THE INTERNATIONAL BESTSELLER

GETTING TO YES

UPDATED and REVISED

NEGOTIATING AGREEMENT WITHOUT GIVING IN

ROGER FISHER AND WILLIAM URY
AND FOR THE **REVISED EDITIONS** BRUCE PATTON
OF THE HARVARD NEGOTIATION PROJECT

Getting to YES

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by ROGER FISHER
and WILLIAM URY
with BRUCE PATTON, EDITOR

• REVISED EDITIONS BY •
FISHER, URY, AND PATTON

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Getting to YES

"*Getting to YES* has an unrivaled place in the literature of dispute resolution. No other book in the field comes close to its impact on the way practitioners, teachers, researchers, and the public approach negotiation."

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"*Getting to YES* is a highly readable and practical primer on the fundamentals of negotiation. All of us, as negotiators dealing with personal, community, and business problems, need to improve our skills in conflict resolution and agreement making. This concise volume is the best place to begin."

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PENGUIN BOOKS

Getting to YES

The authors of this book have been working together since 1977.

ROGER FISHER is Williston Professor of Law *Emeritus* at Harvard Law School, Founder and Director *Emeritus* of the Harvard Negotiation Project, and the Founding Chair of the Program on Negotiation at Harvard Law School. Raised in Illinois, he served in World War II with the U.S. Army Air Force, in Paris with the Marshall Plan, and in Washington, D.C., with the Department of Justice. He has also practiced law in Washington and served as a consultant to the Department of Defense. He was the originator and executive editor of the award-winning television series *The Advocates*. He has consulted widely with governments, corporations, and individuals. He is the author or coauthor of numerous prize-winning scholarly and popular books, including his most recent: *Beyond Reason: Using Emotions as You Negotiate*.

WILLIAM URY is cofounder of Harvard's Program on Negotiation and Distinguished Fellow of the Harvard Negotiation Project. Raised in California and Switzerland, he is a graduate of Yale and Harvard, with a doctorate in social anthropology. Ury has served as a mediator and advisor in negotiations ranging from wildcat strikes to ethnic wars around the world. He was a consultant to the White House on establishing nuclear risk reduction centers in Washington and Moscow. His most recent project is Abraham's Path, a route of cross-cultural travel in the Middle East that retraces the footsteps of Abraham, the progenitor of many cultures and faiths. Ury's most recent book is *The Power of a Positive No: Save the Deal, Save the Relationship, and Still Say No*.

BRUCE PATTON is Cofounder and Distinguished Fellow of the Harvard Negotiation Project, cofounder of the Program on Negotiation at Harvard Law School, and a founder and partner of Vantage Partners, LLC, a consulting firm that helps Global 2000 companies negotiate and manage their most critical relationships. As a mediator, he helped structure the settlement of the U.S.–Iranian hostage conflict, worked with Nobel Peace Prize winner Óscar Arias to ensure the success of the Arias Peace Plan for Central America, and worked with all parties in South Africa helping to create the constitutional process that ended apartheid. A graduate of Harvard College and Harvard Law School, he is also coauthor of the *New York Times* bestseller *Difficult Conversations: How to Discuss What Matters Most*.

BOOKS BY ROGER FISHER

Beyond Reason: Using Emotions as You Negotiate
(with Dan Shapiro, 2005)

Lateral Leadership: Getting Things Done When You're NOT the Boss
(with Alan Sharp, 1998)

Coping with International Conflict: A Systematic Approach to Influence in International Negotiation (with Andrea Kupfer Schneider, Elizabeth Borgwardt, and Brian Ganson, 1996)

Beyond Machiavelli
(with Elizabeth Kopelman and Andrea Kupfer Schneider, 1994)

Getting Together: Building Relationships As We Negotiate
(with Scott Brown, 1988)

Improving Compliance with International Law (1981)

International Mediation: A Working Guide; Ideas for the Practitioner
(with William Ury, 1978)

International Crises and the Role of Law: Points of Choice (1978)

Dear Israelis, Dear Arabs: A Working Approach to Peace (1972)

International Conflict for Beginners (1969)

International Conflict and Behavioral Science: The Craigville Papers
(editor and coauthor, 1964)

BOOKS BY WILLIAM URY

The Power of a Positive No:
Save the Deal, Save the Relationship, and Still Say No (2007)

