

Getting to Yes



INTRODUCTION

BRIEF BIOGRAPHY OF ROGER FISHER, WILLIAM L. URY, AND BRUCE PATTON

After starting out on varied career paths, Roger Fisher, William Ury, and Bruce Patton came to *Getting to Yes* by means of the Harvard Negotiation Project. After doing weather reconnaissance in World War II, Roger Fisher decided to dedicate his life to stopping future wars. He attended Harvard Law School and then worked in the Marshall Plan to rebuild Europe and the United States Department of Justice. He went on to teach for more than 40 years at Harvard Law, where he pioneered conflict resolution as an academic discipline. In addition to forming the Harvard Negotiation Project in 1979, Fisher helped mediate some of the most significant peace deals of the 20th century, like the Camp David Accords between Israel and Egypt, the negotiations that ended the Salvadoran Civil War, and the negotiations that ended apartheid and established democracy in South Africa in the early 1990s. William Ury trained as a social anthropologist at Harvard, where he learned to apply the discipline's sensitivity to differences in culture and perspective to conflict prevention throughout the world. He began working with Fisher as a graduate student and eventually published a dissertation on labor disputes in a Kentucky coal mine, but he's always focused his career on conflict resolution. He has negotiated to end wars in—among others—Colombia, Indonesia, and the former Yugoslavia and Soviet Union. He also founded the International Negotiation Network in collaboration with American president Jimmy Carter, and he has since started the Abraham Path Initiative, which promotes hiking in the Middle East as a solution to social and religious animosity. Like Roger Fisher, Bruce Patton was also a Harvard Law School professor for several decades. Originally the editor of *Getting to Yes*, he became a coauthor on the book's second and third editions. He now runs Vantage Partners, a management consulting company based in Boston. The Harvard Negotiation Project continues working to promote the field of conflict negotiation studies in both university and public contexts.

HISTORICAL CONTEXT

To outline the advantages and disadvantages of different negotiation strategies, the authors of *Getting to Yes* frequently high-stakes global negotiations from the 1970s and 1980s, like the Iran hostage crisis of 1979–1981, the Camp David Accords of 1978, and the lengthy third United Nations Convention on the Law of the Sea, which lasted from 1973 through 1982. These events would have been common knowledge to the early

readers of *Getting to Yes* in the 1980s, and the authors used their firsthand knowledge of them to illustrate many important principles about negotiation and conflict resolution. Although the Law of the Sea negotiations took several years, they resolved a number of controversial questions about the extent of territorial rights and economic activity on the high seas, and the agreements reached during this process have played an important part in preventing conflict ever since. In addition to showing how grueling and difficult negotiations can be, the Law of the Sea negotiations also show how powerful the right solution can be over the long term. The Iran hostage crisis is also a relevant example of the importance of effective negotiation. In 1979, a popular revolution ousted the U.S.-backed Shah and replaced him with the Ayatollah Khomeini, a religious leader. Later that year, a group of college students took a number of American diplomats and employees hostage at the U.S. embassy. For more than a year and with help from the Algerian government, which served as a mediator, the United States and Iranian governments negotiated over the hostages' release until their freedom was secured in January 1981. During this process, Roger Fisher advised both the American and Iranian governments. Finally, the Camp David Accords that Roger Fisher also helped draft marked an important step toward peace in the Middle East. In September of 1978, Egyptian President Sadat and Israeli Prime Minister Menachem Begin agreed to meet with American President Jimmy Carter in for two weeks and try to work out a peace deal between Egypt and Israel over territorial conflicts. The basic framework documents they worked out—The Camp David Accords—became the basis for the Egypt-Israel Peace Treaty signed about six months later. Although it by no means put an end to conflict in the region, this treaty established an unprecedented peace between the two countries after more than 30 years at war.

RELATED LITERARY WORKS

Getting to Yes is largely credited with spurring a broad popular interest in negotiation and conflict resolution since its initial publication in 1981, and it remains one of the most widely-read books in its genre. Other prominent books on negotiation include G. Richard Shell's *Bargaining for Advantage: Negotiation Strategies for Reasonable People* and Deepak Malhotra's *Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond*. *Essentials of Negotiation* by Roy Lewicki, Bruce Barry, and David Saunders is a standard textbook in negotiation and conflict-resolution courses. Moreover, a number of recent books have focused specifically on navigating gender and cultural hierarchies in negotiations. Two examples are *Ask For It: How Women Can Use*

the Power of Negotiation to Get What They Really Want by Linda Babcock and Sara Laschever and *Negotiating Globally: How to Negotiate Deals, Resolve Disputes, and Make Decisions Across Cultural Boundaries* by Jeanne M. Brett. Roger Fisher's most recent books have included *Getting it Done: How to Lead When You're Not in Charge* and *Beyond Reason: Using Emotions as You Negotiate*. William Ury has written several sequels to *Getting to Yes*, including *Getting Past No: Negotiating in Difficult Situations* and *The Power of a Positive No: How to Say No and Still Get to Yes*, and *Getting to Yes with Yourself (And Other Worthy Opponents)*. Since contributing to the second and third editions of *Getting to Yes*, Bruce Patton has also written *Difficult Conversations: How to Discuss What Matters Most* with Douglas Stone and Sheila Heen. The Harvard Negotiation Project actively publishes monthly *Negotiation Briefings* and the quarterly *Negotiation Journal*.

KEY FACTS

- **Full Title:** *Getting to Yes: Negotiating Agreement Without Giving In*
- **When Written:** 1979–1981
- **Where Written:** Cambridge, Massachusetts
- **When Published:** 1981 (1st ed.); 1991 (2nd ed.); 2011 (3rd ed.)
- **Literary Period:** Contemporary
- **Genre:** Nonfiction
- **Antagonist:** Positional Bargaining
- **Point of View:** First Person

EXTRA CREDIT

Teacher's Pet. The book's coauthors first met when Fisher was an established professor at Harvard Law School and Ury was a graduate student studying social anthropology at the same university. Fisher read one of Ury's papers and was so impressed that he sent it to one of the United States Assistant Secretaries of State and wanted to offer Ury a job.

High Stakes. Beyond ending numerous wars and political conflicts around the world, Fisher is also famous for a unique strategy to prevent nuclear war in the future. He argued that the United States' nuclear launch codes should be physically implanted in someone, so that the President would have to personally kill that person if they wanted to get to the codes. Fisher thought that this would force the president to truly confront the tragedy of innocent death and the horrors of nuclear war.



PLOT SUMMARY

Getting to Yes, a guide to negotiation written by Roger Fisher, William Ury, and Bruce Patton—the founders of the Harvard Negotiation Project—promotes a strategy called principled negotiation. Designed to yield optimal outcomes, save time and energy, and forge strong working relationships, principled negotiation can help people better navigate contexts ranging from work and school to politics and marriage. In all these fields, people have to negotiate on a daily basis but often end up “dissatisfied, worn out, or alienated.” Whether people are soft negotiators who give in to avoid conflict or hard negotiators who destroy relationships by pushing their views too stubbornly, most approach negotiation as a process of positional bargaining. They start by presenting a position, then try to reconcile their position with their opponents. But this leads to ineffective solutions, inefficient negotiations, and damaged relationships. Positional bargaining encourages people to take extreme positions, negotiate as stubbornly as possible to save face, and view agreements as requiring one-sided concessions. Principled negotiation is designed to avoid these problems.

Principled negotiation's first main principle is: “separate the people from the problem.” Positional bargaining makes people choose between winning the substance of a negotiation but sacrificing their relationship with the other party, or saving their relationship but sacrificing the substance. Principled negotiators consciously separate relationships and substance. This does not mean simply ignoring personal issues and sticking to business, but rather carefully managing misperceptions, emotions, and communication in order to strengthen personal relationships. To avoid misperceptions, negotiators should fight their own biases and try to understand what motivates the other side. For instance, if one side cares intensely about an issue that does not impact the other, the latter side should build trust by investing energy in this issue. Next, negotiators should carefully account for their emotions and understand how both sides' senses of autonomy, appreciation, affiliation, role, status, and identity might affect what they are willing to consider or accept. In addition to nonjudgmentally letting the other side vent negative emotions, effective negotiators know to build goodwill through gestures like compliments and apologies. Finally, negotiators must maintain clear and honest communication at all costs. This requires listening actively and confirming one's understanding of the other side before mischaracterizing its concerns.

The second rule of principled negotiation is to “focus on interests, not positions.” While people often enter negotiations with *positions*, their real goal is to satisfy their *interests*. Therefore, even when two sides present opposite positions, their interests can still be aligned. Effective negotiators ask open-mindedly about the other side's interests and then look

for ways to fulfill those of both sides. Rather than thinking about a dispute's causes (in the past), principled negotiators look for its purposes (in the future). Different parties in a negotiation should be teammates, not enemies, and everyone should take everyone else's interests seriously.

The authors' third rule is to "invent options for mutual gain." Negotiations often feel like zero-sum conflicts over a "fixed pie" of benefits, but by making space and time to brainstorm, negotiators can often find creative win-win solutions. Brainstorming sessions should involve open-ended discussion, a prohibition on criticism, and an agreement to postpone actually choosing a course of action. By expanding their thinking beforehand, these sessions give negotiators more options to work with in the actual negotiation and help them figure out how to make proposals that are more acceptable to the other side.

The fourth and final rule is to "insist on using objective criteria." When negotiations *do* come down to competing interests, people should look past their individual priorities and base agreements on external criteria like "fairness, efficiency, or scientific merit." For instance, during the Law of the Sea Conference, a scientific model helped India and the United States make an agreement about deep-sea mining regulations. Along with objective standards, objective procedures can facilitate agreements. A classic example is "one cuts, the other chooses" when splitting a dessert. Ultimately, negotiating over objective principles is always easier and more effective than negotiating over positions.

The authors then go on to explain how to address common challenges through principled negotiation. First, negotiators should deal with power imbalances by understanding their BATNA, or Best Alternative To a Negotiated Agreement. The BATNA shows the cost of making an agreement, and it actually determines a party's power in a negotiation far more than money or influence can. However, to be useful, the BATNA must be a specific, actionable Plan B, not just an abstract idea.

Next, the authors offer two strategies that principled negotiators can use with people who insist on using the positional bargaining approach. The first is negotiation jujitsu, which means refusing to engage the other side's positions and instead framing all discussion in terms of interests. (This can involve using open-ended questions and carefully-timed silences in a discussion.) The second strategy is the one-text procedure, in which a third party mediator creates a joint list of everybody's interests and then develops a plan to fulfill those interests in consultation with all the parties. As a model of negotiation jujitsu, the authors analyze a real-life negotiation between a principled negotiator named Frank Turnbull and his belligerent landlord, Mrs. Jones, who has been illegally overcharging him. Turnbull cites the objective standard of fair pricing and consistently emphasizes that he is not attacking Mrs. Jones's character, nor accusing her of misbehavior. When

Mrs. Jones accuses him of extorting her, Turnbull ignores the personal attack and instead gives her the opportunity to make her case based on principles. He intentionally asks for a break to think, and the next day he proposes a reasonable solution that Mrs. Jones accepts, without feeling cheated or misunderstood.

Finally, the authors examine "dirty tricks" that people use to gain an unfair advantage in negotiations. Fortunately, these tricks only work if others refuse to fight back, and their best response is to initiate a principled negotiation about the process of negotiation itself. For instance, if one side explicitly agrees to a solution but later starts pushing for more concessions, the other side should point out what is happening and cancel the agreement rather than making one-sided concessions. Similarly, if one side holds a meeting in a freezing-cold room, the other side can insist on meeting elsewhere. Threats and pressure tactics like the "good-guy/bad-guy routine" are best answered by constantly returning to principles.

The authors conclude by emphasizing that *Getting to Yes* really just organizes information that most people already know intuitively but only truly learn through practice. Negotiation, they conclude, is not about winning and losing, but rather about finding the best "process for dealing with your differences."



CHARACTERS

Roger Fisher, William Ury, and Bruce Patton – Fisher, Ury, and Patton are the coauthors of *Getting to Yes*. Fisher was a World War II veteran who became dedicated to prevent future wars; he attended Harvard University, worked on the Marshall Plan to rebuild Europe, and was a Harvard professor for decades. He also helped negotiate some of the most important peace deals of the 20th century. Ury, a social anthropologist, also attended Harvard and studied under Fisher, making significant strides in global conflict prevention. Patton, like Fisher, was a Harvard Law professor and now runs Vantage Partners management company in Boston. In 1979, Fisher, Ury, and Patton cofounded the Harvard Negotiation Project, an organization within Harvard Law School which seeks to make improvements (both theoretical and practical) in conflict resolution and negotiation. In 1991, Fisher and Ury published *Getting to Yes*, which is based upon the Harvard Negotiation Project's main tenants—particularly the idea that principled negotiation is superior to the common practice of positional bargaining. Patton, originally the editor of *Getting to Yes*, became a coauthor on the book's second and third editions.

Frank Turnbull – Turnbull is a principled negotiator whose negotiation strategies the authors cite as examples of effective negotiation jujitsu. While moving, Turnbull learns that his landlord, Mrs. Jones, has been illegally charging him \$1,200 a

month for rent, even though the legal maximum on his rent-controlled apartment is \$968. When he calls her, Mrs. Jones initially turns the dispute into a personal argument and refuses to talk in terms of principles. But Turnbull manages to control his anger, show Mrs. Jones that he understands her perspective, and direct the conversation back to the principles of fair pricing set out by the Rent Control Board. Ultimately, he shows Mrs. Jones that it is in everyone's best interests for her to simply return the excess rent payments and for him to move out as soon as possible.

Mrs. Jones – Mrs. Jones is Frank Turnbull's combative landlord who charges him more than the official legal maximum rent and then accuses him of trying to extort her when he points out the discrepancy. Through the techniques that the book's authors call negotiation jujitsu, however, Turnbull convinces Mrs. Jones to return the excess rent she owes him without offending her or souring their relationship.

TERMS

Principled Negotiation – Principled negotiation is the effective negotiation strategy that Roger Fisher, William Ury, and Bruce Patton present in *Getting to Yes*. In contrast to positional bargaining (the ordinary negotiation strategy in which each side offers a specific proposal and then the negotiators try to balance out these proposals), principled negotiation says that all parties in a negotiation should view themselves as a team trying to solve a common set of interests. The central argument of *Getting to Yes* is that principled negotiation offers a more effective, efficient, and amicable alternative to positional bargaining. Principled negotiation is supposed to combine soft negotiators' skill at preserving relationships with hard negotiators' insistence on finding the best solution possible to meet their own needs. The four middle chapters of *Getting to Yes* focus on the four main rules of principled negotiation: separating the people from the problem, focusing on interests rather than positions, searching for creative and mutually beneficial options, and centering agreements on objective criteria.

Positional Bargaining – Positional bargaining is the most common framework for thinking about negotiation, which the authors of *Getting to Yes* contrast to their strategy of principled negotiation. In positional bargaining, the different parties of a negotiation conceive themselves as enemies, fighting to fulfill their side's interests and "win" the other side over to their position. The problem is that this almost never happens: under positional bargaining, negotiators tend to refuse to budge on their initial positions, view any concession as a defeat, waste a lot of time, and destroy their relationships. The classic example of positional bargaining is haggling for a price at a market: the buyer proposes a low price, the seller proposes a higher one, and both sides are motivated to budge as little as possible. In

higher-stakes situations—like negotiating a divorce settlement or a peace treaty—this strategy can be disastrous, and *Getting to Yes's* main purpose is to offer principled negotiation as a better alternative.

Soft Negotiation – Along with its counterpart, hard negotiation, soft negotiation is one of the two common strategies that people tend to use in their everyday conflicts. Soft negotiators care more about avoiding conflict and preserving their relationship with the other side, so they often give up on fulfilling their interests (especially when the other side uses hard negotiation) in order to keep the peace. However, soft negotiators end up losing out on their goals and becoming justifiably resentful as a result, especially when they are in a long-term personal or professional relationship with a hard negotiator. In fact, relationships of any sort between hard and soft negotiators tend to degrade over time because the hard negotiator tramples on the soft negotiator in order to get their way. This dynamic shows how positional bargaining fails to separate personal issues from the substance of a negotiation and thereby forces negotiators to choose between maintaining their relationships (which soft negotiators choose) and winning the negotiation (which hard negotiators choose). Principled negotiation is far more effective: it combines soft negotiators' emphasis on preserving relationships with hard negotiators' emphasis on getting what they deserve.

Hard Negotiation – Along with soft negotiation, its opposite, hard negotiation is one of the two basic strategies that most people intuitively use to negotiate. Hard negotiators prioritize getting their way above all else, but they often ruin their relationships with other people in the process. Because hard negotiators view the other party as an enemy and do not see the other side's interests as legitimate, they end up being manipulative, deceitful, and demanding in negotiations. Hard negotiators often get their way when they manage to stick to positional bargaining and negotiate with soft negotiators, but they destroy their relationships in the process, which often sabotages their long-term goals. In contrast, hard negotiators get nowhere and end up looking foolish when they meet principled negotiators who do not respond to personal attacks and insist on prioritizing the merits of different proposals over the sheer will and ruthlessness of each side.

Wise Agreement – The ultimate goal of any negotiation is to reach a wise agreement. The authors define four criteria that determine whether an agreement is wise or not. First, does it achieve both sides' interests as much as possible? Secondly, does it create a fair resolution to those of the parties' interests that directly conflict? Thirdly, will it actually be implemented and last—in other words, is it durable? And finally, does it fairly take into account the interests of other community members and groups whom it may affect? If an agreement is wise, the answer to all these questions should be yes.

Saving Face – Broadly speaking, saving face means trying to

maintain one's own reputation in others' eyes. In practice, this can mean someone refusing act in a way that might lower others' opinion of them, especially if the action is seen as embarrassing or humiliating. The **authors** of *Getting to Yes* note that this term has negative connotations in English, because it implies dishonesty or deception for the sake of one's reputation. But the authors argue that "saving face" is actually a universal human behavior: nobody enjoys being publicly humiliated or feeling like their boss, spouse, or community will judge them negatively for doing something. Looking past the term's negative and prejudicial connotations, then, the authors argue that saving face is an important element in all negotiation.

BATNA – According to the **authors** of *Getting to Yes*, "Best Alternative To a Negotiated Agreement" (BATNA) is the most important step that a negotiator can take to address apparent power differences during the negotiation process is to clearly identify and plan for their BATNA. In other words, they need a solid Plan B that they can compare to any negotiated agreement that they reach. This BATNA is an expression of "the consequences of not reaching agreement," and it is actually one of a negotiator's most important tools: in any negotiation, the party with the strongest BATNA has the least intrinsic incentive to come to an agreement, which means it can easily walk away from any agreement that it does not consider adequate. Accordingly, in their sixth chapter, the authors argue that a negotiator's BATNA—not their access to money or influence—is their principal source of power in a negotiation.

Negotiation Jujitsu – Negotiation jujitsu is a set of strategies that people committed to principled negotiation can use to respond to others who insist on using positional bargaining. Like many martial arts, negotiation jujitsu is designed to divert and neutralize an opponent's attack rather than resisting it with equal force. In other words, when the other side starts justifying their position or making personal attacks, negotiation jujitsu calls for simply ignoring them, refusing to commit to any specific position, and starting a new conversation about principles instead. The two most important conversational strategies that negotiators can use in negotiation jujitsu are questions and silence. Whereas making statements invites resistance and criticism, asking open-ended questions forces the other side to explain their interests and motivations. And by responding to unhelpful outbursts and position-based thinking with silence, negotiators force the other side to continue talking. This often leads them to see that their points are not getting across as intended, and then reexamine and reformulate their argument in a more sensible, principle-based way. **Frank Turnbull's** negotiation with **Mrs. Jones** over his rent is a useful example of negotiation jujitsu tactics.

One-Text Procedure – The one-text procedure is a mediation process that the **authors** suggest for difficult negotiations. When two parties simply cannot come to an agreement no

matter how hard they try, the one-text procedure calls for a third-party mediator to compile both sides' interests and priorities into a single list and then develop a plan to fulfill everything on that list. As the mediator develops a plan, they can return periodically to the negotiating parties for advice and constructive criticism. The one-text procedure forces all sides to put aside their differing interests that do not truly conflict, and it pushes them toward agreement in situations where they refuse to cooperate for personal or emotional reasons. The one-text procedure is particularly useful in multilateral negotiations with a large number of parties, like international legal negotiations at the United Nations.

Camp David Accords – The Camp David Accords were a pair of landmark 1978 political agreements between Egypt and Israel which became the foundation of a peace treaty between the two countries the next year. As a result, Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin also won a Nobel Prize. The negotiations were conducted at the Camp David presidential retreat in Maryland and mediated by the American President Jimmy Carter and Secretary of State Cyrus Vance. However, *Getting to Yes* author **Roger Fisher** also participated in drafting this agreement according to the one-text procedure. He and his coauthors use the Camp David Accords as an example of both the value of mediation and the immense power of negotiation.

