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Mistakes Negotiators Make, and What Do Great Negotiators Do Anyway?

Learning to be an effective negotiator is a journey, not a destination. Along that journey you will encounter many notions about what effective negotiation looks like. Certain truisms about negotiation have come to the forefront as a result of the mistakes that people make. Similarly, with all the information out there and centuries of practice, we can also delineate what great negotiators do to solve some of the most difficult problems confronting humanity. Let's take a look at both of these before delving more deeply into the case studies.

Skepticism toward Negotiation, and Common but Inaccurate Myths

While we all negotiate regularly at work, at home, and in the world around us, negotiation still sometimes gets a bad name. Furthermore, there are some commonly held fictions related to negotiation that often lead people astray and away from creating the best deals

or solutions possible. Below are the most common misperceptions of negotiation that are important to dispel from the outset.

A Winner and a Loser – and Nobody Wants to Lose

The first inaccurate belief about negotiation can be encapsulated in the memorable short story from Dr. Seuss, called “The Zax.” To summarize the well-known tale, there once were a North-Going Zax and a South-Going Zax whose paths met. Neither Zax was prepared to move in deference to the other. They were both stubborn and prepared to stay where they were instead of giving the appearance, real or otherwise, that they would be the one to acquiesce to the other. The more they stood face to face, the more they tied their ego to their positions. They became entrenched. As the years came and went, so did progress, with highways and bridges built around them, and neither willing to budge. Alas, they spent the vast majority of their lives standing across from each other – both losing out.

Among the many lessons from this negotiation story is the belief that someone has to win and someone has to lose in a negotiation and neither party will budge if they are going to be the loser. This win-lose way of thinking leads people to conceive of negotiation from this vantage point – thereby limiting the negotiator’s thoughts on what might be possible. This mindset often results in negotiators becoming ensconced in their positions – just like the two Zax. Stated differently, if a negotiator enters with this mindset then they will inevitably end up only looking for solutions that fit this type of outcome. While there are certainly some negotiations that may ultimately end up with a winner and loser to varying degrees, this misnomer pushes people to focus their attention in the wrong place and miss possible opportunities.

In addition, if a negotiator approaches their processes with this win-lose mindset, what impact does that have when they

have to negotiate with the same people over and over again? Of course, they could always play the game of “I will win this time and next time it is your turn,” but that approach is both illogical and produces poor agreements that leave value on the table and potentially creative solutions unexplored.

The False Promise of Compromise

The second mistaken – but commonly held – belief about negotiation is that the process hinges on a negotiator compromising something really important to them to get a deal done. Recall the famous story of King Solomon and the baby. One day two women came to King Solomon, and one of them said:

“Your Majesty, this woman and I live in the same house. Not long ago my baby was born at home, and three days later her baby was born. Nobody else was there with us.

“One night while we were all asleep, she rolled over on her baby, and he died. Then while I was still asleep, she got up and took my son out of my bed. She put him in her bed, then she put her dead baby next to me.

“In the morning when I got up to feed my son, I saw that he was dead. But when I looked at him in the light, I knew he wasn’t my son.”

“No!” the other woman shouted. “He was your son. My baby is alive!”

“The dead baby is yours,” the first woman yelled. “Mine is alive!”

They argued back and forth in front of Solomon, until finally he said, “Both of you say this live baby is yours. Someone bring me a sword.”

A sword was brought, and Solomon ordered, “Cut the baby in half! That way each of you can have part of him.”

“Please don’t kill my son,” the baby’s mother screamed.

“Your Majesty, I love him very much, but give him to her. Just don’t kill him.”

The other woman shouted, “Go ahead and cut him in half. Then neither of us will have the baby.”

Solomon said, “Don’t kill the baby.” Then he pointed to the first woman, “She is his real mother. Give the baby to her.”

Everyone in Israel was amazed when they heard how Solomon had made his decision. They realized that God had given him wisdom to judge fairly.¹

King Solomon’s example thankfully did not end in a gruesome compromise, but many negotiations do end up with a badly conceived compromise based on poor decision making. Many negotiators believe they must give up something of significant value to reach a deal. This belief is why many people dislike negotiating or feel anxiety during the process.

Frankly, while compromises might be needed from time to time, they certainly are not what effective negotiation is all about. It can be argued that compromising is a lazy approach to negotiation. Compromises usually happen when a negotiation becomes tense or a difficult issue remains elusive. The idea is to split the difference – with both being a little unhappy – so the parties can move forward.

