FLASHFEED STUDY GUIDE

Getting to yes

Unofficial study guide by FlashFeed

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Getting to yes: unofficial study guide

Roger Fisher, William Ury, and Bruce Patton's principled negotiation framework developed at the Harvard Negotiation Project — separating people from the problem, focusing on interests rather than positions, inventing options for mutual gain, insisting on objective criteria, and leveraging BATNA to achieve wise, durable agreements.

Unofficial study guide for *Getting to Yes: Negotiating Agreement Without Giving In (3rd ed.)* by Roger Fisher, William Ury, Bruce Patton. FlashFeed is not affiliated with the author or publisher.

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How to use this guide

Take one lesson at a time: read the study guide, then go over any key facts. Where a lesson has a self-test, try it from memory before you check the answer key at the back. Follow the Go deeper links when you want more.

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LESSON 1 OF 6

Beyond Positional Bargaining & The Principled Method

The Pitfalls of Positional Bargaining · The Four Pillars of Principled Negotiation

WHAT YOU'LL BE ABLE TO DO

- Explain why positional bargaining yields unwise agreements, how a soft bargainer loses to a hard one, and why coalition positions resist revision.
- Name principled negotiation's four pillars (people, interests, options, criteria) and the three universal benchmarks: wise agreement, efficiency, relationship.

The Pitfalls of Positional Bargaining

In everyday life, corporate commerce, legal conflicts, labor disputes, and international diplomacy, negotiation is most frequently conducted through **positional bargaining**. In this traditional method, each participant stakes out an explicit, concrete position (such as a specific dollar demand, a rigid contract term, or a fixed territorial boundary), defends that position with aggressive argumentation, and makes reluctant, incremental concessions to achieve an eventual compromise. Whether observing consumers haggling with merchants over antique rugs, corporate attorneys negotiating an acquisition, or diplomats debating treaties at the United Nations, the mechanics of positional bargaining remain pervasive across human institutions.

However, decades of negotiation practice and case work at the **Harvard Negotiation Project** demonstrate that positional bargaining suffers from severe structural flaws. The foremost problem is that arguing over positions produces unwise agreements. When negotiators take positions, their personal egos become inextricably intertwined with their stances. As **Roger Fisher** and **William Ury** observed, the more you clarify your position and defend it against attack, the more committed you become to it. Your psychological desire to save face, defend turf, and avoid the appearance of surrender makes backing down increasingly painful. The substantive merits of the dispute recede into the background, eclipsed by an exhausting, personal contest of wills.

Furthermore, positional bargaining is profoundly inefficient. The standard strategy requires opening with an extreme, unrealistic anchor, concealing one's true bottom line, and yielding only in grudging, microscopic increments. Because each concession requires careful tactical calculations to avoid projecting weakness, negotiations drag on with posturing, stalling, artificial deadlines, and walkout threats. The time, energy, and transaction costs consumed by positional haggling frequently exceed the value of the marginal gains achieved. Negotiators become so focused on the optical mechanics of concessions that they miss the larger economic and strategic opportunities available to both sides.

When bargainers attempt to navigate these pitfalls, they typically gravitate toward one of two standard styles: **soft bargaining** or **hard bargaining**.

- The **soft bargainer** treats the other party as a friend, emphasizes the importance of building and preserving the relationship above all else, makes early offers, discloses their bottom line, concedes readily to maintain harmony, trusts the other party implicitly, changes positions easily to avoid confrontation, and yields to pressure.
- The **hard bargainer**, in contrast, views the other side as an adversary, treats the negotiation as a battle of wills, demands unilateral concessions as the price of a relationship, digs into an extreme opening anchor, distrusts the counterpart, applies relentless pressure, issues threats, hides information, and insists on total victory.

The fatal danger of this dichotomy occurs when a soft bargainer meets a hard bargainer. In such encounters, the result is asymmetric exploitation: if you play a soft version of positional bargaining while the other party plays a hard version, you will almost certainly lose your shirt. The hard bargainer captures all substantive gains while the soft bargainer concedes real value in pursuit of an illusion of friendship. Conversely, when two hard bargainers collide, talks frequently collapse into costly strikes, litigation, or diplomatic rupture.

These failures multiply exponentially in **multi-party negotiations**. When multiple nations, creditors, or departmental factions negotiate, positional bargaining forces the creation of rigid coalitions. Once a coalition negotiates an internal compromise position among its members, modifying that position to accommodate outside parties becomes nearly impossible, paralyzing the assembly in institutional gridlock. Historical failures—such as the Cold War Comprehensive Test Ban Treaty talks where the US and USSR deadlocked over ten versus three inspections without analyzing inspection team procedures—illustrate how positional rigidity destroys viable agreements.

To overcome these structural defects, **Principled Negotiation** replaces positional gamesmanship with a method that is hard on the problem and soft on the people, focusing on underlying merits, objective standards, and mutual interests.

Strategic Checkpoints for Diagnosing Positional Bargaining

Negotiators seeking to avoid positional traps should watch for three early warning signs during opening exchanges:

1. **Premature Public Anchoring**: Stating an inflexible public number before understanding the other party's operational constraints.
2. **Concession Haggling Over Underlying Merits**: Spending time debating whether to split a numerical difference rather than examining the underlying cost structures or value drivers.
3. **Escalating Emotional Hostility**: Treating counter-proposals as personal insults or bad-faith provocations rather than data points reflecting different internal realities.

By recognizing these symptoms early, principled negotiators can actively pause the exchange, reframe the conversation around underlying objectives, and prevent the negotiation from deteriorating into an

adversarial battle of wills.

The Four Pillars of Principled Negotiation

Developed at Harvard Law School by **Roger Fisher**, **William Ury**, and **Bruce Patton**, the method of **Principled Negotiation** (also known as interest-based negotiation or negotiation on the merits) provides an analytical, repeatable framework for resolving conflicts without sacrificing relationships or capitulating on substance. Rather than viewing negotiation as a contest of willpower or haggling over arbitrary figures, principled negotiation approaches conflict as joint problem-solving on the merits.

The entire framework of principled negotiation rests upon four foundational pillars, each corresponding to a fundamental component of any negotiation:

1. **People: Separate the people from the problem.** Negotiators are human beings first, carrying distinct emotions, values, perceptual biases, and communication barriers. Positional bargaining entangles substantive issues with interpersonal relationships. Principled negotiation treats human dynamics and substantive problems separately, addressing emotions and perceptions directly with psychological tools rather than substantive concessions. Negotiators attack the problem together, side-by-side, rather than attacking each other across the table.
2. **Interests: Focus on interests, not positions.** A position is what a negotiator decides upon; an interest is the underlying motivation, need, desire, concern, or fear that led to that decision. By identifying and reconciling the underlying interests of both sides, negotiators uncover shared and compatible motivations that unlock creative solutions hidden by rigid positional demands. For every interest, there usually exist multiple positions that can satisfy it.
3. **Options: Invent options for mutual gain.** Under the pressure of conflict, negotiators tend to narrow their perspective to a single zero-sum axis (such as purchase price). Principled negotiation mandates establishing a dedicated generative phase to brainstorm an abundance of creative options that expand the pie before evaluating or selecting a final agreement. By separating the act of inventing options from the act of judging them, negotiators create value that neither party could achieve alone.
4. **Criteria: Insist on using objective criteria.** Rather than allowing outcomes to be decided by who is more stubborn, aggressive, or irrational, principled negotiators insist that agreements be anchored on fair, legitimate, and independent standards—such as market value, professional benchmarks, scientific data, replacement cost, or legal precedent. Decisions are reached through principled reasoning rather than coercive pressure.

Every method of negotiation should be evaluated against three universal benchmarks:

- **Wise Agreement**: A wise agreement satisfies the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, proves durable over time, and accounts for broader community and third-party interests.
- **Efficiency**: The process must resolve disputes quickly and smoothly without the wasted time, posturing, and frictional transaction costs of positional bargaining.

- **Amicable Relationship**: The process must improve, or at the very least not damage, the working relationship between the parties, fostering mutual trust and enabling long-term cooperation.

Principled negotiation progresses across three operational stages:

- **The Analysis Stage**: Gathering information, identifying emotional and human barriers, mapping both sides' interests, listing existing options, and researching objective criteria.
- **The Planning Stage**: Designing strategies to address human dynamics, prioritizing interests, inventing additional options, selecting relevant benchmarks, and formulating a strong **BATNA** (Best Alternative to a Negotiated Agreement).
- **The Discussion Stage**: Communicating collaboratively, articulating interests, generating shared options, and evaluating proposals against objective standards without yielding to arbitrary pressure.

This interdisciplinary synthesis created by **Roger Fisher** (international law and dispute resolution), **William Ury** (social anthropology and conflict de-escalation), and **Bruce Patton** (a Harvard Law School lecturer and co-founder of the Harvard Negotiation Project) established the modern standard for interest-based negotiation worldwide, providing a practical methodology applicable across commercial contracts, legal mediation, community disputes, and international diplomacy.

The Operational Harmony of the Four Pillars

The four pillars of principled negotiation operate as an integrated ecosystem rather than disconnected techniques:

- **Separating the people from the problem** creates the psychological safety necessary to explore sensitive underlying motivations.
- **Focusing on interests** provides the substantive raw material needed to generate win-win possibilities.
- **Inventing options** expands the frontier of potential agreement, converting zero-sum trade-offs into positive-sum synergies.
- **Insisting on objective criteria** provides the legitimate, fair benchmark needed to select final terms without forcing either side to surrender pride or concede to arbitrary power.

When all four pillars are applied concurrently, negotiators build durable, high-trust agreements that withstand future volatility and strengthen institutional partnerships.

Key terms

Soft Bargaining Relationship Priority

In soft bargaining, the participant treats the other party as a friend and prioritizes the relationship above all else.

Coalition Modification Obstacle

The internal political cost of modifying a coalition position freezes the entire assembly into institutional gridlock.

Pillar 2 – Interests

Focus on interests, not positions.

Discussion Stage Communication

When the parties meet face-to-face, they communicate to resolve differences. They address perceptions and feelings directly, articulate interests, brainstorm options together, and use objective standards to evaluate proposals without yielding to arbitrary pressure.

Key facts

Standard Positional Bargaining

In positional bargaining, each participant stakes out a concrete position, defends it against attack, and makes reluctant concessions to reach an eventual compromise.

Ego Identification Makes Positional Bargaining Produce Unwise Deals

The foremost problem with positional bargaining is that arguing over positions produces unwise agreements. When negotiators take positions, their egos become entangled with those positions, so the more they defend a stance, the more committed to it they become — and the standard script of opening with an extreme anchor and yielding only in grudging increments wastes the time and energy that could go toward the substance of the deal.

The Hard Bargainer's Playbook

The hard bargainer views the other side as an adversary and treats the negotiation as a battle of wills. They dig into an extreme opening position, distrust the counterpart, apply relentless pressure, issue threats, hide information, and demand unilateral concessions as the price of any relationship — insisting on total victory rather than a workable agreement.

Principled Negotiation: Hard on the Problem, Soft on the People

To escape the pitfalls of positional bargaining, principled negotiation resolves disputes on their merits — focusing on interests and objective criteria rather than positional gamesmanship. Its guiding motto is to be hard on the problem and soft on the people, pursuing mutual interests and fair standards instead of a contest of wills.

The Soft Bargainer's Playbook

The soft bargainer treats the other party as a friend and prioritizes the relationship above all else. They make early offers, disclose their bottom line, concede readily to maintain harmony, trust the other side implicitly, and yield to pressure rather than risk confrontation.

Comparing approaches regarding Hard Bargainer Pressure Tactics:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard

Soft Meets Hard: Asymmetric Exploitation

The fatal danger of the soft-versus-hard dichotomy occurs when a soft bargainer meets a hard bargainer. The hard bargainer captures the substantive gains while the soft bargainer, chasing an illusion of friendship, concedes real value and comes away having lost their shirt.

Hard-on-Hard Bargaining Deadlock

Conversely, when two hard bargainers meet, negotiations frequently collapse into costly strikes, litigation, or diplomatic rupture.

Positional Bargaining Paralyzes Multi-Party Talks

In negotiations among many nations, creditors, or factions, positional bargaining forces the formation of rigid coalitions. Once a coalition has hammered out an internal compromise position, the internal political cost of modifying it for outsiders becomes so high that the whole assembly freezes into institutional gridlock.

The Comprehensive Test Ban Treaty Deadlock

Getting to Yes cites the Cold War Comprehensive Test Ban Treaty talks as a case study in positional rigidity: the United States insisted on a minimum of ten on-site inspections while the Soviet Union offered only three, and because both sides treated their numbers as fixed, non-negotiable positions, neither side ever analyzed the underlying inspection-team procedures that might have resolved the dispute.

Comparing approaches regarding Commercial Lease Value Trap:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard



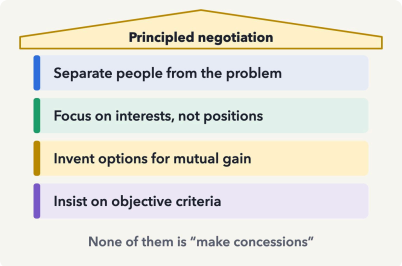
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Harvard Negotiation Project Origin

Developed systematically by Roger Fisher, William Ury, and Bruce Patton at the Harvard Negotiation Project, principled negotiation was created to provide a scientific, replicable methodology for conflict resolution.

Principled Negotiation as Joint Problem-Solving

Rather than treating negotiation as a contest of willpower or a game of deceptive haggling, principled negotiation approaches conflict as joint problem-solving on the merits. Both sides work the same problem from the same side of the table instead of trying to outmaneuver each other.



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The Four Pillars of Principled Negotiation

Principled negotiation rests on four pillars: separate the people from the problem, focus on interests rather than positions, invent options for mutual gain before deciding among them, and insist on objective criteria. Each pillar addresses one fundamental component of any negotiation, and none of them is "make concessions."

Comparing approaches regarding Wise Agreement Standard:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard



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Efficiency: One of the Three Benchmarks for a Good Method

Any method of negotiation should be judged against three benchmarks: a wise agreement, an amicable relationship, and efficiency. Efficiency asks whether the process resolves the dispute quickly and smoothly, without the wasted time, posturing, and transaction costs that plague positional bargaining.

Amicable Relationship Preservation

The process must improve, or at the very least not damage, the working relationship between the parties, ensuring that agreements are implemented cooperatively and future disputes can be resolved productively.

