
A Logic for the Magic of Mindful Negotiation

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In this article, the author identifies similarities between the theories of mindfulness meditation (and its Buddhist foundations) and interest-based negotiation. She argues that incorporating such facets of mindfulness as purpose, presence, acceptance, and connectedness can improve negotiator effectiveness as well as make the experience more satisfying and uplifting for the negotiator.

Key words: negotiation, meditation, mindfulness, interest-based negotiation, Buddhism.

[I]f we recognize why mediation works, we will be unlikely to settle for less than those conditions and those states of mind necessary for mediation to succeed.

— *Albie Davis* (1989: 18)

Introduction

In an article published more than fifteen years ago entitled “The Logic behind the Magic of Mediation,” mediator Albie Davis argued that effective mediation requires such qualities as respect, humility, and a positive and nonjudgmental attitude (Davis 1989). She further suggested that the mediator’s demeanor and attitude, and the actions that flow from them, are at least as important as clearly delineated strategies or techniques.

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Today, the cutting-edge of theory and scholarship in negotiation has focused as well on the more amorphous, but clearly critical, role of mental and emotional states in influencing human behavior in conflict situations.¹ Numerous writers and scholars have investigated and offered a multitude of strategies for dealing with emotions and optimizing success in negotiation.²

One such strategy gaining recognition in the field of conflict resolution is the use of a particular form of meditation, called “mindfulness.” Mindfulness, derived from the ancient Theravaden Buddhist tradition, is a purposeful, nonjudging, moment-to-moment awareness cultivated by meditative practice (see Goldstein and Kornfield 1987; Gunaratana 1991; Kabat-Zinn 1994). The benefits of mindfulness meditation — for physical and emotional health, quality of life, and overall well-being — have been studied extensively over the last few decades, particularly by researchers in health care and psychology.³ More recently, however, several theorists, including legal scholars, have begun to articulate why lawyers, law students, and alternative dispute resolution professionals, specifically, would benefit by practicing mindfulness meditation (see Pounds 2004; Riskin 2004, 2006; Rock 2005).

In this article, I explore some of the underlying connections, or parallels, between the principles and practices of negotiation and meditation to support these arguments for bringing mindfulness to negotiation. I hope to illustrate how mindfulness can concurrently inform our negotiation practices while helping us to better incorporate our personal values into our professional and personal worlds.

Because negotiating can be tense and stressful, living from our ideals in such a milieu may seem like an almost impossible undertaking. Nonetheless, I propose that a kind of “magic” can occur when negotiators apply mindfulness practices to negotiation. I seek a logical foundation for this magic by examining four thematic parallels — purpose (or goals), presence, acceptance, and connectedness — between the ancient practice of mindfulness, based on the teachings of the Buddha, and the practice of interest-based negotiation.⁴ I have chosen in this article to concentrate on the principles of interest-based negotiation because it has become the most widely known and accepted alternative to older, more competitive negotiation approaches (see Fisher, Ury, and Patton 1991).

The scope of this article is intentionally narrow. I do not address the practical concerns raised in the literature about using mindfulness in negotiation (see Pounds 2004). For example, I do not look at the question of whether the ethics (such as honesty) implicit in a mindful approach would undermine a negotiator’s ability to bargain successfully (see Peppett 2002). Similarly, while I suggest a different perspective on success in negotiation by exploring how we define our goals (or purpose), I do not take on the thorny issue of lawyers as agents, where success is usually defined as achieving the *client’s* goals.

Rethinking Goals

Those trained in interest-based negotiation recognize the importance of looking beyond an individual's stated stance to uncover his or her underlying motivations. Most dispute resolvers are familiar with this dichotomy as the difference between positions and interests (Fisher, Ury, and Patton 1991). Interest-based negotiation is premised first on the idea that there are two levels of "wants." The wants presented outright in a negotiation, called positions, are usually associated with demands regarding concrete, material things or specific actions. The wants underlying these positions, the interests, are those sometimes intangible concerns or conditions that motivate parties to take a particular position. In staking a position, untrained negotiators frequently adhere to the often-misguided notion that winning our positions is the only or best way to satisfy our interests, missing in the process the many opportunities for mutually satisfying agreements that recognition of underlying interests can create.⁵

Mindfulness can take us one step beyond the classic formulation of interest-based negotiation. By helping to free its practitioners from what Buddhists regard as the tyranny of thoughts and emotions, mindfulness can open the door to a deeper and more meaningful dimension of interests. Buddhist principles can inspire adherents to go beyond "wants," while the methods of mindfulness, discussed later in this article, seek to cultivate the qualities of mind necessary to recognize and pursue our most profound wants, rather than be diverted by more immediate and temporal goals whose attainment often does not fully satisfy us. From a Buddhist perspective, such clarity of purpose — called "right understanding" — is a foundation for spiritual awakening (Goldstein and Kornfield 1987: 3–4). Identifying our true purpose can also form a critical first step for negotiating successfully from both a substantive (outcome-oriented) and a personal (satisfaction-related) perspective.

Careful consideration of goals is important because negotiators can encounter difficulties when what they want is misaligned with reality. At the core of Buddhist philosophy is the universal truth that much of what we seek to achieve is beyond our control.⁶ For this reason, Buddhists believe that our attachment to material objects and particular transient mind states, such as happiness, is at the root of our suffering as humans. From this perspective, doing what we want and even getting what we want, paradoxically, can bring suffering rather than enduring happiness.

