Getting Past No: A Brief Synopsis

“In sailing, you rarely if ever get to your destination by heading straight for it. In between you and your goal are strong winds and tides, reefs and shoals, not to speak of storms and squalls. To get where you want to go, you need to tack – to zigzag your way toward your destination. The same is true in the world of negotiation.” - William Ury

The more books I read on conflict resolution or negotiation, the more I am convinced that William Ury’s Getting Past No is one of the very best. In this book, Ury presents five ideas he refers to as ‘Breakthrough Negotiation’, which can be effectively utilized when dealing with uncooperative, difficult, or intransigent negotiators. Ury’s overarching premise is that your goal when dealing with difficult negotiators should be to convert them from adversaries to partners so that the negotiation becomes a joint-problem-solving effort instead of a competitive effort. [3][5]

Ury identifies five obstacles to cooperative negotiation that should be overcome (or broken through) for effective negotiation:

1. **Your Reaction**: Your emotional reaction to the thoughts, feelings, and actions expressed by the other side
2. **Their Emotion**: The emotional disposition of the other side, which can be driven by fear, anger, and zero-sum thinking
3. **Their Position**: The other side’s expression of and insistence upon what they want to get from the negotiation (not why they want it)
4. **Their Dissatisfaction**: The other side’s view of your options for agreement, which may cause them to lose face
5. **Their Power**: The other side perspective on the power they possess in the negotiation, which may affect their willingness to act cooperatively [1][3][5]

The five ideas of Breakthrough Negotiation, which allow the negotiator to overcome the aforementioned obstacles include:

**Don’t React: Go to the Balcony**

Ury’s first suggestion is to “Go to the Balcony,” a metaphor for viewing the negotiation from the more objective perspective of a third party observer opposed to your own subjective judgment of the situation. By “going to the balcony,” you distance your emotional reaction from your engagement in the negotiation and avoid the common reactions of “striking back, giving in, or breaking off.” The real genius behind this suggestion is Ury’s observation that it takes two people to entangle a negotiation into an unproductive dialogue, but it only takes one person to disentangle the negotiation or avoid entanglement altogether. Effectively “going to the balcony” involves pausing the negotiation to take a break and reflect upon what is happening during the negotiation, as well as advising negotiators to take time to consider proposals and not to make agreements on the spot. [1][3][5][6]

**Don’t Argue: Step to Their Side**

Ury’s second suggestion involves trying to understand the problem or opportunity being negotiated from the other side’s perspective. When effectively executed, this method repositions the discourse between you and the other side so that you are speaking as partners attempting to jointly address an issue opposed to adversaries in conflict over settlement. To this end, Ury makes several suggestions:

- Listen to the other side’s perspective, acknowledge and paraphrase what they say to demonstrate your understanding, and ask them to correct any of your misunderstandings. It is important to keep in mind that acknowledgement is not the same as agreement. Acknowledging someone’s thoughts and/or feelings demonstrates that you understand what they have said, not that you agree with their perspective.
Create an atmosphere of agreement by using the word “yes”. Saying “yes” when you can, and soliciting “yes” answers from the other side helps to create a positive negotiating climate that is better poised for agreement.

Avoid using the word “but” and instead use “yes, and…” This technique avoids contradictory language and demonstrates that there is space for multiple perspectives.

When acknowledging differences of perspective, do it with an optimistic tone of voices. This creates a positive environment for openly discussing differences. [1][5][6]

Don’t Reject: Reframe

Ury’s third suggestion involves reframing the other side’s tactics and communication from positional to interested-focused. Ury’s keen insight in this area is the recognition that a single deal must be built upon two or more perspectives, and the best way to accomplish this is through reframing rather than rejecting the positions and ideas of the other side. Under the umbrella of reframing, he makes several excellent recommendations for deal-making with difficult parties:

