

More than ever, effective problem-solving demands that we know when and how to create valuable agreements with other parties. But negotiating isn't always best. Here's how to "get to yes" when it's appropriate—and even crucial.

Sections to guide you:

- *Ideas in brief*
- *Ideas at work*
- *Taking stock: applying the ideas in your community*

STRATEGY TOOL #5

We Are All Negotiators Now: An Introduction to Negotiation in Community Problem-Solving

by Xavier de Souza Briggs

The Community Problem-Solving Project @ MIT
Cambridge, Massachusetts, U.S.A.

July 2003

Download this and other strategy tools free at

www.community-problem-solving.net

Ideas in Brief

We are all negotiators now, because a growing number of public and private issues are jointly decided. As more and more stakeholders ask to participate in decisions that affect them, and as the work of public problem-solving is shared across the government, business, and non-governmental (nonprofit) sectors, the demand for negotiation grows dramatically. No one can afford to ignore this core civic skill—being able to creatively advance shared interests and resolve differences too.

Yet to many civic-minded people, negotiation conjures up negative images of “horse trading”—hardball, self-interested transacting in which power games, threats, and deception dominate. Plus, it

isn't always clear when negotiation is most appropriate in a larger effort to tackle social problems—or, for example, how negotiation relates to other civic practices, such as stakeholder organizing, participatory planning, or building partnerships. Finally, community problem-solving often involves special challenges associated with informal bargaining, powerful subtexts grounded in a community's history, ambiguous rules about who should be “at the table” and who can represent whom.

This tool provides an overview of negotiation fundamentals, a discussion of the special issues outlined above, handy worksheets for preparing your own negotiations, and a set of pitfalls to avoid.

Ideas at Work

KEY ISSUE	OPPORTUNITIES	CHALLENGES AND PITFALLS
Negotiation (or conflict management) is one tool, not always the right tool, for problem-solving with others. It's important to know the potential and limits of negotiation—and to recognize that sometimes we have no choice: we find ourselves negotiating where we need the cooperation of others.	Strategies and tactics for coming to agreement are obviously important for progress on social problems. Without them, joint problem-solving can lead to process paralysis (talk that thwarts rather than supports action), impasse, or old-style imposed decisions that lack constituencies.	If one or more parties are not committed to it, negotiation can be a device for distraction or manipulation, particularly if some parties do not have the influence needed to protect and advance their interests. Also, poorly handled negotiation can <i>deepen</i> conflict and mistrust.
Classic advice to “negotiate interests, not positions” becomes challenging to practice in the context of problems with many dimensions, ideological divides, and complex stakeholder interests. Subtexts, such as a tension between the civic old guard and the new, can undermine progress. Still, recognizing that elements of competition can co-exist with cooperation can shift mindsets from stand-off and finger-pointing to problem-solving.	To go from bargaining—in the narrow sense of negotiating fixed interests and options—to problem-solving together, groups must be conscious about framing problems well up front, working hard at generating options, and then moving the ideas toward negotiated agreement. Divergent thinking can sharpen the stakes and be a source of breakthrough innovation.	Joint problem-solving takes will, time and other resources, and practice, practice, practice. Facilitators and access to diverse expertise can help, but much hinges on the ability of the parties to question assumptions without resentment, apply flexible thinking, and creatively exploit their differences. Much joint gain is built on trades between parties that want <i>different</i> things.
A large part of community problem-solving is getting effective agents (representatives) to negotiate on behalf of coalitions of stakeholders. Sometimes, coming to agreement on <i>our</i> side and directing our agent effectively are at least as tricky as negotiating with the other side(s).	Agents often play a crucial role in brokering agreements across multiple levels of conflict, where each side has several subgroups. Coming to agreement means learning how to navigate the rules of a game with several levels.	Agents can abuse their roles to stall agreement and advance personal agendas. Plus, the conventional wisdom that we should come to firm internal consensus (“circle the wagons”) on our side and then negotiate with “them” can backfire badly, leading to positional bargaining and failure.

We Are All Negotiators Now: An Introduction to Negotiating in Community Problem-Solving

by Xavier de Souza Briggs

Negotiation happens in communities all the time, since joint action and joint decision-making are crucial to making a difference in the world. Rarely is the formal authority of any one decision-maker or stakeholder enough to accomplish important ends, and all too often, imposed decisions are mandates without constituencies to act on them.

As for the specifics, negotiation happens in many contexts, engages a huge variety of stakeholder groups and personal styles, and takes many forms. For example:

- A group of public, private, and non-profit community leaders gathers informally to outline a local campaign to strengthen families and promote child well-being. The group must accommodate the varied interests around the table and choose communication strategies that, likewise, will mobilize a broad base in the community.
- Residents in a rural village meet to develop a budget for allocating social investment funds to a variety of community infrastructure, income generation, and other needs. Participants must not only choose options but decide on criteria to apply to the options and



works to reconcile donors' expectations about accountability with the flexibility required by fledgling grassroots organizations and experienced community-based service agencies.

- A community development organization forges a deal in which a for-profit corporation agrees to employ neighborhood residents and procure goods and services from small businesses in exchange for community-based support for the corporation's presence in the area.
- A neighborhood planning effort involves shared decision-making about

Negotiation is back-and-forth communication designed to reach agreement when you and the other side have some interests that are shared and others that are opposed. —Fisher and Ury, Getting to Yes

even “decide how to decide”: through majority vote, consensus process, some other approach?

- A company works out new guidelines on mitigating pollution, dealing with local and state government and a coalition of environmental advocacy groups to balance economic and social objectives.
- A nonprofit service provider negotiates a performance-based contract with a government funder. The two parties look for ways to ensure results while protecting the nonprofit's autonomy to develop its operational capacity and manage services in culturally appropriate ways that serve the community.
- In developing a new community initiative, a local “civic intermediary”

many things—the scope of planning, the roles of key players—residents, merchants, funders, facilitators, and others—in the process, and substantive priorities once the plan is ready for implementation.

- A collaborative of funders looks for ways to pool investments in a target issue (or place), advancing shared objectives while pursuing the funders' specialized missions and program goals as well.

As Roger Fisher and William Ury put it in *Getting to Yes*, the negotiation best-seller:

More and more occasions require negotiation; conflict is a growth industry. Everyone wants to participate in decisions that affect them; fewer and fewer people will accept decisions dictated by some-

Xavier de Souza Briggs is Associate Professor of Sociology and Urban Planning and Director, The Community Problem-Solving Project @ MIT, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Room 9-521, Cambridge, MA 02139 U.S.A.. This tool was prepared to illustrate strategic challenges and choices facing people and institutions around the globe rather than to highlight effective or ineffective handling of particular situations. This project was made possible by generous support from the Annie E. Casey Foundation, Harvard's Hauser Center for Nonprofit Organizations, and the Rockefeller Foundation.

one else. People differ, and they use negotiation to handle their differences ... Negotiation is a basic means of getting what you want from others. It is back-and-forth communication designed to reach agreement when you and the other side have some interests that are shared and others that are opposed.

A few big claims are embedded in that simple definition. The first is that negotiation is a *means* toward varied ends, not an end or a “good thing” in and of itself. Negotiation can even be the *wrong* means toward certain ends, as we will see in a moment. More specifically, the aim of negotiation is to make agreement possible (an interim goal, not an end goal). The results of that agreement may or may not turn out as the parties expect. Negotiation does not provide a crystal ball.

The second implication is that negotiation is primarily a process of *communication*, meaning that it's subject to many of the breakdowns and breakthroughs that affect human communication generally. Wires get crossed, signals sent are not necessarily those received. Clever persuasion can over-simplify important facts and mobilize people for all the



wrong reasons. People can use very different words—and body language, too—to convey their expectations. And the needed information may not be available or not to everyone at the right times.

Third and finally, negotiation is defined by *interests* held by *parties* (or “stakeholders”). Negotiation is clearly not the only element in joint problem-solving. It's the one focused on *coming to decision* by (a) discovering commonalities or common ground in what two or more

parties want, along with (b) ways to resolve their differences.

By definition, then, negotiation makes sense where and when parties, issues, and interests are already (more or less) defined and when the parties believe they can do better at the negotiating table than away from it. Negotiation involves seeking agreement at key decision points, but a great deal of civic process—in democratic societies, both young and old— involves defining the parties, issues, and interests, and *setting up* a decision process.

Negotiation is therefore *part* of a larger process of joint problem-solving. It's not a set of facilitation tricks for use *at* the table that make up for bad civics *away* from the table.

Myths and Realities

In spite of the fact that negotiation is useful and increasingly common, to many civic-minded people, negotiation has a bad name. It conjures up negative images of “horse trading”—hard-ball, self-interested transacting in which power games, threats, and deception dominate. Bargaining *instead* of build-

To many civic-minded people, negotiation has a bad name. It conjures up images of “horse trading” and hard-ball, power games and deception dominate. Bargaining instead of building consensus. Dealmaking instead of building relationships.

governmental organizations, grant agreements between philanthropies and nonprofit service providers and advocates, and more. And international negotiations *are* important mechanisms for resolving differences within and across nations. And negotiation *may* include complex power games and, sometimes, deception. More generally, negotiating

parties often use information strategically, to advance their interests. Parties emphasize certain ideas and not others, and they may omit information without actually lying to other parties.

But the popular images of where negotiation happens and how it gets done blind us to a great deal of value that negotiation adds to community problem-solving and to the many settings in which it takes place in our civic lives—very often more informally than in those stock images of diplomats and businesspeople cutting deals, very often by building relationships (not souring them) and creating new learning so that better ideas are possible, not just convenient “deals.”

Negotiation is therefore part of a larger process of joint problem-solving. It's not a set of facilitation tricks for use at the table that make up for bad civics away from the table.

ing consensus. Dealmaking *instead* of building relationships and creating new possibilities for civic action.

Negotiation includes all of those things, of course. It *is* important for completing many economic transactions—not just wage agreements but business deals of many kinds, contracts between government and non-

The popular images also distort what it means to be an effective negotiator. If hard-ball and power games were the rule, one would expect cunning, assertiveness, impatience with those who do not concede, emotional toughness and a lack of empathy, and similar traits to define an effective negotiator's style. Master negotiators would be those who have mas-

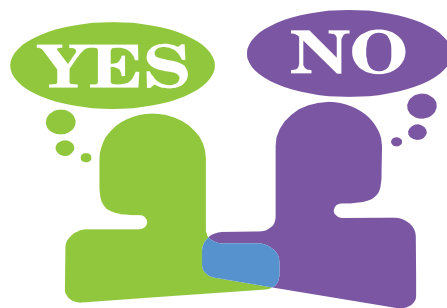
Negotiation does involve persuasion and can require tremendous assertiveness and toughness, but very often, it also requires active listening skills, substantive creativity to invent options for mutual gain, and the ability to win the trust of others—even where that means overcoming a painful past .

tered psychological tricks for throwing the other side off balance.

Not so. In decades of advanced training in negotiation and conflict resolution—at Harvard and many other universities—we’ve learned that some of the *least* effective negotiators are defined by those traits. Negotiation does involve persuasion and can require tremendous assertiveness and toughness, but very often, it also requires active listening skill, substantive creativity to invent options for mutual gain, and the ability to win the trust of others—even where that means overcoming a painful past or building a relationship from scratch.

What’s more, when we ask veteran negotiators from the military or business world to negotiate with each other in simulations or role-plays, these “pros” often do much worse than beginners with a little bit of training and strategy under their belts. Not only are the tangible outcomes worse, but the veteran negotiators leave the negotiations less emotionally satisfied and with fewer useful relationships with their counterparts across the table. The reason is that the veterans often have to unlearn bad habits. Because of the norms in their own workplaces and perhaps some factors of personality and upbringing as well, the veterans also tend to view *all* negotiations as essentially competitive games—contests wherein one party has to do badly for the other party(ies) to do well.

Of course, this does not mean that effective negotiation is purely a matter of cooperation. Often, we cannot *assume* that others will be cooperative. Indeed, they may be all too eager to exploit our goodwill and cooperativeness. They may hoard information while we share it.



They may seek to improve their own alternatives to negotiation and worsen ours—back us into a corner, so to speak, where we have little room to maneuver and (seemingly) little leverage over the outcomes that matter to us. Finding ways to create valuable cooperation while guarding against these risks is what negotiation skill is all about.

Potential and Limits: Negotiation Fundamentals

How then should we define the fundamentals of negotiation in ways that make us more effective? And how should we understand the limits of negotiation, too? The Taking Stock box (next page) offers an outline. It addresses the wide range of negotiation situations in which problem-solvers in the public, private, and non-governmental sectors may find themselves.

The past few decades have seen dramatic growth and progress in the

fields of negotiation, mediation, alternative dispute resolution, and consensus building. The development of theory and practice in these areas is tremendously positive, given the observation that shared decision-making is increasingly the “rule of the day” in democratic societies. But enthusiasm for the techniques can blind us to a simple fact: The best tools are no good—and may even be bad (harmful)—when applied to the wrong task.

When bringing people together to effect change, the first question is not how to go about negotiating decisions effectively but rather : Is negotiation appropriate in this situation at all? Should we negotiate with “them”? Why now? What are the alternatives to negotiation? And is a negotiation in fact possible—will they agree to negotiate?

From the standpoint of a third-party wishing to help parties in conflict come to agreement, similar questions are: Are the parties that could craft a valuable agreement ready to negotiate? Will they recognize the value of negotiation and truly commit to the process? What will it take to support that process and see it through?

Sometimes, we have no choice but to negotiate. We depend on others to help us accomplish things and influence decisions. We find that we have interests that are shared with other stakeholders, as Fisher and Ury describe it, but others that are opposed. Without formally announcing it or setting an official “table” at which to hold talks, we *are* negotiating. We are engaged in give-and-take to advance our interests.

But sometimes we do have a choice, and negotiation may not be appropriate—or not yet. For example:

- When the nature of a problem *and* the best solution are clear and widely

When bringing people together to effect change, the first question is not how to go about negotiating decisions effectively but rather: Is negotiation appropriate in this situation at all?

TAKING STOCK (Part One): Negotiation Fundamentals

1. **Should we negotiate?** Negotiation is not always best. Sometimes, parties are not committed to it, negotiation may be a device for distraction or manipulation (where little of value will actually be decided), or one or more parties may not have the influence and autonomy needed to protect and advance its interests at the table. But sometimes, we have no choice: where there is interdependence and people have different views of a problem or somewhat different interests, we find ourselves, in effect, negotiating a way forward.
2. **What value does negotiation add?** Negotiation is a *part* of problem-solving together. Negotiations are defined by parties, issues, interests, alternatives (choices of terms that together would make up an agreement), and the size of the bargaining range (in which agreement is actually possible). But specific negotiations—crucial episodes in time when agreement may be forged, *given* parties, issues, interests, and alternatives—are often embedded in larger processes of organizing stakeholders and issues for attention, planning that is substantively smart as well as participatory, and building partnerships to implement jointly created plans. Moreover, community problem-solving frequently involves a host of negotiations, and varied sets of parties, over time—not one big “deal” in which all things are decided once and for all.
3. **Isn't it about competitive tricks and clever maneuvering?** Negotiation often involves some element of *competition*, as when we each party wants part of a limited resource, but can also involve important and creative *cooperation*, as when parties invent new options to create more value for all sides. Sometimes, parties value different things, not the same thing, and this provides a way to make valuable “win-win” trades. Negotiation is not synonymous with either competition or cooperation alone.
4. **OK, but in the end, is it only dealmaking?** Negotiations can be focused on crafting a deal (to seize an opportunity) or resolving a dispute (to overcome a costly stand-off or conflict) or both. The same fundamentals are useful either way, but deals and disputes may be quite different in tone, tempo, and specifics.
5. **Don't some negotiations end in impasse anyway?** Many impasses and inefficient agreements result when parties refuse to negotiate their *interests* and instead focus on particular *positions*. Negotiation becomes a contest defined by demands, a test of who will “give in” first.
6. **Is negotiation always about formal agreements and marathon sessions “at the table”?** No, negotiation can be quite formal, as when a process of seeking agreement is announced and agreements made are recorded and given legal status, perhaps in a contract or pact. But negotiation can also be quite informal—part of the give-and-take of everyday civic life, in which participation is needed to make progress possible, in which *constituencies* for change, and not just technically promising ideas, are required.
7. **Who should participate?** This depends on the issues and stakes. Negotiation can take place between just two parties or among multiple parties. In the latter case, agreement may require the assent of all parties (unanimity) or some critical number of the parties—say 5 out of 6 or 7 out of 10—acting in a coalition. Plus, agents (representatives) must often negotiate on behalf of stakeholder groups.
8. **Aren't mediators or facilitators important?** Negotiation may be assisted by third parties, whether neutral or “interested” facilitators. The most well-known type of third-party facilitator is the neutral mediator, whose job it is to help parties come to useful, sustainable agreements. Neutrals have no substantive interest in the outcome, only an interest in improving the process. But problem-solving over time may call for intervention by “mediators with clout” who press stubborn parties into giving negotiation a chance. Indeed, intermediaries or go-betweens play a variety of challenging but important roles in community problem-solving. (See the linked tool in this series, “Working the Middle: Roles and Challenges of Intermediaries.”)

understood, negotiation may be redundant, distracting, and even counter-productive. Negotiation and conflict resolution have sometimes been criticized as “poor people’s justice” in that they compensate for what the law will not enforce. More generally, negotiation can lead to distraction and manipulation. In some instances, law and community norms point to a clear set of actions—e.g., compliance by a key, powerful party. Negotiation can be an awkward way to make key parties “do the right thing.”

