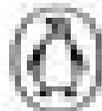


Getting to **YES**

NEGOTIATING AGREEMENT
WITHOUT GIVING IN

by ROGER FISHER
and WILLIAM URY
with BRUCE PATTON, EDITOR

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FISHER, URY, AND PATTON



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Getting to YES

The authors of this book have been working together since 1977.

ROGER FISHER is Williston Professor of Law *Emeritus* at Harvard Law School, Founder and Director *Emeritus* of the Harvard Negotiation Project, and the Founding Chair of the Program on Negotiation at Harvard Law School. Raised in Illinois, he served in World War II with the U.S. Army Air Force, in Paris with the Marshall Plan, and in Washington, D.C., with the Department of Justice. He has also practiced law in Washington and served as a consultant to the Department of Defense. He was the originator and executive editor of the award-winning television series *The Advocates*. He has consulted widely with governments, corporations, and individuals. He is the author or coauthor of numerous prize-winning scholarly and popular books, including his most recent: *Beyond Reason: Using Emotions as You Negotiate*.

WILLIAM URY is cofounder of Harvard's Program on Negotiation and Distinguished Fellow of the Harvard Negotiation Project. Raised in California and Switzerland, he is a graduate of Yale and Harvard, with a doctorate in social anthropology. Ury has served as a mediator and advisor in negotiations ranging from wildcat strikes to ethnic wars around the world. He was a consultant to the White House on establishing nuclear risk reduction centers in Washington and Moscow. His most recent project is Abraham's Path, a route of cross-cultural travel in the Middle East that retraces the footsteps of Abraham, the progenitor of many cultures and faiths. Ury's most recent book is *The Power of a Positive No: Save the Deal, Save the Relationship, and Still Say No*.

BRUCE PATTON is Cofounder and Distinguished Fellow of the Harvard Negotiation Project, cofounder of the Program on Negotiation at Harvard Law School, and a founder and partner of Vantage Partners, LLC, a consulting firm that helps Global 2000 companies negotiate and manage their most critical relationships. As a mediator, he helped structure the settlement of the U.S.–Iranian hostage conflict, worked with Nobel Peace Prize winner Óscar Arias to ensure the success of the Arias Peace Plan for Central America, and worked with all parties in South Africa helping to create the constitutional process that ended apartheid. A graduate of Harvard College and Harvard Law School, he is also coauthor of the *New York Times* bestseller *Difficult Conversations: How to Discuss What Matters Most*.

BOOKS BY ROGER FISHER

Beyond Reason: Using Emotions as You Negotiate
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*The Power of a Positive No:
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To our fathers,
WALTER T. FISHER, MELVIN C. URY,
and WILLIAM E. PATTON,
who by example taught us the power of principle.

Preface to the Third Edition

Thirty years have now passed since the initial publication of *Getting to YES*. We are delighted and humbled that so many people from so many places around the world continue to find it helpful in transforming their conflicts and negotiating mutually satisfying agreements. Little did we know at the time of its publication that this slender book would become a reference point in a quiet revolution that has over the course of three decades changed the way we make decisions within our families, organizations, and societies.

The negotiation revolution

A generation ago, the prevailing view of decision-making in most places was hierarchical. The people at the top of the pyramids of power—at work, in the family, in politics—were supposed to make the decisions and the people at the bottom of the pyramids to follow the orders. Of course, the reality was always more complicated.

In today's world, characterized by flatter organizations, faster innovation, and the explosion of the Internet, it is clearer than ever that to accomplish our work and meet our needs, we often have to rely on dozens, hundreds, perhaps thousands of individuals and organizations over whom we exercise no direct control. We simply cannot rely on giving orders—even when we are dealing with employees or children. To get what we want, we are compelled to negotiate. More slowly in some places, more rapidly in others, the pyramids of power are shifting into networks of negotiation. This quiet revolution, which accompanies the better-known knowledge revolution, could well be

called the “negotiation revolution.”

We began the first edition of *Getting to YES* with the sentence: “Like it or not, you are a negotiator.” Back then, for many readers, that was an eye opener. Now it has become an acknowledged reality. Back then, the term “negotiation” was more likely to be associated with specialized activities such as labor talks, closing a sale, or perhaps international diplomacy. Now almost all of us recognize that we negotiate in an informal sense with just about everyone we meet from morning to night.

A generation ago, the term “negotiation” also had an adversarial connotation. In contemplating a negotiation, the common question in people’s minds was, “Who is going to win and who is going to lose?” To reach an agreement, someone had to “give in.” It was not a pleasant prospect. The idea that both sides could benefit, that both could “win,” was foreign to many of us. Now it is increasingly recognized that there are cooperative ways of negotiating our differences and that even if a “win-win” solution cannot be found, a wise agreement can still often be reached that is better for both sides than the alternative.

When we were writing *Getting to YES*, very few courses taught negotiation. Now learning to negotiate well is accepted as a core competence with many courses offered in law schools, business schools, schools of government, and even in quite a few primary, elementary, and high schools.

In short, the “negotiation revolution” is now in full sway around the world, and we take heart that the commonsense tenets of principled negotiation have spread far and wide to good effect.

The work ahead

Still, while progress has been considerable, the work is far from done. Indeed, at no time in the last three decades can we recall a greater need for negotiation based on a joint search for mutual gains and legitimate standards.

A quick survey of the news on almost any day reveals the compelling need for a better way to deal with differences. How many people, organizations, and nations are stubbornly bargaining over positions? How much destructive escalation results in bitter family feuds, endless lawsuits, and wars without end? For lack of a good process, how many opportunities are being lost to find solutions that are better for both sides?

Conflict remains, as we have noted, a growth industry. Indeed, the advent of the negotiation revolution has brought more conflict, not less. Hierarchies tend to bottle up conflict, which comes out into the open as hierarchies give way to networks. Democracies surface rather than suppress conflict, which is why democracies often seem so quarrelsome and turbulent when compared with more authoritarian societies.

The goal cannot and should not be to eliminate conflict. Conflict is an inevitable—and useful—part of life. It often leads to change and generates insight. Few injustices are addressed without serious conflict. In the form of business competition, conflict helps create prosperity. And it lies at the heart of the democratic process, where the best decisions result not from a superficial consensus but from exploring different points of view and searching for creative solutions. Strange as it may seem, the world needs *more* conflict, not less.

The challenge is not to eliminate conflict but to transform it. It is to change the way we *deal* with our differences—from destructive, adversarial battling to hard-headed, side-by-side problem-solving. We should not underestimate the difficulty of this task, yet no task is more urgent in the world today.

We are living in an age that future anthropologists might look back on and call the first human family reunion. For the first time, the entire human family is in touch, thanks to the communications revolution. All fifteen thousand or so “tribes” or language communities on this planet are aware of one another around the globe. And as with many family reunions, it is not all peace and harmony, but marked by deep dissension and resentment of inequities and injustices.

More than ever, faced with the challenges of living together in a nuclear age on an increasingly crowded planet, for our own sake and the sake of future generations, we need to learn how to change the basic game of conflict.

In short, the hard work of getting to “yes” has just begun.

This edition

We have often heard from readers that *Getting to YES* continues to serve as an accessible guide to collaborative negotiation in a wide variety of fields. At