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NEGOTIATION CONTEXT

Two siblings, Mia and Tom, have inherited their father's house. However they seem to have different ideas about what to do with it. Tom has indicated that he just wants to leave the place as it is, while Mia is worried about the tax implications of just leaving it and wants to make a decision about the future of the house. For many months now they have avoided discussing the topic and defaulted to discussions on other topics. One day at work, Mia picks up the phone and calls Tom. She suggests they make a time to meet for coffee and talk about what to do with the house. Tom is silent for a moment and then says quietly: 'I think you should just decide yourself.' You would be forgiven for thinking that Mia might be relieved to hear this news — problem solved; she can decide. But that's not the case at all. Mia is speechless. Surprised. Shocked. Frustrated. Angry. All at once.

So, what just happened in that conversation?

In order to be able to respond to this question, we need to bring the skills of the reflexive negotiator into play. As explained in **Chapter 1**, this means developing an awareness of:

1. ourselves as communicators. What are our default communication practices, preferences and habits? How do we package our messages? What patterns are observable? How do we listen and what do we hear (and not hear)?
2. others as communicators. What seem to be their default practices, preferences and habits? What seem to be their default communication patterns for getting their message across? Conversely, what do they pick up on when they are listening and what do they not seem to hear at all, no matter how often you say it.
3. the context that influences the communication patterns and dynamics referred to in 1 and 2 above.

This chapter is an opportunity to deeply reflect on your own communication patterns in a structured way with a view to further developing your communications skills and aligning them with your negotiation style and strategic approach. Start by thinking about a past, or ongoing, difficult conversation. Recall what happened, or has happened so far, and who said what. Keep this in mind as you work through this chapter.

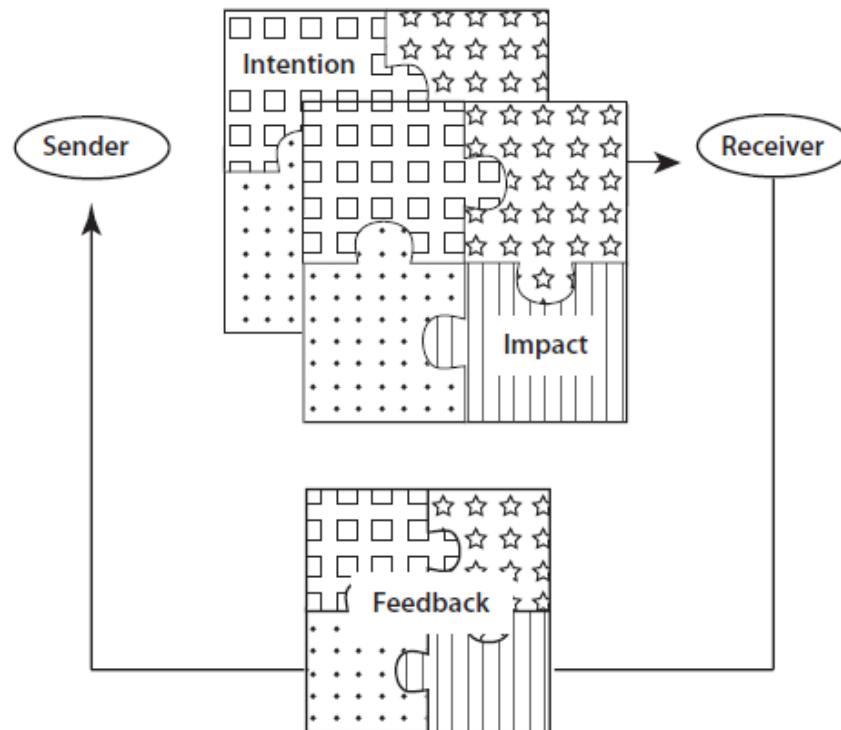
6.2 Negotiation is larger-than-life communication. It's larger than life because every single thing we do — and don't do — sends a signal to the other negotiator. Whether we are sitting silently and sullenly with our arms crossed, not saying a word, making small talk at a party, or speaking passionately about an issue to an attentive audience, we are communicating all the time. Whether we are face-to-face, on Skype or the phone, texting, chatting, emailing, we are always sending explicit and implicit signals and we do so intentionally and also unconsciously. So it's worthwhile taking a closer look at communication and how to master it. In this chapter, we assume a face-to-face setting unless we indicate otherwise.

