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BARGAINING WITH THE DEVIL

When to Negotiate, When to Fight

ROBERT MNOOKIN

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The Web site for this book is at www.BargainingWithTheDevil.com.

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MAIN IDEA

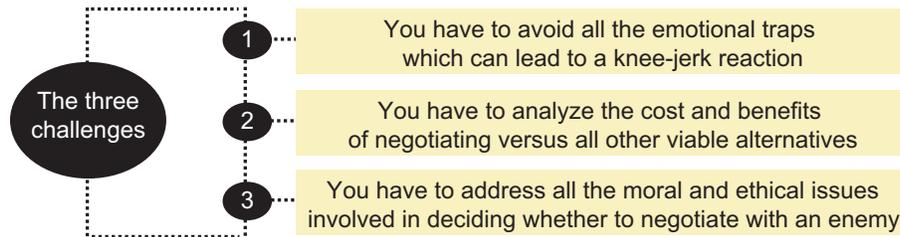
If someone does you wrong in business or in life, should you bargain with them or ignore them and go straight to warfare or litigation?

This is actually a highly strategic question and one of the most challenging issues in any negotiation. If you attempt to make a deal with the other party, you are in effect legitimizing their authority and position. For example, if a government negotiates with terrorists, then it is effectively stating the terrorists have a point and are worth speaking to in order to come to some sort of mutual arrangement. In a way, this can be viewed as a form of rewarding bad behavior.

So, should you try to resolve any and all conflicts through negotiation rather than fighting it out? The answer depends on all kinds of different factors but you should have a bias towards negotiating wherever and whenever possible. You'll increase the odds you will achieve more if you do

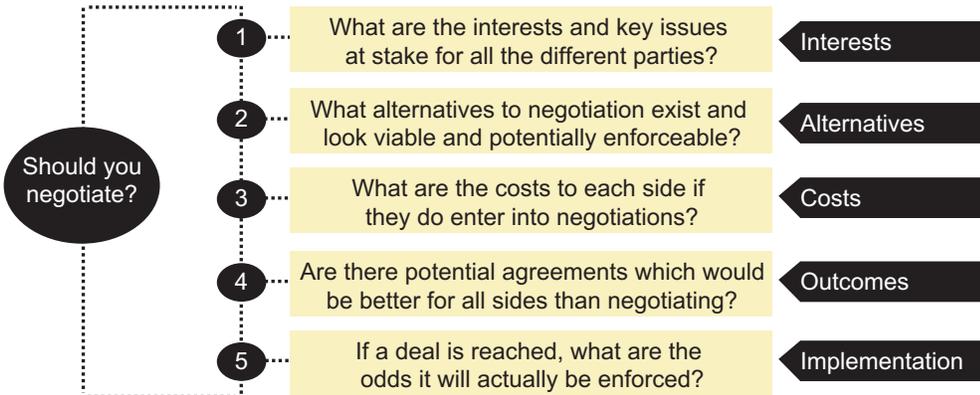
1. The three challenges Pages 2 - 5

When trying to resolve a conflict, there are generally three challenges which affect your ability to make a good decision on whether to negotiate or not:



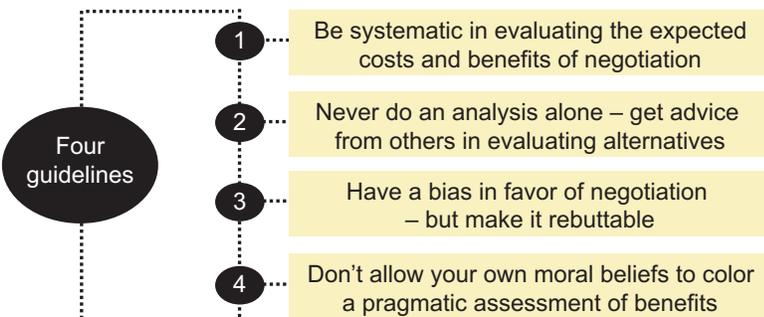
2. A framework for making a decision Pages 6 - 7

Once you understand what all the potential challenges or traps are, you're then better positioned to make a decision on whether to negotiate or not. A good starting point is to use this kind of idea flowchart as the framework for your decision:



