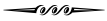


## CHAPTER ONE

# Defining the Art

 **N**egotiations are as varied as roller coasters. Some are gentle, others, frighteningly fast and treacherous, with surprising twists and erratic turns. The person who consciously and carefully selects the type of roller coaster and the seat location suited to his or her level of experience and then remains seated and belted in, leaning confidently into sharp turns, is likely to survive the ride unscathed and enjoy it as well.

Negotiation success and enjoyment are achieved in a similar way. The more complex forms change direction unexpectedly. Accomplished negotiators recognize this and so are not derailed by it. They also know that although negotiation occurs often in daily life, it is rarely a simple process. Ups and downs—gains and losses—must be expected. Managing these requires several skills, all harmoniously coming together to ensure progress toward the desired outcomes.

Reaching those outcomes also requires forging alliances, often between people with diverse interests, each determined to walk away with the lion's share of resources. In the best negotiations, there is a meeting of the minds, an allying, at least on what matters most, who gets what, and how these allocations will be achieved. In fact, business in general cannot profitably operate in the absence of alliances.

When Charles Handy, author and business expert, was asked what skills will be needed in organizations of the future, he emphasized the ability to ally with others: “Key skills will be the ability to win friends and influence people at a personal level, the ability to structure partnerships, and the ability to negotiate and to find compromises. Business will be much more about finding the right people in the right places and negotiating the right deals.”<sup>1</sup>

Businesses in the future will be more shapeless, Handy adds. Unlike companies of the past, in which people with roughly the same purpose were bound together, businesses now and in the foreseeable future are more like “a collection of globules—partnerships and alliances.”<sup>2</sup> When people form partnerships and alliances, they also negotiate the terms of those relationships. Little can be taken for granted in organizations whose people may not be housed together and, even if they are, often do not think alike. One’s personal and professional success in organizations therefore requires skillful management of one’s surroundings—not in the old top-down way, but from all directions. This is only accomplished through skillful negotiation. Warren Bennis, a professor at the University of Southern California and a renowned business author, considers even leadership largely a function of alliance formations—and thus of negotiation.<sup>3</sup>

Just as business leaders must sell a shared vision to their various stakeholders, world leaders must forge alliances to solve global problems. When leaders fail to form alliances, their legitimacy is questioned. Even when their cause is just, they may be perceived as rogues. And however they are perceived, their work is made harder by the absence of allies willing to share the burden of the enterprise, including its costs.

The importance of alliances in business organizations, be they for profit or nonprofit, applies as well to the governing of people by heads of state and their associates. John Donne’s declaration that “no man is an island” may have never been more true than it is today. Alliances are as essential to the daily life of the entrepreneur as they are to large organizations and governments, and alliances do not exist or succeed without negotiation.

*The Skilled Negotiator* focuses on how successful negotiation alliances are formed. The more skilled among us in this domain are people who have trained themselves to be versatile; who have studied their own habits and set themselves free from dysfunctional ones. They are both detectives and social scientists, searching for clues

regarding their counterparts' interests and studying their communication. They are by nature inquisitive and by practice insightful. Their mastery of language is at the heart of their success—hence the subtitle of this book. The emphasis on language use in the chapters to come separates *The Skilled Negotiator* from many previous books. The *talk* of negotiation, informed by strategy considerations, is a consistent element throughout the book. I examine not only what the experts, both practitioners and academics, have taught us regarding strategy but also how the most skilled negotiators convert those strategies into words.