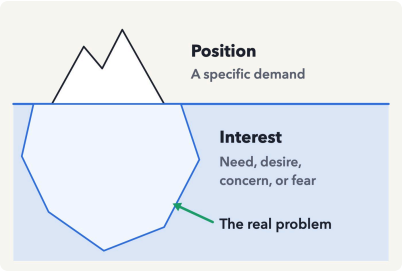
The Three Operational Stages: Analysis, Planning, Discussion

Principled negotiation progresses through three stages. In the Analysis stage, negotiators gather information and diagnose emotional barriers, interests, options, and criteria. In the Planning stage, they design strategy and formulate a BATNA. In the Discussion stage, they meet face to face, address perceptions and feelings, articulate interests, brainstorm options, and apply objective standards without yielding to pressure.

The Harvard Negotiation Project's Interdisciplinary Breakthrough

Founded within Harvard Law School, the Harvard Negotiation Project set out to turn negotiation into a systematic, teachable methodology rather than an assortment of ad hoc tactics — one that could be applied consistently across commercial, legal, and diplomatic disputes alike.

> **Comparing approaches regarding Three Founding Perspectives:**
>
> Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines
>
> Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard



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Position vs. Interest: The Core Distinction

A position is what a negotiator decides upon — a specific demand or stance. An interest is the underlying motivation, need, desire, concern, or fear that led the negotiator to take that position in the first place. Principled negotiation targets interests, because that is where the real problem lives.

Matched pairs

Each item on the left goes with the one on the right.

Inefficiency of Incremental Concessions
→ Extreme openings and grudging concessions waste time and energy.

Hard Bargaining Adversarial Stance → Hard bargainers view rivals as adversaries in a battle of wills.

Principled Negotiation → Resolving disputes based on merits, interests, and objective criteria

Rigid Coalitions in Multi-Party Talks → A coalition's internal deal becomes too costly to change.

Inspection Nuances Overlooked → The US wanted 10 site checks, the USSR only 3, and talks froze.

Pillar 1 - People → Separate the people from the problem.

Pillar 4 - Criteria → Insist that agreements rest on objective criteria.

Planning Stage Strategy → Negotiators map out tactics and build a strong BATNA here.

HNP's Interdisciplinary Breakthrough → It combined law, anthropology, and legal teaching expertise.

Step by step

Applying the Principled Negotiation method to counter a Hard Bargaining Adversarial Stance

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Applying the principled-negotiation method to avoid the Test Ban Treaty's 'Inspection Nuances Overlooked' mistake

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Applying the Pillar 4 - Criteria method in principled negotiation

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Applying the Normative Behavioral Framework method in principled negotiation

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Self-test

Answer each question from memory, then check your work against the answer key.

1. What is the result, per Getting to Yes, when a soft bargainer faces a hard bargainer?

A. Both sides build lasting mutual trust
B. The hard bargainer captures the gains
C. Talks collapse into strikes or rupture
D. Both parties compromise equally

2. In multi-party positional bargaining, what happens after a coalition agrees on an internal compromise position?

A. Outside parties can join the coalition much more easily
B. The coalition gains new flexibility
C. Modifying it for outsiders becomes nearly impossible
D. The position becomes irrelevant

3. Which historical negotiation stalemate does Getting to Yes cite to show how positional rigidity destroys agreements?

A. Comprehensive Test Ban Treaty talks
B. The 1919 Treaty of Versailles peace talks
C. Cuban Missile Crisis
D. Camp David Accords

4. Which trait belongs to a HARD bargainer rather than a soft bargainer, per Getting to Yes?

A. Trusts the other party implicitly
B. Makes early offers, discloses bottom line
C. Yields to pressure to keep peace
D. Distrusts the counterpart, applies pressure

5. What did Fisher and Ury identify as the foremost problem with positional bargaining?

A It moves to agreement too quickly
B It produces unwise agreements
C It removes emotion from the dispute
D It relies only on legal precedent

6. Who developed the method of Principled Negotiation at Harvard Law School?

A Robert Cialdini, Adam Grant, and Daniel Kahneman
B Herb Cohen, Chester Karrass, and Gerard Nierenberg
C Roger Fisher, William Ury, and Bruce Patton
D Howard Raiffa, David Lax, and James Sebenius

7. Which of the four pillars focuses on brainstorming creative solutions before evaluating them?

A People: separate the people from the problem
B Criteria: insist on objective criteria
C Interests: focus on interests, not positions
D Options: invent options for mutual gain

8. Under the Interests pillar, a position is most accurately defined as what?

A What a negotiator decides upon
B The underlying motivation for a decision
C A brainstormed alternative, unevaluated
D An objective standard for evaluation

9. Which of the following is NOT one of the four pillars of Principled Negotiation?

A Interests behind positions
B Concessions
C Criteria
D People

10. Which of the three benchmarks for judging a negotiation method asks whether it reaches resolution quickly, without wasted time and posturing?

A Wise Agreement
B Objective Criteria
C Amicable Relationship
D Efficiency

Go deeper

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LESSON 2 OF 6

Separate the People from the Problem

Perception, Framing, and Cognitive Empathy · Managing Emotion, Active Listening, and Clear Communication

WHAT YOU'LL BE ABLE TO DO

- Explain why conflict lives in perception, and use cognitive empathy to understand the other side's view without deducing their intentions from your fears.
- Manage emotion by letting the other side vent and feel heard, speaking about yourself rather than blaming them, and using symbolic gestures.

Perception, Framing, and Cognitive Empathy

A central premise of **Principled Negotiation** is recognizing that negotiators are not abstract institutional entities, corporate representatives, or mathematical algorithms; they are human beings. They possess deep-seated emotions, distinct values, personal backgrounds, and unpredictable psychological vulnerabilities. Every negotiator operates with two distinct types of interests: **substantive interests** (such as price, contract terms, delivery deadlines, and technical specifications) and **relationship interests** (such as respect, trust, reputation, and long-term partnership).

A major failure in conventional positional bargaining is that relationship interests become inextricably entangled with substantive problems. When a buyer says "Your price is too high," the seller often hears a personal insult or an attack on their professional competence. The conversation degenerates into defensive posturing. To maintain rational problem-solving, negotiators must separate the substantive problem from the personal relationship. Negotiators must see themselves as working side-by-side, attacking the shared problem rather than attacking each other across an adversarial divide.

Conflict does not exist in objective physical reality; it exists in human perception. The dispute between two parties is almost always a dispute between two differing interpretations of reality. Principled negotiators systematically master **cognitive empathy**:

- **Put yourself in their shoes**: Understanding the counterpart's perspective is not an act of capitulation or agreement. As **Roger Fisher**, **William Ury**, and **Bruce Patton** emphasize, understanding their point of view is not the same thing as agreeing with it. A better understanding of their thinking allows you to appreciate their constraints and design proposals that appeal to their legitimate needs.
- **Do not deduce their intentions from your fears**: A common cognitive distortion in conflict is assuming that whatever you fear is exactly what the other side plans to do. If a supplier experiences an operational delay, a buyer often assumes bad faith rather than supply chain disruption. Decoupling your fears from their actual intent prevents premature paranoia.
- **Do not blame them for your problem**: Blaming attacks the other person's self-esteem and triggers defensive resistance. Even when blame is justified, voicing it causes the counterpart to dig in and

resist constructive solutions. Distinguish the symptoms of the problem from the individuals involved.

- **Discuss perceptions openly and explicitly**: Bringing differing perceptions into the open without judgment allows both sides to acknowledge discrepancies and address them objectively. Making perceptions an explicit topic of dialogue defuses hidden tension.
- **Act inconsistently with their negative perceptions**: If the counterpart expects you to be arrogant, aggressive, or dismissive, demonstrating humility, patience, and active listening shatters their negative preconceptions and reframes the dynamic.
- **Involve the other side in the process to give them ownership**: If you want someone to accept a solution, you must involve them directly in creating it. People routinely reject proposals crafted in isolation because they feel excluded from the process. Ownership of the process generates commitment to the outcome.
- **Protect face-saving**: Face-saving is essential to principled negotiation. Face-saving does not mean catering to vanity; it means helping the other person reconcile the proposed agreement with their personal integrity, values, and past public commitments.

In commercial conflicts—such as a tenant furious over building maintenance disruptions—applying cognitive empathy allows a landlord to recognize that the tenant's real fear is client embarrassment and lost productivity during investor visits. By acknowledging the tenant's perception and involving the startup founder in designing maintenance schedules and service-level agreements (SLAs), the landlord resolves the substantive issue through dedicated technician access while preserving the long-term lease revenue and upholding the tenant's professional dignity.

Cognitive Empathy vs. Substantive Agreement

It is critical to distinguish **cognitive empathy** from emotional sympathy or substantive agreement:

- **Cognitive empathy** is an intellectual discipline: accurately mapping how the world looks through your counterpart's eyes, understanding the pressures they face from their stakeholders, and diagnosing the constraints that dictate their behavior.
- **Substantive agreement** is a strategic decision: accepting or declining specific contract terms.

Developing profound cognitive empathy does not mean conceding to unreasonable demands; rather, it provides the precise behavioral intelligence needed to structure proposals that solve the other party's real problems while protecting your own vital interests.

Managing Emotion, Active Listening, and Clear Communication

High-stakes negotiations often generate intense fear, anger, resentment, wounded pride, and anxiety. If left unmanaged, emotions can hijack rational judgment, transforming minor misunderstandings into destructive conflict. Principled negotiators handle emotional turbulence with disciplined techniques:

1. **Recognize and understand emotions (theirs and yours)**: Monitor physical tension, voice modulation, breathing, and emotional shifts in both yourself and your counterpart. Understand the underlying fears, pride, or frustrations driving emotional reactions.

2. **Make emotions explicit and acknowledge them as legitimate**: Explicitly validating emotions ("We recognize that the recent operational delays caused immense frustration for your team") neutralizes defensiveness without conceding substantive points. When feelings are acknowledged as real and valid, negotiators feel respected and ready to engage in constructive dialogue.
3. **Allow the other side to let off steam (catharsis)**: When a negotiator is furious, attempting to silence them or argue back escalates the confrontation. Giving the other party uninterrupted space to vent their anger releases psychological pressure and restores cognitive equilibrium. As the authors write, one effective way to deal with people's anger, frustration, and other negative emotions is to help them release those feelings.
4. **Do not react to emotional outbursts**: Maintain calm composure when attacked. Meeting anger with anger guarantees escalation; maintaining a calm posture breaks the destructive feedback loop. Refuse to be provoked into personal retaliation or defensive justification.
5. **Utilize symbolic gestures**: Simple, low-cost symbolic acts—such as a sincere apology, a warm handshake, an expression of sympathy, or sharing a quiet meal—can dramatically dismantle interpersonal barriers and reset the emotional tone.

Communication is the lifeblood of negotiation, yet it is fraught with three primary breakdowns:

- **Negotiators may not be talking to each other**: Negotiators frequently speak to the "gallery"—their board of directors, constituents, political base, or media observers—rather than attempting to influence the person across the table.
- **Negotiators may not be hearing each other**: While one person speaks, the other is typically busy formulating their next counter-argument, completely missing the nuances of what is being expressed.
- **Misunderstanding and misinterpretation**: Differing cultural norms, vocabulary, or emotional filters cause messages to be received in ways never intended by the sender.

To overcome communication failures, principled negotiators apply specific communication disciplines:

- **Listen actively and acknowledge what is being said**: Active listening involves focused attention, clarifying questions, and summarizing the other party's position accurately. The cheapest concession you can make to the other side is to let them know they have been heard. When a counterpart knows they have been fully understood, their urge to repeat demands evaporates.
- **Speak to be understood**: Direct your message directly to the counterpart as a collaborative problem-solver rather than an adversary in an arena.
- **Speak about yourself, not about them**: Frame statements around your own experiences and feelings using **"I" statements** ("I feel concerned about project continuity") rather than accusatory **"You" statements** ("You are unreliable"). "I" statements convey critical information without provoking defensiveness.
- **Speak for a purpose**: Recognize that indiscriminate speech can derail delicate agreements. Before sharing information or raising a topic, ask yourself what constructive purpose it serves in advancing the negotiation.

In labor disputes, such as automotive factory wildcat slowdowns, structured listening sessions where plant managers accurately transcribe worker grievances onto shared screens defuse hostility. By letting off steam and confirming accurate transcription, workers feel heard, allowing the meeting to transition to collaborative drafting of ergonomic and safety improvements within 48 hours.

Practical Communication Checklist for High-Stakes Talks

Before entering a critical negotiation session, verify your communication readiness against four core standards:

1. **Active Listening Primacy**: Plan to spend the first third of the meeting asking clarifying open-ended questions and summarizing the counterpart's answers without offering rebuttals.
2. **Constructive "I" Framing**: Prepare your key points using first-person experiential language ("From our operational data, we observe...") rather than second-person accusatory claims ("Your team failed to...").
3. **Purposeful Speech Filter**: Verify that every piece of information shared serves a constructive problem-solving purpose rather than simply venting frustration.
4. **De-escalation Posture**: Establish a clear internal commitment to maintain calm composure in the face of emotional outbursts, using silence and validation to restore rational dialogue.

Key terms

Where Conflict Actually Lives

Conflict does not exist in objective physical reality; it exists in human perception.

Commercial Tenant Maintenance Case

Consider a conflict between a commercial building landlord and a tech startup tenant. The tenant is furious over recurring elevator outages and demands a 30% rent reduction.

Catharsis of Letting Off Steam

One effective way to deal with people's anger, frustration, and other negative emotions is to help them release those feelings.

Own-Experience Constructive Framing

Frame statements around your own experiences and feelings ("I feel concerned about project continuity") rather than accusing the other party ("You are unreliable"). "I" statements convey critical information without provoking defensiveness.

Key facts

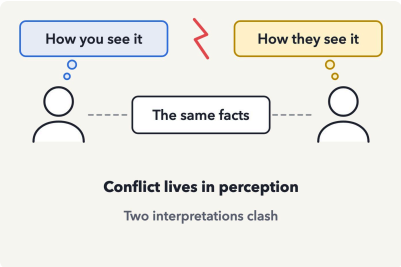
> **Human Dimension Reality**
>
> A fundamental premise of Getting to Yes is that negotiators are not abstract institutional entities or computer algorithms; they are human beings with emotions, deeply held values, personal backgrounds, and unpredictable psychological responses.

Substantive Interests, Relationship Interests, and Their Entanglement

Every negotiator carries two kinds of interests: substantive interests, such as price and delivery terms, and relationship interests, such as respect, trust, and reputation. A major failure of positional bargaining is that these get entangled — when a buyer says "your price is too high," the seller often hears a personal insult, and the conversation degenerates into defensive posturing instead of problem-solving.