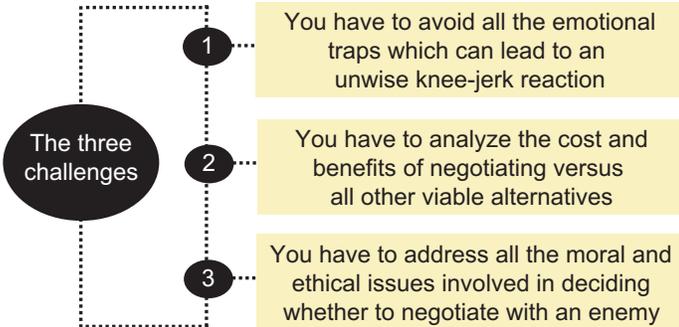
3. Four general guidelines Page 8

Whether or not you choose to bargain with the devil always involves some form of dynamic tension between a desire to move forward and the necessity to give the other party something they don't in fact deserve. It's the conflict between principle and pragmatism. There aren't any immutable commandments which will always apply. Instead, four general guidelines you should try and keep in mind are:



1. The three challenges

When trying to resolve a conflict, there are generally three challenges which affect your ability to make a good decision on whether to negotiate or not:

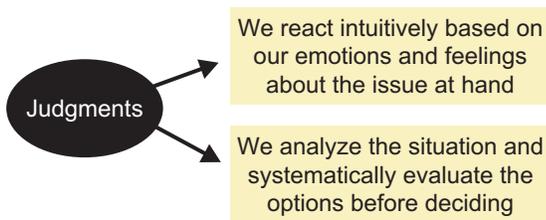


"After helping to resolve many business and family disputes over the years, I have come to believe that for most of us, confronting an enemy poses exceptional negotiation challenges. When I say 'enemy,' I do not mean just an ordinary competitor; I mean someone who has deeply wronged us and poses a serious threat to our well-being – someone we may even see as evil."
 – Robert Mnookin

In business terms, an act is "evil" if:

- The perpetrator has deliberately set out to inflict harm.
- The harm done is serious and substantial.
- There is no adequate justification or rationale for it.

Keep in mind when someone does something evil to us or to our organization, we make judgment calls in two different ways:

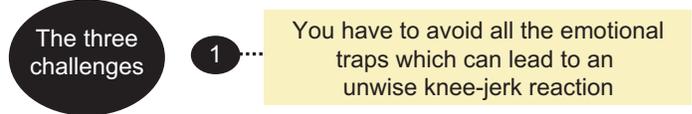


Both modes of perceiving reality and making decisions have their advantages and disadvantages and it is when the two are used together in tandem that the greatest benefits can be derived. As a basic rule-of-thumb, intuitive decisions get to be made quickly whereas analytical decisions take much more time and effort to come up with an answer.

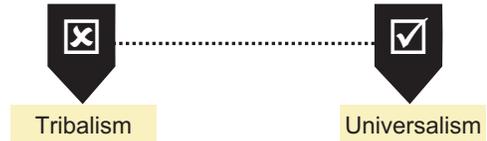
"You can't rely on hindsight to know whether you're making a wise decision. A wise decision can turn out badly; it happens all the time. And a stupid decision can have a good outcome, you can be lucky. So the test of wisdom cannot be whether you're proven right in the end. The test is, Did you think it through?"
 – Robert Mnookin

"Does every person who commits an evil act by definition become an evil person? I think not. Instead, I would call someone an evil person only if by disposition he or she repeatedly commits evil acts."
 – Robert Mnookin

To resolve a conflict, there are three challenges you have to overcome:

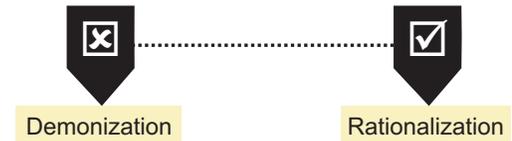


When making intuitive judgment calls, there are a number of traps or distortions which can lead you to refuse to negotiate when you probably should. These traps are:



Tribalism is an appeal to group identity. You see your own side as familiar and completely reliable whereas the other party is from a group which cannot be trusted on the grounds of ethnicity, language, religious beliefs, shared history or family ties. Tribalism arises, for example, when an American businessperson believes his Japanese counterpart does things differently and therefore cannot be trusted.

