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PRACTICE MANAGEMENT

Mindfulness 101: Mindfulness, Me-gotiations, and Going to the Balcony

By Scott L. Rogers

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As I write these words, it is a few hours before dawn, and I am deciding whether to head to the beach for my morning practice or take a crack at writing this month's column. This is an internal negotiation, representative of the countless such negotiations we have with ourselves each day. We could call these "me-gotiations." It takes only a few moments reflection to realize that, indeed, life is a series of internal negotiations, one after the other. Get up or press the snooze button? Accelerate or let the pushy driver in? Check an incoming text or keep your eyes on the road? Listen or interrupt? Finish the memo or exercise? Go to bed or check the news? Endless. And this doesn't include the perpetual series of negotiations we have with other people.

The balcony on which I sit reminds me of a helpful metaphor for a useful negotiation tactic—and mindfulness practice—we'll explore today. The rush of cars to my left reminds me of the busyness of my mind, and life, and of getting things done, while the rhythmic flow of the ocean to my right awakens me to the spaciousness of mind and the value of patience and being present. To be or to do? That appears to be the question. I'm turning away from the computer for a few moments to engage in a mindfulness practice. When I return to this column, whether it be in ten minutes or sometime thereafter, I'll more fully explore what it means to go to the balcony.

The View from the Balcony

In the international best seller, “*Getting to Yes: Negotiating Agreement Without Giving In*” (Penguin, 1981), Roger Fisher and William Ury set forth a useful approach for effectively navigating challenging negotiations and reaching optimal solutions. Written more than 35 years ago, the book and its insights are familiar to many. In a follow-up book, *Getting Past No: Negotiating in Difficult Situations* (Bantam, 1991), William Ury introduced “going to the balcony” as a go-to strategy when becoming reactive in a tense negotiation. He writes:

You need to step back, collect your wits, and see the situation objectively. To do this, imagine you are on a stage. Then imagine yourself climbing onto a balcony overlooking the stage. The “balcony” is a metaphor for a mental attitude of detachment. From the balcony you can calmly evaluate the conflict almost as if you were a third party. You can think constructively for both sides and look for a mutually satisfactory way to resolve the problem.

The metaphor resonates. While Ury’s book is not specifically about mindful negotiation, “going to the balcony” points us firmly in that direction. At its core, “going to the balcony” is a mindfulness practice because of what is required to go to the balcony in the first place—*awareness*. If we are not aware, we are caught in a reactive state and are unlikely to know that the balcony is an option, let alone pivot to go there. The mindfulness question then becomes “what next?” Ury’s instruction is simple enough: “step back, collect your wits, and see the situation objectively.” And, indeed, having taken a breather, a purposeful pause, a moment to reflect, a mental break, a few deep breaths, a step out of the ring, and so on, one is more likely to be in a better place to view the situation more objectively and respond more effectively. While this may work out well, and most assuredly is far better than having never taken that moment’s pause, the impulse to hop back onto the stage may be borne out of lingering reactivity, potentially compromising what we do next, without our even realizing it.

To pivot to the balcony and “remain there” can be immensely useful and draws on a more mindful approach, albeit an elusive and often counter-intuitive one. So, the next time you find yourself in a negotiation, especially if it is getting intense and you sense agitation, reactivity, and losing perspective, *go to the balcony*—and stay there, drawing on any of a number of mindfulness exercises to help cultivate a state of greater calm, clarity, and insight. Fear not, the mind will continue to problem solve. But by holding off on pulling the trigger, you create a little more space for that process to proceed unencumbered. Albert Einstein reminds us that “the intellect has little to do on the road to discovery” and that sometimes “the solution comes to you and you don’t know how or why.”

Of course, when in the midst of a heated negotiation, it can be challenging to spend more than a few moments on the balcony. Fortunately, you need not wait for a negotiation with another person to practice going there. You can go any time. In fact, taking your seat in the morning, setting a time for five or ten minutes to engage in a mindfulness practice such as focused attention, the body scan, or open monitoring, is going to and staying on the balcony. Trust me, you won't have to wait long for your next me-gotiation.

