A simple parable delivers the key message in *Getting To Yes*, the classic text on negotiating skills by three Harvard-grounded academics and consultants who number among the world's leading exponents on conflict management.

It's the story of an orange. To be precise, one orange and two people who both want it. They argue about ownership for a while and eventually decide to divide it — half each. And so they separate, feeling they achieved the fairest solution.

What they don't know is why the other person needed the orange. If they had, the solution would have been quite different because, it turns out, one wanted the peel to use in baking a cake and the other wanted the fruit to eat. Had they known that, they'd each have gotten twice as much, and they almost certainly would have gotten to "yes" a whole lot more quickly.

If you haven't heard that story, you possibly didn't see it coming. That's because, in negotiations, we focus on our positions (as in "I want the orange") rather than the underlying interests that drive those positions (as in "I want to bake an orange cake"). It sounds so obvious when it's explained, yet we persist in taking negotiational positions, which tend to be "I win — you lose" confrontations, often depriving ourselves of solutions that best address the interests of both sides.

If we can see our way to taking the interests-driven route, it is invariably easier to get to "yes." And it's this disarmingly obvious rationale that helps explain why this book is not only a contender for one of the longest running business best-sellers of all time, but also why the main text has never been significantly revised since it appeared in 1981. Only an addendum of FAQs was added, in a second edition 10 years later.

Its key strength is that the book doesn't just belong on one side of the negotiating table. In fact, the more widely it's shared, and bought-into among the parties to any discussions, the more likely an amicable solution will quickly be achieved.

It's worth noting that the book and this summary frequently refer to "the other side." This is not intended by the authors as a pejorative or adversarial term, merely an acknowledgement...
that all negotiations, apart from one's own internal mind games, involve at least two individuals or groups, and sometimes a lot more. It should also be noted that the theoretical approach of the book seems mostly directed at industrial bargaining, inter-company talks and international political scenarios, it can certainly apply to every type of negotiation.

**Principled Negotiation**

Most negotiations take place on two levels. On the surface, there is the discussion on the substantive issue — a pay claim or a real estate deal for example — while below the surface, a shifting structure shapes the direction of the debate. This is defined by the tactics we adopt and adjust to our positions. Without actually articulating it, each side is implicitly declaring its negotiating approach! Will it be tough, soft or somewhere vaguely in between?

An alternative is to make explicit the way you want to negotiate, in effect to negotiate on the negotiation. And the basis of this should be what the authors label "principled negotiation" — a technique that seeks mutual gains whenever possible, and, when there is conflict, resolution through "fair standards, independent of the will of either side."

Principled negotiation has four components:

- First, participants should regard themselves as working together to find a solution — metaphorically sitting side-by-side, instead of across the table from each other.

- Second, it addresses the underlying interests of the parties, not the positions themselves. To be clear on this, the authors explain: "Your position is something you have decided upon. Your interests are what caused you to decide."

- Third, before you even try to reach agreement, you should individually or collectively explore and identify opportunities for achieving mutual gains.

- And fourth, your substantive discussions should be based on verifiable objective criteria, not vague claims or emotional statements, though emotions may play a part in the opening stages, as we are about to see.

**The Journey to Yes**

The book takes us successively through the pitfalls and opportunities that arise in any negotiation, starting with what is potentially the most powerful influence — human nature. Our emotions, our perceptions and the way we communicate all shape our interactions with others. Our ability to see issues from others' perspectives, to understand empathetically their points of view, is key to positive relationships during negotiations. This isn't a lip-service activity either. You really must take the time to imagine how you would feel if you were on the other side of the table.
You can further aid understanding and relationships by allowing emotions to surface during opening discussions. If it helps, write down the way you feel and the way you imagine the other side feels, and why. Allow them to vent their feelings, listening carefully without interrupting or offering a defense, and acknowledging what’s been said. If you don't, they may not be listening when it's your turn to talk, focusing instead on their simmering discontent.

As the authors say: "The cheapest concession you can make to the other side is to let them know they've been heard."

