SUMMARY

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NEGOTIATING AGREEMENT WITHOUT GIVING IN

ROGER FISHER AND WILLIAM URY

GETTING TO YES:

NEGOTIATING AGREEMENT WITHOUT GIVING IN

A SUMMARY OF THE BOOK BY ROGER FISHER AND WILLIAM URY

WRITTEN BY IN BRIEF SUMMARIES

WARNING: This is not the actual book *Getting To Yes* by Roger Fisher and William Ury. If you are looking for a full copy of this outstanding book, this can be found back on the Amazon search page.

THE SUMMARY:

This book tries to put forth a new way to improve skills in negotiation and conclusions; rather than negotiating based on positions and power and using compromises, each side should work through some sort of principles in order to base the negotiations on each other's interests. This will help them find mutual ways to win and will use objective notions. This is a classic book on negotiation and it's based on theory of principled negotiation which aims primarily for win-win agreements and nothing else. It tries to avoid issues that could arise from other types of negotiation.

INTRODUCTION:

This book is about "principled negotiation". This is a negotiation method that is neither hard nor soft. It is a negotiation method that enables you to decide on issues based on their merit. Using it you can look for mutual gains and if there is any conflict you can use fair standards to solve it.

PART 1. THE PROBLEM

CHAPTER 1. DON'T BARGAIN OVER POSITIONS

The problem with most negotiations is that people see their positions as either soft or hard. Rather than being hard or soft on the problem or the people, it is important to try to be soft on the people and hard on the problem. This approach is referred to as negotiation on its merits of principled negotiation.

Negotiation takes place at two levels: substance and procedure.

Bargaining over a position means taking a position, arguing for that position, and making concessions. But instead of this, you can negotiate success and produce wise agreements, be efficient, and improve relationships.

This is a much better option compared to bargaining because with bargaining there are five major problems you will encounter.

#1: AN UNWISE AGREEMENT

This is where you lock yourself into a position and end up committing to something because of your ego.

#2: AN INEFFICIENT AGREEMENT

Time might cause you to take an extreme position in an argument and only give away small concessions in spite of how you really feel. You might also make small decisions for every concession which takes a lot of effort.

#3 AN AGREEMENT THAT ENDANGERS RELATIONSHIPS

The more people involved in the agreement, the more difficult it will be to resolve. Being nice is not the solution here either. Hard negotiations, in this sense, beat soft negotiations.

#4: ALTERNATIVE AGREEMENTS

This is the principled agreement. To do this you must pay attention to the following:

- People: separate the people from problem
- Interests: focus on interests and not on positions
- Options: generate a variety of possibilities before you decide what to do
- Criteria: you must insist that the results are based on objective standards such as expert opinion or market value

#5: THE STAGES:

You must diagnose your situation and gather all of the pertinent information. You have to understand the people involved and all sides to the argument. The stages for this process are as follows: analyze, plan, discuss.

PART II. THE METHOD

CHAPTER 2. SEPARATE THE PEOPLE FROM THE PROBLEM

The purpose of doing this step is to find those emotions and egos that can get tied up with problems on negotiations and can cause problems with the ability to clearly see the other person's position. So this will end up in an adversarial situation rather than one that has cooperation. This step needs to have the following: clarification of perceptions, emotion recognition and legitimization, and clear communication.

FOCUS ON INTERESTS INSTEAD OF POSITIONS

This step involves finding out the true interests which underlie the positions on each side of the negotiation instead of the shallow positions that the parties pretend to have at the table. This can obscure the truth; therefore, it is important to figure out what people are actually trying to get. This could involve asking questions and trying to find out interests and discussing your own interests in the room.

GENERATE MUTUAL GAIN OPTIONS

This step is when we spend some time together to figure out some alternative or different solutions that may be possible. With both parties working together like this, there is a good possibility that mutual gain and win-win situations will be discovered. Here is what should happen: a good amount of brainstorming, a broadening of options, mutual gain discussion, and trying to make everyone's decision easy.

INSIST ON CRITERIA THAT ARE OBJECTIVE

This is the final step and it is when we use mutually agreed upon rules for figuring out some solutions to the problem. This is when openness and surrender to principle is encouraged but not pressured. This step should have fair standards in addition to fair procedures.

