

## Storytelling in the Caribbean

*Steven Lubet*

**T**HE SETTING: A few miles off the Caribbean coast of Venezuela lie three islands that comprise the state of Nuevo Esparta – New Sparta – given that name by Simón Bolívar in honor of the heroic resistance to Spain during Venezuela’s war of independence. Isla Margarita is the largest and most populous of these islands, and it was there, in the town of Santa Ana, that Bolívar declared a republic and began his third march on Caracas. On the northern shore of Isla Margarita sits the town of Juangriego. On a cliff above the town are the ruins of El Fortin de la Galera, scene of a furious battle in 1817, where royalist forces defeated the independistas. So many were killed that the nearby lagoon ran red with blood, and it has been known ever since as Laguna de los Martires. There are similar sites spread across the island – forts, battlefields, harbors – all testimony to the bravery and patriotism of the Margariteños.

Today, Isla Margarita is the traditional destination for Venezuelan honeymooners, as well as an increasing number of turistas from

the United States, Canada, and Europe. The forts have become museums and art galleries, the beaches are lined with restaurants and cafés, and the rampart at El Fortin de la Galera is now renowned for what is said to be the finest sunset in the entire Caribbean. Margarita Island is a place to absorb the sun, to celebrate romance, and – surprisingly – to study the fine art of negotiation.

Every evening, beginning about an hour before sundown, scores of tourists begin their ascent of the Fortin hilltop. Some linger at the kiosk near the summit, buying candy bars and disposable cameras, but most head immediately for the stone terrace, which is all that the Spaniards left standing when they stormed and burned the fort. There they jockey a bit for the best sight lines, staking out spots on the crumbling battlements or leaning on the rusted cannons.

As the vacationers wait for the sun to fall, local children gather on the terrace offering to relate the history of the fort in exchange for a few coins. In what is clearly a local tradition, each youngster has a memorized speech which

is recited with great solemnity to those who are willing to pay for the diversion. But as charming as the presentations may be, sales can be hard to make during the brief hour between the arrival of the tourists and the last light of the waning sun.

This is the tale of two children, one who relied on traditional negotiation techniques and another who seems to have adapted her negotiation to the demands of a changing time.

## THE STORY

The first child was a boy. Let's call him Juangriego. He was about twelve years old, neatly dressed, and obviously a veteran of Fortin storytelling. Speaking only Spanish, Juangriego quietly approached tourists on an individual basis, politely asking whether they would like to hear his talk about the fort. Finding a taker, Juangriego stood close to his audience, speaking so softly that he could barely be heard even by people just a few feet away. Recognizing what economists would call the "free rider" problem, he took whatever steps he could to protect himself against non-paying eavesdroppers. As soon as he finished one performance, he moved on to the next clump of tourists, hopeful of a new engagement.

Juangriego had some success, but he had clearly learned his trade from his elders, who were accustomed only to the Venezuelan honeymoon market. Lacking English, French, or German, he could not hope to sell his narration to the majority of the sunset fans. No matter how courteously or tactfully he asked, "No hablo Español" was the usual reply. In short, his tactic of intensely personal, private performances was self-limiting and ill-adapted to the changing market.

After Juangriego plied his verbal wares for about half an hour, with only moderate success, there suddenly appeared some stiff competition in the form of a barefoot young girl. I

can only think of her as Margarita. She could not have been older than eight, and she had apparently waited until Juangriego had thoroughly worked the crowd.

Margarita employed an impressive, innovative tactic. Rather than approach tourists individually asking for their permission to proceed, she simply jumped up on the terrace wall and began her oration in a loud, clear, irrepressible voice. Whether you understood Spanish or not, there was no resisting Margarita's call for attention. And once she had your attention, there was no turning away. She was just too cute, too earnest, too engaging to be ignored. And she hadn't even asked for money. Yet.

As soon as Margarita finished – with a big smile and a little curtsy – she began going from tourist to tourist, soliciting her compensation. "Por favor," she said gently but firmly, her hand out in determined expectation. What could you say? Everyone had listened to her, whether comprehending or not, and having accepted the service there was really no alternative but to pay for it. I saw no one turn her down, even a group of brusque souls (no doubt from Northern Europe) who had been rather blunt in refusing Juangriego.

Margarita easily tripled Juangriego's take, and in less time to boot. What were the secrets of her success?

Most noticeably she expanded her wares and therefore her range of potential customers. Juangriego stuck with the traditional commodity – a story – and was therefore limited to Spanish-speaking buyers, who at one time had made up the great majority of vacationers on the island. But with the increase in global tourism and charter flights, Spanish speakers now comprised a waning minority of live prospects. Of course, learning to recite the story in multiple additional languages would have required a daunting investment in human capital, especially since at least part of the attraction is the youth of the storyteller. So

Margarita did something even better. She adapted her product line to the new market. She began selling cuteness and precocity as well as information. The Venezuelans continued to pay her for the story, and the other turistas paid her for being, well, adorable.

