
Kluwer Mediation Blog

Remembering Roger Fisher

Joel Lee (National University of Singapore, Faculty of Law) · Friday, September 14th, 2012

???? – *Chinese proverb meaning “When you drink water, remember its source”*

Many will remember 25 August 2012 as the day Neil Armstrong passed away. Neil Armstrong was a hero and an inspiration to many. He was of course the first man to walk on the moon and his achievement was symbolic to many of being able to do what was till that point not possible.

Perhaps, lesser known is that 25 August 2012 was also the day Roger Fisher passed away. He was 90.

Roger Fisher was a Professor at Harvard Law School. Many mediators will know Roger Fisher for the 1981 best seller “Getting to Yes: Negotiating Agreement Without Giving In” which he co-authored with William Ury and in a later edition with Bruce Patton. Roger was also the co-founder of the Harvard Negotiation Project which builds on Roger’s work and furthers research and teaching in conflict resolution.

“Getting to Yes” sets out the interest-based model of principled negotiation (sometimes also referred to as the collaborative or problem solving model of negotiation) which is also the engine of dispute resolution that many mediators today are trained in and use.

I did not know Roger well, having only met him once when I was studying for my Masters in Law at Harvard. I have however worked closely with those who knew him and have over the years become familiar with his work. Yet, much of his work was behind the scenes and unknown to the public.

I knew he was a peacemaker, yet, it is only after his passing that I learnt of the role he played in the Camp David accords between Egypt and Israel. Roger had suggested to the then Secretary of State Cyrus R. Vance the “single negotiating text” method that was used to bring the parties together. This method involved having President Jimmy Carter writing solutions which would then be critiqued by the other leaders in a back and forth process that would eventually shape the agreement. This led to the historic peace agreement between Egypt and Israel.

It is only after his passing that I learnt of the role he played in ending apartheid in South Africa. Roger and his former students had run workshops with both the Afrikaner cabinet and the African National Congress negotiating committee. This subsequently led into talks to end apartheid and to establish a new constitution.

It is only after his passing that I learnt of the role Roger played in convincing Reagan staff members of the importance of meeting to brainstorm and build relations instead of just settling a specific agenda. This helped initiate summit meeting between the Soviet leader Mikhail S. Gorbachev and President Ronald Reagan in 1985.

It is only after his passing that I learnt how, when in 1997 a rebel group took hostages at the Japanese Embassy in Lima, Peru, Roger took the initiative to contact the then president of Peru, Alberto Fujimori and offered suggestions on how to deal with the crisis. This led to the freeing of a majority, although not all, of the hostages.

What have I learnt from Roger Fisher's life? Apart from the substance of his work, I believe there are two lessons here that are relevant both mediation and life.

The first is to believe in your vision. Throughout his life, Roger believed in the value of addressing the interests of the parties; that parties had more in common than what separated them. As mediators, what is our vision? Perhaps that vision is the power of transformation or the empowerment of parties or the ability to truly find the "win-win" solution. How many of us give in to the pressures of wanting to have a settlement or of the expediency of a quick resolution and stray from our vision?

The second lesson for me is to take leadership. Roger was proactive in his efforts to help. To be fair, Roger was perhaps in the right place and time to be proactive. Not all of us are in the right place and time. Yet how many of us, while being in the right place and time either do not recognise the opportunity or do not take action?

No answers are expected, just questions to ponder. Like Neil Armstrong, Roger is an inspiration and his achievement, while not on the same scale as walking on the moon, is just as symbolic.

Roger Fisher passed on due to complications arising out of dementia. For a brilliant man with such an illustrious career, one cannot be faulted for feeling sad at the circumstances of his death. We can however choose to remember how he lived and to celebrate his legacy.

The torch has been passed. I am humbled to now be one of the many tasked to ensure that Roger's legacy and wisdom endures. And I remember the source of the water that I drink.

Rest in Peace Roger (28 May 1922 – 25 August 2012).

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