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GETTING PAST NO

**Negotiating in
Difficult Situations**

Revised Edition

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Overview

BREAKING THROUGH BARRIERS TO COOPERATION

Diplomacy is the art of letting someone else have *your* way.

—*Daniele Vare, Italian diplomat*

We all negotiate every day. Much of our time is spent trying to reach agreement with others. We may try to negotiate in a cooperative spirit but frequently we find ourselves frustrated. *We* want to get to yes, but often the answer we get back is NO.

Think of a typical day: Over breakfast you may get into an argument with your spouse about buying a new car. You think it's time, but your spouse says, "Don't be ridiculous! You know we can't afford it right now." You arrive at work for a morning meeting with your boss. You present a carefully prepared proposal for a new project, but your boss interrupts you after a minute and says: "We already tried that and it didn't work. Next item."

During your lunch hour you try to return a defective

toaster-oven, but the salesperson refuses to refund your money because you don't have the sales slip: "It's store policy."

In the afternoon you bring an already-agreed-upon contract to a client for his signature. You have trumpeted the deal to your associates and made the necessary arrangements with manufacturing. But your client tells you: "I'm sorry. My boss refuses to okay the purchase unless you give us a fifteen percent discount."

In the evening you need to return some phone calls, but the line is tied up by your thirteen-year-old. Exasperated, you say, "Get off the phone." The teenager shouts down the hall, "Why don't you get me my own phone line? All my friends have them!"

Each of us faces tough negotiations with an irritable spouse, a domineering boss, a rigid salesperson, a tricky customer, or an impossible teenager. Under stress, even nice, reasonable people can turn into angry, intractable opponents. Negotiations can bog down or break down, consuming our time, keeping us awake at night, and giving us ulcers.

Broadly defined, negotiation is the process of back-and-forth communication aimed at reaching agreement with others when some of your interests are shared and some are opposed. Negotiation is not limited to the activity of formally sitting across a table discussing a contentious issue; it is the informal activity you engage in whenever you try to get something you want from another person.

Think for a moment about how you make important decisions in your life—the decisions that have the greatest impact on your performance at work and your satisfaction at home. How many of those decisions can you make unilaterally and how many do you have to reach with others—through negotiation? Most people I ask this question

answer: "I have to negotiate almost all of them." Negotiation is the pre-eminent form of decision-making in personal and professional life.

It is also increasingly the most important means of making decisions in the public arena. Even if we aren't personally sitting at the table, our lives are affected by the outcome of negotiations. When talks between the school board and teachers' union break down and the teachers go on strike, our children end up staying home from school. When negotiations between our business and a potential purchaser fall through and the business goes bankrupt, we may lose our jobs. When discussions between our government and its adversaries come to naught, the result may be war. In sum, negotiations shape our lives.

Joint Problem-Solving

We may all be negotiators, yet many of us don't like to negotiate. We see negotiation as stressful confrontation. We see ourselves faced with an unpleasant choice. If we are "soft" in order to preserve the relationship, we end up giving up our position. If we are "hard" in order to win our position, we strain the relationship or perhaps lose it altogether.

There is an alternative: joint problem-solving. It is neither exclusively soft nor hard, but a combination of each. It is soft on the people, hard on the problem. Instead of attacking each other, you jointly attack the problem. Instead of glowering across the table, you sit next to each other facing your common problem. In short, you turn face-to-face

confrontation into side-by-side problem-solving. This is the kind of negotiation Roger Fisher and I described more than a decade ago in our book *Getting to Yes*.

Joint problem-solving revolves around interests instead of positions. You begin by identifying each side's interests—the concerns, needs, fears, and desires that underlie and motivate your opposing positions. You then explore different options for meeting those interests. Your goal is to reach a mutually satisfactory agreement in an efficient and amicable fashion.

If you are looking for a promotion and raise, for example, and your boss says there's no money in the budget, the negotiation doesn't stop there. It becomes an exercise in joint problem-solving. Your boss inquires about your interests, which may be to pay your children's tuition and to grow in your job. You brainstorm together about how to satisfy these interests while staying within the budget. You may end up agreeing on a new set of responsibilities, a tuition loan from the company, and the promise of a raise next year to pay back the loan. Your basic interests are satisfied; so are your employer's.

Joint problem-solving can generate better results for both sides. It saves time and energy by cutting out the posturing. And it usually leads to better working relationships and to mutual benefit in the future.