The term *engagement* in the subtitle refers not to war, as it is sometimes used, but rather to the active, tête-à-tête nature of negotiation. We use *engagement* because negotiation begins with a mutual invitation made by interdependent parties to grapple with shared concerns. People *engage* in negotiation, starting from different vantage points, interests, goals, concerns, and emotions. Through talk, they attempt to identify an avenue of alliance on at least some primary issues. A negotiator cannot become truly skilled without an understanding of how words and actions shape perceptions that stand in the way of such alliances. This requires what Harvard University psychology professor Ellen Langer describes as *mindfulness*—a rare level of attention to detail and subtlety. According to her research, people who are mindful live longer. Why? Because they pay attention to their surroundings and their own habits, some of which are dangerous. Langer explains: “In the 25 years I’ve been studying this, I’ve learned that the consequences of mindlessness include things like accidents, burnout, poor job performance, memory problems, interpersonal difficulties and health problems. Our mindlessness essentially turns the body off. On the other hand, when we are mindful, we are literally more alive.”<sup>4</sup>

Skilled negotiators are literally more alive. They do not let the past determine their present and are not ruled by routine. They put in the extra effort it takes to be sensitive to their surroundings and notice not only how things are the same but also how they are different. It is this attention to differences, in particular, that keeps them alert. People generally do not pay attention to the same old things, so people who are not alert to subtle, otherwise unexpected differences walk around each day half asleep. It is largely in times of uncertainty that most of us pay more attention. For example, Langer explains, we pay attention to the sounds our new car makes but soon tune them out. We may tune back in when the car makes a loud grinding noise, by which time it’s too late to do minor repairs.

Skilled negotiators don't stop listening and observing. They pay attention to subtleties and intentionally look for distinctiveness in people and events that others fail to notice. As a result, they are not caught unaware when things change—when the roller coaster takes a dramatic turn.

It is, of course, one thing to tell negotiators that to be highly skilled they must be mindful; it is quite another to show them what that means in terms of assessing situations and selecting from a repertoire of words and actions. *The Skilled Negotiator* takes you on this journey. Its purpose is to provide you with insight into how negotiation works and to train you to notice the kinds of subtleties that are obvious to the highly skilled negotiator. Each chapter presents a step in the process of gaining such awareness, taking you from your present skill level to higher-level functioning—and thereby to greater negotiation success.

Chapter Two explains in detail how we routinely abdicate our responsibility to communication and negotiation by allowing ourselves to slip into verbal and nonverbal habits that make us predictable and easy targets for the more alert. Expertise in negotiation requires versatility in word choice, emotional expression, and nonverbal gestures. This chapter explicates how expert negotiators free themselves from the restrictions, born of habit, that imprison so many of their less skilled counterparts. In this and subsequent chapters, I provide examples of how versatile negotiators decide what to say. Such strategies as timing, positioning, advancing, and retreating are important, but so is the less studied talent of using words to implement these and other strategies. This chapter is an eye-opening introduction to the extensive range of choices available to the astute negotiator.

Chapter Three puts the concept of versatility into practice. Focusing on the steps to take in the intelligence-gathering stage of negotiation, I address a variety of interesting questions: How do skilled negotiators create a climate of inquiry that effectively informs language choice? How do they learn more than others about their counterparts? How do the more skillful formulate arguments and articulate them—and in doing so, how do they maintain versatility? How does negotiation style diminish or enhance this versatility of choice? Much of who we are conspires in our unconscious to limit choice. Negotiation at its best involves acute awareness of and adept management of such constraints. Negotiators use the predictability of others to inform their choices while endeavoring to avoid providing their counterparts

with the same advantage. They do this by extensive preparation involving expansive thinking and the kind of careful selection of language options introduced in Chapter Three.

Chapter Four describes how ideal and backup goals are developed. When negotiators identify goals too far afield of what can be achieved, they set themselves up for disappointment or failure. Here we look at ways of reducing the likelihood of that outcome by basing goals on the kind of effective intelligence gathering described in Chapter Two. I consider how to work with the other negotiator or team to jointly prioritize issues, as well as ways to keep the negotiation on track once this prioritization is decided. Finally, this chapter deals with the important issue of what to say and do when the other side will not accept your proposed issue priorities.

Chapter Five addresses the important topic of ethics in negotiation. It's difficult to say exactly what separates the ethical from the unethical negotiator, so most discussions of this topic fall short for those who would like a list of dos and don'ts. There isn't such a list in Chapter Five, but you'll find an overview of some excellent thinking on this subject, some ways to assess your own ethics, and guidelines for establishing ethical parameters. My own view is that negotiators should strive to stay on the high road—to reject deception traps, trickery, and manipulation. Yet if you are of the same mind, you'll need to know how to deal with those who aren't. This is also part of Chapter Five, as are ways to bring a negotiation to a higher plane even if your counterpart is a snake in the grass.