Do Not Deduce Their Intentions From Your Own Fears

A common cognitive distortion in conflict is assuming that whatever you fear is exactly what the other side intends. If a supplier misses a deadline, a buyer often assumes bad faith rather than a genuine supply-chain disruption — decoupling your fears from their actual intent prevents this premature paranoia.



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Conflict Lives in Perception, Not in Objective Reality

Conflict does not exist in objective physical reality; it exists in human perception. A dispute between two parties is almost always a clash between two differing interpretations of the same facts, which is why understanding how the other side sees the situation is central to resolving it.

Understanding Their View Is Not the Same as Agreeing With It

Cognitive empathy means putting yourself in the other side's shoes to understand how the world looks to them — it is not an act of capitulation. Understanding their point of view lets you appreciate their real constraints and design proposals that appeal to their legitimate needs, without requiring you to agree with their position.

Discuss Perceptions Openly, and Give Them Ownership

Bringing differing perceptions into the open without judgment lets both sides acknowledge discrepancies and address them directly, defusing hidden tension. And because people routinely reject proposals crafted in isolation, involving the other side directly in creating a solution gives them ownership of it — and ownership generates commitment to the outcome.

Inconsistent Action Reframing

If the counterpart expects you to be arrogant, aggressive, or dismissive, demonstrating humility, patience, and active listening shatters their negative preconceptions and reframes the dynamic.

Face-Saving Means Protecting Their Integrity, Not Their Vanity

Face-saving is essential to principled negotiation, but it does not mean catering to vanity. It means helping the other person reconcile the proposed agreement with their personal integrity, their values, and any public commitments they have already made.



AI-generated (gpt-image-1.5)

The Elevator Outage: Cognitive Empathy in a Lease Dispute

A commercial tenant furious over recurring elevator outages demands a 30% rent reduction. Applying cognitive empathy, the landlord recognizes the tenant's real fear is client embarrassment and lost productivity during investor visits — and by involving the tenant in designing a maintenance schedule with dedicated technician access, the landlord resolves the substantive issue while preserving lease revenue and the tenant's professional dignity.

Emotional Hijacking Risk

Emotions can hijack rational judgment in an instant, transforming minor misunderstandings into destructive conflict.

Recognize Emotion, Validate It, and Don't React to Outbursts

Principled negotiators monitor physical tension, voice modulation, and emotional shifts in themselves and their counterpart. Explicitly validating an emotion ("we recognize the delays caused real frustration") neutralizes defensiveness without conceding substance — and when the other side lashes out, meeting anger with calm rather than anger breaks the escalation loop instead of feeding it.

Symbolic Gestures Reset the Emotional Tone

Simple, low-cost symbolic acts — a sincere apology, a warm handshake, an expression of sympathy, or sharing a quiet meal — can dramatically dismantle interpersonal barriers. Exchanging formal business cards is not one of these gestures; it is these small human acts, not procedural ones, that reset the emotional climate of a negotiation.

Catharsis: Let the Other Side Vent

One effective way to deal with anger, frustration, and other negative emotions is simply to help the other side release them. When a counterpart vents during a heated negotiation, Getting to Yes recommends letting them let off steam without interruption, because silencing or arguing back only escalates the confrontation.



AI-generated (gpt-image-1.5)

The Three Communication Breakdowns

Negotiators may speak to the "gallery" — their board, constituents, or the media — rather than to the person across the table. They may also fail to hear each other, since while one side speaks the other is often busy rehearsing its next counter-argument instead of listening. A shared deadline is not one of these breakdowns; differing cultural norms and vocabulary causing outright misunderstanding is the third.

Message Distortion and Misunderstanding

Differing cultural norms, vocabulary, or emotional filters cause messages to be received in ways never intended by the sender.

Active Listening Is the Cheapest Concession You Can Make

The cheapest concession you can make to the other side is simply letting them know they have been heard. When a counterpart knows their point has been fully understood, their urge to keep repeating the demand evaporates, freeing the conversation to move forward.



AI-generated (gpt-image-1.5)

Speak to Be Understood, and With Purpose

Principled negotiators direct their message to the counterpart as a collaborative problem-solver, and before raising a topic they ask what constructive purpose it serves. A tense union-management dispute over wildcat slowdowns at an automotive plant was defused when managers structured listening sessions, transcribing worker grievances onto shared screens so the workers felt heard.

"I" Statements Instead of "You" Statements

Frame statements around your own experience and feelings — "I feel concerned about project continuity" — rather than accusing the other party with a "you" statement like "you are unreliable." "I" statements convey the same critical information without provoking the defensiveness that accusatory language triggers.

Matched pairs

Each item on the left goes with the one on the right.

Entanglement of People and Substance
→ A price complaint can feel like a personal insult to the other side.

Fear vs Intent Distortion → Their intentions aren't defined by what worries you.

Psychological Function of Face-Saving
→ It means helping them reconcile a deal with their own integrity.

Elevator Outage: Empathy in Action
→ The landlord involved the tenant in designing a new upkeep plan.

Legitimizing Emotional Experience → Validating an emotion defuses defensiveness.

Power of Symbolic Gestures → A sincere apology or warm handshake can dismantle barriers.

Direct Collaborative Address → Treat your counterpart as a fellow problem-solver, not the gallery.

Automotive Wildcat Labor Dispute

→ Plant managers transcribed grievances live to defuse a slowdown.

Step by step

Applying the core principled-negotiation method (interests, options, objective criteria)

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Self-test

Answer each question from memory, then check your work against the answer key.

1. According to Getting to Yes, where does conflict actually exist?

- A In factual data alone
- B In human perception
- C In objective physical reality
- D In the written contract terms

2. According to Getting to Yes, what does cognitive empathy fundamentally require?

- A Sympathizing emotionally with their situation
- B Conceding to their proposed terms
- C Understanding the counterpart's point of view
- D Agreeing with their demands

3. A buyer assumes a supplier's delay signals bad faith because of their own worries. Which guideline does this violate?

- A Discuss perceptions openly and explicitly
- B Do not blame them for your problem
- C Protect face-saving
- D Do not deduce their intentions from your fears

4. Which of these is NOT one of the cognitive empathy techniques described in Getting to Yes?

- A Confirm their negative expectations of you
- B Protect face-saving
- C Involve the other side in the process
- D Act inconsistently with their negative perceptions

5. In principled negotiation, what does 'protecting face-saving' actually mean?

- A Helping them reconcile it with their values
- B Avoiding public statements about the agreement
- C Catering to the other side's vanity
- D Publicly praising the counterpart's skills

6. According to Getting to Yes, what is the cheapest concession you can make to the other side?

- A Agreeing to meet again
- B Letting them know they have been heard
- C Reducing your price by a small percentage
- D Offering a future favor

7. A negotiator says 'I feel concerned about project continuity' instead of 'You are unreliable.' Which discipline is this?

A Listen actively and acknowledge
B Speak for a purpose
C Speak about yourself, not them
D Speak to be understood

8. Which of the following is NOT one of the three primary communication breakdowns in Getting to Yes?

A Negotiators may not be hearing each other
B Misunderstanding and misinterpretation
C Negotiators may not be talking to each other
D Negotiators may not share a common deadline

9. When a counterpart vents anger during a heated negotiation, what does Getting to Yes recommend?

A Allow them to let off steam without interruption
B React immediately to correct factual errors
C Change the subject to defuse tension
D Match their tone to demonstrate strength

10. Which of the following is NOT one of the symbolic gestures Getting to Yes cites for resetting emotional tone?

A Sharing a quiet meal together
B A warm handshake
C A sincere apology
D Exchanging formal business cards

Go deeper

ONLINE This lesson on the web flashfeedlearningapp.com/study-guides/getting-to-yes/separate-the-people-from-the-problem

STUDY Getting to yes in the FlashFeed app flashfeedlearningapp.com/packs/getting-to-yes

LESSON 3 OF 6

Focus on Interests, Not Positions

Uncovering Underlying Interests & The Hierarchy of Human Needs · Communicating Interests and Anchoring on the Problem

WHAT YOU'LL BE ABLE TO DO

- Explain why reconciling interests works better than compromising positions, uncover interests by asking 'Why?', and name the five basic human needs.
- Explain the problem and your interests before proposing a solution, look forward rather than back, and stay hard on the problem and soft on the people.

Uncovering Underlying Interests & The Hierarchy of Human Needs

The central breakthrough of **Principled Negotiation** is recognizing that the true problem in any dispute lies not in conflicting positions, but in conflicting interests. A position is a tangible demand or decision that a negotiator has settled on (such as demanding a salary of $150,000, setting a boundary line at a specific ridge, or insisting on a 60-day delivery window). Interests are the underlying motivations, needs, concerns, desires, and fears that led the negotiator to take that position.

As **Roger Fisher**, **William Ury**, and **Bruce Patton** formulate this foundational principle: interests define the problem. The basic problem in a negotiation lies not in conflicting positions, but in the conflict between each side's needs, desires, concerns, and fears.

Reconciling interests is far more effective than compromising positions for two fundamental reasons:

1. For every interest, there usually exist multiple positions that can satisfy it. Negotiators frequently discover that their underlying interests can be met through alternative positions they had not previously considered.
2. Behind opposed positions lie shared and compatible interests, alongside conflicting ones. For instance, in a commercial lease dispute between a shopkeeper and a property owner, both share a deep interest in building maintenance, tenant stability, and a thriving commercial district, even while disagreeing over base rent.

To uncover the interests hidden behind rigid positions, negotiators use deliberate analytical techniques:

- **Ask 'Why?'**: Examine the other party's position and respectfully ask why they want what they are asking for. Seek to understand the functional need behind the demand.
- **Ask 'Why not?'**: Analyze why the counterpart has not accepted your proposal. Put yourself in their shoes and evaluate the specific negative consequences, organizational risks, or reputational hazards they foresee if they were to say yes.
- **Recognize multiple interests**: Every party carries a complex web of internal interests, balancing immediate financial targets with long-term strategic positioning, employee morale, and regulatory

compliance.

The classic parable of the **library window** illustrates this dynamic clearly: two patrons quarrel over whether a window should be open or shut. One wants fresh air (Position A); the other wants to avoid a draft (Position B). A compromise of leaving the window halfway open satisfies neither. The librarian asks *why* each wants their position, and opens a window in an adjacent room—providing fresh air without any draft and satisfying 100% of both parties' interests.

At the deepest level of interest analysis, the most powerful and non-negotiable drivers of human behavior are **basic human needs**. If a negotiation threatens a party's core human needs, they will fight fiercely regardless of financial incentives. The five fundamental human needs identified in *Getting to Yes* are:

1. **Security**: Physical protection, financial stability, and operational predictability.
2. **Economic well-being**: Sustained livelihood, profit margins, career growth, and asset growth.
3. **A sense of belonging**: Social inclusion, peer acceptance, community standing, and organizational alignment.
4. **Recognition**: Respect from peers, validation of contribution, professional prestige, and status.
5. **Autonomy / Control over one's life**: Self-determination, freedom from micromanagement, and authority over key decisions.

Agreements that explicitly satisfy these basic human needs achieve enduring stability, whereas agreements that ignore them face constant sabotage, resistance, or breach.

The Multi-Tiered Matrix of Organizational Interests

In business and public policy negotiations, parties rarely possess a single monolithic interest. A comprehensive interest audit maps motivations across three distinct levels:

1. **Institutional / Commercial Interests**: Profitability, cost containment, cash flow stability, brand equity, market share, and legal compliance.
2. **Team / Operational Interests**: Resource allocation, workload distribution, project delivery timelines, technical standards, and cross-functional autonomy.
3. **Personal / Career Interests**: Professional reputation, peer recognition, job security, advancement opportunities, and alignment with personal ethics.

By systematically identifying interests across all three tiers, negotiators uncover unexpected alignment opportunities where minor non-monetary adjustments satisfy vital personal or team needs.

Communicating Interests and Anchoring on the Problem

Understanding interests is ineffective if you cannot communicate them with persuasive clarity to the other party. Abstract requests are easily dismissed, but concrete explanations of operational impact demand attention. As the authors write, if you want the other side to take your interests into account,

you must explain to them what those interests are. If you have an ulcer, you do not expect a doctor to help you unless you describe the symptoms.

Key principles for communicating interests effectively include:

- **Make your interests come alive**: Be specific and descriptive. Concrete details make the legitimacy of your needs undeniable. Provide vivid examples, operational timelines, and real cost data to substantiate why your interests matter.
- **Acknowledge their interests as part of the overall problem**: Demonstrating that you understand and care about their constraints builds psychological reciprocity. When you state their interests clearly, they feel heard and become substantially more willing to listen to your needs.
- **Put the problem before your answer**: In traditional bargaining, negotiators announce their conclusion first ("I demand a 20% discount") and then justify it. The counterpart immediately stops listening and prepares a counter-attack. In principled negotiation, explain the problem, the operational data, and your interests first, and present your proposed solution only after the counterpart understands the problem.
- **Look forward, not backward**: Arguments about past grievances ("You failed to meet the deadline in June") lead to defensive finger-pointing. Principled negotiators redirect attention to the future: "How can we structure our workflow so that upcoming milestones are met reliably?"
- **Be concrete but flexible**: Maintain total clarity regarding your substantive goals while remaining completely open to creative, flexible ways of achieving them.

A cornerstone principle of the Harvard framework is the disciplined practice of being **hard on the problem and soft on the people**. Combining relentless advocacy for your substantive interests with genuine personal warmth and respect creates productive cognitive dissonance in the counterpart's mind: being hard on the problem increases pressure for a real solution; being soft on the people builds the relationship and makes agreement more likely. Negotiators vigorously pursue fair outcomes while protecting the dignity of their counterparts.

The power of reconciling underlying interests was demonstrated at the historic 1978 **Camp David Peace Accords** negotiated between **Egypt** and **Israel**:

- Israel had occupied the Egyptian **Sinai Peninsula** during the 1967 Six-Day War.
- When peace negotiations opened, both nations asserted mutually exclusive positions: Egypt insisted on the complete return of every inch of sovereign Egyptian territory, while Israel insisted on retaining military control over strategic portions of the Sinai to protect against surprise invasion.
- Compromise along a positional axis (e.g., drawing a border through the middle of the desert) was rejected by both sides.
- Examining the underlying interests reveals that Egypt's core interest was **sovereignty** (having been ruled by foreign powers for thousands of years, national pride and territorial sovereignty were paramount), while Israel's core interest was **security** (Israel did not desire Egyptian land for agriculture or settlement; it feared Egyptian tanks stationing within striking distance of Israeli cities).
- The interest-based solution was elegant: return complete sovereign ownership of the entire Sinai Peninsula to Egypt, while fully demilitarizing the territory under international monitoring. Egypt

achieved 100% of its sovereignty interests, and Israel achieved 100% of its security interests.