While it is a natural human tendency to pursue good feelings and experiences (called "grasping") and resist those that cause us pain (called "aversion"), followers of Buddhist philosophy believe that this perpetuates a continued yearning for things to be other than they are. No matter how much we have, this thinking goes, there is always something more to attain, so we are chronically dissatisfied with what we have. Mindfulness, which

involves practicing being “present” and “open” to *all* experience, seeks to lay a foundation that can help us decouple from the treadmill of grasping and aversion.

From a purely practical standpoint, a negotiator’s ability to keep his or her “eyes on the prize” — his or her long-term goal — is fundamental to concrete success in negotiation. But negotiators often forget or disregard their goals because the emotional stress, conflict, and competitiveness they encounter in a negotiation setting can distract them. Richard Shell even suggests that negotiators write down and bring their memorialized goals into the negotiation because “[p]eople lose sight of their real goals in competitive situations and pay far too much money, spend too much time, or sacrifice too many other interests for the privilege of saying they have won” (Shell 1999: 37). Like Shell’s pragmatic recommendation, mindfulness practice enhances our capacity to focus and sustain our attention consciously so that we can make the choices that serve our truest purposes and avoid getting sidetracked by issues generated by ego and emotion.

Most negotiators realize that, beyond “keeping our eyes on the prize,” we must also make our intentions fully recognizable to others, through both word and action. Without clear communication, the contextual fog of competition and distrust in many negotiations can obscure good intentions. Thus, skillful communication and unambiguous action is critical to ensure that positive intentions are not misinterpreted.⁷

In spiritual practice as well, speaking and acting with integrity is critical. Buddhism’s Eightfold Path to enlightenment advocates not only wise intentions, but “wise speech” and “wise action” as critical elements of ethical living, based on a reverence for life. Pema Chodron, a noted meditation writer and speaker, wrote that compassionate action is based on communication from the heart. She makes what she calls “a practical suggestion: all activities should be done with the intention of speaking so that another person can hear you, rather than using words that cause barriers to go up and the ears to close” (Chodron 1994: 115). For negotiators, wise speech and action can form the basis upon which the critical element of trust is built. From such a foundation of trust, negotiators can work more openly and effectively toward meaningful goals.

Cultivating Presence

To negotiate from our deepest purpose requires a level and quality of presence — of mental focus and clarity — that can prove elusive. Maintaining attention for any length of time is a difficult feat. Often, in both life and negotiation, our body is in one place but our attention is elsewhere, and while we appear to participate in a conversation on one topic, we are often thinking about something quite different (our next meal, for example.)

This lack of mental discipline can have an extremely deleterious impact on the success of our negotiations for several reasons. As discussed previously, a first casualty of inattention can be losing sight of our real goals. Additionally, when our thoughts are elsewhere, we miss information and cues, both verbal and nonverbal. Further, with a mind easily distracted, we lose mental acuity and are less able to take quick and appropriate action as needed when the tides of a negotiation shift.

In this arena, the techniques of mindfulness can be particularly helpful. Mindfulness practice can help us to maintain our focus on the topic at hand by offering techniques that train our minds to stay in the present moment, rather than drift unconsciously from thought to thought. While classical meditation teachings use a wide variety of different objects upon which to focus attention, the necessary training is in the process itself of concentration or paying attention.

Using Anchoring Techniques to Develop Concentration

Mindfulness practitioners use a strategy known as *anchoring* to learn how to pay attention. Anchoring works by maintaining a focused concentration on a particular object and then “re-collecting” our attention back to that object each time that we are distracted by thoughts and emotions.⁸ Jack Kornfield compares this process to training a puppy: “You put the puppy down and say ‘stay.’ Does the puppy listen? It gets up and it runs away. You sit the puppy back down again. ‘Stay.’ And the puppy runs away over and over again” (Kornfield 1993: 59).

While many meditative practices use mantras or physical objects as anchors, mindfulness practitioners more commonly use bodily sensations, sounds, and the breath (the sensory experience of breathing). We use bodily sensations as an anchor by holding our attention, moment by moment, to the sensations in our body — by concentrating on the sensations in our whole body or on specific areas, such as our hands, stomach, or feet. Similarly, mindfulness practitioners focus on the breath and, when we notice our attention has wandered, we return to the breath — focusing on the actual sensations caused by breath — again and again. Other practitioners find that awareness of sound, noticing what we hear as it arises and passes away, is a powerful anchor.

As we develop this anchoring practice, our concentration becomes more sustained, and we can quiet our minds — we are less governed by our thought processes. It is analogous to having volume control on a television: we do not have to listen if we do not so chose. Without the TV blaring, we can choose to attend to something else.

Anchoring also helps us to “re-reflect” more quickly — noticing when we are diverted by thoughts — and allows us to have the thoughts (which are often useful and necessary) *but be conscious that we are having them*. Following the actual experience of breathing, bodily sensations or sounds

and charting mind movement cultivates an additional level of awareness in which we can simultaneously experience phenomena and observe ourselves experiencing it.

Being in a position to think, but also being cognizant that we are thinking, allows us the objectivity to make better decisions. To illustrate this point, you might imagine yourself in a movie theater. If you become fully engrossed in the movie, you lose the awareness that you are sitting in a theater watching a movie. Having the added perspective of knowing that you are watching the movie allows you to be aware of what is happening in the movie theater around you and gives you the capacity to reflect on your own reactions to the movie. Maybe the thoughts spawned by the movie are not accurate or productive. Maybe something going on in the theater (not in the movie) should be attended to.

In negotiation, this added perspective or awareness can help us to make decisions and judgments in a more considered way. If we are not lost in our thoughts (the movie), we not only gain access to a broader field of information, but we can begin to see and evaluate the impact of our thoughts. When we are aware that we are thinking, we gain the discernment to choose which thoughts to pursue and how to respond to them. We can follow productive thoughts while letting go of distracting thoughts — like those that come from our own biases or fears. We can look behind a thought and see what is driving it, and then evaluate the wisdom behind action based on that thought.

