

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"> <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"> <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
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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).
10. **The Principle of Consistency and Commitment says that we want to act in a manner that we view as consistent with what we think, say and do, and we will change to ensure this is so.** As a weapon of influence, this principle can be manipulated to build on a small step that we might be persuaded to take in favor of something and turn it into a much more significant series of actions that are supported by our need to stay consistent with our former commitments.
11. **The Prisoners’ Dilemma demonstrates the challenges related to determining if our partners will play either a Y Card (i.e., a friendly move indicating that we can trust them) or an X Card (i.e., an unfriendly move indicating that they have betrayed us).** In a negotiation (especially with a party that you will encounter again), the best strategy for developing a pattern of mutual cooperation is to: (1) Begin cooperatively. (2) Respond in kind to show you won’t be exploited but that you wish to cooperate. (3) Forgive if the other side becomes cooperative. (4) Be clear and consistent in the approach. (5) Be flexible.

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.

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Secret Weapon #4: The Principle of Social Proof

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

Principle – If I am uncertain I will take a cue from others. If other people are doing something, it must be ok for me to do it too. If other people are refraining from doing something, then it is probably not a good idea for me to do it.

How it works – We are social and tribal beings, and what others think about us is remarkably important. In our need for a sense of identity we seek to belong and therefore easily conform with what others are doing.

Uncertainty – This effect is particularly significant when we are uncertain what to do, for example when we find ourselves in unfamiliar situations. This also leads to the Bystander Effect where nobody will help a person in distress, mostly because nobody else is acting.

Social permission – The reverse effect happens too. When others are doing something that we know is wrong, we are more likely to assume that it is ok to do it too. This explains something of how peaceful crowds can turn into unlawful mobs. It also explains how young people turn to drugs and crime when they see their peers acting this way.

Social taboos – The action of taboos work this way too. If I do something in an unfamiliar situation such as in a different culture, then notice that others are looking in a disapproving way, I will quickly refrain and maybe apologize.

So what – In unfamiliar social situations you can learn a lot of the unwritten rules by watching what others do and do not do. If you want to persuade them, you need to understand the basic social permission system. When people are frozen in a tricky situation, you can gain hero status by acting first. If you fall over in the street, do not just yell 'help' -- point at a person and give them specific instructions.

How Mark Zuckerberg Used Social Proof to Turn Facebook into a \$100 Billion Company

One of the best examples of how the principle of social proof can be used to make billions of dollars is Facebook. Just about every aspect of Facebook has been designed to leverage the power of an individual's friends to guide the user into behaviors that help Facebook to increase their number of users and the amount of time spent on the site.

This process is best seen in the use of photos and the way in which the photo posting, tagging and commenting process pulls a user deeper into the system. Each person who is tagged in a photo posted by their friend is naturally curious as to what the photo shows and is encouraged to comment on the photo's contents. When this person comments on the photo, their comment is shown to all of their friends via the newsfeed. The person's friends who notice the comments in the newsfeed learn that the social norm within Facebook is to post photos, tag your friends in the photo and then comment on the photos. When they act on these demonstrations of appropriate behavior within Facebook they are creating a new viral flow which will pull in even more people.

Historically, people have been concerned about their privacy online. However, Facebook has helped to change how much people share what had formerly been fairly private information (e.g., photos from a party, one's relationship status, religious views, political leanings, etc.). This cultural shift has come about because the first people on Facebook (and the ones that had the most friends and received the most page views) demonstrated openness and this set the standard of behavior for those who came later.

A Mediator's Guide to Dealing with Uncooperative Parties

Here are some tips from *Mediation: The Art of Facilitating Settlement, An Interactive Training Program* on how to deal with uncooperative parties. The same techniques can be applied when there is no mediator present and you are confronted with a person who isn't behaving reasonably during a negotiation.

Categories of Uncooperative Actions

- **Challenging the mediator** by questioning their credentials or accusing them of bias
- **Undermining the process** by refusing to talk or refusing to share information
- **Attacking the opposing party** by pushing hot buttons, questioning credibility or making inflammatory or degrading comments
- **Violating the bounds of good faith bargaining** by lying or misrepresentation or using a session for purposes other than seeking a settlement

Ways for the Mediator to Respond

- Invoke the dispute resolution process and the mediator's control
 - Continue good faith process
 - Draw upon process stages and dynamics
 - Explain mediator's role as one who influences the process
- Recall the parties to the ground rules
 - Bring up the defined ground rules
 - Focus parties on them
 - Confirm understanding of them
 - Negotiate regarding use of them
- Confront the unproductive behavior
 - Identify unproductive behavior
 - Label unproductive behavior
 - Question use of unproductive behavior
 - Discuss the impact of unproductive behavior
 - Negotiate on an alternative behavior
- Refuse to be intimidated
 - Ascertain if the attempted intimidation is an tactic to divert the focus of mediation
 - Evaluate any justification for criticism
 - Confront and counsel
 - Return to the substance

- Acquiesce to the behavior
 - Realize advantage of honest and unexpected agreement with criticism
 - Be flexible, using calm and peaceful words; role model the conduct you wish to see
 - Let *them* own the conduct by not resisting
- Finesse the move
 - Recognize the attack
 - Avoid direct response to it
 - Maneuver around it to diminish its power or deflect it or postpone dealing with it
- Utilize outside resources
 - Bring to bear information or expertise other than the mediator's to influence perceptions
 - Use in either a reactive or preemptive way
- Present parties with choices
 - Continuing conflict or resolution
 - Productive or unproductive sessions
 - Useful or wasteful time investment
 - Mediator continuing or leaving
- Employ multiple responses
 - Recognize value in sequential responses
 - Recognize value in combined responses
 - For example, "I want to understand everything I can so I can do a better job of helping you. So, please help me understand how [name the unwanted behavior] is getting us closer to the goal."
- Consider the format, agenda and timing of the dispute resolution process
 - Impose time limits if bad faith bargaining
 - Use creative caucusing
- Terminate the dispute resolution process (either temporarily or permanently)