6.3 You may be familiar with the following sender–receiver model of communication represented in **Figure 6.1** below. Negotiators wanting to send a message (senders) do so with a particular intention using a combination of verbal, vocal and visual modes of communication. Negotiators who are listening to or receiving the message (receivers) interpret the various parts of the message to make meaning of it. Because the intention of the sender in sending the message does not always match the impact the message has on the

receiver, a good communicator will provide the sender with feedback. Through active listening, the receiver can let the sender know:

- how they have understood various aspects of the message and confirm that this corresponds to the sender's intention;
- how they feel about the message as they've interpreted it; and
- what they will do as a result of the message.

Figure 6.1: Basic Sender–Receiver Model¹



Of course, in real life, negotiators engage in a complex dance of sending and receiving messages and constantly combine sender and receiver roles. In this chapter on communication, we slow down and isolate this dynamic in order to better understand and improve our ability to communicate as negotiators. This is the first step to building awareness of self, other and context.

The Negotiator's Four Meanings in a Message (or the negotiator's four tongues)

6.4 If we look closely at Tom's statement, we discover that there is more than one meaning in the message that he sent. This is because every time we communicate we are speaking with various and diverse inner voices. These inner voices combine to send what is ultimately a highly complex message, no matter how simple and straightforward it may appear. To explore this idea, let's revisit Mia and Tom's interaction in 6.1.

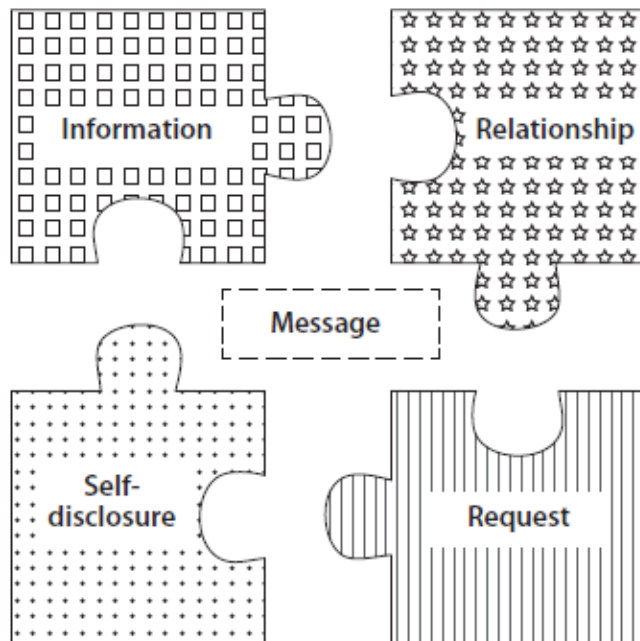
¹. Adapted from F Schulz von Thun, *Miteinander Reden 1: Störungen und Klärungen, Allgemeine Psychologie der Kommunikation*, Rowohlt, Hamburg, 2003, at 81.

On the face of it, Tom's message seems to be that 'Mia should make the decision about the house'. However, Mia seems to be responding to a different message. The message to which she reacts seems to be something along the lines of: 'Well, Mia, you've decided what you want to do anyway, so there is no point me wasting my time bringing in other ideas. It's a fait accompli!'

But that's not what Tom said. Or is it?

