

## Chapter 1: How Your Zen Space Can Help You Negotiate

*It's very hard to get your heart and head together in life. In my case, they're not even friendly. —Woody Allen*

Fear, impatience, and other emotions make people hate to negotiate, and make them do a poor job of it.

Controlling emotions is part of my overall method or philosophy of negotiation. And it is the core part. I am not going to just tell you to "snap out of it" (what a useless piece of advice). This book will show you how to both control your emotions—your Impulse Place<sup>1</sup>—by entering what I call your Zen Space,<sup>2</sup> and then how to plan and carry out the steps that will lead to a sustainable deal that is at least close to your goal.

Imagine many people's worst nightmare, going to a new car store to buy a car. Wow, you are going to be pounced on by a hungry salesman or saleswoman hungry for a sale. They have been trained with all the tricks to get you to buy what's on the lot—preferably the car that has been baking for six months with no nibbles. He or she is going to get you to pay too much and to feel honored they were even willing to sell you a car. And once that part is done, you are going to visit ... the finance person. Once done there, you will be so confused with arcane terms and weird numbers that you will pay anything to get out of there. And anything is exactly what you will pay.

Do you feel that churning in your stomach? It's your lunch, yearning to be free. But you can't let it go. You need to look cool, no sweat, tightly controlled although you are as tight as an overstretched drumhead, ready to rip. But still not as tight as the muscles in the back of your head, giving you the worst ache you ever had. Boy, are you ever ready to bargain with a professional and get the best of him. Ready to...bow down to the god of cars and sacrifice your next paycheck and the one after that...and...

Sorry, but I had to do that, to get you into your Impulse Place<sup>SM</sup>, where reasoning takes flight and emotions rule. OK, take a deep breath, because this book is about relief.

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<sup>1</sup> Impulse Place is the cross street at the end of Lonely Street, where Heartbreak Hotel is located. Sorry, Elvis.

<sup>2</sup> The first recognition I know of Zen mindfulness as improving negotiation is in an article in the *Negotiation Journal*, vol. 24, no. 1 (1/2008) by Attorney Darshan Brach called "A Logic for the Magic of Mindful Negotiation."

Being in an emotional state causes people to make mistakes of reasoning, and causes them to be impatient for a resolution so the emotional pain will go away, often at a time when patience is exactly what will bring about a desirable outcome.

Being in control of your emotions allows you to handle things I will tell you about in this book that you need to do. They include listening to your worst enemy with an open mind, listening to your counterpart berate your skills and berate what you propose to sell or your offer to buy. I will teach you to resist stating a "negotiation position" (an offer). They will include keeping your cool while sometimes your counterpart espouses values you hate. How do you do all this? I will teach you how, by leading you to your Zen Space<sup>SM</sup>. That is where, without chill pills, you can keep your cool.

There is something besides just keeping your cool. The Zen meditation technique allows a person to find truth. Not just big truths like, "What is the purpose of life?" but ones a little smaller, like "Why do those whack jobs on the other side of this political argument have such nutso ideas?" In other words, the technique helps you open your mind, or become "mindful."

Of course, I would not put these expectations and demands on you without teaching you how to handle them. In all cases, you will do that by entering your Zen Space,<sup>3</sup> which you will learn about in the next chapter. And I will ask you to practice a great deal so that this all becomes second nature. Negotiation, like all skills, gets better with practice. As you read this book, and re-read parts that need re-reading, you will do well to *practice* the Zen techniques. You will know you have arrived when you go to a movie in a theater not to watch the movie but to watch you watching the movie. This may not make sense now, but it will by the end of the next chapter.

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I do not believe that using tricks or ploys gets you to a sustainable deal. Tricking or coercing someone starts you on the route to a deal that breaks down and may even end up in court, as one side or both accuses the other, and refuses to perform. Still, refusing to depend on tricks and ploys is a forward-looking view that not everyone shares, and so many negotiators do employ tricks to frighten or anger you, that you need to be able to parry those emotional threats.