The opposite end of the spectrum to tribalism is universalism. This is a belief people are essentially the same irrespective of their backgrounds, race, culture, interests, history or group identity.



Demonization means you view the other party as being "rotten to the core and "evil" rather than doing something inadvertently. You see the other side revealing what lies below the surface by the things they do and the decisions they make.

The opposite extreme of demonization is rationalization. You believe when the other party acts badly, they are subject to external pressures and therefore should be easily forgiven.



Dehumanization means you see the enemy as being outside the normal moral order. In 2008, Imam Yousif al-Zahar, a Hamas leader, characterized Jews as "the brothers of pigs and apes." When you dehumanize your enemy, you lay the foundation for treating them very poorly because they are not worthy of anything better. It is attitudes between the Jews and some Arabs which has made achieving peace in the Middle East difficult to realize for many years now.

The opposite of dehumanization is a belief that everyone can be rehabilitated or "redeemed" and therefore they should be given the opportunity to do the right thing. You refuse to believe anyone has bad intentions but instead believe they are simply making bad choices.



Moralism is closely aligned to self-righteousness. It arises when we see ourselves as totally blameless and innocent while the other party is completely to blame. The opposite end of the spectrum is to always assume there is fault on all sides and therefore responsibility for the conflict is shared.



Zero-sum thinking involves seeing the world in terms of a competition. When one side wins, the other side by definition loses. What is good for you must be bad for the other party. The opposite end of the spectrum from this is to assume that a win-win outcome is possible in every situation and every negotiation. Win-win revolves around expanding the size of the pie rather than arguing over who gets the biggest slice.



When confronted, your first reaction might be to either charge headfirst into battle or else readily concede what's at stake and flee. The opposite end of the spectrum is to assume it's always far better to negotiate, even if that involves making concessions of one kind or another, than it is to face a battle.



The final mental trap which might lead to a knee-jerk reaction can be termed a "Call to battle". This is where a leader frames the issue at hand as something of a holy war. He or she may claim this imperative is best for the group as a whole but when you scratch beneath the surface, you discover the call to action serves the leader's own political interests first and foremost. The opposite extreme is when a leader issues a universal "Call for peace" which suggests avoiding conflict is always the most sensible course of action.

Both the negative emotional traps and their respective positive counterparts are emotion-driven and can lead to all kinds of unhelpful knee-jerk reactions. Usually the negative traps exaggerate the costs of negotiations and underestimate the benefits whereas the positive traps do the opposite. If you can recognize when your thinking is clouded by these traps and acknowledge them, you can work to try and offset their influence. You can also draft in someone else who will have a completely different bias to ensure the debate which takes place ends up being robust and exhaustive rather than one dimensional.

Case Study --- Winston Churchill

In May 1940, the question arose whether or not British prime minister Winston Churchill should pursue peace negotiations with Nazi Germany. When he was appointed to be prime minister, Churchill had formed a War Cabinet to formulate Great Britain's war policy. This inner circle consisted of five men – Lord Halifax, the foreign secretary, Neville Chamberlain, the former prime minister, two leaders of Churchill's Labor Party Clement Attlee and Arthur Greenwood, and Winston Churchill himself.

Churchill had been appointed as prime minister (at age sixty-five) on May 10, 1940. Earlier that year, the Nazis had overrun Poland, Denmark, Norway and Austria. In the first two weeks of Churchill's service as prime minister, Hitler conquered the Netherlands, invaded Belgium and surged into northern France. Some 250,000 British soldiers and an equal number of French soldiers were trapped at Dunkirk and would need to be evacuated – the greatest British military defeat for many centuries. Everyone knew it would only be a matter of time before France collapsed and Great Britain would be fighting Germany and Italy alone.

Against this backdrop, two members of Churchill's War Cabinet urged Churchill to meet with Hitler and negotiate an agreement where Britain would give up some of its territories (perhaps Malta, Gibraltar and some African colonies) in exchange for being left alone. This would give Germany de facto control of Europe but it would preserve Britain's independence. Churchill at first seemed to be favorable to the idea, but when he had thought about it a bit more, he replied with typical pugnacity: "If the worst came to the worst, it would not be a bad thing for this country to go down fighting for the other countries which have been overcome by the Nazi tyranny."