This added level of awareness is particularly important in those face-to-face situations where negotiating is a dance that hinges on our ability to make rapid and wise decisions. To do this, we need to pay attention to what is actually happening at any moment in the negotiation as well as be aware of our own thoughts and emotions. An example: you are in a tense negotiation. Your thoughts may, understandably, drift to “what if this doesn’t work out?” or you may start conjecturing that the person you are negotiating with is trying to trick you in some way. This might make you feel angry. With a trained mind, at some point earlier rather than later, you will notice that you have become engrossed or lost in these mental processes (with regular practice, returning to an anchor becomes more frequent and automatic) and take corrective or “redirective” action. Further, if and when you notice that your mind is agitated and distracted, you can also consciously decide to use the anchor of the breath, for example, to slow you down and allow you to realize where your thinking has taken you.

With this “observer’s perspective,” rather than simply reacting to our fearful thoughts about the outcome of the negotiation or our unconscious judgment about the other negotiator, we can decide how or whether to act on those thoughts. Thus, we gain an invaluable perspective on our own mental and emotional processes. This perspective supports us in taking

actions that are more likely to be wise and appropriate because they are based on a more objective and complete understanding of the situation.

Using Mindfulness Tools to Support Active Listening

Just as anchoring helps negotiators to concentrate, other practices can serve to help negotiators deal with difficult negotiation counterparts by supporting our ability to listen actively. Active listening techniques like acknowledging, restating, reflecting, summarizing, and asking open-ended, nonjudgmental questions help negotiators both uncover and understand the other party's underlying needs and perspectives and can also strengthen relationships and build trust. But one cannot listen actively if one's attention is elsewhere — to benefit from active listening, we first need to develop the presence of mind to undertake the process effectively. Certain techniques of mindfulness practice can help us to cultivate the presence that can facilitate active listening.

One mindfulness tool that helps us to listen is called “inquiry.” This technique is analogous to the active listening tool of asking open-ended questions. Mindfulness practitioners use “inquiry” to explore their own experiences and those of others through asking such questions as “What is happening right now?” and “What is going on in me or in this person that needs attention?” and, when one feels resistant, angry, or distracted, asking “Why do I feel this way?” or “What do I seek to avoid?” Inquiry can be directed within or toward another person in order to delve into motivations, thus allowing for a deeper and more meaningful exploration of interests in a negotiation. Rather than simply reacting to what a person says or does, we can use inquiry to diagnose a situation and act more productively based on a more complete understanding of the negotiators' needs. Practicing the tool of inquiry on a regular basis can make this exploration — perhaps in the form of open-ended questions — happen more fluidly and naturally when one is faced with a difficult negotiation counterpart.

Another useful active listening tool in negotiation is to acknowledge and validate the other negotiator's perspectives and emotions. Communication improves when a negotiator identifies the other party's concerns and then acknowledges them without judgment. Alternative dispute resolution practitioners have used the metaphor of a puzzle lying at the bottom of a muddy pond. Strong emotions cloud the surface and the parties cannot see the puzzle clearly enough to put the pieces together. Identifying and addressing these emotions brings clarity; the puzzle pieces become easier to see and the substance of the negotiation can be addressed.

In meditation, a technique called “noting” or “naming” can be used to bring clarity (Kornfield 1993). When a strong emotion or sensation arises, naming it — in the form of a soft mental noting — can be a skillful means of recognizing and accepting it. Just as one can, for example, objectively identify physical sensations (heat, tingling, tightness, pressure, etc.), one can

also nonjudgmentally note one's emotions and states of mind (anger, fear, joy, boredom, restlessness). For negotiators, it is particularly important to notice things like judgment, fear, and anger so that we avoid reacting hastily and detrimentally in a tense bargaining situation.

Noting or naming diminishes the impact of distracting thoughts and emotions by putting them in context so they do not overwhelm one's consciousness. This kind of neutral acknowledgement works on two levels: one listens better because one is less distracted by his or her own emotions, and one cultivates the nonjudgmental awareness that is at the essence of both full presence and good listening.

A mindfulness activity known as "pausing" can also contribute to processes of active listening and inquiry. Tara Brach defines a pause as "a suspension of activity, a time of temporary disengagement when we are no longer moving toward any goal" (Brach 2003: 51). At any moment of internal or external chaos, a negotiator can stop, acknowledge what he is experiencing, and redirect himself as necessary.⁹ For example, he could take this moment to make the inquiry "what is really important, what matters here?"

Practicing "Bare Attention" to Reduce Proliferation of Unproductive Assumptions

Humanity's ability to reason is one of our species' defining characteristics, but it generates its own negotiation challenges. Our assumptions and biases, and our projections of our own biases onto others, can stall and undermine trust and communication, throwing up barriers to productive negotiation. Some theorists describe this phenomenon as the "ladder of inference" (see Senge et al. 1994: 242). At the top of the ladder are the beliefs that make a party angry or resistant. At the base of the ladder are the raw data — the facts — on which the belief is based. Between those two "rungs" lies the reasoning that interprets or misinterprets the data and draws conclusions.

Skilled negotiators will guard themselves from unhelpful inferences by questioning their assumptions — by looking down from the top of the ladder to examine the data at the bottom. For example, a negotiator who feels anger and lack of trust toward her counterpart could examine the source of these feelings. Does her anger arise from misinterpreting data?¹⁰ She assumes that the other party speaks tersely because he does not like her, but perhaps he has other reasons. Or do her feelings arise from her past experiences, memories of which were triggered by his behavior? Once the negotiator understands the source of her feelings, she will be better equipped to move beyond them to address the issues at hand and resolve the negotiation successfully. Understanding the "raw data" at the bottom of the ladder — the facts absent bias and assumptions — enhances clarity and understanding and makes it more likely that interests will be recognized and addressed.