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<sup>3</sup> What everyone else calls "mindfulness" I call your Zen Space, just to put a brand on it.

And since I recognize that you may face them, I will arm you to deal specifically with tricks and tactics. That armor also requires you to get in your Zen Space. So what is it, why do you need to get there?

Today, science can demonstrate that there are not one but two parts of the brain that deal with analysis and decision-making—one automatic and fast and crude, and the other slow and methodical. The first—which some people call *reflexive* because it is like a reflex—is influenced greatly by one's emotional state. There is a second or *reflective* part of the brain that is calculating, methodical, slow, nuanced, and little influenced in its outcomes by your emotional state. Shortly, I will present some of the scientific evidence for two brains, as well as a brief history of meditating to reduce stress and do better decision-making by putting the reflexive brain in charge. But wise people have always known this intuitively.

I have put more detailed information on this into Appendix A, for those who want the scientific details. It's about the history of Zen and how people, including scientists and others, think it works. It describes the history, early and more recent science developments (including neuro-anatomy) that bear on the benefits of a Zen or meditative approach.

Of course, you can use the information in the rest of the book without knowing the science that may make it work. If you can work hard at the techniques without the underlying science, then you will be fine.

Negotiation, like all skills, gets better with practice. As you read this book, and re-read parts that need re-reading, please *practice* the Zen techniques until they are fully a part of you.

Let me make this clear: I believe in negotiating while being in a careful, reasoning mental state, and I believe in the help Zen provides in getting to that state. Still, I do not believe that it is desirable to be constantly in the super-rational state that makes negotiation effective—not reacting to fears, desires, anxieties and other emotions that overwhelm. By no means.

One must be aware of one's feelings to be in touch with one's humanity. That was the point often made by Mr. Data in *Star Trek: The Next Generation*. No great art—visual, musical, or any other form—and no great love would be possible without feelings and emotions. They are a key part of life. Understanding how out-of-control emotions may be influencing people you are

negotiating with can be very useful. Still, being under their influence is not useful to *effective negotiating*.

A suggestion: As you work your way through this book, compare what you would do in negotiating situations with what other people do—in what you observe in your life and your friends', on TV shows and in movies,<sup>4</sup> and in negotiations that play out on the news. Try to understand what people did, why they did what they did, what they might have done better, and what mistakes they avoided or fell into.

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Finally, negotiation is, although with real consequences, also a game. It has an aesthetic like baseball, basketball, chess, etc.—worth watching on its own terms. Speaking of games, let's take a look at a non-negotiation game. I use it here to illustrate how irrational human thinking tends to be—and as an incentive to you to become more rational by investing time and effort in the coming chapters.

So let's play the "Ultimatum Game." The referee has ten dollars to divide. He is going to give you some of that money. The game will be over, and the ref will give us each what I propose, but only if you accept what I suggest. If you reject my proposal then the game is also over, but neither of us gets anything. Simple game, right? Ready to play?

I will give you two bucks out of ten, take it or leave it. I get eight and you get two. OK?

Psychologists and other scientists have run this game hundreds of times, and the two-dollar offer is often rejected. How can we explain this? After all, it may not be a 50/50 split, but you would get two bucks instead of nothing. This rejection is not exactly rational, but it actually happens about half the time. What's up?

The UG is one of many games and decision situations studied over the past couple of centuries, initially by economists. They are very interested in making models or simplified representations from which they can predict human behavior in making decisions with money outcomes. These models are word and number descriptions of human behavior in large groups. Games, the

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<sup>4</sup> They are lousy models, but why are they lousy models?

economists think, can help them reduce decision-making to elemental ideas they can use to make their models.

The models generally assume that people make decisions between alternative courses of action based on a *rational* evaluation of their consequences. The standard models include the "expected utility model" for decisions with uncertainty or risk, and the "discounted utility model" for decisions with consequences spread over time. (It is called *discounted* referring to the "discounted" value in money *today* of a promise to pay X dollars say a *year in the future*—discounted because you lose the chance to put the money in the bank during that year and earn interest.)