- When it is not clearly in the interests of all parties to negotiate—or key parties otherwise lack commitment to the process. The threshold test here is this: Do the parties to a negotiation recognize, at minimum, the *potential* to do better at the negotiating table than away from it? This is key to the commitment that negotiation requires. But key parties may prefer lawsuit, independent action (going it alone), or some other alternative to negotiation. Dialogue and key events—a change of status or perceived interests—may lead key parties to re-assess the attractiveness of their alternatives (see below).
- When parties need assistance but don’t yet have it. Sometimes, gaps in data and information, the technical complexity of the issues, different world-views, a history of strained relationships, or other barriers make it impossible for parties to come to agreement on their own. In these instances, mediators or other third party facilitators may be helpful to support the process or simply to help parties explore the possibility of negotiating with each other (see below).

As the tools in this series explore in detail, community problem-solving is defined by collective effort to identify and frame problems for public discussion, to build movement and create constituencies for change, to set meaningful directions—chart a course or “plan”—

See linked tool in this series,
“Organizing Stakeholders, Building Movement, Setting the Agenda”

based on stakeholder values as well as the substantive challenges posed by the problems people care about, and other processes.

The work is both art and science in that some patterns are regular and reliable but improvisation and good judgment, as well as risk-taking and acts of intuition, are usually required too.

The opportunities to apply negotiation skills within these processes, often quite informally, are many. But not even

decisions. Everyone agrees that democracy demands dialogue and deliberation to allow a careful treatment of issues. But sustaining democracy also requires concrete action on problems in the world, and action requires making choices, setting priorities, agreeing on roles, agreeing to disagree on some issues but move ahead on others. Talk alone won't do the trick, even if that talk is inspired and

more effectively to seize the potential agreements that seem to lie just outside our grasp.

- When a unilateral decision *could* get the job done but a joint decision would be more legitimate and supportable in the community.

The second major lesson in the Taking Stock box is that promoting the public interest through joint action—community problem-solving, broadly defined—may involve a range of negotiations over time, not one big, formal negotiating table where all things get decided, where one grand “deal” is struck. So we want to think of the work of tackling a public problem(s) or seizing a major opportunity to promote the common good as demanding a host of negotiation skills and settings, depending on what is most appropriate when and whose interests are at stake.

Furthermore, as I noted above, negotiation is a means of delivering the goods, but negotiation does not enable itself. Negotiation matters most to a community's civic life where it builds on a process of organizing issues and stakeholders, carrying out substantively smart as well as participatory planning, and building



Beyond being appropriate, negotiation may actually be essential where: parties share an interest in an outcome but have not come to needed decisions, there is a willingness to decide but communication breakdowns and other barriers get in the way, or a unilateral decision could *perhaps* get the job done—but a joint one would be much more legitimate and supportable in the community.

ryone wants to or can participate effectively in negotiation. (See the case examples on organizing and negotiation in the linked tool in this series, “Organizing Stakeholders, Building Movement, Setting the Agenda.”)

Before we move on, let's be clear on the kinds of situations in which negotiation may not only be appropriate but actually *essential*:

- When parties share an interest in an outcome but have not come to needed

inclusive. Engage, define, deliberate, decide, act, and then engage again. Any way you define the civic action loop, decision and action are critical, and shared decision often requires the give-and-take of negotiation, whether it's formal or informal.

- When there is a willingness to decide but basic communication breakdowns or other “process barriers” get in the way. Much of negotiation is about thinking and communicating

partnerships to implement jointly-created plans. Some define negotiation so broadly that it encompasses all of these—the agreement-seeking process itself and everything around it. But I find it more useful to define and explore those other practices and processes as challenging, important in their own right, and worthy of careful strategies and tactics (see the tools in this series on those topics).

Third, many efforts to make decisions together include, unavoidably, elements of competition as well as cooperation. So

Failure to resolve a dispute between two or more parties can impose huge costs on other parties or the community at large, sour relationships among the disputants, and even generate new, wider conflicts.

we want to get better at identifying and working through both as effectively as possible.

As we will see below, this is more than an abstract principle of recognition. Cooperating and competing at the same time is challenging for most of us, because we are not robots. Efforts to get more of what we want—“claim value,” as negotiation experts James Sebenius and David Lax put it—may crowd out efforts to create value for all of the parties involved. This is especially true where emotions are running high, the issues are complex, the options seem limited, and time and other resources are in short supply.

Point four in the text box reminds us that negotiations can be mainly about creating an opportunity that hinges on shared decision-making—a deal to create a new policy or program, pool funds, exchange resources, etc.—or mainly about settling a dispute that is costly and unacceptable to the parties involved. Or both. Not only are dealmaking and dispute resolution somewhat different in tempo and tone, but the consequences of not reaching agreement can be quite different as well. “No agreement” in the context of a deal generally means that the parties find alternative ways to pursue the opportunities they value.

But a failure to resolve a dispute between two or more parties can impose huge costs on other parties or the community at large, sour relationships among the disputants (making it harder to problem-solve together later on), and even generate new, wider conflicts—the downward spiral where conflict escalates.

Fifth, as we will see in a moment,



many people instinctively negotiate over *positions*—specific terms they prefer—rather than explore multiple options for advancing their *interests* (the underlying, valued things that positions reflect).

For example, in negotiations with a company and local government over an economic development project, a community-based nonprofit group insists on a specific number of new jobs for neighborhood residents instead of exploring multiple ways of satisfying the group’s underlying interests, which are to (a) enhance economic security in the neighborhood, in part by (b) maximizing the positive spillovers of the project. Finding these terms unacceptable, the company backs off, governments gets impatient with both parties, finger-pointing begins, and the result is costly impasse.

By engaging the parties in learning and a process of considering different ways to satisfy the underlying interests, “interested-based bargaining” enhances the likelihood of a valuable agreement—as well as a relationship to draw on another day.

We will explore the final points in the text box in the sections to come—looking at two-party versus multi-party negotiations, for example, and the role of mediators and other third-party facilitators. Mediation is quite important

in community problem-solving, even where it is unofficial and informal. And we’ll use some case examples to explore what it means to prepare effectively for negotiation and actually work things out at the table, through back-and-forth communication. (For more illustrations, see the reading and resource list at the end of this tool.)

Principled Negotiation: An Overview

For now, let’s assume that negotiation actually *is* appropriate—and perhaps even essential—in some context that matters to you. There are defined parties, key issues, interests that are at least somewhat clear to shape and motivate the negotiation. Here are Fisher and Ury’s basic rules for principled negotiation, which stand up again and again in practice—in an incredibly wide variety of specific situations around the world:

- *(People) Separate the People from the Problem.* Fisher and Ury advise negotiators not to make big assumptions about the other side’s intentions and not to entangle the relationships in the substance of the problem. Instead, they urge us to discussion perceptions, let each side blow off steam, and listen actively to what is being said.
- *(Interests) Focus on interests, not positions.* Acknowledge their interests as part of problem-solving. Explore your multiple interests: ask “why” questions, get at basic concerns behind the stated preferences.
- *(Options) Generate a variety of possibilities before deciding what to do.* Invent options—avoid the instinct to narrow immediately to specific terms or positions—by making time to brainstorm without judging. Use facilitators to support the process of inventing before deciding.
- *(Criteria) Insist that the result be based on some objective standard,* such as market value, precedents or moral standards, best-available scientific judgments, professional standards, the principle of

reciprocity or equity, measurable costs and benefits, etc.

The distinction between positions and interests is extremely important and, we have found, much easier said than practiced. Negotiation educators often tell the story of two children fighting over an orange. A parent intervenes and, perhaps not surprisingly, gets the children to agree to split the orange in half. Fair and equitable, it might seem. But it turns out that one child wanted to eat the orange (the fruit), while the other

wanted only the orange *rind* to use in a baking recipe. Each child could have negotiated a much better deal—all of the fruit to one and all of the rind to the other. But by responding to positions rather than interests, the parent has unwittingly created a very inefficient deal. In the shorthand of negotiation, considerable value has been “left on the table.”

As Fisher and Ury have long stressed, these and other principles are driven by *practical*, not moral considerations. This is not to say that felt obligations to others, or even allegiance to higher creeds and notions of justice, have no place in negotiation. Rather, the principled negotiation

approach seeks to enable negotiators who may have quite different moral commitments and even limited trust in each other to problem-solve together. The approach is designed to help two

or more parties do better through negotiation than they could otherwise, period. It does not rely on higher moral

The principled negotiation approach seeks to enable negotiators who may have quite different moral commitments and even limited trust in each other to problem-solve together.

principles about what we owe to others.

That said, it certainly helps when negotiators come to the table with some commitment to fair play and a genuine interest in fair outcomes for all sides. Such commitment and interest may well be rooted in moral, religious, or cultural traditions about which the parties feel very strongly.

Let's put these ideas to work in the first case example, in which we will also use the first worksheet in this strategy tool.



Case #1: Negotiating a Public/Nonprofit Contract for Services

Imagine a meeting—it could be in almost any community in any corner of the world—in which a government agency and a nonprofit, non-governmental organization are scheduled to develop a contract for services. The nonprofit organization will be the service provider, government the funder and regulator that invests public resources and monitors performance to ensure compliance with applicable laws as well as results. Let's say that the service is screening and vaccinating children to prevent the spread of a crippling disease. (The service could just as easily be job training or environmental clean-up or development of affordable housing.)

Let's keep it simple to start and imagine that the only issue up for discussion is *price*—the fee that government will pay the nonprofit for a specific quantity and quality of service. There are, therefore, just two parties and one negotiable issue.

The worksheet on the next page (*Getting Ready to Negotiate: Prep Tool #1*) allows us to define the situation, better understand our alternatives, and prepare an approach. Both parties—the government and nonprofit representatives—could benefit from this preparation. To keep this discussion clearer, though, let's suppose that I represent the nonprofit.

We know there are two issues, and assume for now that there is history between me and the other party. It would help me to know more about the person negotiating across the table from me, so I decide to do some homework on their work style and reputation (if any) in the community as a negotiator. Also, where “influentials” are concerned, assume that there are no other key parties except for those in government to whom my negotiation counterpart reports. Presumably, their interests will be directly represented by my counterpart. (Note that it would help if I knew *something* about the per-

TAKING STOCK (Part Two) PRINCIPLED NEGOTIATION

In *Getting to Yes*, Roger Fisher and William Ury provide four (4) core principles:

1. **(People) Separate the people from the problem.** Many impasses and poor agreements result from confounding the substance of the issues with the relationship or personal issues between the negotiators.
2. **(Interests) Focus on interests, not positions.** Interests—the underlying things of value that negotiators really want—can often be advanced in many ways (see next point). So specific terms (positions) should not crowd out the effort to understand and address interests.
3. **(Options) Generate a variety of possibilities before deciding what to do.** As Fisher and Ury add, “Invent before deciding.” Often, it's psychological, not substantive barriers, that prevent parties from creating better options and more value for all sides.
4. **(Criteria) Insist that the result be based on some objective standard,** such as market value, community precedents or shared moral standards, best-available scientific judgments, professional standards, the principle of reciprocity or equity, measurable costs and benefits, etc.

(Continued on page 11)

Getting Ready to Deal: Negotiator's Prep Tool #1

Use this form to make notes. Use a separate sheet to develop full-length answers and best guesses.

Parties

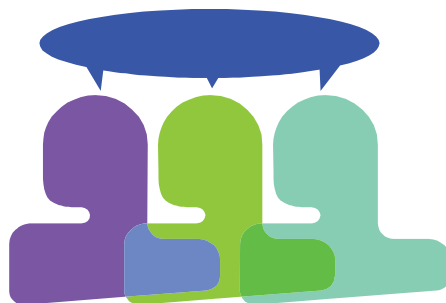
Number. How many are there (including yourself)? _____

Direct/Agents. Are the negotiators representing their own interests or those of an organization, group, or other constituents?

History. What relationship or other history do I have with the other party(ies)? (Think about the person(s) but also their constituents, if appropriate.)

Style. What do I know about their negotiating or working *style*? How do they deal with others in the context of handling conflict or coming to decision? How can I find out more about those with whom I have no history or about whom I have no knowledge?

Influentials. What key parties who are *not* in this negotiation might nevertheless exert an influence? (Think of parties that may try to shape the process or outcomes, as well as those to whom the other party might defer or feel obliged.)



Issues

Number and Types. What are the main issues to be negotiated? Which are tangible (e.g., price) and which intangible (e.g., autonomy, recognition, etc.)?

Side Issues. Is there room to introduce additional issues? Will they be valued? (Think about possible sources of trades.)

Interests

Mine. What are my *tangible* interests in the issues up for negotiation? What am I looking to protect or advance?

What about my key *intangible* interests?

Theirs. What interests do they—or might they—have at stake, tangible or intangible? (Tip: Don't confuse this with the interests you *wish* they had.)

Alternatives

What is my **best alternative to (this) negotiated agreement** (BATNA)? (What alternatives would I rely on to advance the same interests on these issues?)

What is their best alternative(s)? How certain am I about this?

Based on what I know, should I make the **first offer** or try to them to do so?

Arguments

What “principled” arguments (rationales) can I use at the table to support what I want?

What are their counter-arguments likely to be? How can I respond to those?

More Homework

How can I find out *more* about their interests, alternatives, likely arguments, and style? Who can help me learn more?



THE BARGAINING RANGE

If possible, sketch the potential range for coming to agreement, based on the parties best alternatives:

(Continued from page 9)

son's boss—i.e., about who this person will report to on the outcome of our negotiation. If that person's perceptions are important to my counterpart, then they become, by extension, important to me, too.)

Next, let's try to understand the number and nature of the issues being negotiated and what the bargaining range on those issues may look like. The one tangible issue here is price. We can expect that the nonprofit will favor a higher fee for its services, while government will seek to minimize the fee. The price issue is therefore inherently *competitive*; the two parties' interests—on this narrow issue—are at odds, and the negotiation looks much like a private, negotiated transaction, in which you or I might buy a home or used car or ornament in a bazaar.

Before we make this situation more complex—and also more realistic—by bringing other issues into view, consider how much room the two parties have, even on the narrow issue of price, to craft a mutually beneficial agreement and leave the table satisfied.

First, the bargaining range, sometimes called the “zone of possible agreement,” is defined by the limits of what the two parties will accept. Rationally, if government can purchase the same service from another vendor for, say, \$12 per unit of service (per client served), why should it pay this nonprofit vendor any more? Twelve dollars per unit of service, what's known as the Best Alternative to Negotiated Agreement or “BATNA” in the shorthand, becomes the rational reservation price (reservation value) of the government party.

To keep the case simple for now, we are going to assume that government does have a range of service providers to choose from (though this may not be the case) and that it can compare providers

and choose on the basis of price alone (though realistically, a host of other factors might also be weighed).

The nonprofit's alternatives and reservation price may be more complex, however. Government may be the only funder “in the market” for vaccination services. The nonprofit may be low on funds and eager to get the vaccination service funded. Its only alternative to government funding may be to provide a different service, generate some revenues that way and self-fund (on a more limited basis) the vaccination service. Realistically, this nonprofit—our nonprofit's—financial options seem limited.

A key conclusion of this preliminary analysis, then, turns out to be a big lesson about bargaining power: *Sometimes, the best way to gain leverage at the table is to improve*

little as \$6 per unit of service, which is just a little more than our costs (\$5) for providing the service. In principle, then, the bargaining range runs from the minimum \$5 per unit that we will accept to the maximum \$12 that government will pay (\$5-12).

Analyzing the Case: Persuasion, First Offers, and Walk-Aways

What's striking, in the role plays we have run in the classroom with hundreds of negotiators of all ages and backgrounds, is how varied the outcomes are across pairs of negotiators given the same instructions and same basic structure (two parties, one issue, fixed reservation values). While quite a few negotiators end up with agreements clustered in the middle of the bargaining range, more than a few are at the extremes, and some do not reach agreement at all, even where there seems to be much so room to agree!

How is this possible? First, the two parties involved rarely know exactly how much the other party will be willing to accept. The frequently heard question,

Sometimes, the best way to gain leverage at the table is to improve your options away from the table—i.e., your *alternatives* to negotiated agreement.



your options away from the table—i.e., your alternatives to negotiated agreement.

But sticking to the simple version of events, we, the nonprofit directors, have decided that we will accept as

“What's your bottom line?” aims to secure this precious information.

So one reason that our hundreds of pairs of negotiators end up in different places is that people make different assumptions about the other side's reservation value and how much or how little will satisfy them. In many instances, negotiators *under-estimate* the full bargaining range: their own view of the issues blinds them to the other side's perspective and, in this case, financial room to maneuver. Sometimes, though, each negotiator *over-estimates* how much the other party can concede, and stubborn, positional bargaining ensues, leading to impasse or bruising, dissatisfying agreements.

Note, before we move on, note that the Worksheet is a device for recording everything that you already know *and* for

Negotiation is a back-and-forth persuasive process, and some people are more persuasive—or conversely, more easily persuaded—than others.

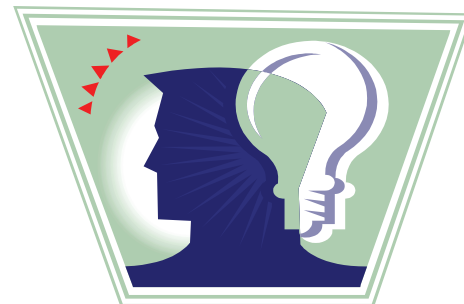
identifying some gaps in your knowledge that careful background work (“homework”) might fill in. Typically, you won’t know the bargaining range as specifically as I gave it to you above (\$5 to \$12), but the more you can find out in advance, the better. The more you can learn *at the table* to add to your homework, the better as well.

