

How to handle dirty tricks in negotiations

By Ian Newall



Dirty trick 3:

“Support your position with plenty of reasons and arguments”

A barrister is summing up the case she has made on behalf of her client. She lists the reasons why the Court should find in her favour. She provides several reasons, each argued in terms of the evidence and relevant law. This is the logical way to persuade a court. After all, Justitia, the Roman god of justice, as seen atop the Old Bailey, is depicted with a sword in her right hand and scales in her left to illustrate the weighing of evidence and argument and the dispensing of justice. In some examples, Justitia is depicted wearing a blindfold to emphasise impartiality, though one might be tempted to give a wide berth to a blindfolded person holding a sword aloft!

After all, western education emphasises the value of debate, logical argument and point scoring. Mentally, it is as if we see situations where there are two points of view like the old-fashioned balance that is held in the left hand of Justitia. The image tells us to pile up the reasons on our side and tip the argument in our favour.

Because of its logic, we may be tempted to apply this principle to negotiation. In doing so we forget that a judge will receive documents from the parties and will review arguments in court by examining the court record. Negotiation, on the other hand is a largely interactive face-to-face

activity. Huthwaite research has found that listing a series of reasons is not as effective in persuading the other side in a negotiation. This is because we tend to list our reasons from strongest to weakest. This means that, when the other side hears our reasons, the last reason they hear before they respond is our weakest reason. If they are clever, they will use this weak reason to undermine our whole argument.

This is called argument dilution – a weaker argument generally dilutes a stronger one.

Our research showed that skilled negotiators tend to develop one good reason and stick to it. If the other party was unable to undermine this reason there was no need for the skilled negotiator to put forward any others. On the other hand, if the main reason was clearly losing ground another, subsidiary, reason would be advanced.

The lesson is clear: by all means brain storm all the reasons that you might want to use. Then select the reason that you think will be the strongest and stick to it. Only use another reason if you really have to.