Column

Lessons from Another World: An Emic Perspective on Concepts Useful to Negotiation Derived from Martial Arts

Christopher Bates

Introduction

The seminal book on principled negotiation, *Getting to Yes: Negotiating Agreement without Giving in*, introduced readers to the idea of negotiation *jujitsu* as a technique to be employed when negotiating counterparts persist in using positional bargaining (Fisher, Ury, and Patton 1991). While highly useful, it was written from an *etic* perspective by skilled negotiators with a casual understanding of martial art. Exploring *jujitsu* and other martial arts that derive strength from softness and yielding is, indeed, valuable for negotiators. This article applies an *emic* perspective derived from *within* the culture of Asian martial arts and delves more deeply into concepts from combatives as applied to negotiation.

Fundamentally, martial arts involve ways of achieving an acceptable outcome (personal survival, among other things) in interactions with counterparts who seek to deny one of some resource, be it life, liberty, or the pursuit of one's aims. Martial arts strategies and techniques are psychological and physical. While the former are directly applicable to negotiation, useful nonphysical analogues can also be derived from the latter.

Taiji Negotiation

Among these arts, the one most famed for overcoming hardness with soft power is the Chinese combative art based on Taoist philosophy called *Taijiquan*. The *Taiji* combative repertoire includes striking, kicking, joint locking, choking, nerve striking and grabbing, tripping, sweeping, and throwing. The finer points of these skills are not imparted to the student

Christopher Bates is an executive recruiter and director of MRI Greater China based in Taiwan. He has lived and worked in Asia for thirty years, during which time he trained with several highly reputed masters of Asian fighting arts. His e-mail address is bandoeagle@hotmail.com.

10.1111/j.1571-9979.2010.00295.x

Figure One
A Push Sequence

early in the training, however. Rather, the student focuses for several years on softness, yielding, absorbing, redirecting, internal awareness of balance, and the issuing of force and sensitivity. Martial arts teacher Tim Cartmell described this technique on his web site:

> "Stick and Adhere" refers to connecting with the opponent in a soft and non-confrontational manner and, maintaining this connection as you both move. (Blocking an opponent's incoming force inevitably results in the opponent being knocked away. This makes it impossible to join with the opponent.). . . . Continue and Follow refers to giving up oneself and following the other by continuously following the opponent's movement and changes in order to maintain your connection. In this situation, you may constantly monitor the opponent's actions and intent while seeking the time and opportunity to join with and lead his center, thereby bringing him under your control (Cartmell 2008).

To train these sensitivities, *Taiji* practitioners engage in *Tui Shou*, "pushing hands." Facing a partner toe-to-toe with their hands placed lightly on the partner's arms, they start to move. (Beginners use prearranged patterns and experts use random actions.) Maintaining continuous contact with the partner, they are ever seeking hitches in the partner's movement, angles where he gets stuck, tenseness, and momentary loss of balance, all the while trying to relax and not reveal any weakness themselves. This develops *TingJing*, the ability to hear energy. The partner who misperceives an opportunity and chooses that moment to shove the opponent may find himself "falling into a vacuum."

The opponent yields to the force of the attack then, connecting directly to the partner's center, encouraging the partner's action in such a way that the attacker is displaced and cast to the ground. No struggle occurs and there is little apparent force, but the violence with which the opponent is displaced is undeniable (Figure One).

Viewed left to right in the photo sequence, we see Master Hong Dze-han of Taiwan (on the right) yield to the forceful push of his opponent. The yielding does not represent a structural collapse of his body's fighting

integrity but is rooted to the ground through the waist. Two of many possible outcomes are shown. If the opponent's momentum carries him forward, Master Hong converts his contact with the opponent's arm into an arm lock driving him into the ground. If the opponent, however, detects a trap and withdraws, Master Hong's touch and power follow, multiplying the effect of the retreat and casting the opponent away, defeating him.

I believe these principles can be usefully applied to negotiation situations, for example, when a negotiator faces a forceful and obstinate counterpart. To the extent that we block her efforts or push back, we are knocking her away from us, breaking the contact or struggling. This does not serve our interests in seeking to reach agreement. Learning to connect to the other negotiator in a soft and nonconfrontational way gives us the opportunity to learn more about the interests that lie behind her position (in *Taiji* parlance, her center) and connect to that. We can then yield to her forceful projection while seeking an advantageous angle from which to connect again to her center. She will then "fall" into agreement with us (Bates 1999).[1]

An executive recruiter applied this strategy to a client negotiation involving the terms of a search. The recruiter was confident he would successfully complete the search and pushed for a fully retained agreement (meaning some fees would be paid up front) with 30 percent fees. The client countered and stated he could only agree to contingent terms at 25 percent.[2] The recruiter did not reject further discussions with the client. Instead, he stayed connected, gently exploring the client's perceived value of using a recruiter to find top talent. He then yielded to the client on the point of accepting a contingent assignment while increasing the fee structure to 33 percent. The client resisted an increase to 33 percent, and the headhunter's response was connected to the client's center. "On a contingent basis, you have no risk and you can look at candidates presented by other recruiters," he said. "If you find that the candidates I present are superior and will create greater value for your company, then in the scheme of things the very little extra I am charging is worth it." The client agreed.