Must We Fight? (editor and coauthor, 2001)

The Third Side: Why We Fight and How We Can Stop (2000)

Getting Past No: Negotiating in Difficult Situations (1991, revised edition 1993)

Windows of Opportunity: From Cold War to Peaceful Competition in U.S.–Soviet Relations
(edited with Graham T. Allison and Bruce J. Allyn, 1989)

Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict
(with Jeanne M. Brett and Stephen B. Goldberg, 1988)

Beyond the Hotline: How Crisis Control Can Prevent Nuclear War (1985)

BOOKS BY BRUCE PATTON

Difficult Conversations: How to Discuss What Matters Most
(with Douglas Stone and Sheila Heen, 1999, 2nd Edition 2010)

To our fathers,

WALTER T. FISHER, MELVIN C. URY,
and WILLIAM E. PATTON,

who by example taught us
the power of principle.

Preface to the Third Edition

Thirty years have now passed since the initial publication of *Getting to YES*. We are delighted and humbled that so many people from so many places around the world continue to find it helpful in transforming their conflicts and negotiating mutually satisfying agreements. Little did we know at the time of its publication that this slender book would become a reference point in a quiet revolution that has over the course of three decades changed the way we make decisions within our families, organizations, and societies.

The negotiation revolution

A generation ago, the prevailing view of decision-making in most places was hierarchical. The people at the top of the pyramids of power—at work, in the family, in politics—were supposed to make the decisions and the people at the bottom of the pyramids to follow the orders. Of course, the reality was always more complicated.

In today's world, characterized by flatter organizations, faster innovation, and the explosion of the Internet, it is clearer than ever that to accomplish our work and meet our needs, we often have to rely on dozens, hundreds, perhaps thousands of individuals and organizations over whom we exercise no direct control. We simply cannot rely on giving orders—even when we are dealing with employees or children. To get what we want, we are compelled to negotiate. More slowly in some places, more rap-

idly in others, the pyramids of power are shifting into networks of negotiation. This quiet revolution, which accompanies the better-known knowledge revolution, could well be called the "negotiation revolution."

We began the first edition of *Getting to YES* with the sentence: "Like it or not, you are a negotiator." Back then, for many readers, that was an eye opener. Now it has become an acknowledged reality. Back then, the term "negotiation" was more likely to be associated with specialized activities such as labor talks, closing a sale, or perhaps international diplomacy. Now almost all of us recognize that we negotiate in an informal sense with just about everyone we meet from morning to night.

A generation ago, the term "negotiation" also had an adversarial connotation. In contemplating a negotiation, the common question in people's minds was, "Who is going to win and who is going to lose?" To reach an agreement, someone had to "give in." It was not a pleasant prospect. The idea that both sides could benefit, that both could "win," was foreign to many of us. Now it is increasingly recognized that there are cooperative ways of negotiating our differences and that even if a "win-win" solution cannot be found, a wise agreement can still often be reached that is better for both sides than the alternative.

When we were writing *Getting to YES*, very few courses taught negotiation. Now learning to negotiate well is accepted as a core competence with many courses offered in law schools, business schools, schools of government, and even in quite a few primary, elementary, and high schools.

In short, the "negotiation revolution" is now in full sway around the world, and we take heart that the commonsense tenets of principled negotiation have spread far and wide to good effect.

The work ahead

Still, while progress has been considerable, the work is far from done. Indeed, at no time in the last three decades can we recall a

greater need for negotiation based on a joint search for mutual gains and legitimate standards.

A quick survey of the news on almost any day reveals the compelling need for a better way to deal with differences. How many people, organizations, and nations are stubbornly bargaining over positions? How much destructive escalation results in bitter family feuds, endless lawsuits, and wars without end? For lack of a good process, how many opportunities are being lost to find solutions that are better for both sides?

Conflict remains, as we have noted, a growth industry. Indeed, the advent of the negotiation revolution has brought more conflict, not less. Hierarchies tend to bottle up conflict, which comes out into the open as hierarchies give way to networks. Democracies surface rather than suppress conflict, which is why democracies often seem so quarrelsome and turbulent when compared with more authoritarian societies.

The goal cannot and should not be to eliminate conflict. Conflict is an inevitable—and useful—part of life. It often leads to change and generates insight. Few injustices are addressed without serious conflict. In the form of business competition, conflict helps create prosperity. And it lies at the heart of the democratic process, where the best decisions result not from a superficial consensus but from exploring different points of view and searching for creative solutions. Strange as it may seem, the world needs *more* conflict, not less.