Five Barriers to Cooperation

Skeptics are quick to point out that all this is easy to say, but hard to do. The principles of joint problem-solving, they say, are like marriage vows of mutual support and

<p>The Goal: JOINT PROBLEM-SOLVING</p>	<p>BARRIERS TO COOPERATION</p>	<p>Strategy: BREAKTHROUGH NEGOTIATION</p>
<ul style="list-style-type: none"> • People Sitting Side by Side 	<ul style="list-style-type: none"> • Your Reaction • Their Emotion 	<ul style="list-style-type: none"> • Go to the Balcony • Step to Their Side
<ul style="list-style-type: none"> • Facing the Problem 	<ul style="list-style-type: none"> • Their Position 	<ul style="list-style-type: none"> • Reframe
<ul style="list-style-type: none"> • Reaching a Mutually Satisfactory Agreement 	<ul style="list-style-type: none"> • Their Dissatisfaction • Their Power 	<ul style="list-style-type: none"> • Build Them a Golden Bridge • Use Power to Educate

fidelity: They no doubt produce more satisfying relationships, but they are hard to apply in the real world of stresses and strains, temptations and tempests.

At the start, you may try to get your opponent to tackle the problem jointly, but instead you may find yourselves in a face-to-face confrontation. It is all too easy to get drawn into a ferocious emotional battle, to fall back into the familiar routine of adopting rigid positions, or to let the other side take advantage of you.

There are real-world barriers that get in the way of cooperation. The five most common ones are:

Your reaction. The first barrier lies within you. Human beings are reaction machines. When you're under stress, or when you encounter a NO, or feel you are being attacked, you naturally feel like striking back. Usually this just perpetuates the action-reaction cycle that leaves both sides losers. Or, alternatively, you may react by impulsively giving in just to end the negotiation and preserve the relationship. You lose and, having demonstrated your weakness, you expose yourself to exploitation by others. The problem you thus face in negotiation is not only the other side's difficult behavior but your own reaction, which can easily perpetuate that behavior.

Their emotion. The next barrier is the other side's negative emotions. Behind their attacks may lie anger and hostility. Behind their rigid positions may lie fear and distrust. Convinced they are right and you are wrong, they may refuse to listen. Seeing the world as eat-or-be-eaten, they may feel justified in using nasty tactics.

Their position. In joint problem-solving, you face the problem and attack it together. The barrier in the way is the other side's positional behavior: their habit of digging into

a position and trying to get you to give in. Often they know no other way to negotiate. They are merely using the conventional negotiating tactics they first learned in the sandbox. In their eyes, the only alternative is for *them* to give in—and they certainly don't want to do that.

Their dissatisfaction. Your goal may be to reach a mutually satisfactory agreement, but you may find the other side not at all interested in such an outcome. They may not see *how* it will benefit them. Even if you can satisfy their interests, they may fear losing face if they have to back down. And if it is *your* idea, they may reject it for that reason alone.

Their power. Finally, if the other side sees the negotiation as a win-lose proposition, they will be determined to beat you. They may be guided by the precept "What's mine is mine. What's yours is negotiable." If they can get what they want by power plays, why should they cooperate with you?

Getting past no requires breaking through each of these five barriers to cooperation: your reaction, their emotion, their position, their dissatisfaction, and their power. It is easy to believe that stonewalling, attacks, and tricks are just part of the other side's basic nature, and that there is little you can do to change such difficult behavior. But you *can* affect this behavior if you can deal successfully with its underlying motivations.

The Breakthrough Strategy

This book lays out a five-step strategy for breaking through each of these five barriers—the strategy of *breakthrough negotiation*.

An analogy from sailing will help explain this strategy.

In sailing, you rarely if ever get to your destination by heading straight for it. In between you and your goal are strong winds and tides, reefs and shoals, not to speak of storms and squalls. To get where you want to go, you need to tack—to zigzag your way toward your destination.

The same is true in the world of negotiation. Your desired destination is a mutually satisfactory agreement. The direct route—focusing first on interests and then developing options that satisfy those interests—seems straightforward and easy. But in the real world of strong reactions and emotions, rigid positions, powerful dissatisfactions and aggressions, you often cannot get to a mutually satisfactory agreement by the direct route. Instead, you need to navigate past no by tacking—taking an indirect route.

The essence of the breakthrough strategy is indirect action. It requires you to do the opposite of what you naturally feel like doing in difficult situations. When the other side stonewalls or attacks, you may feel like responding in kind. Confronted with hostility, you may argue. Confronted with unreasonable positions, you may reject. Confronted with intransigence, you may push. Confronted with aggression, you may escalate. But this just leaves you frustrated, playing the other side's game by their rules.

