

Interpersonal Negotiation Skills



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

You tell me that when you get angry and lose control you may say some things you don't mean, and that by tomorrow you will have forgotten all about it. But the workers tell me they hurt for a long time.

**Richard Bruce, Consultant
Northern California**

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

Whenever choices exist, there is potential for disagreement. Such differences, when handled properly, can result in richer, more effective, creative resolutions and interaction. But, alas, it is difficult to consistently turn

disagreements into opportunities.

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

When I was about thirty years old I climbed Half Dome, in Yosemite National Park, without much difficulty. The view from the top was spectacular. Twenty years later I took two of my adult children to the summit. The second climb took a lot more faith, but I knew that since I had succeeded once I would certainly be able to do it again. Mind would triumph over matter. There were

times when doubts crept in. But Andrea, my oldest daughter, kept cheering us on: “We can do it, team!”

Negotiation is not about making it to the top alone, but rather, in tandem with the other person with whom we are in disagreement. Just as with climbing Half Dome, there will be challenging and difficult moments; but, oh, how worthwhile the results!

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

Effective dialogue entails as much listening as talking. When disagreements emerge, it is easy to hear without listening. While effective two-way exchanges will happen naturally some of the time, for the most part they need to be carefully planned. Individuals who have overcome obstacles gain confidence to face increasingly difficult challenges.

Self-esteem is strengthened when we learn to face people and challenges instead of avoiding them.¹ Certainly life gives us plenty of opportunities to practice and improve. Let us begin by discussing why differences can be so challenging.

Many conflicts that on the surface seem to be purely about resources, often have significant components related to issues of participation, face saving, relationships, and identity.



FIGHTING WORDS: HOW DID WE GET HERE?

Two grown men appear to be conversing normally, then suddenly break into a fight. The taller one hits the other twice, hard. The shorter of the two is now bleeding from the side of his mouth. They exchange further insults. The taller man walks away only to return an instant later. He creeps up on the shorter man, again lands a couple of punches, and then leaves satisfied.

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

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

Sam and Porter

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

Today, Sam and Porter are among those leading a group of trail riders on a weeklong ride through parts of the majestic Rocky Mountains. As usual, each is trying to show off his riding

SCENARIO 18–1

We Want A Raise

Seven tractor drivers walked into a farm manager's office. These men had worked for the farm enterprise for several years. "We are all here," one of them began, slowly gathering confidence as he spoke, "because we want a raise." The farm manager, somewhat stunned, turned around to look at each of them in disbelief. "How dare these guys come here, all together, and try and intimidate me into giving them a raise," he thought, but no words came out of his mouth. Two of the tractor drivers did most of the talking and insisted that the manager either give them a raise or they would quit.

So, what happened?

The manager called the tractor drivers on their bravado or bluff, or so he thought. Soon he found himself without a single equipment operator, as they had all quit in masse. When the farm foreman in that operation went to town to purchase some parts a few hours later, he saw one of the tractor drivers walking aimlessly through town. The tractor driver explained that he had no idea how he would face his wife. How he would tell her he had lost a job he had held for over five years. The foreman acted quickly, and the situation was somewhat salvaged, as the farm manager was able to convince four of the tractor drivers to come back and work for him.

skills and understanding of horses. Lee, one of the ranch guests, asks an innocent question about snaffle bits. Sam is the first to comment on Lee's query. Porter disagrees with Sam, however, by saying, "Those who have spent enough time around horses recognize . . ." With these words, Sam is excluded from the club; his opinion has lost any value, if it ever had any. Everyone around is embarrassed for the two men.

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



Some types of negotiation may be almost subconscious, such as holding a gate open for another to ride through. It is one thing to negotiate, another to be a skilled negotiator.



In some situations yielding can be a virtue, but not always. When we stop caring, we often withdraw physically or emotionally.

In the heat of battle, it is difficult to realize how others may be seeing us. Worse, we do not care, for we are invested enough in the contest to feel we must minimize our injuries. We want to make sure the other guy is hurt as badly as we are. As long as we can sink our adversary, we do not care if we also go down with the ship. Such attitudes only serve to escalate the conflict to the next level.

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

One gets the impression of Porter as a cool and cunning provocateur. He never raises his voice. He does not have

to. His verbal skills are sharper. The lion tamer in a cage with a lion. The angry lion is roaring for the crowd at the circus.

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

Another lead rider attempts to smooth things over but only manages to make matters worse. Sam begins to address the riders who are close enough to listen, and ignores Porter. But frustration has taken its toll. Sam's voice is cracking and betrays deep emotions as

SCENARIO 18–2

Leading by Example

A foreman forced his will on the crew, but did it for a good cause. “No harm,” he thought, “I am just trying to maximize all of our efforts.” One day the crew workers were hungry and wanted to stop for lunch. The foreman wanted to get just a little more work done before lunch and kept them going for another hour before breaking to eat. He could tell that a few workers were mumbling a bit, but he thought, “I am hungry too, I can wait for another hour, and so can they.”

So, what happened?

“We were all very upset about this,” one of the crew workers explained, speaking of the resentment felt at not being able to stop for lunch at the appointed hour. “The next time the foreman tried to make us work past lunch time we all walked off and left him fuming. The foreman told us to never do that to him again, but from

then on he respected our need to stop at noon.”

Looking back at scenarios 18–1 and 18–2, how have these farm operations been affected? What challenges do you think they may face in the future? How did the idea of “saving face” enter each of these situations? Even though some of the tractor drivers came back to work for the grower, do you think they will stay with him, or will they be looking for other work? Is there anything the farm manager could do now to improve the situation with the tractor drivers? How about the foreman, what can he do to recover the respect that has been lost?

Some of the remaining scenarios will be broken down into multiple parts before the final resolution is given. Consider each of these parts fully in terms of what you would do, before reading what happened next. Some scenarios do not have a follow up and leave you to reflect upon the issue.

he recounts past injuries and the history of the conflict. Sam is now using some profanity, which is out of place for the culture of the group. In the process of speaking, he continues to provide Porter with ammunition. From the beginning, it has not been a fair match.

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

Sam’s next comment takes everyone by surprise. He announces that he has been offered a job as a lead rider in a coast-to-coast trail riding enterprise in beautiful New Zealand, where he will be better appreciated.

And that is what Sam has wanted all along—just a little appreciation. Porter mocks him instead. The caged animal is ready to pounce on the lion trainer. He is roaring and angry. The crowd watches in amazement. Has the lion tamer gone

mad? Sam, flushed, stands on his stirrups to speak. None of us has ever heard him use such degrading language. Sam yanks on the reins of his mount and rides back to a different cluster of riders who had not heard any of the conversation.

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

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

The origins of conflict can be so many and varied that it would be impossible to catalogue them all. Common sources of conflict include disagreement, perceived lack of fairness,

SCENARIO 18–3

Housing Arrangements

Part I. A horse breeder was facing some stress related to an employee living in a ranch-provided home. Actually, *not living* in the home would be a better description. The employee's wife had kicked him out a few weeks ago, and he was now sleeping in his pickup. It was important for the horse breeder to get his employee back in the house. They would soon be leaving for an important equestrian competition, and he just did not want to leave the issue up in the air.

So, what happened?

Part II. The first step the horse breeder took was to find out if there was anything he could do to help repair the marriage difficulties. He offered to pay for marriage counseling. The wife was surprised and grateful that the farmer cared enough and agreed to let him know the next day. When the next day arrived, she informed the horse breeder that she had opted against counseling and had made up her mind that she was leaving her husband. While the horse breeder did not want to sound crass, he did want to know when she would vacate the home.

So, what happened?

Part III. The breeder knew that if the worker's wife pushed the issue, she could stay in the housing for quite a

while. After talking a bit, the opportunity was right and he asked, trying not to seem overly anxious, "What are your plans?" She explained that she would need to stay in this home for at least one month, "We need to get together some money for a rental, including one month's deposit."

So, what happened?

Resolution. The horse breeder first researched the cost of rental housing. When he approached the woman again, he was well prepared. "I realize it will be hard, but if you can manage to leave in two weeks, I will pay for one month's rental up to \$X," he explained. "I realize it will be even harder, but if you manage to vacate the home in only one week, I will pay for two month's rental for you, or up to \$2X." She was out in three days, after the horse breeder agreed to give her the cash instead of the rental payment.

How may this horse breeding farm scenario have changed if the farmer would have made the same bottom line offer to help with the rental, but would have inverted the sentences so that the offer for leaving in one week would have been brought up first? "I realize it will be hard, but if you manage to vacate the home in one week, I will pay for two month's rental for you, up to \$2X. If you leave in two weeks, however, I will pay for one month's rental up to \$X."

jealousy, misunderstanding, poor communication, victimization and reprisal—almost all born of *pride*.

Contention

Most people think of *conflict* as a synonym for *contention*. In academic circles it is popular to talk about *conflict* as being something positive. Conflict is often defined as a mere *difference in opinion*. Such differences, when properly discussed, can lead to more elegant and sustainable solutions. When disagreement is poorly dealt with, the

outcome can be *contention*. Contention creates psychological distance between people through feelings of dislike, bitter antagonism, competition, alienation, and disregard.