Strategic Guidelines for Forward-Looking Alignment

To maintain momentum when discussing sensitive interests, apply three communication disciplines:

1. **Make the Problem Shared**: Frame challenges collaboratively ("How might we structure delivery milestones so that our supply chain remains resilient while your inventory costs are minimized?").
2. **Anchor on Future Value**: When past disputes arise, acknowledge the historical difficulty briefly and redirect focus immediately to future safeguards ("We recognize past scheduling friction; let us focus on what mechanisms will ensure 100% on-time delivery next quarter").
3. **Firm Substance, Warm Interpersonal Tone**: Pair rigorous, uncompromising advocacy for your legitimate substantive goals with unwavering warmth, courtesy, and respect for your counterpart's personal dignity.

Key terms

Diagnostic Power of Asking Why

Examine the other party's position and respectfully probe the reasoning behind it. Seek to understand the functional need behind the demand.

Economic Well-Being Need

Sustained livelihood, profit margins, career growth, and asset growth.

Forward-Looking vs Backward-Looking Focus

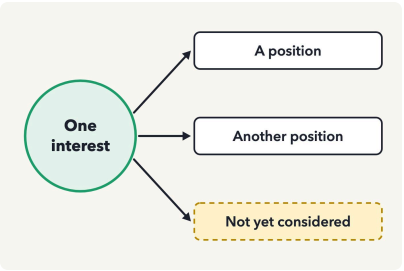
Principled negotiators redirect attention to the future: "How can we structure our workflow so that upcoming milestones are met reliably?"

Israel Military Security Interest

Israel did not desire Egyptian land for agriculture or settlement; it feared Egyptian tanks stationing within striking distance of Israeli cities.

Key facts

> **Interests Define the Problem**
>
> Interests define the problem. The basic problem in a negotiation lies not in conflicting positions, but in the conflict between each side's needs, desires, concerns, and fears.



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One Interest, Many Possible Positions

For every interest there usually exist multiple positions that could satisfy it. Reconciling interests works better than compromising positions partly because negotiators frequently discover their underlying interest can be met through an alternative position they had not previously considered.

Interests Are Plural — and Often Shared

Behind opposed positions lie both conflicting and compatible interests: a shopkeeper and a property owner may disagree on rent but share a deep interest in building maintenance and a thriving commercial district. Every party also carries a complex web of internal interests at once, balancing financial targets against morale, reputation, and regulatory compliance.

Ask "Why" and "Why Not" to Surface Interests

To uncover the interest behind a rigid position, respectfully ask the other party why they want what they're asking for — seeking the functional need behind the demand. Just as usefully, analyze why they have not accepted your proposal, putting yourself in their shoes to see the risks or costs they fear.

Comparing approaches regarding The Library Window Problem:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard of Outcome: Agreements measured against fair, independent, objective criteria that both sides accept.

The Library Window: A Compromise That Pleases No One

Two patrons quarrel over whether a library window should be open or shut — one wants fresh air, the other wants to avoid a draft. A simple compromise of leaving the window halfway open pleases neither, since it still lets in some draft while providing only some fresh air.

Librarian Adjacent Window Solution

The librarian enters and asks each person why they want what they want (their interests). Recognizing that one person wants fresh air and the other wants to avoid a draft blowing directly onto them, the librarian opens a window in the adjacent room.

Basic Human Needs Are the Deepest, Most Powerful Interests

At the deepest level of interest analysis lie basic human needs — the most powerful and non-negotiable drivers of behavior. If a negotiation threatens a party's core human needs, they will fight fiercely regardless of financial incentives, so agreements that ignore these needs face constant sabotage or breach.

The Five Basic Human Needs

Getting to Yes names five basic human needs: security (physical and financial stability), economic well-being (livelihood and career growth), a sense of belonging (social inclusion and acceptance), recognition (respect and validation), and autonomy (self-determination and freedom from micromanagement). Personal happiness is not one of the five — these are structural needs, not a mood.

Comparing approaches regarding Autonomy and Self-Determination Need:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard of Outcome: Agreements measured against fair, independent, objective criteria that both sides accept.

Vividness in Interest Articulation

If you want the other side to take your interests into account, you must explain to them what those interests are. If you have an ulcer, you do not expect a doctor to help you unless you describe the symptoms.

Acknowledge Their Interests, Stay Concrete but Flexible

Demonstrating that you understand and care about the other side's constraints builds psychological reciprocity, making them more willing to listen to your needs in turn. At the same time, maintain total clarity about your own substantive goals while staying completely open to creative, flexible ways of achieving them.

Put the Problem Before Your Answer

In traditional bargaining, negotiators announce their conclusion first ("I demand a 20% discount") and the counterpart immediately stops listening to prepare a counter-attack. In principled negotiation, explain the problem, the operational data, and your interests first, and offer your proposed solution only after the counterpart understands the problem.

Hard on the Problem, Soft on the People

Combining relentless advocacy for your substantive interests with genuine personal warmth creates productive cognitive dissonance: being hard on the problem increases pressure for a real solution, while being soft on the people builds the relationship and makes agreement more likely. Negotiators pursue fair outcomes vigorously while protecting the counterpart's dignity.

Look Forward, Not Backward

Arguments about past grievances — "you failed to meet the deadline in June" — lead only to defensive finger-pointing. Principled negotiators redirect attention to the future, such as asking how the team can structure its workflow so upcoming milestones are met reliably.

Comparing approaches regarding Dignity Protection While Advocating Interests:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard of Outcome: Agreements measured against fair, independent, objective criteria that both sides accept.



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Background to the Camp David Impasse

Israel had occupied the Egyptian Sinai Peninsula during the 1967 Six-Day War, and when peace talks opened, Egypt demanded the complete return of every inch of sovereign territory while Israel insisted on retaining military control of strategic portions. A positional compromise — drawing a border through the middle of the desert — was rejected by both sides as satisfying neither.

Positional Mutually Exclusive Deadlock

When peace negotiations opened, both nations asserted mutually exclusive positions: Egypt insisted on the complete return of every inch of sovereign Egyptian territory, while Israel insisted on retaining military control over strategic portions of the Sinai to protect against surprise invasion.

Egypt's Sovereignty Interest vs. Israel's Security Interest

Analysis of the underlying interests showed that Egypt's core interest was sovereignty — after millennia of foreign rule, national pride and territorial control over the Sinai were paramount — while Israel's core interest was security, since it feared Egyptian tanks massing within striking distance of Israeli cities, not the land itself for settlement.

The Interest-Based Sinai Solution: Full Sovereignty, Full Demilitarization

The interest-based solution returned complete sovereign ownership of the entire Sinai Peninsula to Egypt while fully demilitarizing the territory under international monitoring. Egypt achieved 100% of its sovereignty interest, and Israel achieved 100% of its security interest — a result the positional compromise of splitting the desert could never have reached.

Comparing approaches regarding Power of Uncovering Latent Interests:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard of Outcome: Agreements measured against fair, independent, objective criteria that both sides accept.

Matched pairs

Each item on the left goes with the one on the right.

Compatible Interests Behind Opposed Positions
→ Rival demands can still hide shared goals both sides want.

Plurality of Negotiator Interests → Each side juggles many competing goals, not just one.

Security as Fundamental Need → Physical protection, financial stability, and stable operations.

Recognition and Contribution Need → Peer respect, validation of your work, and professional status.

Explaining Problem Before Solution → Lay out the issue and your reasoning ahead of proposing a fix.

Hard on the Problem, Soft on the People
→ Push hard on substance while treating counterparts with warmth.

Egypt Sovereign Territorial Interest → Centuries of foreign rule made pride, not land, the true goal.

100% Core Interest Satisfaction → At Camp David, both nations got everything they truly needed.

Step by step

Applying the Plurality of Negotiator Interests method in principled negotiation

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Applying the Recognition and Contribution Need method in principled negotiation

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Applying the Hard on Problem Soft on People Synergy method in principled negotiation

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Applying the 100% Core Interest Satisfaction method in principled negotiation

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Self-test

Answer each question from memory, then check your work against the answer key.

1. According to Getting to Yes, where does the true problem in a negotiation lie?

- A Conflicting needs, desires, and fears
- B Conflicting opening positions
- C The number of issues on the table
- D Differences in negotiating skill

2. Which is one of the two reasons interests are easier to reconcile than positions?

- A Interests never change during negotiation
- B Positions are easier to measure than interests
- C Multiple positions can satisfy one interest
- D Compromising positions saves more time

3. In the library window parable, what solution satisfied both patrons' interests?

A Leaving the window halfway open
B Installing a fan for airflow
C Taking turns opening the window
D Opening a window in the next room

4. Which is NOT one of the five basic human needs named in Getting to Yes?

A Recognition from peers and superiors
B Personal happiness
C Security
D Autonomy

5. What question helps uncover the interest behind a rigid position?

A Who has final authority?
B What is your final number?
C When do you need an answer?
D Why do you want that?

6. What should a negotiator do before presenting a proposed solution?

A List prior concessions made
B State the final number immediately
C Explain the problem and interests first
D Highlight the other side's mistakes

7. Which approach demonstrates 'looking forward, not backward' in negotiation?

A Criticizing habitual lateness
B Planning future milestones
C Blaming a missed deadline
D Faulting lack of advance notice

8. What does being 'hard on the problem, soft on the people' mean?

A Advocate firmly while respecting the person
B Yield on interests to keep the relationship
C Compromise on substance, stay distant
D Criticize the proposal and ignore feelings

9. At Camp David, what was Israel's core underlying interest regarding the Sinai?

A Agricultural land
B Religious significance
C Security
D Economic development

10. What was the interest-based solution reached for the Sinai Peninsula?

A Full sovereignty to Egypt, demilitarized zone
B Split the peninsula along a new border
C 99-year lease to Egypt
D Joint Egyptian-Israeli military control

Go deeper

ONLINE This lesson on the web flashfeedlearningapp.com/study-guides/getting-to-yes/focus-on-interests-not-positions

STUDY Getting to yes in the FlashFeed app flashfeedlearningapp.com/packs/getting-to-yes

LESSON 4 OF 6

Invent Options for Mutual Gain

Diagnosing Obstacles & The Circle Chart Framework · Brainstorming, Dovetailing Differences & Drafting Yesable Propositions

WHAT YOU'LL BE ABLE TO DO

- Identify the four obstacles to inventing options, such as premature judgment and the fixed pie, and use the four-quadrant Circle Chart.
- Run a brainstorm of 5 to 8 people with zero criticism, dovetail differences such as risk tolerance, and draft a yesable proposition.

Diagnosing Obstacles & The Circle Chart Framework

In high-stakes disputes, negotiators often fail to discover win-win solutions because of four pervasive cognitive obstacles:

1. **Premature judgment**: The critical faculty suffocates the creative faculty. The moment a new idea is suggested, participants immediately analyze its flaws, identify potential downsides, and shoot it down before it can be explored, refined, or adapted. Fear of appearing foolish or revealing vulnerabilities prevents participants from voicing innovative proposals.
2. **Searching for the single answer**: Negotiators assume that their task is to find the one "right" solution immediately, causing them to prematurely converge on narrow, unimaginative compromises instead of exploring a wide horizon of possibilities. They treat negotiation as a linear reduction of differences rather than a creative expansion of value.
3. **The assumption of a fixed pie**: Negotiators view the negotiation through a zero-sum lens, assuming that every dollar, benefit, or concession gained by one side must come directly out of the pocket of the other side ("The more for you, the less for me"). This cognitive trap blinds parties to opportunities for joint gains and complementary trade-offs.
4. **Thinking that 'solving their problem is their problem'**: Negotiators focus exclusively on their own immediate demands, failing to recognize that a sustainable agreement requires designing a solution that solves the counterpart's internal problems and constituency pressures as well. If the proposal does not address the counterpart's needs, they will simply reject it.

To guide negotiators through a systematic process of creative problem-solving, **Roger Fisher**, **William Ury**, and **Bruce Patton** designed **The Circle Chart**. The Circle Chart organizes strategic thinking across four quadrants, bridging concrete real-world symptoms with conceptual theory and actionable solutions:

- **Step 1: Problem (Real World / What Is)**: Identify what is currently wrong in the concrete situation. List the specific symptoms, observable breakdowns, and pain points experienced by both parties in

the real world.

- **Step 2: Analysis (Theory / What Is)**: Diagnose the underlying systemic causes behind the symptoms. Classify problems into categories, identify missing incentives or structural bottlenecks, and analyze what mechanisms are failing in theory.
- **Step 3: Approaches (Theory / What Might Be)**: Brainstorm broad conceptual remedies and theoretical strategies. What principles, economic models, or policy frameworks could address the diagnosed causes in theory?
- **Step 4: Action Ideas (Real World / What Might Be)**: Translate theoretical approaches into specific, tangible, and actionable steps that negotiators can implement tomorrow in the real world.

By cycling between the concrete world and theoretical analysis across the four quadrants of the Circle Chart, negotiators unlock dozens of novel options that traditional bargaining ignores. For example, in a dispute over Northern Ireland's school curriculum, cycling through the Circle Chart turned the symptom that Catholic and Protestant students used entirely different history textbooks into concrete action ideas: producing a shared history textbook for both systems and creating a teacher exchange program between them — ideas neither side had proposed while arguing only about whose curriculum should prevail.

Systematic Implementation of the Circle Chart

To maximize the practical yield of **The Circle Chart**, teams should structure joint strategy sessions to move systematically through the four quadrants:

1. **Map Current Symptoms (Quadrant I - Real World / What Is)**: Document every observable breakdown, missed deadline, quality defect, or financial shortfall without assigning blame.
2. **Diagnose Systemic Causes (Quadrant II - Theory / What Is)**: Group symptoms into root-cause categories (e.g., misaligned incentive structures, information asymmetry, ambiguous authority, or mismatched operational cadences).
3. **Formulate Conceptual Strategies (Quadrant III - Theory / What Might Be)**: Develop high-level theoretical remedies (such as risk-sharing formulas, contingent bonuses, third-party monitoring, or joint steering committees).
4. **Author Concrete Action Items (Quadrant IV - Real World / What Might Be)**: Convert high-level remedies into specific, measurable contractual clauses and operational commitments that both sides can execute immediately.