Law of the Sea Conference – The Law of the Sea Conference was a drawn-out but deeply influential negotiation that lasted from 1974 to 1982 and ultimately led to the United Nations Convention on the Law of the Sea, which regulates nations' claims to territorial waters and ability to conduct economic activity on the high seas. Although some countries have yet to ratify the treaty and new negotiations have created updated agreements from time to time, the 1982 agreement remains an important baseline for maritime policy. In *Getting to Yes*, the **authors** look specifically at the negotiations over deep-sea mining rights, which their Harvard Negotiation Project colleague James Sebenius wrote about in *Negotiating the Law of the Sea* (1984). Specifically, the authors note that wealthy countries like the United States wanted to give large corporations unrestricted mining rights in international waters, whereas developing countries like India were worried that this would lead them to fall even further behind. India demanded that corporations pay a fee for mining rights, and the United States refused—but after reviewing a model developed by scientists at the Massachusetts Institute of Technology, both sides were able to come to a common agreement. This illustrates the value of focusing negotiations on objective criteria—but there were also significant mistakes in the Law of the Sea Conference. For instance, when the bloc of lesser-developed countries asked the industrialized countries to share technology with them, the industrialized countries quickly agreed, but then totally ignored the issue. The authors note

that it would have been much better for the developed countries to go into detail on this point, thereby developing trust and goodwill to bolster their negotiations in the future.

Iranian Hostage Crisis – The Iranian hostage crisis was a 1979 incident in which a group of Iranian students took several American diplomats and workers hostage at the U.S. Embassy in Tehran. They demanded that the United States return the former Shah, who was ousted earlier that year in the Iranian Revolution but faced criminal charges in Iran. Over 444 days, the United States and Iranian governments struggled to negotiate an agreement that would see the hostages freed and Iran’s concerns about American influence assuaged. In fact, the peace talks went badly until Iraq invaded Iran, creating pressure for Iran to resolve the crisis. Ultimately, Iran and the United States negotiated an agreement with the help of the Algerian government, which acted as a mediator. The hostages were freed in January 1981, but American-Iranian relations have been sour ever since. *Getting to Yes* author Roger Fisher played a notable part in shaping the final agreement. The book cites the crisis to illustrate the importance of understanding the other side’s perspective and interests.

negotiations as a practice of positional bargaining, in which both sides declare a specific stance and then bitterly defend it. The classic example of positional bargaining is haggling over something’s price: the buyer will name a low price and the seller a high one, and then both the buyer and the seller will try to budge as little as possible until they reluctantly agree on a price. Ultimately, positional bargaining is based on the assumption that the two sides are enemies and that their interests are zero-sum. In other words, positional bargainers assume that one side’s victory is always another side’s loss, and they think that making unilateral concessions is the only way to reach agreement.

Positional bargaining is counterproductive because it undermines personal relationships, the negotiation process, and the very agreements that negotiators reach. Positional bargaining turns negotiations into battles and destroys negotiators’ personal relationships. When the relationship is more important than the specific dispute—like in a marriage or a longtime business partnership—this is devastating. In positional bargaining, winning means getting the other side to yield, so negotiators often use personal attacks and underhanded tactics to try and get their way. One of these underhanded tactics is delaying to exhaust the opposition, which is one of several reasons that positional bargaining is slow and inefficient. On the whole, positional bargaining incentivizes stubbornness, not collaboration, because it views making concessions as the only way to move toward agreement. This also makes it produce unwise agreements. The authors argue that an agreement is *wise* if, in addition to maximally satisfying everyone’s interests, it is equitable, durable, and fair to the community. But positional bargaining prevents parties from satisfying interests that are not directly in opposition, often forces one side to concede more than the other, and considers nothing more than the initial demands of both sides. As a result, agreements reached through positional bargaining tend to be far from ideal—sometimes they can be unsatisfactory to everyone involved.

Getting to Yes defends principled negotiation as a superior approach. Whereas positional bargainers fight for their self-serving proposals, principled negotiators seek agreements that fairly fulfill everyone’s interests. Principled negotiation has four key rules: first, people should “separate the people from the problem,” which means taking active steps to build a strong working relationship and approach the substantive dispute from a collaborative perspective. Second, “focus on interests, not positions,” which means centering the negotiation on the parties’ actual *goals*, rather than the pre-formed proposals that parties debate in positional bargaining. Third, “invent options for mutual gain,” which means looking beyond initial positions and brainstorming creative win-win proposals that can fulfill everybody’s needs. And finally, “insist on using objective criteria” in cases where interests truly are opposed. These rules



THEMES

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EFFECTIVE NEGOTIATION

Getting to Yes, an influential guide to successful negotiation by Roger Fisher, William Ury, and Bruce Patton, begins by noting that negotiations are everywhere in modern life. While the word “negotiation” might remind readers of heated business meetings or formal legal disputes, the authors of this book propose a much wider view of the concept. According to them, a negotiation is any situation in which multiple people have to work together and find a solution to fill their needs, whether those needs are shared or divergent. From everyday relationship quarrels to treaty debates on the floor of the United Nations, negotiations are far more common than most people realize—and most people are also approaching them wrong. According to the authors, the conventional approach to negotiation, positional bargaining, fosters conflict rather than cooperation. Instead, *Getting to Yes* proposes principled negotiation (or “negotiation on the merits”), a strategy that the authors argue saves time and energy, fosters better working relationships among negotiating parties, and leads to better, wiser agreements. The authors begin the book by noting that most people view

clearly contrast with the practices of positional bargaining, and principled negotiation follows them in order to achieve fair, respectful, and productive resolutions to conflicts.

Ultimately, principled negotiation solves the three major problems with positional bargaining. First, principled negotiation preserves relationships by turning negotiators into partners and allowing them to peacefully disagree. Positional bargaining forces negotiators to see each other as enemies and choose between maintaining a relationship and achieving a desirable result. This usually leads to personal resentment either way. In contrast, principled negotiation helps negotiators develop a strong working relationship by using their natural desire to get along as a catalyst for creating better substantive solutions. Even when negotiations fail, principled negotiators take collective ownership for that failure rather than pointing fingers. Second, principled negotiation is also more efficient. Whereas positional bargaining frames the process of reaching agreement as a gradual retreat from one's original position and therefore encourages negotiators to budge as little as possible, principled negotiation is based on a mutual willingness to build better solutions and treats compromise as a win, not a defeat. Finally, principled negotiation creates wiser agreements because it forces negotiators to actually address their real, motivating interests—and take the other side's interests seriously, too. The proposals presented in positional bargaining tend to satisfy all of one's own interests and none of the other side's, while principled negotiation starts by emphasizing that some of these interests are shared, and others can be satisfied without affecting the other side. Ultimately, whereas the agreements produced in positional bargaining simply reflect who better coerced the other side into giving in, agreements produced through principled negotiation actually address everyone's needs in a rational and fair way.

While *Getting to Yes* remains best known for its four concrete, practical rules for negotiation, the book really proposes rethinking the very nature of negotiation itself. The authors ask their readers to expand their vision of what counts as a negotiation and then stop assuming that all negotiations must involve rigid, antagonistic, zero-sum positional bargaining. Instead, they envision a world where people default to cooperation rather than conflict, then strive to resolve their conflicts in the wisest, least destructive way possible.



NEGOTIATION AS THE PURSUIT OF INTERESTS

According to the authors of *Getting to Yes*, many people waste valuable time and energy focusing on things that are totally irrelevant to their actual goals in a negotiation. They might attack other parties' moral character or refuse to accept anything besides the exact solution they are envisioning, especially when they approach negotiations through the lens of positional bargaining. Such negotiators get

too caught up in the game and lose sight of why they are playing it. While negotiations often turn into power struggles or referendums on personal morality, in reality, they are simply about two or more parties trying to fix certain problems—or satisfy certain interests—that may be common, differing, or directly opposed. By “separat[ing] the people from the problem” and “focus[ing] on interests, not positions,” principled negotiators learn to focus their time and energy on these concrete interests, rather than letting extraneous factors get in the way of a wise agreement. In other words, while they avoid personal conflict like soft negotiators, they approach the substance of a dispute like hard negotiators. While effective negotiation is by no means easy, it is straightforward: it merely requires people to come together, define their interests, develop a plan to satisfy them, and then implement that plan.

The authors of *Getting to Yes* define negotiation as a fundamental tool for fulfilling *interests*, whether individual or collective. When the authors use the word “interests,” they are talking about the “needs, desires, concerns, and fears” that motivate people in a negotiation. Most often, these are fundamental necessities like security, belonging, recognition, and autonomy. The authors imply that all human actions are really about fulfilling these goals, and issues important enough to negotiate about are deeply intertwined with them. But negotiators also generally have multiple interests, often relating to different basic needs. And importantly, they almost always share at least some of these interests with the other side. For instance, both parties usually share an interest in building a strong ongoing relationship. Fulfilling these shared interests is often the easiest and most rewarding part of a negotiation, and this can serve as the foundation for a strong negotiated agreement.

In addition to understanding the importance of focusing on interests, of course, successful negotiators must clearly define their interests and understand those of everyone else at the negotiating table. The easiest way to identify everybody's interests is to simply state one's own and then ask everyone else about theirs. But this often does not happen because people are afraid or unsure about what their interests actually are. In such cases, people often open negotiations with a clearly defined position. But the authors argue that negotiators must identify the interests behind these positions that truly motivate people. They can do this by asking *why* the other side has chosen its positions, offering multiple, slightly different options to try and understand the other side's motivations. Negotiators should then repeat their own understanding of the other side's interests in order to create a mutual understanding and signal their commitment to fulfilling mutual interests where possible. One important reason to talk about interests instead of positions, identities, personal conflicts, or anything else is that interests can usually be fulfilled in multiple ways. So while it is usually impossible to combine everyone's proposals, it is often

possible to create a new proposal that fulfills everyone's combined interests.

Reaching agreement in a negotiation is really just finding a way to meet as many of all sides' interests as possible. This is the purpose of the authors' third rule of effective negotiation: "invent options for mutual gain." It is often possible to meet differing interests that are not necessarily opposed. For instance, the authors cite an anecdote about two men who cannot decide whether to open a window in the library. One wants fresh air, but the other is worried about a draft in the room, so the librarian resolves their dispute by opening the window in the next room over. In general, the authors argue that effective negotiators can actively brainstorm together in order to meet as many of their interests as possible without getting in each other's way. Similarly, the authors argue that good negotiators actively take the other side's interests into account and strive to fulfill those interests when they do not conflict with their own. Because such interests are *not* mutually exclusive, they are easy to agree on—and by making painless concessions on them, negotiators move the process forward. This ensures that everyone is at least getting *something* out of the negotiated agreement. Still, it can sometimes be difficult to keep negotiations focused on interests, rather than positions or people. This is why the authors propose negotiation jujitsu and the one-text procedure in the second half of the book: they are strategies that principled negotiators can use to prevent negotiations from collapsing into positional bargaining. For instance, when the other side insists on using positional bargaining, the authors advocate refusing to take the bait, insisting on asking *why* as much as possible, and calling in a third-party mediator to meet everyone's needs if necessary. In short, when negotiations go wrong, the solution is always to bring them back to questions of interests—and, when interests truly are in conflict, to resolve that conflict fairly.

By definition, principled negotiation's purpose is to make negotiations more effective, so it is only logical that the authors propose throwing personal animosity, biases, and egos out the window in order to hone in on the actual substance of a negotiation: the interests of everyone involved and the best way to achieve them. Trying to "win" by defeating the other side is ineffective. Instead, negotiators should first look for "win-win" solutions in which everyone benefits and nobody loses anything at all. And when they have to deal with genuinely competing interests, everyone involved should care about resolving them fairly. Indeed, in principled negotiation, if an agreement is not a "win" for *everybody*, it is really not a win for *anybody*.



THE VALUE OF WORKING RELATIONSHIPS

While negotiation is first and foremost a tool for fulfilling one's interests, this does not mean that the

personal relationships among negotiators are irrelevant. Actually, the fact that interests are more important actually makes building strong relationships easier and more fruitful. According to the authors of *Getting to Yes*, turning substantive negotiations into personal disputes is not just uncomfortable—it is also counterproductive. Bitterness and animosity often lead people to view a negotiation as a personal battle, preventing them from reaching mutually beneficial conclusions, even when there are obvious ways to meet the fundamental interests of both sides. And even more importantly, tense relationships set a poor precedent for future negotiations. Ultimately, the authors emphasize that negotiators should not just avoid personal attacks—they should actively strive to build amicable working relationships with the other parties in a negotiation, which leads to both better outcomes and a more favorable starting point for future negotiations.

Negotiations almost always involve emotions, which means that they usually get personal and affect the negotiators' relationship, one way or another. In particular, negotiations raise emotions because people tend to end up negotiating about things that matter deeply to them—often their basic sense of security, belonging, or autonomy is at stake. Sometimes the very structure of a negotiation adds to a sense of threat. Regardless, in high-stakes negotiations, strong feelings almost always come into play. Such emotion can create personal problems that sabotage negotiations—for instance, the authors note that peace talks between Israelis and Palestinians are always unsuccessful because of strong emotions, and this is a common problem with positional bargaining (in which different parties instinctively see each other as enemies). This means that it is very dangerous to address emotions and personal conflicts badly in a negotiation—or, worse, to fail to address them at all. Even when negotiators are technically advocating for someone else's interests, they are still human beings, influenced by their feelings. While negotiators should try to be as objective as possible, they should also recognize that complete objectivity is an imaginary goal that nobody can fully reach. Accordingly, the authors emphasize that separating people from problems does not mean ignoring emotions. Many people in the worlds of business and politics instinctively interpret the phrase that way, but in reality, good negotiators are overly *sensitive* to emotions, not overly *dismissive* of them.

The authors argue that instead of trying to ignore personal issues or letting the circumstances of a negotiation create personal animosity, negotiators should actively try to build amicable, respectful, and productive working relationships. The most important way to do this is by closely managing and empathetically attending to the emotions that negotiations raise. The authors outline a wide range of tactics help achieve this, ranging from explicitly naming one's feelings using "I"

statements to letting the other side vent their negative feelings without reacting. The key is to prevent negotiations from turning into an instinctual cycle of emotional action and reaction, which entangles relationships with substance, eroding both in the process. Although small gestures can seem minor, they can make a huge difference. Some examples include offering sincere apologies that do not affect the substance of negotiations, making small talk before negotiations begin, and enthusiastically pursuing points that improve the deal for the other side, without worsening one's own side. These gestures of goodwill are free, in the sense that they do not worsen the gesturer's negotiating position. Accordingly, good negotiators use them generously to build rapport. Finally, effective negotiators address the other side's basic emotional needs, like the need to feel active ownership over a solution and save face—or act consistently with their past positions and behaviors. Addressing these needs shows empathy and makes agreements far easier to reach.

Good working relationships are not only valuable because they help individual negotiations succeed—they are also desirable for their own sake. In some cases, the relationship is actually more important than the specific dispute in question during a negotiation. For instance, a shopkeeper probably cares more about keeping a regular customer than making a little more money, and married couples almost always view quarrels as important symptoms of an underlying relationship's health, not as be-all and end-all referendums on the marriage. It would make no sense to let a dispute hijack and threaten these relationships, but this is what happens when negotiators get stuck on positional bargaining. When they instead choose principled negotiation, they can form strong relationships that substantially improve their prospects for the future. For instance, if a company and a city know that they will have to negotiate periodically over several years, it helps significantly if their negotiators are already acquainted and friendly with each other. In some cases, a solid relationship can totally change the very situation that is being negotiated about. For instance, when Egyptian president Anwar Sadat decided to visit Israel and initiate peace talks himself, he started building an alliance between the two warring countries that continues to this day, and he did this without sacrificing any of his political goals. This shows that building relationships can actually be the most important advantage of principled negotiation.

Although the authors of *Getting to Yes* do see substance as the objective side of negotiations and personal relationships as the subjective one, this does not mean that relationships are less important than substance. Rather, it means that people should be mindful of the fact that negotiations are inevitably emotional, and when possible they should use this fact to make negotiations more efficient and effective. In short, they should make other parties' negotiators into friends, because it is always easier to negotiate, respectfully disagree, and move

forward among friends than among enemies or strangers.



POWER IMBALANCE

One significant difficulty in the negotiation theory presented in *Getting to Yes* is that it only works smoothly if all parties have roughly equal power.

For example, activists negotiating with the government, small businesses negotiating with giant international conglomerates, and employees negotiating with management often have to cope with overwhelming inequalities in power. In such situations, the more powerful party in the negotiation has little to gain by playing fair, and so underdogs have to work extra hard to keep them honest. However, the authors argue that real power in a negotiation really depends on each side's ability to set the rules of the negotiation itself, and so principled negotiation about the actual negotiation process is an underdog's best tool for evening out power imbalances.

Although negotiation theory presumes equality, real negotiations almost always involve power imbalances, which are based on parties' ability to control the rules of the game itself. People often assume that the party with more power in general will always have more power in a specific negotiation, but this is not true. For instance, during the Iran hostage crisis, a small group of Iranian college students had power over the U.S. government precisely because they had hostages. The U.S. government had far more to lose than the students, who could afford to walk away, which gave them the upper hand in structuring the negotiation process and making demands. This shows that power in a negotiation is not only about money, status, and political connections (although all of those factors certainly come into play). Rather, it is really about what each party can do to shape the very process of negotiation, and this depends on how much each party stands to gain or lose by resolving the dispute in question. Based on this insight, the authors argue that the best way to understand each party's position in a negotiation is to identify their BATNA, or Best Alternative To a Negotiated Agreement. In other words, what will they do if they have to walk away? By specifically identifying a BATNA, people can figure out the opportunity cost of choosing to negotiate. The stronger their BATNA, the less they have to lose by walking away, so whichever side has a better BATNA tends to have more power in the negotiation.

Because power depends on the structure of the negotiation process, dishonest negotiators try to manipulate this process, while underdogs' best resource is principled negotiation about it. One classic way to negotiate about the process is to threaten to walk away—or, in other words, to opt for one's BATNA. While negotiators often overuse this tactic, in extreme cases, it can force wishy-washy opponents to start taking negotiations seriously. But BATNAs are never fixed: underdogs can always change their BATNA, or even manipulate the other side's. For instance, a prospective homebuyer can improve their BATNA

by looking at other properties, and a nation can get another to follow a nuclear treaty by building up international pressure. The homebuyer and the government start out at a disadvantage because (in both cases) the other side has nothing to lose by walking away from the negotiation. But, by giving themselves better alternatives, the homebuyer and government increase their negotiating power and give the other side a strong motivation to actually come to an agreement.

The authors also point out that underdog negotiators often have to work extra hard to keep the other side negotiating on principles. This is because powerful negotiators have a lot to gain by insisting on positional bargaining, particularly when they recognize that they are in the wrong. For example, when tenant Frank Turnbull asks his landlord Mrs. Jones why she has charged him more than the legal maximum monthly rent on his apartment, Jones accuses him of trying to extort her. She knows that she has more power in a positional bargaining situation, because she already has Turnbull's money, but Turnbull has more power in a principled negotiation because his position is backed up by the principles. So Mrs. Jones uses a personal attack as a provocation, hoping to divert the conversation from objective principles. But Turnbull responds with a strategy the authors call negotiation jujitsu: he deflects her personal attacks and insists on debating the principles. Even though his BATNA is weak—he would just take the loss and move somewhere else—Turnbull makes up for his powerlessness by refusing to take Mrs. Jones's bait and insisting on negotiating on the even playing field of principles. Eventually, he convinces her to pay him back what he is due.

In their last chapter, the authors look at deceptive, bad faith negotiation strategies that negotiators use to take advantage of power imbalances. These range from the blatant, like lying about the issues or making false promises, to the subtle, like insisting on meeting in a freezing cold room or seating the other side in the direct sunlight. These power-grab tactics work by creating new, one-sided pressures in the negotiation process. But responding to these tactics is just as easy: principled negotiators point out what is happening and insist on changing it before proceeding with the negotiation. In other words, fixing the power imbalance simply requires explicitly addressing the process of negotiation and re-centering it on principles.

Of course, there is nothing preventing readers from turning the authors' advice about negotiating the rules of the game into a manual for how to deceive or manipulate fellow negotiators. But the authors emphasize that dishonest and deceptive communication strategies only work if the other side is willing to be fooled. Principled negotiators, like expert poker players, know how to keep one another honest. When everyone has perfect information about negotiation strategy—meaning that they know how to use principled negotiation techniques—then

the negotiation will tend toward equality. So while dishonesty might be an effective strategy for the powerful, an underdog can always keep them in check through principled negotiation.



PREPARATION AND FLEXIBILITY

The authors of *Getting to Yes* advocate two contrasting principles in their theory of principled negotiation: they repeatedly say that negotiators must be well-prepared, but they also insist that they be flexible during the process of negotiation itself. In fact, it is important to combine preparation and flexibility precisely because they serve complementary functions, and the best negotiators specifically prepare in a way that boosts their flexibility during a negotiation.

Effective negotiators must be prepared in order to succeed. At a bare minimum, the authors argue, parties must enter a negotiation well-informed about the facts, with a clear understanding of their concrete interests and a plan. Otherwise, negotiations are unlikely to advance, and unprepared negotiators are uniquely vulnerable to deceptive tricks. The authors also argue that negotiators should be prepared with ideas about independent, objective criteria that can be used to evaluate questions of conflicting interests and, above all, an understanding of their BATNA—their Best Alternative To a Negotiated Agreement, which reflects the consequences of walking away from the negotiation. Both of these pieces of information allow negotiators to hold a firm line and fight for their interests when push comes to shove. Similarly, it can be strategic to introduce pauses into a negotiation process to give both sides time to reflect and further prepare. For instance, in the example negotiation between Frank Turnbull and his landlord Mrs. Jones, Turnbull requests a day to think before presenting a final offer. Beyond taking time to gather new information, Turnbull consolidates his thinking and prevents himself from making a rash, hasty decision. While closing an agreement in the heat of the moment is dangerous and invites regret, strategically pausing allows people to mentally prepare themselves for making an agreement, precisely because decisions are always better when negotiators have time to meaningfully reflect on them.