So what do you do if you don’t compromise? You resist the urge and dig into the issue in a deeper fashion. What that means is taking a creative approach where you explore all the underlying interests and sources of value that exist. When negotiators take this later approach, they often find they need not compromise because those interests and needs can be met in a multitude of ways. If, after exhausting all other avenues, they are left with no other option than to compromise, they can do so with confidence.

Misnomers about Manipulation and Deception

The third popularly held erroneous notion about negotiation is that it requires manipulation and deception. The thinking goes that when a negotiator finds something that creates discomfort in the other negotiator, they seek to exploit it. This view is all about taking advantage of the other negotiator. This approach also views the other negotiator as an adversary and treats them in that fashion.

The issue of manipulation and deception is another significant reason why so many people find negotiation disquieting. A series of studies have been conducted about comfort level and negotiation. One study in particular, from LinkedIn in 2012, found that only 40% of men and 26% of women were comfortable negotiating.² For people to become comfortable negotiating, they need to learn to let this conception of negotiation go and to realize that successful negotiation does not involve these deceptive tactics. In fact, it is really the opposite – building relationships and finding creative solutions – are what make effective negotiation possible.

The Strong Don't Negotiate

The fourth fallacious customary perception of negotiation is that it is for the weak. Strong people coerce others to do things, not persuade them. We often hear phrases such as “We don’t negotiate with terrorists” or “Negotiation is about appeasement and not about standing up to the other.” Think Chamberlain and Hitler. The reality is very different than that view. Negotiation is one of the key tools that we have at our disposal to solve our conflicts. There is nothing weak about this process.

Looking back through history, negotiation has been a critical tool to allow for human advancement and progress – from the Constitutional Convention of 1787 in the United States, to the

Cuban Missile Crisis in 1962 between the United States and the Soviet Union, to South Africa's National Peace Accord to end a decades-long conflict.³ The problem is that most people are not conditioned to look to these milestones, but we must if we are to survive and grow as a species.⁴

Negotiators Are Born, Not Made

The fifth common myth is that negotiators are born and that negotiation is not something you can learn. As negotiation scholar Leigh Thompson reminds us, "I admit that I like Lady Gaga, but I think she has it wrong – at least when it comes to being a good (or great) negotiator. The truth is: I have never met a negotiator who was 'born this way.' The best negotiators I've met have been self-made, not manufactured by their parents."⁵

While people are indeed born with many traits that can help or hinder their negotiating ability, everyone can learn how to negotiate more effectively. Each person has their own negotiation ceiling that they can achieve, which requires time and effort. Furthermore, being an effective negotiator is not a destination, it is a journey. This means we are on that path forever – learning as we go and continually adding to our mindset and toolbox.

You Have to Sacrifice the Long-Term Relationship for Short-Term Gain

The final misguided conventional perception is that if a negotiator seeks to meet their short-term goals, they have to do so at the expense of the long-term relationship. The thinking goes that both can't be done; something has to give. This is a false dichotomy. Those that negotiate regularly, particularly with people with whom they have a long-term relationship, are always watching that fine line. They will never do something in the short term that damages the long-term relationship because they know it

will come back to haunt them down the road. As J. Paul Getty reminded us, “You must never try to make all the money that’s in a deal. Let the other fellow make some money too, because if you have a reputation for always making all the money, you won’t have many deals.”⁶

Moreover, the power of long-term relationships in negotiation is invaluable. When negotiators who have a strong relationship engage with each other, they are able to come up with the best deals possible. The reason for this is because they trust each other enough to share sensitive information and their underlying needs and interests that leads to finding hidden value. This is also true because when negotiators with a strong relationship hit a difficult snag in a process, they trust each other enough to persistently work together until they find a way forward. Without that type of relationship, fingers get pointed and blame gets heaped on the other.

What Great Negotiators Do: Five Key Principles

The case studies in this book demonstrate what effective negotiation really looks like in practice. Most readers will wonder, what is it, exactly, that great negotiators do so effectively? This question is often asked by many trying to learn this craft. Fortunately, the answer to what great negotiators do can be found in all of the cases collectively. As you read through the different cases, you will notice at least five principles emerging continuously. It is fair to say that these five tenets are a *necessary* condition for success in virtually all negotiations. If you use all of the principles below, you are much more likely to reach creative solutions that maximize the value in all your negotiations.

**Principle 1: Invest in Preparation
(Instead of Having a Plan)**

There is no substitute for preparation, but people have to be careful how they prepare. Perhaps US president Dwight Eisenhower stated it best when he explained, “I have found that plans are useless, but planning is everything.”⁷ While Eisenhower was talking about preparing for war, the sentiment applies equally to negotiation, given the uncertainty involved and the fact that, as negotiators, we are always working with incomplete information. Even though it is very tempting for people, particularly those just learning to negotiate, to want to develop a specific plan of action, that approach rarely works effectively.