Brainstorming, Dovetailing Differences & Drafting Yesable Propositions

To generate an abundance of creative options, negotiators must strictly separate the creative act of **inventing options** from the analytical act of **judging options**. When inventing and deciding occur simultaneously, creative ideation is strangled by immediate critique and risk aversion.

Structured joint brainstorming sessions should follow three distinct phases:

- **Before the Session**: Clarify the specific purpose, select a small group of 5 to 8 participants, arrange an informal and neutral environment, and appoint a facilitator to maintain focus and enforce ground rules.
- **During the Session**: Seat participants side-by-side facing the problem (such as a whiteboard), establish an absolute rule of **zero criticism**, encourage wild or unconventional ideas, and record all contributions visibly so all participants share ownership of the generated list.
- **After the Session**: Review the recorded list, star the most promising options, invent improvements to make unorthodox ideas feasible, and set a separate subsequent meeting to evaluate and select finalists.

To multiply options, negotiators should examine issues through the lenses of different professions (such as an engineer, an economist, a psychologist, or an attorney) and invent agreements of differing strengths (such as provisional vs. permanent, partial vs. comprehensive, or substantive vs. procedural).

Negotiators mistakenly believe that agreement is easiest when parties share identical preferences. In reality, value creation in negotiation is driven primarily by **differences** in interests, valuations, and tolerances. By **dovetailing differing interests**, negotiators trade items of low cost to themselves but high value to the other side:

- **Differences in risk tolerance**: A risk-averse party can trade potential upside for guaranteed fixed payments, while a risk-tolerant party absorbs variability for greater long-term return.
- **Differences in time preferences**: A party facing an immediate cash crunch can accept lower total compensation in exchange for upfront payment, while a well-capitalized counterpart benefits from deferred terms.
- **Differences in future forecasts**: Differing expectations about future market conditions can be harmonized through contingent agreements, earn-outs, or performance incentives.
- **Differences in valuations**: A buyer may place immense value on immediate technical support, which the seller can provide at near-zero marginal cost.

Finally, principled negotiators focus on making the counterpart's decision as simple and painless as possible:

- **Identify the decision-maker**: Focus precisely on the individual whose choice you need to influence ("Whose shoes are you trying to put yourself in?").
- **Address their internal constraints**: Consider the political, organizational, and personal pressures they face from superiors, colleagues, and constituents.
- **Draft a 'yesable proposition'**: Structure your proposal as a complete, self-contained, and ready-to-execute document. Rather than asking the counterpart to solve complex drafting ambiguities, present an offer that requires only a simple "Yes" to close the agreement.

This approach was demonstrated at the **United Nations Conference on the Law of the Sea (UNCLOS)**, where deep-sea mining deadlocks between developing and industrialized nations were resolved by dovetailing differing economic tolerances into a two-tier structure: low front-end exploration fees combined with progressive profit-sharing taxes once commercial mining commenced.

Engineering High-Value Yesable Propositions

A truly effective **yesable proposition** satisfies three rigorous criteria:

1. **Decision-Maker Specificity**: It is drafted directly for the specific executive or representative with authority to approve it, directly addressing their mandate and political constraints.
2. **Operational Completeness**: It contains all necessary legal, financial, and procedural details, requiring zero additional negotiation rounds to execute.
3. **Effortless Closure**: It is framed as an offer that can be accepted with a simple signature or a single word ("Yes"), eliminating friction and ambiguity.

By combining structured brainstorming, multi-factor dovetailing, and polished yesable propositions, negotiators dramatically compress deal timelines while maximizing total value created.

The Psychological Power of Joint Inventing

When negotiators co-create options side-by-side, the psychology of ownership fundamentally changes the bargaining climate. In traditional bargaining, an offer presented by one side is viewed with suspicion (reactive devaluation). In contrast, options developed during structured joint brainstorming are perceived as shared intellectual property. Both parties feel invested in defending and refining the solutions they created together, converting potential adversaries into cooperative problem-solving partners.

Key terms

Fixed Pie Zero-Sum Assumption

The assumption of a fixed pie: Negotiators view the negotiation through a zero-sum lens, assuming that every dollar, benefit, or concession gained by one side must come directly out of the pocket of the other side.

Post-Brainstorming Review Protocol

After the Session: Review the recorded list, star the most promising options, invent improvements to make unorthodox ideas feasible, and set a separate subsequent meeting to evaluate and select finalists.

Targeting the Decision-Maker

Identify the decision-maker: Focus precisely on the individual whose choice you need to influence ("Whose shoes are you trying to put yourself in?").

Key facts

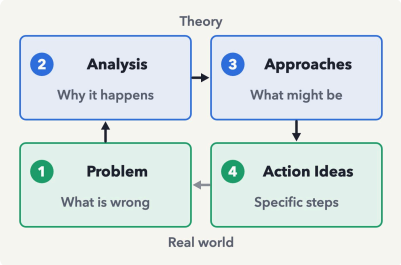
> **Four Obstacles to Creative Options**
>
> In most negotiations there are four major obstacles that inhibit the inventing of an abundance of options: (1) premature judgment; (2) searching for the single answer; (3) the assumption of a fixed pie; and (4) thinking that 'solving their problem is their problem.'

Premature Judgment Suffocates New Ideas

The moment a new idea is suggested, the critical faculty tends to suffocate the creative faculty: participants immediately analyze its flaws and shoot it down before it can be explored or refined. Fear of appearing foolish or revealing vulnerability keeps people from voicing innovative proposals in the first place.

Two More Obstacles: One Right Answer, and "Their Problem Is Their Problem"

Negotiators often assume their task is to find the one "right" solution immediately, prematurely converging on a narrow compromise instead of exploring a wide range of possibilities. They also tend to focus exclusively on their own demands, forgetting that a sustainable agreement must solve the counterpart's internal problems too — a proposal that ignores the other side's constraints will simply be rejected.



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The Circle Chart's Four Quadrants

Roger Fisher, William Ury, and Bruce Patton designed the Circle Chart to guide negotiators through a systematic process of creative problem-solving. It organizes thinking across four quadrants, cycling between the concrete real world and conceptual theory to bridge symptoms with actionable solutions.

The Fixed-Pie Assumption

Negotiators often view a negotiation through a zero-sum lens, assuming every dollar or benefit one side gains must come directly out of the other side's pocket. This cognitive trap blinds parties to opportunities for joint gains — such as when a negotiator wrongly assumes any gain for one side must be a loss for the other.

Comparing approaches regarding Circle Chart Quadrant 1 - Problem:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard of Outcome: Agreements tested against fair, objective criteria rather than raw pressure or willpower.

Circle Chart Quadrant 2: Analysis

The Circle Chart's second quadrant, Analysis, diagnoses the underlying systemic causes behind the symptoms identified in Quadrant 1. It classifies problems into categories and identifies missing incentives or structural bottlenecks — moving from what is observably wrong to why it is happening.

Circle Chart Quadrant 3 - Approaches

Step 3: Approaches (Theory / What Might Be): Brainstorm broad conceptual remedies and theoretical strategies. What principles, economic models, or policy frameworks could address the diagnosed causes?



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Circle Chart Quadrant 4, and Cycling Through the Chart

The fourth quadrant, Action Ideas, translates theoretical approaches into specific, tangible steps negotiators can implement tomorrow. By cycling repeatedly between the concrete world and theoretical analysis across all four quadrants, negotiators unlock dozens of novel options that traditional bargaining never surfaces.



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The Circle Chart in Action: Northern Ireland's History Textbooks

In a dispute over Northern Ireland's school curriculum, cycling through the Circle Chart turned the symptom that Catholic and Protestant students used entirely different history textbooks into concrete action ideas: producing a shared history textbook for both systems and creating a teacher exchange program between them — ideas neither side had proposed while arguing only about whose curriculum should prevail.

Separation of Inventing from Deciding

To generate an abundance of options, negotiators must strictly separate the creative act of inventing options from the analytical act of judging options.

Brainstorming Sessions: Preparing Before, Reviewing After

Before a brainstorming session, clarify its purpose, select a small group of 5 to 8 participants, arrange an informal setting, and appoint a facilitator. After the session, review the recorded list, star the most promising options, invent improvements to make unorthodox ideas feasible, and set a separate follow-up meeting to evaluate and select finalists.

Zero Criticism During the Brainstorming Session

During the session itself, participants sit side-by-side facing the problem — such as a shared whiteboard — rather than facing each other, and an absolute rule of zero criticism is enforced. Wild or unconventional ideas are encouraged and recorded visibly so every participant shares ownership of the list.

Dovetailing: Trade What's Cheap for You for What They Value

Negotiators mistakenly believe agreement is easiest when parties share identical preferences, but value creation is actually driven by differences. By dovetailing differing interests, negotiators trade items that cost them little but are worth a great deal to the other side.

Comparing approaches regarding Value Creation Through Differences:

Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines

Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard of Outcome: Agreements tested against fair, objective criteria rather than raw pressure or willpower.

Dovetailing Differences in Risk Tolerance

A risk-averse party can trade potential upside for guaranteed fixed payments, while a risk-tolerant counterpart absorbs the variability in exchange for a shot at greater long-term return. This is dovetailing a difference in risk tolerance into a deal that suits both parties' temperaments.

Dovetailing Time Preferences

Differences in time preferences: A party facing an immediate cash crunch can accept lower total compensation in exchange for upfront payment, while a well-capitalized counterpart benefits from deferred terms.

Dovetailing Differing Forecasts and Valuations

Differing expectations about future market conditions can be harmonized through contingent agreements, earn-outs, or performance incentives. Likewise, a buyer may place immense value on something the seller can provide at near-zero marginal cost, such as immediate technical support — a difference in valuation that both sides can exploit.



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The UNCLOS Deep-Sea Mining Deadlock

At the United Nations Conference on the Law of the Sea, deep-sea mining deadlocks between developing and industrialized nations were resolved by dovetailing differing economic tolerances into a two-tier structure: low front-end exploration fees paired with progressive profit-sharing taxes once commercial mining commenced.

The Yesable Proposition: Target the Decision-Maker

Effective proposals identify the specific decision-maker and address their internal constraints, then draft a 'yesable proposition' — a complete, self-contained, ready-to-execute document requiring only a simple "yes." A strong yesable proposition is decision-maker-specific, operationally complete, and effortless to close; competitive pricing on its own is not one of its three defining criteria.

> **Comparing approaches regarding Two-Tier Risk-Profit Mining Tax:**
> Positional Bargaining — Negotiation Focus: Rigid stances, defense of ego, and grudging concessions; Standard of Outcome: Conceding to pressure, stubbornness, or artificial deadlines
>
> Principled Negotiation — Negotiation Focus: Underlying interests, shared needs, and creative value creation; Standard of Outcome: Agreements tested against fair, objective criteria rather than raw pressure or willpower.

Matched pairs

Each item on the left goes with the one on the right.

Search for the Single Answer Trap → Assuming there's one right fix cuts off other options too soon.

Circle Chart Theoretical Grounding → A four-quadrant tool linking real symptoms to theory and action.

Iterative Cycling Across Quadrants
→ Cycling between concrete facts and theory reveals fresh options.

Zero Criticism Rule During Ideation → In brainstorming, no idea may be judged until the session ends.

Trading Differences for Mutual Value → Give up what costs you little but the other side prizes highly.

Asymmetric Valuation Trade-Offs → One party may prize something the other can supply almost free.

UNCLOS Deep Seabed Deadlock → Low fees and profit sharing broke a seabed-mining standoff.

Step by step

Applying the core principled-negotiation framework (interests, options, objective criteria)

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Self-test

Answer each question from memory, then check your work against the answer key.

1. Which obstacle occurs when the critical faculty suffocates the creative faculty during idea generation?

- (A) Searching for the single answer
- (B) Assumption of a fixed pie
- (C) Solving their problem is their problem
- (D) Premature judgment

2. Which of these is NOT one of the four obstacles to inventing options in negotiation?

- (A) Anchoring bias
- (B) Premature judgment
- (C) Searching for the single answer
- (D) Assumption of a fixed pie

3. Along with Roger Fisher and William Ury, which author co-designed the Circle Chart?

A Thomas Schelling
B Bruce Patton
C Herb Cohen
D Howard Raiffa

4. In the Circle Chart, which quadrant focuses on diagnosing the underlying systemic causes of a problem?

A Action Ideas
B Problem
C Analysis
D Approaches

5. A negotiator assumes any gain for one side must be a loss for the other. Which obstacle is this?

A Searching for the single answer
B Premature judgment
C Assumption of a fixed pie
D Solving their problem is their problem

6. According to the brainstorming guidelines, how many participants should an ideal session include?

A 2 to 4
B 10 to 15
C 20 to 25
D 5 to 8

7. Which of these is NOT one of the three criteria for a strong 'yesable proposition'?

A Decision-maker specificity
B Competitive pricing
C Effortless closure
D Operational completeness

8. One party accepts guaranteed fixed payments instead of an uncertain payout, while the other absorbs the fluctuation for a shot at greater return. This dovetails which difference?

A Risk tolerance
B Time preferences
C Future forecasts
D Valuations

9. What ground rule must be strictly enforced during a brainstorming session?

A Immediate ranking of ideas
B Zero criticism
C Majority voting on each idea
D Assigning a devil's advocate

10. The UNCLOS deep-sea mining deadlock was resolved by pairing low front-end exploration fees with what?

A Fixed annual licensing fees
B Equal revenue splitting
C Progressive profit-sharing taxes
D Mandatory technology transfers

Go deeper

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LESSON 5 OF 6

Insist on Objective Criteria

Developing Fair Standards and Independent Procedures · Negotiating with Objective Principles & Resisting Coercion

WHAT YOU'LL BE ABLE TO DO

- Identify objective criteria (market value, precedent, professional standards) and fair procedures such as taking turns or one cuts, the other chooses.
- State the three guidelines for negotiating with objective criteria (joint search, reason and openness to reason, never yield to pressure).

Developing Fair Standards and Independent Procedures

When negotiating parties face directly conflicting interests—such as a buyer seeking a lower price and a seller demanding a higher price—resolving the dispute through positional bargaining degenerates into an exhausting battle of wills. The party willing to be more stubborn, belligerent, or irrational forces concessions from the more reasonable party, leaving a legacy of resentment, damaged relationships, and unstable agreements.

Principled Negotiation resolves conflicts on their merits by insisting on **objective criteria**. As **Roger Fisher**, **William Ury**, and **Bruce Patton** assert: negotiate on some basis independent of the will of either side—that is, on the basis of objective criteria. Objective criteria ensure that agreements reflect fair, legitimate, and workable standards rather than raw willpower, stubbornness, or coercion.