However, while preparation is key to effective negotiating, it can also be dangerous, and this is why the authors insist that negotiators must also embrace *flexibility* in order to reach wiser agreements. In fact, overpreparation is what makes positional bargaining ineffective. Armed with a seemingly perfect solution and a seemingly complete set of facts, positional bargainers approach negotiations certain that they are right and eager to crush the other side's ignorance with their own knowledge. Such positional bargainers reject perfectly viable solutions because they never get around to considering them. In other words, positional bargainers fail because they are *inflexible*: they are not willing to consider unfamiliar ideas or change their

rigid, preestablished view of the situation based on what the other side says. In contrast, principled negotiators emphasize flexibility in a negotiation process in order to ensure that negotiated agreements actually satisfy both sides. In particular, they make space for brainstorming, which creates a safe space for exploring new ideas without affecting the flow of negotiations as a whole. More than anything else, brainstorming is what allows negotiators to find common ground that they might not have seen beforehand and dovetail (or creatively satisfy) competing interests. Many of the reasons people fail to find good solutions are based on a refusal to think flexibly in a negotiation scenario. The authors cite “premature judgment,” “searching for the single answer,” and “the assumption of a fixed pie” as examples. Without considering new options—whether or not they turn out to be worth implementing—people end up trying to split the difference between their premade plans, rather than finding something new that works for everybody.

While preparation and flexibility are both incredibly important, then, it is also clear that neither should go so far as to get in the way of the other. Instead, the authors argue that preparation and flexibility should actively work together. Like the different parties’ interests in a negotiation, preparation and flexibility might look zero-sum, but in reality they are not. Preparing more does not mean being less flexible—it is possible to be totally prepared and totally flexible at the same time. In essence, effective negotiators *prepare to give themselves flexibility* in the negotiation process. For instance, they might enter negotiations with multiple plans in mind, so that they can then propose different options depending on what the other side raises. By proposing three specific plans that they find equally desirable but may look different to the other side, a negotiator can ascertain what the other side’s real interests are. So by preparing multiple options, a negotiator creates a kind of flexibility in the negotiation that would not exist otherwise. This is also the purpose of having a specific BATNA, which helps a negotiator realistically calibrate what kind of agreement will be worthwhile. Finally, **the Circle Chart** that the authors propose as a guide through the brainstorming process is probably the most concrete illustration of how preparation and flexibility must work together to create better negotiated outcomes. The chart helps people relate concrete problems to broader situations and conditions, then back to new concrete solutions. It is a rigid process that produces creative solutions: it forces negotiators to reconsider their existing knowledge and draw new inferences out of it, encouraging them to draw on their preparatory material but to reconsider it in a flexible way.

Of course, while *Getting to Yes’s* very purpose is to prepare its readers for negotiations, the book’s authors recognize that negotiations are diverse and difficult to predict, so they believe that internalizing specific negotiating principles is the best way to become an expert negotiator. This is only further proof that

no amount of detailed preparation can settle negotiations before they begin—indeed, the authors also point out that people can never truly learn to negotiate from a book, but only ever through action and practice. The best way to negotiate is to bring an open mind and several open-ended proposals—in addition to the wisdom gathered from *Getting to Yes*—into a fair, collaborative, and creative principled negotiating process.



SYMBOLS

Symbols appear in **teal text** throughout the Summary and Analysis sections of this LitChart.



THE CIRCLE CHART

The brainstorming tool called the Circle Chart represents the authors’ broader view of how openminded, principled negotiations can generate creative solutions to diverse problems. The Circle Chart presents four steps in a clockwise circle: identify the problem, analyze it, generate possible approaches to solving it, and finally convert those general approaches into specific action steps that, in turn, will address the initial problem. This process can be repeated indefinitely, and new proposals developed along the way should be recorded and explored on their own merits. The sequential, cyclical nature of the Circle Chart thus symbolizes the ease of solving problems when all parties are clearly focused on the issue at hand rather than simply proving themselves right—and how approaching problems in this way is formulaic and applicable in virtually any negotiation.



QUOTES

Note: all page numbers for the quotes below refer to the Penguin edition of *Getting to Yes* published in 2011.

Introduction Quotes

☝ Like it or not, you are a negotiator. Negotiation is a fact of life.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: xxvii

Explanation and Analysis

In the introduction to *Getting to Yes*, the book’s authors

explain the scope of the principled negotiation theory they present: it can be implemented in absolutely any situation in which multiple parties have to collectively decide on a course of action that affects all of them. So while the word “negotiation” might remind most people of business meetings and political debates, in reality, everyone negotiates all the time. From deciding what movie to watch as a family to talking to customer service on the phone, life is full of negotiations.

But while most people see these situations as stressful, boring, and full of conflict, the authors of *Getting to Yes* see negotiations as opportunities for collaboration and mutual gain. At the very least, their principled negotiation method aims to make these situations as painless and easy to resolve as possible. Because it aims to address such a broad range of scenarios, principled negotiation is grounded in a set of general rules that effective negotiators should internalize over time and use to guide their moves and decisions in specific negotiation scenarios. Of course, the authors also emphasize throughout the book how these principles can be enacted in a variety of real-life scenarios, ranging from everyday life decisions to nuclear arms deals.

●● There is a third way to negotiate, a way neither hard nor soft, but rather both hard and soft. The method of principled negotiation developed at the Harvard Negotiation Project is to decide issues on their merits rather than through a haggling process focused on what each side says it will and won't do. It suggests that you look for mutual gains whenever possible, and that where your interests conflict, you should insist that the result be based on some fair standards independent of the will of either side. The method of principled negotiation is hard on the merits, soft on the people. It employs no tricks and no posturing. Principled negotiation shows you how to obtain what you are entitled to and still be decent. It enables you to be fair while protecting you against those who would take advantage of your fairness.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:   

Page Number: xxviii

Explanation and Analysis

As the authors of *Getting to Yes* explain in their introduction, one reason that most people dislike negotiating is that most negotiations end up taking the form of a conflict. This is

because people default to the paradigm of positional bargaining: they assume that every party has to come to the negotiating table with some thought-out position and then try to convince everyone else to choose their proposal over all the rest. Under this paradigm, most people fall into one of two general types: they are either hard negotiators who focus on winning the battle for their position and hurt others' feelings in the process, or they are soft negotiators who prioritize negotiating conflict and so let hard negotiators steamroll them on substance. Because people are confined to this model, which holds personal relationships hostage to substantive conflicts over the substance of a dispute, it is no wonder that most dislike negotiating.

The principled negotiation strategy proposed in this book is designed to overcome the issues with hard and soft negotiation by rejecting the shared assumption that ties them together: the positional bargaining paradigm. While principled negotiation is “hard on the merits, soft on the people,” it is not really a combination of hard and soft negotiation. Rather, it requires a totally different approach: de-linking people from the substance in the first place. This makes it possible to form strong relationships while fairly and honestly resolving substantive questions.

●● Principled negotiation is an all-purpose strategy. Unlike almost all other strategies, if the other side learns this one, it does not become more difficult to use; it becomes easier. If they read this book, all the better.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: xxix

Explanation and Analysis

One advantage of principled negotiation that the authors hint at here—and which becomes more obvious as the book progresses—is that it tends to make negotiations more equal and flatten out power imbalances. Principled negotiators are indifferent to whom they are negotiating with and never try to coerce others into making concessions (or let themselves be coerced for that purpose). They seek to base agreements on objective principles that are valid independent of who proposes them. Accordingly, principled negotiation tends to produce fairer outcomes than other negotiation strategies, many of which wrongly assume that negotiators should try to gain an upper hand (often through

manipulative tricks). These other strategies rely on the assumption that the more powerful party in a negotiation will inevitably have an advantage—an assumption that principled negotiation totally undermines. So while these other negotiation strategies only work if just one of the parties implements them, principled negotiation is actually a winning strategy for everybody involved: it is harder to imagine a swifter, fairer, or more amicable negotiation than one whose parties are all principled negotiators.

Chapter 1 Quotes

☝ Any method of negotiation may be fairly judged by three criteria: It should produce a wise agreement if agreement is possible. It should be efficient. And it should improve or at least not damage the relationship between the parties. (A wise agreement can be defined as one that meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account.)

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:   

Page Number: 4

Explanation and Analysis

In order to understand what makes principled negotiation an ideal negotiation strategy, the authors of *Getting to Yes* first ask what makes any negotiation strategy successful in general. They identify these three conditions, which they argue that principled negotiation fulfills better than positional bargaining. The immediate goal of a negotiation is to produce a satisfactory agreement, so it makes sense that this is the first of the criteria. The authors point out that people really negotiate in order to fulfill some set of deeper needs and desires—or interests—through the agreement they reach.

Even though they do not return to it in depth later on, the authors' four-part definition of a "wise agreement" is significant because it shows that effective agreements have to balance the sides' interests with concerns of fairness, practicality, and justice to the community. This balance might look different in different circumstances: for instance, community interests might be stronger or weaker, and sometimes parties might prioritize a fair distribution of benefits over getting more of what they personally want, in order to sustain an amicable relationship. This also means that there is no predetermined, ideal solution that is waiting

to be discovered—rather, negotiators' job is to formulate a solution that fulfills these four goals to whatever extent possible.

The second and third criteria for a desirable negotiation method speak to the main problems that most people experience when they negotiate: the process itself is arduous, and they ruin their relationships with the people they are negotiating with. The inefficiency of positional bargaining can be a huge problem when time is of the essence (as in life-or-death situations, wars, and negotiations with concrete deadlines). And positional bargaining's effect on relationships can be devastating in situations when the ongoing relationship is more important than the specific dispute (like in a marriage or a negotiation between a shopkeeper and a regular customer). Simply speeding up positional bargaining can lead to worse solutions, however, and simply giving in on negotiations in order to protect a relationship often leads to resentment and awkwardness, not to mention solutions that satisfy nobody. Accordingly, it is essential that principled negotiation also produce efficient agreements that forge strong personal relationships.

Chapter 2 Quotes

☝ A basic fact about negotiation, easy to forget in corporate and international transactions, is that you are dealing not with abstract representatives of the "other side," but with human beings. They have emotions, deeply held values, and different backgrounds and viewpoints; and they are unpredictable. They are prone to cognitive biases, partisan perceptions, blind spots, and leaps of illogic. So are we.

This human aspect of negotiation can be either helpful or disastrous.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: 20-1

Explanation and Analysis

Most people picture professional negotiators as overly serious functionaries who are able to resolve important disputes in rational ways simply because they bring no emotions at all to the table. But the authors of *Getting to Yes* explain, this could not be further from the truth. Everyone is a negotiator, after all, and every negotiation inevitably

arouses emotions in both the parties who conduct it and the constituents who are impacted by it. In fact, since negotiations often implicate people's deepest, most fundamental human needs, they tend to be *very* emotional endeavors.

Since emotions are an inescapable part of any negotiation, negotiations inevitably affect the relationships among the people who conduct them. Effective negotiators know this, and so they “separate the people from the problem” in order to prevent substantive issues from unnecessarily creating personal animosities. Of course, separating the people from the problem does not mean ignoring emotions: rather, it means carefully managing them in order to build mutually affirming, collaborative relationships to whatever extent possible. This is why the authors argue that the “human aspect of negotiation can be either helpful or disastrous.” It is disastrous when it is ignored and feelings are brushed under the rug—for instance, in positional bargaining, different parties often clash because they are driven by personal emotions that have nothing to do with substance.

But the human dimension of negotiation is helpful when effective (principled) negotiators use people's natural desire to empathize, get along, and work together in order to push for better, fairer resolutions to their disputes. As the authors point out at the end of this chapter, when people see a contradiction between their friendly relationship (positive) and their substantive dispute (negative), they are motivated to resolve the dispute and eliminate the contradiction.

☛ Positional bargaining deals with a negotiator's interests both in substance and in a good relationship by trading one off against the other. If what counts in the long run for your company is its relationship with the insurance commissioner, then you will probably let this matter drop. Yet giving in on a substantive point may buy no friendship; it may do nothing more than convince the other side that you can be taken for a ride. Or, if you care more about a favorable solution than being respected or liked by the other side, you can try to extract concessions by holding the relationship hostage. “If you won't go along with me on this point, then so much for you. This will be the last time we meet.” While you may extract a concession this way, this strategy often results in lousy substance and a damaged relationship.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: 23

Explanation and Analysis

While principled negotiation produces wise agreements and amicable relationships by separating the people from the problem, positional bargaining damages relationships by entangling the people with the problem. Positional bargainers do not separate their feelings about the other side as people from their concrete interests in the negotiation. Because feelings are best preserved by negotiating weakly and interests by negotiating harshly, positional bargainers are forced to choose between getting a satisfactory outcome or a functional relationship with the other negotiators. Even when one of these is clearly more desirable, it does not make sense to needlessly sacrifice the other—a better solution is to use principled negotiation to explicitly separate substance and relationships, then make a concerted effort to succeed on both fronts.

Notably, amicable relationships are not only valuable because they are more pleasant than conflict-ridden ones: they are also strong assets during and after the negotiation itself. People want to satisfy their friends' interests more than their enemies', so negotiating with a friend is a surefire way to get both parties the best possible deal. Friends are also more likely to be happy working together in the future—and to succeed when it is time to do so.

☛ The ability to see the situation as the other side sees it, as difficult as it may be, is one of the most important skills a negotiator can possess. It is not enough to know that they see things differently. If you want to influence them, you also need to understand empathetically the power of their point of view and to feel the emotional force with which they believe in it. It is not enough to study them like beetles under a microscope; you need to know what it feels like to be a beetle. To accomplish this task you should be prepared to withhold judgment for a while as you “try on” their views. They may well believe that their views are “right” as strongly as you believe yours are. You may see on the table a glass half full of cool water. Your spouse may see a dirty, half-empty glass about to cause a ring on the mahogany finish.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:   

Page Number: 25

Explanation and Analysis

Perhaps surprisingly, the authors define empathy as the most important personality trait in a master negotiator. Positional bargaining often fails because each side gets completely stuck in its own point of view—neither is willing to accept that some of their demands are unworkable to the other side or consider that the other side's interests might be worth fulfilling, too. Principled negotiation starts with the insight that people fundamentally negotiate to fulfill their interests—which means that understanding the other side's desires and needs is far more important than listening to any specific demands they try to make. The best agreements fulfill as many as possible of both sides' interests, and often there is no need to choose between meeting one or the other. But recognizing opportunities for mutually beneficial agreements requires truly understanding the other side's interests, which are usually moral and emotional as well as physical. This is why empathy is so important: it allows negotiators to define interests, which is the first step in effectively negotiating an agreement.

●● Many emotions in negotiation are driven by a core set of five interests: *autonomy*, the desire to make your own choices and control your own fate; *appreciation*, the desire to be recognized and valued; *affiliation*, the desire to belong as an accepted member of some peer group; *role*, the desire to have a meaningful purpose; and *status*, the desire to feel fairly seen and acknowledged. Trampling on these interests tends to generate strong negative emotions. Attending to them can build rapport and a positive climate for problem-solving negotiation.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:   

Page Number: 32

Explanation and Analysis

Roger Fisher, William Ury, and Bruce Patton
Feelings are important in negotiations not only because they often affect the way parties interact, but also because they usually the driving motives behind people's decision to negotiate in the first place. In other words, emotions are the source of people's interests. The authors enumerate these

five central ones: autonomy, appreciation, affiliation, role, and status. Notably, certain goals people often cite as reasons for negotiating—like money and power—do not appear in this list of essential interests. (Usually, money and power are means to fulfilling one or more of these core emotional needs, rather than needs themselves.)

These five fundamental interests are important not only because it is useful to look for them when trying to identify the other side's reasons for negotiating, but also because they offer an outline for effectively building relationships. In short, if the other side's sense of autonomy, appreciation, affiliation, role, or status is threatened by the substance of a negotiation, negotiators can boost these feelings through personal interactions as well as through the negotiated agreement.

●● Build a working relationship. Knowing the other side personally really does help. It is much easier to attribute diabolical intentions to an unknown abstraction called the "other side" than to someone you know personally. Dealing with a classmate, a colleague, a friend, or even a friend of a friend is quite different from dealing with a stranger. The more quickly you can turn a stranger into someone you know, the easier a negotiation is likely to become. You have less difficulty understanding where they are coming from. You have a foundation of trust to build upon in a difficult negotiation. You have smooth, familiar communication routines. It is easier to defuse tension with a joke or an informal aside.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: 39-40

Explanation and Analysis

Having a positive relationship with the other side not only makes negotiations more pleasant—it also makes them smoother and more effective. In fact, according to the authors of *Getting to Yes*, it's hard to understate the benefits of developing a positive relationship with the other side whenever possible. Principled negotiation emphasizes separating people from the problem precisely so that negotiators can more easily form such a relationship and move forward as friends or, at the very least, respectful collaborators.

Crucially, the authors also emphasize that separating the people from the problem is not something that can be done

all at once— rather, it’s a continuous process. This is necessary because negotiations continually raise emotions, and people inevitably link those emotions to the people present in the negotiation, at least at first. In other words, every time there is a new development in the negotiations or the other side makes a new move, people will inevitably have an emotional reaction that depends, in part, on their relationship with the other side’s negotiators.

When these emotions are negative, in order to effectively negotiate on the merits, negotiators first have to actively de-link their negative reaction from their conscious feelings about the other person’s character. This is so they don’t let these feelings tempt them into the back-and-forth cycles of attack that characterize positional bargaining. But when the emotions associated with a negotiation and the people involved in it are positive, this makes effective, principled solutions easier to reach, not harder. Accordingly, negotiating with friends also reduces negotiators’ cognitive load throughout the entire process.

Chapter 3 Quotes

●● Interests define the problem. The basic problem in a negotiation lies not in conflicting positions, but in the conflict between each side’s needs, desires, concerns, and fears. The parties may say:

“I am trying to get him to stop that real estate development next door.”

Or “We disagree. He wants \$300,000 for the house. I won’t pay a penny more than \$250,000.”

But on a more basic level the problem is:

“He needs the cash; I want peace and quiet.”

Or “He needs at least \$300,000 to pay off the mortgage and put 20 percent down on his new house. I told my family that I wouldn’t pay more than \$250,000 for a house.”

Such desires and concerns are *interests*. Interests motivate people; they are the silent movers behind the hubbub of positions. Your position is something you have decided upon. Your interests are what caused you to so decide.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes: 

Page Number: 42-3

Explanation and Analysis

One common but dangerous mistake that negotiators make is to get too far ahead of themselves and define negotiations in terms of positions rather than interests. Although it makes sense that parties might want to enter a negotiation with a clear proposal of what they think should happen, in reality, this strategy is very counterproductive because it preemptively erases the other side’s needs. A negotiator will only choose such a proposal because it gives them what they want to get out of the negotiation process—in other words, it fulfills their basic interests.

As the authors explain here, interests, not positions, are the basic driving force in a negotiation. A dispute is already an antagonistic conflict when it is presented as one partner being willing to pay \$300,000 and the other refusing to go past \$250,000. It is impossible for each to get what they want without the other side *not* getting what they want. But this is because they have articulated their wants in terms of positions. It is much easier to find a solution that gives him “the cash” and her “peace and quiet” than one that gives him the house for \$300,000 and her the same house for \$250,000. Of course, such a solution would also be more desirable, as it would give *both* sides what they want.

●● Behind opposed positions lie shared and compatible interests, as well as conflicting ones. We tend to assume that because the other side’s positions are opposed to ours, their interests must also be opposed. If we have an interest in defending ourselves, then they must want to attack us. If we have an interest in minimizing the rent, then their interest must be to maximize it. In many negotiations, however, a close examination of the underlying interests will reveal the existence of many more interests that are shared or compatible than ones that are opposed.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: 44

Explanation and Analysis

After noting that negotiations are fundamentally about different parties trying to fulfill their interests, in this passage, the authors of *Getting to Yes* divide these interests into three categories: shared interests, compatible interests, and conflicting interests. Conflicting interests often become the focus of negotiations, which is understandable because they are the hardest to resolve. In

fact, the fourth rule of principled negotiation—“insist on using objective criteria”—is designed specifically for dealing with conflicting interests.

Shared interests, while easy to resolve, often get forgotten or erased during negotiations: people tend to get caught up in their differences and overlook interests they obviously share with the other side (most commonly, the shared interest in building an amicable relationship). Because it is easy to agree upon steps to fulfill shared interests and then write those steps into the negotiated agreement, it can be rewarding for negotiators to focus their energy on shared interests early in the negotiating process.

Finally, the power of compatible interests is often woefully underappreciated: compatible interests are *different*, but not necessarily *opposite*. However, in their attempts to fulfill compatible interests, negotiators often end up staking out positions that *do* plainly conflict. As a result, they fail to see that their underlying interests are actually compatible. (For instance, the authors cite the famous parable about two people fighting over an orange despite one wanting the peel and the other wanting the fruit.) This is another compelling reason to approach negotiations as a principled process based on interests, not a bargaining process based on positions. In fact, positional bargaining offers only one view of a negotiation: as a clash of *conflicting positions*. It is only by peeking behind positions to ascertain everybody’s true interests that negotiators can bring the shared and compatible dimensions to light.

