

You Can Negotiate Anything!!!

The 7 Primary Ways of Handling Conflict, Resolving Disputes and/or Getting What You Want						
Avoidance	Negotiation	Mediation	Arbitration	Litigation	Self-help	Request Help
unilateral action(s) designed to end your involvement in the dispute by walking away	a conversation with the goal of resolving an issue via bargaining and/or compromise	a guided dialog in 5 stages: Convening, Opening, Communicating, Negotiating and Closing	a third party judgment rendered by a mutually agreed upon neutral party	a state-financed court system that determines the government's resolution of the dispute	unilateral action(s), which are sometimes illegal, designed to force the other party to submit	appeal to a higher authority or power who has the ability to deliver the desired results

The 7 Secret Weapons of Influence – You Should Learn How to Use Them and Defend Against Them						
Perceptual Contrast	Reciprocation	Commitment & Consistency	Social Proof	Liking	Authority	Scarcity
we notice and decide by the difference between two things, not absolute measures	we feel obligated to return favors performed for us in whatever way we are asked to	we want to act consistently with our commitments and values	we look to what others do to guide our behavior	the more we like people, the more we want to say yes to them	we look to experts to show us the way	the less available the resource, the more we want it

The Buyer and Seller's Negotiating Range of Positions during the Dance of Distributive Bargaining								
Buyer's Bargaining Range		Buyer and Seller's Shared Bargaining Range					Seller's Bargaining Range	
Insult Zone ←...	Buyer's Credible Zone	Buyer's Reasonable Zone	Seller's Bottom Line #	Buyer and Seller's Zone of Possible Agreement (ZOPA) ←.....→	Buyer's Top Line #	Seller's Reasonable Zone	Seller's Credible Zone	Insult Zone ...→

The Two Icebergs of Issues, Positions and Interests that are Present in any Negotiation

Buyer's Issue: Price to Pay for a Car Buyer's Position: I'll pay up to \$10,000	Seller's Issue: Price to Sell my Car for Seller's Position: I'll need at least \$12,000																								
Below the Line are the Buyer's Interests	Below the Line are the Seller's Interests																								
<table border="1" style="width: 100%;"> <tr> <td>I don't like walking or riding a bike</td> <td>I need the car Monday thru Friday for driving 5 miles to work</td> <td>I love the color blue and especially like blue convertibles</td> </tr> <tr> <td>I don't know how to drive a stick-shift</td> <td>I can't park larger SUV's</td> <td>I love the feeling of freedom when I drive with the top down</td> </tr> <tr> <td>I'm short on cash now but my dad will lend me money</td> <td>In 3 months, I will get a signing bonus from my new job</td> <td>I want to appear grown up and not dependant on my dad</td> </tr> <tr> <td>...</td> <td>...</td> <td>...</td> </tr> </table>	I don't like walking or riding a bike	I need the car Monday thru Friday for driving 5 miles to work	I love the color blue and especially like blue convertibles	I don't know how to drive a stick-shift	I can't park larger SUV's	I love the feeling of freedom when I drive with the top down	I'm short on cash now but my dad will lend me money	In 3 months, I will get a signing bonus from my new job	I want to appear grown up and not dependant on my dad	<table border="1" style="width: 100%;"> <tr> <td>I only need \$5,000 now to buy some shares I think will double in price</td> <td>It is better for me tax-wise to get \$7,000 later</td> <td>I don't like negotiating with women</td> </tr> <tr> <td>I have two more cars besides this one that I want to sell</td> <td>I don't like to show weakness in a negotiation</td> <td>This car has a mildew problem from when I left the top down</td> </tr> <tr> <td>I love the smell of a new car and don't like cars over 2 years old</td> <td>I need to buy a bigger and safer car to hold my wife and kids</td> <td>My wife wants to put \$7,000 in our kids' college fund next year</td> </tr> <tr> <td>...</td> <td>...</td> <td>...</td> </tr> </table>	I only need \$5,000 now to buy some shares I think will double in price	It is better for me tax-wise to get \$7,000 later	I don't like negotiating with women	I have two more cars besides this one that I want to sell	I don't like to show weakness in a negotiation	This car has a mildew problem from when I left the top down	I love the smell of a new car and don't like cars over 2 years old	I need to buy a bigger and safer car to hold my wife and kids	My wife wants to put \$7,000 in our kids' college fund next year
I don't like walking or riding a bike	I need the car Monday thru Friday for driving 5 miles to work	I love the color blue and especially like blue convertibles																							
I don't know how to drive a stick-shift	I can't park larger SUV's	I love the feeling of freedom when I drive with the top down																							
I'm short on cash now but my dad will lend me money	In 3 months, I will get a signing bonus from my new job	I want to appear grown up and not dependant on my dad																							
...																							
I only need \$5,000 now to buy some shares I think will double in price	It is better for me tax-wise to get \$7,000 later	I don't like negotiating with women																							
I have two more cars besides this one that I want to sell	I don't like to show weakness in a negotiation	This car has a mildew problem from when I left the top down																							
I love the smell of a new car and don't like cars over 2 years old	I need to buy a bigger and safer car to hold my wife and kids	My wife wants to put \$7,000 in our kids' college fund next year																							
...																							