Incidentally, *conflict resolution* and *negotiation* are two closely related academic specialties, but usually, each has its own specialists and specialized literature. One of the main differences between these disciplines is the contention factor.

When faced with problems, the human brain is capable of taking large amounts of data, quickly analyzing it,

and coming up with the “best solution.” Unwanted options are discarded. This is fine when it comes to making quick decisions under time constraints.

When someone is driving along the highway, for example, and another vehicle is about to merge, the driver has several alternatives—not all of which are possible at any given time nor are they all of equal value. The driver’s choices include: (1) moving from one lane to the other, (2) slowing down, (3) speeding up, or (4) maintaining the same speed and letting the other vehicle figure it out. If drivers want to avoid accidents, they cannot take long to make such decisions. The driver does not have time to talk it over with the passengers. Luckily, as we said, our brains usually work well when we need to make quick judgments.

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

Our favored choice becomes our *position* or *stance* in the matter. Our needs, concerns, and fears—although not always conscious—play a part in the process of establishing our positions.

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

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



- Our fourth enemy is the assumption that *one of us has to lose* if the other is going to win—that differences can only be resolved competitively.

Four Weak Solutions

We are often too quick to assume that a disagreement has no possible mutually acceptable solution. Certainly, talking problems through is not so easy. Confronting an issue may require: (1) exposing ourselves to ridicule or rejection, (2) recognizing we may have contributed to the problem, and (3) willingness to change.

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

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

Whether dealing with family members, friends, acquaintances, or people at the farm, sooner or later difficulties will arise. We usually do not find ourselves at a loss for words when dealing with family members and other people with whom we have extended contact on a regular basis.

It is hard enough to understand our own needs and preferences, let alone be able to concentrate on someone else's. With time, it can begin to feel more natural.

Communication patterns with those closest to us, however, are not always positive; they often fall into predictable and ineffective exchanges.

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

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

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

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

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

Self-esteem is built on a firmer foundation as individuals learn to deal effectively with conflict. In Spanish there are two related words: self-esteem is *autoestima*, while false self-esteem is *amor propio* (literally, “self-love”). Thus, the expression *le hirió el amor*

propio, means someone’s pride was wounded. As we learn to successfully negotiate through conflicts, our self-esteem and confidence are strengthened.

It takes more skill, effort, and commitment—and more stress, although only in the short run—to face disagreement directly. Instead of effective dialogue, we often gravitate to less helpful approaches to conflict management: (1) we fight (or compete), (2) yield, (3) avoid, or (4) find a weak compromise.

1. Fighting It Out

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

The objective of competition is for one person to get his way. At least it seems so at first. In the long run, both parties often end up losing. It does little good, for instance, to secure a spectacular contract for a new farm facility if the small profit margin forces the contractor out of business before completing the job. Once people are caught up in competitive negotiation, it is often hard to step back and see clearly enough to work through difficulties in a collegial manner.

Competition tends to focus on a particular episode, rather than on long-term viability—on the present goal, rather than on the long-term relationship. A retired supervisor bragged that his subordinates learned he was “not always right—but always the boss.” Although he might have obtained

SCENARIO 18–4

I Won't Work for That Foreman

Part I. A peach grower hired a foreman who was very effective. The grower noticed that jobs that used to take much longer to accomplish were being completed in a more timely fashion. The foreman was kind, but firm. However, some of the equipment operators, accustomed to work without supervision, highly resented having a foreman.

So, what happened?

Part II. The grower wanted to make sure the foreman was respectful of the employees, was giving them their proper breaks, providing them with cold water, and doing all the things a thoughtful foreman should do. This seemed to be the case. One of the most outspoken workers came to speak to him. Most of the other workers had adjusted to having a foreman, especially after the grower went out of his way to explain the foreman's duties, and how this would lighten the grower's load. The worker seemed agitated, and soon set out the ultimatum, "I will not work here with *this* foreman," he blurted out his feelings.

So, what happened?

Part III. Fifteen years ago this peach grower would have fired the crew worker for insubordination. Now, as he was getting older, the grower had mellowed out considerably. He knew the importance of listening to others. "What's the matter?" he inquired solicitously. "Well, its just not right," the crew worker responded, still upset. "The man does not have a foreman's license!"

So, what happened?

Part IV. The grower wanted to laugh at this response. He had heard almost every story in the book during his years in farming, ever since he

started working alongside his dad as a youngster. But this one was a new one. While the grower knew that there was much about the law he did not know, he was clear on this point. There was no law that required foremen to have a supervisor's license. But then, he looked at it from the worker's perspective, and realized that there really was not anything funny about the employee's concerns. "Did you know that here in California a foreman does not need a license?" he began. As far as the grower knew, there was no state that required a license, but he wanted to make sure that the employee did not lose face or feel foolish. "What you say is important, maybe foremen *should* be required to have a license, just like farm labor contractors," he added in an effort to further validate the employee. "Tell me," the grower eventually asked, "are you willing to work for me now?" "I just don't know," the worker spoke now much more calmly, but was shaking his head somewhat.

So, what happened?

Part V. The grower felt his own options narrowing, and was about to tell the crew worker that he was fired. The grower was amazed when he heard himself asking, "Would you like some time to think about it? You had asked for time off during the Thanksgiving weekend." The crew worker agreed to think about it and seemed satisfied.

So, what happened?

Resolution. The grower knew that despite his own calm, there was still something wrong. When the employee returned a few days later, the employee once again seemed agitated, and blurted out: "You do not have work for me!" The grower once again assured the employee that there was work for him. Finally, the worker clarified, "You see, now I cannot collect Unemployment Insurance!" The worker had wanted to be fired, so he could collect Unemployment Insurance.

compliance as a result of his focus on winning, I doubt he won much employee commitment. Losers often hold grudges and find ways of getting even.

Should a farm business not try to obtain a good price for raw materials? Or negotiate the best possible deal when buying a new piece of equipment? What about one-time situations involving people who will never see each other again? Hidden in these questions are deeper issues. Surely, there are times when people bargain with the idea of getting the best possible results. In some cultures, merchants are offended if you pay the asking price without bargaining.

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

2. *Yielding*

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

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

yielding is not a virtue. When people stop caring, they often withdraw physically or emotionally.

3. *Avoidance*

Avoidance weakens already fragile relationships. There are many tactics that individuals use to delay or avoid difficult conversations. There are individuals who use the expression “We’ll see” when they mean “I don’t want to talk about this.” They have no intention of conversing about the subject later. Sending someone else to deliver a message is one particularly damaging form of conflict avoidance.

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

Among the many reasons for remaining silent is not knowing how to answer without increasing the conflict spiral or hurting someone. Yet silence can hurt. Suggesting that the conversation be continued later, under less emotional circumstances, is effective—unless it is viewed as another form of avoidance.

4. *Compromise*

Mutual concessions in which both parties yield are compromises. Some compromises involve an arrangement somewhere between two positions (e.g., visiting Aunt Clotilde for half an hour, as desired by Julio; or for two hours, as hoped by his wife Juana); others alternate the beneficiary. An example of the former is paying something less than the original asking price but more than one had hoped for. An instance of the latter may involve taking turns choosing a restaurant for dining out. Some issues lend themselves better to compromise than others.

Compromise takes a measure of goodwill, as well as trust and maturity, but not much creativity. Compromise often involves lazy communication and

problem solving. The term has acquired a negative connotation. While mutual concessions may take place at any time in the negotiation process, too often they occur before the challenge is sufficiently understood or more creative solutions are considered.

You may have heard the classic tale of two siblings who argued over who would get the last orange. They compromised and split it in half. One ate her half and threw away the peel; the other, who was cooking, grated the peel and discarded the rest.²

When we are involved in a conflict, toward which of these methods do we tend to gravitate? Are we likely to fight it out, yield, withdraw, or look for a compromise? We develop techniques for interpersonal relations and conflict management in our youth. Hopefully, as we mature we move toward more effective ways of reducing discord. When we permit contention and act out, or throw a tantrum, we are regressing

into dysfunctional behaviors that might have worked for us when we were teenagers, in our pre-pubescent youth, or even earlier.

INTERPERSONAL NEGOTIATION

Jack comes home from work, and after greeting his wife, he enthusiastically suggests: “Sue. Hey, what would you think if we go to the river with the kids this Saturday?”

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

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

What are the options here? Sue and Jack seem pretty set in their ways. Perhaps they will shout, or they might

If a deadline seems hard to meet, ask to re-negotiate an extension before the due date.



Jack Kelly Clark

stop talking to each other, or Sue will yield and go to the river but let Jack know the whole time how utterly miserable she is. Or maybe they will take turns going or not going and making each other miserable. Perhaps Jack will take the children and leave Sue behind, or go alone and leave the whole family behind. These solutions are likely to increase the feelings of contention between Sue and Jack. Later, we will return to this couple after exploring some skills that will help us be more effective negotiators.

Pay Now or Pay with Interest

When it comes to interpersonal relations, there are no shortcuts. We can either pay now or pay later, but either way we will have to pay. Communication takes time. By paying I mean *taking* that time.