To establish objective criteria, negotiators identify external benchmarks recognized by law, industry, science, or commerce:

- **Market value**: Prevailing commercial sales data, real estate comps, or market transaction records.
- **Precedent**: Past organizational practices, previous contract terms, or historical settlement benchmarks.
- **Scientific judgment**: Environmental impact studies, engineering load calculations, or clinical lab findings.
- **Professional standards**: Standard accounting principles (**GAAP**), medical ethics codes, or architectural safety guidelines.
- **Efficiency and cost data**: Time-motion studies, fuel economy data, or audited production costs.
- **Replacement cost / Depreciated book value**: Standardized valuation formulas accepted by insurers and appraisers.
- **Court rulings**: How an independent judge, arbitrator, or administrative panel would decide the case based on established statute.

A valid objective criterion must be independent of both parties' subjective desires and legitimate in the eyes of all stakeholders. Grounding proposals in legitimate standards shields negotiators from accusations of arbitrary greed and provides the other party with a principled basis for agreeing that they can defend to their peers.

When parties cannot agree on substantive criteria, they can turn to **fair procedures** to resolve differences amicably:

- **'One cuts, the other chooses'**: The classic procedural mechanism for dividing a resource (such as cake cutting or estate division). One party divides the assets into two equal packages, and the other party chooses which package to take. This gives the divider an absolute incentive to make both packages perfectly equitable.
- **Taking turns**: Rotating priority in scheduling, assignment of choice territories, or operational leadership.
- **Drawing lots or coin toss**: Utilizing pure mathematical randomness for allocating minor or equally valued items.
- **Binding third-party arbitration**: Agreeing in advance to submit unresolved disputes to an impartial expert whose ruling is final.

By establishing fair procedures or objective standards, negotiators transform an adversarial clash of personalities into a cooperative intellectual search for the right standard.

The Multi-Dimensional Spectrum of Substantive Standards

When identifying objective criteria for complex commercial or legal negotiations, practitioners should explore multiple standard categories:

1. **Financial & Economic Standards**: Verified replacement cost, depreciated book value, competitive price bids, discounted cash flow valuations, and inflation indices.
2. **Technical & Scientific Standards**: Independent engineering stress tests, environmental impact metrics, ISO quality certifications, and clinical safety data.
3. **Legal & Ethical Standards**: Prevailing statutory law, judicial precedents, established trade customs, and industry-standard codes of ethics.
4. **Procedural Benchmarks**: Standardized commercial arbitration rules, equal allocation mechanisms ("one cuts, the other chooses"), and rotating leadership schedules.

Grounding proposals in well-established, independent standards transforms negotiations from subjective power struggles into collaborative, principled problem-solving.

Establishing Multi-Tiered Independent Criteria

In high-stakes corporate and international negotiations, the credibility of an objective standard depends directly on its perceived independence. If a standard appears biased toward one party, it will be rejected as veiled positional pressure. Principled negotiators should seek standards that have been established by neutral third parties prior to the current dispute—such as published commercial indices, standardized

industry contracts, independent scientific research, or statutory guidelines—ensuring that neither party can manipulate the benchmark for unilateral gain.

Negotiating with Objective Principles & Resisting Coercion

To execute principled negotiation using objective criteria in live discussions, follow three operational guidelines:

1. **Frame each issue as a joint search for objective criteria**: Open discussions by proposing a collaborative search for fair standards: "You want a high settlement and I want a low settlement. Let's look at what a fair figure is based on industry precedent. What objective standards should we use?" Framing the issue as a joint search invites the other party into a shared inquiry rather than putting them on the defensive.
2. **Reason and be open to reason as to which standards are most appropriate**: When the other party suggests an objective standard, do not dismiss it. Analyze why they consider it fair, propose alternative standards, and engage in open reasoning about which standard best fits the facts. A principled negotiator is willing to be persuaded by facts and reason, but refuses to be moved by mere assertions of will.
3. **Never yield to pressure—only to principle**: Refuse to capitulate to pressure in any guise, whether it takes the form of a bribe, a threat, an emotional plea to trust, or a stubborn refusal to negotiate. As the authors state, never yield to pressure, only to principle. In response to power, principled negotiators ask the other side to state the reasoning behind their position, suggest objective criteria of their own, and refuse to budge except on this basis.

In *Getting to Yes*, the authors illustrate the application of objective criteria through the classic negotiation between a car owner whose vehicle was totaled in an accident and an insurance adjuster:

- When the adjuster offers an arbitrary low settlement ($13,600) based on company policy, the owner does not become emotional or counter with an arbitrary demand.
- Instead, the owner inquires into the standard: "How did you arrive at that figure? What objective standard did you use?"
- When the adjuster cites depreciated book value, the owner presents comparisons to similar used cars selling for a much higher price, and offers to visit local automobile dealers together to obtain written replacement estimates.
- By persistently anchoring the discussion on objective market data and refusing to yield to arbitrary policy pressure, the owner secures a fair replacement settlement of $18,024 while maintaining a completely professional and constructive relationship with the adjuster.

In real-world treaty negotiations, the same principle guided the Law of the Sea Conference: when nations disagreed over what fee mining companies should pay to extract seabed manganese nodules, negotiators turned to an economic model — developed with input from MIT — that projected a mine's likely costs and profits under different fee formulas, replacing a raw contest of positions with a shared analysis of the numbers.

Responding to Coercive Pressure in Practice

When counterparts resort to coercive pressure—such as take-it-or-leave-it ultimatums, artificial deadlines, or veiled threats—principled negotiators refuse to react emotionally or counter with an ultimatum of their own. Instead, per Fisher and Ury's guidance, they ask the other side to state the reasoning behind their position, probing calmly for the objective standard behind the demand ("What is the basis for that number or deadline?"), and refuse to budge except on that basis.

By consistently rewarding reason and ignoring pressure, you train the counterpart that the only way to reach an agreement is through principled negotiation on the merits.

Transforming Arbitrary Demands into Principled Inquiries

When a counterpart states an inflexible opening demand, the most effective response is not to argue, but to ask: "What is the theory behind that number?" By inviting the counterpart to explain the objective principles supporting their position, you shift the dialogue from an assertion of will to an examination of merits. If the counterpart possesses a legitimate basis, you can evaluate it rationally; if the demand is arbitrary, their inability to justify it with objective criteria creates natural momentum toward a fair, principled benchmark.

Key terms

Precedent as Objective Benchmark

Past organizational practices, previous contract terms, or historical settlement benchmarks used as an objective yardstick neither party invented for the dispute.

Divider Incentive for Equity

This gives the divider an absolute incentive to make both packages perfectly equitable.

Refusal to Capitulate to Coercion

Refuse to capitulate to pressure in any guise, whether it takes the form of a bribe, a threat, an emotional plea to trust, or a stubborn refusal to negotiate.

Contrasting Competing Standards

Analyze why they consider it fair, propose alternative standards, and engage in open reasoning about which standard best fits the facts.

Key facts

> **Replacing Battles of Will with Merit**
>
> Principled negotiation resolves conflicts on their merits by insisting on objective criteria.

Objective Criteria: Market Value and Professional Standards

Market value draws on prevailing commercial sales data, real estate comps, or transaction records to justify a figure. Professional standards — such as GAAP accounting principles or medical ethics codes — provide another independent benchmark that neither party invented for the occasion.

Objective Criteria: Precedent and Scientific Judgment

Precedent draws on past organizational practices, previous contract terms, or historical settlement benchmarks. Scientific judgment draws on environmental impact studies, engineering load calculations, or clinical lab findings — both are external standards no one party controls.

Comparing approaches regarding Efficiency and Audited Costs:

Efficiency and cost data — such as time-motion studies, fuel economy data, or audited production costs — is another objective criterion negotiators can anchor a proposal on, rather than an arbitrary company figure.

Replacement Cost and Depreciated Book Value

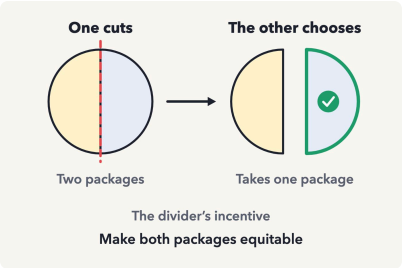
Replacement cost and depreciated book value are standardized valuation formulas accepted by insurers and appraisers alike. Anchoring a settlement on such formulas — rather than an arbitrary company policy figure — grounds the number in a method neither side invented for the dispute.

Judicial Rulings and Statutes

Court rulings: How an independent judge, arbitrator, or administrative panel would decide the case based on established statute.

An Objective Criterion Must Be Independent and Legitimate

A valid objective criterion must be independent of both parties' subjective desires and legitimate in the eyes of all stakeholders. Grounding a proposal in a legitimate standard shields a negotiator from accusations of arbitrary greed and gives the other side a principled basis for agreeing that they can defend to their own peers.



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"One Cuts, the Other Chooses"

The classic procedure for dividing a resource — such as cutting a cake or dividing an estate — has one party split the assets into two packages while the other party chooses which package to take. This gives the divider an absolute incentive to make both packages as equitable as possible.

Fair Procedures: Taking Turns, Drawing Lots, and Arbitration

When parties cannot agree on substantive criteria, they can turn to fair procedures instead: taking turns rotating priority, drawing lots or a coin toss for equally valued items, or binding third-party arbitration where an impartial expert's ruling is final. A majority vote is not one of these classic fair procedures for two-party disputes.

Comparing approaches regarding Binding Impartial Arbitration:

Binding third-party arbitration means agreeing in advance to submit an unresolved dispute to an impartial expert whose ruling both sides accept as final.

Framing Joint Search for Standards

Frame each issue as a joint search for objective criteria: Open discussions by proposing a collaborative search for fair standards: "You want a high settlement and I want a low settlement. Let's look at what a fair figure is based on industry precedent. What objective standards should we use?"

Reason and Be Open to Reason About Standards

When the other party suggests an objective standard, do not dismiss it outright. Analyze why they consider it fair, propose alternative standards, and engage in open reasoning about which one best fits the facts — a principled negotiator is willing to be persuaded by facts and reason, but not by mere assertions of will.

Never Yield to Pressure, Only to Principle

Refuse to capitulate to pressure in any guise, whether a bribe, a threat, an emotional plea, or a stubborn refusal to negotiate. In response to power, principled negotiators ask the other side to state the reasoning behind their position, suggest objective criteria of their own, and refuse to budge except on that basis.

Probing for the Standard Behind an Offer

Rather than reacting emotionally or countering with an arbitrary demand, an effective negotiator inquires directly into the standard behind a low offer: "How did you arrive at that figure? What objective standard did you use?" This question shifts the conversation from a clash of numbers to an examination of the reasoning.

The Totaled Car: A $13,600 Offer Based on Depreciated Book Value

When an insurance adjuster offers an arbitrary low settlement of $13,600 for a totaled car based on company policy, the owner does not get emotional or counter with an arbitrary demand. Instead the owner learns the adjuster cited depreciated book value as the basis, giving the owner a concrete standard to challenge with better data.

Comparing approaches regarding Introducing Local Market Data:

Introducing local market data — such as recent classified ads for comparable vehicles or a written dealer estimate — gives a negotiator concrete, independent numbers to counter an arbitrary company figure.



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Securing an $18,024 Replacement Settlement

The car owner presented comparisons to similar used cars selling for a much higher price than the adjuster's offer and offered to visit dealers together for written replacement estimates. By persistently anchoring on objective market data and refusing to yield to arbitrary policy pressure, the owner secured a fair $18,024 settlement while keeping the relationship with the adjuster professional.

> **Preserving Professional Adjuster Relationship**
>
> The owner secures a fair replacement settlement of $18,024 while maintaining a completely professional and constructive relationship with the adjuster.

> **Comparing approaches regarding Legitimacy Across Multi-Stakeholders:**
>
> A criterion is only useful if every stakeholder can see it as legitimate rather than skewed toward one side — a standard only one party would accept invites suspicion instead of agreement.

Matched pairs

Each item on the left goes with the one on the right.

Market Value Benchmark → Prevailing sales, real estate comps, or transaction records.

Professional Standards Benchmark → GAAP rules, medical ethics codes, or safety guidelines.

One Cuts Other Chooses Rule → A resource is split in two; the other side picks a share.

Randomness Via Coin Toss → Drawing lots settles minor, equally valued items fairly.

Never Yield to Pressure Mandate → Give ground only to sound reasoning, never to threats or bribes.

Probing for Adjuster Standard → Ask how they arrived at that number and on what basis.

Standardizing Commercial Appraisals
→ Replacement cost or depreciated value, the formula insurers use.

Step by step

Applying the general principled-negotiation process

1. Identify underlying interests and separate personal dynamics from substantive issues
2. Generate multiple creative options and dovetail differing preferences for mutual gain
3. Anchor the final agreement on legitimate, independent objective criteria

Self-test

Answer each question from memory, then check your work against the answer key.

1. Which objective-criteria category includes GAAP and medical ethics codes?

- A Professional standards
- B Scientific judgment and studies
- C Precedent
- D Market value

2. A negotiator cites recent real estate comps and sales records to justify a price. Which criterion is this?

- A Efficiency and cost data
- B Precedent
- C Market value
- D Court rulings

3. Which of these is NOT one of the fair procedures for resolving disputes without agreed criteria?

- A Taking turns
- B Majority vote
- C Drawing lots or coin toss
- D One cuts, the other chooses

4. In the 'one cuts, the other chooses' procedure, what incentive does the divider have?

- A Delay the division indefinitely
- B Involve a third-party arbitrator
- C Keep the larger share personally
- D Make both packages equitable

5. According to Getting to Yes, what must a valid objective criterion be?

- A Chosen solely by legal counsel
- B Independent and legitimate to both parties
- C Based on one side's initial offer or opening demand
- D Favorable to the stronger party

6. What is the first of the three operational guidelines for negotiating with objective principles?

- A Frame issue as joint search for standards
- B Never yield to pressure, only to principle
- C Acknowledge and pause first
- D Reason and be open to reason

7. In the classic car-accident example, what was the insurance adjuster's initial settlement offer?

- A $4,000
- B $15,000
- C $13,600
- D $4,025

8. What standard did the insurance adjuster cite to justify the low offer?

- A Kelly Blue Book valuation
- B Replacement cost estimates
- C Market value comps
- D Depreciated book value

9. What does 'insist on objective criteria' mean in principled negotiation?

- A Negotiate on a basis independent of either side's will
- B Whichever side has more power decides the outcome
- C Whoever is more stubborn should set the terms
- D Splitting the difference in half satisfies fairness

10. When a counterpart uses raw power and refuses to budge, what does a principled negotiator do?

- A Match their refusal with an ultimatum of their own
- B Ask for their reasoning, propose criteria, hold firm
- C Accept the position to avoid conflict
- D Offer a one-time bribe to end the impasse

Go deeper

ONLINE This lesson on the web flashfeedlearningapp.com/study-guides/getting-to-yes/insist-on-objective-criteria

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LESSON 6 OF 6

Leverage, Jujitsu, & Countering Dirty Tricks

The Power of BATNA & Tripwires · Negotiation Jujitsu, The One-Text Procedure & Taming Dirty Tricks

WHAT YOU'LL BE ABLE TO DO

- Define BATNA, develop one in three steps, explain why walk-away options set negotiating power, and contrast a dynamic BATNA with a rigid bottom line.
- Apply negotiation jujitsu and the One-Text Procedure used at Camp David, and sort dirty tricks into deception, psychological warfare, and positional pressure.