You have to separate people from the problem. Negotiators are often emotional people first and foremost. Negotiators have one of two interests. They either want substance or a relationship. Substance is where they reach an agreement that satisfies their interests substantially. Relationships are where they turn their customer into a long-term customer. The problem with relationships is that they become entangled with the issue at hand. People will draw from comments on a person's attitude or intentions which do not help negotiations.

It is important to separate relationships from substance and deal directly with this problem. You need to base the relationship on clear communication and accurate perceptions and handle psychological problems using solid psychological techniques.

There are three categories for people problems:

CATEGORY 1: PERCEPTION

Perception is what they believe and people thinking the problem is the other side. The differences between the two people are what interfere with the process. In order to resolve this you have to put yourself in their shoes and avoid deducing intentions. Blaming anyone is counterproductive because it causes the other party to push back. It is important to discuss the perception of every member. Look for opportunities to act inconsistently with those perceptions. Make sure that everyone participates in the process. It is also important that you make the proposal consistent with their values. Why? People will often hold out, even if the proposal is acceptable, because they do not want to be viewed as having backed down.

CATEGORY 2: EMOTION

For some people feeling is more important than talking. It is important that you recognize and understand the emotions of others and yourself. Make these emotions explicit and acknowledge them as a legitimate feeling. You need to focus on being proactive rather than reactive. You should let the other side let off some steam. Let them give their speeches if it makes them feel better. Let them show off for their constituents if it will help them to be seen as tough. If someone has an outburst, do not overreact. This will only serve to fuel the fire. Try to utilize symbolic gestures too such as offering coffee, presenting flowers in the conference rooms, or offering an apology.

CATEGORY 3: COMMUNICATING

The problem with this type of person is that they won't talk in a way that can actually be understood. People may not hear you, or there may be a misunderstanding. In order to resolve this, you need to listen actively and acknowledge the things that are being said. You need to speak in order to be understood and speak as an equal. Use "I talk" to speak about you, not about the other person. For example: "I feel I let you down" rather than "you broke our agreement". Speak for a purpose. This means you must know the reason that you are speaking.

In these matters prevention works best. You need to build a working relationship and get to know the person with whom you are negotiating personally, before the negotiation process. Face the problem at hand rather than the people. To do this, you need to view them as partners who are searching for a fair agreement. You can physically do this by sitting on the same side during a negotiation.

CHAPTER 3. FOCUS ON INTERESTS, AND NOT POSITIONS

Interests are important because they define the problem. The basic problem is not the position, but it better defines the needs of others, their fears, or their wants. For example: he might need money and you might want a quiet work place.

Interests motivate people, but positions are things you decide upon. Behind an opposing position is often a shared interest. For example: both a landlord and a tenant want a place that is well kept and stable. They just might differ with regard to the down payment. The landlord might need the down payment but the tenant may not care about it.

It is important to recognize that both sides have multiple interests, and the most powerful interests are our basic human needs. If you take care of these, your negotiation process will become much easier. These needs include: security, economic well-being, to feel as though you belong, recognition, and control over your life.

So, how can you define interests? By doing the following:

- 1. Ask why. Then examine the positions and ask yourself why they have those positions.
- 2. Ask why not. Ask why they haven't made a decision yet and what interests are behind that.
- 3. Analyze the consequences of a decision made on interest alone.

It is important to talk about interests too. The chances of serving interests are much better when you communicate them in a specific fashion. You should acknowledge their interests and frame them as a part of the overall problem you want to solve. Put the problem out

there before the answer. That means you should speak about the interests and the reasoning before you mention the conclusion and the proposal. Make sure you talk about where you want to go, rather than focusing on what has already happened. Be concrete but leave room for flexibility. You need to have specific options that will meet your criteria but they should be flexible. Make sure you are hard on the problem but soft on the people. Be aggressive about your interests. Support the person, but attack the problem. Humans naturally dislike inconsistency, so they will support you in this.

The most important first step that can be taken is to separate the issues from the people. People will often become personally involved somehow with their own side positions and the issues at hand and they will take responses to either of those things as some sort of personal attack. When you separate the two you will be able to deal with the issues without harming the fundamental relationship of the two parties.