Staying on My Balcony

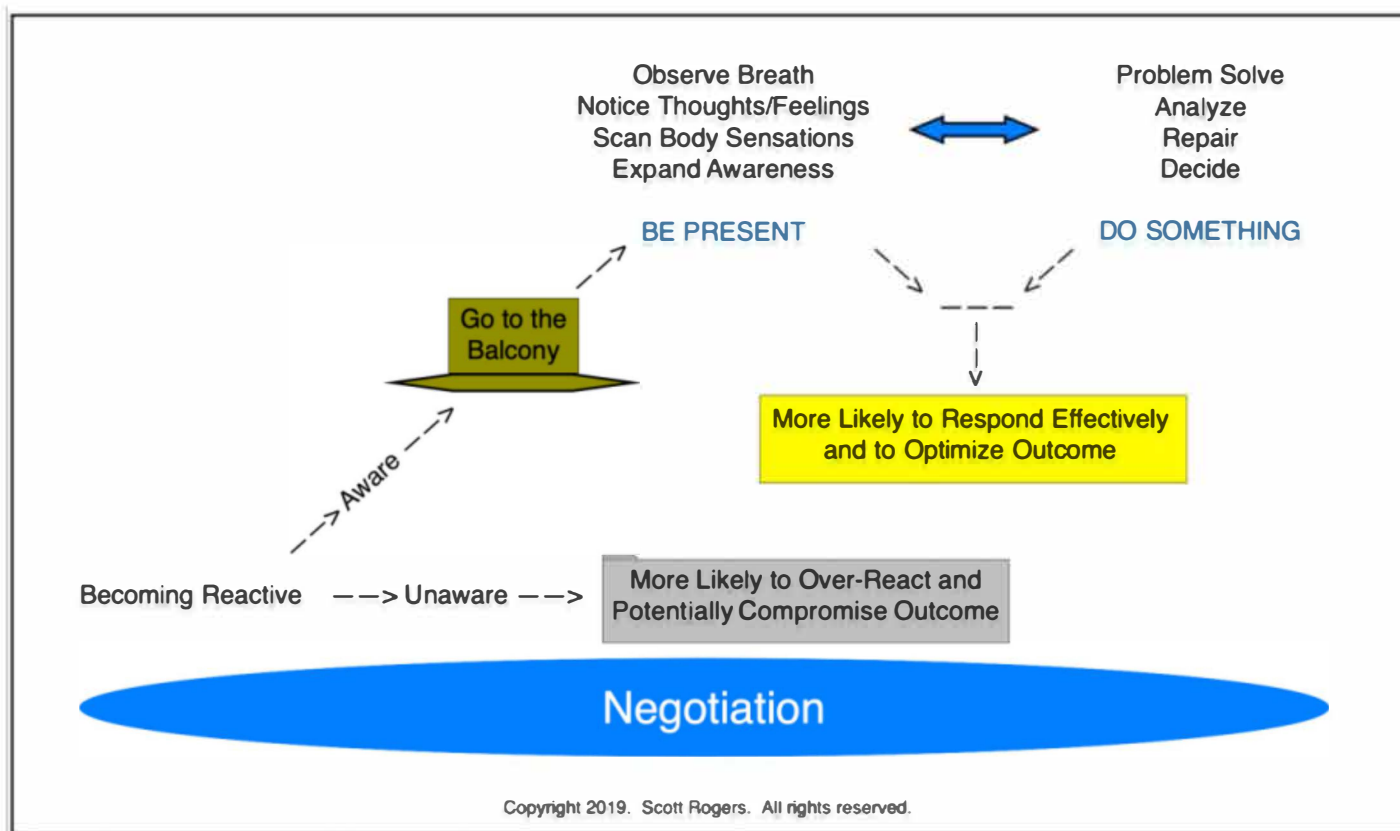
On the balcony, as the sun began to rise, I rested attention on the breath—noticing thoughts coming and going. When I detected myself getting caught in the content of a thought, no matter how compelling, I returned to the sensations of the breath. In time, a truer estimate of the internal debate emerged—more as mere facts, data. The idea of not going to the ocean generated thoughts of guilt, a feeling of agitation for stepping outside of ritual. Going to the ocean generated a concern that good ideas would be lost, that it was now or never. The longer I sat as a witness to my experience and refrained from the impulse of the moment, the less intense the internal back and forth. My sense of hurry *to decide* also began to subside. The decision itself became clearer.

Importantly, while on the balcony, I was not as interested in solving the problem as I was in being present while the problem sorted itself out. I knew going to the balcony would help facilitate a solution—not the perfect solution, but one likely to be a little more responsive to the call of the moment.

Bringing greater mindful awareness into challenging negotiations can be quite useful. This column looks to our internal negotiations as a ripe starting point for practicing mindfulness. Even when the negotiation is ostensibly one between you and another person, rest assured you may well be me-gotiating at the same time. For even in deciding “whether to accelerate or let in the pushy driver,” you're not only me-gotiating, you're also negotiating with the other driver.

If you're interested in learning more about the integration of mindfulness and negotiation, I commend to you Leonard L. Riskin's brilliant law review article “[Further Beyond Reason: Emotions, the Core Concerns, and Mindfulness in Negotiation](#)” (*Nevada Law Journal*, 2010, volume 10, at 289), where he applies mindfulness practice to the negotiating technique known as the “Core Concerns,” a concept developed by Roger Fisher and Daniel Shapiro in *Beyond Reason: Using Emotions as You Negotiate* (Viking, 2005).

Below is a diagram that illustrates a little more fully the process of mindfully going to the balcony. As a closing consideration, the ability to go to the balcony depends on being aware of the need to do so. Fortunately, the same mindfulness practices we bring with us to the balcony are the very tools that help establish that awareness in the first place.



Going to the Balcony During Negotiations

Courtesy of Scott L. Rogers

Authors

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Scott L. Rogers is a nationally recognized leader in the area of mindfulness and law, as well as a teacher, researcher, and trainer. He is founder and director of the University of Miami School of Law's [Mindfulness in Law Program](#), and he co-founded and co-directs the University of Miami's [Mindfulness Research & Practice Initiative](#). Scott is the author of five books including the recently released *The Elements of Mindfulness*.