- Ask the other side open-ended, problem-solving questions aimed at uncovering their interests below the surface of their positions. Questions like “Why?” “Why not?” “What if?” “What makes that fair?” probe for interests, test options, and attempt to discover their standards of fairness.
- Ask the other side for advice on what they would do if they were in your shoes. Ask the other side for advice on how they think an issue should be handled, and follow up with “Why?” “Why not?” “What if?” questions to further clarify their interests and test options for settlement. Asking for advice from the other side demonstrates respect and acknowledges their status in the negotiation; two measures that can help you build rapport with the other side.
- Use silence as an ally. Most people, especially in tense situations, are uncomfortable with prolonged periods of silences. After asking a question that was not answered fully or clearly or after presenting an option, be quiet. The chances are, the other side will speak first and be more forthcoming with information.
- Regardless of how the other side communicates with you, whether using personal attacks against your procedural approach to negotiating or being disparaging about your substantive interests, reinterpret what they say as something positive. Reframe statements they make using “you” and “me” into “we” statements pivoting the discussion towards joint problem-solving. A concerted and sustained effort to reframe the other side’s perspective from adversarial to collaborative will aid the negotiation process. [1][2][5][6]

Don’t Push: Build Them a Golden Bridge

The fourth suggestion in Getting Past No involves removing common obstacles to agreement. Ury identifies several key roadblocks that may need to be overcome in the negotiation. First, the other side may reject an offer because it was not their idea. Second, the other side may have interests that are still yet to be met. Third, the other side may believe that they will lose face by accepting a proposal. Finally, the other side may feel rushed to agreement. To address these obstacles Ury provide multiple points of guidance.

- Ury suggests the best way to deal with a negotiator reluctant to accept a proposal that is not their own is to involve them in the process of crafting a proposal they can accept. First, avoid telling the other side what the best solution is or why your proposal is the best way forward. Instead, invite them to share their ideas, provide criticism, and if helpful, provide them with multiple options to select from.
- If the primary obstacle is that the other side still has unmet interests, spend time trying to understand their perspective and reasoning of the issues, and ensure you have considered their basic human needs for recognition, identity, and security, which Ury points out are the most powerful interests.
- If it appears that the other side will lose face by accepting the agreement, it is unlikely that the agreement will be accepted. To address this obstacle, ensure the proposal is consistent with their principles and values, have a third party recommend your proposal instead of you, ensure the other side received credit for resolving the conflict, and think of ways in which they could present the agreement to their constituency. Ury’s suggestion is to “help write their victory speech.” By ensuring your options or proposal will not cause them to lose face, you remove a significant barrier to agreement.
- Always consider the process of negotiation and ensure you are not rushing the engagement. As negotiation expert Randy Lowry says, “The right deal at the wrong time is the wrong deal.” To ensure you are giving
enough time to the negotiation, separate the process of reaching agreement into steps based on various issues. Reach agreement issue by issue with the caveat that there will be no commitment until all issues have been discussed and agreed upon. [1][3][5][6]

Don’t Escalate: Use Power to Educate

Ury’s final suggestion is a logical continuation from “build them a golden bridge,” and promotes educating the other side to see that agreement is in their best interest. This answers the question ‘what happens if the other side refuses to cross the golden bridge?’ According to Ury, he or she should be prepared to educate the other side about their BATNA or best alternative to a negotiated agreement. He writes, “Instead of using power to bring your opponent to his knees, use it to bring him to his senses.” Ury provides several ideas on how to best use power to educate:

- Use reality-testing questions to illuminate the consequences of non-agreement. Ask “What do you think I will do?” “What will you do?”
- Warn the other side of the consequences without threatening them. Albeit easier said than done, a warning educates the other side as to the consequences of non-agreement in an objective and respectful way
- In the same spirit as providing a warning in an objective and respectful manner, and when it is appropriate to reveal, educate the other side to you BATNA
- Keep reminding the other side that you have an alternative, that the proposed settlement is an attractive solution to your joint problem, and let the other side know that you are seeking a mutually satisfactory agreement, you are not trying to “win” [1][2][5][6]

Ury’s work really is a masterpiece of the genre and an indispensable resource for negotiators and mediators alike. The Breakthrough Negotiation method canonizes and synthesizes some of the most important techniques and ideas in conflict management.

Sources