There are two reasons why plans are ineffective. The first reason is that what happens in a negotiation is partly contingent on the actions of the other. Since they are not reading from your playbook, they don’t know what your plan is and, frankly, are not really interested in your plan. They are interested in their own approach and what will help them achieve their objective. The second reason is that negotiations are rarely linear and full of unexpected twists and turns. Given that truism, even the best-laid plans of negotiators are likely to go awry.

All that stated, engaging in broad-ranging contingency planning is extremely effective when it comes to negotiation (see Table 1.1).⁸ Being clear on your end goal, but flexible on how to get there, is a critical component of successful negotiation. As many of the cases exhibit, this multipronged approach to preparation provides a negotiator with different avenues to go down in case one road is blocked.

Further, preparation provides negotiators with confidence to handle the ebbs and flows of a negotiation process. Just like studying for a test gives a person a level of confidence, so too does preparing for a negotiation. The more someone prepares, the more they can begin to envision the different avenues a

Table 1.1 Comparing Plans to Preparation.

A plan	Preparation
Is concrete	Is broad ranging
Has a specific objective	Has a specific objective
Uses a singular course of action on how to achieve the objective	Has many different avenues that one can go down to achieve an objective
Does not address what happens if people deviate from it	Is based on contingencies and enables the user to adjust to unforeseen circumstances
Assumes the landscape is clear and predictable	Assumes a lack of information and that the landscape is unpredictable

negotiation might go down, the interests of all involved, the myriad of options available, and how to handle unexpected inevitabilities.

Principle 2: Mindset and the Importance of Cultivating the Relationship

In all the cases in this book, one critical reason unique solutions were found was because of the mindset that at least one of the negotiators brought to the table. Mindset, while not readily apparent, underpins everything a negotiator does in a negotiation. For example, if a negotiator brings a mutual gains thought process to the table that puts them in the right frame of mind to envision potential solutions and to freely explore possibilities that meet both their and the other negotiator's needs.

This mutual gains mindset ties directly into the importance of relationship building. As Sir Francis Bacon reminded us, "In all negotiations of difficulty, a man may not look to sow and reap at once; but must prepare business, and so ripen it by degrees."⁹ In other words, when a negotiator invests in a relationship, over

the long term, the negotiations become easier and more fruitful. While most would not dispute the importance of cultivating the relationship, some people feel they have to sacrifice the long-term relationship for a short-term gain. That is the exact opposite of what a negotiator should do. As has been previously expressed, one must seek to meet their short-term interests *while* preserving the long-term relationship. It is not easy to do, but it is indeed possible.

Furthermore, it is the relationship that will help you through difficult times and serious negotiation challenges. As my colleague William Ury has stated, “Investing in the relationship is like making a deposit in the bank of goodwill. There will be times in a negotiation when you need to make a withdrawal from that bank. If you have a strong relationship, you will be able to draw on those funds in the most important times.”¹⁰

Principle 3: Creative Problem Solving

Negotiations, especially really difficult scenarios, require negotiators to envision the process as a creative problem-solving endeavor. In many of the cases herein you will notice that people had to engage in this type of thinking to uncover a possible but difficult-to-find solution. When a negotiator engages in creative problem solving, they free their mind from its traditional constraints and are more able to engage in innovative explorations. These roads less traveled are often the avenues to success.

In order to problem-solve effectively, one has to see and make connections where others do not. These connections bring a new reality to the forefront and different workable ideas to light. Consider what William Plomer had to say about the creative thinking process: “Creativity is the power to connect the seemingly unconnected.”¹¹ When negotiators begin to see these elusive connections, they can solve even the most difficult of negotiation problems.

The reader should not, however, confuse problem solving with compromise. Many believe they are synonymous, but that could not be further from the truth. Compromise does not focus on creativity, but rather on finding a solution – usually a less than optimal one – and moving the negotiation forward. Compromise often yields to dynamics, such as time pressure and agreement bias (i.e. the strong desire to find a solution so all the parties can move on having gotten at least part of what they wanted).