And it's okay for you to express your emotions too — not by pointing fingers but by explaining how you and your side feel about relevant issues. For example, saying "I feel let down" is less inflammatory and accusative than "You broke your word," (and more likely to elicit an understanding of the way you feel too).

Putting yourself in the other person's shoes is also a valuable technique in the challenge of identifying the interests underlying their position. Often, it's a straightforward matter of asking the question "Why?" when they declare a position — though you should make clear this is to aid your understanding not to seek a justification. You might additionally ask "Why not?" Why might the other side be opposed to your interests? Why might you be opposed to theirs?

"The purpose of negotiating is to serve your interests," the authors declare. "The chance of that happening increases when you communicate them. Otherwise, the other side may not know what your interests are and you may not know theirs. So explain them."

There is a tactical value in this too. If you begin by declaring your position (in effect, the solution you seek) without first explaining the underlying rationale (that is, the interests you are trying to serve) the other side isn't able to understand where you are coming from so they can't be a partner in the process. Your aim is to give them a sense of what it feels like to be in your shoes.

Once all of those interests, yours and theirs, are on the table, it's time to explore areas of mutual interest and opportunities for mutual gain. These may not be immediately apparent and it's worth spending time expanding the range of solutions that might address each side's differences, so that there is ultimately more to divide. By having a substantial number of markedly different ideas, the authors point out, you create room for negotiation. This is not necessarily easy, as your first reaction might be to look for a single solution that narrows the gap between your respective positions, instead of looking for inventive ideas that more broadly address the other side's interests.

Brainstorming offers a powerful approach to develop options that respond to the interests of both sides. It may be difficult to brainstorm together — though the authors certainly are not opposed to this if it is feasible, perhaps with an independent facilitator — but the most important step is to develop as many ideas as possible. In the best traditions of brainstorming, that means avoiding premature judgments. Let the ideas flow, without comment — because often one apparently crazy idea may stimulate a workable and productive alternative.
"At this stage in the negotiation, however, you should not be looking for the right path," the authors say. "You are developing room within which to negotiate. Room can be made only by having a substantial number of markedly different ideas — ideas on which you and the other side can build later, in the negotiation and among which you can then jointly choose."

The authors outline four basic steps to help generate these ideas:

- In Step One, you explore the problem (or a sub-problem) that is the subject of the negotiation. What are the symptoms or features of that problem? Say the problem was a polluted river, how does it manifest itself — smell, color, environmental damage? Define how you would like the situation to be — for example: clear, safe to bathe in, an environmental asset.

- Step Two, analyze the problem, sorting symptoms into categories, suggesting what might be causing them, like a factory up-river, a particular combination of pollutants, a blockage or a slow flow. Then ask why this is happening and what are the potential barriers to solving the situation, such as cost, low rainfall, or ground contamination.

- The third step looks at possible strategies, broad ideas that, at least in theory, might represent a solution. Since you have identified the ideal situation you would like in Step One, how might this be achieved? In the example given, one might think of financial support to help with the clean-up, the use of a consultant to analyze the problem more closely, an investigation to find examples of how similar problems have been dealt with elsewhere.

- Finally, you develop action ideas, identifying specific steps that might be taken to deal with the problem.

The idea is to be constantly searching for mutual gains that might not initially reveal themselves. For example, suppose a city plans to double the taxes paid by a local oil refinery. The city's interest is in getting more money for civic development. But, since it can't keep calling on the oil company to foot the bill; it also needs to broaden its tax base to provide additional sources of income. The oil firm, on the other hand, wants to refurbish and expand and to encourage a plastics plant to move close by, but the plastics manufacturers would almost certainly be put off by the prospect of high taxes.

The shared interest is that both the city and the oil company want industrial expansion. Solutions might include a tax holiday for incoming businesses, a joint campaign to attract new investment or a reduction in taxes for companies that expand their local activities. On the other hand, failure to identify these common interests could result in soured relationships where everyone loses. The company could slow production due to rising costs and the city's citizens could lose jobs, creating more strain on the city's already tight resources.

