

# You Can Negotiate Anything!!!

The mission of *The Negotiation and Mediation Club* is to provide a mutually supportive and positive learning environment in which every club member has the opportunity to learn the psychology of persuasion and practice the skills necessary to become expert negotiators and mediators.

## A Variety of Ways of Handling Conflict, Resolving Disputes and Getting What You Want

1. **Avoidance** – a consciously chosen strategy for managing a dispute by deciding to deliberately walk away from the conflict
2. **Negotiation** – direct interactions between two or more parties (or their representatives) that require the parties' willingness to communicate about their dispute and hopefully compromise or bargain in a manner that leads to a lasting agreement. Crucial elements in almost every negotiation include:
  - a. **Power** – the other side seems to have more power and authority than you think you have
  - b. **Time** – the other side doesn't seem to be under the same time constraints / pressure you are
  - c. **Information** – the other side seems to know more about your needs than you do about theirs
3. **Mediation** – a negotiation between disputing parties that is facilitated by a third party (i.e., the Mediator) who assists the parties in moving to a durable resolution of the dispute. A mediation typically has five stages:
  - a. **Convening** – the goal of this stage is to gain all the parties' willingness to participate in the mediation
  - b. **Opening** – the goal of this stage is to establish a safe environment and a hopeful mindset in all the parties to the mediation
  - c. **Communicating** – the goal of this stage is that the parties get the chance to express their issues and interests to one another (or at least to the mediator) and that they come to a more complete understanding of their own and the other parties' issues, interests and perspectives
  - d. **Negotiating** – the goal of this stage is to suggest creative alternatives, encourage flexibility and employ both back-and-forth bargaining and collaborative problem-solving techniques to identify the structure of an effective settlement
  - e. **Closing** – the goal of this stage is that the parties reach an informed decision that works for everyone involved and formalize their agreement in some way that ensures it is a durable resolution of the dispute
4. **Arbitration** – third party intervention by a person (usually someone mutually agreed upon or court-appointed) who has the power to make a decision about the dispute and thereby force a resolution
5. **Litigation** – state financed and administered court system with formalized rules and appealable decisions made by a judge or jury that will determine the government's resolution of the dispute
6. **Self-help** – unilateral action designed to affect a resolution without requiring the need to communicate or cooperate with the other party (e.g., rumor-mongering, slander, strikes, boycotts, protests, vandalism, theft, violence or threats of violence)

# The But / And Game

Active listening is one of the keys to any successful negotiation or mediation. In addition, it is critical that all the parties communicate with one another in a way that keeps them fully engaged in the process because once the dialog stops there is no way to continue negotiating or mediating.

In many of our everyday conversations (especially when trying to reach a consensus or resolve a dispute), the parties to the dialog tend to listen only long enough to prepare their rebuttal. This leads to a lack of understanding that can cause one or more of the parties to restate their primary points in hopes the other side will finally listen long enough to hear them. If both sides continue to do this, they will get stuck.

A way out of this “dialog death spiral” is to: **Avoid the BUT and Focus on the AND.**

To illustrate the power of this simple communication technique, please pick a partner and play “The But / And Game.” To begin playing, start a dialog about planning a trip together to your favorite vacation spot in the world. Your first sentence will be, “I think we should plan a trip to \_\_\_\_\_.” From that point on, each of you will state a single sentence in response. In the first round of the game, all subsequent responses must start with the word “BUT.” In the second round of the game, after your partner’s initial choice of destination, all subsequent responses must start with the word “AND.” When the two rounds are completed, share what you’ve learned about the benefits of “avoiding the BUT and focusing on the AND.”

## The Seven Secret Weapons of Influence

### Learn What They Are, Ways to Use Them and How to Defend Against Them

**Humans maintain a set of shortcuts** to thinking and behaving that allow us **to function efficiently in a busy world.** These automatic, stereotyped behaviors and thought processes can be invoked by certain simple triggers. Like pre-recorded tapes, **Click** - the appropriate tape is activated; and **Whirr** - out rolls the standard sequence of behaviors. Leveraging this, compliance professionals (e.g., negotiators, salesmen, con men, etc.) use the following **seven secret weapons of influence to create willingness in others to say “Yes” without thinking first:**

1. **Perceptual Contrast** – if two items that vary significantly along some dimension are presented to us one right after another, we perceive the second as being more different from the first than it actually is and therefore we will react differently to the second item than if we had perceived it by itself
2. **Reciprocation** – we feel obligated to return favors performed for us
3. **Commitment and Consistency** – we want to act consistently with our commitments and values
4. **Social Proof** – we look to what others do to guide our behavior
5. **Liking** – the more we like people, the more we want to say yes to them
6. **Authority** – we look to experts to show us the way
7. **Scarcity** – the less available the resource, the more we want it

## References

*Influence: Science and Practice*, © 2009, 2001 by Robert B. Cialdini and Pearson Education, Inc.

*Mediation: The Art of Facilitating Settlement, An Interactive Training Program*, ©1993-2009 by the Straus Institute for Dispute Resolution at the Pepperdine University School of Law.

*You Can Negotiate Anything*, © 1980 by Herb Cohen.