

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.
12. **The Principle of Social Proof says that we look to what others do to guide our behavior.** As a weapon of influence, social proof has been used to help Facebook build a social network of members that started with 3 roommates in 2004 and have half a billion users connected with one another by 2010. In addition to Facebook’s \$100 billion value, Social Proof is used countless times by other companies to market their products and by individuals in negotiations to help convince reluctant parties to do a deal based on others who have done a similar deal before.

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 #5: The Principle of Liking

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

Principle – We prefer to say yes to people we know and like

How it works – Trust is the basic unit of social glue that enables us interact without fear. We trust our friends and the people we bond with because of their similarity to us, physical attractiveness, compliments given to us, cooperation when we've faced group challenges and association with something we are already conditioned to like. Smiling and speaking confidentially helps you bond with another person and builds trust. If I trust you, I will accept what you say as true and expose my vulnerabilities to you.

Bonding – As social animals, we build friendships with other people. And a part of friendship is helping one another without having to negotiate an exchange at every turn, partly because we know that over time, the exchange and social capital will balance itself out. Bonding also happens with parents and siblings - 'Blood is thicker than water' is a common saying. It can also happen with family substitutes including employers, gangs and other organizations and institutions that we join.

Friendship – One of the effects of becoming friends is a very human process of feeling an emotional connection with the other person, such that our identities are connected together. In such a situation, with connected identities, if I do something for myself, I am also doing it for the other person, and vice versa.

Similarity – When we are trying to decide whether to trust someone, we often do not have time to find out how trustworthy they actually are, so we take a short-cut by assuming that someone who is either similar to us or who is similar to someone we would trust. We seek similarity in beliefs, values, attitudes, ways of thinking, understanding and deciding. We also look for short-cuts in physical appearance, dress, words and actions.

No harm – I will trust and work with people who do not harm me. You can be passive or active in your approach to harm. Passive no-harm is when you do not actively or deliberately act to harm me. However, you might still stand by and let others harm me, so active no-harm is where you act positively to protect me from harm. Of course, I will trust a active protector even more than a passive 'no harm' friend.

Truth and Reliability – I do not know everything and may lean on your expertise. If you always tell me the truth then I know that I can rely on what you say and not have to do any further checking up. If you always do what you say you are going to do, it makes your behavior very predictable, which means I can feel even safer around you. Truth and reliability also extend to the whole notion of 'integrity', where a person is true to their values and follows common social norms.

To increase the amount someone you wish to influence likes and trusts you:

- Make friends with them by building emotional bonds and finding things in common. Thus when you ask them to do something for you, they will feel as if they are doing it for themselves.
- Show that you are similar to the other person or similar to the sort of person they would trust.
- Do no harm to them and actively seek to protect them, demonstrating that you care about them personally.
- Manage expectations and always keeping your promises.
- Always tell the truth and actively maintain your reputation for integrity.

The Mediator's Roles

Here is an overview from *Mediation: The Art of Facilitating Settlement, An Interactive Training Program* on the roles that the mediator performs and some Do's and Don'ts. These same roles can be applied when there is no mediator present and the person with whom you're negotiating needs your guidance during a negotiation.

Functions the Mediator Performs:

- **Convener** – getting the parties to the table is the first step in any negotiation. This convening process involves establishing ground rules and terms of the mediation including the level of formality, time constraints, financial arrangements and logistics.
- **Keeper of the agenda** – moving the parties through the stages of the negotiation by staying on track, keeping the communication going and keeping the door open to avoid an impasse.
- **Power Balancer** – acting as a referee to prevent the stronger or better negotiator from overpowering the weaker or less skilled party. This can be done privately during caucus or by advising the party to seek additional external help on certain aspects of their case.
- **Reality Tester** – providing an independent perspective or sounding board for each of the parties and if a party is being unrealistic providing them with a face-saving way to become more reasonable.
- **Alternative Generator** – developing options for one or both parties that the mediator's neutral position or natural creativity allows him or her to see better than the parties involved in the dispute.
- **Scapegoat / Lightning Rod** – being the person that raises the issue that neither party wished to see raised but which is critical to an enduring agreement and being willing to take the blame for suggesting an unpopular move or reality in the negotiation.
- **Resource Expander** – taking a broader view of the dispute and suggesting when there might be other resources or options that might be brought into the negotiation to help deal with a sticking point in the process.
- **Gainer of Closure** – noticing when an option has been floated that has the potential to bring the parties together (especially when the parties might have missed this opportunity to settle because they are in the heat of the battle).
- **Secretary** – tracking offers, counter-offers and tentative agreements (including handling all of the details involved so that the parties can stay focused on the bigger picture of the negotiating process).
- **Agreement Implementer** – supervising the implementation of the agreement (if the parties so desire) after the deal is signed or when there the agreement has a phased implementation.

Mediator Do's

- Develop an opening statement
- Listen to understand – deeply and actively
- Use open-ended and clarifying questions
- Be a role model of good behavior
- Allow the parties to make all of their arguments
- Express empathy
- Evaluate the case only in caucus
- Focus on solutions by encouraging creativity
- Be patient to give time for parties to adapt
- Observe negotiation styles
- Keep the momentum going and never give up

Mediator Don'ts

- Act as if you are a judge
- Allow parties to be cross-examined
- Suggest anyone is ill-prepared
- Interrupt except to maintain control or clarify
- Over-promise to one party confidentially
- Bolster either side's case
- Evaluate a case in joint session or too early
- Allow final offers
- Undermine the mediation process
- Abuse the mediator's power
- Settle for an agreement in principle