate the needed skills into our lives. It will be necessary to make a proactive effort to improve in these areas over time.

I keep these thoughts alive from day to day by reading good books, listening to programs, and attending seminars related to this topic. There are many excellent books on interpersonal negotiation, listening skills, conflict management, interpersonal communications, and so on. Your local library may offer some real treasures. You may wish to keep notes on what you read, as well as your day-to-day observations about your own interactions and those occurring around you.

At the core of creative negotiation is the idea that it is possible for all parties to get more of what they need by working together.

The foundation of effective problem solving is understanding the challenge. Otherwise, it is all too easy to build solutions on a false foundation. After understanding is achieved, creative negotiation involves looking for the hidden opportunities presented by challenges.

There are two contrasting third-party styles: mediator-directed negotiation and Party-Directed Mediation. The latter is particularly well suited for the resolution of deep-seated interpersonal conflict when individuals will continue to live or work together after the mediator leaves.

As I grow older, *doing* right has become more important to me than *being* right (in the sense of winning). There is a great amount of satisfaction in giving a *soft answer*.<sup>23</sup> This is a journey. One embarks on it knowing the challenge is so difficult that one can never truly say, “I have arrived.”

As we practice creative negotiation, faith in our ability to turn challenges into opportunities will increase. This self-confidence will help us focus on problem solving and reduce the chances of falling back on contentious, unproductive negotiation.

## CHAPTER 4—REFERENCES

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