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Dealing with difficult people

If you take the approach that has been described in the book so far, the other party *is* likely to adopt a win–win strategy, too. Even if they originally had quite a different mind-set, the techniques in this book really will turn people around.

But some people can be quite stubbornly *not* win–win and there will be instances where they just do not play the game. They can be unreasonable, they can be unwilling to compromise, unwilling to accept a ‘fair’ deal, they can be personally abusive, even aggressive, they can be manipulative or hold back information, they can lie, they can use tricks, they may use their muscle simply because they can.

So in this section, we will look at how to deal with these.

Manage your response

The first thing to do is manage your own emotional response so you can choose your optimum strategy in a reasoned way.

Jonathan Cohen, a neuro-economist at Princeton, has studied what actually occurs in the brain during economic

transactions. During the Ultimatum Game, for example, if someone is offered less than they consider a fair amount, the emotional part of the brain, the amygdala, kicks in and we get angry. Shortly afterwards, the pre-frontal cortex may step in and over-ride the anger with a more detached, logical reaction.

Cohen says some people are better at regulating the emotional response than others. In a negotiation, you want to be in control of your emotions so you make the right decisions. If you are dealing with someone who is not playing the game, let your pre-frontal cortex run the show.

Mostly, people respond out of habit. As such, we tend either to fight back, give in or walk away from the negotiation – the evolutionary fight/flight/freeze response of the amygdala. We are not in control of this; it is our pattern rather than a thought-through response.

Whichever your fight/flight/freeze response, it is not the strong win–win way. Why not? Because you are not in control of automatic responses, they are just programmes that run you. Strong win–win says evaluate which of these is appropriate at any given time, then put it into practice in a managed way. This is not easy and some of you will find it difficult to be more assertive when you need to be, some of you will find it difficult to be generous when you need to be, and some of you will find it difficult to walk away when you need to.

But by thinking consciously about how we react, we retain control of the programme. To do this, first pause. Do not react immediately but instead take a breather. Timothy Gallwey, author of the celebrated *Inner Game* series of books, says ‘STOP!’

S – Step back.

T – Think.

O – Organise your thoughts.

P – Proceed when you know your best action.

Remember, you do not have to answer immediately. You can:

- pause simply in the moment
- hand over to a negotiating partner in your team
- call for a time-out
- break off until the next meeting.

As you evaluate your possible actions, remember to stay focussed on your outcome from the deal. Even the pause itself can be enough to change the dynamic. If they are shouting at you or being abusive and you refuse to reply in kind but simply wait until they finish and then sit there quietly for a further 10 to 15 seconds, it can be enough to show up their behaviour without actively labelling it. It will often bring them around to a more reasonable approach.

As Fisher and Ury say in *Getting to Yes*, separate the person from the behaviour. Make all constructive (okay, negative) judgements about the behaviour or results and not about the person. On the other hand, make all positive judgements about *them*. Compare 'shouting is not helpful' and 'this clause here needs changing' with 'you can be very diplomatic' and 'that's a good idea of yours'. The first two are constructive and strictly about the behaviour or thing and the second two are positive and relate to the individual person.

Of course, if they are being especially difficult, this can be challenging. I had one friend who worked as a mediator between trade unions and management and he said that both parties would be incredibly abusive to him as though it was all his fault, personally. They would say tremendously rude things straight to his face but it would never affect him. He would imagine they were primitives throwing sticks and stones at him and would mentally duck out of the way and

think, ‘Oh, that’s interesting they said that’, but not let it affect him.

If it is a personal attack, do not respond defensively. Pause – the silence may embarrass them. If necessary, break the mood by suggesting a break. Or ignore the comment and stay with the issue at hand, redirecting the attack on you to an attack on the problem. Use ‘we’ language rather than ‘you’ and ‘me’.

Remind them of why they are here

If you want a successful deal and they are not playing win–win, it is up to you to show them the benefits (to them) of doing so. Remind them of why they are there at the negotiating table. Remind them of their bigger-picture interests. Remind them of why what you are offering is of benefit to them. Remind them of their alternatives, what they would be left with if you walked away. You may even have to dollarise it, put figures to it, to spell it out clearly.

William Ury, co-author of *Getting to Yes*, also wrote *Getting Past No*, which is specifically about turning people around when they are not playing the game. He says if you want people to be more reasonable and win–win orientated, you may have to do the thinking for them. If what you are offering really is a good deal, this should be enough to bring them to their senses, but you may just have to spell it out.

Be strong in the deal . . .

Now, more than ever, credibility is critical – you need to be strong in the deal and earn their respect. The strong win–win view is never let yourself be bullied.

Bear in mind that, to a degree, bullies bully people who ask to be bullied. Perhaps that is harsh but we can certainly say bullies bully people when they think they can get away with it. It is important they know you will not tolerate it.

This is a key part of the strong win–win philosophy. Act credibly and they are much more likely to treat you with respect. Being strong in the deal is essential.

So remember all the material about displaying credibility; the stronger you come across, the more they will treat you with respect.

