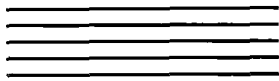


WIN-WIN NEGOTIATING

CONFLICT INTO AGREEMENT

Fred E. Jandt
with Paul Gillette



WIN-WIN NEGOTIATING

TURNING CONFLICT
INTO AGREEMENT

Fred Edmund Jandt

with the assistance of

Paul Gillette

JOHN WILEY & SONS

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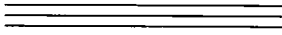
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In memoriam
Delmer M. Hilyard
advisor and friend

===== PREFACE

In 1980 I developed and began conducting the professional development seminar “Managing Conflict Productively.” The seminar was based on my academic interest in communication and conflict and on my consulting experience with various organizations. Since then, thousands of professional men and women from business and public service groups of all kinds, from Anchorage to San Juan, have attended that seminar. The seminar explains how conflict in organizations can be controlled and used and how managers can become more adept as negotiators within and without their organizations.

This book represents that seminar as it has grown and developed with the suggestions provided by those individuals who have attended and profited from it. New material and extended explanations and examples are presented in the book that couldn't be presented in the time allotted to a training program.

A consummate professional, Paul Gillette, has been instrumental not only in providing new material but also in sharpening the

focus of what I had originally developed and putting the ideas into a meaningful and engrossing written style.

The examples we include are true. We have, on occasion, adapted the examples to highlight the points we are making. In these cases if the names of persons or companies bear any similarity to those of actual persons or companies, the similarity is purely fortuitous.

FRED EDMUND JANDT

San Francisco
January 1985



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≡≡≡≡ 1 ≡≡≡ I WANT, YOU WANT

OR THE SICILIAN STALEMATE
AND HOW TO AVOID IT

Let's start with an easy one.

You're in a lounge at an airport when a slobby-looking guy takes the seat next to yours. He lights a cigarette, tunes his industrial-strength portable radio to the local rock station, and turns up the volume.

Immediately there is a conflict. Cigarette smoke bothers you almost as much as rock music (in fact, you regard the term *rock music* a contradiction), and here is this jerk imposing large doses of both on you. Nonetheless, there is no sign nearby proscribing the smoking of cigarettes or the playing of radios. Your antagonist, from his point of view, is merely exercising his rights.

You might argue that the absence of a sign forbidding an activity does not ipso facto legitimize the activity. There are, after all, no signs at the airport proscribing the molestation of children, the inhalation of cocaine, or the detonation of nuclear bombs.

On the other hand, these acts are prohibited by law. In this particular lounge at this particular airport, there is no law or even a posted local policy against smoking or playing a radio.

But, you might argue, there are certain unwritten rules about what constitutes civil behavior. We cannot simply do whatever we feel like whenever we . . .

Stop. The question here is not whether certain conduct is legally permissible and socially acceptable. The conflict extends beyond the boundaries of mere legality and propriety.

The fact is, this fellow *wants* to smoke his cigarette and play his radio, whereas you have a *conflicting desire* for silence and smoke-free air. The wishes of one of you can prevail only if the wishes of the other are frustrated.

Were you to persuade your tormenter—or cajole him, or intimidate him, or otherwise motivate him—to cease and desist, chances are he would feel deprived and maybe also resentful. Likewise, were it possible to convince you that his behavior was both legally and socially correct, the probability is that you would still be annoyed by his cigarette and his radio.

Okay, how should the conflict be resolved? I promised you an easy one, so here goes:

The lounge where you are waiting is very large and also very sparsely populated. You need not remain in the vicinity of the cigarette-smoking rockophile. You can hie yourself to an opposite corner and await your plane in comfort.

You might not like having to move, but that's a small enough price to pay for the restoration of tranquility, is it not? (When the stakes are low, most of us seek the least unpleasant way out of a conflict.)

Now let's make things a bit more difficult. The lounge is crowded, and this guy took the only vacant seat. You don't merely dislike cigarette smoke: you have a medical condition that is likely to be exacerbated by it—especially if you incur prolonged exposure, which you well may, for the airport is fogged in and all flights are late by anywhere from half an hour to an hour and a half.

Obviously, the more onerous your circumstances, the greater your incentive becomes to seek some sort of resolution to the

conflict. If you would walk away from your adversary in a crowded lounge, even though doing so would mean having to stand for an hour while waiting for your flight, how would you react if the same fellow sat next to you in the airplane's no smoking section and lit up?

If you would tolerate this, how would your reaction differ if the person imperiled by smoke was your baby son or daughter? What would you do if you asked your adversary to stop smoking and he refused? How would you react if you sought the aid of the flight attendant and were told that nothing could be done?