Mindfulness practice looks to sensory experience as raw data and suggests that the inferences that people habitually draw obscure this raw data and create a gap between actual experience and conceptual reality. We suffer from additional layers of fear, discomfort, and reactivity, according to Buddhist thinking, because of the narratives we construct to explain our experiences. We translate sensations and perceptions into conclusions. For example, a person might awaken with a raw scratchy throat and a clogged nose and determine that he is sick and will miss a scheduled meeting, risking his career in the process, and imagining a whole host of catastrophic events to follow. While the sensations of the malady may be uncomfortable, the proliferation of thoughts and predictions of dire outcomes create unnecessary suffering.

The mindfulness practice of “bare attention” seeks to diminish the proliferation of negative thoughts by decoupling sensory data from conclusions. The ways we interpret the data — and the consequent grasping or resistance that accompanies that process — take us away from raw experience. The training provided by bare attention seeks to help practitioners to be more present and focused in their transactions and to cultivate embodied presence absent inner dialogue, judgment, and reactivity. The practice of “bare attention” begins with recognition of our responses to our experiences. For instance, a negotiation counterpart’s extreme demand might generate a flurry of judgment about that party’s motives. Normally, we might then focus on fashioning our “come-back,” what we are going to do if he or she refuses to be “reasonable.” But, instead of feeding those thoughts (i.e., believing them, going with them, and getting lost in them), a mindful practitioner might note them by labeling them, for example, as “judgments” and “defensive thoughts.” This process can make it possible to then actually experience the immediate sensations and emotions in one’s body. With continued bare attention, our inner experience unfolds — we might first sense the heat and tenseness of anger, then the squeeze of fear, and the ache or sinking sensation of disappointment or loss. By not resisting such bodily sensations or emotions (the “raw data”) and by not becoming lost in one’s own thoughts, one is able to detach mindfully from the experience. This is not dissociation — experiences are felt fully but just not taken personally. Instead, one develops the capacity to observe what is arising, and respond — rather than react — from a position of greater clarity, balance, and perspective.

Applying the Tools of Mindfulness in the Negotiation Context

Imagine that you are negotiating with someone whose insulting and condescending behavior is making you angry and resentful. Responding out of anger will only escalate the tension. And, even if you do not “act out” in your seething state you are less likely to take wise actions.

You might begin to become mindful by pausing to acknowledge to yourself how reactive you are becoming. You might then use your breath to re-anchor yourself to your body and then make a “check in” self-inquiry, asking “What is happening?” to assess your state of mind. You might recognize that you are resentful because you feel that you are not being respected and anxious because you feel a need to prove yourself.

Next, you can focus your attention on your physical sensations. What do the anxiety and resentment feel like physically? Are they causing discomfort in your chest, stomach, or throat? Is there pressure or tightness in your chest? Are you aware of your heartbeat? Is there a heavy knot in your stomach? For a few moments, you might note or label these sensations and how they change. Are they “pleasant” or “unpleasant?” Do they become more intense or do they fade? (Such a process can seem cumbersome and time consuming in the abstract, but it takes only a few seconds to drop down to this level of awareness. In addition, practicing mindfulness techniques on a regular basis and under less stressful circumstances enhances one’s abilities to do so when the going gets tougher.)

With these few steps, we can ground ourselves in the reality of the here and now and free ourselves from unproductive reactivity. From a full awareness of how we are reacting, we are less in the thrall of the reaction and are more likely to be able to focus on both our short-term negotiating goals and our deeper interests. For example, we can use our heightened awareness to acknowledge “OK, I’m furious because he is being a jerk but if I yell at him, like I want to do, I will likely just make the situation worse. My best bet is to remain calm and try to figure out why he is behaving like this and then maybe I can get him to see it my way.”

The techniques described so far can serve together to enhance the interest-based negotiators’ abilities to remain present and clear minded in situations of conflict and stress. Such techniques as anchoring, inquiry, noting, and pausing can help negotiators stay focused on their own goals and interests as well as better discern those of the other party, and detach productively from their own emotions, biases, and assumptions. Cultivating the practice of bare attention can help negotiators to better see the reality of a particular conflict by distinguishing the facts or raw data free from their own cognitive biases.

Developing Unconditional Acceptance

Beyond helping us see what is real more clearly, mindfulness practice can also help us to accept reality. While most of us would prefer to avoid unpleasant experiences (and hold onto pleasant ones), the reality of the human condition is that it is simply not possible to so completely control our lives. Ben Franklin said that “[o]ur limited perspective, our hopes and fears, become our measure of life, and when circumstances don’t fit our ideas, they become our difficulties” (see Kornfield 1993: 73).

Further, we often cannot even control our *desire* to change reality. Even if one accepts the Buddhist belief that suffering is caused by the identification and clinging that arises from grasping and aversion (wanting or not wanting), it is not terribly practical to simply say “stop wanting.” Like thinking, desire is part of human nature. Similarly, it may be easy to *say*, “don’t be afraid” or “don’t dislike that,” but it is often difficult to *do*.¹¹

The process of allowing, of “making room” in our psyches for all experience requires an ongoing practice of realizing when we are resisting reality and then making the conscious choice to accept it. We use the techniques of mindfulness (discussed earlier in this article) to gain awareness of our resistance. We develop our capacity for unconditional acceptance by cultivating a commitment and willingness to “stay” with difficult experiences and to open ourselves to them.