The Power of BATNA & Tripwires

Negotiations often occur between parties with significant asymmetries in size, wealth, market power, or legal resources. No negotiation technique can magically eliminate massive power disparities. However, principled negotiation prevents the weaker party from being coerced into an unfavorable agreement and optimizes whatever leverage they do possess.

The true source of negotiating power is not the size of your bank account or the strength of your army; it is your **BATNA**—your **Best Alternative to a Negotiated Agreement**. As **Roger Fisher**, **William Ury**, and **Bruce Patton** explain, the reason you negotiate is to produce something better than the results you can obtain without negotiating. What are those results? What is that alternative? What is your BATNA—your Best Alternative to a Negotiated Agreement? That is the standard against which any proposed agreement should be measured.

Negotiators traditionally establish a **bottom line** (such as "I will not accept anything below $250,000"). While a bottom line prevents accepting a disastrous outcome, it introduces critical strategic vulnerabilities:

- A bottom line is inherently rigid and set before negotiations begin, preventing the negotiator from incorporating new information, creative options, or discovered synergies during discussions.
- It prevents the exploration of multi-issue trade-offs where concessions in one area are compensated by massive gains in another.
- It is frequently established arbitrarily (either too high, causing the negotiator to walk away from a beneficial deal, or too low, failing to protect real interests).

In contrast, your BATNA is dynamic and realistic. Any negotiated outcome that is superior to your BATNA should be accepted; any offer inferior to your BATNA must be rejected.

To act on this in real time, negotiators can set a **trip wire**: a flexible, noncommittal threshold placed just above the BATNA. Breaching it triggers a pause so you can recess and re-evaluate before committing to

a bad deal, rather than relying on a rigid, pre-announced bottom line.

Developing an effective BATNA requires three systematic steps:

1. **Invent a list of actions** you might take if no agreement is reached (e.g., source another supplier, develop the capability in-house, file a lawsuit, or form a joint venture).
2. **Improve several of the most promising ideas** and convert them into practical, fully executable alternatives.
3. **Select tentatively the single best option** from the improved alternatives.

The relative negotiating power of two parties depends primarily on how attractive the option of walking away is to each side. If you have two other lucrative job offers in hand, your BATNA is exceptionally strong, giving you immense confidence and leverage in salary negotiations.

Understanding what alternatives your counterpart has if talks collapse allows you to accurately map the **Zone of Possible Agreement (ZOPA)**. If their alternatives are bleak, they will be far more willing to accept reasonable terms; if they have exceptionally strong alternatives, you must structure an offer that genuinely surpasses those alternatives.

Dynamic Management of Your BATNA Portfolio

A sophisticated negotiator does not treat their **BATNA** as a static snapshot; they actively cultivate and strengthen it throughout the negotiation lifecycle:

1. **Parallel Alternative Development**: While talks proceed, continue exploring alternative vendors, secondary job offers, or strategic partnerships to raise your walk-away value.
2. **De-risking Fallback Options**: Conduct preliminary due diligence, secure financing, or draft contingency agreements so that your alternatives can be executed immediately if needed.

The Strategic Value of Cultivating Multiple BATNAs

Having a single alternative provides a useful walk-away point, but cultivating a diverse portfolio of multiple viable alternatives creates true negotiating power. When you hold multiple strong options, you are completely liberated from the fear of failure. You can advocate for legitimate principles with calm confidence, propose innovative compromises without anxiety, and walk away gracefully if the terms do not meet your objective standards of value and fairness.

Negotiation Jujitsu, The One-Text Procedure & Taming Dirty Tricks

When a counterpart refuses to negotiate on principle, attacks your proposals, asserts non-negotiable ultimatums, or attacks you personally, do not push back. Pushing back only triggers the predictable escalation of a positional shouting match.

Instead, principled negotiators use **Negotiation Jujitsu**. Borrowing from martial arts, you do not resist the opponent's force; you redirect it toward constructive problem-solving:

1. **Don't attack their position; look behind it**: When the other side asserts an extreme position, neither accept nor reject it. Treat it as one possible option and probe for the underlying interests that generated it. Ask: "If we were to adopt this approach, how would it address the problem of operational delay?"
2. **Don't defend your ideas; invite criticism and advice**: Instead of defending your proposal against attack, ask the counterpart: "What specific flaws or concerns do you see in this proposal? What would you do if you were in my shoes?"
3. **Recast an attack on you as an attack on the problem**: When attacked personally, reframe the attack around the shared challenge: "You are right that finding a solution is difficult. How can we structure our terms so that both of our operational risks are mitigated?"
4. **Ask questions and use strategic silence**: Statements generate resistance, whereas questions generate answers. When confronted with an unreasonable ultimatum or an unfair demand, ask an open-ended question and **pause**. Strategic silence forces the counterpart to reflect, elaborate, or retract unsupportable claims.

When multiple parties are deadlocked in bitter positional warfare, the **One-Text Procedure** provides a powerful mediation mechanism. Developed by Roger Fisher and famously utilized by President **Jimmy Carter** during the 1978 **Camp David Accords** between Israeli Prime Minister Menachem Begin and Egyptian President Anwar Sadat, the One-Text Procedure functions through iterative mediation:

1. A neutral mediator interviews all parties to understand their underlying interests (rather than their declared positions).
2. The mediator drafts a single working text that attempts to reconcile those interests.
3. The mediator distributes the draft to both parties, asking for **criticisms, corrections, and suggestions for improvement**, rather than acceptance or concessions.
4. The mediator incorporates the feedback into successive drafts (e.g., 23 drafts over thirteen days at Camp David), refining the text iteratively until no further improvements can be achieved.
5. The mediator presents the final, polished single text to the parties for a simple yes-or-no decision.

Because neither party is forced to make unilateral public concessions during the drafting process, face is preserved and historic multi-party treaties can be achieved. A similar procedural escrow mechanism—using Algerian central bank escrow accounts in London—resolved the 1981 Iranian hostage crisis without requiring mutual trust.

When negotiators encounter bad-faith, deceptive, or coercive negotiation tactics ("dirty tricks"), they must negotiate the rules of the game. Tricky tactics fall into three primary categories:

- **Deliberate Deception**: Phony facts, ambiguous authority, dubious intentions. (Counter: verify facts independently; separate trust from verification).
- **Psychological Warfare**: Stressful environments, personal attacks, good-guy/bad-guy routines, threats and ultimatums. (Counter: identify the discomfort, call out the routine, and refocus on substantive issues).

- **Positional Pressure Tactics**: Refusal to negotiate, extreme opening demands, escalating demands, lock-in tactics, hardhearted partners, calculated delays, and "take it or leave it" ultimatums. (Counter: recognize the tactic, make it explicit, and negotiate on the rules using the four principled negotiation pillars).

The 3-step protocol for negotiating the rules of the game:

1. **Recognize the tactic**: Identify the manipulation explicitly in your own mind.
2. **Raise the issue explicitly**: Calmly and neutrally describe what you observe.
3. **Question the tactic's legitimacy and negotiate on the rules**: Apply the four pillars of principled negotiation to the process itself: separate the people from the problem, discuss procedural interests, invent procedural options, and insist on objective standards for how the negotiation will be conducted.

Comprehensive Playbook for Disarming Tricky Tactics

When confronting bad-faith negotiation behavior, apply systematic countermeasures based on the specific category of manipulation:

- **For Phony Facts or Ambiguous Authority**: Separate trust from verification. Independently verify all factual assertions and obtain written confirmation of negotiating authority before beginning substantive discussions.
- **For Psychological Warfare or Hostile Environments**: Identify the physical or emotional manipulation explicitly, propose moving to a neutral venue, and maintain unwavering professional calm.
- **For Positional Stonewalling or Escalating Demands**: Refuse to bargain against shifting demands; call a formal recess and insist on establishing binding procedural ground rules before resuming substantive negotiations.

By making the rules of the negotiation game explicit and anchoring on the four principled pillars, you neutralize bad-faith tactics and establish a fair, productive problem-solving environment.

Key terms

Bottom Lines Stifle Trade-Offs

It prevents the exploration of multi-issue trade-offs where concessions in one area are compensated by massive gains in another.

Recasting Personal Attacks on the Problem

When attacked personally, don't respond in kind -- redirect the exchange toward the shared challenge instead: "You are right that finding a solution is difficult. How can we structure our terms so that both of our operational risks are mitigated?"

Psychological Warfare Tactics

This category of dirty trick relies on stressful environments, personal attacks, good-guy/bad-guy routines, and threats or ultimatums to pressure a negotiator; the counter is to name the discomfort and refocus on substance.

Key facts

Power Disparities Reality

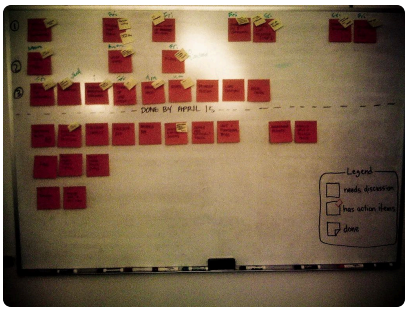
No negotiation technique can magically eliminate massive power disparities. However, principled negotiation prevents the weaker party from being coerced into an unfavorable agreement and optimizes whatever leverage they do possess.

BATNA Is the Real Standard for a Good Deal

The reason you negotiate at all is to produce something better than what you could get without negotiating — that alternative is your BATNA, your Best Alternative to a Negotiated Agreement. Any negotiated outcome superior to your BATNA should be accepted; any offer inferior to it must be rejected.

Why a Fixed Bottom Line Is a Liability

A bottom line — such as "I will not accept less than $250,000" — is rigid and set before talks begin, so it cannot incorporate new information or creative options discovered during discussions, and it blocks multi-issue trade-offs where a concession in one area is compensated by a gain in another. It is also frequently set arbitrarily, either too high (walking away from a good deal) or too low (failing to protect real interests) — unlike a BATNA, which stays dynamic and realistic.



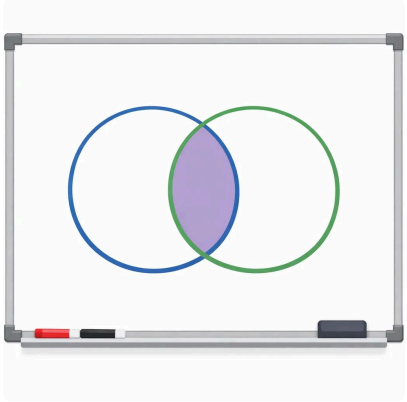
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Building a BATNA: Invent, Then Improve

Developing an effective BATNA starts by inventing a list of actions you might take if no agreement is reached — sourcing another supplier, building the capability in-house, filing a lawsuit — and then improving the most promising ideas into practical, fully executable alternatives. Setting a bottom line before negotiating is not one of these three steps; selecting the single best option comes only after inventing and improving.

BATNA Step 3 - Selecting Best Alternative

Select tentatively the single best option from the improved alternatives.



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Walk-Away Attractiveness Sets the Zone of Possible Agreement

The relative negotiating power of two parties depends primarily on how attractive walking away is to each side. Understanding what alternatives your counterpart has if talks collapse lets you map the Zone of Possible Agreement (ZOPA) accurately: if their alternatives are bleak, they will accept reasonable terms far more readily, and if their alternatives are strong, you must structure an offer that genuinely beats them.

Multiple Alternatives Multiply Your Leverage

Having two other lucrative job offers in hand makes your BATNA exceptionally strong, giving you immense confidence in a salary negotiation because walking away becomes both more attractive and more credible. Cultivating a diverse portfolio of alternatives, rather than relying on just one, liberates a negotiator from the fear of failure.

Redirection Principle of Negotiation Jujitsu

Instead, principled negotiators use Negotiation Jujitsu. Borrowing from martial arts, you do not resist the opponent's force; you redirect it toward constructive problem-solving:

Two More Jujitsu Moves: Look Behind Positions, Then Go Quiet

When the other side asserts an extreme position, don't attack or accept it — treat it as one possible option and probe for the underlying interest that generated it, asking how it would address the real problem. And because statements generate resistance while questions generate answers, an open-ended question followed by strategic silence forces the counterpart to reflect, elaborate, or retract an unsupportable claim.

Invite Criticism Instead of Defending Your Ideas

Rather than defending a proposal against attack, ask the counterpart what specific flaws or concerns they see in it, or what they would do if they were in your shoes. Inviting criticism and advice redirects the other side's energy toward improving the proposal instead of destroying it.



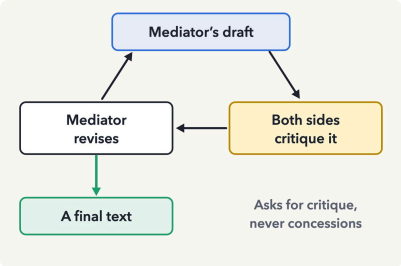
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The One-Text Procedure: Camp David and the Iran Hostage Escrow

When multiple parties are deadlocked in bitter positional warfare, the One-Text Procedure has a neutral mediator draft a single working text reconciling everyone's interests. Developed by Roger Fisher and famously used by President Jimmy Carter at the 1978 Camp David Accords, a similar procedural mechanism — Algerian central bank escrow accounts in London — resolved the 1981 Iranian hostage crisis without requiring mutual trust.

Recognize the Tactic, Recast the Attack

When negotiators encounter bad-faith tactics, the first step is simply to recognize the tactic — identifying the manipulation explicitly in your own mind before responding. And when attacked personally, recast the attack as an attack on the shared problem: "You're right that finding a solution is difficult — how can we structure terms so both our risks are mitigated?"