☛ How can you move from identifying interests to developing specific options and still remain flexible with regard to those options? To convert your interests into concrete options, ask yourself, “If tomorrow the other side agrees to go along with me, what do I now think I would like them to go along with?” To keep your flexibility, treat each option you formulate as simply illustrative. Think in terms of more than one option that meets your interests. “Illustrative specificity” is the key concept.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: 55

Explanation and Analysis

While it is unproductive to enter negotiations by insisting

that the other side agree to a specific, uncompromising position, as in positional bargaining, this does not mean that effective principled negotiators do not think through possible solutions before the negotiation begins. Rather, smart negotiators prepare a number of options in order to give themselves as much flexibility as possible during the negotiation. Whether slightly-different alternatives designed to reveal the subtleties of the other side’s interests or wildly different proposals that would fulfill the same interests in uncommon ways, these proposals allow negotiators to both refine the agreements they build with the other side and to demonstrate their commitment to open-minded cooperation about solutions. Of course, there are other ways to translate interests into mutually agreeable proposals—this is the point of rule three, “invent options for mutual gain.” But entering the negotiation adequately prepared with a number of different proposals is a way to expedite this process without turning it into one-sided positional bargaining.

☛ Be hard on the problem, soft on the people. You can be just as hard in talking about your interests as any negotiator can be in talking about their position. In fact, it is usually advisable to be hard. It may not be wise to commit yourself to your position, but it is wise to commit yourself to your interests. This is the place in a negotiation to spend your aggressive energies. The other side, being concerned with their own interests, will tend to have overly optimistic expectations of the range of possible agreements. Often the wisest solutions, those that produce the maximum gain for you at the minimum cost to the other side, are produced only by strongly advocating your interests. Two negotiators, each pushing hard for their interests, will often stimulate each other’s creativity in thinking up mutually advantageous solutions.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:   

Page Number: 55-6

Explanation and Analysis

Early in the book, the authors distinguished positional bargaining from principled negotiation by explaining that positional bargaining is either hard or soft on both the substance and the people, while principled negotiation is hard on the substance but soft on the people. However, in positional bargaining’s case, the “substance” is *positions*, and in principled negotiation’s, it is *interests*. And as the authors

explain here, being hard on positions is very different from being hard on interests.

Being hard on positions means insisting on having one's way and refusing to take the other side seriously, while being hard on interests means advocating as valiantly as possible for the interests of one's side or constituents. While negotiations break down when both sides are hard on positions, negotiations flourish when both sides are hard on interests. This is because the latter enables negotiators to aggressively pursue strategies to combine their shared and compatible interests and then find the best possible way to address their conflicting ones. In other words, while positional bargaining only works for the side that is more adamant, harsh, or coercive, principled negotiation actually gets more effective as more parties decide to use it.

Chapter 4 Quotes

☞☞ As valuable as it is to have many options, people involved in a negotiation rarely sense a need for them. In a dispute, people usually believe that they know the right answer—their view should prevail. In a contract negotiation they are equally likely to believe that their offer is reasonable and should be adopted, perhaps with some adjustment in the price. All available answers appear to lie along a straight line between their position and yours. Often the only creative thinking shown is to suggest splitting the difference.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:   

Page Number: 59

Explanation and Analysis

Principled negotiation involves rethinking the way that different parties can reach solutions together. This is why its third rule is to “invent options for mutual gain.” In this passage, the authors point out that the logic of positional bargaining still structures the way people try to resolve their differences: they assume that everyone clearly understands their own interests and then propose the solution that is best for their interests. Accordingly, they assume that the overall best solution must “lie along a straight line between” the two sides’ proposals. In fact, this is entirely backward, since many of the interests that each side considers in developing its initial position do not actually conflict with the other side’s.

Accordingly, while it can be wise to think through possible courses of action before meeting with the other side, negotiators should not look to concrete proposals until each side has clearly articulated its own interests and come to understand the other side’s. Looking for solutions by “splitting the difference” along one dimension usually means choosing not to seek out more advantageous options through creative and critical thinking.

☞☞ Nothing is so harmful to inventing as a critical sense waiting to pounce on the drawbacks of any new idea. Judgment hinders imagination.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes: 

Page Number: 60

Explanation and Analysis

When it comes time to invent possible solutions to a dispute, principled negotiators need to set aside a designated space to explore ideas without adversely affecting the negotiation itself in the process. In other words, the authors explain, negotiators need to hold effective brainstorming sessions. These must be completely separate from the rest of the negotiation, in which the risks of receiving criticism, accidentally over-disclosing one’s position, and offending the other side (among others) make it difficult to brainstorm creatively.

Accordingly, designated brainstorming sessions need to encourage people to propose all the ideas they have, including useless and terrible ones. To this end, the authors propose that the first rule of brainstorming should be to explicitly prohibit criticism, at least during the initial stages of the process. This allows negotiators to compile the widest possible range of ideas before selecting and refining the best ones later on, and then eventually bringing up these few best ideas as potential solutions during the actual negotiation.

☛ Dovetail differing interests. Consider once again the two children quarreling over an orange. Each child wanted the orange, so they split it, failing to realize that one wanted only the fruit to eat and the other only the peel for baking. In this case as in many others, a satisfactory agreement is made possible because each side wants *different* things. This is genuinely startling if you think about it. People generally assume that differences between two parties create the problem. Yet differences can also lead to a solution.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: 75

Explanation and Analysis

One of the most effective tactics for producing better negotiated agreements is to find ways to accommodate (or “dovetail”) *compatible* interests that do not *conflict*. In practice, this means finding a way to give both sides what they want without making the deal worse for either side—like giving the fruit to the child who wants the fruit and the peel to the child who wants the peel.

Positional bargaining would never seize such opportunities, since each side would propose a solution to meet its own interests, but ignore the other side’s interests. When trying to split the difference, it is likely that both sides will end up with a watered-down version of what they originally wanted—even though their differing interests are not actually in conflict with one another. The orange example shows how dovetailing compatible interests is a better strategy than splitting the difference through positional bargaining: by dovetailing, the two children both get *all* of what they want, whereas by splitting the difference, they only get *half*.

Chapter 5 Quotes

☛ However well you understand the interests of the other side, however ingeniously you invent ways of reconciling interests, however highly you value an ongoing relationship, you will almost always face the harsh reality of interests that conflict. No talk of “win-win” strategies can conceal that fact. You want the rent to be lower; the landlord wants it to be higher. You want the goods delivered tomorrow; the supplier would rather deliver them next week. You definitely prefer the large office with the view; so does your partner. Such differences cannot be swept under the rug.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:   

Page Number: 82

Explanation and Analysis

In the first half of *Getting to Yes*, the book’s authors repeatedly emphasize that agreements reached through principled negotiation are usually preferable to those reached through positional bargaining. This is because principled negotiation allows people to identify and act on shared and compatible interests that might not have been apparent to them otherwise. But they also admit that principled negotiation cannot magically do away with the fundamental disagreements that often make positional bargaining so difficult and unsatisfying—namely, “the harsh reality of interests that conflict.”

However, while principled negotiation cannot make conflicting interests vanish into thin air, it *can* provide a better strategy for dealing with them. Under positional bargaining, negotiators resolve conflicting wills through a bitter fight that ultimately comes down to questions of power—the more powerful party will coerce the less powerful party into making unilateral concessions. Under principled negotiation, on the other hand, conflicting interests are settled through objective criteria that neither party has the power to control. In addition to creating fairer outcomes, this also tends to make the process itself quicker and more pleasant.

☛ Pressure can take many forms: a bribe, a threat, a manipulative appeal to trust, or a simple refusal to budge. In all these cases, the principled response is the same: invite them to state their reasoning, suggest objective criteria you think apply, and refuse to budge except on this basis. Never yield to pressure, only to principle. Who will prevail? In any given case it is impossible to say, but in general you will have an edge. For in addition to your willpower, you also have the power of legitimacy and the persuasiveness of remaining open to reason. It will be easier for you to resist making an arbitrary concession than it will be for them to resist advancing some objective standards. A refusal to yield except in response to sound reasons is an easier position to defend—publicly and privately—than is a refusal to yield combined with a refusal to advance sound reasons.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:  

Page Number: 92

Explanation and Analysis

Although principled negotiators might fairly approach disputes by looking for objective criteria to use to settle them, unfortunately, they cannot always convince the other side to do the same. In this passage, the authors consider what happens when positional bargainers and principled negotiators clash over a shared interest. While they admit that each scenario might turn out somewhat differently, they also offer a compelling reason to think that principled negotiation is both easier to stick with and easier to accept than positional bargaining. This is because positional bargainers ask the other side to make concessions purely based on pressure, whereas principled negotiators can actually offer persuasive reasons to accept their method. Accordingly, the longer a standoff continues, the more attractive principled negotiation starts looking to people who insist on positional bargaining. Ironically, then, principled negotiation is actually a more powerful strategy than positional bargaining, even though positional bargaining makes everything about power, while principled negotiation flatly refuses to take power seriously.

The authors of *Getting to Yes* note that many negotiations are not as equal as their participants may hope: some parties will often be more powerful than others, and sometimes they will try to use this power to coerce the other side into accepting an unfair agreement. The authors offer some suggestions of how to deal with this kind of scenario, but first they emphasize that power in a negotiation is not actually about being able to mobilize money, people, and force (like power in politics or everyday life). Of course, under positional bargaining, negotiating power does depend upon this kind of generalized power, because negotiations get reduced to simple conflicts of will in which each side wants to defeat the other side (rather than reaching a compromise). But for principled negotiators, power really depends upon how much they have to lose by not negotiating—or, in other words, on their Best Alternative To a Negotiated Agreement (BATNA). This means that seemingly powerless actors might actually be more powerful in the context of a negotiation. (For instance, a single worker can have power over a vast corporation if their BATNA is to take the dispute public in a way that would threaten the company's reputation.)

Accordingly, having established that power in a negotiation really depends upon what each side's BATNA is, the authors offer two main pieces of advice for underdogs. First, since principles are objective and independent of power, keeping a negotiation as principled as possible will tend to level the playing field. But this is just as much a convincing reason for underdogs to stick to principles as a reason for more powerful negotiators to desperately avoid them. This means that underdogs hoping to stick with principled negotiation will often have to carefully control the negotiation process using tactics like negotiation jujitsu or the one-text method in order to prevent negotiations from collapsing into positional bargaining. The second main strategy that underdog negotiators can use to even out power dynamics is to change their (and the other side's) BATNA. Because BATNAs determine who has power over the negotiation process, by creating a stronger BATNA, negotiators give themselves more power.

Chapter 6 Quotes

☝☝ If the other side has big guns, you do not want to turn a negotiation into a gunfight. The stronger they appear in terms of physical or economic power, the more you benefit by negotiating on the merits. To the extent that they have muscle and you have principle, the larger a role you can establish for principle the better off you are.

Having a good BATNA can help you negotiate on the merits. You can convert such resources as you have into effective negotiating power by developing and improving your BATNA. Apply knowledge, time, money, people, connections, and wits into devising the best solution for you independent of the other side's assent. The more easily and happily you can walk away from a negotiation, the greater your capacity to affect its outcome.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:    

Page Number: 107-8

Explanation and Analysis

Chapter 7 Quotes

☞ If pushing back does not work, what does? How can you prevent the cycle of action and reaction? *Do not push back.* When they assert their positions, do not reject them. When they attack your ideas, don't defend them. When they attack you, don't counterattack. Break the vicious cycle by refusing to react. Instead of pushing back, sidestep their attack and deflect it against the problem. As in the Oriental martial arts of judo and jujitsu, avoid pitting your strength against theirs directly; instead, use your skill to step aside and turn their strength to your ends. Rather than resisting their force, channel it into exploring interests, inventing options for mutual gain, and searching for independent standards.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:   

Page Number: 110

Explanation and Analysis

One of the most significant problems that principled negotiators regularly face is that their opponents insist on sticking to positional bargaining. Even when they can play the positional bargaining game, wise negotiators know that if they use principled negotiation instead, they are likely to reach a quicker and fairer agreement that is more desirable to *both* sides. Accordingly, they have good reason to want to keep negotiations as principled as possible.

As the authors explain in this passage, winning positional bargainers over to principled negotiation requires understanding how positional bargaining really works. It depends on a warlike cycle: one side attacks, the other side defends and counterattacks, and so on. But these attacks are mostly about vengeance and pride; they usually do nothing to bring the two parties any closer to a mutually beneficial agreement. Accordingly, in order to bring negotiations back to the principles, people have to “break the vicious cycle by refusing to react.” This is why the authors term the tactic they outline in this chapter “negotiation jujitsu”: it details how to seamlessly introduce principled negotiation tactics into a positional bargaining scenario without consenting to the positional bargaining game or fostering counterproductive personal conflicts.

☞ I must not be making myself clear. Of course it would be nice if Paul and I got some money. Of course we could try and stay here in the apartment until you got us evicted. But that's not the point, Mrs. Jones.

More important to us than making a few dollars here or there is the feeling of being treated fairly. No one likes to feel cheated. And if we made this a matter of who's got the power and refused to move, we'd have to go to court, waste a lot of time and money, and end up with a big headache. You would too. Who wants that?

No, Mrs. Jones, we want to handle this problem fairly on the basis of some independent standard, rather than who can do what to whom.

Related Characters: Roger Fisher, William Ury, and Bruce Patton, Frank Turnbull (speaker), Mrs. Jones

Related Themes:   

Page Number: 122

Explanation and Analysis

The authors offer an example negotiation between the tenant Frank Turnbull and his landlord, Mrs. Jones, in order to show how tactics like negotiation jujitsu work.

Negotiation jujitsu's purpose is to win others over to the positional bargaining model of negotiation and help people get what they are due, even when the odds are stacked against them. By consistently focusing on principles even when Mrs. Jones tries to make the dispute personal, Turnbull convinces her to refund him the extra rent she illegally charged him for several months.

When Turnbull says these lines, Mrs. Jones has just accused him (and his roommate Paul) of making up the story about rent control in order to squeeze money out of her. In other words, she distorts the situation by personally attacking Turnbull's character and intentions. If she genuinely thinks that Turnbull is trying to scam her, this is only because she is stuck in the positional bargaining mindset: she expects that Turnbull is selfishly looking for as much money as he can get, rather than recognizing that he is actually interested in doing whatever happens to be most fair in the situation.

In his response, Turnbull uses several key negotiation jujitsu techniques to try and win Mrs. Jones over to principled negotiation. First, he points out that he understands Mrs. Jones's theory of the situation, notes that a positional bargaining framework is disadvantageous because it would let him and Paul take extreme measures like staying in the apartment forever, and then clearly states that he does not intend to resolve the dispute based on positional bargaining. All the while, he accepts the blame for not

communicating clearly rather than mixing the people up with the problem by blaming Mrs. Jones. This is all the more difficult because Mrs. Jones has just unfairly accused him of manipulating her, but it is all the more essential because it shows that he will not under any circumstances let the negotiation turn into a back-and-forth cycle of emotional actions and reactions.

Turnbull later explains that rather than letting positional bargaining turn the dispute into a mere question of “who can do what to whom,” he primarily cares about the principle or “independent standard” of fairness. In addition to suggesting that Mrs. Jones should follow him in prioritizing principles, Turnbull tells her that she should not expect to persuade him with coercion or pressure tactics.

“dirty tricks” by consistently emphasizing through both words and actions that they will only ever budge because of principles, and never because of pressure. “Dirty tricks” only work when their victims decide that speaking up is not worth the cost—but they will only think this if they continue to see the negotiation as a zero-sum conflict between opposing positions. For instance, they might think that it is not worth pointing out the other side’s lies because this would generate personal conflict and make the other side more defensive. But for a principled negotiator, pointing out lies is a necessary evil: it is a stepping stone to a more honest and effective personal relationship. It doesn’t matter if the other side becomes more or less defensive, because the negotiation is not simply a matter of attack and defense but rather one of principles.

Chapter 8 Quotes

☛☛ Such tricky tactics are illegitimate because they fail the test of reciprocity. They are designed to be used by only one side; the other side is not supposed to know the tactics or is expected to tolerate them knowingly. Earlier we argued that an effective counter to a one-sided substantive proposal is to examine the legitimacy of the principle that the proposal reflects. Tricky bargaining tactics are in effect one-sided proposals about negotiating *procedure*, about the negotiating game that the parties are going to play. To counter them, you will want to engage in principled negotiation about the negotiating process.

☛☛ Good negotiators rarely resort to threats. They do not need to; there are other ways to communicate the same information.

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:    

Page Number: 132

Explanation and Analysis

In their final chapter, the authors look at what they call “dirty tricks”: tactics that positional bargainers can use to try and unfairly get an upper hand in negotiations. Regardless of their morality, these tactics generally prove totally useless against principled negotiation, because they totally predicated upon the assumption that whoever can force the other side to make concessions or mistakes is the “winner” of a negotiation. Of course, this assumption only holds within positional bargaining, the default model of negotiation as a zero-sum conflict between two parties, which principled negotiators reject.

Accordingly, principled negotiators can easily laugh off

Related Characters: Roger Fisher, William Ury, and Bruce Patton (speaker)

Related Themes:    

Page Number: 139

Explanation and Analysis

Although threats are commonly associated with hardball negotiations in the public imagination, they are actually an ineffective and generally pointless tactic. Threats often generate disease or fear by promising vengeance or retaliation if the other side does not make concessions. However, a principled negotiator would never respond to threats: they would never act simply because the other side is pressuring them to do so. This does not mean that they will completely ignore threats, however, since threats sometimes do express a genuine negative consequence of failing to reach agreements.

Effective principled negotiators might respond to threats the same way as they respond to warnings: by considering their substance and nothing more. But in such a situation, the party making the threat is probably already at a disadvantage because they are stuck in the coercive mindset of positional bargaining, which views a negotiation as a battle of wills. In contrast, a less adept negotiator might respond to the threat in kind, with vengeful or erratic actions that make the parties even less friendly and likely to reach agreement. This is why wise principled negotiators always find “other ways to communicate the same

information,” like through warnings, without painting themselves as vengeful or menacing by using threats. They know that the only part of a threat that matters is the

consequences of inaction, which can and should be considered on their own merits.



SUMMARY AND ANALYSIS

The color-coded icons under each analysis entry make it easy to track where the themes occur most prominently throughout the work. Each icon corresponds to one of the themes explained in the Themes section of this LitChart.

INTRODUCTION

Even though people might not realize it, everybody negotiates things all the time. A negotiation is any situation in which multiple parties with different interests have to communicate in order to agree on an outcome. Over time, organizations are becoming less and less hierarchical, and negotiation is becoming a more and more important skill.

But it can be difficult to negotiate well without becoming “dissatisfied, worn out, or alienated.” Generally, people are either soft or hard negotiators. Soft negotiators want to avoid conflict, but this often leads them to give up what they want. Hard negotiators care mostly about winning but often alienate or exhaust others in the process. So neither strategy ends up being successful.

In *Getting to Yes*, authors Fisher, Ury, and Patton propose a theory of principled negotiation that combines aspects of hard and soft negotiation. This strategy requires identifying shared goals and evaluating competing interests based on fair, independent criteria. Principled negotiation can be applied in contexts ranging from government policy and hostage negotiation to everyday decision-making in a marriage or family. It is widely applicable in all kinds of negotiations, regardless of the problems, parties, or stakes involved.

The authors open Getting to Yes by asking readers to reconsider their instinctive view of what counts as a “negotiation.” The tools outlined in this book can be applied to a wide variety of situations—any case in which two or more parties have to take action on something that implicates all of them. So rather than picturing a stuffy business meeting, readers should think about all the situations in their daily life when they have to come to an agreement with someone else.



One of the reasons people tend to associate negotiation with resolving bitter conflicts in business and government contexts—rather than with their everyday lives—is precisely that they expect all negotiations to be difficult, destroy relationships, and leave people “dissatisfied, worn out, or alienated.” But the authors want readers to see negotiation as something to be valued and sought out, not something uncomfortable to be avoided. Of course, this hesitancy about negotiations is precisely what drives soft negotiators to try avoiding conflict. And conversely, hard negotiators seek out and thrive on negotiations only by turning them into destructive conflicts—which is why hard bargainers avoid negotiation in the first place. In short, in order for people to value and benefit from negotiation, there needs to be a third way to negotiate that is neither hard nor soft.



In addition to asking their readers to reconceptualize the scope of what counts as negotiation, the authors ask them to start viewing negotiation as collaboration, not conflict. Accordingly, principled negotiation is not a middle ground between hard and soft negotiation—rather, it is an entirely separate approach based on a total reconceptualization of what a negotiation actually is in the first place. Whereas hard and soft bargainers assume that they can either get what they want or preserve their amicable relationship with the other side, principled negotiation builds an amicable relationship in order to give everyone as much as possible of what they want.



CHAPTER 1: DON'T BARGAIN OVER POSITIONS

Negotiations usually involve positional bargaining. This means that both sides choose a position to defend and end up at something in the middle, like when a shopkeeper quotes a price and a customer bargains them down. Effective negotiation strategies have three traits: they lead to wise agreements, they are efficient, and they do not worsen the negotiating parties' relationship. While positional bargaining lets people clearly communicate their interests in a negotiation, it usually does not lead to wise agreements.

The first problem with positional bargaining is that "arguing over positions produces unwise outcomes." People often irrationally stick to their initial positions in order to "save face."

For instance, talks about nuclear inspections between the United States and the Soviet Union broke down because each side refused to change the initial number inspections it asked for. But they never even got to discussing how the inspections would work.

Similarly, Iraq's national oil company wanted to take land from a group of farmers, which led to a standoff. A negotiator resolved this by pointing out that the farmers could harvest their yearly crop, then share the land with the oil company.