The Vanguard of the Moment

From Sun Tzu on down through ages of conflict in North Asia, it has been taught that the greatest victories are those won without resorting to physical confrontation. To achieve this kind of victory, however, requires superior generalship. The *Yagyu Shinkage Ryu* has been passed down from Yagyu Munenori, instructor to the leaders of feudal *Tokugawa* Japan. His teachings were expected to be applied to leadership on and off the field of battle. This method teaches participants to seek a higher-level perspective on the combative engagement. One technique of Yagyu is ***kizen***, which means taking action at "the vanguard of the moment." The vanguard of the moment occurs when a person accurately perceives the energy, feeling, and mood of

an opponent and acts accordingly. Munenori applied this specifically to social situations even when no discord was evident.

Dave Lowry, an author and *Yagyu Shinkage Ryu* expert who has trained with a master of the lineage since he was a teenager, recalls his *sensei's* (teacher) lesson on *kizen* in a nonmartial context.

> I was a sophomore or junior in high school when the famous "ping pong diplomacy" unfolded in China. Sensei was extremely impressed with the way Nixon recognized this was a whole new ball game in the offing. (Some of this had to do with discussions we had about *marobashi*, literally a "rolling log," which refers to a crucial aspect of *Yagyu Shinkage Ryu* strategy. It is the ability to instantly adapt to new circumstances). . . . [H]e credited Nixon with recognizing so quickly the opportunity presented by the ping-pong incident. The analogy he used was that Nixon was walking down a street with hundreds of doors, all looking pretty much alike. However, he was able to see that one door out of the hundreds was slightly, just slightly, ajar. That was the opportunity. That was the *kizen* moment. . . . *Kizen* is not just recognizing the moment, it is grasping how the moment might be exploited (Lowry 2009).[3]

To instill this philosophy of engagement in his students, Yagyu taught them a physical analogue for the vanguard of the moment. Students face each other armed with bamboo swords and attack at will with a vertical cut designed to cleave the opponent's head in two directly at the center of the top of the head. The victor in these exchanges is the one who times his blow and angle ever so subtly such that it simultaneously parries the opponent's incoming cut and delivers his own stroke true to the top of the head (Yagyu and Skoss 1986).

The concomitant necessity for mindfulness and perceptive fluidity is fundamental to other martial arts as well. In *karate*, a seminal teaching is "karate has no first hand." An experienced karate practitioner will not initiate violence, nor will she be a victim of it. Her hand will not be the first to strike a blow; her first move will be in defense. Chinese schools of martial art, such as Northern Shaolin, make a similar barbed warning. "If you do not strike, I will not strike you first, but if you make the slightest move, my blow will land before yours" (Kao 1977). The unassailable bearing of one who embodies the mindfulness and skill necessary to achieve this is said to speak subliminally to others. Miscreants back down; predators are held at bay (Smith 1993).

How is such mindfulness instilled in initiates? Dr. U Maung Gyi, a master of Burmese fighting arts, told me of his experience trying to become the student of a skilled stick fighting teacher in post-World War Two Burma. He was led into the library of the gentleman and told to wait, which he did patiently for an hour. He was then led into an anteroom where the master

was waiting to receive him. The master asked him to recount in detail everything he had observed in the library before. Dr. Gyi's observation of specific items, such as architectural features, book titles, and rugs, told the master that the young Gyi would be a worthy disciple (Gyi 1976). (I use this exact lesson to test the awareness of students during a negotiation training course that I teach.)

Master Hong Yi Hsiang recalled a similar initiation. He had long sought to study with a mysterious master in Taichung, Taiwan. After numerous efforts to reach out to the man, he was invited down from Taipei to visit. It was evening and he, too, was led into a room illuminated by only one candle and was asked to sit near it. After some time had elapsed, the master entered the room and told young Hong that he had passed the test. What test? He had sat quietly and was unperturbed by thoughts of his imminent meeting with the master as evidenced by his calm breathing: the candle had been undisturbed (Hong 1986). In both cases, the tests were lessons in mindfulness and calm centeredness as well as examples of highly contextual, nonverbal instances of negotiation (e.g., they negotiated themselves into the schools).