These models have the advantages of being explicit in form and workable for analysis. They are mathematical. You can use them to make predictions in precise number form about decision-making in a wide variety of circumstances. And you can use a computer to help calculate the results with various inputs. So the models have provided a strong and attractive foundation for economists to develop theories about decision-making, while assuming that decisions reflect the operation of a single all-purpose information processor, like what a computer might do making decisions.

To economists' chagrin, the models often fail. Human decision-making just does not follow these rational models. You think otherwise? How well did you do with the two-dollar offer in the Ultimate Game?

Let's play another game. I will give you either 50 bucks in hand or a coin-flip chance on 110 bucks. (Note: This is a mind game. Please do not send me an email asking for your money.) Which do you want? Most people take the 50 bucks in hand, but it's a bad choice.

Any expert in probability and statistics would point out that if you do this more than a handful of times, you can expect on average to get 55 bucks if you always go for the coin flip. (They call 55 bucks the "*expectation*.") But people shy away from the uncertainty, a phenomenon called "*loss aversion*."<sup>5</sup> The behavior violates the economists' discounted utility model. So much for pure economic models.

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<sup>5</sup> Someone I discussed this "50 or 55 game" with said, "The 'Irrational' decisions may BE the most

What's going on? I talk about anatomy, neurology, and the like in Appendix A, all of which support this. For now, though, let me discuss why this irrationality matters when you negotiate, and what some Buddhists and their followers know and do about it.

First, in negotiating with someone, you are trying to make a deal or bargain with him or her. Ordinarily they will make proposals, you will make proposals, and perhaps some combination will be acceptable to both. Of course, there are many factors that go to whether a bargain is struck and, if so, how long it takes. These factors also affect what happens afterward, and there often is an afterward—a time during which each side has to deliver some money or goods or services to the other. But each side must analyze both its own and the other side's proposals and ideas.

So, what can *interfere* with a computer-like exchange of proposals, analysis of proposals versus needs, making counter-proposals, and so forth? First, one side may be so distrusting they don't even want to meet with the other. There may be a rational basis of distrust, such as prior betrayal of trust or breach of promises. But often the distrust is at least partly irrational. It can be based on the innumerable reasons people do not trust each other, such as race, religion, appearance, accent, where they are from, their age, and so on.

Second, we are also influenced by prior experiences, often not really connected to the current bargaining. "That guy looks like so and so, my enemy in grade school; I cannot trust him." "That woman looks like my best friend in college and so I should believe exactly what she says." How about, "Last time I was in a room painted that shade of green I embarrassed myself, so I had best be on my guard."

Third, we know from the "50 or 55 game" above that fear of uncertainty has a very large effect on decision-making.

Fourth, we often unconsciously account for the expression on the other person's face, trading in skepticism for the approbation of a smiling face. (If you want to sell something, smile at the

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rational—it would be very rational for me to choose \$50 certain over \$55 maybe if I am flat broke and hungry." I replied that it was very clever but was an addition to the circumstances of the game, and that the bereft state, not the hunger, made the sure \$50 a more rational choice then. What do you think?

prospective buyer.) What else accounts for some of the successes of politicians who have no business making policy for the rest of us?

Fifth, when we are trying to make a deal and uncertain about what will come of the bargaining, we get anxious—impatient to get to the end. That very impatience can cause us to accept a bad deal just to get it over with. Professionals know how long it may take, are OK with waiting, and will take advantage of the amateur they sense is impatient.

I am going to stop counting problems now, because any positive or negative prior experience with a person, a place, a thing, a scent, a sound, or any other sensation can bring to mind more irrational reasons to be influenced in decision-making. This is not a new revelation. Humans are not good (rational) decision-makers, although they can be fast. As I said earlier, there is detailed material on the scientific basis for this in Appendix A. For the moment, let me outline just a little history of the meditative approach to finding truth and reason.