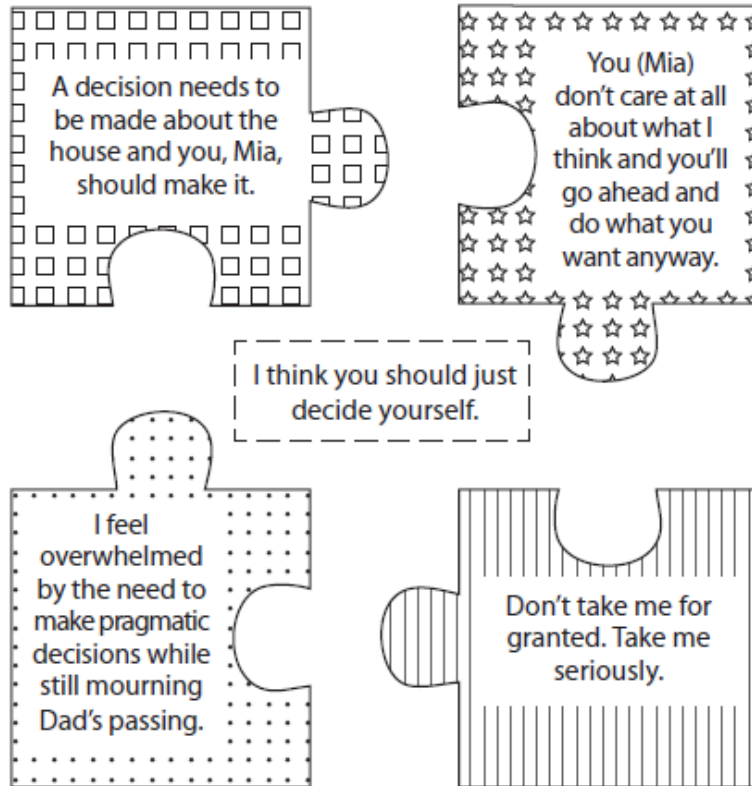
German communication psychologist Schulz von Thun has spent much of his life delving into the intricacies of interpersonal communication and helping people to master the art of communicating with one another. In the course of his work, Schulz von Thun found that communicated messages contain four different meanings. These are represented in **Figure 6.2** by the four pieces of the Four-Meanings-in-a-Message Puzzle.

Figure 6.2: Four-Meanings-in-a-Message Puzzle



If we use Mia and Tom's opening interaction as an illustration of the Four-Meanings-in-a-Message Puzzle, it might look something like **Figure 6.3**, as explained below:

Figure 6.3: Four-Meanings-in-a-Message: Tom's Message to Mia

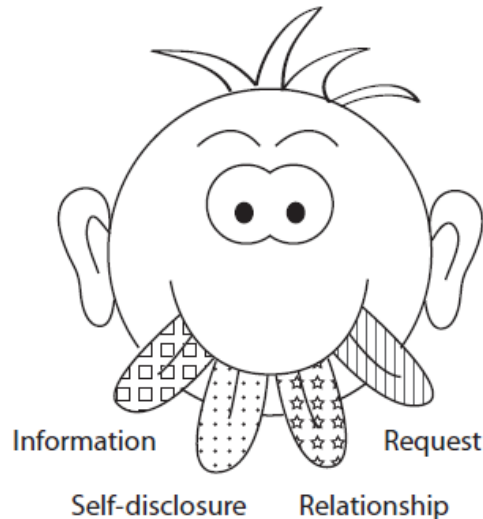


1. **Information.** At one level, a message contains information. This information may be true or false; it may be explicit or implicit. Here Tom's states 'I think you should just decide yourself'. His informational tongue is saying, 'Yes, a decision needs to be made about the house and you, Mia, should make it'.
2. **Self-disclosure.** Another part of the meaning of the message discloses something about the person sending the message. For example, Tom seems to be communicating a sense of reluctance about being involved in the decision-making process. He could be implicitly sharing a feeling of being overwhelmed by the need to make pragmatic decisions about the house while still mourning his Dad's passing. Perhaps he is disclosing a deep paralysis and inability to act in the whole situation. Self-disclosure information is often, although not always, implicit. As such it can be revealed by the tone of the sender's voice (vocal), body language and eye contact (visual). It can be gleaned not only from what is said, but also from what is not said — the little things that we choose to include (or not include) in our message.
3. **Relationship.** Yet another meaning in the message is about the relationship between sender and receiver. This meaning in the message communicates how the sender feels about the receiver and how the sender views the nature of the relationship between them. Receivers can be particularly sensitive to this side of the message. Relationship meanings are often sent implicitly through subliminal vocal and visual communication channels. In addition, choice of language can reveal how the sender perceives the receiver. For example, senders may use sophisticated language when they think they are dealing with an articulate and educated receiver or, alternatively, where they seek to impress (or even intimidate) the receiver. The relationship meaning in Tom's message might be, 'You (Mia) don't care at all about what I think and you'll go ahead and do what you want anyway'.

4. **Request.** Nearly all messages contain an explicit or implicit request to do, or desist from doing, to think or to feel something. This is the final and fourth side of the message. For example, Tom's implicit request might be, 'Don't take me for granted. Take me seriously'.

What this means is that each time we are communicating with someone we are speaking with four tongues, even if we think we are speaking with just one.

Figure 6.4: Speaking with Four Tongues



In a negotiation context this insight has important implications. We know that the other negotiator is intently trying to *read* us, to determine our status, credibility, authenticity, flexibility and other factors. A good negotiator is likely to be focused on all four parts of the Four-Meanings-in-a-Message Puzzle. Therefore, we as senders of the message need to think carefully about how to package and convey not just one but all four messages with our four negotiating tongues. How do we do this?

Implicit and explicit messages

6.5 The previous discussion shows that the words we speak are only part of the message. An analysis of Tom's statement, 'I think you should just decide yourself', has brought forth four very different meanings. This is because messages can be explicit or implicit, or a combination of both. Explicit messages are directly communicated. For example, when your mother-in-law says, 'Can I join you on your family holidays this year?' this is an explicit piece of communication, which directly communicates your mother-in-law's desire to join you on the family vacation with your spouse and children. However, had your mother-in-law wanted to be more subtle and indirect about the holiday issue, she might have elected to send the message implicitly. For example, she may have waited until you were discussing family holiday plans, and then sighed deeply and uttered something like, 'Ah, I had not even thought about holidays this year. Let me ask the travel agent for a recommendation that's suitable for an old lady travelling on her own ...'. Here the implicit message ('Don't leave me here on my own. Please take me on holidays with you') has quite the opposite meaning to the actual words uttered, which at first glance seem to indicate a desire to organise a solo trip.

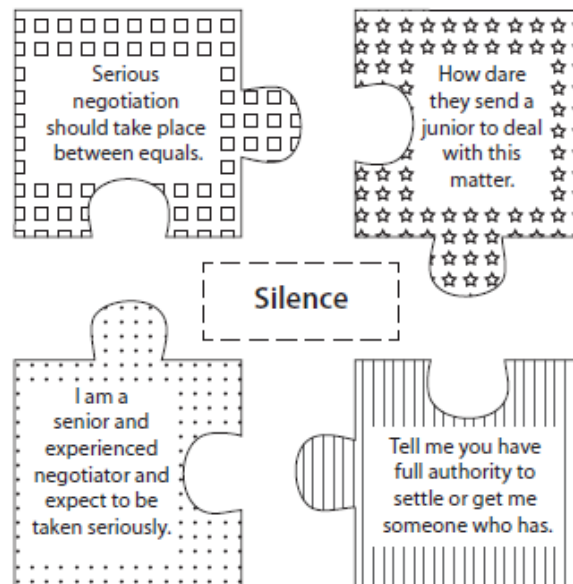
Implicit messages are sent indirectly rather than directly, opaquely rather than transparently, and are to be understood in context. They may be strategic, conscious and manipulative efforts on the part of the sender. Alternatively, they may be a subconscious, or at least unplanned, manifestation of the sender's interests and goals. The important task here is to identify the underlying meanings.