Learning to “Stay”

Unconditional acceptance is certainly difficult to achieve, especially when one’s experiences, thoughts, and feelings are unpleasant or painful. We often defend ourselves against anger and blame, for example, by tuning out those who express such emotions, by denying them, or by lashing out in anger ourselves. (Our “fight or flight” response can be seen as one such phenomenon.) In such situations, if one chooses not to listen, one will not hear. Thus people in conflict situations understandably become prisoners of their own viewpoints. Experienced negotiators, however, usually realize that sidestepping difficult issues (fleeing) or exchanging accusations and demands (fighting) does not resolve conflict or help them achieve their goals. Rather, negotiators are more likely to make progress in such situations if they are able to stop the cycle of attacks, acknowledge the other party’s interests, and convey their own interests in a constructive manner.

Instead of fighting or fleeing, mindfulness practice can help the negotiator develop what practitioners call a capacity to “stay.” If one is able to avoid fleeing from or fighting tough experiences, this thinking goes, one can find ways of transforming a downward spiral into a productive conversation.¹² When our conditioning tells us to fight back or run, however, it can be difficult to live up to the principles of interest-based negotiation: to listen, to seek to understand, and to jointly explore solutions.

One of the most basic premises of Buddhist thought offers support for a more accepting perspective on reality — a recognition of the phenomenon of impermanence. According to this belief, the most fundamental facts of human existence — life, sickness, and death — remind people that they are often not in control and that everything in this world changes constantly and is impermanent. The Buddha recognized this truth of impermanence and taught that attachment consequently and inevitably creates suffering. Practitioners of meditation gain a sense of this impermanence as they monitor and experience the constantly shifting and changing flow of

sensation in their bodies or when they listen to sound arising and then disappearing. Given the impermanent nature of all things, Buddhist philosophy suggests that cultivating a quality of unconditional acceptance, “letting go,” can set one free. They believe that peace comes from a willingness to let go, and unconditionally accept reality.

From a Buddhist perspective, accepting a reality does not mean that one should not, cannot, or would not move to change it, it simply means that one acknowledges what is true in any moment. It is only when we see and accept reality that we can act to address it. This is important in negotiation because when we are willing to recognize and accept truth, we are open to a much broader range of data, including that which we do not want to believe or hear. With this ability, we can more accurately analyze and evaluate a situation and be better equipped to act judiciously.

Further, letting go does not require one to drop all desires and material things. As Zen master Suzuki Roshi is reported to have said, “renunciation does not consist in giving up the things of this world, but in accepting that they go away.” Thus acceptance does not signal resignation or defeatism but rather involves finding genuine satisfaction with reality and also being at peace with impermanence.

Reframing to Spacious Awareness

Reframing is a key tactic in the negotiator’s toolbox. We reframe to shift the parties from focusing on positions to focusing on interests, from focusing on the past to focusing on the future, from blaming each other to making joint contributions (Stone, Patton, and Heen 1999). Reframing will not always resolve the conflict, but it can at least reorient the parties in a more positive direction. Reframes often offer understanding and acknowledgment, allowing the discussion to move from assertions of right and wrong to a place where parties in conflict can move forward productively.

Developing what Buddhist teachers have termed “spacious awareness” is a form of reframing that helps us to “stay” with difficult experiences by broadening our awareness to include them, but not be defined by them (see Brach 2003). It can help one to accept people and events without judgment or rejection. In the context of negotiation, developing spacious awareness is yet another mindfulness practice that can help the negotiator to listen without reactivity and judgment.

Chogyam Trungpa, a Tibetan meditation teacher, once drew a “V” shape on a piece of paper and asked his students what they saw. They said, understandably, that it was a bird flying in the sky. Trungpa replied, “no, it is the sky with a bird flying through it.” These are two quite different views: one of a bird, separate and alone, and the other of the sky, broad and all-encompassing. Such a reframe can help practitioners to feel the sense of expansiveness that allows them to hold — and allow — all things within it.

The mindfulness practitioner can use this kind of mental image to help create a sense of spaciousness and possibility in stressful situations. He can visualize an endless expanse of sky and use this image to sense his own internal awareness as similarly broad and encompassing. By widening his perceptive “lens” in this way, he can better deal with difficult situations without becoming overwhelmed by them.

Two other critical strategies of interest-based negotiation have parallels with this idea of “spacious awareness.” First, the technique of brainstorming — thinking creatively, without fetters and without evaluation or commitments — can be an important tool for devising creative solutions to meet both parties’ interests and to enhance mutual gains. Just as cultivating spacious awareness helps to broaden our perceptions beyond the limitations that our minds construct, brainstorming seeks to expand the list of possible options for resolving a dispute. In the negotiation context, this means we have access to more and often better ideas for resolving differences.

The second interest-based technique that relates to spacious awareness is called “negotiation jujitsu” (Fisher, Ury, and Patton 1991: 107). The negotiator uses negotiation jujitsu to respond to defensiveness, criticism, and attacks by exploring them with openness and by seeking to understand, acknowledge, and address the other party’s concerns. Developing an open and spacious awareness can ease this conversational and relational shift by helping us to release our instinctive defensiveness and to be more receptive. An illustration: if you put dye in a sink, the water will assume the color of the dye. If you put the same amount of dye in a lake, however, it would have no affect. With a broadened awareness, such difficult emotions as anxiety, anger, and hurt can exist, without disabling us emotionally or shaking our sense of self.¹³

Connectedness: A Basis for Trust and Collaboration

Buddhist teachings provide a final support for effective and successful negotiating — a view of ourselves as interconnected with all other beings. Buddhism teaches that experiencing ourselves as separate entities gives rise to grasping and fear. When we feel disconnected and separate from others, it is natural to be wary and defensive. On the other hand, believing ourselves connected to one another offers a foundation for trust and collaboration, elements which are the *sine qua non* of interest-based bargaining.