Three points about shared interests are worth remembering. First, many shared interests are often concealed or never uncovered in a negotiation. You have to work hard to identify them.
Second, they are only opportunities if you devise a way of turning them into a shared goal. And third, focusing on them and drawing attention to them can make negotiations smoother and more amicable.

Even differing interests may offer opportunities. Think of that orange story we began with. The interests of the two people were quite different and could have been dovetailed together to provide a neat solution. Recall, as the authors do, the nursery rhyme about Jack Spratt, who could eat no fat, and his wife who could eat no lean! Get the picture?

Even where dovetailing in this way does not immediately point to a solution, you might devise several options that are all equally acceptable to you and then ask the other side which is preferable to them. It doesn't have to be acceptable to them, just preferable. Then you can work with that idea to develop further options.

"If dovetailing had to be summed up in one sentence," say the authors, "it would be: look for items that are of low cost to you and high benefit to them, and vice versa."

Throughout this process, you should be looking to make decisions as easy as possible for the other side. Start by putting yourself in their boots, imagining how your proposals might look to them and the people they represent. Perhaps draft multiple versions of your agreement, including terms that would be attractive to them. Accent the positive. Emphasize legitimacy — that is, being fair, legal and honorable. Draw attention to precedents that strengthen the validity of your solutions.

Support your arguments with objective criteria — data that cannot be challenged. This means researching in advance of any negotiations so that you can present the rationale behind your arguments when the time comes. You are looking for independent, verifiable information that applies to both sides. Also make it clear that you expect the same objectivity from them.

For example, in a negotiation for an auto insurance settlement after your car has been totaled, you might be looking at the original cost of the vehicle minus depreciation, the resale value of the car in its prior condition, the "blue book" valuation, and evidence of the advertised cost of a replacement. These are verifiable data that help you present a solid case for the settlement sum you expect. In fact, one of the authors used precisely this approach to drive up an initial settlement offer. He negotiated based on his interest — getting a fair price to enable him to replace the vehicle, while the loss adjuster tried to dig his heels on a fixed position, unsupported by any objective information. The author won.

When you agree that objective criteria will be used in the negotiation, both sides, together or separately, should seek out relevant, verifiable data that can be shared and verified. And when you find more than one standard, as in the car settlement negotiation, be open to reason as to which one might apply. This creates a sort of high ground, enabling you to reject any kind of pressure that is not based on verifiable information. Bluntly, never yield to pressure.
When Yes Seems Elusive

The authors concede that the process might not always be smooth sailing. A number of factors could impede the process. For instance, the other side may be in a significantly more powerful position than you and might choose to exploit that rather than follow the path of principled negotiation.

In such circumstances, many of us devise a fallback position, a bottom line. This is often the case in price or pay negotiations — you have in mind the minimum you might accept or the most you might offer. But this kind of bottom line imposes rigidity. You are constrained to judge a solution or an offer against your bottom line.

Instead, the authors suggest, think about the alternatives to not reaching any agreement at all. This is a much better way of judging the value of any offer. It's referred to as your Best Alternative To a Negotiated Agreement — the BATNA — which has become a widely accepted term in business theory and practice.

For example, if you were selling a house, the question is not what you should be able to get but what you would do if you didn't sell it — keep it, rent it, tear it down? One of these options might actually be more attractive than selling at a low price. How does the best price you've been offered measure against your BATNA?

Tactically, you should also work out the other side's BATNA, so you can realistically estimate the outcome of the negotiation or even seek to influence their alternatives.

"The better your BATNA, the greater your power ...." the authors say. "(T)he relative negotiating power of two parties depends primarily on how attractive to each is the option of not reaching agreement."

What if the other side just won't play the negotiating game your way? You want to use principled negotiation; they want to bang the table. First, by using the principled negotiation approach you have actually diminished the likelihood of this happening. Focusing on interests rather than positions is contagious and much more likely to appeal to the other side. You are likely to stimulate their enthusiasm for a joint approach to the solution.