"Positional bargaining" is just a more technical term for what people usually think of when they hear the word "negotiation": two or more parties come together, declare what they want to do, and fight until they reach some midpoint they can agree on. Everyone has a preferred proposal, but at the end of the day, nobody gets the proposal they wanted. While this might make sense when haggling over prices, in virtually every other situation it is too black-and-white. It is a fight over pre-established plans, not a collaborative search for a solution to everyone's needs. But in reality, negotiators should care about the results of a negotiated agreement more than who originally proposed the agreement.



Although a negotiator may think that the best way to get what they want is to openly propose and defend a plan, the other side will probably never agree to simply follow this plan—just like a negotiator will almost never agree to the other side's opening proposal. Positional bargainers forget that there are several possible ways to get what they want, and it is counterproductive and childish to insist on getting their way rather than someone else's—even if their own plan produces a worse outcome for everyone.



In this example, the parties got so caught up in fighting over control of the negotiation process that they never even got to addressing the substance of the negotiation. The authors imply that smarter negotiators would have immediately recognized that the sheer number of inspections is far less important than the quality of those inspections—which also opens more negotiating room. For instance, the United States could agree to Russia's proposed number of inspections but request that these inspections to be more extensive.



This principled negotiator saved the day by pointing out that while the two sides' positions were opposed, their real interests were actually compatible. Both sides could get what they want—their animosity was purely personal and totally irrelevant to the actual substance of the negotiation. This illustrates the difference between positional bargaining (which debates positions) and principled negotiation (which focuses on interests).



These examples show why positional bargaining actually prevents parties from getting what they really want. Instead of choosing the average between the two sides' positions, it is often possible to find solutions that give everyone most of what they want.

Next, the authors explain that “arguing over positions is inefficient.” Whether parties reach an agreement or eventually give up, positional bargaining takes much longer than the alternative. It incentivizes people to stick with their initial extreme positions and yield as little as possible over time. Moreover, it forces people to decide individually what offers and concessions they are willing to make. Positional bargainers also often delay the negotiation process to exhaust their opponents. Ultimately, these factors make negotiations slow, inefficient, and unlikely to produce wise agreements.

The authors note that “arguing over positions endangers an ongoing relationship.” People often see the process of positional bargaining as a battle, and they try to force the other person to give up or give in. This creates anger and bitterness, unnecessarily ruining relationships in the process.

The authors then explain that “when there are many parties, positional bargaining is even worse.” In reality, most negotiations involve more than two parties—but this makes positional bargaining less and less effective. The more numerous the parties, the less it works. For instance, this tactic would never work in the United Nations, where hundreds of different delegations have to cooperate and must all reach some common agreement.

Positional bargaining tends to get ahead of itself by starting with proposals and solutions, rather than the needs and desires that are actually driving parties to the negotiation table. Because positional bargainers define winning a negotiation as getting what they want while preventing the other side from getting what it wants, they overlook straightforward win-win solutions that give everyone what they want.



Again, positional bargaining's error is that it unnecessarily frames negotiators as opponents and the negotiation process as a conflict of wills. Therefore, it incentivizes negotiators to prove their commitment by fighting for their side, rather than to actually advocate for their side's best interests by searching for an agreement. In fact, negotiation has such a negative reputation in large part because it is such an arduous, warlike process under positional bargaining.



Positional bargaining creates a cycle of antagonism and dysfunction: it portrays negotiators as enemies, which leads them to have a sour relationship. This makes their negotiations even less effective because they become more and more interested in “winning” rather than reaching agreement. Negotiating effectively will clearly require breaking this cycle.



When looking at larger, multilateral negotiations, the problems with positional bargaining become even more evident. The authors point out that it would be impossible for every country in the United Nations to rigidly demand that everyone else agree to a specific proposal—so why is that a reasonable way to act in smaller negotiations among just a handful of parties?



Next, the authors argue that “Being nice is no answer” to the difficulties posed by positional bargaining. In a table, they contrast hard and soft negotiation. Hard negotiators treat other parties as enemies to defeat through demands, threats, and lies. Meanwhile, soft negotiators view other parties as friends and value reaching agreements, so they make concessions, offer their trust, and prioritize the other party’s needs. This avoids conflict and leads to quick agreements, but it forces the soft negotiator to cede control and sacrifice their goals. Accordingly, hard negotiators easily take advantage of soft negotiators.

The authors promise that “there is an alternative.” They explain that all negotiations involve two levels. The first is the *substantive* negotiation of whatever is at stake. But the second is an implicit *procedural* negotiation of the rules of the substantive negotiation. In other words, every move in the negotiation also affects the very rules of the negotiation—for instance, whether it is hard or soft. Negotiators can choose hard or soft negotiating principles, but they can always also choose to change the rules of the negotiation itself.

As an alternative to soft and hard negotiation, the authors have developed the principled negotiation method (also called “negotiation on the merits”). It has four main principles, which deal with people, interests, options, and criteria. First, negotiators should view themselves as a team in order to prevent egos and emotions from getting in the way of finding a solution. In other words, they [should “separate the people from the problem.”](#) [Secondly, negotiators should “focus on interests, not positions.”](#) [Thirdly, because pressure and conflict stifle people’s creativity, negotiating parties should “invent options for mutual gain” before they decide on a final solution to their problems.](#) [Finally, the best antidote to stubborn hard negotiators is to “insist on using objective criteria”](#) (like experts, laws, or markets).

The process of negotiation has three stages, all of which force negotiators to deal with people, interests, options, and criteria. *Analysis* involves understanding the situation, including the negotiators’ feelings and interests. *Planning* requires exploring and evaluating possible solutions, not only to fulfill people’s interests but also to resolve interpersonal problems. Finally, *discussion* involves working through differences and building mutual understanding in order to arrive at a mutually beneficial agreement. In summary, principled negotiation leads to wise agreements, is more efficient than positional bargaining, and also preserves amicable relationships.

While soft negotiators prioritize relationships over substance, hard negotiators prioritize substance over relationships. This gives them power over soft negotiators in a negotiation, but wielding power in order to crush the opposition is not a very effective or sustainable negotiation tactic in the long term. Soft negotiators are right to value relationships beyond the scope of a single dispute, but hard negotiators are right to seriously advocate for their interests. So both are partially right, but both also make the fundamental error of letting substance and relationships come into conflict in the first place.



By separating the substantive and procedural levels of a negotiation, the authors point out that it is possible to resolve substantive conflict without procedural conflict. In other words, people can and should work out their differences amicably. And this procedural level is totally within their control. All parties do not need to explicitly agree to doing a principled negotiation (although that certainly does help). Rather, by simply refusing to engage in positional bargaining, negotiators can change the game entirely.



The main difference between principled negotiation and positional bargaining is the way each strategy views the procedural goals of negotiation. While both agree that negotiators’ substantive goal is to fulfill their (or their constituents’) interests, positional bargaining assumes that the procedural goal is to defeat the other side in a conflict. Principled negotiation, however, assumes that the procedural goal is to reach the best possible agreement as quickly and painlessly as possible. In other words, positional bargaining views negotiation as a situation of conflict, while principled negotiation views negotiation as an opportunity for collaboration.



Notably, positional bargaining skips over the first two stages of negotiation—rather, it has parties arrive at the bargaining table with fully-formed plans and forces them to discuss these plans without asking first developing mutual understanding or collaborating on mutually satisfactory options. By asking negotiators to forego overly-detailed plans and demands, the authors force them to actually take the other side and its needs seriously, which helps them reach a wiser agreement.



CHAPTER 2: SEPARATE THE PEOPLE FROM THE PROBLEM

Problems usually lead to conflict, even when they do not need to. For instance, a worker might object to getting extra work, which the boss was giving them as a reward for being the best worker. Or a government official might yell at a lawyer pointing out an unfair regulation rather than hearing them out.

The authors note that “negotiators are people first,” even if this can be hard to remember during actual negotiations. Trusting, respectful friendships between negotiators can lead to smooth, mutually-satisfying outcomes. But anger and offense between them can lead to misunderstandings and spiraling conflicts that eventually undermine the entire negotiation process. Negotiators should constantly ask themselves if they are taking “the people problem” seriously enough.

The authors argue that “Every negotiator has two kinds of interests: in the substance and in the relationship.” In addition to a sale, for instance, a storekeeper wants a regular customer. In many cases, negotiators are much more invested in their ongoing relationship than they are in any individual negotiation.

When a negotiation turns sour, so does the negotiators’ relationship, because people often conflate their feelings about situations with their feelings about the people responsible for those situations. One major problem with positional bargaining is that it makes all negotiations into conflicts, which means it negatively affects relationships. Positional bargaining pits the relationship against the negotiators’ interests, often forcing negotiators to sacrifice one or the other.

The authors introduce the principle that negotiators must “Disentangle the relationship from the substance; deal directly with the people problem.” If all parties in a negotiation are willing to fix the perceptual, emotional, and communicative problems they face, then they can reach better agreements and negotiate without sacrificing their relationship.

These examples show how people often deeply misunderstand others’ intentions and imagine conflicts that do not really exist, especially in relation to events that summon intense emotions. On the flipside, this also shows how easy many of these conflicts are to resolve. This speaks to the importance of clarifying the stakes of a negotiation and the actual nature of the various sides’ disagreement.



The first rule of principled negotiation, “separate the people from the problem,” does not mean that negotiators should ignore personal issues and just focus on business. Rather, it means that they should take them both seriously and work on both diligently, while recognizing that substantive disagreements do not require personal disagreements. In fact, a positive working relationship virtually always improves the substantive dimension of the negotiation.



While good relationships improve the quality and efficiency of negotiations, this is not the only reason they matter. They are also a valuable goal in and of themselves. And this interest in an amicable relationship is usually a shared interest, which makes it an effective starting point for collaborative negotiations.



Ironically, one reason that negotiators often forget to address emotions is that they wrongly view negotiations as only about business. As a result, they fail to take personal relationships seriously, conflate their feelings about substance with their feelings about people, and end up making poor decisions. This is precisely because they are guided by their emotions rather than their interests.



The authors’ main point is that principled negotiators will always pursue an amicable working relationship, regardless of the substance of a discussion—and the first steps to doing so is establishing an explicit mutual understanding among all parties. Perception, emotion, and communication are the three areas in which substance can interfere with the relationship.



Many disagreements are really only the products of differences in understanding. Studying the objective facts of a situation is important, but not enough to overcome fundamental differences in hopes, fears, and beliefs.

The authors offer a few principles about how to address differences of perspective in a negotiation. First, since people generally focus on the facts that support their expectations and biases, negotiators should try to fairly and empathetically imagine the situation from the other side's perspective.

Secondly, people should not confuse their worst fears with the other side's intentions. Viewing the other side in the worst possible light lets us reinforce our own existing beliefs, which makes agreements harder to achieve.

Thirdly, negotiators should avoid automatically blaming the other side for the existence of the problem in the first place. Even when the problem is really their fault, blame is counterproductive.

Ultimately, the best way to create a shared understanding of a problem is for all sides to honestly and explicitly discuss their perceptions of the problem. If one side can satisfy the other's needs without sacrificing their own, negotiators should point this out. Usually, they wrongly ignore such concessions, thinking that they do not need to appear in the negotiation because they are not up for debate.

Because people's perception of facts influences how they negotiate, regardless of what the actual facts are, negotiators must make an effort to understand how one another see the situation. This is more effective than just assuming that everyone agrees on basic facts that, in reality, different people might interpret differently.



It can be difficult to summon empathy in negotiations with people whose interests differ from (or are opposed to) one's own. However, simply trying to see the situation from the other side's perspective is the most important step that negotiators can take to truly understand everybody's interests, iron out misunderstandings, build effective relationships, and signal a desire to switch from positional bargaining to principled negotiation.



Again, people's tendency to imagine negotiations as battles among opposing sides leads them to misinterpret one another. When there seems to be a disconnect between their own thinking and the other side's, negotiators should consider whether their own prejudices might be responsible.



Even genuine, justified negative emotions are likely to sour negotiations, so they should always be kept separate from the substance. Indeed, it is important to separate people from substance even when the negotiators' personal relationship is irreparably negative, because at least the negotiators can try to leave this negativity at the door (without totally repressing it).



By having a straightforward, honest conversation about everyone's goals, negotiators create a basic, shared understanding that the rest of their negotiation process can build upon. It also allows them to figure out which interests are shared, opposed, and simply different. Then, they only have to deal with serious conflict over the opposed interests (not all of them, as in positional bargaining).



For instance, during the Law of the Sea Conference, a group of developing countries asked a group of industrialized countries to share technical knowledge about deep-sea mining with them. The developed countries were happy to do so, so they quickly agreed, then spent all their time focused on points of conflict. Instead, they should have worked out a detailed technology transfer plan to show that they understood developing countries' perspective and interests. This would have provided a solid incentive for everyone to make the whole agreement succeed.

The example of the Law of the Sea Conference shows how negotiators should make a point of taking the other side's interests seriously when this does not worsen their own position. In this case, the developed countries could offer a "free" concession—they lost nothing from sharing technology, while the developing countries gained something valuable. Although substantively, this is a no-brainer to include in the negotiated agreement, on a personal level, this "free" concession offered the developed countries an excellent opportunity to build a strong relationship. The agreement thus gave the developing countries an incentive to cooperate in the future.



The best strategy for changing the other side's perceptions is to disprove them through action. For instance, when Egyptian President Anwar Sadat visited Israel in 1977, four years after a war between the two countries, he forced Israel to start seeing him as a partner rather than an enemy.

A positional bargainer would see Sadat's visit as a one-sided concession that makes him look weak. But a principled negotiator would realize that Sadat had nothing to lose and everything to gain by making a gesture of friendship. Ultimately, the chain of events following this gesture resolved a war and created a decades-long alliance between Egypt and Israel.



In order to create effective outcomes, negotiators from both sides must actively work together to shape it. In particular, if a resolution negatively impacts someone, they should be involved in the process of reaching that resolution. Even when an agreement is supposed to benefit the other party, that other party is unlikely to agree if they were never included in writing it. If both sides feel like they contributed something to an agreement, that agreement becomes much easier to reach. Effective negotiators involve the other side in the process from the beginning and give them credit where credit is due.

It is ineffective to simply impose a negative resolution on someone because doing so entangles the people and the problem: it both harms them substantively and excludes their voice from the negotiation process, which suggests that their feelings and interests do not matter. Even if the result is the same, including them in the process is a way of showing respect and personal consideration. This is another reason to build plans together in a negotiation, rather than arriving with preconceptions and prewritten demands.



Saving face is also an essential part of negotiation. This term has negative connotations in English, but it really just means that people need continuity between their principles, their past actions, and the agreement they are making. This is why judges refer to principles and legal precedents when they decide on cases: they want to show that they are being consistent over time. Similarly, negotiators often reject a proposal just because accepting it seems like giving up on their declared values. But they will happily agree if the same proposal is instead shown to be consistent with those values.

According to the authors, contrary to popular belief, saving face is a fundamental human need, which means it is always one of the personal interests that any negotiator brings to the table. This is particularly significant when a negotiator represents a large constituency: they do not want to look like a liar or an impostor to their constituents. Accordingly, it is important to consider whether the other side can reasonably accept a proposal without looking inconsistent or dishonest.



The authors note that strong emotions can completely sabotage many negotiations, especially high-stakes ones. First and foremost, negotiators must identify their own emotions and try to recognize what the other side is feeling, too. Then, they should ask where these emotions are coming from. Often, they are fundamentally unrelated to the actual negotiation—for instance, longstanding animosity between Israelis and Palestinians turns virtually every negotiation between them into a bitter, irresolvable fight.

In general, negative emotions often involve threats to the five “core concerns” of [autonomy](#), [appreciation](#), [affiliation](#), [role](#), and [status](#). Negotiations should build these up rather than breaking them down. Similarly, people react negatively when others threaten their sense of identity (for instance, by pointing out someone’s mistakes when competence at work is a core part of their identity). If possible, negotiators should explicitly talk about their emotions and those of their constituents (or the people they represent).

It can also be wise to simply let the other side vent their feelings. First, this helps them release negative emotions and return to the actual negotiation with a level head. Secondly, it lets them signal their commitment to their constituents. Thus, effective negotiators let others rant freely, but they keep calm and refuse to react to these outbursts. One management committee even made this into a rule: people could get angry, but only one at a time.

Finally, it is no secret that other small gestures of sympathy, especially apologies, can counteract negative emotions and cool down conflicts without impacting the outcomes of negotiation.

Communication lies at the heart of all negotiation, but it’s incredibly hard to do well. Negotiators run into three main kinds of communication problems. First, they give up on truly communicating with each other for the sake of reaching an agreement, and instead they start performing to satisfy or impress someone else (usually their constituents). Secondly, they do not listen properly, often because they are focused on deciding what to say next. Thirdly, they misinterpret each other, especially when language and cultural barriers are involved.

While people might imagine master negotiators to be hyper-rational and bring no emotions to the table, the authors point out that this would actually be counterproductive, not to mention impossible. Real master negotiators do not ignore emotions: instead, they are highly sensitive to them and skilled at understanding and managing them. By separating emotions from the substance, especially when they are negative, it can become possible to reach agreements that gradually erode animosity and improve relationships over time.



These “core concerns” are also some of the same fundamental interests that people hope to satisfy through negotiations. Thus, addressing these concerns personally can be an effective way for a negotiator to show that they are not trying to injure the other side, but rather just advocating for their interests. When in doubt, stating one’s interests, emotions, and desires is an effective way to get on the same page as other parties in a negotiation. Positional bargaining might view this as a form of weakness, but principled negotiators know that it actually creates a basis for cooperation.



While it can be challenging to digest an insulting rant without responding in kind, negotiators have to remember that negative emotions create unhealthy, escalating cycles that undermine negotiations. Refusing to answer rants is a way of breaking this cycle and signaling a dedication to negotiating principles rather than positions.



Although gestures of sympathy may seem insignificant, they powerfully signal a sense of respect for the other side and a commitment to collaborating with them. All the while, they do not at all negatively impact the substance of negotiations.



All three types of miscommunication threaten negotiations by preventing negotiators from clearly understanding their interests (and therefore from achieving them). While the building blocks of effective communication are incredibly straightforward, they are also easy to forget, especially in negotiation situations. Effective communication requires flexibility and openness, which many people tend to shy away from in important negotiations where their fundamental needs and interests are at stake.



One memorable example of intercultural miscommunication occurred during the Iranian hostage crisis, when a U.N. leader presented himself “as a mediator [looking] to work out a compromise.” He did not realize that the Persian equivalents of “mediator” and “compromise” have highly negative connotations (not positive ones, as in English). So while he thought that he was making a gesture of goodwill, he actually worsened the situation.

The first, most important strategy for improving communication is simply to actively listen to the other party. If negotiators check in to confirm that they correctly understand each other, they send a gesture of goodwill in addition to staying on the same page. Good listeners actively clear up uncertainties in the other party’s ideas and actively demonstrate that they understand the other side’s point of view before presenting their own.

Strong communicators also speak directly to the other party during the negotiation. Negotiations should not be like debates or trials but more like two judges deciding a case together—blame and personal attacks are never useful. Moreover, the fewer people present, the easier agreement usually becomes. Effective negotiators use “I” statements to speak about their experiences, rather than directing accusations at their opponents. And finally, negotiators should not over-disclose, which can create problems. To take an obvious example, a seller should not reveal the minimum price they are willing to accept, especially when a buyer is already offering a better price.

The authors then argue that “prevention works best.” Building a strong relationship before the negotiation is the best way to avoid personal problems of all three kinds—perception, emotion, and communication. Negotiating with a friend is always easier than negotiating with a stranger, and building a friendship can be as easy as chatting for a few minutes before or after the negotiation. By learning to view themselves as negotiating partners and not adversaries, people can work together rather than fighting unproductively.

Beyond highlighting the need for general cultural competence in negotiations, this example shows how negotiation itself means very different things in different contexts. By choosing a “mediator” who did not understand Iranian culture, the U.N. ensured that its desire to “compromise” would look biased and one-sided to the Iranian government and public.



Active listening is the fastest shortcut to empathy: the easiest way to understand another person’s needs and desires is simply to listen to them when they explain their perspective. As in all communication contexts, it is dangerous for negotiators to assume that they know what the other side thinks or wants to say, because this could lead them to start building an agreement that is not actually desirable to the other side.



Again, effective communication goes hand-in-hand with viewing negotiation as a partnership: strong communication can forge this kind of partnership, but establishing a partnership also ensures strong communication going forward. In a negotiation, the authors suggest, it is essential to communicate openly and honestly but with plenty of reflection and tact. Successful negotiators always guide a conversation toward cooperation, especially when the other side tries to bait them into conflict.



The authors again emphasize that negotiators should view their relationships in a wider purview—they begin before and extend beyond any particular negotiation. In fact, because the substance of the negotiation is not yet on the table, it can be easier and more fruitful to establish a strong working relationship before the negotiation even begins. Again, by shifting from adversaries to partners on a personal level, it becomes possible to implicitly shift the dynamic on a substantive level, too.



There are many ways people can turn negotiations from conflicts into partnerships: they can explicitly propose a shift, or they can simply act like a partner until the other party gets the message and starts doing the same thing. It also helps for negotiators to literally sit side by side, rather than facing one another.

The most appropriate tactic will depend on the context, but the authors emphasize that every negotiator has the power to turn a negotiation from positional bargaining into principled negotiation by carefully managing their personal interactions with the other side. In other words, it is futile to wait for the other side to start separating the people from the problem—rather, negotiators should start doing so on their own.



In conclusion, the authors emphasize that separating people from problems during a negotiation—which all of the strategies in this chapter are intended to do—is always an ongoing task.

