

Kluwer Mediation Blog

From theory to practice – BATNA in the spotlight

Alan Limbury (Strategic Resolution) · Saturday, April 22nd, 2023



As long ago as 1981, in the very first edition of [Getting to Yes: Negotiating Agreement Without Giving In](#), Roger Fisher and William Ury proposed the following novel negotiation method:

- separate the people from the problem
- focus on interests, not positions
- invent options for mutual gain and
- insist on using objective criteria.

Later in the text they introduced another element of the method – recommending that we work out, before we begin to negotiate with the other party, what is our Best Alternative to a Negotiated Agreement (BATNA).

They explained BATNA as “the standard against which any proposed agreement should be measured”.

In 1985, BATNA was first in a list of seven elements in a handout to Harvard Law School students created by Conflict Management, Inc., established by Roger Fisher, entitled “Negotiation: A Good Outcome”. In their order, the elements were:

- Alternatives
- Interests
- Options
- Legitimacy

- Communications
- Relationship and
- Commitment.

Developing our BATNA requires us to understand those of our own interests that must be met by any agreement that might be reached at the negotiation. Once we have identified our interests, we can explore what alternatives we can develop to satisfy them without the assistance of the other party. These are our walk-away options in the event of our failure to reach agreement with the other party. The best of these alternatives is called our BATNA.

Then, while we are negotiating, we can continually measure any proposed solutions against our BATNA in order to determine whether we are likely to be better off agreeing with the other party or going our own way.

Knowing our BATNA and estimating that of the other side also enables us to work out whether and, if so, when to disclose our BATNA. The better our BATNA, the more likely its disclosure might persuade the other side to reach agreement with us or at least to let us go without a fight.

How this plays out in real life

I recently saw an amazing and hilarious video (I think on LinkedIn, although it is eluding my online searches now), in which a pedestrian on the side of a very wet road was watching a luxury car approaching quite fast, splashing water across the narrow footpath on which she was standing. When the car was only a short distance away, she bent down and picked up a rock, the size of a tennis ball, and stood holding it as she faced the oncoming car. The car immediately slowed down to a crawl and passed by without a drop of water falling near her. She threw the rock away.

Before the pedestrian picked up the rock, the driver might have thought his or her own interests (most likely his) were to continue driving at the same or even higher speed to his destination, preferably without running over the pedestrian, so as to avoid possible time in prison for manslaughter or murder. Once the driver saw the rock in her hand, his immediate additional and primary interest was to avoid the car being hit by the rock, a very persuasive reason to slow down enough to dissuade the pedestrian from throwing it.

What a brilliant example of identifying and communicating the pedestrian's BATNA within a few seconds, without uttering a word!

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