But developing trust within a negotiation can be challenging. We are naturally disinclined to trust those we do not know, especially in adversarial relationships. Even when the other party appears to be honest, a negotiator may find it difficult to trust, especially if he has been cheated or taken advantage of in the past. Fearing such an outcome, a negotiator may try to “beat the other side to the punch,” thereby creating a cycle of mistrust

and competition where fear of “being taken” can become a self-fulfilling prophecy.

Certainly, it is difficult to trust in negotiations when our success and survival seem to depend on winning a competitive game. With seemingly nothing to tie together competing destinies, it can be difficult to abandon the idea that, at the end of the day, someone will win and someone else will lose. This is understandable — we live in a dominantly individualistic culture, one in which we see ourselves as separate and distinct entities, rather than as a part of an integrated whole. From this cultural construct, we are likely to see things in competitive and “right versus wrong” terms (see Markus and Lin 1999). In this paradigm, negotiation is most often viewed as a contest between distrustful and competitive rivals.

Our cultural conditioning also makes it likely for us to see individual achievement as a measure of worth or identity. Thus, it is no wonder that many Westerners equate “winning” with success and “losing” with failure. Our need to “not lose” can overshadow any impetus to find win-win solutions (see Mnookin 1993). Given this conditioning, it is understandable that trust and collaboration is hard to foster in negotiation.

Related to our need to “win” is our impulse to amass power and control outcomes. With power, we bolster our sense of self. Yet, wielding power coercively or injudiciously fosters resentment and distrust. The mindful negotiator seeks instead an inclusive process based on mutual respect. Similarly, from an interest-based perspective, overuse of power undermines “buy-in,” a critical element of sustainable solutions. William Ury (1991), for example, suggests “building a golden bridge” to attract the other side toward a solution rather than drag or push them toward it. From this stance, a mutually satisfactory agreement is more likely to result. Further, when both parties participate in its creation, it is more likely that an agreement will be mutually accepted and maintained over time.

Buddhist philosophy suggests that people should build their sense of self-worth on a stronger foundation, one that does not require one to defeat or outperform another in order to feel good about oneself. Just as “wanting” can be an endless quest for satisfaction, the effort to be or do better than others can be a continuous battle in which success is, at best, ephemeral.

The Buddhist concept of “codependent arising” offers a dramatically different construct from which to address the issues of trust and collaboration. According to this theory, everything and everyone is interrelated and interdependent. In such a connected universe, one’s success depends on the success of others, so fighting for supremacy would be self-defeating. A view of ourselves as essentially related to one another not only allows for trust and collaboration in negotiation, it requires it.

Many Western thinkers have embraced this perspective. Astronomer Carl Sagan described humanity’s place in the cosmos by describing people as “star stuff” because the elements that make up all life on Earth are

believed to have originated from stars. From this viewpoint, we are intrinsically connected with the other piece of “star stuff” who sits across the table. Further, the science of ecology suggests that our lives and well-being — economically, politically, biologically — are interwoven with everything around us, just as the climate on one side of the globe can affect the weather thousands of miles away or as one angry person can start a chain reaction of anger, hostility, violence, or even war.

Mary Parker Follett, an early twentieth-century scholar of organizations and communication shared this view of interdependence: “The source of our strength is the central supply. You may as well break a branch off the tree and expect it to live. Non-relation is death” (Davis 1997: 14).¹⁴ She further articulates the rationale for recognizing human inter-connectedness in this way:

The social process may be conceived either as the opposing and battle of desires with the victory of one over the other, or as the confronting and integrating of desires. The former means non-freedom for both sides, the defeated bound to the victor, the victor bound to the false situation thus created — both bound. The latter means a freeing for both sides and increased total power or increased capacity in the world (Davis 1997: 13).

From this perspective, collaboration is both necessary and appropriate. But how do we deal with an often realistic fear of being taken advantage of in a negotiation? Interestingly, some tested principles of game theory illustrate how a negotiator can collaborate without risking wholesale exploitation (Hofstaeder 1985). A computer program entitled “Tit for Tat” provides a formula for “winning” that requires all players to win. The approach suggests that players collaborate on the first move, respond to “defection” with responsive “defection,” and then “forgive” to allow for a return to cooperation. Basically, this means starting with an intention to work together in a trustworthy way, retaliating in some way when the other party breaks the trust, but then initiating a return to a collaborative relationship. In this model, the negotiator assumes and resumes an attitude of trust that allows both parties to “win.” Like the paradigm of “codependent arising” and the beliefs of Sagan and Follett, the “Tit for Tat” approach reflects the ecological reality of human interdependence.¹⁵

There are other relatively “safe” ways to protect oneself and foster trust in negotiation. For example, a collaborative relationship can start when parties take small leaps of faith to build trust. Low-risk reciprocal actions (an open and timely exchange of documents, for example) can form a basis upon which parties can take increasingly greater risks to garner collaborative gains. Parties can make symbolic gestures, as simple as a small gift or handshake, that can send the message that there is a desire to work collaboratively. A negotiating situation can offer such opportunities for

calculated risks (such as short-term losses), which build trust and pave the way for collaboration over time when the risks are greater. Further, negotiators can develop mutually agreeable self-enforcing mechanisms where violation of an agreement would result in a corresponding loss for the violator. Such contingency agreements can allow collaboration to build with reduced risk.