There are three basic types of people problems that can be encountered. One is based on differences in the perception of the people in the parties which are conflicts in the interpretation of facts (this can be crucial to the understanding of viewpoints of other parties). Put yourself in the position of the other party. It should not be assumed that the worst fears of either side will become the actions of anyone. And nobody should blame the other side for their own individual problems. The more each side has a role to play in the process as a whole, the less likely problems will arise and the more likely it is that people will become invested in the process as a whole.

Emotions are another source of problems with people. Dealing with negotiations can be extremely frustrating for everyone involved and people will tend to react with either anger or fear if they feel that their own interests are being threatened somehow. Both groups need to deal with emotions and figure out how they are affecting the negotiations. The parties need to recognize the fact that emotions

may be present but they may not always be reasonable reactions to the problems at hand. Dismissing or ignoring feelings of the other party is also a non-reasonable response that is performed by the sides of a negotiation. It is extremely important to express emotions but to avoid acting on them unless they simply cannot avoid it. Symbolic gestures like apologies or sympathetic expressions can be used in order to help defuse emotions.

Another huge source of problems is with communication. Both sides may not be speaking with each other the way that they should; instead, they may simply be trying to grandstand for onlookers. The parties may be planning responses that they have to give rather than actually listening to each other. When they are speaking with each other or they are trying to listen to the other party, there may still be some kind of misunderstanding that is occurring. Combating these problems is important and both parties should try to use active listening to deal with it. Listeners should give the speaker their full attention and try to summarize the points that the speaker is making in order to confirm their own understanding. It is good to remember that agreeing with someone and understanding them is not the same thing. Speech should be directed based on what they are trying to communicate, and each side should try to avoid blaming or attacking the other party while speaking about them.

The best way to deal with these kinds of problems is to keep them from occurring. They are much less likely to occur if both parties have a good relationship and they think of themselves as partners instead of enemies.

The best agreements are based on the interests of the parties and not on positions. Positions are something that you create for yourself, and interests are caused by things that you decide. Trying to define an issue based on positions means that one party is always going to be a loser and one side if always going to be a winner. A problem that is defined by the interests of the two parties can be mutually beneficial.

Identify the interests of the two parties with regard to the current issue by asking what position people hold, why they hold it, and what they may do if they held a different position. Both parties usually have a variety of different interests that are underlying their positions and their own interests may differ a bit among the members of each side. People will all share some basic needs and wants; therefore, the need for things like security and economic well-being is always going to exist.

Once interests have been discovered, they can be discussed together. One party may want the other side to take their interests into account or vice versa. If that is the case, then they probably need to openly discuss and explain their interests to each side so that there will be more motivation for both parties with regard to taking things into account or not. The discussions that take place need to primarily be looking forward to solutions in the future and not looking backwards at past events. With a clear focus on interests, different positions and proposals can be obtained.

CHAPTER 4. INVENT OPTIONS FOR MUTUAL GROWTH

It is important that you find creative options. Why? They can mean the difference between a deadlock and an agreement.

There are some obstacles to inventing a plethora of options:

- 1. Premature criticism to other options is one obstacle; instead, you need to separate judging from inventing.
- 2. Searching for a single answer limits your options; instead, you need to broaden your options.
- 3. Assuming there is a fixed-pie resolution is another obstacle; instead, you should search for mutual gains.
- 4. Thinking that solving their problem is the actual problem is also an obstacle; instead, you should focus on making their decision easy.

In order to broaden your options you should think of a problem that you dislike, diagnose the causes of that problem, figure out what should be done, and create specific and actionable ways to resolve the problem.

It is important that you look through the eyes of an expert. This might be an educator or a psychiatrist, or anyone in between. It is equally important that you invest in agreements of different types of strength. For example, if there is to be no permanent contract, what about having a provisional one? You should change the scope of your proposed agreement and perhaps suggest smaller parts or larger parts, based on your needs.

When you look for mutual gain you need to see if there are any shared interests. If there are, then you should make use of them.

Dove tail any differing interests and think of them in terms of risk or time. Look for things that are a low cost for you but of high benefit for the other party. Make sure you provide them with options.

You need to make their decisions easy for them. To do this, pick a person with whom you will reach your agreement. Draft an agreement and shape it legitimately. Make attractive offers rather than threats.