But if that doesn't work, you can fall back on what the authors call negotiation jujitsu, by which they mean sidestepping a position-driven onslaught and even turning it against the other side in the familiar way that oriental martial arts do.

Their tactics will typically involve aggressively asserting their position, slamming your ideas and perhaps even verbally attacking you. You respond by suggesting their ideas are one possible option that you would like to explore objectively and see whether they might be improved. You don't defend your own ideas; instead you seek their comments and advice. If they attack you, redirect their comments as an attack on the problem, not on you. And use questions
instead of statements to challenge their thinking, since these do not appear as criticisms and are less susceptible to conflict.

Silence is another powerful force for the jujitsu tactician. If the other party launches an attack, try saying nothing (though not, of course, appearing to be lost for words — only as if you are awaiting something further). Or if you ask an honest question to which they offer an inadequate answer, sit them out. Silence creates discomfort and they will eventually speak.

If even this approach doesn't work, you still have one further option — to call in an independent third party to mediate. But the specific tactic the authors recommend is called the one text approach, in which the mediator tries to combine the interests of both sides into a single document and then, painstakingly, through review and negotiation, reconcile those interests into something that is acceptable to both sides.

History provides a good example of the one text approach in action. In the hesitant and hostile dialog between Egypt and Israel in 1978, President Carter devised a mediation program at Camp David, in which a non-committal single document was created and revised 23 times until an accord was eventually reached.

Of course, even Presidential-strength negotiations don't always succeed. Any negotiator faces the added possibility that those we try to turn into partners across the table will see themselves as opponents and use dirty tricks to try to win their day. They might use intimidation, dishonesty and otherwise unethical behavior.

Our first response might be to try to appease aggression and threats in the hope that the tactic will not be used again. But it usually is — as British Prime Minister Neville Chamberlain demonstrated when he thought he had struck a no-war deal with Adolf Hitler.

Another response is to play tit-for-tat: they make an unreasonably high claim and you reply with a similarly unreasonable low counter-offer. This is not only unprincipled but also lengthens the process and generates ill feeling.

Instead, your first step is to recognize the tactic and make it overt, letting the other side know you have spotted the game, and questioning the purpose of this approach.

Dirty tricks include:

- Deliberate deception – quite simply, telling lies. Action: "Unless you have good reason to trust somebody, don't," the authors warn.

- Ambiguous authority – negotiators who claim a mandate that they don't really have. Action: Establish their authority to make decisions at the outset.

- Dubious intentions – the possibility they may renege on the deal. Action: as part of your negotiations, agree the actions each side may take if it is not honored.
• Psychological warfare – trying to cause stress, sometimes as simply as seating you in a position facing bright light. Action: if you feel stressed, create a break in the discussions.

• The good guy/bad guy routine, in which one member of the other side becomes abusive or makes threats, while another appears more reasonable and tries to use that reasonability to secure an advantageous concession (as in a detective movie). Action: Let the other side know you're on to their game.

You might even encounter an unwillingness to negotiate — as happened in the Iranian US Embassy hostage drama. Your tactic here might be to try to discuss their underlying interest — to establish why they won't negotiate, and to identify ways of addressing this. Don't attack or criticize them. Try to find a way forward, perhaps by using an independent third party. After all, your aim is to get to "yes."

Conclusion

What the authors have tried to do is to organize common sense and common experience in a way that provides a useful framework for thinking and acting in negotiations; thereby securing the highest likelihood that the outcome will be positive for both sides, that it will be reached swiftly and amicably and, in a best case, that will significantly improve relationships.

This is achieved through the concept of principled negotiation, which starts with identifying the interests that underpin the position each party adopts. It seeks to address those interests fairly, using objective criteria that are accepted by both sides.

Brainstorming and trying to view issues from each other’s perspectives produce a range of imaginative solutions which ideally satisfy the interests of both sides, improving the overall outcome for both.

This book is about how to achieve a better process for dealing with your differences, the authors say. "Both theory and experience suggest that the method of principled negotiation will produce over the long run substantive outcomes as good as or better than you are likely to obtain using any other negotiation strategy."