

LE TEMPS

Roger Fisher – The man who decoded negotiation (*)

A great man passed away on August 25th, 2012. This Professor of Law at Harvard University truly deserves being called a "great man" because he revolutionized a discipline which is nowadays more and more important: negotiating.

In the past and to some extent still today our understanding of negotiation was mainly characterized by a received idea and a ritual. According to the received idea, negotiating is an art which only some gifted people master and which can't be learned or trained. The ritual consist in taking a position and to put the people on the other side of the table under pressure in order to let them giving in. Thanks to their research which started in the seventies in the framework of the Harvard Negotiation Project, Roger Fisher and his team could demonstrate that the received idea is wrong and the ritual counterproductive.

Their main contribution consisted in identifying and describing in lay language the mechanisms which explain what happen during a negotiation. They brilliantly showed that negotiating is not something aleatory, but a process that is governed by mechanisms which in general always produce the same effects. We nowadays know, therefore, what needs to be done in order to end up with a winner-loser result (whereas doing those things often leads to lose-lose outcome!) –and we know what needs to be done in order to have a good chance of reaching an agreement which fulfils the interests of both parties.

On this basis, Roger Fisher and his team have developed a so-called "principled" strategy allowing to increase the efficiency and quality of negotiating. This strategy is the opposite of most people intuitively do! Instead of taking a position – which actually means that the individual taking it pretends knowing the result the negotiation should end up with before even starting it! – one should rather explore the respective interests of the parties (i.e., their underlying needs which should be fulfilled by the result of the negotiation), and then jointly try to develop solutions that would match the interests on both sides. Instead of putting the other party under pressure (e.g. by threatening or humbling them), one should disentangle substance and relationship – and deal with both differently: one should be hard on the substance, in order not to sacrifice one's own legitimate interests; but one should communicate and behave with the people sitting on the other side of the table, in a way that is unconditionally correct, decent and respectful. Instead of defining arbitrarily at the start a limit that one shall never exceed (a "bottom line" for instance), one should develop for oneself a walk-away alternative which one can implement without having to ask for the approval of the other party – and which one will definitely implement if, in spite of constructive efforts, nothing indicates that the negotiation might succeed. (To know more about this, read the book "Getting to Yes – Negotiating Agreement Without Giving In").

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The negotiations that we hear the most about are usually those that run into difficulties or fail outrightly. Strike movements and street protests are simply more spectacular than negotiations which are maybe tough, but are being conducted constructively and without making much noise, and lead to an agreement which both parties can truly adhere to. When labor unions and employers engage in collective bargaining without attacking one another in the media; when family conflicts are being resolved without leaving behind wounds that remain open for years; when clients and suppliers develop relationships which are sustainable on a longer term basis because they are mutually beneficial, it is safe to assume that the parties (consciously or unconsciously) drew inspiration from the negotiation strategy which Roger Fisher and his team conceptualized in Harvard.

Roger Fisher was not one of those academicians who never left their ivory tower. He put his ideas to the test and proved their effectiveness. For instance, he supported Jimmy Carter during the mediation that took place successfully in Camp David between Egypt and Israel in 1978; and he helped start the negotiations which were conducted in 1990 – 1993 by the de Klerk government, the governing National Party and the African National Congress to put an end to apartheid.

One of the most significant developments in the world is the huge growth of mutual dependencies. Now: you cannot talk about interdependency without talking about cooperation and conflicts; and then again: you can't talk about cooperation and conflicts, without talking about negotiation. Considering that Roger Fisher stood at the forefront of the research effort that led to the decoding of the negotiation "clockwork", and to the development of a superior cooperation and conflict management strategy, he is one of those great men who – like Jean Monnet, the "father" of the European Union – did the most in the world to promote constructive cooperation instead of destructive confrontation.

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