Preparedness and mindfulness are essential to effective negotiation in much the same way, and the calm centeredness of a negotiator so ready to engage with the other party speaks subliminally to great effect. Maintaining constant awareness of the negotiating environment (Where did they invite you to meet them? Who have they chosen to meet with you? Is another supplier's annual calendar hanging on the wall?) contributes to the dynamic interaction. Approaching a negotiation well prepared, the negotiator is not fazed by the actions of the other side because they have been anticipated. They can be deftly countered without degenerating into argument. Mindfulness not only checkmates incipient action on the part of an aggressive negotiator but also allows us to see deeply into the positions and interests of the other party, enabling us to suggest mutually beneficial ways to expand the pie.

Positions and Stances

Imagine two lonely marines dug into a foxhole near enemy lines. This is their position on the battlefield, and they are ordered to maintain it. The position is not what the war is about, but it is everything to these two soldiers. Although it is insecure (it is in the middle of a battlefield!) it represents security to them. They will defend it against attack. They will not withdraw unless ordered to do so and may die defending the position. The marines in the foxhole, however, are not the ultimate problem/solution to the engagement taking place.

Rather than dig into and fight over positions while losing sight of the objective of the war, principled negotiation (Fisher, Ury, and Patton 1991) proposes to focus on problem solving. A negotiation is fundamentally about

satisfying interests. What are the interests behind the positions? To bring fluidity and flexibility to a negotiation rather than get locked into positions, it can be useful to adopt the concept of stance utilized in many fighting arts. A stance is not a static posture. It is neither a position from which one does *not* move nor a posture out of which one fights. Rather, a stance is a dynamic from which movement can take place. It aligns one with the terrain, gravity, and the opponent, and affords fluid movement in all directions. It minimizes the exposure of body targets while allowing as many as possible of the body's natural weapons of attack and defense to bear on the opponent. Some stances are specifically designed to communicate invulnerability to the opponent to discourage aggression at the outset (Bates 1999).

Applied to negotiation, a good stance is one that does not lock the negotiator into a position that she must defend. It is an attitude of calm professional awareness that tells the negotiating counterpart she does not intend to exploit them, nor will she allow herself to be exploited. She is flexible and open to reason and expects reciprocation, failing which she is fully capable of taking action, the consequences of which may not be in the other party's interest (Bates 1999).

Extreme Best Alternatives to a Negotiated Agreement

The unarmed samurai has been ordered to deliver tea to the guest kneeling on the *tatami* mat in the common room of the house. His orders are explicit. "The negotiations with the guest are expected to fail. If you have the opportunity, kill this person." The guest is armed, skilled in the use of his weapons, and aware that he is not among friends. Therefore, he is on his guard.

The samurai prepares the tea with great skill and attention, allowing him to focus and calm any emotions that would belie his intentions. He rises to his feet, carefully lifting the lacquered tray with the cup and pot of fresh brew. He walks slowly toward the guest, his eyes lowered but still observing the demeanor and awareness of the man. Each step brings him closer; each step calmly roots him to the earth connecting him to his purpose and power with an awareness that goes to the very soles of his feet. If the guest remains wary and his attention stays riveted and full of suspicion on the servant, the samurai will serve the tea with full ceremony and retreat from the room. If, however, the guest's attention wanders for a moment, or if he accepts that the servant is merely a servant, then the samurai will seize the opportunity to act. As he begins to lower his body in preparation to kneel there will be a moment, a best moment, and a tipping point, where calmness and servility will erupt into violence. The thumbs securing the tray will slip and the tray will flip, scalding the guest with tea and obscuring his vision as the samurai falls upon him, pinning the guest's right arm and drawing the *tanto* dagger from the guest's belt. The guest will be stabbed, and the negotiations will expire without a struggle.

This example of serving tea to an enemy is not fiction, nor is it a specific example from a historical negotiation in Japan. It is, however, the *first* lesson taught to initiates in the ancient battle-tested art of *Araki-ryu* and, hence, an example of a negotiation pedagogy and attitude with which we are unfamiliar in the modern world (Amdur 1986). It should be noted that this formal exercise incorporates many of the elements discussed above: mindfulness, awareness, stance, and *kizen*. It is also not the only such example from Japan. In the famed *Tenshin Shoden Katori Shinto Ryu* lineage of weapons training, one of the forms of sword drawing requires the practitioner to leap five feet to the right from a kneeling position while drawing his sword in midleap and making a full powered downward cut into an opponent. The opponent in this case is an imagined enemy commander kneeling face to face with the samurai's commander. If the commander signals that the negotiation has failed, the samurai is to make this leap to the right and cut down the enemy (Otake and Draeger 1982).