A second reason that negotiation outcomes differ so dramatically from pair to pair is that negotiation is a back-and-forth persuasive process, and some people are more persuasive—or conversely more easily persuaded—than others. More generally, negotiators’ strengths, weaknesses, and styles vary widely (see “Skills and Style” on this page).

In multiple examples of the simple “price negotiation” outlined here, we have heard every conceivable argument and request—at the table, during the negotiation—by every imaginable personality!

Some in the seller role (the party that seeks a higher price) will emphasize how hard it is to make ends meet, portraying itself as the resource-poor party, the disadvantaged in the situation. Setting the price is framed as fundamentally a *fairness* issue. Others will make the most dramatic claims about the service they are selling, comparing their services (unaided by anything the faculty have suggested) to “the best in the world” and “state of the art.” Other negotiators will emphasize the importance of a “future working relationship,” even where the instructions indicate that no such future is likely, that this is to be a one-off deal.

The key is that human beings often respond at least as much to the “why” (rationales) we offer as the “what.” Mountains of psychological research confirm this. We are much more likely to respond to people and ideas that strike us as reasonable and



even important.

One reason I ask my students to think about their specific *arguments*, and not just their interests, in advance—and to outline their arguments on the Worksheet—is that a little attention to these principles of persuasion can go a long way (and see Principles of Persuasion on the next page).

Persuading, of course, is about *influencing how your audience thinks and acts*. So “know your audience” is rule one—and another reason to do your homework.

More Lessons: The Psychology of Negotiation

A third reason that outcomes range widely is *anchoring*, a well-documented psychological phenomenon in which our minds get stuck or “anchored” by assigning weight to a piece of information that is irrelevant or, at best, modestly important. As Max Bazerman and Margaret Neale show in *Negotiating Rationally*, many negotiators use first offers or other early, stage-setting remarks to anchor their counterparts in a favorable part of the bargaining range.

How does this work? The government negotiator might begin our contract meeting with a statement that passes for small talk, “You know, we’ve been buried in these contract talks lately. The other day, I spent four hours with a nonprofit group even though I was willing to come up to \$7 per unit!”

The government’s contract negotiator is hoping I will do several things with this “casual” remark. First, she hopes I will view my negotiation with her in the

TAKING STOCK (Part Three) NEGOTIATION SKILLS & STYLE

Roger Fisher and Wayne Davis find that six interpersonal skills are consistently important for effective negotiation. They help define a negotiator’s **personal repertoire**:

1. Being able to express strong feelings appropriately.
2. Remaining rational in the face of strong feelings.
3. Being assertive within a negotiation without damaging the relationship.
4. Improving a relationship without damage to a particular negotiation.
5. Speaking clearly in ways that promote listening.
6. Inquiring and listening effectively (active listening).

Keith Allred, inventor of the Personal Conflict Profile™, an assessment tool, recommends developing and, over time, **measuring your success** as a negotiator in multiple dimensions. You and those with whom you negotiate *should* rate you a success in ...

1. Being persuasive.
2. Maintaining strong relations with the other party.
3. Making your reasoning clear for the positions you advocate.
4. Understanding the other party’s interests and communicating that you appreciate their perspective.
5. Recognizing the relative importance of various issues to the other party, as well as which interests you share with them and which conflict.
6. Generating options that effectively address the party’s interests.
7. Apologizing for problems or harms for which you are responsible and avoiding inappropriate blaming of the other party for problems which arise.

Disarming the hard bargainer: “I don’t think it’s strictly a question of need,” I say, “So why don’t we talk about a fair price for delivering a valuable service to the community?”

context of comparable negotiations held recently and perhaps accept a comparable outcome as fair. But unless there are mandated fee schedules and other guidelines for these contracts, my contract should presumably be decided on its own merits and according to the willingness of the two parties at the table to craft the most valuable agreement they can. Who cares about that other negotiation?

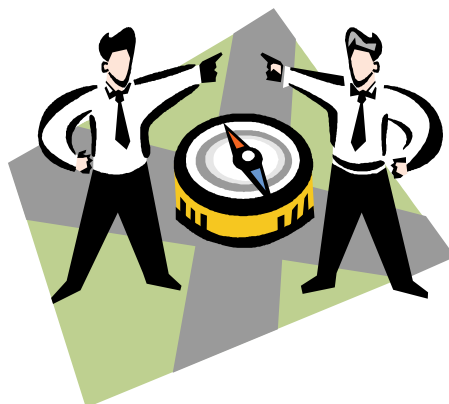
Second, my negotiation counterpart is hoping I will remember the words “even though I was willing to come up to \$7”—a sign that she is a cooperative bargainer (“willing”) and that she really conceded something to come, in effect, “all the way” up to \$7.

Without using overt hard-bargainer tactics, my counterpart is seeking to anchor me at the low end of the bargaining range so that I will think any outcome greater than \$7 incredibly generous (on her part) but perhaps even unattainable.

Another, more direct approach to anchoring one’s counterpart is to make the first offer, and this can be done informally. My counterpart might say, “How much do you really *need* to provide this service? About \$5.50 per unit?” Again, the \$5.50 figure is meant to get me thinking on the low end of the bargaining range, and while it is not an official offer, the implication is that my counterpart mentions it because she would certainly be willing to agree on a price that meets my “needs.”

As Fisher and Ury remind us in *Getting to Yes*, if negotiation is about advancing interests, we can “disarm the hard bargainer” without appearing unreasonable. “I don’t think it’s strictly a question of need,” I say, “So why don’t we talk about a *fair* price for delivering a *valuable* service to the community?”

The most important defense against anchoring is recognizing it and practicing



a little mindfulness at the table, lest our own minds play tricks on us.

But the second defense hinges on a more basic question: *When should I make the first offer?* The rule of thumb is that if you have done your homework and are fairly confident you know your counterpart’s reservation value, then make the first offer and work to anchor *them* in a portion of the bargaining range favorable to you. *If you are unsure about their reserva-*

“Framing” is important to persuasion because people perceive their interests differently depending on how choices are posed.

TAKING STOCK (Part Four) PRINCIPLES OF PERSUASION

As Michael Watkins notes, “framing” is important to persuasion because people perceive their interests differently depending on how choices are posed. Taken too far, this is a recipe for manipulation, of course, but used appropriately, framing principles can give our good ideas a needed boost. Here are some tried-and-true approaches to framing and otherwise conveying our ideas more persuasively:

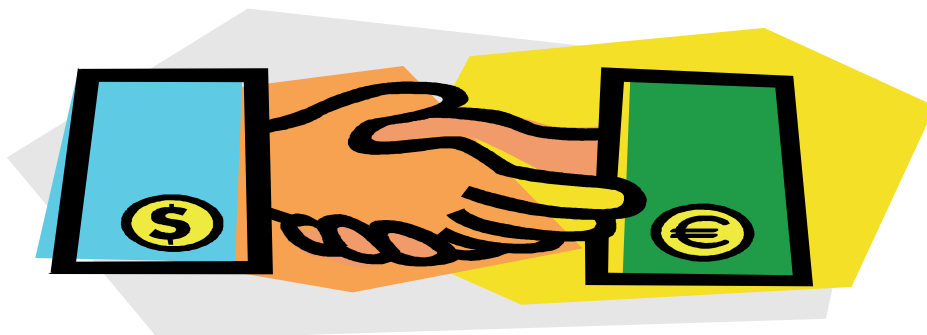
1. **Invoke the common good.** Many persuasive arguments emphasize collective benefits and downplay individual costs.
2. **Make connections to core values.** Draw on the genius of marketing, which links things for sale (cars, clothes, etc.) to cherished values, such as independence, respect, and innovation.
3. **Heighten concerns about loss or risk.** Emphasize what makes desired courses of action less risky than alternative courses of action.
4. **Leverage the power of contrasts to make requests seem more reasonable.** Practitioners often manage expectations by living the adage, “Under-promise, over-deliver.” Likewise, negotiators may ask for a great deal initially and then retreat to a more reasonable request. Advocates compare what they want to what others have asked for, showing how their requests aren’t so big “in the scheme of things” (i.e., in comparison).
5. **Strategically narrow or broaden the focus.** “A choice that could be construed as setting an undesirable precedent might best be framed as a highly circumscribed, isolated situation independent of other decisions,” says Watkins.
6. **Neutralize toxic issues.** Table them or make up-front commitments that allow you to move on to other issues where you can generate momentum.
7. **Refute counter-arguments in advance.** This rule goes back at least as far as the ancient Greeks, notes Watkins. Anticipate their major reservations and address them preventively.
8. **Give your counterpart(s) a script for persuading others.** Give those with whom you’re negotiating some arguments that address the concerns of key others—e.g., their bosses, peers, allies, etc. Equip those you are persuading to persuade others.

Source: Michael Watkins, “The Power to Persuade” (Harvard Business School Publishing, 2000). See also Cialdini, *Influence: The Psychology of Persuasion* (1984) and Zimbardo and Leippe, *The Psychology of Attitude Change and Social Influence* (1991).

Some negotiators are much more willing than others to risk no agreement—walk away from the table—for the sake of winning concessions from the other party.

tion value, either let them make the first offer (and work hard to avoid being anchored by it) or make a flexible first offer that probes for information: “What would do it for you here, say about \$11?” (Note that this wording is less aggressive than “What’s your bottom line?”)

There are other, more subtle, reasons that pairs of negotiators, given the same “basic” exercise with the same instructions, generate such a wide range of outcomes. One reason is differences in perceptions of the situation. Some negotiators instinctively see the process of seeking agreement as a primarily competitive process. They have a will to win and use the phrase “winning” to describe their outcomes. In this simple price case, com-

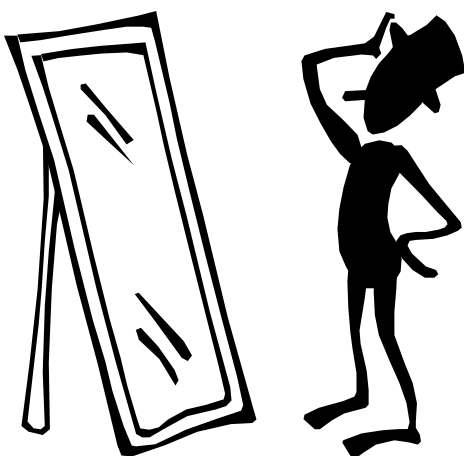


cessions from the other party (i.e., claiming value for themselves). In plainer terms, some parties are much more willing than others to walk away from the table. And the credible indication that they *will* walk away—it may or may not be seen as a “threat” per se—can be a powerful source of influence over the outcome (specific terms of

the parties will be dealing with each other again—and perhaps in a variety of settings. Immediately, we should recognize a few things about how dramatically this may shift our preparation for the negotiation and our behavior at the table:

- *Reputation matters.* The stakes are no longer limited to the tangible issues *formally* up for negotiation (such as price for services) but now include our *reputations* in the community. We care not only about the near-term outcome but about perceptions of the outcome and effects of those perceptions on subsequent encounters—probably with a range of parties, not just our counterparts across the table now.
- *Bargains can be linked.* The terms of this agreement may be linked to other negotiations in which the same two parties expect to engage. That is, this bargain may be linked to another one that includes the two parties, so we will probably think about the gains and concessions we make with a series of negotiations in mind, not just the one encounter. We may even explicitly link today’s agreement to another one: Do this for me now, and I will compensate you later.
- *The quality and usefulness of the relationship is at stake.* For all of the just-mentioned reasons, strengthening or weakening the relationship between the parties is always a possibility, even if the parties do not discuss their

The stakes are no longer limited to the tangible issues *formally* up for negotiation but now include our reputations in the community.



petitive as it is, *both* parties can do better than their reservation values—which is a form of winning open to both parties—yet some negotiators cannot help but see themselves in a race with the other party.

Another psychological distinction we often find is this: Some negotiators are much more willing than others to risk no agreement for the sake of winning con-

the agreement). Not surprisingly, a favorite tactic in price negotiations, or other competitive one-issue negotiations, is making the other party believe that you are indifferent to the agreement, could “take it or leave it.”

Taking the Case Further: Reputations, Linked Bargains, and Joint Gain

As a practical matter, most negotiations important in community problem-solving are not so limited or so purely competitive. Let’s add a few features to this public/nonprofit contract example. That is, let’s change the game in ways that reflect more real-world features and possibilities.

Imagine, first of all, that the encounter between a government agency and a key nonprofit service provider is anything but a one-time or “one-off” agreement, that some future is likely in that

TAKING STOCK (Part Five) EFFECTIVE WORKING RELATIONSHIPS

Effective relationships that allow people to work together over time share certain traits. In general, such relationships tend to be ...

1. **Forward-looking.** Change is expected, even anticipated. The parties involved make room for their relationship to grow. They look ahead to anticipate shocks and opportunities in the environment that might affect the outcomes they care about—and thus the relationship.
2. **Committed and resilient.** They withstand pressure, in part through willingness and capacity to “see things through” before resorting to “hardball.” The parties avoid making major assumptions about each others’ intentions. Effective communication is key, and this means more than sending signals clearly. It also includes active listening—listening to understand, summarizing what they say and checking with them to be sure you have understood.
3. **Fair—i.e., perceived as fair by both sides.** The relationship reflects a balanced allocation of benefits and rewards, meets the parties’ criteria—whatever defines value—over time, even if short-term costs and benefits are uneven here and there.
4. **Trust-based and forgiving—but provokable.** Charles Sabel and other students of cooperation recommend “studied trust” in which the parties make it easy for each other to monitor compliance with commitments made. Beyond having a practical value, supporting such mechanisms signals a willingness to do what you say. And Robert Axelrod says parties can apply a tit-for-tat rule to infractions, being “provokable but forgiving.” Abuses will not be tolerated, but parties will extend each other the benefit of the doubt and will be willing to forgive, at least within certain limits.
5. **Realistic.** Agreed-upon expectations are reasonable and, where possible, adjustable. In a rush to agree, parties will not insist on or agree to things that cannot be delivered, based on best-available information and standards.

(intangible) interest in improving the relationship explicitly (or pursue it with equal gusto and effectiveness).

These considerations are incredibly common in joint problem-solving and not only at the local or “community” level. Many of our most valuable agreements are forged with people with whom we will deal again and again. Networks operate to communicate our reputations—for fair or unfair play, for certain types of demands and concessions, for employing a particular style of negotiation. Parties confronted with imposing limitations in the near term find ways to use the future to promise compensation—“what goes around comes around,” we say, and “win some, lose some,” meaning that what matters is doing as well as you can *over the long haul*, not just “winning” today.

Let’s change the price game in another important way now, expanding the number and types of *issues*. (Note that one key question on the Worksheet is, “What are the issues?” and another is, “Is there room to introduce additional issues?”)

Even where a negotiation is mainly a transaction between two parties, in public problem-solving, transactions are rarely about one issue alone. Along with *tangible interests* in price (financial resources), time, and substantive role in whatever follows the agreement, parties often care about a host of *intangibles*, such as image, higher principles—having a say, for example, or setting an important precedent or respecting community traditions and the values behind them.

There are two ways to look at the effects of adding issues, which often change the game. One way is to conclude that the new game is more complex, harder to resolve because they are now more concerns and more to figure out and work out. And adding issues may sometimes just make things harder, it’s true. But another, more creative way to look at this is to see that

when there’s more to negotiate, there’s often more *room* to negotiate too. As Sebenius and Lax note in *The Manager as Negotiator*, where parties value different things (or the same things differently), they can make valuable, win-win *trades*.

Let’s return to the case of our two party contract negotiation, this time with a few more issues and a future—the prospect of a relationship and additional encounters—in the mix.

Imagine that the government agency values three things but not all three to the same degree. The public budget is tighter this year than last, and all managers are under pressure to show cost savings wherever possible. So price (for services) is very important, and ultimately the government cares most about *total price*, not the unit price, because it’s the total cost that will be most visible to the public and to elected officials. Second, the Mayor is eager to show progress on campaign commitments to improve community health, most of all children’s health and safety. So *timing*—how soon the services can begin and get to communitywide scale—is also very important to the government. A third issue, *program design* (the specifics of how the vaccination program will function) is only somewhat important, as long as the service provider guarantees quality outcomes, and gov-



Where there’s more to negotiate, there’s often more *room* to negotiate too.

ernment has some preferences about staffing and materials to be used.

The nonprofit sees things a bit differently. It needs to obtain a fee per unit of service that will cover its costs, but the organization would be willing to forego a larger contract for the sake of flexibility to experiment with the program design. One reason is that the organization wants to establish itself as an innovator, and so the specifics of program delivery are quite important. A second reason is that the nonprofit wants to retain the autonomy to develop its own capacity in appropriate ways—not get stuck with staffing dictated by government, for example, only to see funding evaporate and priorities change. As for timing, the nonprofit would like to get up and running soon,

are many possibilities for one party to trade (concede) something less important to it in exchange for something it values more. For example, in one possible outcome:

- Government grants significant flexibility on program design in exchange for a commitment by the nonprofit for early delivery, beginning in three weeks. But the nonprofit convinces government that rapid start-up



the organization build up a skilled staff and the equipment needed to deliver quality community health programs. Pointing to evidence that cheap programs yield correspondingly limited

results, the service provider argues successfully for quality and impact rather than “mile-wide, inch-deep” coverage of the total population.

- Each party is able to claim victory on key *intangible* interests—the nonprofit has protected its autonomy to design and deliver an innovative community health program, the government has ensured responsiveness on an urgent public problem,

as well as the appearance that it is managing resources carefully in a tight-budget year.

This agreement reflects what is known in negotiation as a package or “bundle.” It addresses specific options on *several* issues at once.

