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# NEGOTIATING *INTANGIBLES*

- Tangible interests are quantifiable. They can be measured.
- Intangible interests are subjective. They can be felt.

## TANGIBLE

- MONEY
- DATES
- TERMS
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- 
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## INTANGIBLE

- RELATIONSHIPS
- FEELINGS
- FAIRNESS
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WHAT ARE THE “INTANGIBLES” WORTH?

# NEGOTIATING

# WIN-WIN AGREEMENTS

## POSSIBLE NEGOTIATION OUTCOMES

Win-Lose, Lose-Win, Lose-Lose, Win-Win, No Deal.

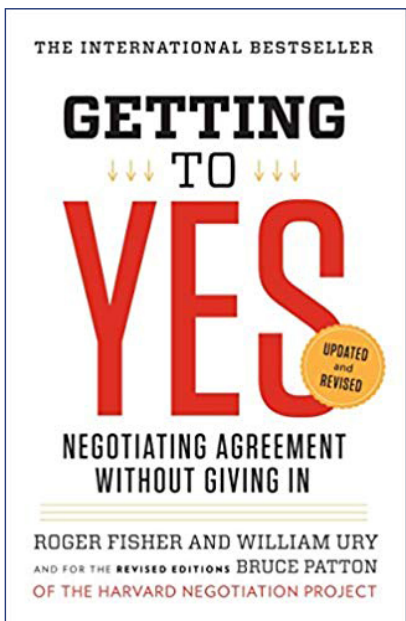
## POSITIONAL BARGAINING

Each side takes a position, argues for it, and makes concessions to reach a compromise. This often results in lose-win, win-lose, or lose-lose (e.g., splitting the difference). Default move for most amateurs.

## PRINCIPLED NEGOTIATION

Alternative method to positional bargaining designed to produce “wise outcomes efficiently and amicably.”

A “Wise Agreement” meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account.



## THE METHOD:

- Separate the people from the problem
- Focus on interests, not positions
- Invent options for mutual gain
- Insist on using objective criteria

## KNOW YOUR BATNA

(Best Alternative To Negotiated Agreement)

# POSITIONAL BARGAINING

## VS. PRINCIPLED NEGOTIATION

### SOFT POSITIONAL BARGAINING

### HARD POSITIONAL BARGAINING

### PRINCIPLED NEGOTIATION

Participants are friends

Participants are adversaries

Participants are problem-solvers

Goal is agreement

Goal is victory

Goal is a wise outcome, reached efficiently and in a friendly, cooperative manner

Make concessions to cultivate the relationship

Demand concessions as a condition of the relationship

**Separate the people from the problem**

Soft on the people, soft on the problem

Hard on the people, hard on the problem

Soft on the people, hard on the problem

Trust others

Distrust others

Proceed independent of trust

Change your position easily

Dig in to your position

**Focus on interests, not positions**

Make offers

Make threats

Explore interests

Disclose your bottom line

Mislead about your bottom line

Avoid having a bottom line

Accept one-sided losses to reach agreement

Demand one-sided gains as the price of agreement

**Create/invent options for mutual gain**

Search for the single answer: the one answer they will accept

Search for the single answer: the one answer you will accept

Develop multiple options to choose from; decide later

Insist on agreement

Insist on your position

**Insist on using objective criteria**

Try to avoid a contest of will

Try to win a contest of will

Try to reach a result based on standards, independent of will

Yield to pressure

Apply pressure

Yield to principle, not to pressure. Reason, and be open to reason

# NEGOTIATION METHODS

Summarized from: Fisher, R. & Ury, W. 1991. *Getting to Yes: Negotiating Agreement Without Giving In*

## 1 | SEPARATE THE PEOPLE FROM THE PROBLEM

- Negotiators are people first
- Every negotiator has an interest in the result, and in the relationship
- Separate the relationship from the substance; deal directly with the people problem (perception, emotion, and communication).

## 2 | FOCUS ON INTERESTS, NOT POSITIONS

- Interests define the problem.
- Each side has multiple interests. Discover underlying interests by asking directly. Ask yourself “Why?” “Why not?”
- The most powerful interests are basic human needs.

## 3 | INVENT OPTIONS FOR MUTUAL GAIN

Major obstacles that inhibit the inventing of an abundance of options:

- Premature Judgment
- Searching for a single answer
- Assumption of a fixed pie
- Thinking that "solving their problem is their problem"

## 4 | INSIST ON USING OBJECTIVE CRITERIA

- Frame each issue as a search for objective criteria: “Let’s figure out what a fair price would be” “How did you arrive at that figure?”
- Reason and be open to reason

# WIN-WIN LANGUAGE

- What's most important to your client?
- What if...?
- How are you?
- Let me see what I can do.
- Help me understand...
- Give me something I can work with so I can go to bat for you.
- How can I help you?
- What is your biggest concern?
- What is your client's biggest concern?
- Tell me more about...
- Can I give you a call?
- I'm looking forward to working with you.
- If my client would \_\_\_\_\_,  
would your client \_\_\_\_\_?



# ACTION PLAN

- IDENTIFY HOW YOU WILL APPLY ONE PRINCIPLE IN YOUR NEXT NEGOTIATION**  
(Example: Separate the people from the problem by pausing before reacting and asking, *“What’s the issue here, not who’s to blame?”*)

- PRACTICE UNCOVERING WHAT MATTERS MOST**  
Write one question you’ll use to uncover the other party’s real interests, not just their position.

- BUILD YOUR GO-TO LANGUAGE**  
Pick two phrases from the Win-Win Language list that you’ll use to reduce tension and open dialogue in your next conversation.

Evan Fuchs is a national speaker, leadership trainer, and long-time broker-owner who helps real estate professionals and organizations turn ideas into action. Known for his down-to-earth style and real-world insight, he delivers practical, engaging programs that empower individuals and teams with the skills, strategies, and confidence to lead and succeed.