What We've Learned So Far

1. **You Can Choose How to Get What You Want** – negotiation is a very effective and inexpensive method
2. **Behaviors Based on Shortcuts Can Either Benefit or Harm Us** – navigating life is faster when we can react without thinking but these “click, whirr” shortcuts can also be exploited to gain our unwitting compliance
3. **Awareness of Principles of Persuasion is Key** – our negotiating ability improves if we learn how to persuade others using these weapons of influence and to recognize the principles when they are being used against us
4. **Avoid the BUT and Focus on the AND** – active listening and empathy are improved by saying AND vs. BUT
5. **Perceptual Contrast says that the Order in which Options are Presented Matters** – use this to shape the conversation towards an outcome that you find desirable by anchoring the other side to your number
6. **Distributive Bargaining is a Predictable Zero-Sum Game of Claiming Value** – the person who starts the Negotiation Dance with a credible offer can shift the **Zone of Possible Agreement (ZOPA)** in their favor
7. **WATNA, BATNA, LATNA** – it helps to know both the other party’s and your own **Worst, Best and Likeliest Alternatives To a Negotiated Agreement** because this knowledge can help close the remaining gap in a deal
8. **The Rule of Reciprocation says that we should try to repay, in kind, what another person has provided us.** As a weapon of influence, reciprocation is so powerful that it can cause you to say yes to a perfect stranger just to relieve your feeling of indebtedness or obligation to someone who has done something for us.
9. **In Integrative Bargaining the parties go beyond the zero-sum exchange** by seeking ways in which both sides can achieve their goals at little or no cost to the other party. The goal is to expand the pie by focusing on the **“below the line” interests** of the parties (which are often open-ended and not a source of conflict) versus the **“above the line” issues and positions** (which are often fairly fixed and constrained).

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.

Changing Minds.org, by © Syque 2002-2010 David Straker

Secret Weapon #3: The Principle of Consistency and Commitment

Here is an overview on the Principle of Consistency and Commitment from Robert Cialdini, in *Influence: Science and Practice* and from <http://changingminds.org/principles/consistency.htm>:

Description – I like to keep consistent what I think, say and do, and will change to ensure this is so.

The same in thought, word and deed – If I say I'm a nice person, then I will act nice to keep reality lined up with my self-perception. This desire to be consistent with commitments that we have already made can have strange effects. For example, people increase their estimation of a horse's chance of winning after they have placed a bet on it and hung juries are much more likely to happen when there was an initial public ballot. Once we make a choice, we encounter internal and external pressure to stay consistent with our commitment.

Social pressure – When words and actions disagree, people will assume that a person's intentions are more closely aligned with what they do rather than what they say. An effect of this is that when I act inconsistently with my declarations, other people will see me as being untrustworthy, and hence will at best not believe me in future, and at worst will reject me as worthy of their attention.

Self-image – We judge ourselves in the same way that we judge others. In fact our judgment is more harsh, as we intimately know our intent, beliefs and value behind our thoughts and actions. When the map and the territory differ, we thus need to change something so they line up again.