Why is this “bundling” so important? Go back to each issue named above, and you will notice that the government agency and nonprofit service provider seem to have conflicting interests. On time, for example, government favors “start immediately” and the nonprofit wants time to do things right. On program design, government has some preferences, but the nonprofit would like total flexibility to do things as it sees fit. And finally, one party continues to want a higher, and the other a lower, price.

Whereas before we had a bargaining range in one dimension (price), now there are many possibilities for one party to trade (concede) something less important to it in exchange for something it values more.

but it does not want to rush into the field (and make costly errors) simply for the sake of visibility.

Figure 1 outlines these distinct preferences. In the shorthand of negotiation, the *interests* indicate what parties would prefer vis-à-vis specific *issues*, and *weights* indicate how important (overall) a given issue is relative to the other issues.

Whereas before we had a bargaining range in one dimension (price), now there

should be limited to a pilot phase that generates some lessons useful for a scaled-up version of the program to start 3–4 months from now. The pilot will show visible follow-up by the Mayor but limit costly mistakes.

- The nonprofit accepts a smaller total contract (addressing government’s need to limit total costs) but secures a fairly high unit price that will help

Figure 1. Expanded Public/Nonprofit Negotiation over a Service Contract

PARTIES	ISSUES (Relative Importance)	KEY INTERESTS (By Issue)
Government Agency	<ul style="list-style-type: none"> • Price (very important) - focus is <i>total</i> price • Time (very important) - i.e., schedule for implementing the service • Program design (somewhat important) 	<ul style="list-style-type: none"> • Shave costs in a tight-budget year. • Show response on Mayor’s campaign promises (secure rapid implementation schedule) • Ensure quality
Nonprofit Service Provider	<ul style="list-style-type: none"> • Price (very important) - focus is <i>unit</i> price • Time (somewhat important) • Program design (very important) 	<ul style="list-style-type: none"> • Cover costs, ensure quality, develop capacity. • Ensure quality, learn through pilot phase • Protect autonomy, develop reputation for innovation

Each individual issue in this negotiation, then, is purely competitive (or “zero-sum”). More for one party means less for the other. Try to negotiate the issues one by one, and we face a series of competitive, win-lose exchanges. No win-win (joint gain) will be possible.

How can the parties do better than this? The key is that the two parties do *not* have identical interests or weight each issue the same way, as we outlined above. *Trades are possible where the parties can exploit these differences in what they want*—not the most intuitive idea, since negotiation is sometimes described as an effort to find *common* ground. Yes, agreement will come only where the two parties jointly agree on some package, but building a valuable package, among a host of alternative proposals, will clearly demand that the parties understand and explore their differences.

As George Wu of the Harvard Business School notes in “Sources of Joint Gains in Negotiations,” most joint gains are about leveraging differences, in which each party receives something valuable to it in exchange for giving something cheap (or cheaper) to it. There are multiple dimensions along which differences can lead to valuable win-win trades:

- *Differences in interests*, as we saw in this simple case example, often in the form of placing different weights on specific interests. Swaps create value by trading

what each party values less for what each values more;

- *Differences in belief about the future*. Parties that expect different things can, in effect, place different bets about the future. This is what makes stock markets run. In the example above, government and the nonprofit might have very different beliefs about the potential of an untried program. The party confident of a high payoff with the program might be willing to back it for little up front

compensation, contingent on a big reward if the program indeed pays off. Trades create value by responding to each party’s (different) prediction about the future, usually via a contingent agreement or “bet.”

- *Differences in aversion to risk*. Some people are, as economists say, risk-seeking while others are risk-averse. Risk seekers are willing to run bigger risks in exchange for bigger rewards, while others prefer to play it (comparatively) safe. Trades offer a guarantee to the

Wu suggests that negotiators not just identify interests they share with the other side but also construct an “inventory of differences” that can be a guide to possible trades.



more risk averse party while shifting bigger rewards, in the case of success, to the risk-seeking party. So a risk-averse community development organization may be happy to accept a limited number of guaranteed job slots for neighborhood residents from a supermarket moving into the neighborhood. What matters most is getting *some* jobs for sure. The more risk-seeking party (the supermarket) trades that guarantee for flexibility to hire anyone it likes should the market become very successful (even if the proportion of the market’s employees who are neighborhood residents goes down). A more conventional approach would simply settle on a number of job slots, regardless of these different appetites for risk. And

- *Differences in time preference*. As we saw above, making sure that something happens right away may be much more important to one party than to others. The party agreeing to speed things up can be compensated via issues that it cares about more than timing.

Wu suggests that negotiators not just identify interests they share with the other side(s) but also construct an *inventory of differences*. This can begin in ad-

TAKING STOCK (Part Six) BARRIERS TO JOINT GAIN

Win-win—or “creating value” for all sides—is often possible in negotiation. Yet many factors can make it hard to find or deliver, for example:

1. **Assuming a “fixed pie”** (that parties’ interests are directly opposed on all issues, with no room for trades).
2. **Assuming a conflict** (parties actually want the same thing, but “baggage,” bias, and the escalation of conflict obscure it).
3. **Thinking narrowly about differences** (the parties consider differences in interest only, ignoring time, risk aversion, and other preference differences).
4. **Taking up zero-sum (competitive) issues one by one**. Trades depend on working across issues to create value for both parties. Without “bundling,” the parties can only carry out a series of competitive, win-lose negotiations that are less efficient and, typically, much less emotionally satisfying.
5. **Devaluing the other side’s offers** (proposals by the other side tend to be devalued—“why aren’t they giving in more?!?”).
6. **Exaggerating claims and posturing**.
7. **Being overconfident** (each side believes the other will be willing to concede more).

vance of the negotiation and continue at the table, as the parties learn more about each other.

So far, we've added issues to a very basic one-issue (price) negotiation. Below, we'll see how adding more parties likewise expands the possibilities for valuable trades—and introduces the need for more tools to manage the process through which parties interact. Before reading on, take a moment to review the core concepts we have covered so far (next page).

If you remember nothing else from this first case and discussion, remember this: Do your homework. Prepare, prepare, prepare. Most inexperienced negotiators, and many experienced ones too, under-prepare significantly. In effect, they foolishly rely on assertiveness, cleverness, or charm at the table (or all of the above) to compensate for huge gaps in the information they have—gaps that might have been remedied with a little investment of time and energy up front.

Beyond the Basics: More Parties, More Issues, More Creative Solutions

We've seen so far that effective negotiation hinges on choosing situations that are appropriate—insofar as one can choose—adopting some basic principles to enable joint problem-solving (rather than stand-off or avoidance), preparing away from the table for what happens at the table, managing our own perceptions and those of others, and looking for op-

TAKING STOCK (Part Seven) REVIEWING KEY CONCEPTS

1. **Know your alternatives—and improve them.** Be clear on the value of your alternatives to negotiated agreement, learn as much as you can about their (your counterpart's) alternatives, and improve yours if you can. Alternatives to negotiated agreement define the bargaining range, and the quality of these alternatives *helps* determine the leverage that parties have. Sometimes, the most important thing you can do to gain leverage at the table is to improve your alternatives away from the table—or worsen the other side's perception of its alternatives. Options are a source of power.
2. **Shape their perceptions through principled arguments.** Since information about the other party(ies) is often incomplete, much of the persuasion in negotiation centers on shaping the other side's perceptions about the bargaining range and desirability of particular outcomes within it. This is different from convincing them simply to share your interests or give in for the sake of fairness. So know your audience, and prepare your arguments and counter-arguments carefully.
3. **Make the first offer if your information is good.** First offer can help “anchor” the other party(ies) in a portion of the bargaining range favorable to you, but make the first offer if your information on their reservation value is good, or make an open-ended, probing offer to improve your information.
4. **Be mindful of your own perceptions.** What makes negotiation a human process, and not a robotic exercise in information exchange, is the power of our perceptions and biases—as well as, more positively, our capacity to self-correct and “rescue” ourselves. Be careful about attributing (rather than confirming) the other party's intentions, listen well and communicate as clearly as possible (and confirm that they understand), re-negotiate the process if their conduct does not seem respectful or constructive.
5. **Change the game to create a more valuable agreement.** Even negotiations that seem narrow and limited to competition can often be expanded to consider future relationship, intangible interests, and linked issues (such as quality linked to price).
6. **Look for valuable trades.** In multi-issue negotiations, win-win trades are possible, but it's usually *differences* in what parties want that makes trades possible. Some key types of trade-able differences relate to interests, beliefs about the future, aversion to risk, and time preferences.
7. **Do your homework—on the issues; options; other party's interests, alternatives, and negotiating style, and more.** Once you've identified the stakeholders, learn all that you can about them, what they value, and how they view the world. Most inexperienced negotiators, and many experienced ones too, under-prepare significantly. Use your personal networks, public information sources, industry databases, key informants or knowledgeable observers (including well-informed journalists), and other sources. Don't rush to the table ill-prepared.

Most inexperienced negotiators, and many experienced ones too, under-prepare significantly. In effect, they foolishly rely on assertiveness, cleverness, or charm at the table (or all of those) to compensate for huge gaps in the information they have.

portunities to create joint gain (sometimes in counter-intuitive ways). These factors, which apply even in the case of two parties working out agreement, become all the more important when the number of parties increases and the negotiation process becomes more

complex.

First, let's look at the general features that make multi-party negotiations special and apply these ideas to a new case example, in which parties come together in a community to define and implement solutions to a critical social problem. Many of the ideas that

apply to negotiations *across* organizations or groups, such as in the case example below, also apply when multiple parties *within* an organization are negotiating a major decision.

Following the example, we'll consider more advanced issues related to mediators and other types of third-party facili-

The key questions in multi-party problem-solving are not just “what do you want?” (interests) but “what can you do?” (capacity and resources).

tators, the challenges of negotiating on behalf of constituents (being an “agent”)—a very common pattern in community problem-solving—and more.

Negotiations that include three or more parties present dynamics that are quite different from the two-party case we worked on above. First, unless full consensus (unanimous support) is required, agreement generally depends on getting a *coalition* of parties to support a package or proposal. That is, when the number of parties goes from two to three, something new can happen: two parties can ally to oppose the third. The specific number of parties that must support a proposal may depend on law or precedent, or it may be up to the discretion of civic leaders who simply want to ensure a broad base of support for a given policy, program, or initiative.

As Howard Raiffa shows in *The Art and Science of Negotiation*, this makes for a more complex process of engagement among the parties but also a richer set of possibilities—for trades, for example—than one-on-one negotiation offers. For instance:

- The process can be complex. Many important negotiations can happen among subgroups of the parties, in “side meetings.” So there may, for example, be two-party and three-party negotiations embedded in a larger six-party negotiation process. When key parties or public observers dislike such meetings, they complain about “backroom deals.” But many informal, small-group consultations can, with proper safeguards, be invaluable as mechanisms for exploring options, clarifying statements made in public (e.g., in the media), sharing controversial concerns, and removing obstacles to agreement. Parties often open up in smaller, informal settings in ways that larger gatherings, particularly if open to the public, do not encourage.
- Coalitions can be built in a wide variety



ways, for example by leveraging shared interests (tangible or intangible), shared positions on a particular proposal (e.g., a shared preference for “no deal” or even “no negotiation”), shared history (common experiences, an important relationship, shared traditions), shared vulnerability (e.g., to being excluded from a valuable agreement), valuable trades (“carrots”) or penalties (“sticks”) that influence support, and common allies or enemies.

- Recruiting allies is often hard—and so is keeping them. Michael Watkins and Susan Rosegrant, in “Sources of Power in Coalition Building,” note that framing and other effective persuasion techniques are crucial for delivering on all of these. Recognizing a potential coalition “on paper” is one thing. Building a real, committed

coalition by recruiting and retaining allies is another.

- Building a strong coalition sometimes depends on *when* we approach particular parties, not just *who* we approach. Rather than approach potential allies in just any order, coalition builders look to create “bandwagon effects” (wherein one party’s decision to offer support is influenced by the appearance of a group already in favor) and exploit patterns of deference to particular influential or respected parties (“Since party X supports you, I should too”).
- Coalitions that are built can also be broken using a variety of those strategies. Those who oppose a given proposal may look for “weak links” in a coalition in hopes of dissolving or undermining it. Parties that can be recruited easily may also be recruited *away* easily—to an “adverse” or blocking coalition. (Note that one party’s favorable coalition is typically an opposing party’s adverse one.)

Beyond these key features, many multi-party negotiations in community problem-solving present with certain common contextual features. These include some of the issues we considered above in the “enriched” version of the two-party negotiation.

For example, the parties around the table can bring varied *resources*—from money and facilities to reputation and political legitimacy—to bear on community problems and opportunities. So problem-solving together includes an important element of identifying, understanding, and bundling those resources in creative ways. The key questions are not just “what do you *want*?” (interests) but

Recognizing a potential coalition “on paper” is one thing. Building a real, committed coalition by recruiting and retaining allies is another.

“what can you *do*?” (capacity and resources).

Next, the players generally expect to be dealing with each other again, so *relationships and reputations* are typically quite important. Relationships not only offer aid and impose obligations on parties. Networks of relationships also transmit information around the community in ways that can affect public support for (or opposition to) the negotiation process,

larger issues about the overall direction of community life and the rightful roles and status of various parties in that life. This working out does include very self-interested “jockeying” for position and control, but more generously, it is about using encounters with other parties to find your place on the community stage and, over time, to make a meaningful contribution.

Finally, the parties can rightly view

negotiation as a process that happens at key points *when shared decisions are required*, not as the framework or set of techniques that defines civic life from start to finish. Again, there is much more to community problem-solving than coming to decision by crafting deals or resolving disputes, but conversely, it would be hard to imagine progress in a community without such decision-making.

These realities create important opportunities, constraints, and subtexts that enrich and complicate the negotiation process. Failing to recognize and address the subtexts can lead to disaster. On the other hand, pandering to all of them can lead to process paralysis—the fruitless quest to make everyone perfectly happy with everything that happens.

Let’s put these ideas to work in the second case example, using a new worksheet to analyze a complex situation.

Case Example #2: Responding to Homelessness in Ourltown

Our second case example is adapted from an exercise based on real events. The Consensus Building Institute of Cambridge, Massachusetts developed the exercise for the Council on Foundations, a philanthropy trade group in the U.S. (Edward Scher wrote the exercise under the supervision of Lawrence Susskind of MIT.)

Setting and situation. Ourltown has long had a fairly small and stable population of homeless people. But recently, changes in the area economy—a rapid jump in rents and other costs of living—seems to have increased the number of individuals and families living on the streets and heading to the city’s only homeless shelter.

Tension has mounted as the homeless have become more visible in public parks and around businesses. Though many civic leaders have prided themselves on the city’s commitment to providing shelter and supportive services in the past, demand has outstripped supply in recent months. What’s more, the greater visibility of homeless people has some activists—both downtown and in the city’s

The parties use civic process to work out larger issues about the overall direction of community life and the rightful roles and status of various parties in that life.

particular negotiators, and the specific decisions that negotiation may produce.

Furthermore, because each negotiation builds on a *history* and anticipates a *shared future*, the parties connect their perceptions and commitments across negotiation encounters. They use civic process to work out



TAKING STOCK (Part Eight) BASICS OF MULTI-PARTY NEGOTIATION

Identify and build **favorable coalitions**, using ...

- Shared interests
- Shared positions (e.g., no deal)
- Valuable trades
- Common history, shared traditions or experiences
- Common allies or enemies
- Shared vulnerability (protect each other, strength in numbers)

Identify and deal with **adverse coalitions** ...

- Anticipate them—do your homework. Think about the “natural allies” who might line up against your interests or agenda.
- Break them (divide and conquer). Pre-empt when you can (get out early to understand parties and recruit), look for holes in the adverse coalition, woo parties into your coalition (or a neutral stance) after the fact if necessary.
- If appropriate, discourage separate meetings that might produce them.
- Move the conversation beyond narrow competition and immediate interests. Appeal to higher principles, shared goals, notions of fairness (where appropriate), the “norm of unanimous action,” which is strong in many cultures and settings.

There are competing proposals for how to respond to the homeless. Recent newspaper articles feature a debate between those who want to add shelter beds and those who claim that investing in self-sufficiency will enable the homeless to become permanently housed—eliminating the need for more shelter capacity.



residential neighborhoods—complaining that adding more services will simply attract more homeless people to Ourtown. Finally, there are competing proposals for *how* to respond to the homeless. Recent newspaper articles feature a debate between those who want to add shelter beds and those who claim that investing in self-sufficiency will enable the homeless to become permanently housed, eliminating the need for more shelter capacity.

A civic response emerges. An informal conversation between the Mayor and a board member of the local community philanthropy leads to an idea: if the Ourtown Foundation will provide some flexible funding to address homelessness, the Mayor will create a Community Task Force made up of key organizations and chaired by the Foundation. Members of the Task Force will bring forward their own project proposals and be encouraged to collaborate if possible.

The Foundation's board and senior staff enthusiastically agree to make \$500,000 available if an effective collaboration or other project can indeed be developed.

Toward that end, a meeting of the Task Force has been called. In addition to a Foundation representative, this kick-off meeting will include representatives of the five other organizations that make up the Task Force:

- The Shelter, a professional run and generally well-regarded nonprofit organization, the homeless shelter is represented by a trained social worker who believes that the shelter is the only institution that can meet the needs of Ourtown's homeless. The Shelter, now in its 30th year in operation, proposes to expand the number of beds it offers, renovate its building and commit more funding to annual upkeep, and create a new

food service training program (to both meet the food needs of the homeless and train them for jobs in the community).