It is not easy to detect negativity in our own messages. We often transmit impatience, sarcasm, annoyance, or judgmental feelings unawares. These may be conveyed by word choice, intonation, facial expressions, or body language as well as by speaking quickly or raising our voices—even a little. (A wise person once observed: the only time we are justified in raising our voices is when the building is on fire.) Perhaps we begin to suspect we have given offense when we discern the negative reactions mirrored by our listeners.

Focusing on the problem rather than the solution may sound counter intuitive, yet it is one of the keys to effective negotiation.



We might convince ourselves that we are in such a hurry—or we are upset, feel misunderstood, or think the other person deserves a curt response—that we do not have time for politeness. When we put aside courtesy for expedience, others may receive it as off-putting. We create hurt feelings. We may then agonize over whether an apology is called for. We may even succeed in justifying our behavior. All of this takes considerably more time than effective, polite communication.

There is no way around it—effective communication takes time and effort. Not only in the moment, but also in learning more constructive ways for dealing with differences in opinion.

The next time we feel inclined to take a communication shortcut we might try taking a deep breath, slow down and soften our speech, and attempt to be especially solicitous and careful. We can either pay now or we can pay later. But remember, when we choose to pay later we will pay with interest.

Seek to Understand

Stephen Covey reinforced an important notion in his book *The Seven Habits of Highly Effective People*: “Seek first to understand, then to be understood.”³ If we encourage others to explain their views first, they will be more apt to listen to ours.

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

Problems are likely to increase, however, if we put all our needs aside to focus on another person’s perspective. The other person may think we have no

SCENARIO 18–5

Poor Quality Pack

A greenhouse manager has had terrible results this year in terms of tomatoes being picked outside of the acceptable color range. He asked both the assistant production manager and the foreman to work on the difficulty. The foreman insisted that the problem was caused by the incentive pay program. In his opinion workers were paying little interest to quality issues, as there was no negative consequence for poor quality. The assistant manager,

on the other hand, felt that a return to hourly pay would greatly reduce productivity. Plus, she remembers that last year, when workers were paid by the hour, they still had problems with quality.

Who are all the possible individuals that can be affected by this challenge? Do they have any common needs? What might these be? Are there some hidden challenges here? How could we be sure that the correct problem was understood?

needs and be taken aback when we introduce them, all of a sudden, almost as an afterthought. In order to avoid such unproductive shocks, I like the idea of establishing a *psychological contract* with the other person in the conversation.

Successful negotiators are more likely to label their intentions, such as a desire to ask a difficult question or provide a suggestion, and yet are less prone to label *disagreements* as people tend to become defensive.⁴ In other words, rather than saying, “I disagree,” “You’re wrong,” “You’re mistaken,” “I see it a different way,” etc., an effective approach, instead, is to share exactly what we believe without mentioning the contradiction to what has been said by the other party. This approach permits everyone to save face.

In order to make my intentions clear, but at the same time allow the other individual to speak first, I say something along these lines: “While I want to share my needs and views with you later, let me first focus on your thoughts, needs, and observations.” At this point, I attempt to put my own needs aside and truly listen. I might say: “So, help me understand your concerns regarding . . .”

That is the easy part. The difficulty comes in fulfilling the resolution to listen—to resist the tendency to interrupt with objections, no matter how unfounded the comments we hear may be. Instead of telling someone that we understand, just so the person can finish and give us a turn to present our

perspective, we can be much more effective by softly, slowly, tentatively and briefly confirming what it is that we understand.

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

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

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

Control Emotions

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

In traditional negotiations we are inclined to focus exclusively on our needs and assume it is the other person's responsibility to worry about having her needs met. Yet, by showing a sincere interest in meeting the needs of others we increase the chances of having our needs met.

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

It is extremely difficult to hide our emotions, especially when we feel there is much in the balance. We are not emotionless robots. Our body language, particularly our facial gestures and voice qualities, often give us away. It is better to describe negative emotions (e.g., a feeling of disappointment) than to display them.

In the book *Crucial Conversations*, the authors contend that negative emotions are preceded by *telling ourselves a story*.⁵ Others argue, instead,

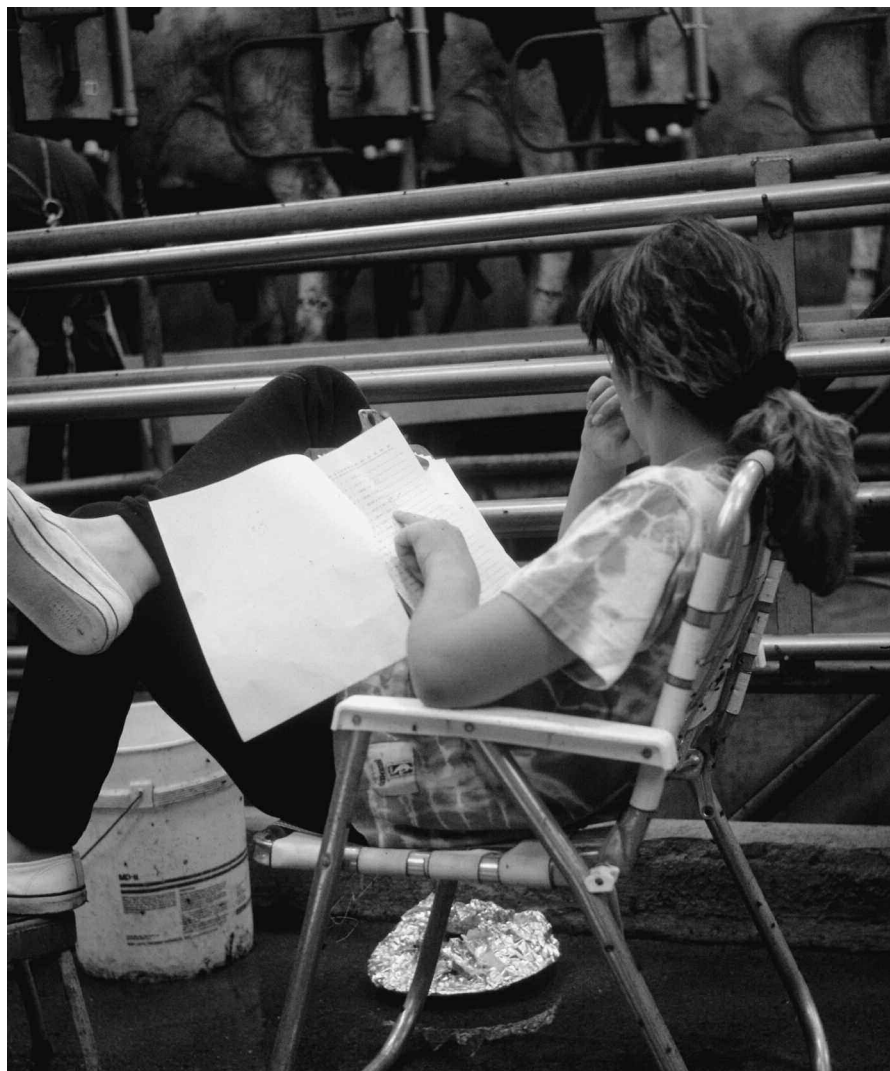
that our bodies do have triggered physiological reactions to stimuli. Either way, we can cope more effectively to challenging situations—after we have been exposed to an initial trigger—when we learn to manage these narratives more effectively. When we presume to understand another's feelings or intentions, for instance, our narrative may become quite distorted.

The more critical the situation, or the more important our relationship with an individual, the more likely it is that we are vulnerable to faulty storytelling.

Some years ago I was asked to address a group of young adults at church. I noticed that as I spoke a young man would lean toward the attractive young lady beside him and whisper pretty things in her ear. I found it very distracting and annoying to have him flirting while I was trying to give a talk. I feel very strongly that only one person should speak at a time, so every time he began to lean towards the young lady and talk, I stopped. When I stopped, he stopped, and so it went. I later learned he was interpreting for a visitor from Japan. Interestingly, while I was assigning a negative attribution to this young man, others thought I was speaking haltingly and with plenty of pauses as a kindness to the interpreter.

Have you ever gone into a difficult situation with intentions of putting forth your best behavior, only to fail partway through the experience?

Let us go back to the example of Aunt Clotilde. Julio wanted to stay for only half an hour while Juana wanted to stay for two hours. In the past, Julio and Juana have had a number of arguments because of these differences. The last time they went to visit Aunt Clotilde they reached a compromise: to stay for one hour. Julio, watch in hand, was ready to leave after the hour passed. But Juana explained that for a number of reasons they would have to stay longer. Julio, who would normally start getting desperate after half an hour, had made a real effort to stay calm until the full hour had elapsed. After the agreed time had passed he exploded, causing his wife a great deal of pain and embarrassment.



What permitted Julio to remain calmer than normal during that first hour? And why did he explode when the time elapsed and there was no sign that they would be leaving?

After attending a *Crucial Conversations* seminar, I came to understand that this happens when we permit a negative story to prevail. In other words, it is difficult to control our negative emotions as long as we give preeminence to our unproductive stories.