To rally support for his fight rather than negotiate decision, Churchill addressed the members of his wider cabinet who were not part of the War Cabinet and said: "We shall go on and we shall fight it out and if at last the long story is to end, it were better it should end, not through surrender, but only when we are rolling senseless on the ground." They enthusiastically endorsed his decision and this was enough for Churchill to win over his War Cabinet members to his way of thinking.

History shows that Churchill's decision not to negotiate with Nazi Germany was right, even heroic. France did fall and Great Britain did have to fight on alone at first but ultimately the United States and Russia joined the battle. Eventually, the Allies prevailed, so in hindsight Churchill's decision looks wise but with only the facts which were available in mid-1940, the decision was exceptionally difficult to make. Churchill was right to have people in his War Cabinet who strongly disagreed with him because that forced Churchill to articulate why he felt his intuitions were strong enough to act on. It forced him to think things through rationally rather than merely emotionally.

"By refusing to negotiate, Churchill signaled his determination Britain would fight on. This signal was sent not just to Germany and other countries but, most importantly, to the British people themselves. He understood that entering into the negotiation process itself is not costless and can create risks. Wise decisions must take these into account. Churchill is one of my heroes. What, after all is a hero? A hero is someone who acts on behalf of a principle greater than himself, without regard to his own well-being. A hero doesn't negotiate. He fights. To the death if necessary! A hero is willing to risk it all. Negotiating with an evil enemy, by contrast, doesn't seem very heroic."

– Robert Mnookin

The three challenges

3

You have to address all the moral and ethical issues involved in deciding whether to negotiate with an enemy

Your decision on whether or not to bargain with the devil usually goes beyond simply comparing costs and benefits. Issues of recognition and implied legitimacy also come into your decision. You will be worried about whether negotiating will set a bad precedent or impact on your reputation. You might also be concerned that by agreeing to negotiate, you are implicitly condoning poor past behavior and thereby encouraging more comparable bad behavior to arise in the future.

The whole point is this tension between pragmatic demands and moral preferences will always exist. It will never go away, especially if you're acting in a representative position such as a CEO, as a member of the board of directors or in some other capacity representing investors or other stakeholders in your company.

"You are a representative acting on behalf of a corporation and its stakeholders. You are not entitled to impose your personal values on them. If you can persuade your board of directors to share your moral convictions, by all means, take the high road. That would be a wise decision. But I believe there is reason to be deeply concerned whenever an agent or representative allows personal morality to override a rational analysis favoring negotiation – even with a devil."

– Robert Mnookin

In reality, there are probably three or four different tensions which need to be managed in most if not all negotiations:

1. The tension which has been mentioned between the pragmatic realities of the situation and your own personal moral beliefs.
2. The tension between opportunities to grow the pie by creating more value and the need to distribute the pie between various stakeholders.
3. The need to show you are communicating with empathy at the same time as you also need to demonstrate some assertiveness in order to get a good deal.
4. The need to work in with the dynamics which exist between the representatives who are negotiating at the table and their constituents who stay in the background.

"During my lifetime, I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a free and democratic society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die."

– Nelson Mandela

"We must accept that responsibility for ending the violence is not just the government's, the police's, the army's. It is also our responsibility. We must put our house in order. If you have no discipline you are not a freedom fighter. If you are going to kill innocent people, you don't belong to the ANC. Your task is reconciliation. Listen to me! Listen to me! As long as I am your leader, I am going to give you leadership. As long as I am your leader, I will tell you, always, when you are wrong."

– Nelson Mandela

Case Study --- The San Francisco Symphony

In 1997, the members of the San Francisco Symphony went on strike. They were out of action for ten weeks – which resulted in the cancellation of forty-three concerts. This in turn offended major donors, prompted loyal fans to cancel their subscriptions and generated loads of bad press. To make matters worse, despite the loss of two month's wages, the musicians ultimately ended up accepting a contract which was only marginally better than that offered by management before the strike had begun.

Surprisingly, bruising strikes of this nature were the norm rather than the exception for the SFO. They tended to arise every three years whenever the musician's labor contract came up for renegotiation. It was accepted they were pretty much a fact of life for a professional symphony orchestra and were believed to be pretty much the only way to make changes.

