

Bargaining with the Devil: When to Negotiate, When to Fight

Robert Mnookin

Simon & Schuster

Reading the news, it seems as if negotiation is at the core of almost every human-to-human issue: Palestinians and Israelis, Iran's and North Korea's nuclear aims, the Taliban in Afghanistan, health care, financial reform, energy policy—whether and when to negotiate places process at the center of most everything. If only we could negotiate with oil spills and weather. For those who seek a guide in stressful negotiations, Robert Mnookin's new book offers a conceptual structure and a set of engrossing case studies.

Mnookin, chair at the Harvard Law School Program on Negotiation, offers his perspective on that influential organization's key principles. Raising doubts about the project's traditional view that "you should always be willing to negotiate," he gives space to the lesson of "the Faustian parable [which] suggests you must never negotiate with the Devil." Although his conclusion, that you should negotiate "Not always, but more often than you feel like it," may seem simple, the devil (or God) is in the details that lead to this final aphorism.

Mnookin moves from the struggle against historical monsters—Churchill deciding to fight Hitler, Mandela choosing to negotiate with the apartheid regime, Sharansky challenging the Soviet Union—to our business and personal negotiations with our own perceived demons. His analysis takes place within a number of useful frames. One is the dichotomy between the intuitive reasoning that quickly determines our decision to fight or parley, and the rational side that we too often enlist "as a lawyer to argue the case." Another is a set of "traps" that impel us in one or another direction—dehumanizing the other or taking a self-righteous moral stance on the one hand, against which is set the hope for rehabilitation of the other, or of a chimerical win-win solution. About the latter, Mnookin says, "Slogans like 'win-win,' often associated with my Harvard program, are incomplete or misleading. They make it all sound too easy. I believe that effective conflict resolution requires one to manage certain tensions that cannot be fully resolved."

While the historic cases make fascinating reading, and the battle between IBM and Fujitsu gives the reader a remarkable insight into East-West conflict in an age of global technology, Mnookin's chapter on participating in labor negotiations at the San Francisco Symphony Orchestra is by far the most germane for school readers. He describes the orchestra as a Cerberus with three power centers: the administration, which must ensure the viability of the orchestra, the maestro and the musicians, who jealously guard the "product," and the trustees, whose philanthropic role makes them "more akin to [corporate] board members who own a lot of stock."

Mnookin is especially insightful in explaining the complex of ego, special gifts, and thwarted longing for power that characterizes the symphony musicians, who have "the reputation of being the angriest, most militant group in the whole field of entertainment and the performing arts." Echoing the analysis Rabbi Edwin Friedman once gave of congregations and other "total institutions" such as schools, he depicts his task with the orchestra as "like a therapist being asked to treat a horribly dysfunctional family."

A former student of mine recently wrote me that he had become engaged at the end of his senior year of college. Judah had completed a Biology major with a Music minor, while Rebecca had majored in Global Studies, with a minor in Peace, Conflict, and Coexistence. I immediately responded that they seemed to have the perfect education for marriage. Just in case, though, I think I'll send them Robert Mnookin's book as a wedding present. ●

Dick Barbieri, having just completed his eighth interim headship, is spending the current school year writing, advising schools, and volunteering for organizations from Facing History and Ourselves to Habitat for Humanity. He can be reached at richarde.barbieri@gmail.com