

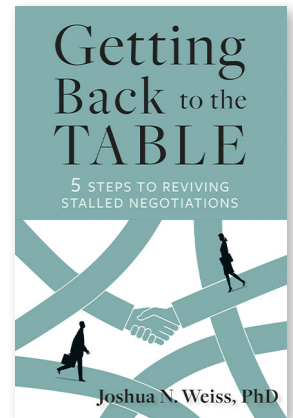


Executive Book Summaries[®]

Getting Back to the Table

5 Steps to Reviving Stalled Negotiations

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THE SUMMARY IN BRIEF

The dilemma we face when we fail in a negotiation is that we have to figure out what to do in the aftermath. How do we understand what happened? How much of the failure was due to our actions, and how do we cope with that? *Getting Back to the Table: 5 Steps to Reviving Stalled Negotiations* provides a five-step framework for turning failures into opportunities. Readers will learn to accept setbacks, analyze what went wrong, extract valuable lessons, unlearn unproductive habits, and return to the table smarter and more confident.

Negotiation is a multifaceted mix of the participants' actions and reactions, dealing with incomplete information, and numerous additional dynamics, some of which are in our control and some of which are not. So, we will fail. The key question is, how do we become resilient in the face of these failures and use them as an opportunity to grow and get better at this craft?

IN THIS EXECUTIVE BOOK SUMMARY:

- Understand seven types of negotiation failures and their causes, from minor missteps to significant breakdowns.
- Learn the four levels of failure severity to assess whether to persist or walk away.
- Identify and overcome obstacles like blame, bias, and loss aversion to grow from failure.
- Follow five steps to accept failure, analyze it, learn, unlearn, and return stronger.

Negotiation Failures and Their Magnitude

Generally speaking, when it comes to failure in negotiation most people want to know two things: what are the different ways I can fail, and how bad is it going to be?

Before we get to those two core questions, let's briefly define what we mean by failure in this context. For the purposes of this book, failure is defined as not meeting the objective or goal delineated at the outset of the negotiation process.

Seven Primary Types of Negotiation Failure

1. Take a Crack at It Failure

When the negotiation challenge is very difficult, but you try anyway and expect to fail in the short term. This type of failure is the least problematic; it occurs when we know that failure is actually more likely than success in the short term, but there's a strong opportunity to learn from the experience.

2. Slipping Through Our Fingers Failure

Not reaching an agreement when it is eminently possible. In other words, we did not reach an agreement that was achievable and would have met the parties' respective interests and needs when it was very possible to do so.

3. What Were You Thinking Failure

Not meeting one's negotiation objectives/interests. The goal of negotiation is not necessarily just to reach an agreement, but rather for negotiators to meet their objectives and interests as best as possible. Many agreements that are reached fail to meet a negotiator's objectives and, therefore, should be considered failures. In these cases it's fair to ask, "What you were thinking by agreeing to that?"

4. Penny-Wise and Pound-Foolish Failure

Reaching an agreement that damages the relationship. Some agreements are created in such a manner that they achieve the tangible objective—say, agreeing on a monetary amount—but in doing so they damage the relationship between the parties. The reason this type of failure is called Penny-Wise and Pound-Foolish is because a negotiator who is penny-wise tries to save a small amount in the short term at the expense of the long term.

5. Bad Agreement Failure

Reaching a bad agreement that is worse than your BATNA (aka Best Alternative to a Negotiated Agreement or walk

away alternative). Many agreements that are reached are, simply put, bad, and should never have been consummated. Often negotiators reach these types of agreements because they have not done careful preparation, or they feel pressured. Whatever the cause, it is not uncommon for such agreements to fall apart shortly after the ink is dry.

6. Emotionally Unintelligent Failure

When emotions are not managed effectively, and the process collapses as a result. Emotions are an age-old challenge for any negotiator. Emotions will always play a role in negotiation, and they can do so in a productive manner if they are brought into the process with some control. But if emotions are not managed effectively, they usually overwhelm negotiators, often leading to an escalation in tension and ultimately a collapse of the process.