. . . And focus on the relationship

And, of course, there is still the balance to be found between being strong in the deal and focussing on the relationship. If you are strong *and* you have a good relationship you will get your best deal.

If the difficult behaviour is through email or letter, respond by telephone or, better still, face to face. Get human to human. Mention a common friend, remind them of your common Scottish ancestry or your shared love of sericulture. Remind them you are ‘one of us’ and they will probably change their tune.

Try to understand their behaviour

Try to see it from their point of view – who knows, they may have a good point. Even if not, if you acknowledge how they see it, that will take a lot of the wind out of their sails.

Actively listen and ask questions to recognise where they are coming from. Play back to them your understanding and ask whether you have missed anything. Show that you appreciate their feelings and tell them that, if you were in their shoes, you would probably feel the same.

Look for what you can agree with, but do all of this confidently and standing up for your own views at the same time. It does not mean that you have to give in to their pressure, it just means you acknowledge how they see things. We often dismiss our opponent's demands as irrational or unfair but this is not true. They have a rationality, it just might not be our own. Find out their drivers, find out their reasoning, and work with it.

Breakthrough in the Northern Ireland peace process

Acknowledgement of the other party's views and feelings can really change the whole dynamic. In 1993, a joint statement was issued by the British and Irish governments, recognising the other parties' concerns regarding the Northern Ireland situation and their commitment to addressing them. This changed the tone from conflict to acknowledgement.

As a result, the IRA could no longer see the UK government as a military enemy and were able to renounce all military activity: a major breakthrough. The Unionists responded. Peace could finally be countenanced.

Appreciate their concerns

Roger Fisher is also the author (with Daniel Shapiro) of *Beyond Reason*, in which he looks at the role of emotions in negotiation, and he believes that a core emotional concern of many negotiators is that they are appreciated. Taking the time and making the effort to appreciate the other person can have a massive effect on the communication.

To appreciate:

- Really listen to their point of view.
- Listen to the sub-text of their communication.

- Listen for the emotion.
- See the merit in their position.
- Communicate that you understand and see the merit.

Important: you can appreciate their point of view and still appreciate your own. Appreciation does not mean giving in. However, it does open up the communication to a completely different level.

People's behaviour is never in isolation, it is in response to the behaviour of someone else. If you want to change someone else's behaviour, often the easiest way is to change yours. So consider just how you may have contributed to their behaviour and how you can change that.

Milton Erickson, the great American clinical therapist, described how when growing up on his father's farm, his father tried to get a calf into the barn. The calf was extremely stubborn and no matter how hard Erickson's father pulled, he could not pull him inside. Erickson, just a boy, thought of a different idea. He tried pulling the calf *out* of the barn. Of course, that stubborn calf just pulled back even harder, and slowly it pulled itself and Erickson into the barn. Erickson closed the barn door, job done.

If your counterparty has been stubbornly defending a position that is untenable, pushing harder is not necessarily going to make any difference. Try changing tack in some way and they, necessarily, will change tack, too, and you may just get your result.

Take the neutral perspective

We have just seen how powerful it can be to see things from your counterparty's perspective. It can also be very useful to take a neutral perspective. Mentally step outside of the situation, into the fly-on-the-wall position, and look

at the two parties as if they were ‘over there’. From this perspective, what can you see?

Imagine being a mediator: if you had to mediate between these two parties, what would you suggest to each? While you have your point of view and your interests to be met, if you stay stuck in that position (and they stay stuck in theirs), it could be that you do not progress. If you imagine how a mediator would handle it, it may enable you to move forward.

Allow them a way out

A lot of negotiation is about face. You need to treat everyone with respect and everyone as a high-status individual. Making a concession can impact a person’s self-image because it makes them feel weak, so they are naturally loath to do this. Giving them respect will make them feel better about themselves and so they will not be worried about making concessions.

Give them respect so you can get a better deal. And, of course, give yourself respect, too. They will only appreciate the respect you give them if it comes from someone who respects themselves.

Help them make a concession by showing that circumstances have changed and the new circumstances support the changed position (even if it is the Tuesday reason – ‘Well, of course, it’s now taking place on Tuesday and Tuesdays are more expensive’).

Give them a way out that enables them to back down with grace. Make it their idea – giving them credit for it is often all you need for them to take it on. So explore their ideas and build on them. Say your idea sprung from something they said. Give them a choice of options – when they choose, it is now their idea.

You may also need to help them sell it in – maybe that is the explanation for their unreasonable behaviour, that their internal constituency are being unreasonable. Work with them on strategies, arguments and independent benchmarks that will bring these third parties on board.

Talk to the people you need to

In 1998, the closer the Northern Ireland peace talks got to agreement, the more bombs were going off that looked to threaten the whole process. Vested interests were probably in play – many people did not necessarily want to see a return to law and order. It was causing a lot of tension and mistrust among the parties trying to come to an agreement. Mo Mowlam, the British secretary of state for Northern Ireland, went to the Maze Prison to visit the prisoners there. These prisoners had a special position among the people of Northern Ireland. They were generally considered heroes, they were the hardest of the hard, they were the most likely to be against the process. But by meeting them face to face she pulled off a coup and they came out in public support of the peace process.