The challenge is not to eliminate conflict but to transform it. It is to change the way we *deal* with our differences—from destructive, adversarial battling to hard-headed, side-by-side problem-solving. We should not underestimate the difficulty of this task, yet no task is more urgent in the world today.

We are living in an age that future anthropologists might look back on and call the first human family reunion. For the first time, the entire human family is in touch, thanks to the communications revolution. All fifteen thousand or so "tribes" or language communities on this planet are aware of one another around the

globe. And as with many family reunions, it is not all peace and harmony, but marked by deep dissension and resentment of inequities and injustices.

More than ever, faced with the challenges of living together in a nuclear age on an increasingly crowded planet, for our own sake and the sake of future generations, we need to learn how to change the basic game of conflict.

In short, the hard work of getting to "yes" has just begun.

This edition

We have often heard from readers that *Getting to YES* continues to serve as an accessible guide to collaborative negotiation in a wide variety of fields. At the same time, we realize a younger audience is sometimes puzzled by stories and examples that were common knowledge thirty years ago, and many readers are curious about contemporary cases. So in this edition we have undertaken a careful revision and updating of examples and added some new ones where appropriate.

We have added to our toolbox considerably in thirty years, as captured in such books as *Getting Past No*, *Difficult Conversations*, *Beyond Reason*, and *The Power of a Positive No*, each of which explores important challenges in dealing collaboratively and effectively with serious differences. We've made no attempt to summarize all of that material here, since one of the virtues of *Getting to YES* is that it is short and clear. Instead, in this revision we have added a few relevant ideas where they help clarify our intent, and in other places made slight revisions to update our thinking. For example, we have made our answer to the final question in the book about negotiation power fully consistent with the "seven elements of negotiation" framework we teach at Harvard Law School.

One adjustment we considered, but ultimately rejected, was to change the word "separate" to "disentangle" in "separate the people from the problem," the powerful first step in the method of principled negotiation. Some readers have taken this phrase to

mean leave aside the personal dimension of negotiation and just focus on the substantive problem, or to ignore emotional issues and "be rational." That is not our intent. Negotiators should make dealing with people issues a priority from the beginning to the end of a negotiation. As the text states at the start, "Negotiators are people first."

Our belief is that by disentangling the people from the problem you can be "soft on the people" while remaining "hard on the problem." So long as you remain respectful and attentive to people issues, you should be able to strengthen a relationship even as you disagree about substance.

Finally, we have added a bit of material on the impact of the means of communication in negotiation. The growth of email and texting and the creation of global "virtual" organizations has made this an important variable, especially in light of research showing its impact on negotiation dynamics and results.

Our human future

We are each participants in a pioneering generation of negotiators. While negotiation as a decision-making process has been around since the beginning of the human story, never has it been so central to human life and the survival of our species.

As the negotiation revolution unfolds, our aspiration is that the principles in this book continue to help people—individually and collectively—negotiate the myriad dilemmas in their lives. In the words of the poet Wallace Stevens: "After the final no there comes a yes and on that yes the future world depends."

We wish you much success in getting to that yes!

Roger Fisher
William Ury
Bruce Patton

Preface to the Second Edition

During the last ten years negotiation as a field for academic and professional concern has grown dramatically. New theoretical works have been published, case studies have been produced, and empirical research has been undertaken. Ten years ago very few professional schools offered courses on negotiation; now they are all but universal. Universities are beginning to appoint faculty who specialize in negotiation. Consulting firms now do the same in the corporate world.

Against this changing intellectual landscape, the ideas in *Getting to YES* have stood up well. They have gained considerable attention and acceptance from a broad audience and are frequently cited as starting points for other work. Happily, they remain persuasive to the authors as well. Most questions and comments have focused on areas in which the book has proven ambiguous, or where readers have wanted more specific advice. We have tried to address the most important of these topics in this revision.

Rather than tampering with the text (and asking readers who know it to search for changes), we have chosen to add new material in a separate section at the end of the second edition. The main text remains complete and unchanged from the original, except for updating the figures in examples to keep pace with

inflation and rephrasing in a few places to clarify meaning and eliminate sexist language. We hope that our answers to "Ten Questions People Ask About *Getting to YES*" prove helpful and meet some of the interests readers have expressed.