From a spiritual point of view, a “tie” in negotiation can offer satisfaction in the form of identification with the other person and a sense of belonging, fostered by the collaborative nature of the relationship. Once we acknowledge that we are interdependent, it becomes more difficult to be satisfied with a “win-lose” outcome — we achieve either a “win-win” with collaboration or a “lose-lose” with competition.

The Value of Compassion and Kindness

Grounded in this paradigm of connectedness, several mindfulness practices can help us to see in ourselves and others both our human vulnerabilities and our goodness. These practices, intended to elicit our natural compassion and kindness, are less strategic in the context of negotiation and more related to purpose and to personal values and fulfillment. For many, a deeper purpose — in negotiating and in life — is to be kind and compassionate both toward ourselves and others. Mindfulness practice offers both the foundation for these qualities and specific tools to cultivate them.

The full and open presence developed through mindfulness can help its practitioners to recognize and accept with compassion their own vulnerabilities as well as those of others (see Analayo 2003; Chodron 1994; Kornfield 1993). It allows the practitioner to become aware of the natural human vulnerabilities — the fear, confusion, hurt — that are often unseen. Such awareness gives rise to compassion and the potential for deepening honesty in personal disclosure. One person’s capacity to see vulnerability, to disclose more truthfully his or her own position, can give rise to reciprocal disclosure. This, in turn, can provide the ground for building a trusting and collaborative relationship.

Several specific meditation practices can help us in this process of opening our hearts. One practice, a “compassion” meditation, helps us to explore our own suffering, fears, and longings, and offer ourselves care by sending silent wishes for our own well-being. We can widen the circle of well-wishing to include others, starting with those who are close to us and eventually expanding these wishes to include all beings. This is a powerful technique for allowing us to empathize with the pain in others, by first recognizing it in ourselves.

Just as opening to our own vulnerabilities helps us to be open to those of others, seeing the goodness in ourselves opens us to the goodness in others. One simple technique for fostering this perspective, called “metta” or “loving-kindness” meditation,¹⁶ begins by looking specifically in ourselves

and others for qualities that we value. We can also look at ourselves through the eyes of someone who loves us. Once we can see the good in ourselves — qualities like love, patience, generosity, humor, and honesty — we begin, as with the compassion practice, to offer ourselves messages of care, then to widen the circle of care to see goodness in others and to offer them well wishes. Being able to see both the vulnerability and the goodness in others can open us to a new level of relating that can radically transform a negotiating experience.

When I have been in the most difficult of situations, negotiating with someone I dislike and distrust, my ability to see beyond that person's demeanor, and recognize his or her fear, pain, and other emotions that I shared has elicited my compassion and a sense of connection to that person. It has dissolved my antipathy. From this vantage point, I have often discovered something positive in that person, a good intention, a kindness or perhaps something that we had not previously known that we shared. In connectedness, I have found the roots of open-heartedness and the capacity to respond in a way that can further mutual understanding.

The foundation for these qualities of heart is unconditional presence. According to Buddhist philosophy, as we stop resisting, denying, and pushing away those things in ourselves we dislike, our innate goodness can shine through. Jack Kornfield wrote that “our problems become the very place to discover wisdom and love” (Kornfield 1993: 71). By this statement, he suggests that those things we would push away are the things that will bring us the most learning, richness, caring (or loving-kindness) and compassion. He recommends using the tools of meditative practice — attention and openness — to shift us from seeing difficulties as obstacles to seeing them as opportunities.

This process and perspective, supported by mindfulness practice, I believe, certainly enhances the process of collaborative negotiating. By focusing our thinking and encouraging our sense of interconnectedness with one another, mindfulness can make for a more intuitive and powerful negotiator. Moreover, it can help the interest-based negotiator to negotiate in keeping with principles that he or she values, and can provide the foundation for a more fulfilling and satisfying negotiating experience.¹⁷

Conclusion

Mindfulness practice, leavened with clear seeing, acceptance, and compassion, can help a negotiator relinquish distrust and competition in favor of mutuality, connection, and collaboration. It can make the act of negotiating more personally satisfying while enabling the negotiator to practice in consonance with his or her values. Grounded in the powerfully transformative perspective of Buddhist thought, the practice of mindfulness can be a potent tool for helping negotiators to relate to others with understanding and trust. The poet Rumi encapsulates this potential beautifully:

Out beyond ideas of wrongdoing and rightdoing
there is a field. I'll meet you there.
When the soul lies down in that grass,
the world is too full to talk about.
Ideas, language, even the phrase each other
doesn't make any sense.

To end this article as it began, I look again to Albie Davis, sharing the words of her occasional alter ego, Mary Parker Follett: "we have an instinct for wholeness; we get wholeness only through . . . infinitely expanding reciprocal relations" (Davis 1997: 12). In this wholeness and reciprocity lies the magic of mindful negotiation.

NOTES

1. In *Beyond Reason: Using Emotions as You Negotiate*, authors Roger Fisher and Daniel Shapiro (2005) illuminate much about emotions and how to deal with them in negotiation. They identify five "core concerns" that motivate people in negotiation. Much of the extensive research on emotions is overviewed in *Beyond Reason*, so I refer readers to that text for more background information. Writers have also looked at the impacts of personality, attitude, and values; see, for example, Bowling and Hoffman (2003) and Cloke (2001).

2. For example, *Difficult Conversations: How to Discuss What Matters Most* by Douglas Stone, Bruce Patton, and Sheila Heen (1999) is a helpful and practical guide for dealing with the miasma of feelings and emotions ever present in negotiating in both personal and professional situations.