Rationalization – When our actions differ from our beliefs or values, we need to explain this to ourselves. As we do not really want to change our beliefs or values, our first move is to seek external reasons for the different. For example, if we have hurt someone, rather than accept ourselves as being unkind, we will rationalize our behavior. Thus the enemies are de-humanized and we tell ourselves that our victims were asking for the punishments we meted out to them or some authority made us do it against our wills.

Inner change – Change is difficult to force from the outside and is why coercion and many persuasion techniques either fail or fail to make permanent changes to the target person. If you want them to really change, then you must let them do it 'all by themselves.' For example, bait-and-switch techniques work because the inner change ("I'm now a buyer ready to buy something") survives even after the original product/price combination is no longer available.

Feeling it – The effect of inconsistency is to create feelings of tension. This then provides the motivating force that propels people into action. The greater the inconsistency, the greater the tension and the greater the motivation. Other words that describe feelings associated with inconsistency include: confusion, uncertainty, dissonance, denial and irritation. On the other hand, consistency feels calm, smooth, right, valid and even.

So What – Brainwashing works by getting people first speak and act outside their existing belief boundaries. This then encourages them to change their beliefs to be consistent with their actions. Small initial steps can lead to big changes. Charities who get you to sign petitions know that petitions seldom have a significant effect. The real effect is on you, as you now will have to strengthen your belief in the charity's cause in order to support your putting your name (a significant symbol of your identity) on the line.

To defend yourself against this weapon of influence, use the feeling of tension in the pit of your stomach or heart of hearts as a sign that an earlier commitment is being used you manipulate you into a foolish consistency and then replay the request and point out the absurdity of following through. For example, "Yes, I came in to buy X for \$10 but now you are trying to sell me Y for \$20. So, although I was a buyer before, I'm not now. Have a nice day."

The Prisoners' Dilemma – When to Play an X or a Y Card

The prisoners' dilemma is a paradigm for situations in which no one wants to cooperate, yet all would benefit if they did. Here is the story behind the name and a chart to show the choices:

The Prisoners' Dilemma		
<p>Two partners in crime are arrested for a theft (for which they are obviously guilty) and suspicion of murder (for which the prosecutor has insufficient evidence to prove without a witness). The prisoners are placed in separate cells where they can't communicate with one another. To help get at least one conviction on the murder (which carries a life sentence), the prosecutor decides to offer freedom to whichever prisoner betrays his partner by confessing to being present while his partner did the killing. If both prisoners stay silent then they will each get 2 years in prison for the theft. If both prisoners betray each other then it won't be clear to a jury who is telling the truth but it will be clear that they were both involved and they will each get 20 years in prison.</p>		
	Your Partner stays silent (i.e., your partner plays a Y card)	Your Partner betrays you (i.e., your Partner plays an X Card)
You stay silent (i.e., you play a Y card)	You both get 2 years in prison	Your Partner goes free; You get a life sentence
You betray your Partner (i.e., you play an X card)	You go free; Your Partner gets a life sentence	You both get 20 years in prison

If you are one of the prisoners, what would you do? Play Y Card ____ (stay silent) Play X Card ____ (betray)

In the next game, you and three other players are to play an X or Y card in each of 10 rounds and try to:

Win As Much As You Can					
Round	Record Your Choice (X or Y)	Record Your Result	Multiplying Factor	Score This Round	Total Score So Far
1			1		
2			1		
3			1		
4			1		
5			3		
6			1		
7			1		
8			3		
9			1		
10			3		

Use This Scoring Key to Record Your Result (with four players in each round, there are five possible outcomes):

<u>Outcome 1</u>	<u>Outcome 2</u>	<u>Outcome 3</u>	<u>Outcome 4</u>	<u>Outcome 5</u>
4 X's: -1 point each	3 X's: +1 point	2 X's: +2 points	1 X: +3 points	
	1 Y: -1 point	2 Y's: -2 points	3 Y's: -1 point	4 Y's: +1 point each

Totals:

Your Total Net Score: _____ Player 2: _____ Player 3: _____ Player 4: _____

Exercise developed by Gerald R. Williams and included in *Legal Negotiation and Settlement*, West Publishing, 1983.