I think you'll agree that no matter how patiently you might generally bear wrongs a point eventually would be reached at which you would feel compelled to take a stand. I think you'll also agree that, pleasant though the idea may seem of avoiding conflict completely, few if any of us are in a position to do so.

If you want something and I also want it, we're in conflict, whether what we want is the same job, the same seat on a bus, or any of the many millions of other desiderata over which we might compete.

If you want something and I have no interest whatever in it, we may still be in conflict—for example, when what you want (more police and fire protection, let us say) is at odds with what I want (lower taxes).

Conflict need not be interpersonal. Psychologists long ago developed classifications for conflicts that any of us may experience within himself or herself.

In what is called an "approach-approach" conflict, a person must choose between attractive alternatives. Should I wear my favorite red tie today or my favorite blue tie?

In an "avoidance-avoidance" conflict, we must choose between unattractive alternatives. I do not want to give the electric company my money, but neither do I want my lights turned off.

In an "approach-avoidance" conflict, the same action contains desirable and undesirable elements. For example, the young man on the diving board wants to impress another young man sitting at poolside. He believes he will do so if (approach) he executes his most risky dive, a triple gainer. But he knows also that there is a

danger that (avoidance) he will execute the dive poorly, make a fool of himself, and perhaps also injure himself.

All of us deal with dozens—if not hundreds or even thousands—of such *intrapersonal* conflicts each day. However, most of us long ago developed effective techniques for resolving them.

Where we need help is with *interpersonal* conflicts—and especially with those that arise in the workplace: employer versus employee, salesperson versus customer, public relations executive versus journalist, government liaison officer versus federal or state regulator.

The biggest danger in such conflicts is that we can get locked into a position where we surrender everything—or, in any event, surrender far more than we should—because we have not learned how to deal with conflict productively.

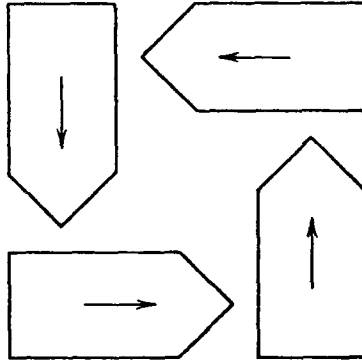
More than a few employees have walked out on jobs that they liked—and needed—because they were unable to manage a relatively minor dispute with a boss. Likewise, more than a few employers have fired valuable subordinates because these employers could find no way to reconcile certain comparatively unimportant differences.

How many salespeople have lost important accounts because they could not overcome personality-related conflicts with customers? How many executives have embarrassed themselves and their companies because they let an antagonistic journalist goad them into making imprudent statements?

The ultimate conflict, of course, is war, and to engage in it—whether on a global or personal scale—is, in effect, to admit to an inability to deal with disagreement. Yet most nations manage to get involved in armed combat at least once or twice in a century, just as most people at least several times in a lifetime get caught up in a controversy that costs them a job or destroys a friendship or a relationship within the family.

Our inability—as individuals and as a species—to resolve conflict is illustrated by a cartoon that is popular in Sicily, a region of Italy whose motorists are not known for their courtesy. The cartoon, titled “The Sicilian Stalemate,” depicts four automobiles that have arrived at the same time at an intersection with a

malfunctioning traffic light. Each car's progress is blocked by another car, thus:



It would, of course, be a relatively simple matter for one of the cars to back up and let another car pass, whereupon all the remaining motorists would have free passage. The point of the cartoon is that we sometimes sacrifice a major interest because we are unwilling to yield on a minor one. Unreasonable though this approach can be seen to be in the context of the cartoon, many of us behave exactly the same way in conflicts at home or on the job.

As a professional negotiator and advisor to governments and major corporations, I've spent most of my adult life dealing with conflict. I've been called in to bargain with terrorists who were holding hostages as well as to mediate between municipal subdivisions with seemingly irreconcilable budgetary differences.

I have conducted seminars on conflict management for executives of General Instrument, GTE Sylvania, Shell Oil Company, State of Georgia Human Resource Department, Blue Cross of California, Seaside Hospital, and California Association of School Business Officials, to name just a few.

My aim in this book is to teach you the same techniques and skills that international diplomats and top corporate managers use when dealing with conflict. For example, I'll tell you how French president François Mitterand persuaded South Korea to withdraw its opposition to France's opening of diplomatic relations

with North Korea: He used a technique that I call “unpacking,” wherein elements of a conflict are defined separately and concessions on one are repaid with concessions on another.

Also—on the lighter side—I’ll tell you how Dwight D. Eisenhower, as president of Columbia University, got students to stop walking on the grass: Assuming that the paths chosen by the students were the most efficient routes from one point on campus to another, he ordered sidewalks installed where the paths were and grass planted where the old sidewalks had been.