3. Numerous doctors, scientists, and researchers have written and lectured extensively on using mindfulness to address psychological and behavioral issues. See, for example, the Mind and Life Institute, which looks at the intersection of Buddhism and modern science through research and collaborative exploration. One well-known therapeutic approach called mindfulness-based cognitive therapy is used extensively to address, among other things, stress, chronic pain, addiction, and depression (see the work of Jon Kabat-Zinn and the Center for Mindfulness in Medicine, Health Care, and Society at the University of Massachusetts Medical School, and the publications and programs of Alan Marlatt, a University of Washington professor who writes and lectures on using mindfulness in addressing addiction). The popular press has followed these scientific developments and has written extensively about the benefits of mindfulness for health, mental acuity, and happiness. See Blakeslee (2007), Benson (2007), and Cullen (2006).

4. While the "Buddha" is identified as a historical person (Prince Siddhartha Gautama), many of the teachings ascribed to him come more from the symbolic and mythical aspects of his persona. Much of Buddhist thought is, moreover, universal, and can be tied to many spiritual traditions. In my opinion, one need not adopt this particular religion to benefit from exposure to these ideas.

5. While positions can be hard or even impossible to reconcile, looking instead to interests opens the field of possibilities. With more options to satisfy our needs, there is a better chance that an ultimate solution will offer greater mutual gains and our true needs will be met. For example, a car buyer and car seller can be at a standstill in price negotiations. Instead of simply focusing on price and finding a compromise, an investigation into the motivations behind the projected sale or purchase might bring other interests, unrelated to price, to light. The seller might need cash quickly, so an immediate cash deal would be of value to him. The buyer might have a wish to have certain modifications made to the car, and the seller might just be able to do this work without too much trouble. Who knows, the seller might be glad to do this work, because he wants to build a clientele for a business in remodeling old cars. The cash, the timing, the modifications all address the parties' needs more completely than a compromise on price.

6. Henepola Gunarantana (1991: 7) said that "[y]ou can't ever get everything you want. It is impossible. Luckily, there is another option. You can learn to control your mind, to step outside of this endless cycle of desire and aversion."

7. We can show our intention by simply being transparent. For example, we might say, "I'm really here to see if we can find a deal that works for both of us." We demonstrate an intention to be trustworthy by behaving in a consistent, understandable way, and by giving the other party our trust, or at least the benefit of the doubt. See Stone, Patton, and Heen (2005), for some skillful methods, involving the sharing of intentions, for communicating productively.

8. I believe there is a fundamental similarity — as well as a significant difference — between anchors used in meditation and the use of anchoring in negotiation. An anchor in meditation helps us to concentrate and focus attention, and anchors in negotiation are a cognitive tool for orienting thinking in a certain direction. For example, we may be selling a car and seek to use the selling price as our anchor. "This car cost me \$35,000." This statement has the effect of orienting a selling price around the original price of \$35,000. However, if we use the anchor of present Blue Book value, \$12,000, our discussion will revolve around and evolve from, this point. Anchoring as a tool to support mindfulness diverges in purpose from that of the cognitive tool in that, ultimately, anchoring in meditation is intended to provide a basis for an enlarged perspective or greater awareness. Anchors in the negotiation context, conversely, generally work to limit or narrow a parties' perspective. For more on anchoring (as well as other cognitive biases), see Birke and Fox (1999).

9. Pausing can be seen as analogous to "going to the balcony," a technique suggested by William Ury (1991: 37) in *Getting Past No*. Ury suggests that negotiators in tense situations should "step back, collect your wits, and see the situation objectively."

10. In *Difficult Conversations*, Douglas Stone, Bruce Patton, and Sheila Heen address the issue of misinterpretation of data and its impact on interpersonal disputes, particularly when each party does not have adequate knowledge of the other party's data. Many authorities recommend the movement down the ladder of inference but do not provide a mechanism for doing so. Mindfulness can help its practitioners to realize more often and more rapidly when they have made an interpretive leap and the practice of "bare attention" offers a mechanism for moving back down the ladder of inference. In this way, mindfulness supports "emotional intelligence" by increasing our understanding of our own emotional processes — our self-awareness (Goleman 1995).

11. Kornfield recommends cultivating the practice of "letting go." He suggests that we "[a]llow what is present to arise and pass like the waves of an ocean" (Kornfield 1993: 112). He cautions, however, that "letting go" is difficult and can itself be a subtle form of aversion (the pushing away of unpleasant experience).

12. This ability is analogous, in my mind, to the story of the Buddha sitting under the "bodhi" tree on the eve of his enlightenment. That night, Mara, the god of delusion, attacked the Buddha with all of the painful parts of our psyches: hatred, grief, pride, jealousy. The Buddha, instead of resisting or fleeing, stayed put and met each of them with an open heart, and they fell aside.

13. As Stone, Patton, and Heen point out in *Difficult Conversations*, our sense of ourselves (our identities) can be threatened in tough interpersonal situations and this can make a conversation "go from difficult to impossible" (Stone, Patton, and Heen 1999: 113).

14. Contrary to predominant Western views of individual sovereignty, Mary Parker Follett saw human beings as closely connected despite apparent differences. She observed, "We could not have an enemy unless there was much in common between us. Differences are always grounded in an underlying similarity . . . I always feel intimate with my enemies. It is not opposition but indifference which separates [humans]" (Davis 1997: 15).

15. See also Thomas (1974). Lewis Thomas, a physician and essayist, explored the interconnectedness of man and nature by analogy to the science of microbiology.

16. For more on the loving-kindness practice, see Salzberg (1995).

17. I do not suggest that cultivating mindfulness and a sense of interconnectedness means that negotiators should drop all of their reasonable defenses to exploitation. These are, rather, techniques for expanding horizons and becoming more open, as appropriate, to a deeper connection with those with whom we deal.

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