At the start of this chapter, we noted that messages are sent by a combination of verbal, vocal and visual modes of communication. The critical parts of implicit messages are generally sent by non-verbal signals which consist of:

- vocal cues such as tone of voice, pitch, pace, volume and inflection; and
- visual cues such as body language, physical appearance, attire and environment.

All behaviour has a communicative quality. No matter how hard we try, we cannot *not* communicate. Non-verbal signals alone can constitute implicit messages. For example, consider the following unpleasant negotiating moment for a junior lawyer, Andrea, where the representative for the other party is a senior practitioner. As Andrea walks into the room, the senior lawyer's glaring and intense silence seems to convey the following messages set out in **Figure 6.5**:

Figure 6.5: Non-Verbal Meanings in a Message

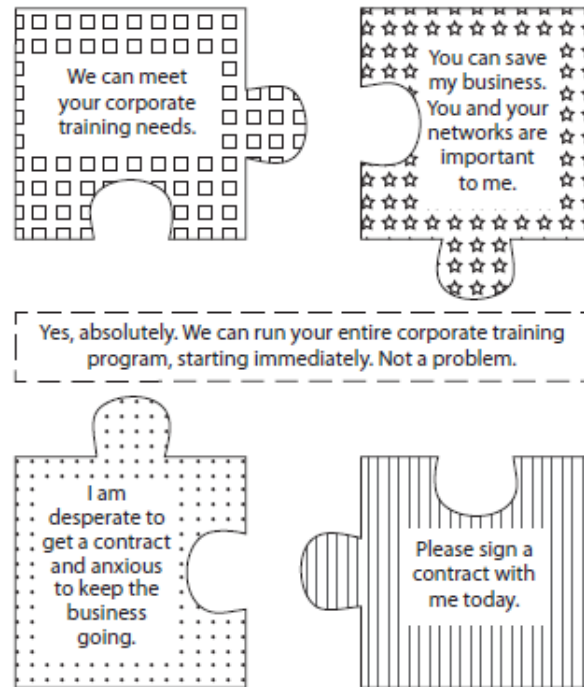


As you can see yet again in **Figure 6.5**, many messages are lurking in the non-verbal cues as explained above. Together, implicit and explicit messages make up the four parts of the Message Puzzle.

Where all four messages are congruent, the chances of intention matching impact — at least from the sender's perspective — are maximised. However, people often send an incongruent message, which makes the receiver's task of understanding the meanings within the message challenging.

Have you ever been in the situation where you understand the informational message, and on paper everything seems to be in order, but you are plagued by a nagging feeling that *something* is not quite right? Yet you cannot put your finger on it ... Usually, this feeling is a signal that the four-in-one message is not congruent. Although, intellectually, some of us may disregard the influence of non-verbal communication, subconsciously we are profoundly affected by it. As human beings, we may have mastered the art of manipulating verbal communication in the form of misleading and deceptive verbal messages; however, our bodies, and even our voices, send out signals that give many of us away. Consider the following example in **Figure 6.6** where Max is negotiating with a potential corporate client.

Figure 6.6: Incongruent Meanings in a Message



Max says: 'Yes, absolutely. We can run your entire corporate training program, starting immediately. Not a problem.' The four meanings in Max's message are represented in **Figure 6.6**.

This message is communicated through visual, vocal and verbal communication. In terms of visual communication, Max is leaning forward, displaying an over-eager attitude as his potential client leans back in a relaxed and deliberate manner. In terms of vocal communication, Max's voice has taken on a higher pitch than normal, indicating nervousness. In addition, his palms are sweating a little, a fact the client notices when they shake hands.

This message is communicated through visual, vocal and verbal communication. The visual signals of leaning forward and sitting on the edge of his seat for most of the discussions, combined with incessant fidgeting with a draft contract, communicate the pressing nature of Max's request for a signed agreement. Vocally, the urgency of Max's request is conveyed by his higher than usual pitch and fast vocal pace, accentuated by his need to drink copious amounts of water to alleviate a dry mouth. Verbally, the reference to starting 'immediately' provides a prompt to consider contractual formalities at this meeting.