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

In Julio and Juana's case, he can realize that his wife felt obligated to agree to a compromise but that she really feels the need to stay longer with Aunt Clotilde. The truth is that Julio cannot control the amount of time they will stay at the aunt's house, but he can control what he tells himself about these visits. For example, Julio loves gardening, and maybe he could help Aunt Clotilde by working in her yard. Or maybe he could take more of an interest in Aunt Clotilde and participate in the conversation, or see what he could do to be of service to her.

Avoid the Presumption of Evil

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

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

Break Down Bigger Issues into Smaller Ones

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

Move Away from Blame

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

At one time, I was responsible for a large group of teenagers. A man arrived in the middle of an activity and demanded to take two sisters home. Leandro seemed very agitated. I was aware that some time ago he had been a close friend of the girls' mother, but he was not the legal guardian of these two young women. He became increasingly anxious when I would not let him take the girls without first ascertaining the mother's wishes. Unfortunately, the mother was not answering her phone. I was not about to let him depart with the two young women, but Leandro kept insisting. He never explained why he had come to pick the girls up but only repeated that he had to take them.

In desperation, I asked, "Who are you?" (As if to say, "What gives you the right to take these young women?") To say he was offended would be an understatement.

"I have something in the car that I want to show you," answered Leandro furiously, his pride wounded.

I instead sent two adults with the young women to their mother's house. She was desperately waiting for her daughters so they could go to a nearby town where a family member had been

SCENARIO 18-6

Disagreement Over the Radio

Two milkers had a disagreement over which radio station to listen to. “I don’t know,” one of them sighed as he lifted his hands in disappointment, “just choose whichever station you want.”

So, what happened?

Resolution. The one milker accepted the defeat of the other and began to walk towards the radio. But before the milker arrived to where the radio was located at the other side of the parlor, his co-worker protested, “That’s just not right, why should you get your way.” Their negotiation process had to begin anew.

How others react to us is more a reflection of them than of us; how we react to them is more a reflection of ourselves than of them.

in an accident. When they arrived at the hospital he had already passed away.

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

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



Jack Kelly Clark

Seek to Discover Your Blind Spots

When we have been involved in a disagreement, we often seek out friends or sympathetic individuals who will listen to us—and who will often agree we were right! Have you ever asked yourself why these allies agree with us? I would suggest that it is not just because they are our colleagues or friends, but instead, because in telling them what has happened we do so from our point of view. It is like having taken many photographs of what transpired and showing only the images that depict us favorably. But there are other photos we do not share. Not necessarily because we do not want to show them, but because we have often not perceived them ourselves. That is, we tend to see conflicts from our perspective and not from the other persons.

In psychological terms, *blind spots* represent aspects in our personality or behavior that we have not observed in ourselves. We all have blind spots. Opening our eyes to them can be painful.

We are so busy seeing things from our point of view that we do not notice how our behavior may have affected others. Seeking out an understanding friend can give us momentary comfort but may also bring negative consequences. People who feel validated by parties outside the conflict often make less of an effort to improve their damaged interpersonal relationships. By not facing our challenges directly we lose the opportunity to discover and begin to eliminate our blind spots.

The friend who always tells us we are right, or what we want to hear, is not doing us a favor. It is much better when a person allows us to identify the ways in which we may have contributed to a disagreement. We all need people who help us discover our weaknesses so that we are not bound to repeat our mistakes.

Separate Problems from Self-Worth

We need to avoid intermixing issues with our self-worth. It is ineffective and manipulative, for instance, to suggest that disagreement with our ideas is equivalent to a personal rejection.

Sooner rather than later, we are likely to feel rebuffed.

Once, I found a beautiful lapis lazuli bracelet in Zihuatanejo, Guerrero, México. The gentleman selling it was asking a price much higher than I felt I could pay. *El regateo*—the bargaining process—lasted quite a while, and I told the craftsman that I was interested in buying the bracelet precisely because it was so beautiful and was made of lapis lazuli, which is Chile's national stone. Every time it seemed we would not be able to reach an agreement, I told him how much I liked the bracelet. I also told him that as a Chilean, I greatly appreciated his craftsmanship. Thanks to this initial negotiation, we started to get closer to the price I wanted to pay, but the man refused to give it to me for that

Making quick decisions can often deprive us of arriving at more effective, long lasting solutions.



Jack Kelly Clark

amount. We left the store, after saying goodbye on good terms, and had not walked very far when the artisan's son came running after us, saying that his father was willing to sell us the bracelet at the price I had offered.

When we let ourselves be offended by a person's proposal, instead of trying to negotiate, we will rarely get what we want. Telling them what they offer is not valuable, or trying to minimize the other person's contribution, will not work either. There is no reason to be unpleasant.

Focus on the Problem, Not the Solution

The suggestion of concentrating on the problem rather than the solution may sound counterintuitive. Yet, for a number of reasons, it is one of the keys to effective negotiation. The more complex the situation, the greater the importance of this principle. When someone comes with *the solution*, even when that resolution is a good one, it gives the other party the feeling of not having any control.

Research has shown that people often prefer an outcome that is not as beneficial, as long as they have some control over the results.⁶ Even when parties have gone out of their way to find a fair solution for all involved, when one person presents the solution as firm, it tends to put the other individual on the defensive. A family vineyard partner who was presented with a firm solution felt coerced to do all the compromising. She was not able to see the concessions being made because of the poor manner in which the other party negotiated.

The timing and approach must be right. An individual with an excellent idea needs to wait until the predicament has been rigorously discussed and the needs of all concerned understood. Only then can the solution be tentatively presented: "Would [such and such] meet your needs, or can we play with the concept and twist it a bit so it does?"

In an emotionally charged atmosphere, or when there is much riding on the outcome in terms of

consequences for individual parties, this approach may make the difference between success and failure. An effective negotiating technique, then, is to come to the bargaining table with the thought of studying the problem and individual needs, rather than imposing a solution.

Coming right out with a solution, while doing away with the bargaining, is known to most of us as the "take-it-or-leave-it" tactic. In collective bargaining, one variation of this course is called *Boulwarism*, after former General Electric vice-president Lemuel R. Boulware. Under his leadership, the company's management would propose a final—yet fair—offer to the trade union up front. The members of the management team went out of their way to study all the facts that could pertain to the contract and to make it fair for all involved, "trying to do right voluntarily." They refused to budge from their position, however, unless any "new facts" of sufficient strength were presented. Such an approach was highly resented by the union representatives, who felt undermined. Two "new facts" played key roles in defeating Boulwarism: (1) the practice was found by the National Labor Relations Board and the courts, to some degree, to constitute bad-faith bargaining; and (2) the union made a very strong point against the tactic through a successful labor strike.^{7, 8}

When we are the ones being presented with a possible solution, however, it is good to be slow to find fault. If someone's proposal is quickly followed by our counterproposal, the other party is likely to feel slighted. There are three key reasons for avoiding quick counterproposals: (1) individuals are least receptive to hearing another proposal after setting theirs on the table, (2) such counteroffers are often perceived as disagreement, or an affront to "face,"⁹ and (3) sometimes we reject ideas without carefully analyzing the possibilities.

At the very least, efforts should be made to let others feel their proposals are being taken seriously and have been

understood. If a counterproposal builds on the other party's proposal, and credit is so given, then the chances for negative feelings are further curtailed.

Reject Weak Solutions

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

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

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

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

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

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

Akemi said she felt comfortable with the decision, but Yasuo still sensed

otherwise. Yasuo might have been justified in moving forward and doing things his way, but he hesitated: “I still sense there's something you're feeling, perhaps difficult to put into words, that's causing you some uncertainty.”

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

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

There are people who think that they should not have to talk about their needs—that the other person should pick up on them by osmosis. This is a formula for provoking misunderstandings and negative feelings.

Look for Creative Solutions

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

The following six-step process has been suggested to get the creative juices flowing: (1) define the problem, (2) actively consider alternatives, (3) internalize the data, and (4) set the

challenge aside and wait. Wait for what? For (5) a sudden flash of inspiration, which needs to be (6) carefully tested.¹⁰ The first four steps may need to be repeated several times until that inspiration comes.

Consider the Worst Alternative

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

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

A man would not listen to his wife, who had asked for some changes, as he never imagined she would leave him. At work, a supervisor never confronted an employee with his shortcomings for fear the employee would leave. Often, the worst alternative is not talking things through in a calm manner. Nothing is solved when conversations cease.

Maintain Integrity

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

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

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

along but wanted to teach us an important lesson about integrity.

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

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

Understand Time Pressures

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

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

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

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

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

Admit Error and Apologize

We must first recognize our error before we can make things right. While never easy, it is even harder when such recognition requires a public acknowledgement—an apology—to those we have injured.

It is not surprising that most of the apologies we hear are quasi-apologies at best, if not outright justifications and blame misdirected at the injured parties. We often hear false expressions of regret such as, “If you’re hurt, I’m sorry!” or “I’m sorry, already!” or “I’m sorry, *but . . .*”

A true apology requires a great deal of humility and includes a sincere expression of regret, changed behavior, and when possible, restitution.