Call them on their behaviour

While no excuse, sometimes people act aggressively or abusively without realising. At other times it is because they think they can get away with it and sometimes it is because they are desperate.

Calling them on their behaviour, with varying degrees of diplomacy, can shine a light on what they are doing and force them to reconsider their approach.

Even in extreme situations, you do not have to lose your temper but a firm statement of your position will be more

effective: 'Listen, I am happy to continue negotiating but not like this. Either we can negotiate on a more reasonable basis or we can reconvene at a later date when you are ready to negotiate in good faith.'

Tit-for-Tat

Fisher and Ury believe that the principle-centred approach, as outlined in *Getting to Yes* and *Getting Past No*, is usually enough to help people behave reasonably.

The strong win-win philosophy agrees but believes combining it with Tit-for-Tat toughens it up.

Supported by some game-changing research by Robert Axelrod, which we will discuss later, the Tit-for-Tat strategy is to be open, trusting and cooperative at first but if the other party lets you down, punish them in your next dealings with them. Now dealings does not mean deal. It can be the next meeting you have. But the principle is to start by cooperating and assuming cooperation on their part; continue cooperating as long as they cooperate; but as soon as they act negatively, retaliate.

Dr Mike Webster has helped design the FBI programmes on hostage negotiation. He promotes this parallel approach to crisis resolution, combining the promise of reward for good behaviour and the threat of penalty for bad behaviour, as the best method to bring the other party around.

It is the carrot and stick, and we all know it. You also need to be clear about this so that they know the impact of their behaviour. Your threats and your promises need to be credible, which means following through on them. But this way, you incentivise them to act in good faith. If they want the best deal on the table, they need to act in good faith to get it.

Axelrod suggested the following rules as a basis for a winning strategy:

- Be nice: start by cooperating and continue cooperating as long as they do.
- Be provokable: retaliate as soon as they defect.
- Forgive: cooperate again when they resume cooperation.
- Be clear: let them know what you are doing and why, so they know what to expect.
- Do not be envious: don't worry about how much they get, maximise how much you get.

Subsequent research has suggested that real-world negotiation situations produce better results if they follow the strategy of Tit-for-Tat+1. The plus one, in this instance, means not retaliating immediately if provoked, but allowing the other party a chance to make amends.

This is because real-world situations are often complex and allow 'noise' into the system. So the action as intended and the action as interpreted are not always one and the same. Consequently, it is best not to go nuclear straight away. Instead, communicate what has happened, communicate that it is not acceptable, but give them a chance to explain, apologise or undo. If they repeat the behaviour, then you retaliate.

Using the plus one as a buffer in this manner prevents situations becoming hostile unnecessarily, through accident or misinterpretation.

Sukhwinder Shergill, at University College London, conducted a highly illuminating experiment in 2003 which illustrates how conflicts can escalate rapidly, even though neither side wishes it and both sides think they are behaving perfectly fairly.

His experiment involved two volunteers taking turns to apply pressure to the other's finger. The instruction was to

give exactly the same pressure to the other person as you felt you received. No more, no less. In practice, however, each person gave on average 40 per cent more pressure than they had just received. This happened every turn so the situation escalated rapidly in spite of both sides genuinely thinking they were being fair and the other party was out of order.

How often do real-world scenarios with your partner, your boss, your negotiating counterparty mirror this behaviour precisely? What seems legitimate from one perspective appears belligerent to the other.

Tit-for-Tat+1 gives an escape route and reduces the chances of needless escalation.

Last resorts

If you are still not making any progress, take stock and reconsider whether you want to continue. Why are you negotiating in the first place? What is your bigger-picture goal? What is your Plan B and what is your counterparty currently offering? Which is, in reality, the better? In this light, do you still want to negotiate?

If you do, what power can you bring to play that may force them to be more reasonable? See Chapter 11 on power for an in-depth exploration of different sources of power available to you.

However, power should be used as a last resort and needs to be done skilfully because using it is often counter-productive. If you use power, the counterparty is very likely to use power in response and it will rapidly go downhill. According to Roger Fisher, you need to make it easy for them to say yes at the same time as you make it hard for them to say no. That is, always leave your best offer visible for them.

Do not assume they have thought through the implications of not agreeing. It is best to do it in a neutral, non-threatening kind of way. Ask them 'What do you think will happen if . . .?', 'What will you do if . . .?', 'What do you think I will do if . . .?', 'If you were in my shoes, what would you do if . . .?', 'What do you think my boss will demand that I do if . . .?' These are not threats. Threats, to repeat, will be counter-productive and people do not respond to them. Instead, objectively make apparent and explore.

And, in the last resort, if you have to, act accordingly.

ACTION POINTS

If the other party is being difficult:

- Stay calm and manage your response.
- Stay positive towards the relationship but under no circumstances let them bully you into an unnecessary concession.
- Remind them of the benefits of the deal compared to the alternatives.
- Act as a mediator would.
- If you are still getting no joy, consider your Plan B and at what point it is best to walk away.