To try and break this cycle, the members of the San Francisco Symphony Orchestra agreed to undergo some negotiation skills training in mid-1998. Even though the current labor contract would not expire until the end of 1999, it was decided it would be better to agree to new terms before the current contract expired in the hope of avoiding any further strikes.

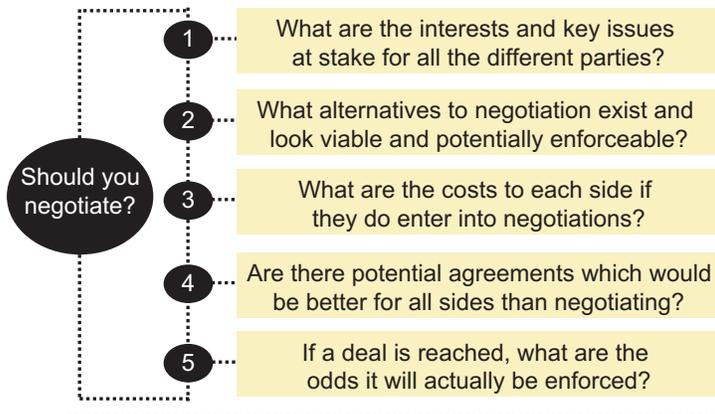
After all the members of the various negotiating teams undertook two-day seminars of training, they formed a few joint task forces to gather the factual information which would be used in the upcoming negotiations. One team looked at the latest contract terms other major American orchestras had agreed to. Another team gathered information about pension and retirement issues which were central to the negotiations. A third team looked into claims orchestra members who played string instruments could be more inherently more injury prone than other musicians and what could be done about it. The whole idea was each of these teams would develop an information base which would subsequently be made available for all parties in the formal negotiation to use. The negotiating team then sat down and drew up a list of what the San Francisco Orchestra's priorities were and classified them as being either of vital interest (Class I) or of lesser importance (Class II).

At the end of fourteen months of preparation, the negotiating teams met at the end of 1998 to negotiate across the table. Six days of negotiation were required to reach agreement on all the Class I issues and two long-standing Class II matters. Everyone was so positive about the negotiation it was even agreed the new labor agreement would run for six years rather than the standard three year term. The fact agreement was reached well in advance also meant there were no chance of strikes. The new agreement was ratified by the orchestra members in January 1999 even though it would not take effect until the end of 1999.

While it would be nice to assume the San Francisco Orchestra lived happily ever after, that would be incorrect. When the extended labor contract expired in 2006, a new negotiating committee became suspicious of the merits of interest based negotiating and again reverted to the more traditional adversarial style of negotiation. The musicians threatened to strike again in 2005 and 2008 but each time they ultimately agreed to a new deal before going out on strike. This return to the arm-wrestling of the past which had been ingrained as a natural part of the San Francisco Orchestra's culture was understandable. In practice, there was very little motivation for change and accordingly everyone went about their business the same way as before. Motivation for change has to be shared by those who come later for any permanent change to occur.

2. A framework for making a decision

Once you understand what all the potential challenges or traps are, you're then better positioned to make a decision on whether to negotiate or not. A good starting point is to use this kind of idea flowchart as the framework for your decision:



When it comes to resolving conflicts of all sorts, there are five questions you should work your way through:

1... What are the interests and key issues at stake for all the different parties?

Rather than thinking in terms of entrenched positions, start by figuring out what each party's underlying interests are. In most cases, corporations have a financial interest in achieving and maintaining long-term profitability. Interests can be either:

- *Tangible* – either party wants money, goods, resources or physical property.
- *Intangible* – such as maintaining the morale of employees, building your reputation and so forth.

The first step in resolving a conflict so you can negotiate with the devil more effectively is to pause and articulate what your interests are and what you know or assume about the other party's interests as well.

If you're in a dispute, your analysis probably should begin with these questions:

- What are my basic goals here?
- What am I trying to achieve, and why?
- In terms of the big picture, what's important to me?
- What outcomes do I consider to be very important and what outcomes would I classify as "nice to have if possible."
- What do I know about my adversary's interests?
- What does my adversary value – and why is that?
- Are there competing groups within my adversary's constituents which have competing interests?
- Who can I talk to who will help me work my way through this analysis realistically and helpfully?