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Beginning probably in the fifth century, a few people in China began to meditate as a way to knowledge, influenced by various branches of Buddhism. In fact, the word *Zen* is Japanese for this form of meditation, called in Chinese *chán*—with similar words in Korean, Vietnamese, and other Asian languages.

Although the origins are shrouded in the uncertainties of unwritten history, it is clear that Zen Buddhism differed from other branches of Buddhism in that it turns its back on religious texts and verbal discourse as paths to truth. Zen focuses instead on the idea that truth is found inside oneself, by isolating oneself from the outside. Thus, maybe paradoxically, one finds knowledge about the here and now by cutting off thoughts about past and future, and about what might be and might have been. In English, this state is often called *mindfulness*. So, one meditates in the hope of finding truth through mindfulness—what I call entering your Zen Space.

The Zen Buddhists were by no means the first to practice this meditative state. There are references to Hindu meditation in writings going back more than 2,500 years. The Old Testament—associated with Hebrews or Jews—refers to meditation, and monastic Christians have practiced this since the beginning of that religion. Meditation is also an essential feature of

the practice of the Religious Society of Friends, or Quakers. Islam, going back some 1,300 years, makes meditation a central part of its five-times-a-day prayers.

More recently, for almost 100 years, physicians and others have recommended secular meditation for reducing stress, pain, and other symptoms.

A related state to meditation, called *hypnagogia*, describes that state entered between wakefulness and sleep. As early as Aristotle, people have written about this state, as did Edgar Allen Poe much later. Everyone who has thought about it knows this state, but there was no scientific study until the early 19<sup>th</sup> century.

The hypnagogic state often features fantasy images or geometrics and auditory sensations ranging from ear ringing to imagined snatches of speech. When the state is entered in the presence of another, such as a therapist, many people experience increased suggestibility similar to outright hypnotism. That is, someone can be induced into a hypnagogic state, with restful sounds and images, and then “walked through” examinations of their feelings and reactions, etc., under direction, as a means to more effective talk therapy.

Whatever may be the similarities and differences between meditation and hypnagogia, it is clear that mental states between wakefulness and sleep offer opportunities to explore and experience what wakefulness usually blocks. And paradoxically, wakefulness seems to allow a pre-rational or reflexive part of our brains to take over if we are stressed, preventing rational analysis of risk and reward, pressing us to act primarily on feelings—and to act impatiently. This is good when a lion or mugger is running toward you, but not so good in a negotiation. A state “below” wakefulness can help the more rational, analytical, slower part of the brain to take over.

OK, this is not scientific proof. But isn't it enough to make it worthwhile that you go on to chapter 2 to read about a mindfulness technique—to engage the slower, analytical “reflective” system while doing negotiations that may have a large impact on your life?

As one final incentive, let me tell a fairy tale. We all know the story of the Three Little Pigs. The first pig built a straw house; the wolf came and blew it down, and so in a panic the first pig ran to the second pig's house. It was made of sticks, the wolf blew it down, and both panicked even

more and ran to the third pig's house. It was well planned and well built,<sup>6</sup> designed while the third pig was in a rational state, and the wolf failed to blow it down. He eventually fell in a cauldron of boiling water and became lunch instead of eating it.

This somewhat gruesome tale reminds us of the benefit of careful planning and of not panicking. Panic—the Impulse Place—is a negative feature of the primitive or *reflexive* brain. Careful planning by your *reflective* brain is aided by getting in your Zen Space so you can out-think tricksters and bad guys.

In chapter 3 and the following chapters, I will talk about how to negotiate once you are in a mindful state or Zen Space. You will need this Zen Space to do what you will learn in these chapters. Without it, you will panic or become impatient or otherwise screw up. Are you ready to learn how to get there? Let's go!

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<sup>6</sup> It probably followed modern building and zoning codes, and neighborhood covenants.