A Guide to Resolving Conflicts and Disputing Differences

A summary of the concepts in the book "Getting to Yes: Negotiating Agreement Without Giving In" by Fisher and Ury
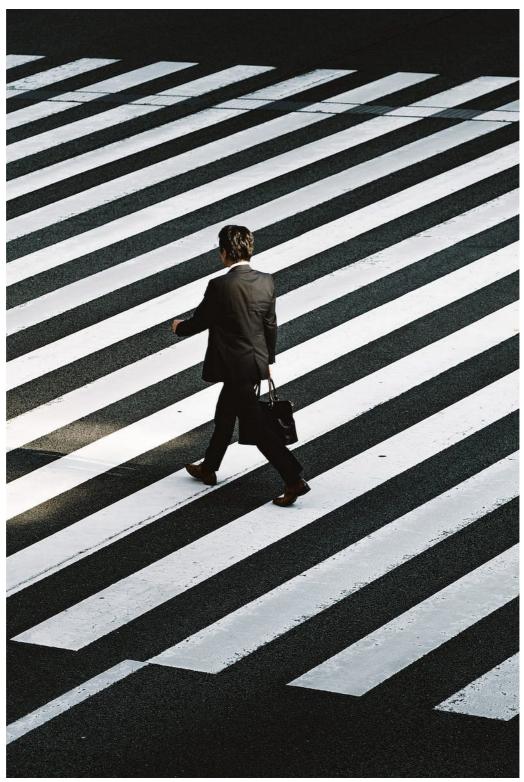
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Negotiations are a common part of everyday life, whether it's at work, at home, or in our personal relationships. While it's natural to want to advocate for our own interests and positions, this approach can often lead to conflicts and disputes that are difficult to resolve. In this article,

we'll explore an alternative approach to negotiation called "principled negotiation," which aims to find a mutually satisfactory solution to a conflict or dispute by focusing on the interests of the parties involved rather than their positions.

Principled Negotiation

These are steps in the process of problem-solving called "principled negotiation" or "interest-based negotiation," which is an approach to negotiation that aims to find a mutually satisfactory solution to a conflict or dispute by focusing on the interests of the parties involved rather than their positions.

1. Separating the people from the problem means that instead of personalizing the conflict or becoming emotional, you should try to focus on the underlying issues and concerns that are causing the disagreement.
2. Focusing on interests rather than positions means that you should try to understand the underlying needs, goals, and concerns of the other party, rather than just trying to defend your own position.
3. Generating a variety of options before settling on an agreement means that you should be open to exploring different possibilities and alternatives, rather than just trying to push for your own solution.
4. Insisting that the agreement be based on objective criteria means that you should try to base your negotiation on things that can be objectively measured or verified, rather than on subjective opinions or interpretations. This can help to ensure that the agreement is fair and reasonable to both parties.

The Four Steps

Separating People and Issues

It is important to "separate the people from the problem" by acknowledging and understanding the emotions, perceptions, and communication issues that can arise in a negotiation, and trying to address these issues in a respectful and non-confrontational way. This can help to prevent people problems from arising and can allow the parties to focus on the substantive issues at hand.

A practical example of this might be two co-workers who are in a disagreement over the allocation of resources for a project. Instead of getting caught up in personal attacks or defending their own positions, they try to understand each other's needs and concerns and work together to find a solution that meets everyone's interests.

Focus on Interests

In this approach, it is important to "focus on interests" by identifying the underlying needs, goals, and concerns of the parties, and trying to understand why they hold the positions they do. This can help to find a

solution that meets the interests of both parties, rather than just one side winning and the other losing.

A practical example of this might be a dispute between a landlord and a tenant over the terms of a lease. Instead of just arguing about the specific terms of the lease, they try to understand each other's interests and concerns. The landlord might be interested in maximizing their income, while the tenant might be interested in having a stable, affordable place to live. By focusing on these underlying interests, they might be able to find a solution that works for both of them, such as a longer lease term in exchange for a higher rent.

Generate Options

In this approach, it is important to "generate a variety of options" by coming up with as many potential solutions as possible, rather than just trying to push for a single answer or assuming that there is a "win-lose" dynamic. This can be done through techniques such as brainstorming, in which the parties come together in an informal atmosphere and generate as many ideas as possible without evaluating them. It is also important to consider shared interests and to try to make proposals that are appealing to the other side and that can be easily agreed upon.