Having discussed how negotiations can go down unethical roads, in Chapter Six I delve into persuasion, an activity that, although central to negotiation, is often branded as devious. Persuasion is the heart of negotiation; ethics, its soul. It is possible to persuade without resorting to unethical practices; I offer some real-world examples. I then turn to the ordering of issues—agenda setting—and the art of positioning or “framing” issues. It is not sufficient for a negotiator to simply present the issues as if they are self-explanatory; this must be done persuasively. Successfully proposing the ordering of issues also requires persuasion. In fact, persuasion begins even before an issue is discussed, by virtue of its placement. Just as newspaper editors often place more important stories on the first page, negotiators often endeavor to place their most important issues early on. The agenda is therefore not a boring list of topics but an indicator of topic concern. It is the first line of a good negotiation offense and defense.

Chapter Seven focuses on the types of persuasion that skilled negotiators use once the actual interactive part of negotiation is under way. Persuasion at its best is not forceful or deceptive; rather, it encourages a counterpart to *choose* to adopt an advocated perspective or action. This requires skillful reasoning and appeals to emotion. I offer a repertoire of persuasion strategies, along with two shortcut methods for determining when and how to select among those strategies. I look at the role emotion plays in negotiation, how to effectively employ emotional strategies, and ways to ensure that you are aware when someone is trying to manage your emotions to their advantage. Next, I explore three forms of deception common in negotiation and ways to handle each of them. The chapter ends with several cases of deception and effective ways to return negotiation to a more productive track.

So much of what occurs in negotiation is rooted in perceptions of who has power. What is power, and how do you get it? Chapter Eight answers this crucial question. Power does not exclusively accrue from status, wealth, or expertise. All of us have the ability to create power. Skillful negotiation requires the rare ability to look carefully, mindfully, at what one brings to the table. Ask yourself what the other side wants that you have—or what they might want if they knew you could provide it. Assess, too, what they fear that you might control. Power is in many respects in the eye of the beholder. Astute negotiators know this and are therefore not thrown off stride by the status of their counterparts or by any other indicator of static power. They craft their own power and thereby increase the odds of a profitable negotiation.

Chapter Nine addresses the important subject of conflict. Even if a negotiator takes all the steps advocated in previous chapters, things can still go very wrong. Obstacles and impasses are natural in negotiation, so negotiators must know how to anticipate them as well as know what to say or do when they occur. When negotiators treat conflict as a natural part of negotiation, they are not derailed by it. In fact, just as pain tells the body that something is wrong, conflict can serve as a useful warning that a change of approach is needed. The negotiator who knows how to handle conflict has greater confidence, and in negotiation, confidence—without arrogance—is a significant asset.

Cross-cultural negotiation is the final subject. Crossing cultures in negotiation calls for a high level of the kind of attentiveness and versatility described in earlier chapters. Success here depends on a willingness to learn how people from other parts of the world think about such issues as timing, trust, socializing, decision-making authority,

who should speak with whom, etiquette, appropriateness of strategies, gender, and emotional expression. I look at several regions of the world in terms of these topics and offer examples of how cultural sensitivity proves a considerable negotiation advantage—of interest even if you never travel abroad.

*The Skilled Negotiator* ends with a review of key points from all the numbered chapters. At this point, you'll possess the capacity to be a skilled negotiator yourself. The only remaining ingredient—a very important one—is commitment to practice. With experimentation comes progress; this is especially true in the development of negotiation skill. Best and worst outcomes are equal teachers, honing the skills of student and expert alike. By the end of the book, you will be better able to craft alliances and to use language tactically in the service of your business, political, and personal goals.

The first step is to position your mind-set so that you are poised to dissect the negotiation process, to learn how to analyze the interests of others, and to select your words to bring about a desirable outcome. Let's turn now to those critical skills.