Your single greatest opportunity as a negotiator is to change the game. Instead of playing their way, let them have *your way*—the way of joint problem-solving. The great home-run hitter Sadahara Oh, the Japanese equivalent of Babe Ruth, once explained his batting secret. Oh said that he looked on the opposing pitcher as his *partner*, who with every pitch was serving up an opportunity for him to hit a home run. Breakthrough negotiators do the same: They treat their opponents as negotiating partners who are presenting an opportunity to reach a mutually satisfactory agreement.

As in the Japanese martial arts of judo, jujitsu, and aikido, you need to avoid pitting your strength directly against your opponent's. Since efforts to break down the other side's resistance usually only increase it, you try to go around their resistance. That is the way to break through.

Breakthrough negotiation is the opposite of imposing your position on the other side. Rather than pounding in a new idea from the outside, you encourage them to reach for it from within. Rather than telling them what to do, you let them figure it out. Rather than pressuring them to change their mind, you create an environment in which they can learn. Only *they* can break through their own resistance; *your* job is to *help* them.

Their resistance to joint problem-solving stems from the five barriers described above. Your job as a breakthrough negotiator is to clear away the barriers that lie between their NO and the YES of a mutually satisfactory agreement. For each of the five barriers, there is a corresponding step in the strategy:

Step One. Since the first barrier is your natural reaction, the first step involves suspending that reaction. To engage in joint problem-solving, you need to regain your mental balance and stay focused on achieving what you want. A useful image for getting perspective on the situation is to imagine yourself standing on a balcony looking down on your negotiation. The first step in the breakthrough strategy is to Go to the Balcony.

Step Two. The next barrier for you to overcome is the other side's negative emotions—their defensiveness, fear, suspicion, and hostility. It is all too easy to get drawn into an argument, but you need to resist this temptation. Just as you've regained your mental balance, you need to help the

other side regain theirs. To create the right climate for joint problem-solving, you need to defuse their negative emotions. To do this, you need to do the opposite of what they expect. They expect you to behave like an adversary. Instead, you should take their side by listening to them, acknowledging their points and their feelings, agreeing with them, and showing them respect. If you want to sit side by side facing the problem, you will need to *Step to Their Side*.

Step Three. Now you want to tackle the problem together. This is hard to do, however, when the other side digs into their position and tries to get you to give in. It's natural to feel like rejecting their position, but this will only lead them to dig in further. So do the opposite. Accept whatever they say and reframe it as an attempt to deal with the problem. For example, take their position and probe behind it: "Tell me more. Help me understand *why* you want that." Act as if they were your partners genuinely interested in solving the problem. The third step in the breakthrough strategy is to Reframe.

Step Four While you may now have engaged the other side in joint problem-solving, you may still be far from reaching a mutually satisfactory agreement. The other side may be dissatisfied, unconvinced of the benefits of agreement. You may feel like pushing them, but this will only make them more resistant. So do the opposite. In the words of the Chinese sage, "build a golden bridge" from their position to a mutually satisfactory solution. You need to bridge the gap between their interests and yours. You need to help them save face and make the outcome look like a victory for them. The fourth step is to *Build Them a Golden Bridge*.

Step Five. Despite your best efforts, the other side may still refuse to cooperate, believing they can beat you at the power game. You may be tempted at this point to escalate. Threats and coercion often backfire, however, and lead to costly and futile battles. The alternative is to use power not to escalate, but to educate. Enhance your negotiating power and use it to bring them back to the table. Show them that they cannot win by themselves but only together with you. The fifth step is to *Use Power to Educate*.

The sequence of the steps is important. You cannot defuse the other side's negative emotions unless you have controlled your own. It is hard to build them a golden bridge unless you have changed the game to joint problem-solving. This does not mean that once you have taken one step, you have completed it. On the contrary, you need to keep going to the balcony throughout the negotiation. As the other side's anger and frustration resurface, you need to keep stepping to their side. The process is like a symphony in which the different instruments join in sequentially and then play their parts throughout.

Breakthrough negotiation can be used with anyone—an irascible boss, a temperamental teenager, a hostile co-worker, or an impossible customer. It can be used by diplomats trying to stave off a war, lawyers trying to avoid a costly court battle, or spouses trying to keep a marriage together.

Because every person and every situation is different, you will need to marry the five breakthrough principles with your own knowledge of the particulars in order to create a strategy that works for you. There is no magic recipe that will guarantee your success in every negotiation. But with patience, persistence, *and* the breakthrough strat-

egy, you can maximize your chances of getting what you want in even the most difficult negotiations.

The chapters that follow explain the five breakthrough steps and present specific techniques for carrying them out, illustrating their application with concrete examples. First, however, you will find a prologue about the key to effective negotiation: preparation.