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Are You Asking The Right Questions?

The wrong kinds of questions can put your counterpart on the defensive and prevent the creation of joint gains. Here's how to ask questions that advance the negotiation—and further your interests.

By Linda L. Putnam

Alice, the director of programming for a professional training institute, is entering into a negotiation with Gary, a marketing consultant, about his promoting an advanced information technology (IT) course she recently developed. For the institution's basic IT course, Gary's firm absorbs all the advertising and marketing costs, pays a set fee to the institute, and retains the revenue generated. She and Gary want to settle on a revenue-sharing plan for the new course.

When the two meet, Gary points out that he would be the one taking on all the risks of marketing the advanced course—risks greater than those associated with the basic course. Therefore, he argues, he deserves a greater share of the revenue generated by the advanced course. Alice, who needs Gary's experience to market the new course, makes a counterproposal, offering Gary 3% more than the revenue he earns from the basic course. Gary reinforces his position by explaining how much he would have to earn to cover his costs. Alice contends that this advanced program will be a real moneymaker for both of them.

"Don't you agree that our arrangement for the basic course yielded profits for both of us?" she asks.

"Yes, but can't you see that I'm taking on all the risks in this arrangement?" Gary responds.

They go back and forth in this manner, Gary arguing about his costs and risks, Alice insisting her programs fared well in the past and will market successfully in the future. The few questions they ask focus on issues, counteroffers, and settlement options. After two hours and little progress, Gary asks Alice, "Do you want to continue doing business with my firm or don't you?"

The questions that Gary and Alice ask foster an "attack and defend" pattern that turns into a verbal tug of war. When bargaining becomes a debate between pro and con positions, the conversation blocks discovery of common goals and joint gains. Negotiators who fall into this communication rut make poor concessions, pass up opportunities that would further everyone's interests, and walk away from such encounters dissatisfied.

In a typical negotiation, people ask a wide array of questions that move beyond the basics of who, what, when, where, and why. Yet, when researchers code interactions, they find that negotiators typically spend more time arguing for

their positions, defending their stance on issues, and providing information than they do in asking questions. When pressed, negotiators admit that asking questions leaves them feeling vulnerable and open to exploitation.

Effective use of questions, however, allows negotiators to redirect interactions and gain important insights about the bargaining situation. In this article, I suggest a variety of strategies to help you fine-tune your questions in negotiation and apply these tools to reach an agreement that satisfies everyone.

Use open-ended questions with an explanation

Questions differ in type and form. The sidebar "Leading and Loaded Questions" describes how negotiators use questions to advocate a particular position or attempt to corner the other side.*Closed questions* can be answered with a simple yes or no, while *open-ended questions* invite the other side to think through the inquiry. Open-ended questions aid in gathering information, searching for alternatives, and defining priorities and preferences. They produce greater joint gains when parties provide a rationale or explanation for the question.

Suppose that Gary points out to Alice that his marketing strategies and costs depend on their target audience. "The basic course targets a large group of entry-level employees in the IT arena," he says, "while the advanced course focuses on a smaller audience." He then asks Alice, "What type of clientele would the advanced course draw?"

When you provide an explanation before making an inquiry, your question will seem less intrusive or confrontational than it might otherwise. Research shows that providing an explanation for an inquiry is particularly advantageous for negotiators who hold higher positions of power than the other parties.

LEADING AND LOADED QUESTIONS

Early in their negotiation, both Alice and Gary resorted to using leading questions — questions that function not as inquiries but as statements of position or even as "veiled advocacy." "Don't you think our arrangements for the basic course have worked well and yielded profits for both of us?" Alice asked Gary, who later asserted, "Can't you see that I'm taking all the risks in this proposal?" Because they prompt the other side to become defensive and less willing to disclose information, leading questions result in lower overall joint gains. Also triggering emotional responses are loaded questions, such as: "Aside from the excessive options on the table, what other suggestions do you have for a payment plan?" or "Are you saying these unfair terms are the only ones you will accept?" Freighted words such as excessive and unfair serve to corner or even trick the other party. Because such questions perpetuate a defensive stance, you should strive to eliminate them from your repertoire.

Use questions to move from debate to dialogue

When negotiators engage in a debate, their verbal tug of war closes off possibilities. You can improve the pattern of your negotiations through dialogue, a form of conversation that results in broader thinking, new insights, and greater understanding. Questions play a key role in changing the conversational form of a negotiation from debate to dialogue.