The central thesis of this book is that conflict is inevitable but not necessarily bad. Poorly managed conflict can destroy relationships, families, companies, and nations; however, if conflicts are managed skillfully and creatively, the result can be a greater number of benefits for everyone involved.

Moreover, while rampant, uncontrolled conflict can be extremely costly (emotionally as well as financially) for us as individuals as well as for the organizations that we populate, so, too, can be the absence of healthy conflict. Indeed, organizations often become more productive by encouraging certain kinds of conflict and teaching members how to deal with conflict.

This book will focus primarily on on-the-job conflicts. However, the conflict management techniques that it will teach are no less applicable to away-from-the-office disputes. That’s right, the same skills that a police psychologist employs to talk a suicide victim down from a window ledge, the same techniques with which a professional mediator brings about harmony between management and a labor union, are applicable whether you are trying to get a refund from a merchant who overcharged you, trying to persuade your boss that you should have a raise, or trying to resolve a squabble between your teenage son and daughter.

A few chapters hence, we’ll begin an extensive examination of these techniques and the ways in which they might be applied. First, however, let’s look at the ways in which you now deal with conflict.

2 HOW DO YOU DEAL WITH CONFLICT?

I am going to ask you to respond to seven hypothetical situations. For each situation there are six possible reactions. Choose the one—and only one—reaction that would be closest to your *first* response if you were in that situation.

Please note that I have asked for only *one* reaction. If several of the alternatives seem pertinent, select the one that is *closest* to the way you would react.

You may feel that none of the reactions is pertinent. Or you may feel that while one or more are reasonable, you would be more likely to have yet another reaction. Be that as it may, for the purposes of this exercise please choose one of the six reactions spelled out here.

One or more of the situations—or maybe even the entire self-inventory—may strike you as unrealistic. For the time being, however, please go along with me and respond to every item. Later in this chapter I'll explain why your responses are useful no matter how unreasonable the range of choices may seem.

1. You have reserved a table at a restaurant and have invited important business associates to dine with you. When you arrive, you are told by the head waiter that he has forgotten your reservation and has no table available. You would—
 - (a) Wait until a table becomes available.
 - (b) Be irritated with yourself for having reserved a table at such a restaurant.
 - (c) See the manager and insist that a table be found.
 - (d) Forgive the head waiter; it is human to forget.
 - (e) Speak sharply to the head waiter about his forgetfulness.
 - (f) Go to another restaurant where reservations are not needed.
2. You have to make an urgent telephone call. You are waiting outside a booth that is being used by an elderly man who obviously is in no hurry to finish his conversation. You would—
 - (a) Expect the man to notice that you are fidgeting; when he does, he probably will be considerate and terminate the conversation.
 - (b) Try to find another telephone.
 - (c) Wish you were not dependent on the telephone.
 - (d) Bang on the door to demonstrate your impatience.
 - (e) Wait patiently; eventually the man will have to stop talking.
 - (f) Feel guilty about your hostile feelings toward the old man; his phone call, after all, may be just as important to him as yours is to you.
3. A guest absent-mindedly places a lighted cigarette on your table and burns a hole in the tablecloth. You would—
 - (a) Tell him that what he did was stupid.

- (b) Demand that he pay to have the cloth repaired.
 - (c) Be annoyed with yourself for not having noticed the cigarette before the damage was done.
 - (d) Have the cloth mended without saying anything to your friend.
 - (e) Console your friend by pointing out that this was just an accident of the sort that could happen to anyone.
 - (f) Say nothing; what's done is done, and there is no purpose in saying anything at this time.
4. Pickets at your favorite supermarket ask you not to buy there because the store is selling vegetables harvested by nonunion laborers. You would—
- (a) Listen to their arguments and decide whether to take your business elsewhere.
 - (b) Tell them to stop bothering you.
 - (c) Listen to their arguments even though you do not intend to be swayed; the pickets, after all, have a right to express their opinions.
 - (d) Ignore the pickets; this is not something that concerns you; labor disputes eventually get settled, no matter how intensely antagonistic opposing parties may be before the settlement.
 - (e) Apologize to the pickets for not having known about the store's antilabor policies.
 - (f) Tell the pickets that you are not interested because this problem is one for the union and the store's management to work out between themselves.
5. The Japanese government asks the U.S. to give up certain military bases in Japan. The U.S. should—
- (a) Refrain from responding; the issue will resolve itself in time.
 - (b) Offer to negotiate.
 - (c) Ask the Japanese to explain how they would defend themselves if the U.S. gave up the bases.