Some people attempt to make things right by *changing behavior* without openly recognizing mistakes. This partial effort at making things right is seldom enough.

Even more difficult than public recognition of our mistake, is a willingness to hear, directly from the injured party, *precisely how much pain* we have caused. It is natural to wish we could shield ourselves from the discomfort of vicariously reliving these moments—and instead try to compensate in other ways.

Nor can we decide that it is now time to be fully forgiven. This impatience again shows our lack of humility. Furthermore, we are making it harder for the person we have injured to heal—and ironically, extending the period of resentment she may feel toward us.

Another ineffective apology is the *empty expression of regret*. That is, apologies unaccompanied by a change in behavior. For example, in cases of domestic violence (physical, verbal, or emotional) it is not uncommon for the aggressor to be contrite after assaulting a spouse. By the next day, the assailant may have begun to minimize the damage, start to blame the spouse, and not long thereafter resume the violence. Domestic violence is a very serious matter that requires professional help. As powerful as an apology can be, when

an individual rescinds it by word or deed, it would have been better if no regrets had been offered.

All these shortcuts to a true apology are like building on a poor foundation. If we notice that the concrete foundation for the structure we are building is faulty, we can close our eyes and continue work at our own peril. As painful as it may seem, the sooner we recognize our mistake, make the necessary expenditures to break up and remove the concrete foundation, and start over, the better off we will be. Depending on how far into a project we are, this can be quite uncomfortable and expensive.

Part of the process of acknowledging we need to make alterations is to announce the change in behavior—in the form of a goal—which will help us improve our interpersonal approach. For example, if we have been extremely critical in the past, we can let people we offended know that we will try to get rid of that bad habit.

The topic of forgiveness is just as complex. A person who cannot forgive and holds on to his pain suffers much more than the offending party. When we have forgiven we do not continually remind others of the offense. Some comments and deeds are so hurtful, however, that substantial time may have to transpire before we can be free of the associated pain.

Use Humor Effectively

Humor, when properly directed, can help break up tension and make us more effective negotiators.¹¹ It helps if the humor is clever; it makes light of the situation or ourselves, but never the other party; it does not involve potentially offensive ideas or language; and the timing is right. Some of the most effective humor is subtle, and we often arrive at it by accident. Humor may involve telling about life events that, while embarrassing at the time, show we are human. Effective humor communicates to others that we are willing to take ourselves lightly. Humor, of course, can do more harm than good when it is not used appropriately.

Sometimes people think they are quite funny when they are not. Even worse are those who use humor and irony with the intent of harming others.

Be Flexible in Terms of a Negotiation Approach

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

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

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

John answered rather curtly, “Right now?”

Daniela, refusing to be intimidated, responded, “Well . . . Wow! That would work great for me. Thanks!”

John continued to show difficult behaviors with other individuals but never again showed Daniela any discourtesy. I am not suggesting that Daniela took the best approach available, but it served her well on that occasion.

Show Patience

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

Avoiding the appearance of wanting something too much is related to patience. When we become overly

narrow as to the result we will accept we put ourselves at a negotiating disadvantage.

So it was when my wife and I bought our first home. We were so openly delighted with it that we lost an opportunity to bargain much over price. Of course, there is a balance between being desperate and playing hard to get, neither of which is very helpful.

Prepare Carefully

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

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

Avoid Threats and Manipulative Tactics

Threats of consequences directed towards ourselves or others hamper our ability to negotiate. Any type of threat can greatly undermine our long-term negotiating ability. This is particularly so when the threat is not carried out. Furthermore, threats do not engender trust or liking.

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

The greater the potential consequence of a threat, the larger the possible damage to the relationship. That is why threats to divorce or separate are so harmful to a marriage. The spouse who is threatened begins to disassociate psychologically from the other. The message given to the

threatened spouse is that the marriage is not that important. In the workplace, threats of quitting have a similar negative effect.

Some threats—as well as verbal or emotional abuse, intimidation, harassment, disruptive behavior, and bullying—may be considered part of workplace violence.^{12, 13, 14, 15}

Avoid Generalizations, Name Calling, and Labels

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

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

Parties also look for ways to enlist even theoretical supporters of their views. They may attempt to inflate the importance of their opinions with such statements as, “*Everyone* else agrees with me when I say . . .” Or they may attribute their words to a higher source of authority, such as a boss, an author, or another respected person. Individuals sometimes discount the opinion of others by the way they refer to their own experience: “In my *twenty years* with this organization I have never

encountered any problems with . . .”

Once again, the tone and context of a conversation may make some of these statements appropriate in one circumstance and not in another. People may resort to dysfunctional tactics when the force of their arguments does not stand on its own merits.

Avoid Distorted Mirroring

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

Search for Interests

We finally come back to Sue and Jack. Some of the most powerful concepts are the simplest. One such principle was developed by the Harvard Negotiation Project and is described in the book *Getting to Yes*.¹⁶ People in disagreement, such as Jack and Sue, can benefit from focusing on each other's needs, fears, and interests rather than on their positions. Jack's stance is that he wants to go to the river. Sue's position is that she does not. By concentrating on *positions* we tend to underscore our disagreements. In *Getting to Yes*, Roger Fisher and William Ury suggest that during a conflict we should attempt to satisfy the other person's needs as well as our own.

When Jack patiently attempts to determine what Sue's needs are—patiently, because Sue might not have considered her own needs very carefully—he begins to discover that, for his wife, a trip to the river normally means: (1) a long drive into town to purchase supplies for the picnic, (2) being left alone with three young boys for a couple of hours while Jack chats with the fishermen, (3) keeping

her eyes constantly on the boys because of the dangerous river currents, and (4) the responsibility of putting things away when they return home. In other words, the trip to the river is no picnic for Sue.

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

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

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

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

The subject of the fishermen took longer to solve. After a lengthy exchange of ideas and concerns, the husband and wife studied the possibility that Jack talk with the fishermen for an hour before lunch, but that he also take the boys with him. Sue would take advantage of that time to read a good book, something she rarely had time to do. After lunch they would also do something as a family.

"I think I am liking this idea." Sue smiles.

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

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

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

In traditional negotiations we are inclined to focus exclusively on our own needs and assume it is the other party's responsibility to worry about having her needs met. Yet, by showing a sincere

interest in the needs of others, we increase the chances of having our own needs met. While talking about our expectations and fears may have been considered selfish in traditional negotiation, creative negotiation considers our needs and fears as well as those of the other individual.

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

Interest-based negotiation, then, is built upon the principle of meeting the needs of all the individuals or stakeholders. "Deep conflict requires a tremendous exertion of psychological and physical energy," argues Jay Rothman. "Such conflict may be creatively transformed when adversaries come to learn, ironically perhaps, that they may fulfill their deepest needs and aspirations only with the cooperation of those who most vigorously oppose them."¹⁷

EFFECTIVE DIALOGUE: CONFRONTING AND RESPONDING

To conclude, we will look at two useful—yet emotionally draining and complex—tools to address some particularly difficult challenges. We will have to put into practice everything we have studied so far. And even after we understand the process intellectually, we will need to wrestle our pride to succeed.

The first tool, *seven words*, is used when we start the conversation—generally, when we want to talk about the past—for example, if an hour ago, or a year ago, we did not respond to a challenge in a way we wished we had. Or, when we want to confront someone whose earlier behavior bothered or offended us.

The second tool, *empathic reflection*,

is a technique for responding, now, in the present, without a defensive attitude—for example, when we feel attacked by another person’s comments or body language.

In reality, there are aspects that are shared by both approaches. Individuals may need to bounce back and forth between these during the same conversation. These approaches take forethought and much, much practice.

Confronting—Seven Words

Before we take the initiative of confronting someone, I suggest the following steps, which can be adapted to the circumstances and personalities involved.

1. Establish a psychological connection

Begin by talking to your counterpart about a harmless subject that is of

mutual interest and completely *unrelated* to the issue at hand, until you have achieved a mutually validating psychological connection. Pick subjects that will permit the other person to do most of the talking. It is worth conversing about these innocuous topics until we can relax enough to distance ourselves from the negative feelings we might be experiencing. We want to be able to see the other person as human and be perceived likewise.

Think of the last time you had a disagreeable moment with a colleague, friend, or loved one. One in which neither of you were willing to give in. At the time the argument occurred, did you feel like you were dealing with an *opponent*—if not an *enemy*?

It is all too easy to forget the fondness and affection we have for another when this person seems to come between us and an unmet need. Through this indirect or roundabout preliminary

*Effective dialogue
entails as much
listening as talking.*



conversation we are reminded that having different opinions does not mean we are adversaries.

Therefore, it is imperative that we not try to discuss an important topic without first remembering our common interests. Without having first found our shared humanity, our *human condition*.

2. Let the person know there is an important issue that you need to discuss

Maybe you can say something like, “Look, there is something I have wanted to discuss with you for some time.”

3. Before addressing the issue, let the other person know that there are things about her that you are fond of, or that you have common interests

For example, you might say: “Before we get into the subject, I want to tell you that for a long time I have admired [such and such] in you.” The compliment should be unrelated to the topic you are about to raise—or it might sound contradictory or even manipulative.