When you sense incongruence, trust your intuition and respond to it — don't ignore it! You may need to unpack the different explicit and implicit messages being sent in order to get a handle on what exactly is making you feel uncomfortable. We have previously referred to implicit messages as indirect and opaque. This is accurate from a verbal perspective, as the words alone do not convey the critical meaning. At the same time, visual and vocal cues, the primary tools for implicit messages, communicate directly to others and, some would say, more authentically than words. After all, it is much easier to mislead others with words than with body language. For this reason, some negotiators recommend looking people directly in the eye when probing for hidden agendas and asking difficult questions. In Western cultures, the inability to look someone directly in the eye, sweaty palms, or the uncontrollable quiver in your voice, can communicate volumes of meaning about the sender, their authenticity and credibility and even the relationship between the negotiators. Negotiators must be quick to recognise and interpret these implicit messages and their associated incongruence. We will continue to explore

verbal, vocal and visual communication and how to respond to perceived incongruence in the next section.

Receiving the message

6.6 So far, we have introduced the four meanings embedded in every message and focused on the role of a negotiator who is sending the message. Now we will extend these ideas from the perspective of the other person in the communication equation, the receiver.

As indicated previously, intention (what is intended to be sent) does not always correspond to impact (what is, in fact, received). In conflict situations, it is rarely the case. Ultimately, the onus is on both negotiators to achieve a sufficient overlap between intention and impact in order to communicate effectively. In the first instance, however, it is up to the receiver to check the correlation between intention and impact. So, as a negotiator on the receiving end, how do you do this?

In previous chapters, we have made reference to the importance of listening as a negotiation skill. As Parker writes:

The truly great negotiators in the world are the great listeners. They are the people who listen for:
 the opportunities
 the things that are not said
 the things that are implied
 the things that are missing
 the things that are distorted
 the things that are understated
 the things that are emphasised
 the signalling of importance
 the emotions behind the words
 the agreement signals
 the doubts, fears, concerns
 the questions
 the pauses
 the relevance
 the congruence
 the certainty
 closure signals
 shifts in time
 the options.²

The quote is impressive — not only for its poetic qualities, but also for its ability to capture the enormity of the listener–receiver’s task. In negotiation, we use the term active listening to reflect the proactive nature of listening; namely, that listening involves paying attention to all the aspects highlighted in Parker’s quote, and giving feedback to the sender about the signals, meanings and messages received.

You would be forgiven for speculating that human beings are naturally better listeners than speakers because we have two ears and only one mouth. Unfortunately, this is not the case. Most of us are not intuitively good listeners. Moreover, unlike public speaking, active listening does not seem to be a

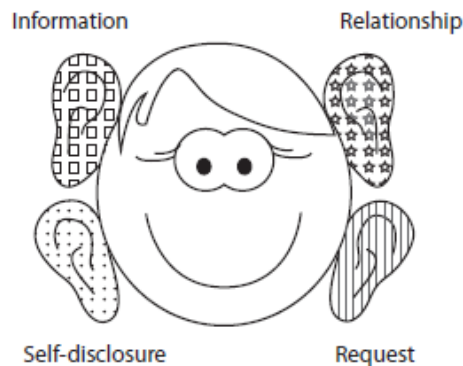
². A Parker, *The Negotiator’s Toolkit: A Practical Guide to Success in the Home, Office, Factory and Boardroom*, Peak Performance Development, Sydney, 1999.

communication priority in school education, and, as a result, most of us have not been trained to listen well. But do not despair! According to Schulz von Thun, two ears are not enough anyway — we need four ears in order to listen effectively to the four meanings in a message coming our way.³

The negotiator's four listening ears

6.7 In the same way that senders use their four tongues to deliver messages with four meanings, receivers have the ability to listen to each of the four meanings with four different ears as demonstrated in **Figure 6.7**.

