

I wanted to share with you the thinking tool I use most frequently. I will try to apply what I learned last night from Howard Gardner, and put that into what I plan to be doing in terms of pedagogy going forward.

So, the first tool is just four quadrants of clear thinking. I find it very helpful to divide our work into what happens in the real world and what in theory. Down here [in the lower left corner -- see slides, pg 1] we've got symptoms of a problem. Instead of going right for the cure, what to do about that problem, I want to come into my "clinic" [the upper left corner] and diagnose what's causing it. Like a stethoscope and thermometer, I say, "They cure no disease, but every doctor takes them to every patient to find out what's causing the symptoms."

The first thing is what is the problem? What's the diagnosis of it? If that's the diagnosis, what's the strategy for dealing with that? A diagnosis is looking for causes about which we can do something. It's not causes I can't do anything about.

My doctor told me some years ago, "Your life expectancy is less than your wife's." I said, "Doctor, what can I do about it?" He said, "Well, there are two reasons. One is you were born a man. Men have less life expectancy than women." I said, "Gee, thanks, that's a big help."

He said, "The other is you're smoking." I said, "I can do something about that." So, some causes of conflict I don't need to know. There are ethnic differences, there are historical events. I say, "Okay, but what are some causes about which we might be able to do something?" What's the strategy [upper right corner]? And only then come back in the real world [lower right corner] and look at tactics. What can we do about

that?

I use this tool in most of the books I write; I have copies of this tool in many of them. Now, I look at what caused us to write *Getting to Yes*. It started with the symptom of conflicts down in quadrant one, real world. Conflicts continue, negotiations are not working well. Negotiations just don't seem to work as well as they could.

So, instead of just saying fix it, I come up with a diagnosis. One of my diagnoses was there's an awful lot of one-sided, hard bargaining and advice about how to be on one side. Most of the books on negotiation were how to bluff, how to mislead, and how to demand more than you need; how to do such things. It was not saying, "I'm designing something like a court house that is fair for both sides." So, I was looking for what advice -- My strategy was to say, all right, let's develop advice that's good for both sides of a negotiation. What's the best advice I can give simultaneously to both the husband and the wife in a divorce, to the guerrillas in El Salvador *and* to the government. Or, in South Africa, to the ANC *and* to the then all-white Cabinet.

One is to develop the advice; two is to spread the word. So, the tactics were to teach negotiation as a university subject, write *Getting to Yes*, and stimulate other places to teach negotiation. The Program on Negotiation with Hewlett support has attracted many people to it, and got more people interested in negotiation. And we wrote a book that I thought was general understandable advice.

Now, 20 years later, I found that negotiation was still going badly in the world. So, I come and say, all right, in 1990 what's the problem? Our students like interest-based negotiation, but top negotiators are rejecting our ideas, basically. The State Department says, "No, that's not right-- I'm a very experienced negotiator, that's not the

way we do it. You're saying, 'be soft.'"

So, that's the symptom. What's the cause of that? And to some extent our diagnosis is that there's a well trained cohort of graduate students we send into the world, they go out, and they are dominated by experienced hard bargaining superiors. You come to work for a law firm, you come to work in a government, you come to work in business, and your boss says, "Look, I've been negotiating longer than you. Don't tell me ideas you picked up at Harvard. This is the way we do it. You can carry my briefcase and learn how to do it. And don't start giving points away."

So, however well trained our cohort of graduates were, they came to be dominated by experienced hard bargaining. My strategy was to keep telling the hard bargainers how wrong they were. I gave talks in various places. And we offered open seminars at Harvard and did ad hoc counseling and advising. But, we still had a problem.

So, the problem continues and in the year 2000 the symptom is that interest-based ideas did not change the world. They have not changed, and do not change, the thinking of officials, politicians, top business people, diplomats, media, and constituents. They just don't.

Last night Howard Gardner said that, "Trying to unlearn a way of thinking by attacking it does not work." He was quite clear: just going to people have built-in years of thinking in one way, and telling them it's wrong, is not going to work.

So, we're now faced with a new strategy. Instead of razing their barn of ideas -- instead of trying to demolish them -- let's try to come up with ideas that "supplement" their existing ideas. Don't attack head on. So, my first strategy is to articulate joint

problem solving as *supplementary* to useful hard bargaining. Instead of saying how awful hard bargaining is in complex cases, say how useful it is in simple cases. Point out how *right* they are, and what single issue haggling (as for a new car from an auto salesman: "We know the car you want, there's nothing extra.") can do.

Try to confirm the merits of their current thinking. But then supplement it with problem solving where there are many more issues, and where the interests are more varied. Let's get some new materials and come out and do it. And then bring *those* ideas to senior negotiators. And then if we can do it, train some of them to spread the word through the trainers themselves.

That's the strategy I came with up last night and this morning. And the tactics, I think, are to produce new materials, written materials, cases, and videos. Instead of taking a head-on attack on positional hard bargainers, show how there's merit in some of those strategies.

And then to organize many workshops for business, diplomats, media in particular, officials, lawyers and others; not just at Harvard but get people in this room to see what they can do. Okay, that's 10 of my 15 minutes. Questions, comments, reactions? Yes?

