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## Book Review: Getting to Yes: Negotiating Agreement without Giving in

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### INTRODUCTION

Roger Fisher was the Samuel Williston Professor of Law Emeritus, Head of the Harvard Negotiation Project, and the founder of two consulting organizations committed to strategic advice and negotiation training. William Ury is an American author and the world's leading negotiation specialist. Ury is the co-founder of Harvard's Program on Negotiation, which aims at improving the practices regarding dispute resolution and Negotiation. Ury received his B.A. from Yale and a Ph.D. in Anthropology from Harvard. The term BATNA, i.e., "Best Alternative to a Negotiated Agreement" was firstly propounded by the authors.<sup>1</sup>BATNA is all about creating backup plans when all ideas fizzle. But not every time, our best expectations to discover agreement will fundamentally work out as intended.

### INTRODUCTION TO THE BOOK

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<sup>1</sup> 'Getting To Yes (Book Review & Summary)' (*Negotiation Experts*, 14 December 2020)  
<<https://www.negotiations.com/articles/getting-to-yes-book-review/>> accessed 11 February 2022

In the text, Ury and Fisher propound four principles of effective principled negotiation, i.e., “separating people from the problem, focusing on interests rather than positions, mutual options for mutual gain, and insisting that the agreement be based on objective criteria.” The authors also discussed three obstacles to Negotiation and approaches to overcome the same. Fisher and Ury clarify that a decent agreement is insightful and productive, which improves the party's relationship. Wise agreements are those which save parties’ interests and are reasonable and enduring in nature. While writing the book, the authors aimed at developing a method that can help in generating decent agreements. The problem uncovers the situation where the parties to the dispute engage in pointless and disenthralled tussle over settled in positions during the Negotiation Process. Numerous deals get collapsed on the grounds that the parties couldn’t see or appreciate the big picture. In that capacity, the parties failed to acknowledge the master plan. The members zeroed in a lot on winning as opposed to making a commonly productive agreement.

## **THE METHOD PRINCIPLED NEGOTIATION IN BRIEF**

The authors stimulate the readers to separate individuals from the problem in the initial phase, and the same can be accomplished by shifting focus on interests rather than positions. The authors then urged readers to develop alternatives for the shared gain. Eventually, the “Objective Criteria” should be stressed upon for setting up standards, practically. The idea developed in the book is as follows:

- **Separate the People from the Problem**

The problem cannot be tackled when individuals misconstrue each other and interactions spin out of control. Separating the people from the problem does not mean that the parties should only focus on the dispute and forget about their feelings, opinions, and unique background. Rather, the parties should diligently deal with both at the same time. We as a whole see our reality in an unexpected way. Accordingly, we regularly take extraordinary, if not restricting, perspectives when taking care of an issue or dispute with someone else. In doing as such, we frequently give pretty much nothing or any respect to the next individual's viewpoint. This is a

thin way to deal with critical thinking and is frequently a formula for conflict and disaster. The authors propose two types of interests, which can be seen in parties to the Negotiation. Firstly, when the parties talk about their interests; secondly, when the relational connection of the parties to the Negotiation is stressed upon. The issue arises when this co-operation becomes weaved with the contention, which needed to be addressed. The individual's issue is viewed as originating from three fundamental classes; "Perception, Emotion, and Communication"<sup>2</sup>. By examining the issue further, we can address the contention from the practical point of view. We can likewise build up more apparent comprehension of the two sides regarding positions. We can achieve it by concentrating on the latent interests.