By contrast, even if they are directly related to the issue, you can talk about shared achievements. Generally this does not sound calculating. For example, you could say: “Before we get into the subject, I wanted to tell you how very happy I am with what we’ve achieved in these last few months, ever since we made [such and such] changes . . .”

With this step you are separating the conflictive issue from contentious feelings. You are not looking for someone to blame; you are seeking only to better understand the difficulty and work toward viable solutions.

4. Introduce the issue briefly, but encourage the other person to explain herself first

The key is brevity. Present the issue in seven words or less. Speak in a *soft, slow, and tentative* manner (as if you were struggling to find just the right words—in doing so, it is normal for people engaged in deep thinking to reduce eye contact). There are two essential reasons why we speak in a

soft, slow, and tentative way: (1) to reduce *emotional leakage* (so we do not provoke defensive feelings), and (2) to *encourage interruption* (so the other individual can take the lead in the conversation).

If you can think of any mutual needs, mention these in order to reduce the competitive nature of the conversation. “Remember we both wanted . . .” These words do not count as part of the seven words. It is only when we introduce the issue under debate, the disagreement, that we limit our speaking turn to seven words.

These seven words are meant only to *begin* the dialogue, not to solve the problem. We do not wish even to insinuate possible solutions at this stage. We want our counterpart to share her point of view first. So we now prepare to listen intently.

Despite these precautions, your counterpart may still say something hurtful. Avoid getting defensive. Remember that your opponent may not have had as much time to reflect on the subject as you have. (If you do feel defensive, you can use the empathic reflection techniques covered in the next sub-section.)

5. Let the other party know you are paying attention

Show understanding by summarizing your counterpart’s points without distorting them—especially those you *disagree* with—and encouraging her to continue to express herself. Later, you will have the chance to offer your perspective. By tentatively summarizing the other person’s points you can also focus on that person’s fears and unsatisfied needs.

6. Share your interests and fears

Only after outlining your counterpart’s interests and fears, so she feels understood, can you express yours. This is the time to help others understand you. Be so clear that people do not have to guess the reasons for your concerns.

7. Look for sustainable solutions

Together, you can look into long term, mutually pleasing solutions to the challenge. Otherwise you might be dealing with the same problems sooner than expected. Throughout, avoid taking on the role of either victim or aggressor.

Empathic Reflection—Responding Without Defensiveness

How others react to us is more a reflection of them than of us; how we react to them is more a reflection of ourselves than of them.

I have already mentioned the importance of avoiding defensive feelings. Here we will look at steps to transform the most provocative personal attacks into something constructive. There are many ways in which disapproval may be shown. Some people raise their voices, others gesticulate or roll their eyes, while others use sarcasm. If you have ever been hurt by someone's comments or behavior, I invite you to consider what constitutes *empathic reflection*.

While anyone can provoke defensive feelings in us, I would suggest we are particularly vulnerable when receiving disapproval from someone we care about, when we are involved in matters that are important to us, or when our pride has been wounded.

There is no doubt that it is much easier to listen in an empathic way to a person who has been hurt or angered by *another* person. When negative feelings are directed at us, then it is hard to respond with empathy. Yet that is precisely what our opponents need.

To be successful, we do not generally provide this understanding through empathic listening (Chapter 15), but rather, through empathic reflection, a vital part of *active listening*.¹⁸ So, what actions can we take to distance ourselves from defensive feelings and respond with empathy?

The steps will be easier to understand with examples. Sebastian and Gabriela are colleagues who work at a large agribusiness enterprise in Morelia, Michoacán, México. The regional director has tasked Gabriela

with solving a challenge with a longtime, valued client. A few years ago company policy changed regarding certain privileges that were given to such clients. The new guidelines came directly from the company's owners, from the main office in Mexico City, in order to deal with some abuses.

Clients can still receive many benefits but they must first prove that they meet certain criteria. Gabriela has been working tirelessly with these clients, a new account for her, to solve the tensions caused by this policy. Years ago they worked directly with Sebastian.

Today, several of the Morelia-based managers are sitting around the table at one of the weekly meetings. The regional director, Gabriela, Sebastian, and nine other managers are present. They have a tight agenda. Sebastian begins to speak and, without addressing anyone in particular, starts to insinuate that the company no longer takes care of its valued clients. He mentions by name one of the clients who was assigned to Gabriela a few months ago.

Gabriela feels he is referring to her directly, even though Sebastian is addressing the group as a whole and mostly looking at the regional director. The participants have no idea what Sebastian is talking about but they notice that Gabriela's emotions are getting the best of her. Some try to calm him down or change the subject.

This is not the first instance of friction between these two. Gabriela senses that Sebastian looks down on women. The truth is that Sebastian is a great manager and is well respected both within the company and in the community. Those attending the meeting do not want him to feel offended, either. However, after a long period of silence, Gabriela cannot take it anymore and tries to defend her position—but she cannot help letting her anger show as she explodes.

At the next meeting Sebastian continues to drop hints about the client who has been “abandoned” by the company. This time Gabriela says nothing but has tears in her eyes. She is dejected and angry at herself for having exploded at the last meeting. She has

invested a great deal of time and effort in the challenge that these valued clients presented, and especially with this particular client. Some of the other people at the meeting unsuccessfully try, once again, to change the subject or calm Sebastian down. The tension continues to rise and nothing is solved. The rift between Sebastian and Gabriela grows after that day. Both of them avoid each other but sometimes must participate in meetings together. Soon, Sebastian stops attending the meetings.

So now, let us look at the steps for empathic reflection.

1. Recognize that You Are Experiencing Negative Emotions

The first step requires us to be in touch with our feelings and reactions. There are countless negative emotions that are not helped by our defensive thoughts. For example, Gabriela could be asking herself a number of questions: “Why didn’t Sebastian talk to me privately, so I could have explained things to him and addressed his concerns?” or “Why is he trying to publically humiliate me?” or “Doesn’t this guy have any clue as to how much I’ve worked!” or “Why doesn’t he look at me when he talks to me!” She might eventually say to herself: “This man treats all women badly . . . this is the last straw!” and “What a coward, only speaking through veiled criticism!”

As soon as we start thinking this way, we know that we are letting ourselves get carried away by negative emotions—that we are transforming our counterpart into an enemy. We have planted the seed of pride and now we are painstakingly watering and fertilizing it so it will grow. Our thoughts affect our emotions and our emotions affect our reactions.

In order to halt this escalating frustration we will want to stop reacting and begin responding in a way that reduces tensions.

2. Choose Not to Allow Defensive Thoughts

When we give too much importance to what others say, or how they say it, or

how they act, we are weighing ourselves down with other people’s imperfect communication—their *temper tantrum* being a reflection of what worked for them as teenagers, or even in earlier childhood. Do not let yourself react with a tantrum of your own.

If you have ever been misunderstood—or have done the same when listening to someone else—you already know that even in the best circumstances effective communication is not easy.

Remember: how others react to us is more a reflection of them than it is of us. Let us choose *not* to make this about us. As long as we insist on focusing on what Sebastian is doing to us, unfortunately, we are transforming the issue into a personal attack. Our defensiveness will show as we respond in a harmful way, whether through silence, pouting, or anger.

Rather than trying to keep our negative thoughts in check—quite a difficult feat—we will want to *replace* our defensive thoughts with another type of thinking.

3. Focus on the Other Person’s Unsatisfied Needs

Enter Marshall Rosenberg. In his book *Nonviolent Communication* he writes: “No matter what others are saying . . . only listen to what they are: (1) observing, (2) feeling, (3) needing, and (4) asking for.” Rosenberg, a student of Carl Rogers’ active listening approach, does not even perceive the attack because he is so focused on his counterpart’s *unmet needs*.^{19, 20}

Stop perceiving disapproving communication as criticism, even if it was so intended. Instead, try to discover the unmet needs behind the emotional outburst. You will feel quite liberated when you can perceive negative behavior as a manifestation of unmet needs rather than personal attacks.

Gabriela will want to start focusing on Sebastian’s needs and fears rather than the perceived abuse to which she has been subjected. In order to focus on other people’s unsatisfied needs—especially when their negativity is



© Gregorio Billikopf

directed our way—we must refuse to give in to self-pity or resentment.

Gabriela needs to replace her current thoughts with other questions and comments: “I can tell Sebastian is very upset! I remember he worked with that client years ago. Maybe he’s the one who brought the client to the company. Maybe the client called to complain. Sebastian is probably worried that the company will lose these old time clients. Since he hasn’t worked in this department for a long time, maybe Sebastian isn’t familiar with the new company policy.”

It is not possible to simultaneously hold on to our resentments while focusing on our counterpart’s unsatisfied needs. Yet even after we intellectually understand these requirements it is not easy to apply them. It takes generosity of heart and selflessness to put aside our resentments, at least for a moment, so we can focus on the needs of another person.

