

NOTES ON DEALING WITH AN AGGRESSIVE COMPETITIVE NEGOTIATOR

(Especially If You Are Cooperative)¹

1994 Professor Mary Rowe— Cambridge, MA 02139

A) Plan and Prepare²

Prepare to protect your interests: Do the standard analysis of the interests, options and sources of power for each actor. But in the special case of negotiating with an ACN, spend extra time on your own interests, options and sources of power. Remember that thorough-going cooperatives may unthinkingly try to maintain relationships even at high cost. *If you know yourself to be very sensitive to relationships, think through what you will and will not give up for the sake of “relationship.”* If you know that the Other is aggressive and competitive, think through your interests and resolve not to give in on important tangible interests without at least allowing yourself some period of time to reflect. There are many tactics that will help you do this. Build in another person you will have to go back to, for confirmation of any proposals. Resolve that you will monitor yourself for any inner voice that says “O is getting angry,” and prepare to deal with your discomfort about O’s anger. Mentally practice how to say, “I will have to get back to you later.” Catch yourself if you imagine yourself inappropriately explaining or apologizing or backing off or complaining. Be prepared for O to be hostile or to make hostile statements. Look as well for the possibility that O might be very sweet just before making egregious demands.

Prepare emotionally and logistically, to endure, if you are forced into it, a ritual of testing and intimidation and of slow, penny-by-penny bargaining by O — *prepare to resist and move slowly all the way* — if that finally proves to be the only option that is available. Think through carefully how you might appear to O — for example if you make a unilateral concession you may immediately be perceived as weak and vulnerable. Go in with your facts and points all written. Prepare to write down everything that O says — and prepare to maintain your doubts about O’s facts until you have checked them. *Do not assume that O’s demands are good faith demands.* Remind yourself explicitly about the tactics that

¹These notes owe much to Professor Gerald Williams of Provo, Utah, and to Professor Robert McKersie of MIT.

²If you somehow find yourself in an important negotiation with an aggressive competitive negotiator and you are not prepared, try to do whatever you have to do to make time to prepare.

characterize distributive strategy, and *look* for them — prepare to look for distributive tactics, look for them while you are negotiating and review each round of negotiations afterwards with this analysis in mind.

Prepare a good BATNA. *It is likely that no other source of power in dealing with an ACN will mean as much to you as a good fall-back position.*

Prepare to negotiate the negotiation: As you prepare, try hard to think out ahead of time what principles you would like to negotiate first, on the basis of which you might resolve any outstanding disputes. Even though you will be negotiating with an ACN, if you wish to give it a try, prepare to try for an integrative or mixed motive strategy. Prepare to discuss with O — before the negotiation starts — the type of negotiation the two of you prefer. Present a plan to brainstorm options, to appeal to principle, to talk about interests rather than positions. Prepare to “name” O’s ACN style and to ask O to be more integrative. Prepare to discuss — and appeal to the possibility of — a long-term relationship. Illustrate what the relationship might mean to both of you. Do not give up easily on introducing integrative elements like enlarging the pie. But — as above — be prepared for the possibility that this will not work out easily.

Prepare for when you might refuse to negotiate: It may help to prepare to try to distinguish ACN’s from negotiators who are just insufferably obnoxious. Remember that people who are truly insufferably obnoxious are almost always unprepared³. *So — as always — you must yourself first prepare on the facts with great care. Do the standard analysis of interests, options, sources of power for each actor.* Prepare what you can imagine of O’s probable strategy. If you are very well prepared and detect an O who is obnoxious and unprepared — then do not try to negotiate immediately. Just keep the lines of communication open until O is ready to deal — politely, continually, make it clear that you will be ready when O is ready. (Once in a while with an O like this, you can in effect do the preparation for both sides by offering facts and figures on which to base the negotiation. Moreover you may wish to work hard on this possibility since if it works it will be your figures and facts that set the stage).

If you think that an ACN may not negotiate in good faith — prepare how you will decide about walking away. If you think you may be personally threatened or that an ACN may seriously attempt to humiliate you — prepare how you will decide about walking away and how you will actually do it.