7. Under the Table Failure

When the parties fail to notice a hidden dynamic or intangible aspect driving the negotiation. In many negotiations, there are often various hidden dynamics and intangible aspects that hinge on a lack of information. These variables, which I like to say live under the negotiation table and out of initial sight, can often be the cause of failure.

Much of the time this happens because negotiators don't know to look for them, or miss clues that these "under the surface" elements are what are really driving the negotiation. So, they focus their efforts elsewhere and miss dealing with the essence of the challenge.

Magnitudes of Failure

When we negotiate there are bumps in the road. But are those bumps mere potholes that we can fill in and get through with some persistence, or are they more severe, where the entire road needs ripping up and repaving? There is clearly a big difference, which corresponds to the magnitude of the failure we are experiencing in our negotiation. This is something that must be determined as part of the analysis of failure.

To help us understand the nature and seriousness of the failure we are experiencing, there is a four-level magnitude scale that can help us determine whether it is worth our time and effort to try to revive a specific negotiation or come back to the table and attempt a new negotiation after some time has passed.

Level I: Intelligent Failure

This first level borrows the concept of intelligent failure

The answer is that experience can be the best teacher of all, but that requires a deep and honest analysis about what transpired in a particular negotiation.

from Sim Sitkin, who coined the term in his paper “Learning Through Failure: The Strategy of Small Losses.” Sitkin defined intelligent failures as failures that are somewhat expected, due to the uncertainty of the process and the desire to push the envelope and see what happens, engaging in purposeful exploration that advances an idea or concept.

Level II: Temporary Setback

A failure at this level is the least significant type of negative failure. It manifests itself in the form of a temporary setback or the breakdown of a process, but definitely not a collapse. With this type of failure there is usually a relatively clear path back to the table; the deal still generally makes sense for the parties involved, and it is likely that they will reengage at some point in the near future.

Level III: Breakdown

Level III is a more severe form of failure, where there is a lot of uncertainty about what will happen going forward. This is characterized by a significant breakdown in the negotiation process, with the failure leading to the strong possibility that the process will not continue. It is possible for the talks to resume, but it will take a lot of work.

Level IV: Catastrophic Failure

These are the most severe type and are catastrophic scenarios where the process entirely collapses, the relationship between the parties is severely (and likely irreparably) damaged, and another effort to negotiate is highly unlikely unless something dramatic happens. This kind of failure is typically the hardest to come to grips with, because it means an almost certain end to any kind of negotiation process.

What Gets in the Way of Learning from Negotiation Failure

If we accept that failure is a reality we have to face, then the next question is, when we fail, why aren't we truly learning from those failures? Awareness is the key that opens our eyes and then our minds.

Blame

The most dominant reason we don't learn from failure is because we are too busy engaging in the blame game and rationalizing our behavior.

Biases and Heuristics

Another reason we do not learn from failure is the various psychological biases that we (often subconsciously) rely on to protect our image and reputation.

Experience and Self-Reflection

The next reason we don't really learn from our negotiation failures is because we think experience itself is a great teacher. But is it? The answer is that experience can be the best teacher of all, but that requires a deep and honest analysis about what transpired in a particular negotiation.

Loss Aversion

Another reason we don't learn from our failures is that we are naturally loss-averse. When we are loss-averse, we often bring to a situation a mindset that can prevent us from making the best decisions because we are desperately trying to avoid failure or risk—the fear of loss is simply too intense.

Lack of a Framework

The last reason we don't learn from failure to highlight is that we don't have a good framework for doing so that is not focused on blame, but rather on genuine learning.

You Failed, Now What?