- The Mayor's Office. The city government already provides some of the shelter's funding and has some funding for special projects of its own. The Mayor's representative has designed training programs in the past and believes that new projects should emphasize job training and self-sufficiency, not emergency services.
- The Homeless Union, an advocacy group that includes homeless people, some formerly homeless, and other advocates for the rights and needs of the homeless. With food donated from area restaurants and a pool of volunteers (including homeless and formerly homeless people), the Union has run a hot meal program in a park downtown for 8 years. The Union, represented by a formerly homeless war veteran, wants \$500,000 in start-up money to create a new shelter run by the homeless themselves and strictly emphasizing a self-help philosophy and substance abuse program.
- The Ourtown Homeowners Association wants to protect the area economy, as well as the property investments of its homeowner members. It would like any new steps to address the needs of the homeless to safeguard these interests. The Association is represented by a former mayor of Ourtown who believes strongly in job training and self-sufficiency approaches—and who wants homeless services to stay downtown, away from residential neighborhoods.
- The Ourtown Social Enterprise, a five

year-old nonprofit community organization made up of professionals, students, and retirees, has cleaned up parks and completed bigger and bigger community improvement projects each year. With funding from the Ourtown Foundation, the Enterprise now runs a child care center in a former school building. The organization wants to convert the building to a homeless shelter and launch innovative, revenue-generating programs with and for the homeless. The Enterprise needs about \$300,000 to convert the building and \$200,000 in operating costs each year. The new shelter would be run by paid staff as well as volunteers. The Enterprise already has a network ready to donate food and clothing. The group is represented by a politically active retired doctor who believes that the long-term solution to homelessness hinges on creating the right environment for building self-esteem.

what we can to prepare for the upcoming meeting, at which the stakeholders will explore their respective proposals and begin to work toward some agreement.

But before we jump into analyzing the situation that presents here, let's review a few core concepts by posing this question: What makes this a negotiation? The quick answer to this is that



the upcoming meeting(s) of the Task Force offers an opportunity to advance the interests of two or more parties through jointly decided action. But the fuller response to the question defines this situation in the broader history and civic life of this community.

Note that there is already a recognized problem *area*—homelessness—and fairly defined *set* of stakeholders. The Task Force may want to consider multiple ways to frame and address the specific problems under the heading of homelessness. Likewise, the membership of the Task Force might expand or contract over time. But for now, there are players, issues, interests, and an opportunity to *decide* the specifics of something in ways that enable action—not merely hold a dialogue or organize attention to an overlooked social condition.

The upcoming meeting will surely not decide everything—e.g., all of the operational specifics needed to implementing decisions well. There may be a series of negotiations, some quite informal, to

What makes this a negotiation? There are players, issues, interests, and an opportunity to *decide* the specifics of something in ways that enable action—not merely hold a dialogue or organize attention to an overlooked social condition.

Because the Mayor and the Foundation's Board of Trustees want to see broad-based support for new efforts to address homelessness in Ourtown, the Foundation and the Mayor's Office have agreed that at least three of the four other members must be party to any agreement. That is, beyond approval from the Mayor's representative and the Foundation representative, at least three other parties must agree with a proposal.

This is the information available to the parties involved. That is, this is a summary of what *all* of the parties know about each other, in advance of the upcoming meeting. (In the full role-play, far more information is given to each party on its own interests, and so discovering these is part of the challenge in the exercise.) Using Worksheet #2, we will do



come, as well as new civic organizing and planning efforts. Deliberating and acting on homelessness may lead to new attention for, and action on, related issues—the local economy, for example.

For now, though, we face *one* key decision opportunity that comes, of course, with a set of challenges in tow. The Mayor and Foundation are bringing the parties together in hopes of constructing a valuable agreement among the parties in spite of their differences. It is not a given that there will be agreement or that it will be valuable enough to make a positive difference in the community. That is, not every agreement yields the hoped-for results. As we will see, this is one powerful reason why problem-solving with others hinges on a process for generating

(Continued on page 24)

Getting Ready to Deal: Negotiator's Prep Tool #2

Use this form to make notes. Use a separate sheet to develop full-length answers and best guesses.

Parties

Number. How many are there (including yourself)? _____

Direct/Agents. Are the negotiators representing their own interests or those of an organization, group, or other constituents?

Facilitator. If there is one, will they be neutral or "interested"?

History. What relationship or other history do I have with the other party(ies)? (Think about the person(s) but also their constituents, if appropriate.)

Style. What do I know about their negotiating or working style? How do they deal with others in the context of handling conflict or coming to decision? How can I find out more about those with whom I have no history or about whom I have no knowledge?

Influentials. What key parties who are not in this negotiation might nevertheless exert an influence? (Think of parties that may try to shape the process or outcomes, as well as those to whom the other party might defer or feel obliged.)



Issues

Number and Types. What are the main issues to be negotiated? (Tangible and intangible)

Priorities. What are they for each party?

Trades. What differences can we exploit to create joint gain?

Interests

Mine. What am I looking to protect or advance? (Tangibles and intangibles)

Theirs. What interests do they—or might they—have at stake, tangible or intangible? (By party)

Interested Facilitator. What are their substantive interests (beyond the interest in good group process)?

Alternatives

What is my **best alternative to (this) negotiated agreement** (BATNA)? (What alternatives would I rely on to advance the same interests on these issues?)

What is their best alternative(s)? How certain am I about this?

Based on what I know, should I make the **first offer** or try to let them to do so?

Coalitions and Group Process

Who are my likely **allies**?

Who are my likely **enemies**?

In what **sequence** should I approach key parties?

How should we handle **process**? What should the facilitator's role be?

Arguments

What "principled" arguments (rationales) can I use at the table to support what I want?

What are their counter-arguments likely to be? How can I respond to those?

More Homework

How can I find out more? Who can help me learn?



PROMISING PACKAGES

Sketch out some possible packages (terms on multiple issues) that might be in the zone of agreement:

(Continued from page 22)

strong substantive ideas based on good analysis, not just we-feeling or strong relationships.

Analyzing the Negotiation

Given that we can structure this as a negotiation analysis, let's start by considering the parties: who are they, who must be in the agreement (and who can be left out), and are any of the parties in the role of facilitator? Next, what do the parties want? That is, what are their interests and how are they likely to view the purpose and potential of the upcoming kick-off meeting? Finally, what resources do they bring to the table.

Some of these questions we can answer quite confidently already, and others we may be able to address with some background work before the meeting—by consulting with others informally.

First, the Task Force has six members, but their roles and status are hardly identical. Both the Foundation and Mayor's Office must agree to any deal, so each of those parties has a "veto" power. Any one of the other parties can be excluded (making each somewhat vulnerable) but

Both of the "powerful" funder parties is quite dependent on the other players to make a difference on the issue of homelessness.

In addition, the Mayor has asked the Foundation to chair the Task Force, so the Foundation's representative will likely be in a *facilitator's* role, helping to manage the group's process. But look closer. We know relatively little about the Foundation's substantive interests or about its representative's view of the issues or the process. We can surmise that the Foundation is not a true neutral



interested party either. The Foundation, like many important go-betweens in community problem-solving around the world wants to *both* improve the problem-solving process—in this case toward an agreement by the parties—and to further substantive interests of its own.

We will need to understand the Foundation's interests (and those of its agent) as well as we understand those of the other parties around the table. We also want to understand, and possibly shape, the Foundation's role as a facilitator. In *The Skilled Facilitator: Practical Wisdom for Developing Effective Groups*, Roger Schwarz notes:

The facilitator's main task is to help the group increase its effectiveness by improving its process. Process refers to how a group works together. Process includes how members talk to each other, how they identify and solve problems, how they make decisions, and how they handle conflict ... Underlying the facilitator's main task is the fundamental assumption that ineffective group process reduces a group's ability to solve problems and make decisions.

A growing number of guides and training opportunities helps facilitators

Both the Foundation and Mayor's Office must agree to any deal, so each of those parties has a "veto" power. Any one of the other parties can be excluded—making each somewhat vulnerable—but since three of the four are needed for any agreement, any two of those vulnerable parties can form a blocking coalition to kill any deal. So "vulnerable" is not the same as weak.

given the three-out-of-four standard outlined above, any two of those vulnerable parties can form a blocking coalition to kill any deal. So vulnerable is not the same as weak.

On the other hand, the Mayor's Office and Foundation, as funders of any proposals, also control one critical resource in the picture—money. What may be less obvious is that neither party provides direct services to address this problem.

in this situation. It has a reputation and substantive investments in the community that it wants to enhance and build on. The Foundation's representative—the individual, not the organizational interests that individual represents as an *agent*—may also have personal commitments and concerns that affect her actions during the negotiation.

The Foundation is, in this case, what we call an "interested facilitator," not a neutral mediator but not (just) an inter-

and those with whom they work to answer key process questions, such as these in our case: What ground rules for the process should the Foundation, as facilitator, propose to the group? How assertive should they be with the other parties? What might threaten the facilitator's authority to manage the process or its legitimacy as a go-between? How will the process, and in particular the flow of information and contact, be managed? For example, should the facilitator keep eve-

Intangible issues, such as what values should define our approach to homelessness, are important here. Should the emphasis be on empowering the homeless to help themselves or emphasizing the most accountable, high-impact service delivery in the short run, which might tip the balance away from self-help?

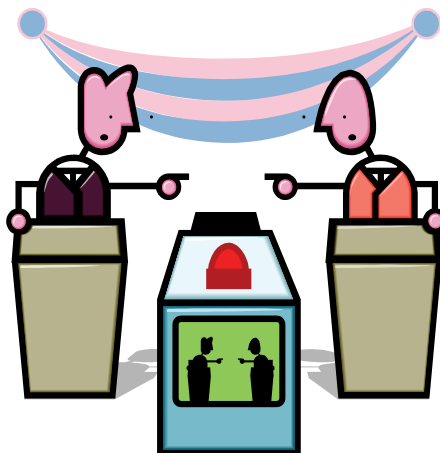
ryone at the table throughout or encourage side meetings to help work out disagreements between particular parties?

Now let's pay more attention to the issues at stake. The *tangible* ones are most obvious: the what, who, how, where, and how much of services (what to provide to the homeless, who should provide, how, where—in what location or other facilities—and how much in terms of scale and funding). We are well beyond our one-issue price negotiation now!

But the outline of the situation and parties suggests that even more is at stake in this particular episode of problem-solving in the community of Ourtown. *Intangible* issues, such as what values should define our approach to homelessness, are important here. For example, should the emphasis be on empowering the homeless to help themselves or emphasizing the most accountable, high-impact service delivery in the short run, which might tip the balance away from self-help?

The issues of rights and obligations in community are also at stake. Are the homeless in fact a part of the community? What does being a member of the community entail in terms of rights and obligations—what the community owes its vulnerable members and what they owe it? Finally, the “who” of services is much more than a technical question of who will deliver; it is about who will be asked to take the lead on an important community problem. Some stakeholders may gain status and capacity and others lose it through this negotiation.

Let's not forget: a thorough exploration of the issues at stake is not about



A thorough exploration of the issues at stake is not about creating a checklist to work through mechanically at the table.

creating a checklist to work through mechanically at the table. It is, rather, about understanding where the bargaining range may be and what trades may be possible to

create value for a wide array of parties.

Earlier, I noted that the effective bargaining range is defined by the value of parties' alternatives to the particular negotiation at hand. The best alternatives in this case are not so clear. The Mayor and Foundation do not seem to need all of the players at the table to become directly involved in service delivery, for example, but both are unwilling to simply pick a favorite among the parties present or hand out dollars to every group that asks—almost enough funding for each to really accomplish something. Spreading a given resource across many independently operating parties often creates less value than more focused investments at the appropriate scale, particularly if the parties bring complementary capabilities and are willing to work together.

As for the other parties, we do not

know enough to determine best alternatives very precisely. But assume for the sake of analysis that alternative funding for homeless activities is limited. It is in the service providers' interests to work toward an agreement here. And it may be worth it for each party to settle for less than each would like, and to find a way to work together, rather than be excluded from the agreement entirely. The Homeowners Association is rather unique among the parties. It is not a service provider and does not have a specific proposal for service delivery by others, merely a set of advocacy interests. Like many public interest groups around the world, the Association wants primarily to help shape a civic outcome, not become some other party's operational partner. Can the Association provide resources to support a new initiative, though? We do not know.

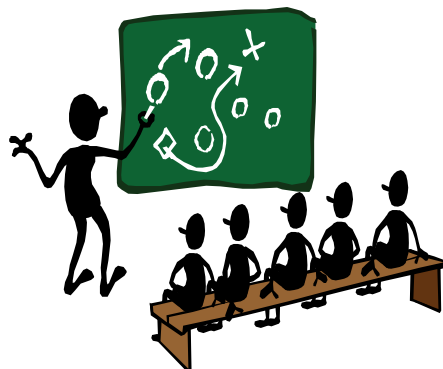
Creating Better Outcomes: Problem-Solving Together

Working out every possible negotiation strategy and outcome for this negotiation is much more than we need to do here. The point of our discussion so far is that organized effectively, even the most limited information can yield important clues to help negotiators and facilitators prepare and problem-solve better.

But three important tasks remain for us. The first, which I will cover briefly, is to apply the basic coalition concepts (see Worksheet, “Prep Tool #2”). You can tell, from the party-by-party descriptions above, that some coalitions of parties are quite natural while others may require more work, based on interests, resources, history, or other factors. While we may get all six parties on board, it may well take a strong coalition (subgroup) to build momentum toward that. Whose support should we try to win early on in order to make the support of others more

See linked tool in this series, “Planning Together: How (and How Not) to Engage Stakeholders in Charting a Course”

likely? Whose support can we get at least cost? Going in, we would want to think hard about whom to approach, how, and when. Key coalitions might form before the meeting of the full Task Force, as is often the case in committees, task forces, and other group decision-making structures. So getting out early and assessing where other parties stand may be crucial, especially for the parties we labeled “vulnerable” (in that they can be excluded from an agreement).



ure, wouldn't most of us be more confident about the one idea chosen among fifteen considered than the one chosen among two?

3. *Refine and move the ideas toward agreement.* Some groups that offer options may not have to decide among them, but many groups, like the Ourtown Task Force we are considering here, must not only have ideas but, at some point, make choices among them. Brainstorming or other *idea-generating* sessions in which judgment is suspended give way to group *evaluation* of options by various criteria and, eventually, to *decision* itself.

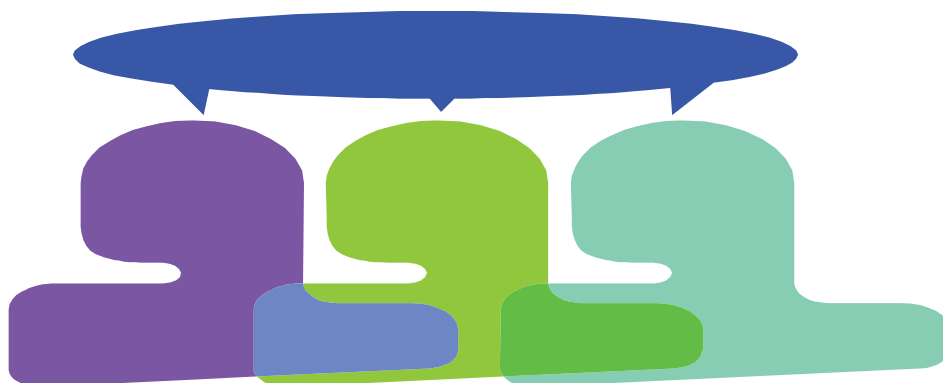
These stages place different kinds of

The first rule of problem-solving, then, is to *set up* your problem in ways that make it more solvable. But a great many real-world efforts skip or rush this step.

Our second task before leaving Ourtown is to illustrate how one can define problems and resources creatively in these kinds of cases, which recur often around the globe. Some of the most innovative and promising options for action here are not immediately apparent, i.e., not in the individual parties' initial proposals.

The quest for the best-possible solutions is the heart and soul of effective problem-solving, which includes three (3) broad steps:

1. *Framing problems in ways that make them more solvable and lead to better ideas.* “Better” has two meanings here: more technically promising (than alternative ideas or the status quo) and more legitimate and politically supportable. The first rule of problem-solving, then, is to *set up* your problem in ways that make it more solvable, but a great many real-world efforts skip or rush this step, which is sometimes referred to as *problem-setting*.
2. *Exploring as many ideas as possible about how to respond to the problems.* Contrary to popular belief, as Jim Adams explains in *Conceptual Blockbusting*, creativity can be learned and developed. The process of having more and better ideas may include breaking out of



familiar thinking habits, consciously avoiding incrementalism—the tendency to modify existing responses to the problem in fairly trivial ways—and breaking a complex problem up into parts and having varied ideas about each part. The second rule of problem-solving, in my view, is that the most common way to miss out on a great idea is never to have it in the first place. Having *more* ideas (overall) means that more ideas than can be thrown out, which bodes well for the quality of what's left (the “keeper” ideas). This is the value of brainstorming and other idea-generating techniques (see links on our website). Faced with a complex, high-stakes problem and with high costs of fail-

demands on groups and facilitators. But the payoffs of investing in all three stages are well-documented in studies of business, nonprofit, and government problem-solving groups—and of alliances across the sectors as well. Conversely, hundreds of my students, practitioners of all ages from every corner of the globe, have found that limited beginnings—starting the problem-solving process with strict and limited perspectives on problems—beget limited options and, eventually, limited decisions.

This is particularly true in the Ourtown exercise, where breakthrough problem-solving almost never emerges incrementally—i.e., working outward from the detailed initial proposals of the parties.

Remember those proposals? Give us money to build and run a new shelter.