While effective principled negotiation requires separating people from problems, doing so is not necessarily easy. Rather, negotiators must constantly work to establish and maintain this separation, especially when the other side does not make the same effort or care about building a functional working relationship.



CHAPTER 3: FOCUS ON INTERESTS, NOT POSITIONS

The authors begin with a parable about two men in a library fighting about the window. One man wants it open for fresh air, but the other does not want to feel a draft. So the librarian goes to the next room and opens the window there. Under the heading “For a wise solution reconcile interests, not positions,” the authors note that failed negotiations often take this form: people focus on positions rather than interests. The librarian’s solution works because she cares about the parties’ interests—meaning their “needs, desires, concerns, and fears”—which are really the core issue in any dispute.

This parable succinctly illustrates the principal issue with positional bargaining: it immediately forces people into an artificial choice among competing proposals, rather than letting them join forces to find a solution that works for all of them. Caught up on the difference between their positions, the two men start arguing pointlessly—it takes the neutral librarian to point out that their fundamental “needs, desires, concerns, and fears” are not opposed, even if their positions are.



One example of why interests are fundamentally more important than positions is the 1978 Camp David Accords between Egypt and Israel, which had been occupying Egypt’s Sinai Peninsula for more than a decade. Both sides had clear, incompatible positions: Israel insisted on keeping some of the territory, but Egypt wanted all of it. But their interests were actually compatible: Israel worried that Egypt would build up troops in the Sinai, and Egypt wanted sovereignty back over its territory. So Israel agreed to return the Sinai to Egypt, as long as it would remain a demilitarized zone.

Like in the parable about the library, the conflict between Egypt and Israel was purely about positions and not at all about interests. Once their talks turned to concrete interests, it became possible to reach a solution that satisfied both sides. Crucially, this position was not a middle ground between the two sides’ proposals—rather, it was a completely new plan created specifically to fulfill their compatible interests.



Because the same interests can usually be satisfied in many ways, it is always better to focus on interests than positions. Similarly, even negotiators with opposed positions often have compatible interests. For instance, a landlord and a tenant both want to maintain the apartment and have a good relationship. The landlord might want some things that the tenant does not care about, and vice versa. Their opposed interest—the cost of rent—is only one among many important factors in their relationship. Sometimes, opposed interests are the *source* of a wise agreement—like when a shoe-seller wants money and a buyer wants shoes.

The authors then ask, “How do you identify interests?” People are often explicit about their positions, but their interests can be harder to discern. Negotiators should first ask *why* the other party is taking whatever position they have chosen, and why they have not already agreed to one’s requests. The authors look at the Iranian hostage crisis and note that it was in the hostage-takers’ best interests to keep the hostages as long as possible.

Negotiators should think through the decisions facing the other side and the consequences of deciding each way. For instance, the other side’s popularity or political support might be affected, they might want to maintain certain principles, or their actions might have consequences for people who rely on them and the options available to future decision-makers.

Negotiators almost always have multiple interests—including an interest in actually reaching an agreement. And negotiators frequently forget that the other side can be made of different competing groups with different interests—like when Lyndon Johnson foolishly referred to all Vietnamese people as “the enemy” during the Vietnam War. By imagining negotiations as two-sided exchanges in which each side has agreed-upon, definite interests, negotiators can also forget that there are usually competing groups with complex interests on each side.

The authors note that people’s interests are most often grounded in powerful basic needs like security, belonging, recognition, and autonomy. Even when negotiations are explicitly about money, these basic needs often dictate parties’ demands. For instance, when Mexico was planning to sell natural gas to the United States, it was important for them to be respected and get a fair price, rather than just sell as much as possible. In such situations, it is helpful to explicitly write out a list of each side’s interests.

Debating positions is counterproductive because each side crafts its position with only its own interests, not the other side’s, in mind. Accordingly, initial positions are unlikely to seem reasonable to the other side. They provide a deceptively narrow image of the range of possible agreements that can be reached, and they tend to hone in on points of conflict while forgetting numerous points of agreement (like the tenant and the landlord’s shared interest in maintenance).



Since negotiations are always really about satisfying interests, the best way to start one is by figuring out what everyone’s interests are. But since people can often be unforthcoming or unclear about their true motives and desires, getting to their interests can require careful digging and analysis.



When it comes to understanding the other side’s interests, as with their emotions, empathy is a negotiator’s most powerful tool. Getting a holistic picture of the situation from the other side’s perspective can also show negotiators why certain elements of their proposals might seem patently unacceptable to the other side.



While it is easy to wrongly settle on an oversimplified vision of the other side, the authors believe that it’s nearly impossible to be too empathetic or perceptive about the other side’s interests. So it is essential not to confuse the first acceptable theory of the other side’s motives with the other side’s actual interests, nor to assume that those interests will be absolutely consistent or cut-and-dry. For instance, Johnson was bound to misunderstand the interests of “the enemy” if he lumped the two warring halves of Vietnam together.



The natural gas deal between Mexico and the United States illustrates how, even though people often negotiate over money, they are seldom really negotiating about money. There are usually deeper, more fundamental interests at stake, as in all negotiations. Identifying these interests (like the Mexican government and industry’s interest in being taken seriously as an equal partner) allows negotiators to consider alternative ways of meeting them.



In order to actually fulfill their interests, negotiators must identify them and clearly communicate them to the other side. Including specific details is very important because it allows a negotiator to paint a more vivid picture of the problem. And by showing that they legitimately understand the other side's interests, negotiators can convince the other side to take *their* interests seriously too. Negotiators should communicate problems before solutions—rather than telling the other side what to do and *then* explaining why, they should explain the interests at stake *before* proposing how to resolve them.

People often argue for argument's sake—to score points rather than to reach an agreement. If asked why they are arguing, people often “identify a cause, not a purpose.” It should be the other way around: people should not argue because of something undesirable in the past (a cause) but because of a desirable outcome they want to achieve in the future (a purpose). The question “why?” is ambiguous—people can always explain their behavior in terms of either causes or purposes, but in a negotiation, focusing on the future is always a better way to satisfy one's interests.

Negotiators should “be concrete but flexible,” meaning they should enter a negotiation with a plan but always be interested in accommodating new ideas. They should think of multiple specific plans to fulfill their interests, but they should keep these plans flexible. This is a better alternative to positional bargaining: negotiators should offer illustrative but specific proposals.

In conclusion, people should take a hard negotiating stance toward their interests but not toward their positions. Wise agreements often require both sides to advocate hard for their interests, but doing this effectively requires addressing the problem without attacking the people with whom one is negotiating. Actually, it is best to actively support the people on the other side. In fact, principled negotiation is effective because it relies on the contradiction between supporting the people and attacking the problem: to resolve this contradiction, negotiators team up and attack the problem together. They should be firm about their interests but open to varied proposals for achieving them.

The authors' advice about discussing interests is similar to their recommendations for discussing emotions: it should be done specifically, nonjudgmentally, and with an open mind. They also propose explicitly separating conversations about interests from discussions about solutions, which prevents negotiators from defending their proposals instead of developing solutions to satisfy their interests.



These two approaches to explaining “why?” reflect the fundamental difference between positional bargaining and principled negotiation: while positional bargaining has each side separately assess the causes of their dissatisfaction and propose undoing them, principled negotiation focuses on future actions that can be taken to improve a situation. While it can sometimes be useful to “identify a cause,” a negotiation's true goal is to decide on a common purpose and implement actions in the future, and this can sometimes be done without fully agreeing upon what caused the problem in the first place.



While the authors emphasize that positional bargaining is an ineffective strategy, this doesn't mean that people should enter a negotiation with no plans at all. Rather, while positional bargainers bitterly defend a single idea, effective negotiators are “concrete but flexible,” prepared with several possible ideas but open-minded and not overly committed to any of them.



Principled negotiation can combine the advantages of hard negotiation (on substantive questions) and soft negotiation (on personal questions) only because it insists on separating people from substance in the first place. Its strategy for dealing with people is always the same: to forge the best possible relationship, both in order to improve the rest of the negotiation and in order to establish an ongoing working relationship.



CHAPTER 4: INVENT OPTIONS FOR MUTUAL GAIN

Negotiations often entail opposed interests when they involve one-dimensional factors (like the price of something) or an either/or decision. But negotiators can circumvent these problems by inventing creative solutions to their problems. When they do not, they end up unable to agree or settling for less-than-ideal agreements.

The authors offer a “diagnosis” of why people fail to consider creative solutions that do not lie on “a straight line between their position and yours.” They suggest four main reasons. The first is “premature judgment”: people are not used to inventing new ideas, and when they start to, they often let the critical voices in their head talk them out of thinking creatively. Similarly, if the other parties to the negotiation are likely to interpret a negotiator’s creative brainstorming as a concrete proposal, it can be dangerous to invent new options.

The second barrier to creative solutions is “searching for the single answer,” or insisting on narrowing down the range of possible solutions from the beginning instead of being willing to expand it. The third problem is “the assumption of a fixed pie,” when one party’s gain seems to require the other party to lose. And the fourth and final problem is “thinking that ‘solving their problem is their problem,’” or refusing to try and satisfy the other side’s interests in addition to one’s own self-interest.

Next, the authors offer a four-part “prescription” for negotiators who are having trouble inventing options. First, they should “separate inventing from deciding” by creating dedicated time and space for brainstorming. In a brainstorming session, people only invent ideas—they do not evaluate them yet. By deliberately removing inhibitions, brainstorming sessions incentivize people to come up with new, bold ideas but shield them from embarrassment.

One-dimensional negotiations seem like the rare case in which positional bargaining might make sense, but the authors have already pointed out that people usually only seek quantifiable outcomes like money as a means to fulfilling deeper interests linked to more fundamental human needs. Thus, even these situations are better resolved through principled negotiation.



Choosing a middle ground solution that lies on “a straight line between their position and yours” is essentially the only option available to positional bargainers. Splitting the difference in this way reflects a deep failure of imagination: negotiators totally forget that they can work together to build newer, better solutions. While it makes sense that a stressful negotiation might drive many people to shut down their creative side, in fact one of the most important skills in principled negotiation is learning how to harness this creativity.



These last three errors are also rigid assumptions common to the positional bargaining model. In reality, there is no perfect solution waiting to be discovered—there are only wise solutions waiting to be invented. And there are several good reasons to focus on the parts of a negotiation that are not zero-sum, rather than assuming that any success must be at the other side’s expense.



Creating designated space and time for brainstorming allows negotiators to counteract the inhibiting effects of pressure and stress. Accordingly, they can think creatively without letting premature critical judgment prevent them from developing ideas. Precisely because such brainstorming sessions are specifically designed to maximize creativity, they should not lead to binding commitments—in other words, they should not be part of the ordinary flow of the negotiation.



The authors explain how to run a brainstorming session, which should ideally be small (five to eight people) and informal. Participants should sit side-by-side (which promotes cooperation), and facilitators should stop criticism and record the group's ideas somewhere everyone can see. After the brainstorming, the group should open itself to limited constructive criticism, select the best few ideas, and take one shot at improving them before planning a subsequent meeting to actually choose which options to present at the negotiation.

This practical advice for running a brainstorming session shows how the success of a negotiation can largely depend not on substantive factors, but rather on the procedures its participants set out. By mindfully controlling the very process of negotiation, in other words, people can maximize their chances of reaching a wise and fair negotiated agreement. In this brainstorming situation, for instance, negotiators should carefully regulate criticism so that all viable ideas get proposed and the very best ones get meaningfully explored before anyone commits to any particular course of action.



The authors note that both sides can try to brainstorm together. While this can be risky, it can often produce excellent solutions and improve negotiators' relationships. But during this process, negotiators should emphasize that they're *not* making proposals. The authors give an example of a successful negotiation between a labor union and a group of corporate managers. They point out that the discussion largely consists of open-ended questions rather than definite positions and assertions.

While the risks of brainstorming with the other side might be greater than only brainstorming with people on one's own side, the rewards are potentially greater as well. Again, by agreeing on a carefully regulated process, negotiators can maximize these rewards while minimizing the risks. The authors' other principles for engaging the other side—particularly for dealing with emotions and interests—are all the more important in collective brainstorming situations, because they are necessary to maintain a constructive and open-minded atmosphere.



The second subheading in the authors' "prescription" is to "broaden your options." They emphasize that brainstorming is not necessarily about searching for the best answer—rather, it is about getting different ideas together in order to give oneself more good options that can be taken into the negotiation later on.

Again, brainstorming is a prelude to the actual decision process, which means it is counterproductive to start honing in on one idea. (There will be time for that later.) Brainstorming is not about choosing the right tool for the situation; it is building a toolkit, so to speak, and planning in a way that maximizes one's flexibility once it's time to actually build an agreement.



Using "**The Circle Chart**," the authors show how a four-step thinking process can solve problems. First, people should identify the specific problem they want to address. Then, they should generally analyze the situation that has created the problem. Thirdly, they should generally consider what solving the problems in the overall situation requires. And finally, they should define realistic solutions and plans for pursuing them.

The authors depict the Circle Chart as a clockwise motion among four quadrants, which are defined by two different axes: reality versus theory and the problem versus the solution. By combining these two pairs of opposites and the different kinds of thinking that each engenders, The Circle Chart offers a formula for creative thinking. It is intended to help negotiators develop new perspectives on the dispute and the relationship between the parties as a whole, in addition to helping them elaborate specific negotiated agreements for the issue at hand. And it is a microcosm of the negotiation process as a whole: it starts with defining interests, then goes to analyzing the problem, and finally moves to proposing solutions.



The **Circle Chart** is specifically useful because it helps people develop new ideas that are related to the first action plans they create, in content or in theory. As an example, the authors explain how a proposal to create common history books for Catholic and protestant students in Northern Ireland eventually led to several related ideas, like changing the way history was taught or creating an exchange program for teachers. Some of these even came to fruition.

The example from Northern Ireland shows how the Circle Chart helps people expand their perspective beyond the specific dispute they are negotiating about, in addition to helping them find better solutions to their specific disputes. As a result, the kind of collaborative creative thinking that the Circle Chart promotes can help build stronger relationships and give parties other projects to collaborate on. It can also show them that not everything rides on their current dispute, because there is plenty more that they can do in the future.



The authors also suggest that problem-solvers imagine the perspectives that different kinds of experts would take on their problem. Before negotiations, it can help to be ready with options for “weaker” versions” of one’s plans, in case the parties cannot agree on a final solution. In this kind of situation, the parties can still agree on smaller steps—for instance, they can appoint an arbitrator or clearly establish their points of disagreement. Additionally, they can break the problem into smaller steps, agree on a plan for part of it, and then move forward a little bit at a time.

All of these suggestions show how people can prepare before a negotiation in order to give themselves a greater range of options during it—both in terms of possible agreements and in terms of negotiation procedure. This contrasts with the way positional bargainers prepare: by defining and totally committing themselves to just one idea.



The third section of the authors’ “prescription” is to “look for mutual gain,” which can be useful in situations that appear to be zero-sum. In reality, situations are almost never zero-sum. It is always possible for *both* parties to lose or to win a helpful relationship. And creative solutions can often create mutual-win scenarios that might not be apparent at first. The key to finding these solutions is to determine what interests both parties have in common.

The idea that negotiations must be zero-sum is one of the most harmful assumptions that the default positional bargaining approach imprints upon prospective negotiators. Until this assumption is broken down, it is incredibly difficult to develop any solution that is not some combination of the parties’ initial positions. Like all aspects of an effective negotiation, building creative solutions must start with identifying and correlating the different parties’ interests: when interests are shared (or merely different, but not opposed), negotiators should immediately recognize that win-win solutions are possible to fulfill them.



For instance, imagine a mayor who wants an oil company to pay higher taxes. The mayor’s primary interest is getting necessary tax money, and the oil executive’s is expanding operations to increase profit. So *both* parties care about expanding production and investment in the city. They could agree on various tax breaks for business, which could encourage more investment and presumably give the city more revenue. But if they do not reach an agreement, the worsened relationship between the local government and the company could harm both of them. Thus, each party’s success also benefits the other party.

In this example, the negotiation initially looks like a one-dimensional dispute: the company wants to pay less tax and the city wants it to pay more. But by analyzing all of the interests that each side brings to the table, the authors show that the company and the city actually have more in common than they are opposed on. By building their agreement on these shared interests, the parties not only amicably resolve the taxation question but also set a precedent for effective collaboration in the future.



All negotiations include some shared interests, like the interest in future cooperation. But negotiators have to actually identify and act on these shared interests—the first step is turning them into concrete shared goals. By pointing these interests out, the quality of negotiation improves, too.

The shared interests that lurk behind every negotiation are low-hanging fruit, but people have to actually make an effort to make use of them. However, the benefits can be significant: starting with what everyone shares is often the easiest way for people to build momentum towards an amicable, wise agreement.



It is also possible to “dovetail differing interests,” or create solutions that satisfy both side’s interests, when they do not conflict. The authors present a list of examples, like if one party wants to control the form of a message and the other the substance of it. This kind of compromise can also resolve differing beliefs, predictions, and attitudes toward time or risk. One strategy to find dovetailing opportunities is to propose various alternatives that meet one’s own needs equally, but may be better or worse for the other side. This lets the other side reveal what they actually care about. In a nutshell, dovetailing essentially means agreeing to things that hugely improve the deal for one side but do not worsen it for the other.

It is possible to collaborate not only over shared interests, but also over interests that, while different, do not conflict. These differences can work in balance and, at best, in complementarity. So “dovetail[ing] differing interests” allows everyone to get what they want in an equal, balanced way. The author’s previous anecdote of the librarian opening the window in the next room is an example of this. But dovetailing is only possible when negotiators have a clear and reliable idea about the other side’s interests and are willing to explore creative ways of meeting them.



The authors’ final tip for inventing creative decisions is to “make their decision easy.” It helps to think about the other negotiator not as a faceless representative, but rather as an individual considering many different factors (like constituents’ interests and their professional reputation).

Once again, empathy is a crucial and foolproof tactic for improving the negotiation process. Similar to saving face, “mak[ing] their decision easy” is about imagining the agreement from the other side’s perspective and then looking for a way to resolve anything that might seem to threaten their interests or unsettle them.



To make an agreement easier to accept, negotiators should eliminate uncertainty by presenting specific proposals and defining mutually acceptable terms early on. It is much easier and lower-risk to agree to solutions that are easy to implement, legitimate, and consistent with precedent. And *offers* yield solutions much more easily than *threats* do. To evaluate how appealing any given proposal is for the other side, it helps to imagine how their negotiator would be criticized if they accepted it. Ideal proposals are “yesable,” meaning that the other side can realistically agree to them on the spot.

Just like it helps to discuss emotions and interests in as clear and unambiguous a way as possible, explicitly defining terms of agreement early on is useful because it prevents miscommunication further down the line. Similarly, making these terms straightforward and “yesable” to the other party is a way to preempt pointless disagreements that would not actually improve the negotiated agreement.



CHAPTER 5: INSIST ON USING OBJECTIVE CRITERIA

The authors admit that negotiations always ultimately involve competing interests, and sometimes these cannot simply be circumvented or reconciled. They explain that most people approach negotiations by declaring that they are willing to do some things and unwilling to do others. The authors have already explained why it is unwise to turn negotiations into a mere conflict of wills through positional bargaining. The alternative is to base them on objective, agreed-upon criteria.

Until this point in the book, the authors have consistently emphasized the importance of seeking out shared and complementary interests in negotiations that might initially look zero-sum. However, here they admit that not everything can be win-win, and principled negotiators need a strategy for dealing with situations where parties' interests truly are diametrically opposed. When they say that positional bargaining resolves these situations through a conflict of wills, what they mean is that positional bargainers stake out their opposed positions and then use various tactics unrelated to the actual negotiation. They resort to manipulating, exhausting, and taunting each other in order to try and get the other side to make concessions. But then, neither has incentive to make concessions because neither is offering anything in exchange. As a result, the negotiation simply becomes about who is more stubborn and, often, more willing to play dirty. This tendency is responsible for the worst effects of positional bargaining—particularly its tediousness and its nasty consequences for personal relationships between negotiators.



The authors point out that nobody would let a contractor build their house on shoddy foundations because there are objective, measurable standards that need to be followed for a house to be safe. Similarly, business negotiations should be based on objective figures that measure things like “[fairness, efficiency, or scientific merit](#).” Staying consistent with precedent and common industry practice helps produce wise agreements, build confidence on all sides, and sustain amicable relationships. It also saves a lot of time, compared to positional bargaining.

The authors' point is deceptively simple: objective criteria both foster better decisions and prevent conflict. This is the “principled” part of principled negotiation: negotiators should agree on principles (objective criteria) to resolve their differences. “Fairness, efficiency, [and] scientific merit” are natural candidates because they are totally independent of all the negotiating parties, so they can't reasonably be seen as biased toward any of them.



For instance, during the Law of the Sea Conference, the United States and India chose opposite positions on whether mining companies should have to pay a fee to start mining. They initially refused to budge, but when they looked at an economic model developed by the Massachusetts Institute of Technology, both reconsidered their initial positions. Neither one had to unilaterally back down, and they eventually reached a solution.

The MIT model was valuable not only because it provided a fair response to the mining dispute but also because of the role it played in the negotiation process: it served as a stepping stone to agreement and allowed both India and the U.S. to retract their original positions while saving face.



The authors offer strategies for “developing objective criteria.” Sometimes, there are various available standards for negotiators to use—for instance, there are several different ways to determine the value of a car. Scientific assessments, professional norms, principles of equality, and adherence to precedent or tradition are all possible sources of objective criteria, which have to be agreed upon by and applied to both sides in order to produce a wise agreement. It is helpful to ask whether the other side would agree to the terms if the situation were flipped—for instance, many nations insist that they deserve self-determination but deny it to others.