The first step in the process is accepting the reality that the negotiation did not go as planned and dealing with the loss of failing. Any time we fail, it means we did not achieve our intended goal or outcome. With that new truth comes a need to cope with the loss and what it means going forward

The second step in the process is an in-depth analysis, focusing on both the Forest (the big picture) and the Trees (the minute details), to set ourselves up to truly learn from what happened and why.

The third element of the framework is learning the right lessons from a failed negotiation and how to recognize what might (and might not) be transferable to other negotiations in the future, based on the dynamics and other key dimensions.

The fourth step is to actively unlearn the behaviors and ideas that led us to our failure. The last step is to return to the table smarter and stronger, with a renewed sense of confidence because we know that we have improved on our weaknesses.

Step 1: You Failed - Accept It

When we experience a significant setback or fail in a negotiation, there is a process we need to undergo to deal with what transpired effectively. We must deal with our feelings of loss, be they related to our reputation, a missed opportunity, or, in more extreme cases, something much more onerous.

Step 2: Analyze the Forest and Trees - What Went Wrong

To genuinely understand why a failure has occurred, we must take the time to accurately analyze what happened. This analysis must happen at two levels, which we can call the Forest and the Trees. The Forest is the big picture: a high-level view of the problem that allows us to gain some broad insights. The Trees are the minute details, and they help us understand what is important to take away and to potentially apply elsewhere.

It is essential to go through this analytical process, or we cannot really learn what happened. It's also vital to conduct this step shortly after the negotiation concludes, so critical details can be recalled readily and most accurately. As time passes, our cognitive ability to distort what has transpired increases significantly.

Forest Questions

Beginning generally, we want to step back, consider the categories of failure laid out previously, and determine which one our negotiation failure falls into and why. Take some time to carefully determine the primary issue that derailed the process, and make sure you're not just looking in the comfortable places in the light.

Next, think about the magnitude of the failure. Was this just a temporary setback (a Level II failure), and can you think of ways of addressing the challenge and getting back to the table?

Or was it a bit more severe (a Level III failure), with people's reputations being tarnished and you being left quite

unsure of how to restart the process? Or, even worse, was it a negotiation earthquake (Level IV) that did irreparable damage and where restarting the process is unequivocally not going to happen?

Tree Questions

After broadly assessing what went wrong, you need to get really granular in your analysis. There are two generally related negotiation concepts that are useful to consider here: critical moments and moves and turns.

There are a number of types of moves and turns in a negotiation that are made as part of a proposal or used to respond to a statement the other negotiator makes. These moves and turns include framing, reframing, diverting, interrupting, and naming.

Framing moves are very subtle and seek to take control of the negotiation by taking the first action and shaping the conversation.

A reframing move takes issue with a framing move or an assertion made by the other negotiator and presents a different way of seeing the problem or challenge.

A diverting move seeks to redirect and, to some extent, depersonalize the conversation by focusing on the substance of the problem.

The next kind of move that's commonly found in negotiations is an interrupting one. A short break, or reconvening the next day, can change the dynamic and flow of an unproductive process and help to reset the negotiation.

Finally, there is the move of naming, which is outwardly labeling a tactic or overall approach being used in a negotiation. This move points out to the other negotiator that you are aware of what is going on and what they are trying to do.

Step 3: Not Just Any Lessons - Learn the Right Ones

The previous learning step—conducting a big-picture and granular analysis—was designed with a very specific goal in mind. Applying the lessons we've learned, and making sure they're the correct ones, is tricky business. Each negotiation has its unique dimensions, and no two negotiations are ever exactly the same.

However, many negotiations do share a number of similarities, and there are lessons that can be drawn from one and applied to another if this is done thoughtfully and with great care.

Active unlearning means that we consciously recognize a problem with an idea or behavior and purposefully seek to change it.

The transferring of lessons learned happens at two levels. The first level is behaviors, in the form of tactics and skills. These are the easiest to correct and work with. The second level is attitudes, in the form of a negotiator's mindset and underlying beliefs.