A practical example of this might be a dispute between a company and a supplier over the terms of a contract. Rather than just arguing about the specific terms, they could brainstorm a variety of options and try to find a solution that meets both of their interests. This might involve looking for ways to make the supplier's cost structure more efficient or finding ways to increase the company's revenue from the product.

Use Objective Criteria

In this approach, it is important to "insist that the agreement be based on objective criteria" when the interests of the parties are opposed, in order to find a fair and reasonable solution that does not rely on pressure, threats, or bribes. This can involve using scientific findings, professional standards, or legal precedent as a basis for the agreement, or it can involve creating a fair procedure for resolving the dispute. It is important for the parties to approach the search for objective criteria as a shared process, to keep an open mind, and to be reasonable and willing to reconsider their positions when there is reason to do so.

A practical example of this might be a dispute between a homeowner and a contractor over the cost of a home renovation. Instead of just arguing about the price, they could agree to use a price list from a professional industry association as an objective criterion, or they could agree to have a neutral third party assess the value of the work.

When the other party is more powerful

If the other party refuses to engage in this approach and instead insists on a more positional or adversarial style of negotiation, there are several strategies that the principled party can use to try to bring them around. These strategies include continuing to use the principled approach, using "negotiation jujitsu" to deflect attacks and refocus the discussion on the substantive issues, or bringing in a third party to facilitate the negotiation. In the "one-text" approach, the third party works with each side separately to identify their interests and then assembles a proposal that reflects those interests. The proposal is refined through a process of iteration and feedback until the parties are ready to decide whether to accept it or to abandon negotiations.

A practical example of this might be a dispute between a union and an employer over the terms of a collective bargaining agreement. If the employer refuses to negotiate in good faith and instead takes a hardline stance, the union might try to use one of these strategies to bring them around and find a mutually acceptable solution.

When the other party won't use principled negotiation

If the other party refuses to participate in principled negotiation and instead uses tactics like personal attacks and positional bargaining, there are several strategies that the principled party can use to try to bring them in line. One option is to simply continue using the principled approach since this approach is often contagious. Another option is to use "negotiation jujitsu" by refraining from responding in kind to positional bargaining tactics and instead deflecting attacks back onto the problem. This might involve asking for the reasons behind the other party's position, taking attacks on ideas as constructive criticism, or recasting personal attacks as attacks on the problem. If these strategies do not work, the principled party can consider bringing in a third party to facilitate the negotiation process using the "one-text approach," which involves iteratively drafting and refining a proposal based on the parties'

underlying interests.

A practical example of this might be a business negotiation in which one party refuses to budge from their initial demands and engages in personal attacks. In this situation, the other party might try using negotiation jujitsu by refraining from counterattacking and instead asking for the reasons behind the first party's position. If this does not work, they might bring in a third party to help facilitate the negotiation using the one-text approach.

On dirty tricks

When the other party uses unethical or unpleasant tactics in negotiations, such as deception, psychological warfare, or positional pressure, it is important for the principled party to recognize these tactics and respond appropriately. One strategy is to explicitly raise the issue in negotiations and to establish procedural ground rules for the negotiation that reflect the principles of fairness and mutual respect. This might involve seeking verification of the other party's claims, suggesting a more comfortable or fair change to the negotiation environment, or ignoring threats or extreme demands. Another strategy is to decline to recognize irrevocable commitments or take-it-or-leave-it offers and to insist that any proposals be evaluated on their merits.

A practical example of this might be a disagreement between two neighbors over the use of a shared driveway. If one neighbor starts using dirty tricks like making personal attacks or threatening legal action, the other neighbor might respond by explicitly raising the issue and trying to establish ground rules for the negotiation that focus on substantive issues and respect the interests of both parties.

By understanding and applying the principles of principled negotiation, we can transform conflicts and disputes into opportunities for finding mutually beneficial solutions. Whether we're negotiating with a colleague, a friend, or a family member, these techniques can help us to better understand the underlying interests and concerns of the other party and to find solutions that meet the needs of everyone involved. By focusing on the interests of the parties and using objective criteria to guide our decision-making, we can create agreements that are fair, reasonable, and sustainable, and that help to preserve and strengthen our relationships with others.

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