Q: My take on it is a little bit different. My take on one of the problems that I see with executives and managers, and high level people that I work with, I wouldn't classify them as positional hard bargainers. Most of them think of themselves as win-win. They don't even realize that they're leaving money on the table.

And so my sense is that it's a slightly different problem than just being the hard bargainer. That they actually think what they're doing is win-win. Sometimes it's

positional bargaining, sometimes it's being too accommodating. I just wanted your reaction.

A: Well, there are many diagnoses of what different people are doing. I now believe it is hard to “unlearn” habits of learning that they have developed. They can learn the vocabulary, but they don't change their ways. What Howard Gardner said last night is, “The hardest thing in the world is to get somebody who has had years of thinking one way -- it's very hard to take it head on. I talked to him afterwards. I said, “These guys have got it wrong, how do I ‘unlearn’ them?” He said, “It's not going to work.”

They have built up defenses. “I'm more experienced than you are. I've got other cases. You may have some case that works, but really I know how it works.” And often they're right in a typical positional argument. If you're buying a car, something like that. You know the car you want. And in that case, the buyer who makes the smallest offer to begin with; the one whose first position is most extreme; the one who is the slowest to make concessions; and the one who is quickest to threaten to walk away, does better -- *if you make a deal*. You may not make a deal.

But, if you make a deal, all those tactics, of making an extreme opening position, being very reluctant to make concessions, and demonstrating willingness to walk away, all those help to produce a better deal. And they've had confirming experiences with that. So, I come and say, “Hey, I've got a different system.” They've got a category: “You are soft.” They say, “I'm telling you you have to be firm. You want to give away the store? You want to do things like that?”

My impression is that an awful lot -- I'm generalizing, but the problem of where it

failed, the State Department, and other places, is that they think: "You believe you know more about negotiation than the Secretary of State, more than Dick Holbrooke, you know more about this?" And I say, "Yes! I've been studying you guys for 30 years. I know more." Well, if I tell them they're wrong, then they *know* I'm wrong.

So, my notion is to say you've got some handy tools for some cases; let me show you some situations where you may want to enrich that with some other techniques. You may want to try some pre-negotiation joint brainstorming. You may want to try some non-committal discussions, parallel track two.

Let's not make a head on assault on their central pattern of thinking, but try to supplement it. Other comments or reaction?

Q: Most disputes start out in an adversarial framework. And the real key to the adoption of the type of approach that you advocate even now as an alternative -- I tell my students, "There are now alternatives to positional bargaining and it's collaborative bargaining."

But, the key is the ability to sense that the adversarial framework can be converted, at some point in the discussions, to a potentially collaborative mode. And that the initial objective that you first have to try and achieve is to be able to determine if that possibility exists. If the potential is there, then you can move into the next phase, which is further along into the collaborative mode which you advocate. But that this is not a process of "look, sit down, why don't you take it on the basis of collaborative bargaining." As you suggested, that won't happen.

More of a transitional evolutionary process within each individual negotiation has to take place. And unless the earlier steps follow along, and the evolutionary process is

carried out, the chances are that the parties are not going to get to the promised land as you suggest.

A: A year and a half ago I was coaching the President of Ecuador, who was a former student of mine, the one who was overthrown last month -- there's a story about that too -- and he had just been elected, and he was going to meet Fujimori for the first time. And he called me up, and said, "Come down. I've got to settle this boundary dispute. Our economic problems are going to be terrible. I can't be buying airplanes for the army while asking the world community to help with our economic problems.

So, I went down, spent some time with him. I said, "Okay, going down to your first meeting this week, this weekend. Who are you meeting?" "Fujimori." I said, "I want a photograph of that meeting." He said, "Oh, there will be photographers all over, we'll shake hands. The presidents will be lined up."

I said, "I want a special photograph taken. I want a photograph of the two of you sitting side-by-side working on a pad of paper where you're both looking at the pad together. You're obviously trying to work on some problem together. You're not looking at the photographer, you're not looking at each other. You're looking at the pad. And I want to have you seen as changing it from fighting to joint problem solving."

He came back two days later, he came back and said, "Roger, here's the photograph on the front page of the paper down there. How's that?"

Well, the public saw these two presidents, obviously not fighting each other, not across the table, but side-by-side. They solved the boundary problem which was the great big issue between them. And what I hadn't appreciated was the two men themselves saw that front page photograph all over the newspapers. And it confirmed

their new role. "We are here to try and settle that problem." It changed and reframed their task. They became good friends. Fujimori was calling up the president once a week to chat on the phone.

At the signing of the treaty, they came over to thank me for helping them work on it together. So I think you're right. Changing the role, moving up on it from adversarial fighting.

In South Africa it was the same thing. The Minister of Defense for the government came in for his first meeting with the Secretary General of the African National Congress. Roelf came in. He dumped his papers on the table. There were two chairs across the table. He picked up the empty chair, took it around the table and put it down next to Cyril. He said, "Please call me Roelf. May I call you Cyril?"

"And you know what Cyril did? He burst out laughing," Roelf told me later. I said, "Laughing at you?" "Well, kind of laughing with me. He said, 'Oh, you had the same seminar I had!'" (laughter)

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