



## Turning a blind eye: the courts vs negotiation

We're always looking for examples of brilliance in history that can help us better understand how to prepare for a negotiation. Nelson perfectly demonstrated this brilliance in the Napoleonic Wars when he heard that Napoleon had first taken control of Alexandria and then pushed on to take Cairo.

The stakes in the ensuing Battle of the Nile were very high. A British victory would deny Napoleon the chance of an eastern empire and cripple him at sea.

At that moment, the future of the world pivoted on one man. In *The Dangerous Book for Boys*, Gonn and Hal Iggulden write, 'It's possible there would not have been a British Empire to resist the Nazi machine 150 years later if Nelson had lost in Egypt.'

On the 1st August 1798 a British lookout sighted the French fleet at anchor. The French had landed guns to defend their anchorage and felt themselves secure.

Nelson attacked as darkness fell, his ships cutting between the French fleet and the shore. Remarkably, the whole battle lasted less than 24 hours. Not a single British ship was lost and only 218 of their men were killed. By contrast, the French lost around 1,700 men and 3,000 more were taken prisoner. Only four of their seventeen ships survived.

Three years after Nelson's defining strategy and leadership in the Battle of the Nile he sailed with the fleet to Copenhagen as second in command to Admiral Parker. The fleet had been sent to Denmark to break the armed neutrality of the Balkan States.

It was here that Nelson famously disobeyed the direct order from Parker to disengage, when both sides were taking terrible losses. Instead he held his telescope to his blind eye and said he couldn't see it.

The Danes fought with great courage against Nelson's veteran fleet but eventually were forced to accept a truce to spare themselves further losses.

## THE MOOT ROUTE



Nelson could get away with disobeying his commander as he was so revered following the Battle of the Nile. In fact, he was made a Viscount for the part he had played at Copenhagen. And 'turning a blind eye' entered our common parlance.

In the context of winning a dispute we have considered carefully how what we do - the Moot Route - differs from litigation. Leadership and control in litigation is lost to the court.

The courts don't allow for 'turning a blind eye', yet it is a powerful tactic for strong leaders and negotiators to deploy.

For example, when the stakes are high, those who display the strength to drive a 'fleet', between the issues. Or those who come with a plan and are prepared to go against the advice of their superiors and advisers in order to win.

These examples are in stark contrast to those who don't know what to do, have no plan or who disobey orders - and then lose.

At Moot Hill we work with our clients to strategise and plan moves that are different and unpredictable, in order that they too may win their 'Battle of the Nile'.

We sometimes add 'turning a blind eye' to the steps that make up the Moot Route.