The larger issue is that each proposal responds to a somewhat different framing of the problem to be solved in Ourtown. It is not self-evident which frame, if any, is best. More to the point, it is not clear, before the first Task Force meeting, that any of the parties have considered alternative frames.

Give us the money to renovate our shelter and start a new job training program. Give us the money to help ourselves, don't let the professional service providers drive the program. And so on.

There is nothing inherently wrong with any of these proposals. Indeed, each offers a compelling and unique selling point or two, and we can assume that all of the proposals are made in good faith, though they may not be equally promising in terms of the likely social impact.

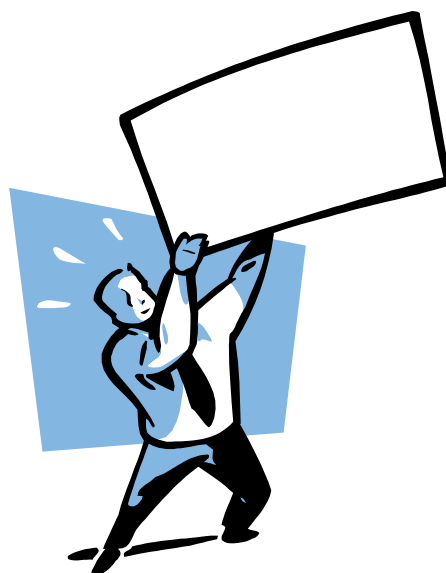
For our purposes, though, the larger issue is that each proposal responds to a somewhat different framing of the problem to be solved in Ourtown. It is not self-evident which frame, if any, is best. More to the point, it is not clear, before the first Task Force meeting, that any of the parties have considered alternative frames.

For example, the Shelter seems to have framed the problem as one of expanding the number of beds to meet short-term shelter needs, with some attention—though much less funding—to longer-run self-sufficiency needs.

The Union, for its part, does not address the question of how it will, as a group with no experience running a shelter or substance abuse program, gain the capacity needed to provide quality services in those areas.

The Homeowner Association seems driven by what it opposes—by a defensive posture—as much as any proactive framing of the problems facing the homeless or the larger community.

A brief newspaper quote from the Mayor's Office indicates an interest in discussing self-sufficiency rather than more beds, but it is not clear how strict or narrow that focus is (recall that local gov-



Helpful frames lead to a greater range of initial ideas, draw on the varied expertise, and respond to the varied interests, around the table, and—ultimately, if not immediately—address the technical dimensions of problems as well as the politics or “public face” of the problems.

ernment already funds the Shelter).

Finally, we have no idea, in advance of the meeting, how the Ourtown Foundation prefers to approach the problems.

There is often no one best way to frame a problem—not “best” in some absolute sense—but some frames are more helpful than others (“best-possible”). Helpful frames lead to a greater range of initial ideas, draw on the varied expertise, and respond to the varied interests, around the table, and—ultimately, if not immediately—address the technical dimensions of problems as well as the politics or “public face” of the problems.

Jim Adams concludes, based on experience with hundreds of problem-solving groups over the years, that re-

framing, sometimes by “going up a level of abstraction,” is often helpful for generating more and better ideas. And Fisher and Ury suggest “shuttling between the specific and the general,” as well as looking at problems through the lenses of different disciplines or professions.

Back to frames, we don't want a frame that's too abstract, of course, but the more common error is choosing overly *specific* frames. They impose limits that are particularly costly at the early stages of group work.

Let's step back from the Ourtown case for a moment to see how powerful re-framing can be as a tool for problem-solving, first with a straightforward ex-

ample of improving a technical product, then a community problem-solving example.

Re-Framing at Work

For years, product designers struggled to help grocery store owners solve a costly problem: how to get goods from colder to warmer parts of the store safely and without wasting enormous amounts of energy? Refrigeration equipment keeps food fresh (at various temperatures) and accessible to customers as they shop. But when items must be re-stocked, goods are transported between areas of the store that are very cold, such as deep-freeze meat storage areas where only employees are allowed, and areas that must be warm enough to keep customers comfortable. Without managing the flow of air, gro-

cery stores would freeze their customers, over-burden refrigeration equipment, and waste power.

For years, product supply companies addressed this need by offering stores a variety of swinging doors, which kept colder air on one side and warmer air on the other but allowed re-stockers to pass through. Unfortunately, none of these doors worked very well. Employees carrying large, awkward loads of cold food had trouble seeing co-workers coming in the opposite direction. Door hinges did not wear well under the constant traffic, and in order to keep the cold and warm air apart, the doors themselves offered more resistance than employees could easily handle when trying to get through—to be more specific, when trying to get through without knocking someone else down.

Like many technical problems, this one was really several problems in one: (a) keeping air apart at very different temperatures; and (b) allowing grocery store workers carrying food loads to get from colder to warmer areas of the store (and back again) safely and reliably. The latter requires both high visibility in two directions and limited physical resistance.

Framed more abstractly, the problem offered the paradoxical challenge of *preventing* movement (of air) on one hand and *facilitating* it (by people carrying food) on the other.

A breakthrough solution came when product designers and engineers recognized that the problem they had actually

been solving was framed much more narrowly than that: “What kind of *door* should we create? How can we improve the *doors* we supply to meet grocers’ needs?”

Like many technical problems, this one was really several problems in one.



It was natural that the problem should be framed this way, but it was very limiting as well—a recipe for supplying incrementally better doors, at best, from year to year (moving the hinges around, trying out different door materials, and so on). What the grocery stores really needed was a *boundary* easily permeable to people carrying food but impermeable (or mostly so) to air. To be more precise, a boundary that allows

some things to pass through but not others is a *membrane*. Note that doors are just one form of boundary—and not often the most useful membranes.

By using “membrane” rather than “door” as the frame, the product teams had many *more* ideas—and much more *varied* ideas—about how to solve their two design problems. Eventually the designers supplied a new state-of-the-art solution: in place of doors that had to swing open, thick vertical strips of see-through plastic that parted as employees passed through. The strips offered much less resistance to workers in motion than doors had, as well as great visibility in both directions, but still kept apart cold and warm air in different areas of the store. In other words,

the strips created a brand new and quite effective membrane.

Sometimes we can find new leverage on hard problems by re-framing the problem—by asking, “What problem are we *really* trying to solve?”—and having different ideas. In this case, re-framing meant defining the problem a bit more broadly and abstractly.

Let’s consider one more brief example. In 1993-94, as part of the Comprehensive Community Revitalization Program, a group of us worked to create neighborhood plans for several low-income neighborhoods in the South Bronx in New York City. All of the neighborhoods were home to a large and growing number of young people, but most were hugely under-served by safe, accessible recreation opportunities.

By “safe,” I mean as free from crime and physical accidents as possible. By “accessible,” I mean near at hand—kids are much more likely to use recreation opportunities they can walk to—and open, at low or no cost, as many hours as possible. These definitions are important, because they helped shape the way we ultimately framed the problem(s) to be solved.

But I am getting ahead of my story. The scarcity of safe, accessible play opportunities was especially serious in a neighborhood called West Farms, located near the famous Bronx Zoo. When our planning work with a community development organization and residents in the area began, the neighborhood had one-tenth the citywide standard of public recreation space (based on its youth population size).

But how should we *think* about this problem in order to make it more solvable? That is the question that leads to framing. One option we had was this:

Where can we create more parks, ball-courts, and other play facilities in this neighborhood?

It was natural that the problem should be framed this way, but it was very limiting as well—a recipe for supplying incrementally better doors, at best, from year to year.

This frame has the advantage of being specific, concrete, and immediately understandable, not only to professional planners and facilitators but the general public, including the young people and their parents who lived in the neighborhood. This is no small advantage in an era that demands we find more and more effective ways of engaging stakeholders in the planning and decision-making that affects their lives.

But that initial frame offers some big downsides as well. It assumes, for instance, that “opportunities” for recreation (or play) is synonymous with “facilities.” *Facilities* are typically built to serve specific uses. Facilities can be expensive and slow to open, and because they are usually restricted to certain uses, creating a facility often means choosing *not* to use

family health care, and more. Some spaces, such as school cafeterias, were multi-use (cafeteria by day, performance hall by night, etc.). But there were few opportunities to apply this “flex-space” or multi-use approach.

For the most part, we would need vacant land to develop new facilities. Yet there were very few vacant parcels of land left, the land scheduled for demolition would mostly go to help meet the other needs outline above, and most land in the neighborhood, whether vacant or not, came in small parcels ill-suited to most types of recreation facility. The one large vacant parcel left in West Farms was already scheduled to become a new, city-run ballfield—a good thing, to be sure, though it might not open for another

hood revealed several under-utilized play spaces that might be cleaned up, repaired, and monitored better to enhance safety (plus some that should be shut down because they were out-of-sight and had become havens for crime). We were still a long way from meeting the neighborhood’s play needs, but enhancing what you’ve got, rather than fixating entirely on new additions, is obviously a way to close a big gap between limited supply and much greater demand. *It makes sense to avoid framing problems in ways that tend to overlook unused or under-used resources already at hand.*

To sum up, creating new ballcourts, parks, and other play facilities was certainly appealing—and neighborhood residents, as you might imagine, loved the idea—but the constraints suggested

To get a big pool of varied ideas, we would need a different way to look at our design problem: What are all of the spaces in a built-up urban neighborhood that might be developed and used for play? And how can we keep them safe and accessible?



space for some other use which may be important. This trade-off—or opportunity cost, as economists call it—was a major issue in West Farms, because the area was densely built-up already and had many needs other than safe play, including child care, business development,

two years or more.

Beyond focusing us too narrowly on facilities, our working problem frame has other limitations as well. The word “create” suggests that the central problem is adding new things to the community. A quick scan of the neighbor-

hood revealed several under-utilized play spaces that might be cleaned up, repaired, and monitored better to enhance safety (plus some that should be shut down because they were out-of-sight and had become havens for crime).

To get a *big* pool of *varied* ideas, we would need a different, and specifically a broader, way to look at our design problem. John Shapiro, who headed our spatial planning work, proposed that we frame the problem with a new sequence of questions:

What are all of the spaces in a built-up urban neighborhood that might be developed and used for play? And how can we keep them safe and accessible?

Compared to the previous frame, this one offers a much richer lens for generating varied ideas, because (a) it specifically invites a look at “all of the spaces” in the neighborhood (whether dedicated to play or not), (b) it indicates that spaces might be “developed and used” (whether they are in use now or need some work), and (c) the second part of the problem frame reminds us, in a neighborhood with high rates of crime and limited family resources, that the end game is to expand

We could not afford to let the community down by being imaginative at the start and fanciful at the finish—that is, failing to deal with the realities of urban life.



the opportunities for play *that will actually be used by members of the community*. Safe and accessible were musts, and so we could not afford to let the community down by being imaginative at the start and fanciful at the finish—i.e., failing to deal with the realities of urban life.

Fair enough, but where *are* the spaces that kids play, or could play, in a built-up urban environment? Well, where is most of the space in any built-up city? It's in the streets, and we noticed that young people were indeed playing in the streets but only in ad hoc ways.

Now, traffic poses the obvious safety hazard to street play, and traffic flow should not be so compromised that the streets become unusable by vehicles. Fortunately, the City's police department had developed a program temporarily closing off small side streets for play use during summer days and evenings (when school is out). The program included some police monitoring of the streets, both the traffic and the play. What's more, we noticed that the neighborhood's young people were concentrated in *particular* apartment buildings on *particular* side streets and that many of these buildings had active tenants associations run by the parents.

These facts together suggested a new strategy for expanding play opportunities without costly new land-consuming facilities: for the first time ever, designate as *official* play streets the small side streets that would least compromise

vehicular traffic flow but offer safe and accessible space to the greatest number of kids living nearby, all under the watchful *eye* of the tenant associations organized along those streets. Beyond providing “eyes on the street” by coordinating volunteer members at all hours, the tenant groups could help manage play supplies and provide useful adult contact with the police.

Looking closely at the streets in this neighborhood led to much bolder ideas, however, and these included new dedicated facilities. The neighborhood was bounded on the west by a six-lane boulevard for which no traffic study has been done in fifty years. Massive social and economic changes in the Bronx, including depopulation and income decline over the years plus some new highway construction, had significantly reduced traffic on the boulevard. A new analysis suggested that at least two lanes of the boulevard could easily be closed off to become a linear park.

Linear parks offer several advantages in urban environments, such as the high visibility that tends to reduce crime—clear “sight lines” mean that there's nowhere to hide illicit activity—and the elongated space needed to program subareas for multiple age groups, from tot lots for very young children to ballcourts for older kids and benches in between. This particular facility would make unique use of the long, narrow strip of land that currently “served” as excess road capacity.

Finally, going back to our re-framed design question, kids in built-up urban

areas can also play on rooftops—and do, in many cities around the world. After careful consideration, though, we determined that the rooftops, beyond offering risks of serious falls, were too hard for people to monitor. It's much harder to keep eyes on rooftops than eyes on the streets, and crime and other factors made this too serious a drawback in the Bronx. (Some schools were already making use of their rooftops but only because high perimeter fences prevented falls and because teachers monitored the kids at designated recesses and other play times.)

Here's the main point: how we look at problems matters enormously for how we go about solving them. Frames matter. Few of the new ideas that *were* viable in West Farms or the grocery store example would ever have been generated had the planners stuck to the narrower—and more obvious—problem frames.

Applying a New Frame in Ourtown

Recall that so far, some of the parties in Ourtown have framed “the homelessness problem” in fairly strong but implicit ways, while others have not articulated any particular frame or view of the problem. So on one hand, we face possible tensions among competing frames, and on the other, there is no single, dominant frame to encourage tunnel vision.

We need a frame that helps us have more and better ideas and that acknowledges, first and foremost, that *there is no single homelessness problem*. Rather, Ourtown, like most communities, faces a host of interrelated causes, effects, conditions, and potential opportunities for intervention—responses or “solutions”—in an *area of concern* that bears the label “homelessness.” Let's say we begin, then, with a broad framing of the problem this group is to solve, expressed as this question:

How can we create significant capacity and results that respond to the prob-

Few of the new ideas would ever have been generated had the planners stuck to the narrower—and more obvious—problem frames.

Resourcing current providers will almost always be the quickest way to get measurable results on very defined targets. But why convene a broad group to solve such a narrow problem?

lems associated with homelessness in our community?

Not knowing how the group (Task Force) process will unfold, this frame nevertheless has several appealing features:

1. By acknowledging that the outcomes of the process should include “capacity and results,” we shift the discussion from a narrow debate over expanding or modifying *current* services by *current* providers to a broader, more flexible consideration of *who should act on problems in our community and how*. New groups, including self-help groups organized by the homeless themselves, have potential to create results (change social conditions) if those groups can develop the needed capacity. Resourcing current providers will almost always be the quickest way to get measurable results on very defined targets, such as “reducing the number of homeless

ment or temporary housing at any given moment) but also related issues of economic self-sufficiency, rent inflation and the scarcity of affordable housing in our community, people’s behavior on the streets, and other issues that stakeholders may see as *related* to homelessness.

3. Nowhere in our problem-framing question do we specify (or limit) *how* the resources and capacity of the various parties may be combined to create solutions. The frame does not immediately direct attention to a specific partnership among the parties, for example, or favorite program idea. To the contrary, the frame gives us room to bundle and

and John McKnight of the Asset-Based Community Development Institute. In the Ourtown case, when I say “resources and capacities,” I mean to include, as *resources*, money, space, political and institutional capital, and other resources, and, as *capacities*, experience and skill in organizing stakeholders for dialogue, mobilizing and volunteers, analyzing problems, designing and providing formal services, and other capacities possessed by the Task Force members.

Though there isn’t always a bright, clear divide between them, resources and capacity should not be treated as the same thing. You may have access to a car in perfect running condition but no fuel to actually run it. Likewise, the skill to do something is different from the supplies

Though there isn’t always a bright, clear divide between them, resources and capacity should not be treated as the *same* thing.



people without access to a shelter bed on any given night of the year.” But why convene a broad group to solve such a narrow problem? At very least, there is no reason to *begin* so narrowly.

2. By identifying “the problems associated with homelessness” as the targets for group attention, we give the group room to discuss the narrow status that *defines* homelessness (a lack of perma-

unbundle the capacity and resources around the table—money, facilities, service delivery experience, political legitimacy and connections to the target group (the homeless), and more—in myriad ways as we generate and test ideas.

Now that we have a promising frame, we need to inventory the resources and capacity available. Traditionally, negotiation focuses on identifying and addressing interests, and we don’t want to ignore interests in Ourtown by any means. But unlike the price negotiation we looked at earlier, it is not yet clear what these parties have to negotiate with—i.e., what they bring to the table that may be valuable and deployable.

Assets and skills inventories have caught on quickly in recent years, thanks in large part to John Kretzmann

that something requires. Finally, a key skill in any field is *using* supplies (resources) cleverly and carefully, which we typically call “resourcefulness.”

Every party in the Ourtown example has either resources or capacity or both, and together, the parties may become quite resourceful. For example:

- The Mayor’s Office can provide money—but as parties typically learn at the table, only for annual operating costs, not capital costs for renovating or constructing facilities.
- The Ourtown Foundation can provide even more money—but in the form of a one-time grant, with no special restrictions.
- The Homeowners Association can provide money as well—but only for the specific purpose of renovating the existing shelter, which it considers an

See linked tool in this series, Perfect Fit or Shotgun Marriage?: The Power and Pitfalls in Partnerships

eyesore.

- The Homeless Union has money from its revenue-generating activities—but only to cover the operating costs of services.

Those are the key *funding* resources that may be available to the group—much more varied, let's note, than the Foundation funding that supposedly motivated the Mayor initially.

