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Practical negotiation behaviour

Doing it better — behaviour indicia of superior negotiators

Part 2

Patrick Cavanagh

This is the second and concluding part of an earlier article examining the behaviour patterns of 'superior' negotiators. A 'superior negotiator' is defined as an individual who consistently achieves better results than their opposing or comparative party. This article is an examination of empirical surveys conducted by Neil Rackham and his writings on this topic.¹ Rackham compared the behaviour of 102 labour negotiators and isolated a series of distinct behavioural activities that were utilised by superior negotiators. Part 1 of the article (which appeared in (2001) 4(10) ADR at 141) commented on the behaviour of these negotiators in the pre-negotiation stage and identified five distinct behaviour patterns. This second and concluding part of that article comments on Rackham's further finding of eight behavioural characteristics, both during the actual negotiations, and at the conclusion of the negotiation.

**Face-to-face
negotiation conduct**

Mr Bond said I was being a 'f—

vindictive c—' and kicked a four-tiered tray off my desk. He said he would sue me and the newspaper, claiming 'I will make you personally responsible for not voting for the composition and [that he] would ensure I would lose my house in the resulting legal action.'²

For most parties this direct and personal contact with the opposing party is seen as being the totality of the negotiation process rather than simply the middle stage, which presents its own dynamics. The success or failure of this middle stage is to a large degree dependent on the levels of expertise demonstrated by the individuals. These levels of expertise are derived from personal attributes and conditioned by experience. Success or failure may also be determined by an individual's ability to predict standard obstacles and the choices they make from assorted resolution options in the negotiation process.

What the research indicated

Rackham identified seven behaviours exhibited by superior negotiators during the face-to-face negotiating stage. Superior negotiators:

- 1) Make fewer immediate counter proposals.
- 2) Are less likely to describe their offers in glowingly positive terms.
- 3) Avoid defend-attack cycles.
- 4) Use behaviour labelling, except when disagreeing.
- 5) Ask more questions, especially to test understanding.
- 6) 'Summarise' concisely the progress made in the negotiation.
- 7) Do not use weak arguments when attempting to persuade a party to agree.

1. Superior negotiators make fewer immediate counter proposals

An essential element in any successful negotiation is the expectation by one party that reciprocity will be demonstrated by the opposing party. Failure to reciprocate, in terms of granting benefits or withdrawing detriments, is a leading cause of failure in negotiation. A party that fails to move in response to movement from the opposing party will be labelled as 'difficult' and/or 'intransigent' and the negotiation may both fail and



confirm the negative stereotypes of the opposing party. The reality for negotiators is that every party moves from their opening position: the issue is when to move. The object in the opening of the face-to-face stage in any negotiation is two-fold:

- 1) To ensure the opposing party stays at the table and by doing so invests time in the process. The more time a party invests in the negotiation the more reluctant they are to walk away.
- 2) To allow the other party to talk. This always leads to a disclosure of information on interests and positions and allows one party to analyse the communication styles and skill level of the opposing party.

The immediate offering of counter-proposals destroys the advantages and information following from the above objects. By letting the opposing parties talk, at length if necessary, the superior negotiator obtains strategic and personal information that can be capitalised on when counter proposals are made.

2. Superior negotiators are less likely to describe their offers in glowingly positive terms

Every negotiator is a salesperson. Their job requires them to persuade the opposing party that their preferred solution is better than the one being advanced by the other side. The question is: what methods do superior salespeople/negotiators use to assist in this persuasion process? One essential method is an aversion to 'over-selling'. Over-selling occurs when the seller attempts to over-emphasise the benefits of their offer in exaggerated terms. This is characterised by the use of colourful, adjectival words or phrases such as 'best offer', 'great deal', 'generous', 'today only', and 'won't be repeated'. Superior salespeople avoid such stereotypical conduct as it rarely works to influence others and often works to create doubt as to the value of the offer.

Superior salespeople are aware that their credibility increases when they outline not only the advantages, but also the disadvantages, in their proposal. This identification of the downside

to any deal increases their personal credibility. Superior negotiators present both sides of the offer, they don't oversell.

3. Superior negotiators avoid defend-attack cycles

Average negotiators respond instinctively to positions advanced by opposing parties. These attacks are usually negative with an emphasis on the nature of the offer and the offeror. This behaviour ignores the benefits of a negotiator being perceived as reasonable, flexible and understanding the concerns and views of the opposing party. It is not necessary to agree or share the opposing view. Refusing to accept any criticism of a position and seeing no benefit in an opposing party's proposal is a sure-fire way to ensure a negotiation will be short lived and unsuccessful. The resultant on-costs can be attributed to average negotiators adopting this standard response.