The authors admit that it is impossible to agree on a single, absolute definition of what is “objective.” But when they talk about “objective” criteria, what they really mean are independent criteria that all parties can agree upon. Because they are independent and agreed upon, these criteria are likely to be fair and equally applicable to both sides. Still, the parties actually need to go through the process of reaching an agreement, and there is no hard-and-fast rule for convincing the other side which standard is legitimate, as this largely depends upon the specific situation.



In addition to fair *criteria*, negotiators should choose fair *procedures*. The Law of the Sea Conference established that private companies would always have to propose two mining sites, and then the UN-owned common mining company would take whichever it preferred. This is like the classic “one cuts, the other chooses” strategy for dividing desserts. A similar strategy is to choose a procedure before deciding who will be on which side. For instance, during a divorce, parents can decide visitation rights *before* determining who will have custody. Other easy solutions include “taking turns, drawing lots, [and] letting someone else decide.”

Like criteria used to settle conflicting interests, procedures written into a negotiated agreement are fair and objective when they do not arbitrarily favor anyone over anyone else and are acceptable to all parties involved. They should be reciprocal, meaning it does not matter who is on what side. In “one cuts, the other chooses,” the cutter has an incentive to cut equally; “taking turns” works when having the first shot at something is not inherently advantageous; “drawing lots” is random; and so on. Of course, many people already intuitively use these procedures to deal with their differences.



The authors highlight three main points of “negotiating with objective criteria.” The first is that people should frame their negotiations as “joint search[es] for objective criteria.” They should seek to understand *why* the other side makes a certain offer and come to agreement about the principles underlying the decision process before applying them to reach a fair outcome.

It is important to mount a “joint search for objective criteria” in order for these criteria to really be objective: if one side insistently pushes a certain set of criteria, it is probably biased toward them. Crucially, negotiators should approach this search for criteria by asking what the most reasonable way to address their dispute would be, not by examining how each criteria implicates their side’s interests.



The second strategy for using objective criteria in a negotiation is to be open-minded about the criteria proposed by the opposition. One danger of negotiating based on principles is that the different sides might see their difference in position as reflecting a deeper difference in principles, then give up on resolving it. Instead, both sides should examine the arguments for and against different objective standards. It can be legitimate to combine two equally reasonable objective standards (like something’s market value and its price minus depreciation). It can also be fair to get third party opinions about standards.

Negotiators must be open to the other side’s proposals precisely because there is no infallible formula for choosing objective criteria. Reaching a fair, reasoned agreement about standards is ultimately more important than what specific standards are chosen, so it is essential to approach the search for criteria as principled negotiation (and not as positional bargaining).



The authors' third rule for using objective criteria in negotiations is to "never yield to pressure" but always be willing to yield to principles. People might try to trade favors by giving up on one issue in exchange for getting their way on another, unrelated one. But this does not affect principled negotiators, who should only care about the reasons and principles behind a position. By insisting upon objective criteria, a negotiator can force the other side to state their position in terms of objective merits.

Principled negotiators should avoid accepting arbitrary standards unless the other side completely refuses to budge and an unfair agreement turns out to be better than none at all, even considering the damage it will cause to a negotiator's reputation. While principled negotiation is always a better strategy than positional bargaining, in other words, it is not completely foolproof.

The authors end the chapter with the example of a man whose car has been destroyed arguing over compensation with the insurance company. The insurance adjuster initially refuses to explain how it decides to give the man \$13,600, but the man continually pushes the adjuster to justify this amount by comparing it to used cars that have the same specifications, mileage, and technology as his car. He ultimately gets \$18,024 from the insurance company.

Positional bargaining runs on pressure, while effective negotiators run on principles. Even when it seems favorable, "yield[ing] to pressure" ultimately sets a precedent for addressing disagreements through positional bargaining, and so it is usually counterproductive in the long term. Just as it is possible to divert conversation from positions to principles by asking why the other side holds its positions, it is possible to start searching for objective criteria by asking why the other side wants to resolve a certain disagreement in a particular way.



Although principled negotiators can often persuade positional bargainers to start thinking in terms of interests and principles, at the end of the day, it is sometimes impossible to get them to agree to even the most fair and objective of agreements. Although positional bargainers can take advantage of whatever favorable position they might have in order to force an agreement, by doing so, they are likely to worsen their reputations and outcomes in the long run.



In this example, the insurance company initially tries to give the man as little as possible and sidestep questions of principle. But when forced to justify its offer in terms of the car's fair market value, the company is forced to offer more. Had the man simply asked for a bigger payout, however, it is unlikely that he would have succeeded. This shows how negotiating based upon objective criteria can help fairly and amicably resolve conflicts of interest. It is also hugely advantageous for relatively less powerful people who happen to have principle on their side.



CHAPTER 6: WHAT IF THEY ARE MORE POWERFUL? (DEVELOP YOUR BATNA—BEST ALTERNATIVE TO A NEGOTIATED AGREEMENT)

The authors admit that differences in power and resources can significantly influence negotiation. When they are less powerful than the opposition, negotiators should prioritize refusing unwise resolutions and using the power they do have as effectively as possible to satisfy their interests.

One of the main difficulties with principled negotiation is that it presumes something of an equal power dynamic. Fortunately, it also helps create an equal dynamic, since it asks people to consider the objective principles of a situation rather than resolving disputes based on who can coerce the other into an agreement (as in positional bargaining). Still, in unbalanced situations wherein one party can afford to ignore the other's interests—or even get away with positional bargaining—the underdog party needs some effective way to even out the power differential and, if possible, shift the discussion back to principles.



The authors explain that people often care so much about reaching a resolution that they accept unfair agreements that they later regret. To avoid this kind of poor decision-making, it is helpful to explicitly choose a bottom line (like a minimum or maximum price).

However, bottom lines can also be dangerous. First, they prevent people from adapting when they learn new information during a negotiation. Additionally, bottom lines can lead people to focus solely on money rather than creatively fulfilling their interests by inventing solutions (like selling for less, but with more favorable conditions in the contract). Sellers often also set their bottom lines too high because of wishful thinking: they refuse very good offers because they want an impossible price.

The best alternative to choosing a bottom line is planning what to do if negotiations fail. For instance, if a family does not get a good offer for their house, what will they do with it? Is this better or worse than the best offer they have? In other words, they should determine their “Best Alternative To Negotiated Agreement,” or BATNA for short.

Like setting a bottom line, identifying a BATNA helps negotiators recognize if an offer is truly worth accepting or not. But unlike a bottom line, a BATNA is not rigid or based on a single dimension. If negotiators fail to identify their BATNA, they end up making decisions in the dark, without understanding “the consequences of not reaching agreement.”

In some cases, people wrongly weigh the value of reaching an agreement to *all* the alternatives they have. But they can only choose *one* of these alternatives, so it is essential to compare the agreement to the *best* alternative. More often, people are desperate to make an agreement because they are overly pessimistic about their alternatives, which they have not thought through. Accordingly, people should always examine alternatives *before* the negotiation, not after.

People tend to reach hasty decisions because they do not define the value of reaching an agreement before entering the negotiation. Manipulative negotiators often expect and try to exploit this lack of preparation, but smart underdogs have to be willing to walk away when necessary. In fact, this ability to walk away is often their greatest source of power in a negotiation.



Bottom lines are like the positional bargaining of pre-negotiation preparation: because they are so rigid, they limit a negotiator’s perspective rather than expanding it. At the same time, they serve the invaluable function of helping people articulate the value of reaching an agreement and how much they stand to lose by walking away. Principled negotiators need a way to define this value without getting fixated on a specific number.



Like a bottom line, a BATNA helps negotiators recognize the true cost of walking away from negotiations. But it allows them to weigh two concrete, realistic options against each other, rather than forcing them to compare an agreement to an imaginary bottom line.



Comparing an offer to a bottom line often turns into a question of over/under, usually on a single quantifiable factor (like money). The BATNA expresses “consequences of not reaching agreement,” because it defines how much (or little) a negotiator has to lose by walking away. In turn, this expresses how much negotiating power a party has—someone with a poor BATNA will accept far less than someone with a great one.



Quality trumps quantity: the BATNA must be specific in order to be realistic. People can only choose one course of action, so it is not helpful to have many different options (especially if they are all bad ones). According to their extensive experience, the authors suggest that people are more likely to underestimate their BATNA than overestimate it—in other words, they are in a better bargaining position than they imagine, and they would know the truth if they had prepared beforehand.



The authors also suggest that people come up with a “trip wire,” or an idea of an *imperfect* agreement that is still somewhat *better* than the BATNA. People can be relatively certain that an offer better than their “trip wire” is worth accepting, but they can also know to seriously think through any offer that seems reasonable but is worse than it.

Next, the authors give tips for “making the most of your assets.” First of all, people’s greatest asset is not their money or power—it is their BATNA, which explains the cost of not making an agreement. For instance, a poor souvenir seller actually has *more* negotiating power than a wealthy tourist, because they can sell the same souvenir to someone else and know the object’s actual production cost. Similarly, if a company builds a factory right outside a city’s limits, the city has power over the company because its BATNA is expanding the city limits to make the factory pay property taxes.

For BATNAs to be useful, negotiators have to actively plan them out. This means brainstorming all their alternatives, building on a few to make them as clear and concrete as possible, then identifying the single best one and weighing it against every negotiated offer. Having a solid BATNA also puts negotiators in a better position because they can afford to walk away. It can be useful to point this out to the other side.

Finally, negotiators should examine the other side’s BATNA. In some cases, people can change the other side’s calculation by acting to make this BATNA impossible. But when both sides have good BATNAs, it can be better to not negotiate at all.

The “trip wire” is like a flexible, noncommittal version of a bottom line that negotiators can prepare beforehand. People should not aim for their “trip wire” but rather view it as a dividing line between proposals that are definitely worth accepting and those that require further reflection.



Although it may be counterintuitive, in a negotiation, the party that can mobilize greater resources does not necessarily have the upper hand. Because both sides have to agree to some course of action in order for the negotiation to be successful, whoever has less to lose by walking away has more power. Of course, this makes knowing one’s BATNA beforehand all the more important.



As with negotiated agreements themselves, the more specific and actionable the BATNA, the more useful it will be. Planning out a BATNA helps negotiators both clarify their negotiating position and prepare themselves to actually walk away from negotiations and take their BATNA if necessary. It is perfectly legitimate to bring up one’s BATNA in a negotiation, just as it is reasonable to mention one’s interests or emotions. Of course, it must be presented as a matter of fact and absolutely not as a threat intended to compel agreement from the other side.



Just like with emotions and interests, negotiators should imagine the other side’s BATNA in order to get a more accurate picture of the balance of power at play in the dispute. The authors also note that BATNAs are not fixed: it is possible to improve one’s own BATNA or worsen the other side’s (and not always by playing dirty). This means that examining and planning out a BATNA should be a continuous process throughout a negotiation, not a one-time inquiry at the beginning of it.



The authors summarize their argument: when negotiating with a more powerful opponent, people should do anything possible to make principles and merits the basis of the negotiation. By developing an attractive BATNA, people lower the cost of walking away from unequal negotiations.

Although negotiation situations are often deeply unequal, the authors point out that they are usually not as unequal as they may look from the outside. It's important to recognize that underdogs have several tools at their disposal to even out power imbalances. Unsurprisingly, the most valuable of these is principled negotiation itself, as power is irrelevant to principles—all that matters is what is morally right, fair, and reasonable.



CHAPTER 7: WHAT IF THEY WON'T PLAY? (USE NEGOTIATION JUJITSU)

Sometimes, people insist upon positional bargaining, refuse to look for common ground or creative solutions, and rely on personal attacks instead of debating the merits of different proposals. The authors suggest three ways of responding to this kind of negotiator: first, people can try to make the negotiation about the merits using the strategies that the authors have outlined so far in the book. Second, they can use a strategy for responding to positional bargaining that the authors call negotiation jujitsu. Finally, they can involve a third party in the negotiation through tricks like one-text mediation.

Sticking to positional bargaining is a particularly attractive strategy for negotiators who know they have more power than the other side but would not get much of what they want in an agreement based on principles. However, in many situations positional bargaining is simply a reflex, and smart principled negotiators can counteract it to avoid escalating conflicts and ensure that conversations stay focused on the merits.



The authors then explain negotiation jujitsu. When the other side opens by declaring and defending a position, people should simply refuse to give into the exhausting, inefficient back-and-forth of positional bargaining. They should not defend a position or react to the other side's attacks. Like in actual jujitsu, the goal is to deflect the attack and redirect the other side's strength toward elements of principled negotiation.

Positional bargaining is based on a cycle of action and reaction, or attack and counterattack, between the opposing sides in a dispute. This is why it is so easy to fall into but also why it is so ineffective as a negotiation strategy. Negotiation jujitsu is a way of breaking this cycle by simply refusing to participate in it and giving the positional bargainer an opportunity to switch to principled negotiation.



[Positional bargaining usually involves three things: defending one's position, attacking the other side's ideas, and attacking the other side personally. Negotiation jujitsu has a strategy for dealing with each of these.](#)

Again, all of positional bargaining's strategies are based on assuming an inherent conflict between the different sides in a negotiation. But attacking and defending makes little sense in the context of principled negotiation, which is collaborative instead.



First, when the other side defends their position, negotiation jujitsu calls for refusing to immediately accept or reject it, and instead analyzing it like any other option in a negotiation. People should figure out how the other side's proposal serves their interests and determine what principles it is based on, and they should try to help the other side also give up on positions.

This negotiation jujitsu strategy depends on refusing to acknowledge the other side's ownership over the proposal they have presented. By analyzing the proposal's merits, the jujitsu practitioner take it seriously as an option, challenging the positional bargainer's assumption that the other side will always resist anything he or she proposes. And by refusing to see the position as the other side's personal property, the jujitsu practitioner gives the positional bargainer a chance to abandon their position and switch to principled negotiation whenever they are ready.



By asking what would happen if their proposal were hypothetically accepted, negotiators can point out that it is not reasonable for them to accept the other side's ideas. For instance, when the President of Egypt insisted that Israel withdraw from Egyptian territory in 1970, an American lawyer asked him how that would turn out for the Israeli Prime Minister, and this showed him that unilateral withdrawal was not a realistic proposal.

Secondly, when positional bargainers go into attack mode, negotiation jujitsu calls for encouraging principled criticism, rather than fighting back. A talented negotiator asks the other side to explain their attacks and then analyzes their responses in order to understand their principles and interests. Again, it helps to make positional bargainers imagine switching positions, because this shows them that both sides have legitimate interests. This also provides a model of how to address interests on their own terms rather than in terms of the people who hold them.

Finally, when the other side makes personal attacks, a smart negotiator lets them finish and listens closely. Then, they use negotiation jujitsu to reinterpret the personal attack in terms of the substantive problem that the two sides are trying to solve.

There are two more key negotiation jujitsu techniques. First, negotiators should ask questions instead of making direct statements, since questions force the other side to explain and elaborate rather than resist and criticize. Secondly, negotiators should use silence to force the other side to reflect, especially when they say something unreasonable or fail to answer a question. Silence forces them to seriously think through what they have said, and people often respond to silences by giving a better answer or inventing a new idea.

This questioning strategy is a way to force the other side to empathize when they might not ordinarily be willing to do so. While they might not realistically understand the other side's interests in the process, at least they can see why positional bargaining will not be a viable strategy under the circumstances.



Again, this jujitsu tactic goes against the positional bargainer's expectations and draws them toward principled negotiation. While the positional bargainer expects the other side to respond in kind with attacks on their position, instead the jujitsu practitioner does the unthinkable: they take the criticism seriously and then search for the true meaning behind it (principles and interests). In doing so, they break the cycle of action and reaction, then try to replace it with a practice of reasoned, respectful, constructive criticism.



Since personal attacks are mostly divorced from the substance of a negotiation, the best way to address them is the same as the best way to address angry emotional rants: by only addressing whatever part of them actually does have implications for substance.



Although these techniques are subtle, it is difficult to understate their benefits in a negotiation. Asking questions shows openness and gives the other party a sense of control, while also modeling effective communication and eliciting more information from them than simple statements would. Silence is a way of making the other side accountable: it forces them to reexamine things that they say in the heat of the moment and reflect on their actual implications for the negotiation. In other words, it helps them momentarily break out of the positional bargaining mindset and examine their tactics from the more objective, less spiteful perspective of a principled negotiator.



The authors then outline the one-text procedure for mediation with the help of a third party. Imagine a husband and wife who cannot agree on what they want in a house and become more stubborn the more they negotiate. To create a fair agreement, they need to call in a third party—but not anyone will do.

Most readers instinctively know that mediators can help reach agreements in situations where different parties cannot reasonably negotiate on their own. The one-text procedure is essentially just an actionable formula for mediation. In the context of principled negotiation, it serves as a kind of last resort strategy that negotiators can use to escape positional bargaining. It works because the third party who is brought in to mediate will not have emotional or substantive conflicts of interest in the actual negotiation.



Many mediators try to reconcile the two sides' opposed positions by forcing them to make concessions. In contrast, in the one-text procedure, mediators make a joint list of both sides' interests—for example, an architect could ask the husband and wife *why* they each want specific features in their house. After getting advice on this list from both parties, mediators invent a plan to fulfill it. They then consult the parties about the plan, modify it, and repeat this process of consultation and revision until they feel the plan can no longer be improved. Then, the main parties must decide whether to accept or reject this final plan.

Of course, simply having a mediator is not enough—rather, the mediator must actively reshape the negotiations into a principled negotiation. By combining everyone's interests into one single list, the mediator eliminates the presumption of conflict that often keeps negotiations stuck in positional bargaining and instead forces the different parties to see themselves as collaborators. By constantly asking for criticism and revising the plan, the mediator shows that they are taking everyone's interests seriously. This process also builds up momentum because each revision feels like a concrete step toward a mutually satisfactory solution. At the same time, it does not make sense for the parties to criticize elements of the proposal that might fill the other side's needs but not affect their own side at all. Conversely, under positional bargaining, these divergent (but not opposed) interests get held hostage and never fulfilled.



Parties can call in someone else to mediate using the one-text procedure, but sometimes there is a party who can easily mediate because their main interest is simply getting to an agreement in the first place. For instance, this is why the United States mediated the 1978 Camp David Summit between Israel and Egypt. Large organizations like the United Nations use the one-text procedure to make virtually all of their decisions, like in the Law of the Sea Conference. There is no need to explicitly agree on using the one-text procedure: negotiations can just start drafting a common agreement.

While a mediator must be neutral, they do not need to be completely removed from the situation—on the contrary, the one-text procedure works far better when both parties trust the mediator and recognize their investment in reaching a fair outcome. Notably, like with many other principled negotiation tactics, the one-text procedure is principally a way to break the cycle of positional bargaining, which means that only one party needs to choose and initiate it.



The authors use a real-life negotiation as an example of how to deal with someone who resists principled negotiation. When a man named Frank Turnbull decides to move out of his apartment, he learns that his landlord, Mrs. Jones, has been illegally overcharging him \$268 over the legal maximum every month. By using negotiation jujitsu, he gets the belligerent Mrs. Jones to eventually apologize and reimburse him for the illegal rent.

The example negotiation between Turnbull and Mrs. Jones is a template for how to overcome apparent power differences and turn positional bargaining into principled negotiation. At the beginning of the conversation, Mrs. Jones has the upper hand—she already has Turnbull’s money, and she probably thinks that nothing will happen to her if she refuses to pay it back. (In other words, she thinks that her BATNA is strong.) Accordingly, she sticks to positional bargaining, as she does not have any reason to reach an agreement rather than walk away—indeed, she probably knows that she will end up losing money in a fair agreement. In contrast, Turnbull knows that he has been overcharged in a way that is objective and demonstrable, so he wants to negotiate on principles rather than positions. His challenge is convincing Mrs. Jones to open-mindedly engage with him.



“Please correct me if I’m wrong,” Turnbull begins before explaining that he has learned that his apartment is legally rent-controlled. This phrasing shows that Turnbull is open to be persuaded, but only based on concrete evidence. Rather than accusing Mrs. Jones of wrongdoing, Turnbull gives her a chance to explain the facts as she understands them. This can help prevent conflict and protect Turnbull in case he actually is wrong about the rent control.

Although Turnbull is absolutely certain that his apartment is rent-controlled, he still presents the information as a question and emphasizes his own fallibility. This open-minded commitment to settling negotiations on objective standards is a key element of principled negotiation: Turnbull does not let his background research tempt him into opening with positional bargaining.



Next, Turnbull personally thanks Mrs. Jones for renting the apartment to him, which keeps the people separate from the problem. He emphasizes that he is not attacking her character and suggests that he cares about preserving an ongoing relationship with her. Turnbull explains that he is asking about the rent because he cares about the principle of fair pricing. While this shows that only principles will persuade him, it also clarifies that he is absolutely open to changing his mind.

Turnbull is already implementing all four of the rules of principled negotiation. By separating the people from the problem, he preemptively shows that the dispute is not at all personal and he has no animosity for Mrs. Jones. He focuses on interests, rather than positions, by explaining that he is looking for a fair deal rather than immediately demanding the compensation he considers just. Similarly, he opens the door for creative new options by flexibly presenting the rent dispute as a problem for him and Mrs. Jones to solve together. Finally, he frames the central question of the rent—on which he and Mrs. Jones have directly opposed interests—solely in terms of objective criteria.