4. Respond with Empathic Reflection

So now, let us look at how to reflect the *feelings* and *unsatisfied needs* that we perceive in the other person. This shorter Rosenberg formula leaves out what the person is *observing* and *asking for*. There are advantages to an abbreviated formula. It is easier to remember. We also keep our hammer smaller—and reduce potential misunderstandings with brief comments. And I cannot overstate the importance of brevity. Most importantly, by leaving out what the other party wishes done to meet his needs, we do not rush toward solutions.

Using the brief approach, then, Gabriela might say: “Sebastian, I’m sensing your discomfort (or, “I’m hearing your concern.”)—that you have a great need . . . for these long-time clients . . . to be taken care of.” Do *not* pause, however, until you have begun to tentatively state your counterpart’s *need*.

One way of being tentative is slowing down our speech pattern, inviting the other to interrupt us before we even finish the sentence.

Once again, we will want to speak softly, slowly, tentatively, and briefly. We carefully choose the reflected emotions. For instance, prefer to say “somewhat frustrated” or “somewhat upset” and avoid the word “angry” or “mad.” Most individuals react defensively when told they are angry.

Feeling understood in such an empathic way, Sebastian may put aside some of the ineffective manners he has been displaying. We ought not be surprised, however, if Sebastian’s negativity is reduced but not altogether eliminated. Gabriela can again reflect the unsatisfied needs as they arise and thus help Sebastian feel understood. Gabriela and Sebastian can put aside mutual resentments and focus on the challenge at hand.

When someone is emotionally distraught it may take multiple efforts to reflect his feelings and needs in a more effective way. You will notice that with each attempt, nonetheless, there is a diminishing intensity to the negativity.

Whenever possible, reframe the reflection as a positive statement. If you perceive that someone does *not* feel she is receiving enough support, for example, translate that into words that express what she does need: “You are yearning for more support,” or “You wish you felt supported.”

5. *Avoid Personal Reflections*

Marshall Rosenberg explains that we must avoid placing ourselves in the equation.²¹ For example, Gabriela will want to avoid the trap of saying: “Sebastian, I have noticed that you seem somewhat frustrated and need *me* to take care of these valued clients.” Gabriela would be unnecessarily encouraging Sebastian to focus on her and make matters worse. He is likely to relish the opportunity to pounce on Gabriela instead of focusing on his unmet needs and fears.

6. *Our Needs*

By this point people are asking me: “When do I get to talk about *my* needs?” Once our counterpart has calmed down and can talk about her unsatisfied needs,

she will also be more willing to listen to ours. People are rarely receptive to listening to another until their own needs have been understood first. When we are in the midst of a dispute and are feeling wounded it is difficult to entertain someone else’s needs first—and that is what makes this process so demanding. I am not suggesting, however, that our counterpart’s needs automatically trump our needs.

Empathic reflection allows our counterpart to feel heard and save face. Wounded pride often leads to inappropriate reactions that foment a vicious cycle. Empathic responses permit us to embrace a constructive cycle.

Now, I invite you to consider the situation from Sebastian’s perspective, and how he might respond when he notices that his colleague Gabriela is upset with him.

INVOLVING THIRD PARTIES

If we could master the interpersonal negotiation techniques we have covered in this chapter, there would rarely be a need for mediators. Dissimilarities in power, personality, or self-esteem among the people involved in a disagreement, together with a lack of negotiation skills, may require the participation of a neutral (Chapter 19).

For instance, one volunteer administrator had resorted to implied threats and bullying to get his way. “I would have gladly tried to find a way to help this leader achieve his goals,” another volunteer explained through her tears. “But now I’m so sensitized, I’m afraid of talking to him.”

Telling people to work out their troubles on their own, grow up, or shake hands and get along works occasionally. But most of the time the conflict will go underground only to resurface later in more destructive ways. One option is to allow individuals to meet with a third party neutral, or mediator, to assist them in resolving their differences. Next, we include some thoughts about choosing and working with a mediator.

Choosing a Mediator

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

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

A mediator will treat issues with confidentiality, with some exceptions (e.g., sexual harassment in the workplace). Parties are generally informed of exceptions to the confidentiality rule ahead of time. Any sharing of information based on these exceptions is carried out on a need-to-know basis to minimize potential harm to one or both of the parties. Do not hesitate to speak to your mediator about these and other issues of concern.

Many conflicts involve potentially embarrassing personal issues. People are less hesitant to speak out when assured of confidentiality. I do not believe that mediators should submit reports or summaries to the organizations that engage them. It would be my recommendation, instead, that the parties involved in the conflict decide what, if anything, they will share with management—and then do so *together*.

Some have suggested that, in certain instances, mediation works best when the third party is able to change roles and, in the event mediation fails, become an arbiter. On the plus side, they argue, parties may put their best feet forward and try hard to resolve issues. Unfortunately, the situation is left wide open for abuse of power. Disputants may feel coerced and refuse to trust a mediator when what is said in confidence may be used against them later. More importantly, such a strategy discounts the neutral's efforts to explain that the role of the mediator is to

facilitate conversation, not to decide who is right.

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

Mediation Styles

A mediation style's efficacy depends on the situation, personalities, and preferences of the parties involved. There is no one approach that works to solve every type of conflict. One variable is the degree to which the mediator controls the process. While some mediators are capable of using multiple approaches, let us discuss some of the extremes.

Mediator-Directed Approach

At one extreme, we find neutrals who will listen to the perspectives of the interested parties with the intent of better understanding the dispute so they can then suggest a solution. Generally, in order to avoid giving the impression of favoritism, these mediators will meet with both parties at once in a joint session.

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

Some mediators are especially talented at perceiving solutions the parties themselves have not seen. Such an approach is suited to circumstances in which: (1) resolutions to specific challenges are more important than the ongoing relationship between the disputants and (2) the parties do not interact on a regular basis.

One disadvantage is that the mediator can favor one person over another, despite the suggestion that mediators are neutral. Another

disadvantage is that conflicts that on the surface appear to be about substantive matters often have large interpersonal components. One final disadvantage is that the parties are less likely to learn how to deal with future conflicts.

Party-Directed Mediation

At the opposite extreme, we have Party-Directed Mediation (PDM, Chapter 19), an approach that seeks to empower individuals by offering contenders negotiating skills that will help them manage the present dispute, as well as improve their ability to deal with future conflict.

The two most important elements of PDM are: (1) a separate meeting (called a *pre-caucus*) between the mediator and each of the parties *prior* to the joint session, and (2) a *joint session* in which parties face and speak directly to each other rather than through the mediator.

During the pre-caucus, the mediator mostly listens empathically. The parties can vent and begin to hear themselves. But there also is time for the neutral to help disputants prepare to become more effective negotiators. In some instances, the pre-caucuses may be so effective that parties go on to resolve their conflict without further assistance from the mediator.

In the pre-caucus, mediators also determine if it is psychologically safe to bring the parties into a joint session. More harm than good takes place when disputants, who are not ready for the joint session, use mediation as a safe place to heap additional insults on each other.

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

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

PDM requires more up-front preparation and in the short run is often considerably more time-consuming than a more traditional style of mediation. Very deep-seated interpersonal conflicts call for multiple pre-caucuses. The concept behind PDM, then, is that, to the degree that the case lends itself to it and the individuals wish to spend the time to acquire the skills to become more effective negotiators, they can be empowered to do so. When the conflict involves deep-seated antagonisms, and when the participants will continue to live or work together, interacting on a regular basis, PDM can be especially effective. PDM is also especially useful for conflicts of a multicultural nature, given the method's emphasis on *facework*, or preserving face. Finally, although we have focused on interpersonal conflict, PDM is also an effective approach to help facilitate intergroup differences.

CONCLUDING ADMONITIONS

Mediation, especially PDM, takes time. A lot of it! Sometimes parties are anxious to move into the joint session when they are not ready and may attempt to pressure the mediator to move things along.

When my youngest son, Miguel, got married, we stayed at our in-law's home for a week. The day after the wedding my wife had to get up before dawn to take a cousin to the airport. Not finding the light switch, and not wanting to disturb people in their sleep, she went down the stairs in the dark. She fell and broke her leg.