The timing of questions has a critical effect on bargaining outcomes. Research shows that questions can serve as interruptions that redirect the negotiation toward cooperative dialogue. For example, Gary might interrupt the pro and con debate over fee structure to ask Alice, "What profit margin do you need for the advanced course to be successful?" This question shifts the conversation away from positions to a discussion of needs.

Broad-based questions that help identify the primary or underlying differences between negotiators are particularly helpful in turning a debate into a dialogue. For example, Alice might say to Gary, "You're clearly concerned about taking on additional risks. What does the term risk mean to you in terms of the advanced course, and how does this risk differ from that associated with the basic course?" Here, Alice is asking a *window question* that calls on Gary to illuminate his understanding of the situation.

Use circular questions to explore the negotiation context

Circular questioning promotes dialogue by expanding the scope of the discussion beyond the immediate situation. In exploring the larger context, circular questions illuminate the bases for positions. Alice might ask Gary the following set of circular questions:

"How do you conduct a marketing campaign?"

"What is similar and different about marketing a basic and an advanced course?"

"What is the timing and relationship between conducting a campaign and enrolling trainees in a course?"

By asking Gary about his work, Alice broadens the discussion from the fee structure for a particular course to the general context of marketing. In this way, she can learn about the concept of risk as it is embedded in the marketing process.

Gary could engage in circular questioning by asking Alice:

"What is the nature of an advanced course?"

"What aspects of the basic course are necessary for students to know before they enroll in the advanced course?"

What is the relationship between the fee structure and the type of course?"

Circular questions allow negotiators to learn about each other's circumstances, to build trust, and to expose underlying issues in their relationship. This sort of questioning is less threatening to both sides than direct queries about bargaining positions.

Say Alice finds out that for Gary to recover his costs, he would need to recruit at least 105 students for each advanced course. For the basic

course, he uses a formula of enrolling one attendee for every 1,000 mailers or for every five Web postings and magazine ads. But Alice realizes that this approach won't work for the advanced course. In marketing it, Gary would need to appeal directly to a much smaller pool—individuals who had taken the basic class. If few people signed up, he'd lose money.

This new understanding of Gary's risk marks a turning point for Alice in the negotiation. Gary's questions, in turn, will help him grasp Alice's conception of fee structure.

Use questions to uncover underlying concerns

By acknowledging the risks that Gary faced in the past, Alice opens the door for them to explore underlying issues that might help generate settlement options. For example, Gary explains that being asked to bear a higher level of risk without the possibility of greater profit makes him feel exploited. Once Gary has raised this concern, Alice can shift the negotiation away from competition to mutual recognition. She could ask him, "What type of arrangement would reward you for this risk and allow your company to make a profit?" Alice could also point out how much she values Gary's work. An enhanced sense of connectedness and appreciation can move the discussion to a new plane where negotiators can explore opportunities for mutual agreement. Use questions to enhance creativity of settlements As Alice discusses the course design, she mentions that students must take the basic course first and enroll in the advanced course later. "Why is a different timing for the classes essential?" Gary asks. The discussion sparked by this question leads to the idea of offering the two courses as a two-day package, which would allow Gary to promote the basic and advanced courses together. This plan reduces Gary's risk and retains Alice's fee structure. This win-win agreement grows out of an understanding of each party's circumstances and interpretations of the situation.

Research on communication and creativity shows that originality in problem solving arises from the joint development of new insights—insights that come from learning about each other's experiences. Question-based dialogue is much more likely than debate to yield such mutually beneficial outcomes. The use of effective questions breaks the pattern of arguing for and against positions and engenders benefits beyond acquiring information. Questions lead to new understandings about the bargaining situation, which, in turn, can shift a stalled negotiation into a conversation that generates creative options for a settlement.

Linda L. Putnam is a professor of communication at Texas A&M University and the former director of the Program on Conflict and Dispute Resolution in the Institute for Science, Technology, and Public Policy at the George Bush School of Government and Public Affairs.

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www.pon.harvard.edu

Webinar

Ira and Barry Sagotsky will be conducting a webinar for ACRP on June 16th from 12:00 pm to 1:30 pm EST. The webinar will focus on their recent article, Trust Based Influence and the Sponsor/CRO Relationship. For additional information and registration information go to our website asherman.com.

Website update

We have recently revised and updated our website in an effort to make it more user friendly. The website will now enable you to preview all of our new products including the electronic planner and the resource center. The website address is asherman.com.

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