Then identify the four problems with trying to create creative options for problem solving. One of them is that the two parties may decide on an option too quickly and ignore all other options. Another is that they may want to narrow down options to find a single answer when that may not be the best idea. Parties can define problems in winlose terms and ignore anything that may be a win-win scenario. Another is that both parties decide that the other party needs to be the one to solve the problem.

There are four techniques that can be used to help solve these problems and come up with some new creative options. One of them is to separate the invention step from the evaluating step. The parties should brainstorm together or separate and then take a break and figure out what is the best option that is available. In this step there should be some wild and very creative solutions that are being presented and encouraged. They should be more creative by using steps like stating the problem, considering general approaches, analysing the problem, and considering some specific actions. Some parties may also suggest some partial solutions to the problem instead of just working on exact and complete solutions sometimes there are a lot of proposals that are made that should make the entire group turn toward the analysing step of the meeting.

People can avoid win-lose mentalities simply by shifting their focus to interests that are shared by both parties. Interests do differ but they should be able to find some options that work for both parties. The key point in trying to get over different interests is to find things

that may be low cost to one party but of high benefit to another or the other way around. Every side in the argument should attempt to put forth ideas that are appealing to the other. They should be ideas that the other side won't have an issue agreeing with. This is important when trying to come up with decision makers and to target your proposals directly to them. Sometimes these are easier to agree to when they seem legitimate or they have something similar that has occurred before in the past.

USE CRITERIA THAT ARE OBJECTIVE

Interests can sometimes be opposite of each other. If this is the case then there needs to be some sort of middle ground through which differences can be solved. Such difference can spark a battle of wills which can work to get rid of good relationships and harm the standards that have been already set in the meeting or the arrangement between the two parties.

The first step is almost always to come up with a middle ground or objective criteria. You want to come up with a number of possible criteria and then have everyone agree on one. Each party will have some criteria that are better for their specific situation. These should be both practical and legitimate. Some examples could be professional standards, precedent through legality, or science. A good way to test if criteria are objective is to see if both sides are willing to agree to the. Instead of coming up with something substantial, they end up coming up with some fair way to judge things that are currently happening.

Three main points need to be kept in mind when trying to use objective criteria. One is that there should be some sort of communication and cooperation in trying to find it. Ask the reasoning behind the sides of each party. Have each party keep some kind of open mind about everything, and use reasoning to present your own position in a good light. Be reasonable and be willing to consider the positions of other parties. While they need to be reasonable, you

should still avoid giving in to threats, bribes, or pressure. If one side refuses to be reasonable about the entire thing, you should search for new procedural criteria instead.

CHAPTER 5. INSIST ON USING OBJECTIVE CRITERIA

When you decide things, use objective criteria rather than the basis of will, as this is more costly. Principled negotiation will produce a good agreement in an efficient and amicable manner. It offers a quicker solution with less of a relationship threat. This is why you should develop objective criteria. You also need fair standards. They should be independent of the will of each side. They should also apply to both sides. You need fair procedures. Remember the cake cutting theme here: one side cuts and the other side choose. Make sure that you negotiate with these objective criteria. To do that, frame each of the issues as a joint search. Ask about your rationale. Agree on your principles first. This makes it easier for others to agree.

You must be open to reason. If you are in doubt, go for the middle or ask a third party to make the decision. Never yield to bribes or threats.

PART III. YES BUT...

CHAPTER 6. WHAT IF THE OTHER SIDE IS MORE POWERFUL?

This section handles the "but's" or the "what if's". It tackles all of the "worst case" scenarios including when the other side in your negotiations is more powerful, when they won't play, or even when they do play but they play dirty.

For example: what if the other side is more powerful? The solution: the best alternative to negotiated agreement.

This method protects you and helps you get the most out of what assets you do have. You should not be too accommodating because you will want to end the negotiation. You should remember the cost of using the bottom line. Do not inhibit your imagination or remain inflexible. You should make the most out of your assets by inventing a list of actions you can take if no agreement is made and improving your more promising ideas and turning them into a practical alternative.

Negotiating jujitsu is the term the authors have applied to scenarios when the other side won't play. What can you do in these situations? You can use principled negotiation. This really is a contagious method of negotiations. They might counter using negotiation jujitsu, but you can always bring in a third party. You should remember that these attacks often manifest in three ways: they assert their position more forcefully, they attack your ideas, or they attack you.