4. Superior negotiators use behaviour labelling, except when disagreeing

Superior negotiators recognise that the negotiation process is predictable. Most parties follow a standard routine of extreme offers, counter offers, arguments in favour, arguments against, compromise and eventual settlement. During this routine there will be personal attacks, real or feigned anger, disagreements between team members, claims of and lack of authority, threats, walkouts, last offers and time constraints, both real and imagined. Superior negotiators are adept at identifying and labelling this behaviour. This ability demonstrates expertise to all parties. It also indicates that such behaviour is totally normal and can be resolved by the adoption of standard strategies or, if continued, will result in the failure of the process.

Rackham also identified that superior negotiators outline and clarify the reasons for disagreement, rather than simply identifying a position as 'extreme', 'blue sky' or a 'wish list'. When disagreeing it is important to outline rationally the reasons behind the objection and explain how the current obstacles may be overcome.

5. Superior negotiators ask more questions, especially to test understanding

The secret to negotiation success is information. The more you possess, the better the result. Average negotiators invest the majority of their time in debating, defending, attacking, threatening and compromising. Superior negotiators disclose little by constantly asking questions – the right sort of questions. The questions that they ask require a comprehensive reply rather than just a monosyllabic ‘yes’ or ‘no’. Superior negotiators are experts in the communication process and utilise these open questions to obtain information from their opponents. They listen hard, summarise the response and ask for confirmation as to whether their perception is correct. Asking the right type of question and ascertaining its correct perception, coupled with a reluctance to offer additional information at the early stages of the face-to-face negotiation, is crucial to success as a negotiator.

6. Superior negotiators summarise concisely the progress made in the negotiation

Superior negotiators know that at some stage the majority of negotiations reach an impasse. This often occurs after a series of offers and counter-offers have been exchanged or, most frustratingly, just as a possible resolution appears possible. The standard response from average negotiators is either to threaten the opposing party with dire consequences or to retreat to a standard mantra of the inherent advantages of their entrenched position. Superior negotiators, either at this point of impasse or prior to the adjournment to a fixed date for the continuation of the negotiation process, consistently summarise the progress made to date, isolate the contentious issues and confirm what each party will do prior to the recommencement to deal with outstanding issues.

Identifying progress made confirms the advantages of the process. Having each party identify the advantages of

the process avoids unilateral actions that may reduce the advantages of the negotiation process. These advantages include the ability to deal directly with authority figures from the other side, obtaining first-hand information, assessing the future credibility of potential witnesses and the creation of further settlement options to meet the identified interests and needs of the opposing party.

7. Superior negotiators do not use weak arguments when attempting to persuade a party to agree

Superior negotiators are excellent salespeople – they are aware that each

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individual responds differently to different arguments. What works for one individual may not necessarily work for another. Commercial negotiators usually have a bias towards a rational cost/benefit analysis of any proposal. This works well for those disposed towards an economic-rational view of any issue. However, not all negotiators view the world in such rationalistic cost/benefit terms. Indeed, some commercial negotiators have the desire to punish parties for past conduct, and this desire may outweigh a rationalistic approach. The need for satisfaction of some subjective motivation may be preferred. Superior negotiators learn how to present offers in the most attractive form to enhance the prospect of acceptance. They ‘gift wrap’ their proposals in a form that is attractive to the opposing party and do not include unattractive, inflammatory or weak proposals to bolster their offers.

Post-negotiation strategy

Rackham identified one strategy superior negotiators utilise during the post-negotiation session – they reviewed what had occurred during the face-to-face session to clarify what they had learned to date. This ‘review’ session was important to enable adaptations in either the continuing process or in new negotiations.

Although dated, this data remains the best taxonomy of what behaviour differences exist between average and superior negotiators. A study of this kind in the Australian context, in conjunction with studies undertaken by Gerald Williams,³ could usefully describe the reasons for individual

variation and success in the negotiation process. ●

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Endnotes

1. Neil Rackham, ‘The Behaviour of Successful Negotiators’ in Lewicki, Saunders and Minton, *Negotiation Readings, Exercises and Cases*, Irwin, McGraw-Hill, 3rd ed 1999, pp 341-53.

2. Gerry Cavanagh, Credit Controller, Western International Travel, on negotiations with Alan Bond in *Going for Broke*, Barry P, Bantam Press, 2001.

3. Gerald Williams, *Legal Negotiation and Settlement*, West Publishing, St Paul, Minnesota, 1983.