Figure 6.7: Four Listening Ears

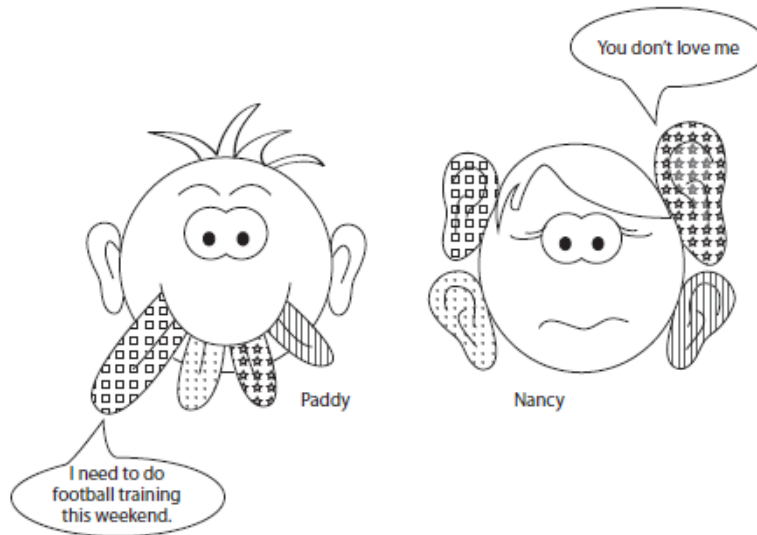


However, it would be unusual if we always listened with four ears. Most of us have a particularly sensitive ear through which we hear and interpret messages. Here are two examples.

Nancy is focused on her new relationship with Paddy and so has a particularly sensitive *relationship* ear at the moment and is prone to take things personally and be easily offended. When Paddy says that he can't go away for the weekend with her because he has football training with his team, he intends to send an informational message. But Nancy hears that football is more important to him than she is. She hears that Paddy does not love her. Through this example, we can see that much of the intended message may go missing, and sometimes only one of the four possible meanings gets across and makes an impact on the receiver. In other words, the impact of the message may have little to do with the sender's intention in relation to the message.

Figure 6.8: Intention is not Impact

³. Schulz von Thun, note 1 above, at 44.



Whereas Nancy has a finely tuned relationship ear, other people have an acute *request* ear. As they are going into a meeting to discuss her thesis topic, Jenny's supervisor asks her if she would like a cup of coffee.

Jenny replies: 'Oh, what a good idea, shall I get you one as well?' Some of you may recognise this type of situation. Why did Jenny offer to make the coffee instead of just saying 'yes' or 'no, thank you'? Many factors will have contributed to Jenny's eagerness to make coffee, including a heightened sensitivity to picking up the implicit request in communications. Schulz von Thun suggests that those with an acute request ear tend to be less in tune with their own needs, feelings and wishes and more focused on what others around them think, feel and want.⁴

As negotiators engaging in larger-than-life conversations, we must be mindful of our sensitive ear — that is, the ear we activate to the exclusion of the others. This means engaging in reflexive practice. As we begin to know our listening patterns, we can train ourselves to listen for other meanings before we respond. Following on from an earlier example, Nancy might take a deep breath before protesting to Paddy about his poor prioritising and ask herself what other meanings could be buried in Paddy's statement. She could check with her other ears: those of factual meaning, self-disclosure and request. Upon finding different meanings, Nancy might then check with Paddy whether she has understood his message properly. Such an approach gives Paddy the opportunity to either confirm that Nancy has received the message as he intended it, or to explain it again to the extent that intention and impact have become skewed.

'Well, that's all very well', you might say; Nancy does a mental check in relation to other possible meanings in the four-in-one message, but how exactly does she cross-check this with Paddy? There is a range of listening skills that negotiators can use to check the intended meanings of the other's message and these are considered next.

⁴. Schulz von Thun, note 1 above, at 59.