In order to resolve this you should not attack their position, but instead take some time to book behind it. Treat their position as a possibility and look for the interests or principles behind it. Ask for their advice and what they would do if they were in your position. Invite their criticism as a way to uncover their underlying interests.

What if the other side has more bargaining power?

This is a time when the negotiation should be trying to protect everyone against agreements that would be better rejected; recommend alternative best alternatives prior to the negotiation. This is a red line which shouldn't be crossed. Also, use your assets the best way that you can and recommend that the more powerful a red line you have the more power you have.

CHAPTER 7. WHAT IF THEY DON'T WANT TO PLAY?

There are three approaches which are used to coach and encourage the other group to use this type of negotiation: First, use this type of negotiation so that they feel like participating. Second, if they try to attack you using normal positional bargaining, just refuse to do it and redirect their attacks onto the problem at hand. Third, get a 3rd party involved that can help to meld the views of the two parties (a one text procedure).

CHAPTER 8. WHAT IF THEY TRY AND USE DIRTY TRICKS?

Then give some examples of dirty tricks that could be used in negotiation such as lies or psychological attacks. Then use two of the common responses to those things which are either appears appearance of the issue or an attack of your own.

Try using a three pronged approach instead: First, see that there is a trick being played and just ignore it. Second, draw attention to the trick that they are playing. Finally, negotiate about the negotiation itself and the rules through which it will take place.

PART IV. IN CONCLUSION

In conclusion the authors have opened your eyes to a great many tactics that you can use in your regular negotiations. But what they strive to make clear in the end of the book is that you really know all of this information the entire time. You had the tools you just did not realize it, nor did you realize how to properly use them to your advantage. But now you do. And now you can practice the use of all of these tools during your future negotiations. Sure the first time you try out the tools you may not get everything you want out of the agreement, but that should not stop you from trying. Practice does make perfect and with regard to these tactics you can learn from doing. While applying the tactics to your negotiations within the workplace it is important to remember that winning will help you achieve a better process for handling differences.

There is no negotiation which will completely overcome power differences. Fisher and Ury suggest that there are ways to protect the party that is considered "weaker" in terms of a bad agreement. You need to help the weaker party make the most of their assets.

Negotiators often come up with some kind of bottom line in an attempt to protect themselves against any kind of poor agreement. This is going to be what a party might consider their worst possible outcome. The person tries to decide what that is prior to any real negotiation and will reject any proposal that is below that line. The authors argue against the use of this because it is being decided prior to any negotiation and, thus, may end up being shallow or unrealistic given what is actually happening. Don't commit to a rigid bottom line prior to having all of the information in the negotiation.

The weaker party should, instead, use assessment tools to figure out the best alternative to a negotiated agreement (BATNA). The weaker party should not accept anything that would leave them in a worse position than the BATNA would leave them. This is not a blind negotiation, knowing a BATNA in advance is the same thing as having a clear game plan from the outset. The weaker party with the better BATNA can quickly become the more powerful party in the negotiation simply because they are not in the negotiation going blind. They can identify potential opportunities and then take the steps that are necessary to develop those opportunities completely. The weaker party will also have a better understanding of the negotiation if they understand the BATNA of the other party as well.

What if the other party won't use principled negotiation?

If the other side will not move an inch from their current positions or they turn to making personal attacks, they may be refusing to negotiate properly. Sometimes they may generally refuse to partake and sometimes they may only seek to increase their personal gains. The authors suggest three ways to deal with something like this. The first is to simply continue to use the principled approach.

The second is that the principled party may try to redirect any attacks back to the party that is refusing in order to bring them back in line and to refuse to operate with any kind of positional bargaining. The other side may try to counter this attack somehow but all you need to do is change what they are doing to come back to where you want them to be. This is not particularly difficult but it is a skill that needs to be cultivated carefully.

The third is to bring a third party into the mix in order to get things going in the right direction again. This is known as the one-text approach. The third party will talk to each side and figure out what their underlying interests are and then try to compare and contrast those interests in order to find some strong commonalities between the two sides. The proposal made by the third party will then be reviewed by the two sides individually and will be redrafted in such a way that it is beneficial to everyone involved. The parties then

determine whether to accept the proposal or to abandon the negotiations altogether.