One resource management principle should already be clear: the group should figure out how to use the most flexible money (the Foundation's) last, after special needs have been met by more the restricted or "earmarked" money (operating costs only, renovation only, etc.). As for other key resources:

- The Shelter has an important facility (the shelter itself), with both beds and some room for service delivery.
- Ourtown Social Enterprise has a facility and a large pool of volunteers.
- The Homeless Union has an organized base of the client stakeholders (the homeless themselves), who want to be co-producers of change—in plainer



English, agents of their own well-being and advancement.

And all of these groups have capacity, from skill and experience managing programs and facilities (Shelter, Social Enterprise) to mobilizing volunteers and advocates (Union, Social Enterprise) to helping other groups design and launch programs (Mayor's Office, Foundation).

Figure 2 maps this inventory of key resources and capacities against some possible responses to the "problems related to homelessness." Bundling and unbundling works like this: figure out what everyone can do and provide, figure out everything that might be useful and desirable in response to the

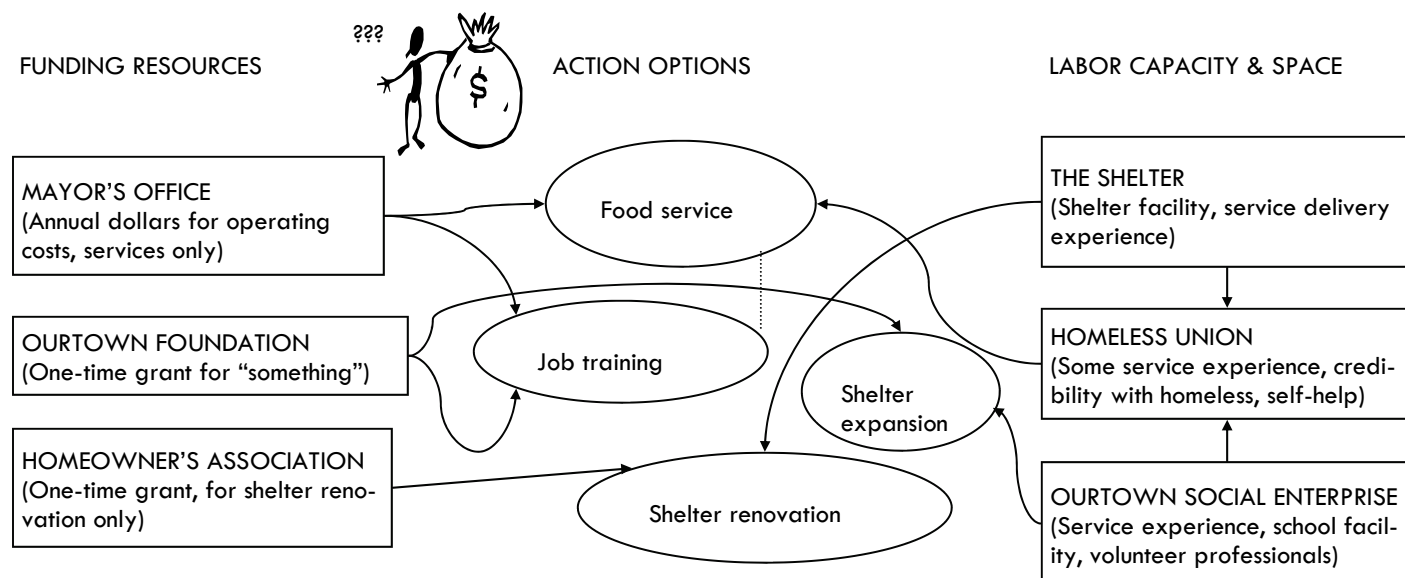
problem (regardless of who would do it or how), and *then* generate a variety of options for connecting the two. As a general principle of negotiation, Fisher and Ury define the philosophy of this as "separate inventing from deciding," i.e. separate the process of generating more ideas from that of judging (evaluating) and coming to decision.

Practitioners who try the Ourtown role-play exercise typically do not arrive at anything quite as complete as Figure 2, and many people think in numbers and words, not pictures. So some groups generate most of this information but do not choose to organize it as I have here. They may simply outline "sources and uses" charts, accounting-like, to match varied resources and varied needs.

But regardless of the group process or approach to the information, just like our two-party, one-issue (price) negotiation, Ourtown generates incredibly varied outcomes, despite the fact that everyone is given the same sheet of general instruc-



Figure 2. Matching Capacity, Resources, and Action Options: Ourtown Revisited



tions and each party—Mayor’s representative, Shelter operator, etc.—a standardized sheet of confidential instructions for its own use.

In the most imaginative outcomes, every resource is somehow put to use, and more specifically, key parties—such as the Homeless Union and Social Enterprise—secure important new roles without completely displacing the more established service provider (The Shelter). Often, these arrangements take the form, “Party A will run program X using Party

(whose volunteer pool has much more job experience and formal education) provides volunteer mentors for the job training program.

From a substantive standpoint, Ourtown illustrates the potential of committed problem-solving groups to discover, over time, significant options for joint action that were not visible, in some cases not even imaginable, at the start. Far from being a mere give-and-take transaction of the kind we often associate with the word “bargaining,”

this negotiation includes important elements of identifying resources, re-framing tasks, and inventing more effective and satisfying solutions.

But our enthusiasm for such potential should not blind us to the fact that some of these stakeholders’ interests *are* in conflict—or the sad reality that many real-world groups, when faced with similar challenges, do not succeed. A lack of trust or time stymies information sharing, and stubborn thinking habits and pride act as powerful barriers to better ideas. The

Far from being a mere give-and-take transaction of the kind we often associate with the word “bargaining,” this negotiation includes important elements of identifying resources, re-framing tasks, and inventing more effective and satisfying solutions.

B’s facility, Party C’s volunteers, and Party D’s funding.”

For example, in some outcomes, the Shelter agrees to let the Union run a food service and job training program at the Shelter (with operating funds from the Mayor’s Office), while the Homeowners Association provides money for Shelter renovation and the Foundation funds some additional beds at the Shelter plus the creation of a new facility and services by Social Enterprise (converting its school building). In addition, the Union provides volunteer coordinators for the job training program, while the Enterprise



political window of opportunity may not yet exist to try the boldest, most promising ideas.

Having tools for analyzing and conducting multi-stakeholder or multi-party problem-solving helps one recognize and go after the potential, which is still, very often, hard work—emotionally and intellectually demanding, posing risks. Problem-solving with others is a human enterprise with few guarantees.

Our final task in this case analysis is to briefly review the key subtexts at work in Ourtown and similar negotiations, for they are incredibly common and powerful subtexts in many community problem-solving efforts. Then we’ll explore one last set of ideas—about representing stakeholders as an “agent”—for this is a very common feature of community problem-solving as well.

Classic Subtexts

Ourtown illustrates four classic subtexts in local civic efforts:

- “Community”—*who’s in and who’s out?* What do we mean by “the community” for purposes of allocating costs and benefits, risks and rewards, rights and obligations? Ourtown’s civic efforts on homelessness can take many forms and head in many directions depending on

TAKING STOCK (Part Nine) KEYS TO PROBLEM-SOLVING

1. **Frame problems in ways that make them more solvable.** Try frames that lead to more ideas, tap a wider range of capacity and resources around the table, and mobilize public support and legitimacy too.
2. **Figure out what everyone can do and provide—not just what everyone wants or prefers.** Many resources and many types of capacity can be useful for taking action in the world, and many problems required resources and capacity that are dispersed about the community. Resources include money, space, equipment (tools), access, and more. Capacity includes skill and expertise to put the resources to work. Map both kinds of assets—resources and skilled capacity—widely.
3. **Generate many ideas about how to respond to the problem framed.** Try unpacking a problem into parts and having ideas about action options for each part. Be sure to combine the parts and check for new problems! Solving one dilemma over there can lead to new ones over here, and so on.
4. **Match #2 and #3—try bundling and unbundling in various ways.** Play with phrases that suggest novel combinations: “Party A will use Resource X from Party B to do Activity Z in Party C’s space.” Look for ways to develop new capacity.

People tend to think about their communities the way they think about their families—no one else’s could possibly be as dysfunctional. But working out the subtexts is part of any community’s civic life.

how this question gets answered.

- *Symptoms versus root causes.* Many social problems confront communities with difficult trade-offs between short-term relief and long-run resolutions. Think of this as the short-term response (“Band-Aids”) versus long-term (“structural”) solutions tension. In the case we have considered here, the proposals for more beds vs. self-sufficiency services reflect this tension.

- *Respect, turf and voice.* Who gets to define the problem and “lead the charge” to solve it? Who’s gaining or losing standing in our community in terms of leadership on a given problem? In this case, the Shelter and Ourtown Social Enterprise embody the “old guard versus van-guard” divide. The former is the established provider, the latter the up-and-comer. The Homeless Union and Shelter embody the self-help (by the homeless) versus professional service delivery (to the homeless) divide. Parties often have intangible interests in status, respect, and autonomy, and these interests may clash in a community crowded with institutions whose purposes overlap.

- *Services versus empowerment.* This is a deeper philosophical tension, which correlates with the symptoms/roots and turf tensions above. Do we simply provide excellent services, or do we work

to build the political power and dignity of a marginalized, stigmatized group? The former leads to a far more technical discussion, while the latter discussion, important as it is, should not blind the parties to the aspects of the problem that *are* technical (e.g., what capacity and resources are needed, how should success be measured, etc.).

I find that people think about their communities the way they think about their families—namely that no one else’s could possibly be as dysfunctional. But working out these and other subtexts is part of any community’s civic life. These are some of the hidden



Parties often have intangible interests in status, respect, and autonomy, and these clash in a community crowded with institutions whose purposes overlap.

negotiations behind the visible ones, and thinking people can—and should—disagree about some of the deeper questions outlined above. Conflict can be a source of learning and creativity.

Like other types of conflict, those outlined above are not always handled well via lengthy discussions, especially if they become mere gripe-and-grievance sessions or lead to finger-pointing and withdrawal. But avoid being blind-sided: identify and understand the subtexts at play. See which

reflect intangible interests that can be addressed through negotiation. Consider, for example, whether they can be addressed through symbolic gestures (acknowledgment, apology, declaration) as well as tangible decisions (about funding, timing, significant partnerships, key role assignments).

If appropriate, consult with others. Hold dialogues in which the ground rules and setting encourage deeper learning and sharing across some of these divides rather than coming to decision.

In the very worst cases, identify those who may be prepared to undermine a collective problem-solving effort, and determine whether there is a solid basis for their ongoing participation.

Negotiating on Behalf of Others

Many problem-solving efforts involve negotiating on behalf others, i.e., being their representative or “agent,” and recruiting others to negotiate on behalf of one’s group, organization, or coalition, i.e., finding an agent and holding him/her accountable to a group of constituents (or “principals”).

A grassroots advocate negotiates with city government on behalf of her constituent base. A manager negotiates on behalf of her department. A company’s CEO negotiates on behalf of a development group carrying out a joint venture project with public and nonprofit partners. A policy staffer negotiates on behalf of the Mayor’s Office—with representatives of a wide variety of local organizations—as in the Ourtown example above.

Since representation and constituency building are core issues in the practice of

democracy, it should come as no surprise that negotiation offers its share of dilemmas for those who must trust others to advance their interests at the negotiating table, as well as for the agents working to do that. This is all the more true where key negotiation representatives have not been elected, as is often the case in informal civic efforts, or where the interests being represented are those of an organization, not a political community of citizens.

Negotiation expert Roger Fisher has

Circling the wagons can be a recipe for disaster, since positional bargaining can lead to inefficient agreements, ruined chances for agreement (impasse), and soured relationships and lost credibility with the other parties.

coined the phrase “negotiating inside out” to describe what often become complicated and challenging negotiations on two levels:

(a) within our “side” or party; and (b) between us and the other parties. Many veteran negotiators and researchers have shown that negotiating agreement on our side can be every bit as demanding as working across the table with “them.”

An in-depth look at this topic could fill a volume, and not surprisingly, it has. In *Negotiating on Behalf of Others* (1999), edited by Robert Mnookin, Lawrence Susskind, and Pacey Foster, a variety of experts look at the strategies that agents use in business, politics, the law, and other fields. Here are some key concepts that every negotiator should know and put to work:

- *The myth of internal consensus.* Conventional wisdom typically holds that we should come to a firm internal position on our side before negotiating with other parties (at the “external” table). But appealing as this may be for reasons of showing strength and solidar-

ity—what we often refer to in America as “circling the wagons”—it can be a recipe for disaster. Recall that positional bargaining can be a source of inefficient agreements, non-agreement (impasse), and soured relationships with the other parties—leaving us with little or nothing to draw on next time. Agents need to be able to negotiate interests and create joint gains at the table just like parties negotiating on their own behalf.



- *The myth of no disclosure.* Conversely, it may be appealing to send an agent to the table with instructions to “sound out” the other side and make no indication of what our side wants. “Tell them nothing!” we say, “Just ask questions.” But taken too far, this is a recipe for signaling such flexibility and lack of direction that we will seem rudderless and unprepared. The other party(ies) may walk away if we don’t seem prepared to bargain in good faith and articulate some priorities—e.g., among our interests or among the options on the table.

- *Binding oneself and running risks.* As Lax and Sebenius note in *The Manager as Negotiator*, “An agent may pretend to have more limited authority than in fact is the case.” In effect, the agent binds herself by limiting her own authority. There are many ways to

use the fact that the ultimate decision-makers (the constituents) are not in the room, for example to get more information from the other party, to hedge on responding to an offer, and to slow down the pace of a negotiation. Some effective, determined agents are more willing to run risks of no-agreement than their constituents are. The agent may hold back, even where she knows her constituents would agree to an offer, because she thinks they can get an even better deal.

- *Ratification.* Representing the interests of others implies approving agreements that one’s constituents *would* approve or *have* approved. But not all agents are given clear direction on which kinds of decisions they can make at the table and which demand ratifica-

tion. Is it OK to agree to joint fact-finding or a new series of meetings? Must every working document be approved word-for-

word by constituents? When groups are large and informal, it can be particularly challenging to act as an agent, for example if constituents are internally divided over how an agent should behave (process rules) or what, substantively, she should ask for at the table, or both. Time pressure, too—the need to develop, approve, or reject an offer or meeting quickly—can make ratification difficult and stressful for agents and those they represent.

- *Trust-building and trust-breaking.* Being an agent amplifies the broader challenge in negotiation of securing and keeping the trust of others. Trusting an agent means running *risks*—of the agent’s incompetence, deception, and more—in exchange for the *rewards* that a good agent can bring. Agents who represent diverse or fluid constituencies—or groups in which authority issues are still being worked out—must work particularly hard to represent the

range of their constituents effectively and fairly.

- *Persuading in two directions and “selling out.”* Officially, agents represent their constituents, but in practice, they act as go-betweens who represent their constituents and the other parties to *each other*. Agents can become “shuttle diplomats.” Let’s say that I head to the negotiating table on your behalf. You and I both expect that I will return to represent to you what the other side wants. But this may include persuading you to accept a deal that seems much more attractive to me, the agent, than to you, because we don’t think the same way and may not have the same information or assumptions. In community problem-solving efforts, especially when conflicts are deep and emotions run high, heading back to your constituents can be the hardest part. This is especially true if the agent must persuade those he represents about unpleasant realities or must propose a deal that seems far less valuable than



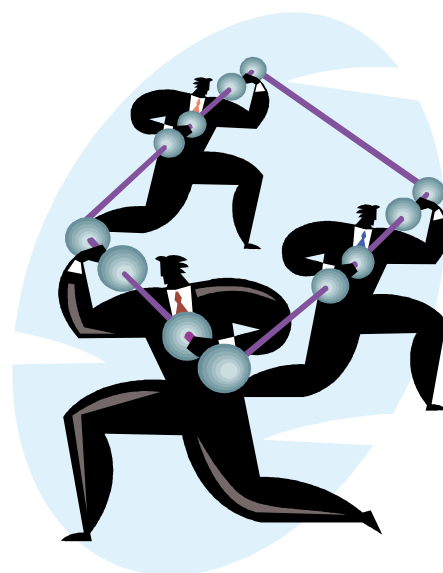
what they hoped for. Agents often gain information at the table—about the bargaining range, the other side’s interests, the nature of the issues, etc.—that constituents do not have but *should* have to make better decisions. Unfortunately, if constituents lose trust in their agent or are simply

Faced with a party that is really several parties—or factions—in one, I may determine that the very best way to gain leverage across the table is by influencing the other side’s internal negotiation.

in denial about the hard truths he needs to convey, they may “fire the messenger” or label him a “sell-out” who has switched sides.

- *Co-optation and conflicts of interest.* Having noted the two-way persuasion dilemma, we should also note that agents *can* be bought off by the other side. Short of that, agents may find themselves acting, instinctively, to advance their own interests—personal recognition, career advancement, control over a project, etc.—in ways that conflict with the interests of their constituents. Checking the agent’s incentives and monitoring the agent can be very important—and so can recognizing an unavoidable conflict of interest in time to say “no” to representing someone.
- *Inside game/outside game: the power of cross-cutting coalitions.* Faced with a party that is really several parties—or factions—in one, I may determine that the very best way to gain leverage across the table is by influencing the other side’s internal negotiation. At first blush, this rings of unethical

manipulation and sabotage from below—undermining the other party’s position by sowing conflict from within. Knowing that our governments play this two-level game regularly in their foreign policies may be no consolation! But there are two sides to this coin. I may know that the agent across



the table is not fairly representing the range of opinion within the organization or group she represents. I may simply wish to support the risk-takers and innovators on the inside (their side) who are working for constructive change on a key public issue. Change agents frequently find that they have to play this inside game/outside game, for example using support for change *outside* an organization to change thinking and behavior *within*. Likewise, subgroups or factions on one side may find that their strongest allies are on—i.e.,

Heading back to your constituents can be the hardest part, especially if the agent must persuade those he represents about unpleasant realities—or must propose a deal that seems far less valuable than what they hoped for.