"These five questions provide a framework for assessing the benefits and costs, opportunities and risks. It won't provide a bright-line test or a crank-the-handle algorithm. But you shouldn't be looking for that here anyway."

– Robert Mnookin

2... What alternatives to negotiation exist and look viable and potentially enforceable?

Here you're trying to get a sense of what your choices will be if you were to decide to step back from the negotiating table.

- If I decide not to negotiate, what actions could I take unilaterally without any external help?
- Would those actions further my interests?
- Is doing nothing a realistic alternative?
- Can I find a different and better partner to work with?

Once you work through all the options here, you then identify what your preferred choice would be. This can be designated as your BATNA – your "Best Alternative to a Negotiated Agreement." This then becomes your reference point. If you can negotiate something which is better than your BATNA, go for it. If you cannot, then forget about negotiating and go to war.

Your analysis has to include figuring out what the other party's alternatives are in equal detail. If you know what their BATNA is as well as your own, that will be very helpful in any negotiation. The better your BATNA is by comparison to the other party's BATNA, the more bargaining power you have at your disposal. Do all you realistically can to enhance your own BATNA and to diminish your opponent's perception of their BATNA.

3... What are the costs to each side if they do enter into negotiations?

Any negotiation always imposes costs, regardless of whether a deal is reached or not. These costs will include:

- *Transaction costs* – the time, money, manpower management attention and other resources which must be devoted to the negotiation rather than to generating profits.
- *Spillover costs* – the fact whatever you negotiate with one party will impact on your future dealings with other parties, for better or for worse. There may be concerns about setting a precedent which would cause more problems in the future.
- *Reputation costs* – for example a physician may prefer not to settle a malpractice claim even when the settlement would be cheaper than litigation in order to avoid the implication he or she was at fault in any way.
- *Disclosure of information costs* – you may have to disclose trade secrets or other information which could be used by others in the future in unhelpful ways. Most companies prefer not to talk about their information-gathering capabilities for example. Individuals may find detailing their personal preferences weakens their future bargaining power by an appreciable degree.

"Risk assessment is not an exact science. The future is uncertain, especially when dealing with an adversary. After the fact, some of your predictions may prove to be wrong. Some of the five questions you will be able to answer with confidence. Others, such as what your adversary really wants and how he views his alternatives to negotiation, may be much harder for you to pin down. You don't know precisely how your adversary will behave in response to your own actions. Disputes are dynamic, not static. Your moves affect the other side's moves, and vice versa. Economists call this 'strategic interdependence.'"

– Robert Mnookin

4 ... Are there potential agreements which would be better for all sides than negotiating?

One key factor in deciding whether or not to negotiate will be the range of options which are available to you away from the negotiating table. You need to figure out what actions you could take if the negotiations go nowhere in order to know how hard you should push. Usually, there are a number of options:

- *Do nothing* – walk away from the deal and simply ignore the conflict altogether.
- *Find another partner* – someone with whom you have more common interests.
- *Use coercive force* – insist on enforcing your legal rights by litigation if necessary.

For each alternative, project what the possible outcomes would be, both in positive and negative terms. You then identify which alternative looks best and keep that in mind when negotiating. Logically, you shouldn't accept the terms of any deal which doesn't serve your interests better than if you pursued that external alternative.

It's also helpful to do the same exercise for your counterpart in the negotiations. Figure out what their options are so you have a sense of how badly they need to make a deal with you. This is good information to have. The better and deeper your alternatives are, the more bargaining power you have at hand. And the same is true for the party you're negotiating with. Their bargaining power is built on a foundation of having other options to pursue as well.

5 ... If a deal is reached, what are the odds it will actually be enforced?

This is a question which is both strategic and practical. Whenever you negotiate with another party, you have to decide how trustworthy they are. Will they honor any agreement which is reached? Will they look at an agreement as binding or will they view it as optional?

If you're wary of how things will pan out, you might choose to include safeguards into the agreement. You might spell out in advance penalties for non-performance, third-party enforcement procedures, arbitration processes to be used if needed and which courts or legal systems will have jurisdiction. All of these safeguards are agreed in advance so if it becomes necessary, enforcement can be asserted as required.