³ This delightful concept comes from Professor Gerald Williams.

B) Negotiating with an ACN

Be reasonably formal and respectful — not cold — but respectful.

Name at least some of O's true interests as you understand them and acknowledge them.

If possible sit side by side, together addressing some representation of The Problem — on paper on the table in front of both of you — “How can we work together to find a solution to this problem?”

If possible start first by naming any obviously reasonable areas of joint gains.

Until the moment you stop negotiating, make yourself believe in the possibility of a good solution — many people have been misled to think it is not possible, in dealing with an ACN to find a good solution. It is easy thereby to make the mistake of falling into avoidance or fights or inefficient solutions.

Repeat O's statements back to O, to gain time to think and to slow things down. If your mind goes blank, repeat reflectively what O just said — pause — and put up your hand in a gentle “stop” mode.

Refuse deadlines or restructure deadlines in any way that you can.

Demur — or say you may demur — “What you say could be correct, but some people might raise the following problem...”

Ask factual questions — and keep gently probing about what lies behind opinions (ask for facts) and positions (ask for underlying interests). If you are unconvinced about something keep asking “Why?” or “Why not?”

Maintain an attitude of very polite doubt. Write down any purported facts that O gives you and verify or disaffirm them — “Of course you would expect me to be checking this out carefully on my own.”

Say “I might be wrong, but.....” — then name the problems you have with O's point of view or facts.

Keep reasonable control of the air time when it is your turn — “Please let me finish.” If necessary talk right through O's interrupting you. If necessary stand up.

Interrupt any ascending demands made by O, especially if they assume a drum-beat quality. Go back to the first demand, temporarily ignoring later ones, and address the first one. If there is name-calling or rudeness, interrupt it. (Spill a water glass. Drop your briefcase on the table or bang the table loudly — once). If O becomes extraordinarily unprofessional refuse to negotiate until a later time.

You can save face while doing this by adjourning “until we both have the facts (or authorization) we need.”

Never meet hostility with hostility except in physical self-protection. Remember that perceived humiliation is the parent of destructive behavior — no one needs an ACN who is seeking revenge.

If O’s behavior looks like a long detailed tirade, and you simply must keep on good terms with O at that moment, you could try saying absolutely nothing. Take careful notes with an alert, cool, interested demeanor — but do not nod or affirm. Then as soon as you can do so, ask detailed and specific questions — starting if possible with O’s earliest points or basic assumptions — and do not get pulled too early into talking about O’s final points.

Except when abruptly interrupting a tirade, you can try speaking very quietly and formally. Sit or stand in a quiet, peaceful, formal way. Some ACN’s will not be able to maintain a shouting demeanor if you are very quiet and serene. Moreover a generally quiet mode will make any interruptions you do decide to make all the more telling.

If you yourself need to threaten, use reverse (inverted) threats: “We would not want this discussion to come to the point where I would have to break it off, but...”

If O baldly commits to an unacceptable “position,” consider naming the use of commitment as a source of power. Politely explain the nature of the use of commitment — and repeat the substance of the commitment or threat — politely and reflectively, as if of course O might not wish actually to be taken seriously on this point.

Or, alternatively, you can simply and completely ignore O’s unacceptable position as if this “commitment” had never been made. If you do this, do not be pointed or uncivil. Just ignore the commitment.

If you finally do have to undo a commitment to an unacceptable position that you have made or that O has made, make an appeal to new facts or new laws, or changing circumstances or a new higher authority who now must be consulted — *work very hard in this situation to save face both for O and for yourself.*

Be absolutely straight and truthful about the facts — tell the truth even if it is not prudent to tell the whole truth. Be credible. Talk about fairness and respect and explicitly keep open the possibility of a long-term relationship. (Don’t say “trust me...”) And — even under great pressure — be fair and trustworthy and scrupulously respectful yourself — and worthy of a long-term relationship.

Be prepared for the possibility that an ACN will suddenly become reasonable, pleasant and respectful. An honorable and effective ACN does not necessarily always behave aggressively and may change behavior in a remarkable fashion after coming to respect and trust you.