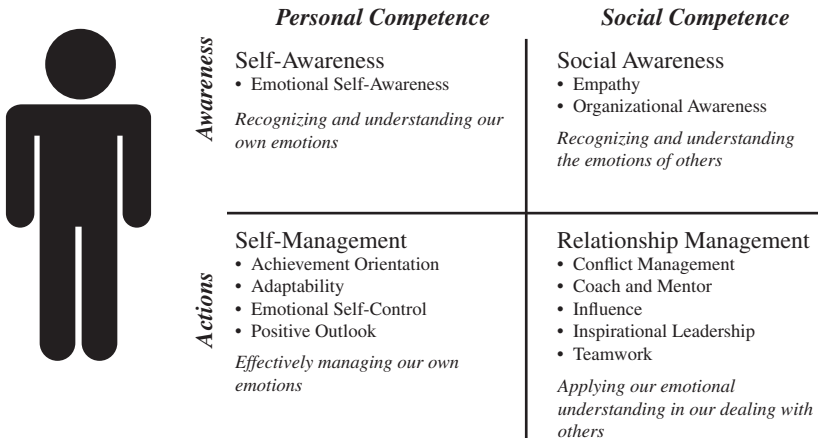
Moreover, there is an inherent interconnected nature to negotiation. The reality is that, generally speaking, people in negotiation need each other. If they did not need each other they would just walk away. As one example of this, think about whether anyone has ever said to you in a negotiation, “Well, that is your problem. When you figure it out, let me know.” It is my contention that people who say that really don’t understand how negotiation works. This statement flies in the face of the aforementioned problem solving and fails to recognize that one negotiator needs the other to say yes so they can achieve their objectives and vice versa.

Principle 4: Managing the Emotional Side of Negotiation

For many years the conventional wisdom was that it was best for negotiators to keep their emotions out of the process. Remain calm and address the substance of the issues. While this may have seemed like reasonable advice, it proved not to be possible. Why? For one simple fact – human beings are both logical and emotional creatures.

As such, whether we like it or not, emotions always play a role in negotiation. As Christopher Voss reminds us, “Emotions aren’t the obstacles to a successful negotiation; they are the means.”¹² The question should not be whether to keep emotions

out or let them in, but rather how does one let them in with some control? The way in which most negotiators do that today is through emotional intelligence.¹³ In every negotiation case in the book, emotions played an important role and the negotiators did a very effective job of bringing their emotions to the table with some restraint. In addition, in these cases the negotiators involved managed not only their own emotions well, but were also, at times, called on to manage the emotions of their negotiation counterparts so that their emotions did not overwhelm them and become an impediment to success.



Principle 5: Uncovering the Hidden Dimensions of Negotiation

In every case study you will read about the hidden dimensions and underlying interests involved in the respective negotiations. These veiled elements require skill to notice and to grasp how they are impacting the process. Many of the covert dimensions of negotiation are far from obvious and require a lot of exploration and investigation. For example, in some of the cases there were cross-cultural elements impacting the process and the thinking of the participants.

Astute negotiators look for these dimensions and assume there is more going on than meets the eye. In other cases there are key psychological dimensions involved, such as face saving, that underpin the entire process. Finally, in still other examples, there are critical interests or needs that are driving the process, but are lurking under the surface like the hidden elements of an iceberg.



Notes

1. Kings 3:16–28, Contemporary English Version.
2. Casserly, M. “Why American Women Lose at Negotiation – And What We Can Do about It,” *Forbes* April 3, 2012; <https://www.forbes.com/sites/meghancasserly/2012/04/03/why-american-women-lose-negotiation-linked-in-career/#171f3577ac45>

3. For more examples, please see Fredrik Stanton, *Great Negotiations: Agreements that Changed the Modern World* (Yardley, PA: Westholme Publishing, 2010).
4. For a comprehensive read of how negotiation and conflict has been resolved throughout history, see William Ury, *The Third Side: Why We Fight and How We Can Stop* (Penguin Books, 2001).
5. Thompson, L. “Masters of Negotiation: Born This Way?” Kellogg News. https://www.kellogg.northwestern.edu/news_articles/2014/12052014-made-not-born.aspx
6. Quotation can be found at <https://theamericangenius.com/entrepreneur/19-inspirational-quotes-on-the-art-of-negotiation/>
7. Quote can be found here: <https://www.azquotes.com/quote/358520>
8. “The Paradox of Planning,” <https://www.breakingthewheel.com/paradox-of-planning/>. A helpful analogy here might be how one prepares for chess. The grand masters tend to think more in contingencies than one concrete plan or approach.
9. Quote can be found here: <http://www.literaturepage.com/read/francis-bacon-essays-99.html>
10. Interview with William Ury, August 26, 2019.
11. Quote can be found here: https://www.brainyquote.com/quotes/william_plomer_404671
12. Quote can be found here: <https://www.brainyquote.com/topics/negotiation-quotes>
13. For more on the core tenets of emotional intelligence, see works by Daniel Goleman.