

## **Principled Negotiation – The Harvard Approach – Fisher & Ury**

Roger Fisher and William Ury of Harvard wrote a seminal work on negotiation entitled **“Getting to yes: Negotiating Agreement without Giving In”** In their book, they described a “good” negotiation as one which:

Is more than just getting to “yes.” A good agreement is one which is wise and efficient, and which improves relationships. Wise agreements satisfy both parties’ interests and are fair and lasting. With most long-term clients, business partners and team members the quality of the ongoing relationship is more important than the outcome of the particular negotiation. In order to preserve and hopefully improve relationships how you get to “yes” matters.

### **What’s the Problem with Positions?**

Negotiations commonly follow a process of “positional bargaining.” Positional bargaining represents a win-lose, versus a win-win paradigm. In positional bargaining each party opens with their position on an issue then bargains from the party’s separate opening positions to eventually agree on one position. Haggling over a price is a typical example of positional bargaining, with both parties having a bottom line figure in mind.

According to Fisher and Ury, positional bargaining does not tend to produce good agreements for the following reasons:

- It is an inefficient means of reaching agreements.
- The agreements tend to neglect the other party's respective interests.
- Ego tends to be involved.
- It encourages stubbornness thus harming the parties' relationship.

### **The Four Prescriptions of Principled Negotiation**

Principled negotiation offers perhaps a better way of reaching good agreements. This process can be used effectively on almost any type of conflict.

#### **1. Separate the People from the Problem:**

Because people tend to become personally involved with the issues and their respective position, they may feel resistance to their position as a personal attack. Separating yourself and your ego from the issues allows you to address the problem without damaging relationships. It will also allow you to get a more clear view of the substance of the conflict.

The authors identify three basic sorts of people problems:

- (1) different perceptions among the parties;
- (2) emotions such as fear and anger; and
- (3) communication problems.

Fisher & Ury's suggested solutions:

- Try to understand the other person's viewpoint by putting yourself in the other's place.
- Do not assume that your worst fears will become the actions of the other party.
- Do not blame or attack the other party for the problem.
- Try to create proposals which should be appealing to the other party.
- Acknowledge emotions and try to understand their source (understand that all feelings are valid even if you do not agree or understand them).
- Allow the other side to express their emotions.
- Try not to react emotionally to another's emotional outbursts.
- Symbolic gestures such as apologies or expressions of sympathy can help to defuse strong emotions.
- Actively listen to the other party (give the speaker your full attention, occasionally summarizing the speaker's points to confirm your understanding).
- When speaking direct your speech toward the other party and keep focused on what you are trying to communicate.
- You should avoid blaming or attacking the other person, speaking only about yourself.
- Try using "I" statements, such as "I feel" or "I think."
- Think of each other as partners in negotiation rather than as adversaries.

## **2. Focus on Interests not Positions**

When a problem is defined in terms of the parties' underlying interests it is often possible to find a solution which satisfies both parties' interests. All people will share certain basic interests or needs, such as the need for security and economic well-being. To identify, understand, and deal with both parties' underlying interests you must:

- Ask why the party holds the positions she or he does, and consider why the party does not hold some other possible position.
- Explain your interests clearly.
- Discuss these interests together looking forward to the desired solution, rather than focusing on past events.
- Focus clearly on your interests, but remain open to different proposals and positions.

## **3. Invent Options for Mutual Gain**

Fisher and Ury identify four obstacles to generating creative problem solving options:

- (1) deciding prematurely on an option and thereby failing to consider alternatives;
- (2) being too intent on narrowing options to find the single answer;

(3) defining the problem in win-lose terms; or

(4) Thinking that it is up to the other side to come up with a solution to the party's problem.

The authors also suggest four prescriptions for overcoming these obstacles and generating creative options:

(1) Separate the process of inventing options from the act of judging them;

(2) Broaden the options on the table rather than only look for a single solution;

(3) Search for mutual gains; and

(4) Invent ways of making decisions easy.

To invent options for mutual gain:

- Brainstorm for all possible solutions to the problem.
- Evaluate the ideas only after a variety of proposals have been made
- Start evaluations with the most promising proposals, refining and improving proposals at this point.
- Focus on shared interests, and when the parties' interests differ, seek options whereby those differences can be made compatible or even complementary.
- Make proposals that are appealing to the other side and with which the other side would ultimately find ease in agreement.
- Identify the decision makers and target proposals directly toward them.

The key to reconciling different interests is to "look for items that are of low cost to you and high benefit to them, and vice versa"

#### **4. Insist on Using Objective Criteria**

When interests are directly opposed, the parties should use objective criteria to resolve their differences. Allowing differences to spark a battle of egos and thus wills is inefficient, destroys relationships, and is unlikely to produce wise agreements. The remedy is to negotiate a solution based on objective criteria, independent of the will of either side.

Parties must first develop objective criteria that both parties agree to. Criteria should be both legitimate and practical, such as scientific findings, professional standards, or legal precedent. To test for objectivity, ask if both sides would agree to be bound by those standards.

Three points to keep in mind when using objective criteria:

1. Frame each issue as a joint search for objective criteria. Ask for the reasoning behind the other party's suggestions.

2. Reason as to which standards are most appropriate and how they should be applied; Keep an open mind.
3. Never yield to pressure, threats, or bribes – only to principles. When the other party stubbornly refuses to be reasonable, shift the discussion from a search for substantive criteria to a search for procedural criteria.

Remember negotiations do not have to be overly contentious or personal. The person you negotiate with today may be your close business partner tomorrow. Additionally, your reputation in your business community may be shaped by your reputation as a negotiator.

Therefore, think big picture and be rational and reasonable in your negotiation applying the principles of PEOPLE, INTERESTS, OPTIONS, and CRITERIA set forth above.

### **Recommended Reading**

**Getting to Yes** by Fisher and Ury. A classic book on the Harvard negotiation approach. The authors call it “A straightforward, universally applicable method for negotiating personal and professional disputes without getting taken – and without getting angry.”

**Negotiating Rationally** by Bazerman and Neale. A book that identifies the common errors that negotiators can make, and gives good advice on how to avoid them.