These are influenced by what we have learned and internalized in the past, as well as the experiences that have defined our negotiations to this point in our lives.

When comparing two negotiations, ask yourself:

- Did they involve the same number of parties?
- Was one negotiation focused on a single issue, whereas in the other there were multiple topics to work through?
- Was one negotiation focused only on the short term, where the relationship did not matter (i.e., a one-time encounter), while the other had both a short- and a long-term dimension?
- Are there subtle similarities between the current negotiation and a previous one that did not go well that might be causing negative transference?
- Were the negotiation styles used by the parties involved the same or different?
- Were the dynamics in the negotiations the same or different?

The bottom line when it comes to learning and transferring the right lessons is comparability and understanding when our approach to negotiation and underlying mindset might be leading us awry.

Step 4: Actively Unlearn What Your Weaknesses Taught You

If we are going to learn from our mistakes and improve on our weaknesses, we need to look not only outward but also inward. It is certainly possible to unlearn something by accident or in a haphazard manner. However, active unlearning means that we consciously recognize a problem with an idea or behavior and purposefully seek to change it. Some of your weaknesses might be conscious and others

subconscious. With the latter, we often have to really dig deep to uncover them.

After listing our weaknesses, we must ask ourselves why those weaknesses exist. How did we develop them, and what will we need to do to change those attitudes and behaviors?

That exploration will naturally lead us to a question that is critically important at this juncture: How can we actively unlearn the behaviors that have led us astray and change our mindset to something more productive?

To unlearn, we must begin by becoming aware of how our behavior is problematic, then question and challenge the assumptions we make, biases we hold, and underlying attitudes we possess that contribute to our thought processes and mindset.

Compromise is something negotiators need to unlearn, replacing it with problem solving and creative thinking. By focusing our attention on problem solving we make certain that we are addressing the heart of the issue, exploring our own and the other party's interests, and engaging in an inventive process to meet those interests in the best way possible. That formula has proven to be far more effective than reverting to less-than-optimal compromise arrangements.

Step 5: Return to the Table Smarter and Stronger

Confidence is an elusive concept in general, and an equally evasive one when it comes to the realm of negotiation. In negotiations, we possess confidence when we feel that we have a good command of the situation and what is being discussed. When the negotiation drifts into an area where we lack knowledge, are uncomfortable with the subject matter (or the other negotiator), or are otherwise mired in uncertainty, we begin to feel less confident, and self-doubt creeps in.

There are core elements that will help us return to the table confidently:

- Self-awareness in managing the emotional aspects involved

- Increased knowledge of negotiation in general and the specific process we are about to re-engage in
- A new way to think about uncertainty, and the mindset and skills to adapt to new information that comes our way.

Becoming a great negotiator is a journey, not a destination. Along that journey, as with most adventures, you will inevitably encounter many trials and tribulations, unexpected occurrences, and moments of joy, inspiration, and disappointment. However, in the end, if you embrace the ride, it will be one of the most rewarding endeavors of your lifetime.

Looking Back to Look Ahead

The process of getting back to the table begins with thinking through the different categories of failure and understanding the magnitude of the setback you have experienced.

Then, you can grapple with the obstacles that might get in the way of learning from it and make sure they don't influence your perspective in a manner that leads you astray. It is at that point that you will put the 5 steps into practice. In the first step, you have to genuinely accept that you experienced a significant setback or failure.

The second step is conducting a thorough big-picture (Forest) and micro (Trees) analysis to help you really understand what went wrong.

This third step requires a careful comparison, to help you avoid the classic mistake of transferring the wrong lessons from one negotiation to the next.

The fourth step is recognizing that your own weaknesses likely contributed to your failure.

This unlearning sets up the last step in the process: coming back to the table smarter and stronger. To do that, you need confidence; you need to learn to exist more comfortably in uncertainty and develop your ability to adapt to new information that comes your way.



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