Lack of an enforcement mechanism of one kind or another can scuttle a deal. International agreements are particularly troublesome in this area. Decision makers more often than not have to rely on their personal relationships with their counterparts, monitoring and other soft-enforcement initiatives to increase the odds the agreement will be implemented. Sometimes this is feasible while at other times and in other settings it is not.

"In many disputes, two reasonable people could analyze the same situation and reach different conclusions, based on different predictions and different assessments of the costs and benefits. Moreover, differences in the values and priorities would also influence the evaluations. That said, this framework can guide your analysis and may lead to a reasonably clear conclusion about whether you should negotiate or resist."

– Robert Mnookin

Case Study -- IBM vs. Fujitsu

In the late spring of 1985, IBM – then the world's largest computer maker – and Fujitsu – IBM's biggest competitor – entered into arbitration. The issue at hand was whether or not Fujitsu had copied IBM's programming materials in order to manufacture and sell mainframe systems which were "IBM-compatible". IBM contended Fujitsu was hitching a free ride on IBM's decades of hard work and investment in its operating system software. What wasn't clear, however, was whether or not copyright law protected IBM's software to the extent the company believed.

What brought both parties to the negotiating table despite lots of competitive dynamics between the two was an earlier attempt to put this issue to rest which had been made in 1983. The two rivals had negotiated a settlement which saw Fujitsu pay more than \$150 million in licensing fees to IBM but this broke down within a year. Both companies felt the other had betrayed them.

"In IBM's view, it was losing both hardware and software profits because Fujitsu had copied. In June 1985, it sent Fujitsu a 'Final Report' of its alleged offences, coupled with a nonnegotiable demand: If Fujitsu didn't withdraw all offending programs from the market and pay damages amounting to hundreds of millions of dollars, IBM would seek to impose those remedies in arbitration. Hitachi's President Yamamoto saw the Final Report as a declaration of war – the final betrayal of the new relationship he had hoped to create with the 1983 Agreements. Now IBM was coming back with new demands that threatened the survival of his company. Under a Japanese code of honor, you don't negotiate with such an enemy. You said through gritted teeth: 'I will fight you; my son will fight your son; and my grandson will fight your grandson.'"

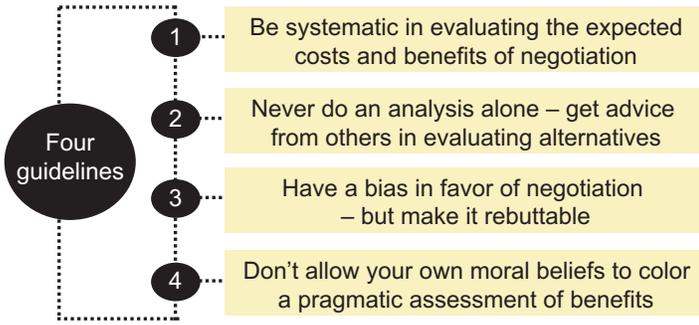
– Robert Mnookin

After two years of expensive legal maneuvers to try and resolve this issue, IBM and Hitachi eventually agreed to a new process where IBM would be adequately paid for the software which Hitachi was using in exchange for Hitachi having a shot at developing new software which would be genuinely IBM-compatible. Hitachi agreed to make a one-off payment to IBM of \$396 million for a paid-up license for the software used up to that date along with annual license payments of between \$25 million and \$52 million, depending on how many IBM programs it wanted access to. This gave Hitachi a financial incentive to access fewer IBM programs in the future. IBM, in turn, made its source code available to Hitachi software engineers in a specially regulated facility where they could read the software but not write it down on paper or anything else. This agreement eventually allowed both companies to stop fetching lawyers on each other but instead get back to competing in the marketplace.

Interestingly, this dispute was resolved because Hitachi and IBM didn't negotiate directly with each other. Instead, they appointed a mediation panel of three people (one chosen by IBM, another by Hitachi and the third by both parties). They then gave the panel power to impose an outcome. This lifted the burden from each company's executives. They could rightfully claim they didn't really like the option which was finally gone with but it wasn't one of their own making. Indirect negotiations where, for example, Switzerland acts as a go-between for two nations which have not established diplomatic ties for one reason or another have been used frequently in politics. The experiences of IBM and Hitachi showed this same approach can also work when business parties are unable to negotiate with each other.