It isn't just that she was adorable, of course, since that wouldn't have paid off nearly so well if she had followed Juangriego's lead in pitching to the tourists one by one. In that case she would still have been primarily a storyteller – an endearing one for sure, but a storyteller nonetheless. Instead, she did something far more creative. By standing on the wall, appealing to the audience at large rather than to individuals, she managed to detach her inherent cuteness from the content of the story. Thus, Spanish speakers received one product and everyone else got another.

And she did something else even sharper than that. While Juangriego was at pains to keep his presentations private, for fear of poaching bystanders, Margarita did the exact opposite. She trumpeted her story to all within earshot. Though at first that might have seemed risky, encouraging people to listen at no cost, in the end it proved rewarding. As became evident after a few minutes of watching Juangriego, the hardest part of the sale was convincing people to take an interest in the story. He got four or five refusals for every paying job. Margarita, on the other hand, bypassed that bottleneck by broadcasting to the masses and then relying on good will (or maybe guilt) when she made the rounds to collect. It was a masterful tactic – the Caribbean equivalent of posting free software on the Internet.

But Margarita was no monopolist. She wasn't out to corner the entire market, but rather to capture a niche (albeit a large one) that could not be reached by Juangriego's traditional methods. It seems likely that she could have undercut Juangriego completely, by the simple expedient of making her appearance

earlier in the evening. Anyone who heard Margarita's general presentation – and certainly anyone who paid her for it – would have been a poor prospect thereafter for a private showing. Margarita, however, deferred to Juangriego, waiting until he had finished his rounds before she mounted the wall to begin declaiming. I can only speculate as to the reasons for her apparent altruism. Perhaps they were brother and sister. Perhaps she was afraid of angering him; he was much bigger and could easily have chased her away. Or perhaps she respected tradition and did not want to interfere with Juangriego's best efforts. Whatever the reason, Margarita's tactic probably resulted in greater aggregate sales, since at least some of Juangriego's customers could probably be coaxed into tipping Margarita as well. The converse, however, would be far less likely. Having heard the story from Margarita, it is doubtful that anyone would give Juangriego the go ahead to tell it again.

The purpose of this brief chronicle is not to recount Juangriego's disappointment, but rather to celebrate Margarita's savvy success. After all, the young man did the best he could with the tools at hand. Indeed, a certain number of tradition-minded Venezuelan honeymooners would probably prefer his earnest delivery to Margarita's showier display. Between the two of them, they expanded the market and exploited it for all it was worth.

## THE MORAL

Margarita's enviable negotiating style would be difficult to replicate in law practice. Her primary technique – product diversification – is easy to articulate but harder to accomplish. One tactic – performing services unbidden – is probably unethical. And her most elegant touch – deferring to the competition – would be entirely out of character for American attorneys.

Even so, there are three modest lessons here

for lawyers who negotiate.

First, use your charms. The key word here is “your.” It would be suicidal for a lawyer to adopt someone else’s persona, much less attempt to mimic the appeal of a winsome eight year old. On the other hand, everyone can bring something novel to the table and lawyers should not hesitate to capitalize on their own, shall we say, singularities. Humor, enthusiasm, sincerity, fidelity, and even passion can be employed effectively in appropriate circumstances.

Second, be bold. The old way is not necessarily the right way, let alone the best way. There is always room for innovation. The conventional wisdom counsels against making the first offer, but why not try to control the agenda? It is customary for each side to set out a position and then compromise somewhere in the middle, but it is not impossible to make a demand and stick to it (or even raise it as the negotiation proceeds). Or boldness might lead one in the opposite direction – make several concessions immediately, without even asking for trade-offs, in order to emphasize the centrality of your core requirements. Of course, none of these tactics will reliably work in every setting; they might even be ill advised most of

the time. But that is the point. Negotiation is acutely situational. Different circumstances call for different measures.

Finally, resist rapacity. This might be the most difficult message of all for American lawyers, taught as we are to maximize value for our clients (and, not coincidentally, for ourselves). But the lesson is a good one. There comes a time in almost every negotiation when enough is enough. Pressing the advantage further may threaten the entire deal, or it might result in counterproductive indignation or resentment. Even though a rational opponent might logically have to give in to the ultimate demand, there can be no telling when your opposite number will abandon equilibrium in spiteful favor of mutually assured destruction. There is no good, client-serving response when your adversary breaks off negotiation muttering, “Oh yeah? I’ll show you!”

Lawyers, as generalists, must be ever attuned to the world and the way it works. Models lie everywhere and you never know where you might observe the template for a successful negotiation. So the next time someone offers to share a legend, poem, fable, or folk ballad – go ahead and pay for the story. You just might learn something. *SL*