This adds up to a game with significant room for civic entrepreneurs to create valuable agreements—and, unfortunately, for manipulators to stall the process, sow seeds of distrust, or promote agreements that do not serve the range of interests at the table.

within—the other side.

Think about the Ourtown example we analyzed above, and one can quickly see how important these concepts *might* become in any community facing a complex issue that taps a range of interests and values—and works across multiple levels of inside and outside negotiations.

Note, first of all, that each person at the table on the homelessness issue is a slightly different kind of agent. The Mayor's representative represents someone (the Mayor) who in turn represents the wider community that elected her. But the near-term interests of the Mayor's Office will rarely encompass every single political interest in the wider community. It could not, so elected representatives (and their representatives in specific ne-

gotiations) must choose *among* interests and make trade-offs.

Next, the Homeless Union and Social Enterprise agents represent membership organizations, but they may or may not be elected to their roles by the members.

The Ourtown Foundation and Shelter representatives hold appointed (staff) positions in an organizational hierarchy, and their own interests as individuals within those organizations may be quite complex. In some organizations, board members are quite involved and assertive, and so staff mem-



bers represent their interests strongly. In other organizations, a strong and charismatic executive director may be the real constituent—the “principal principal”—for any agent. Or a staff member acting as an agent may feel compelled to represent the organization's clients even against the better advice of his bosses. No simple life, that of an agent.

The larger point is less about the nature of the Ourtown players roles as agents than the kinds of persuading, trust building, and competing and cooperating the agents must do. A six-party negotiation turns out to run in many more directions than six, as agents work to track the interests of the other parties at the table, their own constituents, and even key parties that are not at the table but wish to exert influence—a prominent newspaper publisher, say, or the chairman of a local civic group. Also, some of the agents on the Ourtown Task Force may be empowered by their organizations to approve a wide variety of decisions at the table while other agents are given much less latitude by those they represent.

All of this adds up to a multi-level, multi-party, multi-issue game with significant room for civic entrepreneurs or savvy and committed problem-solvers to create valuable agreements—and, unfortunately, for manipulators to stall the process, sow seeds of distrust, or promote

TAKING STOCK (Part Ten) NEGOTIATING ON BEHALF OF OTHERS

1. **Don't focus on getting the constituents you represent to come to a firm internal consensus before letting you approach the other parties.** “Circling the wagons” first is appealing for reasons of showing solidarity and gaining influence. But it can backfire. You need room to learn and invent at the table, i.e. with the other side.
2. **Do get some sense of priority issues and interests.** Get factions, or subgroups, within your constituency, to come to some agreement about what is most important to them and what is less so.
3. **Clarify the ground rules about ratification.** What decisions are you authorized to make at the negotiating table, for example about the process and substance? What must be ratified by those you represent, and how will it happen? Is there a contingency plan if things start to move fast at the negotiating table?
4. **Be prepared to be a go-between as much as a representative.** Negotiating on behalf of others involves persuading and building trust in several directions, which often turns into “shuttle diplomacy.” You must persuade the other parties to make concessions valuable to your constituents. But you will probably have to persuade them to make concessions as well, and you may be delivering hard news about the real size of the bargaining range, what outcomes can be expected, etc. Agents and constituents find themselves working with different information, as the agent learns at the table. Agents run the risk of being considered sell-outs—or simply being dismissed if they do not seem to be demanding enough of the other side.
5. **Clear up any conflicts of interest.** Even the most trustworthy agent can find her/himself pursuing a personal agenda at odds with the interests of constituents.
6. **Understand the inside game/outside game aspect of many negotiations.** Since many important decisions involve conflicts among sides and within them as well, many negotiations present opportunities to create cross-cutting coalitions that join subgroups on one side with a like-minded subgroup on the other.

agreements that do not serve the range of interests at the table.

Final Thoughts: You as the Negotiator

Working out differences and coming to joint decisions are essential skills in any democracy. Big changes in the world make it important that we all work to understand negotiation more thoroughly and become the very best negotiators we

How do culture, gender, and other identity-group differences influence negotiation? Diversity can be mostly a boon or mostly a burden (if mishandled), but most observers agree it should be recognized, respected, and managed.

can.

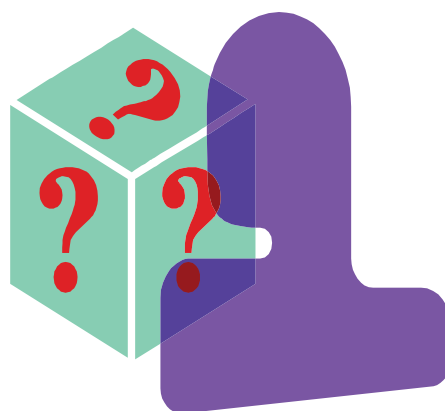
While familiarity with key concepts can help, there is obviously no substitute for experience. Most valuable of all, we find, is practicing these ideas with access to constructive but critical feedback—people with whom to debrief your experiences, people who will comment on what was or was not effective about your approach, people who will acknowledge your strengths while being candid about things you can work on.

In this introduction, we have worked on types of negotiation, situations in which negotiating may or may not be appropriate, ways to think about issues and process, and special dilemmas associated with negotiating on behalf of others (or having others negotiate on your behalf). But there are many other important topics worth learning about, such as:

- *Diversity*: How do culture, gender, and other identity-group differences influence negotiation? Significant work is being done on this question, drawing on negotiation and conflict resolution experiences around the world, though much more reflection and discussion

are needed. Diversity can be mostly a boon or mostly a burden (if mishandled), but most agree it should be recognized, respected, and managed. See below, together with links on our website, for some starting points.

- *Ethics*: Beyond the ground rules agreed upon by parties in negotiation, are there certain do's and don'ts that every negotiator should observe?



Experience suggests that many do's and don'ts really do depend on the particulars of each situation—or so-called *situational ethics*—but community norms, broad ethical standards, professional standards for mediators, and a host of critical reflections (see below and the website) are available as guides. Ethical reflection and standards are particularly important for dealing with misrepresentation, bluffing, falsification, deception, and extremes of “selective disclosure” (purposely omitting key information although you have not provided false information).

- *Facilitators*: our discussion of third-party facilitators barely scratched the surface of this important and rapidly evolving area, which includes mediation, arbitration, and other roles and skill sets. See below and the website, plus the linked tool in this series, “Working the Middle: Roles and Challenges of Intermediaries,” which discusses a variety of go-between functions *beyond* process facilitation, as well as special challenges that go-betweens face in community problem-solving.□

Readings and Resources

The literature on negotiation, dispute resolution, mediation, consensus building, persuasion, and related topics is huge and expanding by the minute. Below I have listed only those items that I know to be rich, candid, helpful, and accessible. Most of these I have used for years in my own courses and training sessions, and more than a few were written by colleagues whose work I know in detail.

Where appropriate, I have indicated a few resources that are more advanced or research-oriented, but most of these below offer practical advice and discussion. In addition to the books, articles, and guides listed, more and more resources for learning are available free, in whole or in excerpt, on-line. See our website for the most up-to-date listing of key resources, clearinghouses, on-line peer learning exchanges, journals, and more.

1. Negotiation: Overviews

The classic and still, to my mind, the most accessible introduction to principled negotiation is Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In* (New York: Penguin Books, 1981, 2nd edition 1991). A more in-depth overview, which covers a variety of practice ideas but also research findings, is Roy Lewicki, David Saunders, and John Minton, *Essentials of Negotiation* (Chicago: Irwin, 1994). And see varied

Most valuable of all, we find, is practicing these ideas with access to constructive but critical feedback—people with whom to debrief your experiences.

LEARNING MORE

To learn about other topics that relate to negotiation, check out these strategy tools in our series, available at www.community-problem-solving.net:

Planning Together: How (and How Not) to Engage Stakeholders in Charting a Course. Many negotiations in community problem-solving emerge from, or quickly require, efforts to more carefully analyze problems and generate options for action—"plan"—while expanding stakeholder participation. This is true for practical reasons of wanting more and better ideas and for legitimacy reasons as well—wanting a meaningful community mandate. Learn more about the often unspoken expectations and competing objectives that drive participatory planning and decision-making and sometimes undermine it. Learn more about the strategies and tactics needed to "participate" stakeholders more effectively.

Organizing Stakeholders, Building Movement, Setting the Agenda. Civic organizing—the process of bringing people and institutions together to effect change—is one of the most fundamental elements of problem-solving in a democratic society. It's also one of the most misunderstood. Because change doesn't define or sell itself, organizing is crucial for motivating, building capacity for, and, perhaps most importantly, creating a constituency for change.

Perfect Fit or Shotgun Marriage: The Power and Pitfalls in Partnerships. The concept of "partnership" as a mechanism for pooling resources to get things done is almost as old as recorded history—and so is the need to negotiate in order to make partnerships successful. Useful partners may bring money, materials, expertise, reputation, relationships, and more to help us achieve things that matter to us—and, ideally, to them as well. Unfortunately, much available guidance on partnering either celebrates more than it clarifies or focuses on just a small part of the landscape. Learn more about the strategies and tactics needed to determine whether partnering is an appropriate strategy and, if so, how to build partnerships that work.

subtopics in *Negotiation Theory and Practice*, edited by J. William Breslin and Jeffrey Z. Rubin (Cambridge, MA: Program on Negotiation Books, Harvard Law School, 1991), plus the *Negotiation Journal* published by the Program on Negotiation at Harvard Law School.

The psychology of negotiation, including cognitive and emotional dynamics that become crucial in the process of negotiating, are discussed very helpfully in Max Bazerman and Margaret Neale, *Negotiating Rationally* (New York: Free Press, 1993). Also see: Roy J. Lewicki and Carolyn Wiethoff, "Trust, Trust Development, and Trust Repair," in *The Handbook of Conflict Resolution: Theory and Practice*, M. Deutsch and P. Coleman, editors (San Francisco: Jossey-Bass, 1996); and Keith G. Allred, "Anger and Retaliation in Conflict" in the same volume.

For an excellent discussion of decision analysis, ethics, and other issues in negotiation, see Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, MA: Harvard University Press, 1982).

2. Conflict Resolution

On theory and practice of conflict resolution specifically, see: Morton Deutsch and Peter T. Coleman, editors, *The Handbook of Conflict Resolution* (San

Francisco: Jossey-Bass, 2000); and Dean Pruitt and Jeffrey Rubin, *Social Conflict: Escalation, Stalemate, and Settlement* (New York: Random House, 1986).

3. Public Dispute Resolution and Consensus Building

Much negotiation theory and practice was developed in the context of business transactions, alternatives to litigation, or highly formal diplomatic settings. For discussions of agreement-

seeking in the context of domestic politics and public decision-making, see: Lawrence Susskind and Jeffrey Cruikshank, *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes* (New York: Basic Books, 1987); *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*, edited by Lawrence Susskind, Sarah McKearnan, and Jennifer Thomas-Larmer of the Consensus Building Institute (Thousand Oaks, CA: Sage, 1999); and various publications of the Harvard/MIT Public Disputes Program.

For an insightful discussion of "modified consensus" and informal dynamics in community politics, see: Howell Baum, "Consensus Decision Making" in his *The Organization of Hope: Communities Planning Themselves* (Albany, NY: SUNY Press, 1997); and Richard S. Bolan, "Community Decision Behavior: The Culture of Planning," *Journal of the American Institute of Planners*, 1969, vol. 35(5), pp. 301-310.

4. Negotiation in Organizations

Negotiating within and across hierarchies, along with other dimensions of organizational bargaining, presents special opportunities and challenges. See David Lax and James Sebenius, *The Manager as Negotiator* (New York: Basic Books, 1986). The book also offers an excellent discussion of coalitional dynamics and multi-level negotiations.

5. Negotiating on Behalf of Others

On being an agent (or being represented by one), see: Roger Fisher, "Negotiating Inside Out," *Negotiation Journal*, January, 1989, pp. 33-41; and *Negotiating on Behalf of Others: Advice to Lawyers, Business Executives, Sports Agents, and Everybody Else*, edited by Robert Mnookin, Lawrence Susskind, and Pacey Foster (Thousand Oaks, CA: Sage, 1999).

6. Managing Process: Mediators and Other Facilitators

An excellent overview of mediation is Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd edition (San Francisco: Jossey-Bass, 1996). For more of a handbook of tactical advice, see Jennifer Beer and Eileen Stief,



The Mediator's Handbook, 3rd edition (British Columbia, Canada: New Society, 1997). On community mediation specifically, see history at links at the National Center for Community Mediation's website.

On facilitating group process, see: Sam Kaner et al., *Facilitator's Guide to Participatory Decision-making* (British Columbia, Canada: New Society, 1996); Roger Schwarz, *The Skilled Facilitator: Practical Wisdom for Developing Effective Groups* (San Francisco: Jossey-Bass, 1994); and a useful discussion of conveners and process stages in Barbara Gray, *Collaborating: Finding Common Ground for Multi-Party Problems* (San Francisco: Jossey-Bass, 1989).

7. Creativity in Groups

See James L. Adams, "Groups and Organizations," In *Conceptual Blockbusting: A Guide to Better Ideas* (Reading, Massachusetts: Addison-Wesley, 1986).

8. Persuasion, Power and Style

See principles and practices in Michael Watkins, "The Power to Persuade" (Boston: Harvard Business School Publishing, 2000); Robert Cialdini, *Influence: The Psychology of Persuasion* (New York: Quill, 1984); and James Price Dillard and Michael Pfau, editors, *The Persuasion Handbook* (Thousand Oaks, CA: Sage, 2002). A variety of other books are available on persuasion theory and research, including the conveniently titled *Persuasion: Theory and Research*, by Daniel O'Keefe (Thousand Oaks, CA: Sage, 2002).

On group dynamics that affect influence in negotiation, see Deborah Tannen, "The Power of Talk: Who Gets Heard and Why," in *Negotiation*, Roy Lewicki, David Saunders, and John Minton, editors (Boston: Irwin/McGraw-Hill, 1999).

A variety of strategic and tactical topics are discussed in detail in negotiation practice notes, such as: George Wu, "Anchoring and First Offers in Negotiation" (Boston: Harvard Business School Publishing, 1995); Michael Watkins and Susan Rosegrant, "Sources of Power in Coalition Building," *Negotiation Journal*, January 1996, pp. 47-68; and James K.

Got ideas?

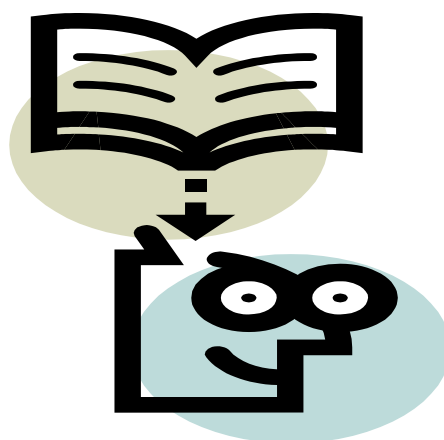
Send us your feedback on the content of this tool—or any and all ideas you would like to share on taking action to make a difference in communities:

feedback@community-problem-solving.net

Sebenius, "Sequencing to Build Coalitions: With Whom Should I Talk First?" *Wise Choices: Decisions, Games, and Negotiations*, Richard Zeckhauser, et al, editors (Boston: Harvard Business School Press, 1996).

9. Gender

See Deborah Kolb and Judith Williams, *The Shadow Negotiation: How Women Can Master the Hidden Agendas that Determine Bargaining Success* (New



York: Simon & Schuster, 2000).

10. Culture and Ethnic Diversity

An excellent critical discussion of this topic, including historical references and a research review, is in Robert J. Janosik, "Rethinking the Culture-Negotiation Link," pp.235-245 in *Negotiation Theory and Practice*, J. William Breslin and Jeffrey Z. Rubin, eds. (Cambridge, MA: Program on Negotiation Books, Harvard Law School, 1991). Also see Kevin Avruch, *Culture and Conflict Resolution* (Washington, DC: U.S. Institute of Peace, 1998). There is also a chapter on "culture and conflict" in *The Handbook of Conflict Resolution*.

On communication styles and power in cross-cultural civic process, see: Xavier de Souza Briggs, "Doing Democracy Up Close: Culture, Power and Communication in Community Building," *Journal of Planning Education and Research*, 1998, vol. 18, pp.1-13; and Caroline S. Tauxe, "Marginalizing Public Participation in Local Planning: An Ethnographic Account," *Journal of the American Planning Association*, 1995, vol.61(4), pp. 471-481.

Xavier de Souza Briggs
Associate Professor of Sociology + Urban Planning
and Director
The Community Problem-Solving Project @ MIT
Massachusetts Institute of Technology
Department of Urban Studies and Planning
77 Massachusetts Avenue, Room 9-521
Cambridge, Massachusetts 02139 U.S.A.

feedback@community-problem-solving.net

Thank you's. Generous colleagues and friends of the Project provided helpful feedback on these ideas in various stages of development, including Brian Mandell and Larry Susskind, or served as my teachers and guides over the years, including Howard Raiffa, Jim Sebenius, and Michael Watkins. In addition, I want to thank the students who took my "Negotiation and Community Building" graduate courses over the past few years, as well as practitioners from around the world who came in for training sessions (professional education) at Harvard, for inspiring many of these ideas and helping me to sharpen them. All errors are mine alone.



www.community-problem-solving.net
Strategy for a changing world.