3. Four general guidelines

Whether or not you choose to bargain with the devil always involves some form of dynamic tension between a desire to move forward and the necessity to give the other party something they don't in fact deserve. It's the conflict between principle and pragmatism. There aren't any immutable commandments which will always apply. Instead, four general guidelines you should try and keep in mind are:



1. Be systematic in evaluating the expected costs and benefits of negotiation

Your first inclination will probably be to fight. When you like fighting and expect to have to fight, it's easy to jump to the conclusion negotiation is out of the question. To avoid that, force yourself to figure out the answers to the five key questions:

1. Who are the parties involved and what are their respective interests and priorities?
2. What are the alternatives to negotiation which are available to each side?
3. What would be the costs to each party if negotiations are attempted?
4. What potential agreements would best serve the interests of both parties?
5. If a deal is in fact reached, would both parties live up to it?

Doing this analysis will be hard because it will force you to make predictions about how the parties will act in the future. You'll need to introduce your own values into your analysis. However, a cost-benefit analysis is a vital first step. It forces you not to rely solely on intuition or unarticulated moral ideas for a decision.

2. Never do an analysis alone – get advice from others in evaluating alternatives

You have to expose your reasoning to people whose opinions you respect in order to come up with a robust decision. If you take the approach: "This is what my gut says I should do, but I just can't explain why," all you'll end up with is a half baked rationale which makes no sense at all. Bring in people who don't have the emotional baggage you do and get their advice. Their perspective and input will be invaluable.

When you get input from other people, you weed out all the mental traps your own thinking has fallen prey to. It's entirely reasonable that different people will also come up with noticeably different cost-benefit conclusions. They will attach different values to the trade-offs involved. Working your way through these differences will be useful in and of itself because this will demand that you think clearly.

3. Have a bias in favor of negotiation – but make it rebuttable

If you do your cost / benefit analysis and it looks like being a tie, then go ahead and negotiate. Have a bias towards negotiation. This can overcome any subtle effects of the mental traps – tribalism, demonization, dehumanization, moralism, zero-sum thinking, the fight-or-flee impulse and the call to battle. You also have to be careful you're not being selective and only looking for evidence which justifies the conclusion you want to reach. Being biased in favor of negotiation balances this risk.

It's also fair that if someone doesn't want to negotiate, the bar should be higher for them to make their case. You want to avoid getting dragged into someone else's crusade simply because you're not doing your own clear thinking. If they want to fight, make them justify that course of action completely and without any doubt.

4. Don't allow your own moral beliefs to color a pragmatic assessment of benefits

When you're acting on behalf of an organization, you have to be very careful when you choose to let your own moral judgment override what could be termed a more pragmatic assessment of the realities of your situation. When an individual takes a stand solely on moral grounds, he or she is applauded. When a leader does the same, serious concerns will be raised whether that leader is serving the interests of the organization. Acting in a representative role requires that you use wisdom.

"Should you bargain with the Devil? If I were pressed to provide a one-sentence answer to this question, it would be: 'Not always, but more often than you feel like it.' 'Not always' because I reject categorical claims that you should always be willing to negotiate. 'More often than you feel like it' for two different sets of reasons. First, the negative traps and strong emotions can make you feel like fighting when clearheaded analysis would demonstrate that you should negotiate. The second relates to morality. You may feel that choosing to negotiate would violate a moral principle you hold dear, or be inconsistent with your sense of self. In the very hardest cases, you may feel deeply torn between the 'principled' choice and the 'pragmatic' one. When one is forced to choose between the two, I lean heavily in favor of pragmatism, but I want to acknowledge how painful that choice can be. I have empathy for this desire to punish those who have wronged us. I share it. When we are caught between the demands of principle and pragmatism, what we really need to ask ourselves is, To what extent should we look backward and to what extent should we focus on the future? There's often an inescapable tension between achieving justice for past wrongs and the need for resolution. This is a bitter pill to swallow."

– Robert Mnookin