Negotiation Blues

*revisited*

Elements of the Deal

- Performance date
- Guaranteed fee (if any) to the artist
- Box office percentage to artist (if any) [percentage of NAGBOR*]
- Percentage of merchandise sales retained by the presenter (the “House”)
- Other agreements or adjustments negotiated along the way

*NAGBOR: Net Adjusted Gross Box Office Revenue*
What makes a successful negotiation?
1. Separate the people from the problem.

   - clarify
   - acknowledge
   - focus
   - perceptions
   - emotions
   - communications

   "Listening means more than just waiting to speak."

   "Your position is something you have decided upon. Your interests are what caused you to so decide."
   
   Fisher and Ury, Getting to Yes

2. Focus on interests rather than positions.
3. Generate a variety of options before settling on an agreement.

   grow the pie before cutting it

   “I cut, you choose.”

4. Insist the agreement be based on objective criteria.

   if you can't agree on objective criteria, agree on an objective procedure

Preparing to Negotiate

- Define your own underlying interests.
- Rank those interests, most to least important to you.
- Consider your counterpart’s interests, and their relative rank.
- Define your BATNA (be specific)
- Consider your counterpart’s BATNA.
- Consider how you can create value before you divide it.
- Consider how your agreement will be enforced.
imbalance of power or principles

BATNA
“negotiation jujitsu”
mediation / middle-person

Conflict Continuum

Artificial Harmony

Constructive  Destructive

Mean-Spirited Personal Attacks

“Ideal Conflict Point”

Organizational

The Professional Infrastructure of the Performing and Visual Arts

PERF-670 Fall 2015
Week 3 October 5, 2015
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Jonathan Borofsky’s “Man With Briefcase” (1982)
Visual Arts

- Art museums
- Arts discourse
- Arts market

Visual Art Objects

- Useless and unique (fine art)
- Useful and unique (crafts)
- Useful and reproducible (decorative arts)

Performing Arts

- Nonprofit
- Commercial
- Volunteer

Figure 3. Relationship of Arts

- Artists
- Audiences
- Arts Organizations
- Funders
Performing Arts

before 1950:
very few nonprofit arts organizations

today:
~100,000 registered 501(c)3 arts organizations*

*which leaves out many nonprofit arts initiatives

So, what the heck happened around 1950?
“We shape our buildings, and afterwards our buildings shape us.”

Winston Churchill
“We shape our contracts, and afterwards our contracts shape us.”

“We shape our organizations, and afterwards our organizations shape us.”

{a short detour into}

Systems
“A system is an interconnected set of elements that is coherently organized in a way that achieves something.”

Donella Meadows

System or not?

- Can you identify parts (elements)?
- Do the parts affect each other?
- Do the parts together produce an effect that is greater than their sum?
- Does the effect, the behavior over time, persist in a variety of circumstances?
System vs. Heap?

- Can you add or take away without significant impact?
- Add or remove rice from a pile?
- Add or remove from a cow?

System or not?

- Can you identify parts (elements)?
- Do the parts affect each other?
- Do the parts together produce an effect that is greater than their sum?
- Does the effect, the behavior over time, persist in a variety of circumstances?
Three Rules of Flocking

- COHESION: Move toward birds near you.
- ALIGNMENT: Turn to match their direction.
- SEPARATION: But don't run into them.

Software: NetLogo
Charles Leadbeater
“The era of open innovation”

“open” vs. “closed” organizations
special people, special places
“A system is an interconnected set of elements that is coherently organized in a way that achieves something.”

Donella Meadows