While we can all cite instances of dealing with particularly ruthless negotiating counterparts, it is unlikely we have faced this level of commitment to what negotiation theorists call a BATNA! Nevertheless, the capacity of a negotiating counterpart under severe circumstances to resort to extremes should remain in the back of the negotiator's mind when facing him. The same conditions of intense uncertainty, resource scarcity, casual attitudes toward fatal outcomes, and unreliable recourse to legal means persist in parts of the world today. This can drive negotiators to resort to behaviors we would deem extreme and unacceptable. While we may not embrace this particular outcome, having a well-defined BATNA to which we can be fully committed will give us confidence to pursue acceptable outcomes in earlier stages of the negotiation.

Some theorists might argue that to apply concepts derived from fighting arts to negotiation risks predisposing negotiators to maintaining an adversarial relationship with their negotiating counterpart and that this could prevent a fruitful, mutually satisfying partnership from blossoming. Regardless of our good intentions in dealing with a negotiating counterpart, it is essential to admit the *potential* for an adversarial relationship when entering into *any* negotiation and the *necessity* to be prepared for that lest the negotiator's survival or that of his company be diminished by the predatory actions of his opponent.

Reality demands that we be mindful of this potential. It does not demand — as some schools of negotiation implicitly do — that we treat the opposite party as an adversary. There are some negotiating partners who consistently demonstrate predatory behaviors. (North Korea is one example). It is necessary to be aware of that, and take steps to demonstrate to the predator 1) an awareness of these behaviors, 2) that the predator will not enjoy the benefits it seeks through the negotiation as long as these behaviors are evidenced, 3) that continuing these behaviors will result in

(probably unspecified) negative outcomes for the predator, and 4) a vision of a future state in which the predator's objectives can be obtained if his counterpart's objectives are respected.[4]

Applying concepts from martial arts is fully consonant with negotiation if the negotiator's goal is "efficiently reaching a mutually acceptable outcome." In traditional combative arts, violence is seen as a last resort, subtle and/or soft techniques to bend the opponent's force to one's own ends are embraced, and many complimentary skills are evinced, such as mindfulness, empathy, and fluid movement in concert with the opponent rather than rigid posturing and taking fixed positions. Outcomes that preserve the negotiator's integrity while generating agreement with a negotiating partner are thus facilitated.

NOTES

1. In negotiation trainings that I have conducted, participants are encouraged to test negotiation *taiji* and learn very basic push hands to get the feel of the power of yielding.

2. Executive recruitment terms of business are usually either retained, in which the client pays some of the expected fees of the search before the commencement of the search, or contingent, in which the client only pays a fee on the completion of a successful hire. The fees are stated as a percent of the new hire's annual cash compensation.

3. The Yagyu family scrolls also mention the metaphor of doors when discussing ***kizen***. "The hinge is inside the door." The inner workings of something useful to you are not always visible to you. It is only through experience and wisdom, or by opening the door, that one can perceive and exploit the inner workings. See Cleary (1991), who explores and relates to modern negotiation the concept that inscrutability and mystery are themselves weapons used in negotiation by Japan.

4. A problem with North Korea is, of course, that the United States and other Western powers are dealing essentially with the desires of an individual but have been forced to negotiate on a country-to-country basis.

REFERENCES

Amdur, E. 1986. Conversation with the author.

Bates, C. 1999. *Advanced negotiation workshop materials*. Singapore: Inter-fas Pte Ltd.

Cartmell, T. 2008. *Shen wu tai ji quan*. Garden Grove, CA. Available from http://www.shenwu.com/taichi.htm.

Cleary, T. 1991. *The Japanese art of war: Understanding the culture of strategy*. Audio edition. Boston: Shambhala Publications.

Fisher, R., W. Ury, and B. Patton. 1991. *Getting to yes: Negotiating agreement without giving in*. New York: Penguin Books.

Gyi, U. M. 1976. Conversations with the author.

Hong, Y. 1986. Conversations with the author.

Kao, F. 1977. Conversations with the author.

Lowry, D. 2009. Conversations with the author.

Otake and Draeger. 1982. Conversations with the author.

Smith, R. W. 1993. *Chinese boxing: Masters and methods*. Berkeley, CA: North Atlantic Books.

Yagyu, N. and M. Skoss. 1986. Conversations with the author.