

Getting to YES, Negotiating Agreement without Giving In
By Roger Fisher
Book Summary

This book is a must read for getting the best secular perspective on how to deal with conflict resolution. As the title suggests, “Getting to YES, Negotiating Agreement without Giving In¹” presents a positive model for how to come to wise agreements by using a negotiation process that seeks to build rather than damage relationships while being efficient in regards to the use of time and resources. The authors, in establishing the premise that life in community does bring difficulties that need to have negotiated solutions, present the method of principled negotiation as a better way to seek a solution that will best embrace the interests of the people involved.

The more common ways of negotiation are firstly, the hard bargainer, who entrenches in his position and begins an often a long process of jockeying over changing positions resulting in a contest of the wills and a desire for saving face. The second is the soft bargainer who gives in early on in the negotiation process in order to keep the peace. In contrast, this method of principled negotiation coming out of the Harvard Negotiation Project first separates the problem from the people and their interests, then seeks to explore options for the mutual gain of both parties (a win-win scenario). When interests continue to conflict, this approach encourages decision making based on a fair, independent standard.

The method put forth is very helpful in highlighting many important aspects of the negotiation process. The wealth of negotiation examples in “Getting to Yes” really helps illustrate and solidify the principles discussed. The eleventh chapter of *The Peacemaker* book covers very similar material in a more concise manner plus giving biblical support. The four main points of the principled model of negotiation are almost identical to the PAUSE acronym used by Ken Sande: Prepare, Affirm relationships, Understand interests, Search for creative solutions, and Evaluate options objectively and reasonably.²

“Getting to Yes” stresses the importance of separating interests, issues and positions. We often focus in on the positions that people take and try to get them to change or modify them. Our time would be better spent by asking questions to try and discover the reasons why they have adopted their position. Once these interests have been identified it would be better to focus on solutions that satisfy these interests. Though the positions taken by disagreeing parties are often incompatible, the underlying interests that drive these positions are often potentially compatible. By working at the interest level and hence focusing on the “heart of the problem,” resolution is generally not only attained more quickly but the solution better meets the interests of both parties. Thus you have a savings of time and energy as well as greater satisfaction with the outcome.

¹ Roger Fisher and others, *Getting to YES*: (New York: Houghton Mifflin Company, 1991)

² Ken Sande, *The Peacemaker* (Grand Rapids: Baker Books, 2004), 227-8.

As with many books dealing with group decision making process, when it comes to looking for solutions to the varying interests of the parties involved you must allow time and energy to be invested into “brainstorming” for potential mutually satisfying solutions. Rather than searching for the single solution, it is preferable to let the creative juices flow, listing many possible scenarios in an atmosphere that allows free expression and defers criticism/evaluation/judgment to a later stage. Throughout this process one should try to maximize shared interests while seeking to dovetail differing interests by producing high benefit for one side at low cost to the other.

Another part of solution finding is the use of objective criteria rather than personal desires or opinion. When the decision is based on an objective measurement like industry standards, market values, or fair procedures, the resulting decision will often be better and more longstanding. This is what Ken Sande refers to in the final step of negotiation as “evaluating options objectively and reasonably”.

Even though this type of negotiation is entered into in good faith, there is still the possibility of coming to a standstill, especially if you are dealing with a more powerful negotiator. Knowing this, the wise negotiator will always prepare a BATNA – Best Alternative to a Negotiated Agreement. This is what is often referred to as your “bottom line”, meaning the worse settlement that you are willing to walk away from the negotiation table with. Having this clearly decided will help you to know if and when you should leave the negotiation table. In the same way that knowing your BATNA will help you in negotiating, it is good to invest some energy in considering what the other party’s BATNA might be. Putting yourself in their shoes and trying to understand the merits of their case as well as their interests will ultimately help improve the final agreement.

The advantage of the approach of principled negotiation over positional negotiation is that as you develop your skills in this area it opens the door to creating more “win-win” scenarios as far as interests are concerned in conflict situations, reducing the amount of time and energy spent negotiating as well as potentially building relationship between the parties. The authors comment early on in “Getting to YES” that this process might be more difficult to use if you are dealing with people from a different cultural background. Chapter 7 gives some clues on how to do this with the concept of “Negotiation Jujitsu”, the art of sidestepping their attack and redirecting their strength back onto the problem. Rather than reacting to their firm position by entrenching in your own and shooting at them and their ideas, we must go back to seeing beyond their position to the interests that drive that position.