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The One-Text Procedure Asks for Critique, Not Concessions

The mediator distributes each successive draft to both parties asking only for criticisms, corrections, and suggestions for improvement — never for acceptance or concessions. Because neither party is forced to make a unilateral public concession during drafting, face is preserved through as many as 23 drafts over thirteen days, until a final text emerges.

Final Single Text Yes/No Presentation

The mediator presents the final, polished single text to the parties for a simple yes-or-no decision.

Deliberate Deception: Phony Facts and Ambiguous Authority

One category of dirty trick is deliberate deception — phony facts, ambiguous negotiating authority, and dubious intentions. The counter is to separate trust from verification: independently verify factual claims and confirm negotiating authority before substantive discussions begin.

Psychological Warfare and Positional Pressure Tactics

Psychological warfare includes stressful environments, personal attacks, good-guy/bad-guy routines, and threats or ultimatums, countered by naming the discomfort and refocusing on substance. Positional pressure tactics include refusal to negotiate, extreme opening demands, escalating demands, and take-it-or-leave-it ultimatums, countered by recognizing the tactic and negotiating explicitly on the rules of the game.

Matched pairs

Each item on the left goes with the one on the right.

Inherent Rigidity of Bottom Lines → A pre-set walk-away number that can't adapt to new information.

Dynamic Benchmark of BATNA → The standard for judging offers: current, realistic, not fixed.

Multiple Job Offers Leverage Case → Two solid alternatives make your BATNA exceptionally strong.

Mapping ZOPA via Counterpart BATNA → Their alternatives show how readily they'll accept terms.

Inviting Criticism of Ideas → Ask what flaws they see, or what they'd do in your shoes.

One-Text Procedure Mediation Breakthrough
→ Carter had Camp David sides critique one draft to convergence.

Deliberate Deception Tactics → Phony facts, fuzzy authority, dubious intent: verify everything.

Recognizing Deceptive Tactics → Name the manipulation privately, then raise it calmly.

Step by step

Applying the One-Text Procedure Mediation Breakthrough method in principled negotiation

1. A neutral mediator interviews all parties to understand their underlying interests, not their declared positions
2. The mediator drafts a single working text that attempts to reconcile those interests
3. The mediator distributes the draft asking only for criticisms, corrections, and suggestions for improvement
4. The mediator incorporates feedback into successive drafts until no further improvements can be made
5. The mediator presents the final, polished text for a simple yes-or-no decision

Applying the Recognizing Deceptive Tactics method in principled negotiation

1. Recognize the tactic: identify the manipulation explicitly in your own mind
2. Raise the issue explicitly: calmly and neutrally describe what you observe
3. Question the tactic's legitimacy and negotiate on the rules using the four pillars of principled negotiation

Self-test

Answer each question from memory, then check your work against the answer key.

1. What does the acronym BATNA stand for in principled negotiation?

- (A) Best Alternative to a Negotiated Agreement
- (B) Bottom-line Alternative to a Negotiated Agreement
- (C) Balanced Alternative to a Negotiated Agreement
- (D) Best Approach to a Negotiated Agreement

2. Which of the following is NOT one of the three steps for developing a BATNA?

- (A) Improve the most promising ideas
- (B) Set a bottom line before negotiating
- (C) Invent a list of possible actions
- (D) Select tentatively the single best option

3. Compared to a dynamic BATNA, what strategic vulnerability does a fixed bottom line introduce?

- (A) It always exceeds your counterpart's BATNA
- (B) It requires developing multiple alternative options
- (C) It adjusts automatically as new offers arrive
- (D) It can't adapt to new information during talks

4. Why does having two other job offers strengthen your BATNA in a salary negotiation?

A It automatically lowers your bottom line

B It guarantees the employer matches the highest offer

C It makes walking away more attractive and credible

D It eliminates the need for a tripwire

5. What primarily determines the relative negotiating power between two parties?

A The size of each side's bank account or army

B The number of lawyers each side employs

C How attractive each side's walk-away option is

D Which side speaks first in the meeting

6. What is the core principle behind Negotiation Jujitsu?

A Match the opponent's aggressive positional demands

B Redirect force toward constructive problem-solving

C Overpower the counterpart with superior arguments

D Concede quickly to de-escalate tension

7. Which Negotiation Jujitsu technique is illustrated by asking a counterpart, 'What would you do if you were in my shoes?'

A Don't defend your ideas; invite criticism and advice

B Don't attack their position; look behind it

C Ask questions and use strategic silence

D Recast an attack on you as an attack on the problem

8. Who mediated the One-Text Procedure during the 1978 Camp David Accords?

A Roger Fisher

B Menachem Begin

C Anwar Sadat

D Jimmy Carter

9. When distributing a draft in the One-Text Procedure, what does the mediator ask parties for?

A Criticisms, corrections, and suggestions for improvement

B A public concession on key issues

C A fully signed and notarized acceptance of the final terms

D An immediate yes-or-no vote

10. Phony facts and ambiguous authority belong to which category of dirty trick?

A Positional Pressure Tactics

B Deliberate Deception

C Emotional Manipulation Tactics

D Psychological Warfare

Go deeper

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Answer key

Lesson 1: Beyond Positional Bargaining & The Principled Method

1. B The hard bargainer captures the gains

The hard bargainer captures the substantive gains while the soft bargainer concedes real value chasing an illusion of friendship; two HARD bargainers colliding is what causes rupture instead.

2. C Modifying it for outsiders becomes nearly impossible

The internal political cost of changing a coalition's agreed position freezes the whole assembly into institutional gridlock.

3. A Comprehensive Test Ban Treaty talks

The US and USSR deadlocked over ten versus three inspections without ever discussing inspection procedures, illustrating positional rigidity.

4. D Distrusts the counterpart, applies pressure

The hard bargainer distrusts the other side and applies relentless pressure; the other three traits describe the soft bargainer instead.

5. B It produces unwise agreements

Arguing over positions entangles egos with stances, producing unwise agreements as the substantive merits recede behind a contest of wills.

6. C Roger Fisher, William Ury, and Bruce Patton

Principled Negotiation was developed at the Harvard Negotiation Project by Roger Fisher, William Ury, and Bruce Patton.

7. D Options: invent options for mutual gain

The Options pillar mandates a dedicated generative brainstorming phase, separated from judging, to expand the pie before choosing an agreement.

8. A What a negotiator decides upon

A position is what a negotiator decides upon; an interest is the underlying motivation, need, or fear that led to that decision.

9. B Concessions

The four pillars are People, Interests, Options, and Criteria; concessions are a hallmark of positional bargaining, not one of the four pillars.

10. D Efficiency

Efficiency judges whether the process avoids the time and posturing costs of positional bargaining; Objective Criteria is a pillar, not one of the three benchmarks.

Lesson 2: Separate the People from the Problem

1. B In human perception

Conflict does not exist in objective reality; it exists in human perception, since disputes are between differing interpretations of reality, not the contract text or raw facts.

2. C Understanding the counterpart's point of view

Fisher, Ury, and Patton stress that understanding the other side's thinking is an intellectual discipline, distinct from emotional sympathy, agreement, or concession.

3. D Do not deduce their intentions from your fears

Assuming the other side's intent matches your own fears is the exact distortion this guideline warns against, as with the supply-chain delay example.

4. A Confirm their negative expectations of you

Getting to Yes recommends acting inconsistently with negative expectations to reframe the dynamic, the opposite of confirming them.

5. A Helping them reconcile it with their values

Face-saving is not about vanity; it means helping someone reconcile an agreement with their integrity and past commitments.

6. B Letting them know they have been heard

Letting the other side know they have been heard costs nothing yet dissolves their urge to keep repeating demands.

7. C Speak about yourself, not them

This is an 'I' statement, framed around one's own experience rather than an accusatory 'you' statement, exactly the discipline described.

8. D Negotiators may not share a common deadline

The three breakdowns cited are not talking to each other, not hearing each other, and misunderstanding or misinterpretation; a shared deadline is not one of them.

9. A Allow them to let off steam without interruption

Getting to Yes advises giving the other party uninterrupted space to vent, which releases psychological pressure and restores cognitive equilibrium.

10. D Exchanging formal business cards

The text lists a sincere apology, a warm handshake, an expression of sympathy, and sharing a meal as symbolic gestures; exchanging business cards is not among them.

Lesson 3: Focus on Interests, Not Positions

1. A Conflicting needs, desires, and fears

The book states the basic problem lies in conflicting needs, desires, concerns, and fears — not in the positions themselves.

2. C Multiple positions can satisfy one interest

Because most interests can be satisfied by several different positions, focusing on interests opens more paths to agreement.

3. D Opening a window in the next room

The librarian opened a window in the adjacent room, giving fresh air without a draft — satisfying both interests fully, unlike the halfway compromise.

4. B Personal happiness

The five basic human needs are security, economic well-being, belonging, recognition, and autonomy. Personal happiness isn't one of the five named needs.

5. D Why do you want that?
Asking 'why' helps uncover the functional need behind a stated position, revealing the real interest at stake.

6. C Explain the problem and interests first
Principled negotiators explain the problem and their interests before proposing a solution, so the other side understands the reasoning first.

7. B Planning future milestones
Forward-looking negotiators redirect attention to planning future workflow rather than blaming, criticizing, or faulting past behavior.

8. A Advocate firmly while respecting the person
It means vigorously advocating for your substantive interests while treating the other person with genuine respect and warmth.

9. C Security
Israel's core interest was security against invasion, not land for farming, religion, or economic development.

10. A Full sovereignty to Egypt, demilitarized zone
Egypt regained full sovereignty over the Sinai while it was demilitarized under international monitoring, satisfying both sides' core interests.

Lesson 4: Invent Options for Mutual Gain

1. D Premature judgment
Premature judgment happens when new ideas are immediately criticized, silencing creativity before they can be explored.

2. A Anchoring bias
The four obstacles are premature judgment, searching for the single answer, the fixed-pie assumption, and treating the other side's problem as solely theirs.

3. B Bruce Patton
Fisher, Ury, and Bruce Patton together designed the Circle Chart framework for creative problem-solving.

4. C Analysis
Quadrant 2, Analysis, diagnoses systemic causes; Problem lists symptoms, Approaches brainstorms remedies, Action Ideas builds steps.

5. C Assumption of a fixed pie
This zero-sum view, 'the more for you, the less for me', defines the fixed-pie assumption obstacle.

6. D 5 to 8
A small group of 5 to 8 participants keeps a brainstorming session focused and manageable.

7. B Competitive pricing
A yesable proposition needs decision-maker specificity, operational completeness, and effortless closure, not competitive pricing.

8. A Risk tolerance
Trading guaranteed payments for potential upside dovetails the parties' differing risk tolerances.

9. B Zero criticism
An absolute rule of zero criticism keeps participants generating ideas freely without fear of judgment.

10. C Progressive profit-sharing taxes

The two-tier UNCLOS deal combined low upfront exploration fees with progressive profit-sharing taxes once mining began.

Lesson 5: Insist on Objective Criteria

1. A Professional standards

GAAP and medical ethics codes are professional standards. Market value uses sales data; precedent uses past practice; scientific judgment uses studies and lab findings.

2. C Market value

Market value relies on prevailing commercial sales data and comps. Precedent uses past agreements; efficiency data uses time-motion/cost studies; court rulings use judicial decisions.

3. B Majority vote

Getting to Yes lists one-cuts-other-chooses, taking turns, drawing lots, and binding arbitration as fair procedures; majority vote is not among them.

4. D Make both packages equitable

Since the other party picks first, the divider is incentivized to split the resource into two perfectly equal packages.

5. B Independent and legitimate to both parties

A valid objective criterion is independent of both parties' subjective desires and legitimate in the eyes of all stakeholders, not skewed toward either side.

6. A Frame issue as joint search for standards

The first guideline is to frame each issue as a joint search for objective criteria, inviting shared inquiry rather than defensiveness.

7. C $13,600

The adjuster's arbitrary opening offer was $13,600 based on company policy, well below the $18,024 the owner ultimately secured.

8. D Depreciated book value

The adjuster justified the low figure using depreciated book value, while the owner countered with market comps, dealer estimates, and Kelly Blue Book.

9. A Negotiate on a basis independent of either side's will

Insisting on objective criteria means grounding the outcome in a standard independent of either side's will, rather than in who is more stubborn or powerful.

10. B Ask for their reasoning, propose criteria, hold firm

Facing coercion, principled negotiators ask the other side to justify its position, propose their own objective criteria, and refuse to move except on that basis.

Lesson 6: Leverage, Jujitsu, & Countering Dirty Tricks

1. A Best Alternative to a Negotiated Agreement

BATNA is your Best Alternative to a Negotiated Agreement, the standard against which any proposed deal should be measured.

2. B Set a bottom line before negotiating

The three BATNA steps are invent, improve, and select. Setting a rigid bottom line is the opposite approach, one to avoid.

3. D It can't adapt to new information during talks

A bottom line is fixed before talks start, so it can't adapt to new information, creative trade-offs, or synergies discovered mid-negotiation, unlike a dynamic BATNA.

4. C It makes walking away more attractive and credible

Relative negotiating power depends on how attractive walking away is; multiple offers make that alternative genuinely strong.

5. C How attractive each side's walk-away option is

Negotiating power depends on how attractive each side's walk-away alternative is—not wealth, army size, or headcount.

6. B Redirect force toward constructive problem-solving

Like the martial art, Negotiation Jujitsu redirects rather than resists the other side's force toward solving the problem.

7. A Don't defend your ideas; invite criticism and advice

This technique invites the other side to critique or improve your proposal rather than you defending it outright.

8. D Jimmy Carter

President Jimmy Carter famously used the One-Text Procedure to mediate between Begin and Sadat; Fisher developed the method itself.

9. A Criticisms, corrections, and suggestions for improvement

The mediator asks for feedback to improve the draft, not concessions, so no party has to make a unilateral public concession.

10. B Deliberate Deception

Deliberate Deception covers phony facts, ambiguous authority, and dubious intentions; the counter is independent verification.

Sources

Lesson sources: Getting to yes — Roger Fisher, William Ury, and Bruce Patton

- Getting to yes — Roger Fisher, William Ury, and Bruce Patton
- Getting to Yes — Roger Fisher, William Ury, and Bruce Patton

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Useful links

The book

- *Getting to Yes: Negotiating Agreement Without Giving In (3rd ed.)* by Roger Fisher, William Ury, Bruce Patton — flashfeedlearningapp.com/packs/getting-to-yes

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