What if the other party is using dirty tricks? One or both parties will sometimes use tricks that are less than ethical in some sort of attempt to gain an advantage. Some of these could be bad seating, media leaks, or routines that they have worked out in advance. The best way to deal with this is to raise the issue, and then return to principled negotiation.

There are general types of tactics that are usually going to be used and the best way to protect against them is to seek verification of the claims of the other side. Get them to prove their claim or put it in writing. Get them to clarify what they are saying. Doing this is important, but should not be done in such a way that the other side is seen as liar. Avoid going into the problems that are associated with psychological warfare as well. The principled negotiator sees that these are just tactics being used and that they don't need to go through these tricks in order to get out on the good side of a negotiation.

10 QUESTIONS

If you are struggling to understand the concepts or put them into practice, you can use these questions. These are the top ten most frequently asked questions which can be used to help you better understand the underlying concepts presented in the book while also preparing you for better negotiations. Ask yourself the questions and see what your answer is:

- 1) Does positional bargaining really ever work?
- 2) What if the other side has a different standard of fairness?
- 3) Do I have to be fair even when I don't want to be fair?
- 4) What should be done if the people really are the problem?
- 5) When does it make sense to avoid negotiations? Do I have to negotiate with criminals or terrorists?
- 6) How can I adjust my negotiating approach to make up for differences of personality, differences of gender, differences of culture, and so on?
- 7) How do I handle practice questions such as 'where should we meet?'
- 8) How can I transition from options to commitments?
- 9) How can I try out these ideas without too much risk?
- 10) Can the manner in which I negotiate really make a difference, especially if the other side is more powerful?

SUMMARY - KEY CONCEPTS TO TAKE AWAY

In this text, Ury and Fisher describe their principles for negotiation and they also describe three of the most common problems with negotiation and their own ways to overcome those problems. The two authors show that the best agreements are based on the fact that the agreement is going to be wise and efficient and to improve the relationship of the two parties. They will both satisfy the interests of the two parties and will be fair and long lasting in all aspects. The goal is to make a method that these agreements can be reached. They try to avoid the positional bargaining that is usually the hallmark of any negotiation. They begin bargaining on their own individual positions and then end by trying to find a single position to argue from. Price haggling is one good example of positional bargaining. This type does not produce good results and, as a result, needs to be changed. This is not a good way to reach any kind of agreement, and it tends to end with stubbornness and with a harming of the relationship between the two parties. Principled negotiation is going to be a better way of reaching agreements that are mutually beneficial to both parties. The four principles of principled negotiation are separation of the problem from the people, focusing on interests and not on the positions, a generation of options prior to settling on agreements, and to insist that agreements are based on any sort of objective criteria.

These types of principles need to be observed at every stage of the negotiation. The entire thing should begin with a deep analysis of the problem or the situation, of all interests and perceptions at the table, and of the current options that exist. The plan, next, is to plan ways of responding to the situation at hand and the other parties. They should also discuss problems and find mutually beneficial situations.

ABOUT THE AUTHORS:

ROGER FISHER

Roger Fisher lived from 1922 until 2012. He was a professor of Law emeritus at Harvard Law School. He was also the director of the Negotiation Project at Harvard University. He received his B.A. from Harvard in 1943 and his law degree from the Harvard Law School in 1948. After that he taught at Harvard from 1958 until 1992. He founded the Conflict Management Group thereafter in the city of Cambridge. This company focused on facilitating negotiations around the world. The company merged with a humanitarian group called Mercy Corps in 2004. Fisher was a member of the International Editorial Board and Council on Foreign Relations for the Cambridge Review on International Affairs.

WILLIAM URY

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WARNING: This is not the actual book *Getting To Yes* by Roger Fisher and William Ury. If you are looking for a full copy of this outstanding book, this can be found back on the Amazon search page.

Instead, we have read (and loved) *Getting To Yes* and have pulled out some of the best ideas, insights and take-away points to give you a comprehensive chapter-by-chapter summary and review in an engaging and easily digestible format. In doing so, unfortunately we do not have the space to discuss all of the many important ideas and anecdotes found in the book. To get it all, you need to order the full book. This concise summary and study guide works best as an unofficial study guide or companion to read alongside this important book.