- **Focus on Interests, Not Positions**

One can end the issue by contending that the position should not be focused on because the resulting agreement seldom works. It takes nothing to identify the position, and it is more likely to bring about clashes between the parties. The underlying interests are usually latent and reconciling interests in a dispute works for both parties. The question we generally ask is What do you need? The more significant question that we neglect to pose rather is Why do you need this? Every position comes with a purpose and hence, it's important to know the genuine persuading reason about the position in order to address the issue concerned, practically. Otherwise, it becomes very hard to see the problem in the picture. According to the authors, our most important interests are related to essential human needs. These requirements incorporate our "Security, Economic prosperity, Sense of having a place, Recognition, and authority over one's life". The authors bring up that these key needs don't simply identify with people. Rather, these necessities ought to likewise be reached out to any gathering associated with the Negotiation process. One needs to recognize its interests as well as, maybe considerably more critically, the other party's Interests too. By dynamic communication, both sides can increase a superior comprehension of one another's interests. the dispute can be resolved only when the scope of the problem is identified correctly.

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<sup>2</sup> *Ibid*

- **Mutual Options for Mutual Gain**

The authors call attention to that although individuals succeed in identifying the issue during the process it's a human tendency to think that our view is right. This view is also correct that not everyone can be innovative in creating options to adequately tackle the problem. According to the authors, there are three obstacles that we should initially survive i.e., "Premature judgment, searching for the single answer, the assumption of the fixed pie and, thinking that solving their issue is their issue". The authors recommend that firstly, the parties should look for their options. Then, the next step is to discuss the contention together and find a middle ground for both parties. In the method of principled negotiation, the negotiators spend more time in finding and analyzing the available options and opt for the best option<sup>3</sup>. Fisher and Ury keep up with the idea of the possibility to find understanding through differences and this can be done by proposing alternatives or asking for their preferences that are worthy for both parties.

- **Insist on Using Objective Criteria**

In the last stage, Fisher and Ury again stress that we should avoid the entanglement of getting into a clash of wills. Rather, the authors state that we should Negotiate based on using objective criteria. The objective criteria is a fair way to settle the dispute in an independent standard manner<sup>4</sup>. Also, Fisher and Ury suggest in the book<sup>5</sup> that one should not be timid if there is a need for asking an expert's guidance. As per the authors, there are three fundamental things which should be remembered; firstly, that the issue should be framed to find objective criteria, mutually; secondly, one should be reasonable about standards; and thirdly, one must not get pressurized during the negotiation process. Indeed, before agreeing on certain norms, it is important to get well versed with the terms and their applicability of the negotiated agreement. At last, the authors suggest, that do not get hindered exclusively by the

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<sup>3</sup> Katie Shonk, 'Principled Negotiation: Focus on Interests to Create Value' (*Program On Negotiation Harvard Law School*, 31 January 2022) <<https://www.pon.harvard.edu/daily/negotiation-skills-daily/principled-negotiation-focus-interests-create-value/?amp>> accessed on 12 February 2022

<sup>4</sup> *Ibid*

<sup>5</sup> Roger Fisher and William Ury, "The Method" (Bruce Patton), *Getting To Yes: Negotiating Agreement Without Giving In* (Random House Business Books 1991)

organization's terms and conditions because most of them are followed by some exceptions, and hence, they are negotiable.

## CONCLUSION

Getting to YES is more of a theory that at points overlooks the practical aspects of the disputes where the positional or adversarial negotiation becomes necessary in context. Moreover, the authors have written the book in a way that it emphasizes some limited disputes, where the interests of the parties are generally compatible with each other. In this way, if we look into the practical instances, this cannot be possible in every dispute. Eventually, it can be said that the idea developed in the book i.e., Principled Negotiation, failed to emphasize the scenario where the interests of parties to the dispute are opposed entirely and it makes the readers assume that all the conflicts and interests are reconcilable. Interests are wide of two types, i.e., Objective and Subjective. Getting to YES doesn't provide a clear distinction between the two. Notwithstanding, it can be said that all the methods of negotiation are not exclusive. It is important, where the situation requires, to use or utilize a combination of negotiation methods. It is an elegant book and good for students who are interested in knowing about the fundamentals of negotiation and its practice. Needless to say, everyone wants to Negotiate in the most ideal way. In any case, one needs to keep in mind that there are more important concerns that are lined up and need attention than our interests. Focusing on the latent interests is the key to resolving most of the conflicts. Moreover, we can make strong connections by finding commonly innovative and helpful solutions.