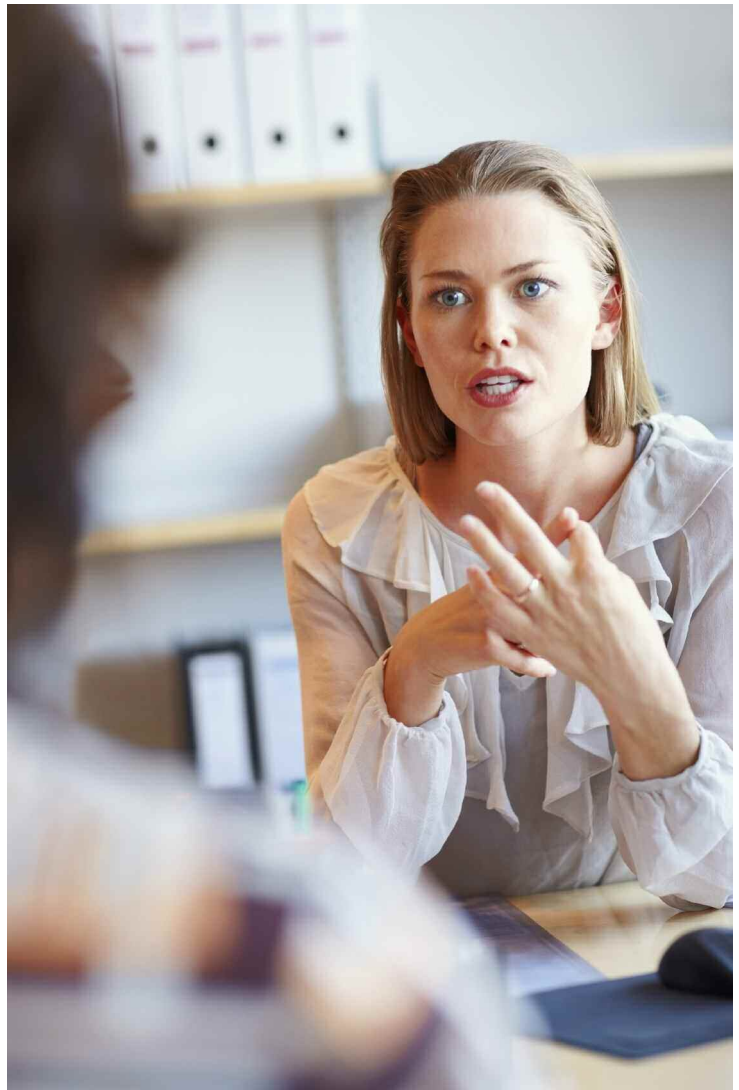
At the hospital, knowing we were only a few weeks away from leaving for Chile, we pressured the doctor to operate. He wisely refused and explained that while technically he could perform surgery right away, it was necessary to instead patiently wait for the swelling to go down. Otherwise, he warned, "Your wife's leg will look like raw hamburger."

Patients can follow instructions that will help reduce swelling, but patience is still required. At the end, we need to trust the surgeon. Likewise, mediators



© iStockphoto.com/ClarkandCompany

Party-Directed Mediation requires more up-front preparation and in the short run is often considerably more time-consuming than a more traditional style of mediation.



© iStockphoto.com/GlobalStock

People sometimes go into mediation in order to fix their counterparts, without considering they themselves need fixing.

could bring the parties into the joint session before they are ready. But it would be to their detriment. Parties have to show that their emotional *swelling has gone down* and that they are ready to face their counterparts in a joint session. At the end, if the mediation process does not move along as quickly as the participants would have wished, it is because at least one of the parties is holding on to feelings of resentment and antagonism. Ironically, at times the most impatient individuals

are those who are holding most tightly to destructive narratives.

People sometimes go into mediation in order to *fix their counterparts*, without considering they themselves need fixing. To be successful, mediation requires an enormous amount of humility. We cannot control what our counterpart will say or do, only our own behavior and thoughts.

There will be times during the mediation process that require us to put aside feelings of resentment, self-

righteousness or wounded pride. We must replace them with narratives of hope. As we get closer to the joint session, we will have to put into play all the humility we can muster in order to put aside a desire to punish our counterpart for the hurt we have suffered. Furthermore, we cannot demand to move forward without first experiencing some of the hurt we may have caused.

But remember, patience and hard work pay off. The view from the top is spectacular. Just as with climbing Half Dome, there will be challenging and difficult moments; but, oh, how worthwhile the results!

SUMMARY

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

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

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

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

Two difficult but worthwhile techniques for confronting challenging issues are *seven words* and *empathic reflection*. These methods help us work through problems while reducing defensiveness—both ours and our counterparts. The first is particularly suited to bringing up issues and discussing the past, while the second is an excellent technique for responding to a perceived attack.

As we go into mediation, we need to be humble enough to focus on the changes *we* can make. After all, those are the only changes we can control.

There are two contrasting third-party styles: *mediator-directed* and *party-directed*. The latter, which takes time, is particularly well suited for the resolution of deep-seated interpersonal conflict when individuals will continue to live or work together after the mediator leaves. Remember that a premature joint session may cause substantial harm. The former is best suited to non-relational conflicts.

As I grow older, *doing* right has become more important to me than *being* right (in the sense of winning). There is a great amount of satisfaction in giving a *soft answer*.²² This is a journey. One embarks on it knowing the challenge is so difficult that one can never truly say, “I have arrived.”

At the core of creative negotiation is the idea that it is possible for all parties to get more of what they need by working together. As we practice creative negotiation, faith in our ability to turn challenges into opportunities will increase. This self-confidence will help us focus on problem solving and reduce the chances of falling back on contentious, unproductive negotiation. The path is not an easy one but I hope your excursion is full of satisfaction and hope.

CHAPTER 18—REFERENCES

1. Bednar, R. L., Wells, M. G., & Peterson, S. R. (1989). *Self-esteem: Paradoxes and innovations in clinical theory and practice*. Washington, DC: American Psychological Association.
2. The story is attributed to Mary Parker Follett by D. M. Kolb (1995). In *The love for three oranges, or: What did we miss about Ms. Follett in the library?* *Negotiation Journal*, 11, 339.
3. This quote is often attributed to St. Francis of Assisi. Covey, S. R. (1989). *The seven habits of highly effective people*. New York: Simon & Schuster.
4. Rackham, N. (1999). The behavior of successful negotiators. In R. J. Lewicki, D. M. Saunders, & J. W. Minton (Eds.), *Negotiation: Readings, exercises, and cases* (3rd ed.) (p. 348). Burr Ridge, IL: Irwin.
5. Patterson, K., Grenny, J., McMillan, R., & Switzler, A. (2002). *Crucial conversations: Tools for talking when stakes are high*. New York: McGraw-Hill.
6. Swann, W. B., Jr. (1996). *Self-traps: The elusive quest for higher self-esteem* (p. 47). New York: W. H. Freeman.
7. Sloane, A. A., & Witney, F. (1981). *Labor relations* (4th ed.) (pp. 205–206). Englewood Cliffs, NJ: Prentice-Hall.
8. Peterson, W. H. (1991). Boulwarism: Ideas have consequences. *The Freeman: Ideas on Liberty*, 4. Retrieved from http://www.fee.org/the_freeman/detail/boulwarism-ideas-haveconsequences#axzz2eXhoemmF
9. Rackham, N. (1999). The behavior of successful negotiators. In R. J. Lewicki, D. M. Saunders, & J. W. Minton (Eds.), *Negotiation: Readings, exercises, and cases* (3rd ed.) (p. 347). Burr Ridge, IL: Irwin.
10. Sperber, B. (1983). Fail-safe business negotiating: Strategies and tactics for success. In R. J. Lewicki, D. M. Saunders, & J. W. Minton (Eds.), (1993). *Negotiation: Readings, exercises, and cases* (2nd ed.) (p. 173). Burr Ridge, IL: Irwin.
11. Forester, J. (2004). Critical moments in negotiations: On humor and irony, recognition, and hope. In U. Johannson & J. Woodilla (Eds.). (2004). *Irony and organizations: Epistemological claims and supporting field stories*. Retrieved from https://instruct1.cit.cornell.edu/Courses/practicestories/documents/samples_planning/OnHumorAndIrony.pdf
12. United States Department of Agriculture. (2001). *The USDA handbook on workplace violence prevention and response*. Retrieved from <http://www.dm.usda.gov/workplace.pdf>
13. Romano, S. J., Levi-Minzi, M. E., Rugala, E. A., & Van Hasselt, V. B. (2011). *Workplace violence prevention*. FBI Law Enforcement Bulletin, 80(1), 1–9. Retrieved from <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/january2011/>
14. United States Department of Labor, Occupational Safety and Health Administration. (2002). *Workplace violence*. Retrieved from https://www.osha.gov/OshDoc/data_General_Facts/factsheet-workplace-violence.pdf
15. Cambridge Public Health Department. (2009). *How to respond to employees facing domestic violence*. Retrieved from <http://www.cambridgepublichealth.org/publications/domesticviolence-workplace-booklet.pdf>
16. Fisher, R., & Ury, W. (1981). *Getting to yes: Negotiating agreement without giving in*. New York: Penguin.
17. Rothman, J. (1997). *Resolving identity-based conflict in nations, organizations, and communities* (pp. xii–xiii). San Francisco: Jossey-Bass.
18. Rogers, C. R., & Farson, R. E. (1987). Active listening. In R. G. Newman, M. A. Danzinger, M. Cohen (Eds.), *Communicating in business today*. Retrieved from http://www.goget.org/pdf/Rogers_Farson.pdf
19. Rosenberg, M. B. (2003). *Nonviolent communication: A language of life* (2nd ed.). Encinitas, CA: PuddleDancer.
20. Rosenberg, M. B. (Producer). (2008). *The basics of nonviolent communication* [DVD]. La Crescenta, CA: Center for Nonviolent Communication.
21. Rosenberg, M. B. (2003). *Nonviolent communication: A language of life* (2nd ed.). Encinitas, CA: PuddleDancer.
22. “A soft answer turneth away wrath.” Proverbs 15:1 King James Version.