We address questions about (1) the meaning and limits of "principled" negotiation (it represents practical, not moral, advice); (2) dealing with someone who seems to be irrational or who has a different value system, outlook, or negotiating style; (3) questions about tactics, such as where to meet, who should make the first offer, and how to move from inventing options to making commitments; and (4) the role of power in negotiation.

More extensive treatment of some topics will have to await other books. Readers interested in more detail about handling "people issues" in negotiation in ways that tend to establish an effective working relationship might enjoy *Getting Together: Building Relationships as We Negotiate,* by Roger Fisher and Scott Brown, also available from Penguin Books. If dealing with difficult people and situations is more your concern, look for *Getting Past No: Negotiating in Difficult Situations,* by William Ury, published by Bantam Books. No doubt other books will follow. There is certainly much more to say about power, multilateral negotiations, cross-cultural transactions, personal styles, and many other topics.

Once again we thank Marty Linsky, this time for taking a careful eye and a sharp pencil to our new material. Our special thanks to Doug Stone for his discerning critique, editing, and occasional rewriting of successive drafts of that material. He has an uncanny knack for catching us in an unclear thought or paragraph.

Roger Fisher
William Ury
Bruce Patton

For more than a dozen years, Bruce Patton has worked with us in formulating and explaining all of the ideas in this book.

This past year he has pulled the laboring oar in converting our joint thinking into an agreed text. It is a pleasure to welcome Bruce, editor of the first edition, as a full coauthor of this second edition.

R.F.
W.U.

Acknowledgments

This book began as a question: What is the best way for people to deal with their differences? For example, what is the best advice one could give a husband and wife getting divorced who want to know how to reach a fair and mutually satisfactory agreement without ending up in a bitter fight? Perhaps more difficult, what advice would you give *one* of them who wanted to do the same thing? Every day, families, neighbors, couples, employees, bosses, businesses, consumers, salesmen, lawyers, and nations face this same dilemma of how to get to yes without going to war. Drawing on our respective backgrounds in international law and anthropology and an extensive collaboration over the years with practitioners, colleagues, and students, we have evolved a practical method for negotiating agreement amicably without giving in.

We have tried out ideas on lawyers, businessmen, government officials, judges, prison wardens, diplomats, insurance representatives, military officers, coal miners, and oil executives. We gratefully acknowledge those who responded with criticism and with suggestions distilled from their experience. We benefited immensely.

In truth, so many people have contributed so extensively to our learning over the years that it is no longer possible to say precisely to whom we are indebted for which ideas in what form. Those who contributed the most understand that footnotes were

omitted not because we think every idea original, but rather to keep the text readable when we owe so much to so many.

We could not fail to mention, however, our debt to Howard Raiffa. His kind but forthright criticism has repeatedly improved the approach, and his notions on seeking joint gains by exploiting differences and using imaginative procedures for settling difficult issues have inspired sections on these subjects. Louis Sohn, deviser and negotiator extraordinaire, was always encouraging, always creative, always looking forward. Among our many debts to him, we owe our introduction to the idea of using a single negotiating text, which we call the One-Text Procedure. And we would like to thank Michael Doyle and David Straus for their creative ideas on running brainstorming sessions.

Good anecdotes and examples are hard to find. We are greatly indebted to Jim Sebenius for his accounts of the Law of the Sea Conference (as well as for his thoughtful criticism of the method), to Tom Griffith for an account of his negotiation with an insurance adjuster, and to Mary Parker Follett for the story of two men quarreling in a library.

We want especially to thank all those who read this book in various drafts and gave us the benefit of their criticism, including our students in the January Negotiation Workshops of 1980 and 1981 at Harvard Law School, and Frank Sander, John Cooper, and William Lincoln, who taught those workshops with us. In particular, we want to thank those members of Harvard's Negotiation Seminar whom we have not already mentioned; they listened to us patiently these last two years and offered many helpful suggestions: John Dunlop, James Healy, David Kuechle, Thomas Schelling, and Lawrence Susskind. To all of our friends and associates we owe more than we can say, but the final responsibility for the content of this book lies with the authors; if the result is not yet perfect, it is not for lack of our colleagues' efforts.

Without family and friends, writing would be intolerable. For constructive criticism and moral support we thank Caroline Fisher,