Mrs. Jones accuses Turnbull of trying to extort her. He responds by saying that he obviously *could* do that—or start an extended court battle—but he is choosing to put principles first. Accordingly, he says that he wants to “handle this problem fairly on the basis of some independent standard.” Although Turnbull is angry that Mrs. Jones rejects principled negotiation, he controls himself. By pointing out that he *could* act selfishly, he shows that he understands Mrs. Jones’s angry response. But then, he deflects her concern by explicitly stating that he only cares about fairness, which tilts the conversation back toward principles.

Mrs. Jones’s response is an attempt to bait Turnbull back into positional bargaining’s cycle of attack and defense, action and reaction. Turnbull’s reaction is an example of negotiation jujitsu. First, he points out that Mrs. Jones’s logic is actually a point in his favor, objectively speaking—if he simply wanted to scam her, he easily could. In other words, Mrs. Jones’s BATNA is not as good as she thinks. Then, Turnbull emphasizes his commitment to principled negotiation “on the basis of some independent standard” in order to draw Mrs. Jones into a principled negotiation mindset. In the process, Turnbull also has to recognize and manage his own emotions, which shows how effective principled negotiators need to be highly aware of and sensitive to emotions in order to effectively separate them from substance.



Next, Mrs. Jones accuses Turnbull of not trusting her, but he insists that trust is irrelevant. His point is simply “the principle: Did we pay more than we should have?” It is not enough to say that he trusts her, because she would use this to sidestep the question of the fair rent. When transitioning from the question of trust back to the question of principle, he carefully says “and” instead of “but” in order to reject her either-or logic. By returning to the principles time and time again, he avoids personal attacks and the messy question of trust.

A soft negotiator might try to affirm their trust for Mrs. Jones in order to build a positive relationship, in the hopes of moving toward resolution. But Turnbull recognizes that this tactic would risk holding the substance of the negotiation hostage to the relationship, so he tries to entirely avoid the personal questions instead. He explicitly tells Mrs. Jones that he wants to separate the people from the straightforward question of objective principle, which is just whether “we pa[id] more than we should have.”



Instead of just stating that he was overpaying, Turnbull asks Mrs. Jones if he has the facts right. By using questions, he gives Mrs. Jones the chance to correct him and avoids sounding aggressive. When she confirms his suspicions, the pair now has “a foundation of agreed-upon facts” to work from.

Again, Turnbull uses questions rather than statements both to prevent conflict and to get Mrs. Jones to actively commit herself to the basic fact that he was overpaying. By creating “a foundation of agreed-upon facts,” they limit the chances that one of them will backtrack or question the basic facts in the future.



Next, Turnbull directly asks Mrs. Jones why she charged him \$1,200 a month for rent (instead of the legal \$968). But he does not accuse her of wrongdoing or assume bad intentions. Mrs. Jones cites apartment repairs as a justification for the higher rent and says that it was too much work to get the Rent Control Board to approve a corresponding increase. Turnbull says, "Let me see if I understand what you're saying," then rephrases her justification and repeats it back to her before asking, "Is there something I've missed or misunderstood?" Again, this builds up their base of common facts and turns the negotiation into a cooperative process.

By presenting the payment dispute as an open-ended question, Turnbull makes it as easy as possible for Mrs. Jones to keep her personal feelings separate from the question of principle. He also protects himself, in case Mrs. Jones actually turns out to have a fair explanation for the rent increase. By using language like, "Let me see if I understand what you're saying," and "Is there something I've missed or misunderstood?" Turnbull ensures that he and Mrs. Jones are fully on the same page, so that he can move forward confidently without risking unintended changes in his and Mrs. Jones's basic understanding of the issues later on. (For instance, Mrs. Jones might try to backtrack and deny these claims in order to return the discussion to positional bargaining.) Turnbull also makes it clear that he wants to empathize with Mrs. Jones's perspective, and he takes a personal interest in ensuring that the negotiation process is fair for her as well.



Turnbull tells Mrs. Jones that he is going to consult with his roommate and asks if he can follow up with her tomorrow. To make informed decisions, effective negotiators have to take time and space to think. They should always have an excuse for leaving the conversation and postponing the final agreement.

This strategic pause attests to the importance of preparation and reflection in negotiations, especially during the process of negotiating a final agreement. By taking time to think and do research, Turnbull assures himself that he is deciding based on the merits and not on momentary whims, emotions, or desire for immediate closure.



When they resume their conversation, Turnbull tells Mrs. Jones, "Let me show you where I have trouble following some of your reasoning." He has talked to the local Rent Control Examiner, who said that it would take \$30,000 in improvements to increase the rent by \$268. But Mrs. Jones didn't seem to have spent that much, and she never fixed several problems with the apartment. Notably, he starts with the principle of what would justify an increase in the rent, so that he can show that his perspective is based on the relevant objective criteria.

Turnbull again keeps his feelings separate from the substance and presents the objective dispute over the improvements in terms of a reasonable legal standard—the Rent Control Examiner's guidelines for raising the rent of a rent-controlled property. If he were to state a position or conclusion before these objective principles, he would likely undermine his own principled negotiation—Mrs. Jones would hear a proposal that sounds unrealistic to her and stop listening before Turnbull even gets to the reasoning behind it. Accordingly, while it may seem like a minor detail, the order in which Turnbull presents his information is actually very significant.



Turnbull next suggests that "one fair solution might be" for Mrs. Jones to reimburse him. He carefully presents this as one among many possible fair *options*, not as his *position*. He explains that he would be happy to move out if Mrs. Jones agrees to this option, but he can always follow the Rent Control Board's advice: sue her and stay in the apartment rent-free until the case is resolved. He emphasizes that this is the Rent Control Board's idea, so as not to seem personally combative. In reality, his BATNA is probably just to take the loss rather than dealing with a lawsuit, but mentioning that would be unwise.

When presenting his "one fair solution," Turnbull carefully guides the conversation toward an open-ended consideration of possible resolutions, which ensures that Mrs. Jones remains a free and equal negotiating partner. In other words, he does not try to coerce her into agreeing to his proposal, which would likely backfire later on. He does, however, mislead her about his BATNA in order to increase his bargaining power and force Mrs. Jones to take his proposal seriously.



After Mrs. Jones agrees to pay Turnbull back, he promises to move out whenever is best for *her*, which ensures that she is also satisfying her interests and lets her save face. Finally, he thanks Mrs. Jones again at the end of the conversation to emphasize that their relationship will stay amicable. Ultimately, the authors conclude that this example shows how it is usually possible to turn positional bargaining into principled negotiation, with the right strategies.

Turnbull and Mrs. Jones resolve their dispute in an amicable way—and although Turnbull might genuinely feel deceived by Mrs. Jones, he recognizes that it would be inappropriate to bring his emotions into the discussion. Instead, he ensures that she feels ownership over the resolution and gives her control over a factor that likely matters far more to her than to him (when he will move out). By preserving an amicable relationship, Turnbull and Mrs. Jones ensure that they will be able to work fruitfully together in the future, if necessary. In short, this negotiation shows how principled negotiators should use negotiation jujitsu tactics to counteract power imbalances.



CHAPTER 8: WHAT IF THEY USE DIRTY TRICKS? (TAMING THE HARD BARGAINER)

The authors ask what negotiators should do when the other side tries to take advantage of them. Most people simply accept deceptive or unfair behavior as too costly to fix. Others fight fire with fire by using the same nefarious tactics as their opponents, but this does not work either. Indeed, dirty tricks are wrong precisely *because* they cannot be reciprocal: if one side uses them successfully, they get an advantage, but if both sides use them, negotiation becomes procedurally impossible. The best response to dirty tricks is “principled negotiation about the negotiating process.”

Just as people may insist on positional bargaining in order to try and keep a coercive upper hand in a negotiation, they often use dirty tricks to force concessions and manipulate the other side into accepting an unfair agreement. This particularly happens when someone knows that it would be disadvantageous for them to negotiate on the basis of principles. But these tricks do not work when negotiations are a question of principle, not a battle of will. Indeed, the fact that they only work when non-reciprocal—when their victims do not fight back—is a great advantage for principled negotiators, since it implies that a well-prepared negotiator will never let dirty tricks get the best of them.



First, the authors ask, “How do you negotiate about the rules of the game?” It’s a three-step process. First, a negotiator has to recognize the other side’s dirty tactic. Then, they have to explicitly point it out, which shows the other party that the tactic is not working and gives them an opportunity to stop. Finally and most importantly, people should negotiate about procedure itself.

The process for negotiating “the rules of the game” is actually almost exactly the same as the process for negotiating interests: recognize them, communicate them, and then address them through a negotiated agreement. Like in Turnbull’s conversation with Mrs. Jones, in fighting dirty tricks, principled negotiation is a dominant strategy: it neutralizes power differences, personal feelings, and manipulative tactics. Simply sticking to principles is likely to save a strong negotiator from these tactics and, often, to bring the other side around.



The rules of negotiating to produce a wise agreement about procedure are the same as the four basic rules of principled negotiation in general. Negotiators should “separate the people from the problem” by pointing out the issue with a tactic or situation, not the other side as people. When discussing tactics, they should prioritize interests instead of positions and create new procedural options that could be mutually beneficial. And they should settle procedural questions based on objective principles, like by pointing out how negotiations would collapse if everyone used the same dirty tricks. The BATNA to dirty procedural tricks is to walk out of the negotiation, which can be useful in an extreme situation.

The fact that the general rules of principled negotiation can be fruitfully applied to negotiations about the very structure of a negotiation shows that the theory presented in Getting to Yes truly is a universal, catch-all negotiating strategy. Well-prepared negotiators can and should employ the four general rules of principled negotiation in virtually any negotiation context. Notably, the BATNA to dirty tricks is relatively weak, so this implies that sometimes it might be worth putting up with (but not succumbing to) a certain level of trickery from the other side when a better negotiated agreement is still possible.



The authors then describe “some common tricky tactics,” which fall into three types. The first type is “deliberate deception.” This includes outright lying, which negotiators should preempt by never being too trusting and checking the facts presented by the other side.

Notably, the authors do not focus on what is wrong or counterproductive about lying in a negotiation, nor do they think that this is worth pointing out in an actual negotiation. Although true and valid, this would still be a counterproductive personal attack that does nothing to change the substance or principles at the heart of a negotiation.



Some people work through the whole negotiation process, including agreeing on a final solution, before revealing that they do not actually have the authority to make the deal. Then, their boss shows up and starts pushing for more concessions beyond the initial agreement that was made. There is nothing wrong with explicitly asking the other side how much authority they have before the negotiation begins. And if the other side decides to keep negotiating on top of an explicit agreement, negotiators can do the same and continue proposing changes.

Like most dirty tactics, dishonest backtracking is easy to counteract simply by applying the other side’s principles to everyone: if they get to go back on their word, so do you. This tactic only works when the victim decides (for whatever reason) not to fight back. And while fighting back might seem costly in theory, in practice it does not need to create substantial personal conflict—it merely requires standing firm on principles.



Some people make agreements they never intend to follow, which is how negotiators can put compliance mechanisms in the agreement itself. For instance, if a wife doubts that the husband she is divorcing will pay child support, she can have him offer the house as collateral in the divorce settlement.

Although the very act of signing a negotiated agreement creates a legal recourse for the party who suffers because of the other party’s incompliance, smart negotiators will ensure that the agreement itself accounts for any potential issues with its own implementation.



But the authors warn that withholding information is not the same as outright lying. Negotiators should recognize that sometimes certain information (like the highest price the other party is willing to pay) *cannot* be disclosed in order for a negotiation to succeed.

While readers may or may not agree in the abstract that there is a difference between lying and withholding information, in a negotiation situation there is a clear difference between misleading the other side and choosing to maintain privacy.



The second category of dirty tricks is “psychological warfare.” The physical environment where a negotiation takes place can have a significant impact. As common wisdom knows, people are more comfortable on their own turf—although being more comfortable does not always make one a better negotiator. In some cases, negotiators deliberately make an environment stressful—noisy, too hot or cold, too public or intimate, and so on—in order to pressure the other side into agreeing to a quick but unsatisfactory resolution. In these instances, there is nothing wrong with proposing a change of scenery.

Changing the setting of a negotiation is an underhanded and unjustifiable way of trying to seize more power, but this is what makes it so easy to counteract. Negotiators can always choose to walk away, so they can always also refuse to accept the specific circumstances proposed by the other side. Indeed, it is unlikely that the other side will let the entire negotiation collapse over the simple question of where it is held—and the party that manipulated the environment in the first place probably did so because they believed that the other side would not sacrifice the negotiation over something so irrelevant to the substance either.



Dishonest negotiators also often make personal comments, purposefully show off their authority, and send subtle cues (like refusing eye contact) in order to make the other side uncomfortable. But stopping these tactics is as simple as pointing them out.

While these intimidation tactics might occasionally help the negotiators who use them appear more powerful and coerce others into taking their side, fortunately, reason and principle are far stronger tools. When counteracting these tactics, it is essential to do so on the basis of principle, rather than responding with a personal attack that escalates the cycle of action and reaction.



Another common technique is the famous “good-guy/bad-guy routine.” This doesn’t just happen in police interrogations: two negotiators on the same side often act out a conflict and then pretend that their offer to the other side is a reasonable compromise—even when it isn’t. The solution is to always insist on principles.

Like the other intimidation tactics, the “good-guy/bad-guy routine” is based on using emotional manipulation to get people to make concessions based on substance. The better a principled negotiator is at managing their emotions and separating them from the negotiation at hand, the more effectively they can repel the “good-guy/bad-guy routine.”



Threats seldom work in a negotiation. Instead of leading to an agreement, threats destroy relationships and make others close ranks. A better alternative is a warning—or simply pointing out the negative implications of the other side’s actions. Negotiators should explain their future courses of action as ways of protecting their own interests, never as ways to punish the other side.

Although the difference between threats and warnings may sound like an unimportant technicality, in reality, the former are framed as personal attacks, and the second merely as principled descriptions of a negotiation’s consequences. When making warnings, in other words, negotiators should take pains to show that their motives are not personal.



There are many effective ways to respond to threats. Some can be ignored, and some can be stopped by stopping the means of communication (like by recording incoming phone calls). Ultimately, the best response to threats is to explicitly point them out and insist on returning the negotiation to questions of principle. However, people should be prepared to respond if the other side does carry out its threats.

Principled negotiators take threats seriously by preparing to meet them but not letting irrational fear or concern determine their decisions. In all cases, responding to a threat should be about neutralizing the tactic and not about counterattacking, which plays into the counterproductive conflict of positional bargaining.



The third and final category of dirty tricks comprises “positional pressure tactics.” One side can simply refuse to negotiate, like the Iranian government did during the Iranian hostage crisis. It is important to see that this is *part* of the negotiation—namely, it is a way to pressure the other side to make concessions.

When faced with positional pressure tactics, negotiators should ask what interests the other side fulfills by not negotiating and then look for ways to negotiate without sacrificing those interests. For instance, if the other side stops negotiating because their constituents might see them as weak, one can propose continuing the negotiation in secret. Returning to principles, negotiators can always point out what would happen if *everyone* played dirty.

Negotiators sometime start with exaggerated demands (like offering \$175,000 for a house listed at \$300,000) in order to manipulate the other side’s expectations and create negotiating room. This also doesn’t work. First, this only works if everyone is planning to split the difference through positional bargaining. Secondly, this tactic makes others question their credibility. If the other side makes an offer like this, a good negotiator asks them to justify it through principles.

Some negotiators gradually increase their demands over time, for instance by introducing new issues or reopening settled ones. It can help to call for a break and debate the new demand on principles, rather than hastily agreeing to it.

Other negotiators use “lock-in tactics” like publicly declaring that they will accept nothing less than some particular outcome. This strategy is dangerous and counterproductive. Defeating it simply requires openly refusing to take it seriously. This sends the message that the lock-in announcement will not affect the negotiations, but it also makes it clear that the other wide will be able to take back their announced commitment when they decide to come back to the negotiating table.

The authors point out that it is impossible to escape the negotiation—even claiming to not want to negotiate is a negotiation tactic and should be treated like any other. When meant literally, it is a negotiator’s way of saying that their BATNA is better than any possible agreement—so to persuade them to negotiate, the other side has to either sweeten the deal or worsen their BATNA.



The basic rules of principled negotiation still apply. Like with any other positional bargaining scenario, the best way to address these tactics is to look past the other side’s declared position about whether or not it is willing to negotiate and instead focus on their interests, which can often be met through solutions besides their stated position.



Like all the other tactics considered here, exaggerated demands are predicated on a positional bargaining framework that views a negotiation as a conflict of wills. A principled negotiator does not even need to worry that the other side’s demand is obviously exaggerated, because they will do the same thing regardless: they will ignore positions and ask for principles in order to identify and satisfy interests.



Like rescinding a previous agreement or backtracking on promises, becoming more demanding over time only gives a negotiator more power in a positional bargaining context, never in a principled negotiation.



As with the rest of the dirty tactics presented in this chapter, “lock-in tactics” are really just a brutish attempt to seize power over the structure of a negotiation process, and they backfire when confronted with principled negotiation. Refusing to take the lock-in tactics seriously disarms the very tactic and, in many cases, also forces the side that used them to cope with a poorer BATNA than they had before. For instance, a leader who promises a minimum to their constituents has a worse BATNA once they can no longer blame the other side for refusing to negotiate and paint the lack of agreement as a victory.



Similarly, when two negotiators are working together, sometimes one of them will insist that they cannot accept a certain agreement because of their “hardhearted partner.” This is easy to spot, and one effective response is to get the agreement in writing before taking it directly to the “hardhearted partner.”

Negotiators sometimes try to use time to put pressure on the other side, such as by intentionally running up against a deadline. This is risky. For instance, during a labor dispute, the workers get more leverage if they refuse to negotiate until the last hours before a strike deadline. But once the strike starts, it is better for management to wait until the strikers lose momentum. In addition to openly pointing out and negotiating about such delay tactics, people can also give the other side incentives not to delay. For instance, they can start looking for other buyers or negotiating with another company.

Finally, there is no real problem with most fixed “take it or leave it” offers, but sometimes they are tricks to seem stubborn and force quick agreement rather than a genuine “final offer.” It can help to point out the consequences of not making an agreement and help the other side save face while continuing to negotiate.

In conclusion, the authors insist, “Don’t be a victim.” There is no hard-and-fast line dividing honest negotiation from bad faith. In fact, that distinction largely depends upon people’s individual values. But negotiators should reflect on whether both sides are genuinely trying to come to a wise agreement. When the other side wants to use stubbornness and deception to their own advantage, negotiators should never let them do it.

Just like the “good-guy/bad-guy routine,” the “hardhearted partner” routine is based on emotional manipulation and can be resolved by insisting on principles (which do not care if someone is “hardhearted” or not). Manipulative negotiators are unlikely to value personal relationships, so it is important to limit the extent to which personal differences interfere in the negotiation process, all while focusing on the substance as much as possible. Like in the one-text procedure, compiling a document is a reliable way to do so and hold everyone accountable.



Time pressure tactics could be viewed as a specific subset of “lock-in tactics.” And like other “lock-in tactics,” they are counterproductive and worsen the BATNA of the party who insists on them. In the strike example, the union’s entire strategy depends upon management taking their deadline seriously. But if management is willing to accept a strike and simply ignores this deadline, then suddenly the workers’ main tactic completely loses its power. Management can do this regardless of whether or not it is even using principled negotiation.



Like refusing to negotiate, “take it or leave it” is often just another step in an ongoing negotiation process. This situation is where knowing one’s BATNA truly becomes useful: negotiators who know theirs will be able to easily discern whether walking away is really a viable option.



Although nefarious negotiators have endless tactics for manipulating others into making concessions, ultimately, none of these tactics will effectively stand up to principled negotiation. This is because all of them depend upon the manipulated party agreeing to conduct a negotiation through positional bargaining rather than on the merits. Some readers might wonder if the authors might be inadvertently writing a guide to manipulation, but in reality they have shown how many manipulation tactics backfire and proven that principled negotiation is always a more effective and efficient strategy in the long term.



IN CONCLUSION

The authors close with three short takeaway points. First, they point out that readers probably intuitively knew many of the book's points before even reading it. This is the point: the authors want to help people explicitly understand principles that are already part of common sense. This allows readers to apply this common sense more consciously and effectively.

Secondly, the authors declare that reading about negotiation principles is only a start: like with any other activity, real learning comes through *practice*.

Finally, the authors point out that “winning” a negotiation does not mean securing more for oneself—rather, it really means finding the best “process for dealing with your differences.” This process is principled negotiation, which lets people get what they want without sacrificing their relationships.

While the authors are presenting a largely new theory of principled negotiation, this theory is based on a systematic analysis of things that most people already know, on some level, about how to effectively deal with others. While some readers might feel offended that the authors appear to be claiming common sense for themselves, in reality they are just clearly pointing out its implications for how people should approach a wide range of negotiation scenarios.



Negotiation is an art, not a science. In other words, it is a practical skill that has to be implemented, not a set of information that can merely be learned. All of the tactics the authors recommend throughout the book have to be carefully applied in the appropriate scenarios, which means that nobody becomes a master negotiator merely by reading Getting to Yes.



If readers are to take one thing away from Getting to Yes, it is this basic, core insight of principled negotiation: a negotiation should be a collaborative process, not a competitive one. Conflict makes negotiations worse, and it is certainly not necessary, contrary to popular belief. “Winning” should not mean the other side has to “lose,” but rather that everyone has found an acceptable “process for dealing with [their] differences.”





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