

Advanced Negotiation Tactics

CHAPTER 5



Source: fizkes/Shutterstock.

Learning Objectives

After reading and studying this chapter and doing the exercises, you should be able to:

1. Mention a few ideas contained in negotiation theory related to advanced tactics.
2. Describe the steps in the negotiation process.
3. Describe at least five negotiation tactics dealing mostly with facts and information.
4. Describe at least five negotiation tactics dealing mostly with behavior and emotions.

Chapter Outline

A Glance at Negotiation Theory and the Steps in Negotiation

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Using Ultimatums and the Threat of Walking Out

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Learning from a Failed Negotiation

Dozens, if not hundreds, of negotiation tactics have been reported and/or practiced, with new approaches or adaptations of older approaches continuing to appear. Chapter 4 described a handful of well-recognized strategies and tactics. In this chapter, we describe tactics that might be considered more advanced, although the distinction between basic and advanced tactics is far from absolute. We also present a concise amount of negotiation theory and a well-established description of the steps in negotiation.

The term “on the table” surfaces frequently in reference to negotiation, implying that people are seated in a conference room with a table. Yet negotiation also takes place digitally, including through e-mail, texting, chat rooms, and videoconferencing. Negotiation tactics that involve nonverbal communication are generally more effective in person because they are clearer. Among these nonverbal signals used in negotiation are smiles, frowns, grimaces, lowering and raising voice volume, and glaring at the other person.

A Glance at Negotiation Theory and the Steps in Negotiation

To provide a conceptual footing for negotiation tactics and strategies, this section introduces some negotiation theory and a process model of negotiation.

A Few Aspects of Negotiation Theory Related to Advanced Tactics

Chapter 1 presented a few useful definitions of negotiation. For a more advanced understanding of negotiation, including advanced tactics, consider this synthesis of the common elements in the definition of negotiation developed by Aldo de Moor and Hans Weigand: In negotiation, there are two or more interdependent participants, each of whom has some individual goals that may be partially incompatible. Following a process, alternatives are investigated, with the purpose of finding one of them acceptable.¹

Negotiation models differ in whether they are descriptive or prescriptive. *Descriptive models* attempt to carefully describe what actually happens, whereas *prescriptive models* are normative because they prescribe what negotiators should do to attain their goals. Process models agree that there is at least some negotiation preparation, followed by the conduct of negotiation, then implementation of the results. If the results are not as satisfactory as anticipated, renegotiation may be necessary.² The negotiation strategies and tactics presented in this chapter are a blend of description and prescription. Our focus is on presenting ideas that result in more effective negotiation results.

According to negotiation theory, a critical reason that negotiators often reach suboptimal agreements is because they fail to bring to bear the appropriate knowledge required for solving the negotiation problem at hand.³ This perspective justifies the formal study of negotiation.

The Steps in the Negotiation Process

A representative process model of the negotiation process is one developed mostly by G. Richard Shell and also contributed to by several researchers as described here and outlined in Figure 5.1.⁴ The first step is preparing your strategy, a cornerstone of negotiation that was included in the section about preparing for the upcoming negotiation presented in Chapter 4. The goal of preparation is to develop a specific plan of action for the situation you face. One situation you might face is a balanced concern between you and the other party. In this situation, you might be prepared for problem solving or reaching a compromise. Another situational variable is how much a relationship is valued by you and the other side, such as a supplier of plumbing supplies wanting to build a long-term relationship with a purchasing manager at Home Depot. To help build the long-term relationship, you would emphasize tactics that facilitate establishing a positive negotiating climate.

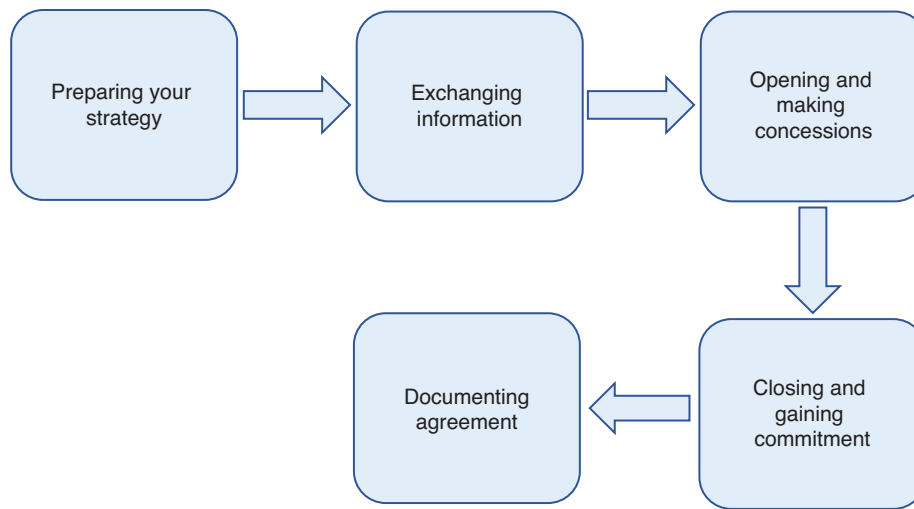


FIGURE 5.1 Steps in the Negotiation Process

Source: The steps in the negotiation process, but not the figure, are based on G. Richard Shell, *Bargaining for Advantage: Negotiation Strategies for Reasonable People* (New York: Viking Penguin, 1999), p. 115; Catherine Cote, “4 Examples of Business Negotiation Strategies,” *Harvard Business School Online* (www.online.hbs.edu), June 15, 2023, p. 1; Eliza Taylor, “Negotiation Techniques: 10+ Strategies for Success,” *The Knowledge Academy* (www.theknowledgeacademy.com), February 28, 2025, p. 5.

Preparing your strategy can be complicated. It might include your BATNA so that you understand what you would do if no agreement can be reached. Another useful strategy component is the zone of possible agreement (ZOPA)—the range in which you and the other side can find possible agreement. The manufacturer of monkey wrenches might think that somewhere between \$15 and \$20 would fit into a reasonable wholesale price for this style of monkey wrench.

The second step is *exchanging information*. The information exchange is designed to accomplish three purposes. One purpose is to foster communication by setting a friendly and personal tone. A second purpose is to determine which specific issues will be negotiated and share perceptions on these matters. A third purpose is to establish how much leverage, or power, each side has. The representative of the plumbing-supplies company recognizes that his or her company needs Home Depot much more than Home Depot needs the company. Hundreds of plumbing-supplies companies exist, whereas there are only a few customers the size of Home Depot.

The third step in the framework is *opening and making concessions* when the bargaining begins. (More will be said about making the opening bid later in the chapter.) The amount of leverage you have is important, such as the purchasing manager at Home Depot opening the negotiation by stating, “We are asking all our suppliers this season to find a way to reduce their prices by 5 percent. Home renovations have dipped a little lately.” The more leverage you have, the less you will need to make concessions. With less leverage, you may need to be more accommodating. Assume that the supplier has a high-demand plumbing fixture that other suppliers are unable to provide. The supplier representative might say, “The only way we could reduce the price by 5 percent is if Home Depot would double the order.”

The fourth step in the framework is *closing and gaining commitment*. Closing occurs when the two sides reach an agreement to resolve their problem or differences. A wide variety of tactics might be called upon to arrive at an agreement, including the most basic tactic of all, compromise. Gaining commitment may require substantial follow-up, such as a Home Depot representative getting in touch with the supplier to make sure that deliveries to the stores or a central distribution facility arrive on time. From the supplier’s standpoint, the company representative might follow up to find out when the actual order will be placed.

The fifth step is *documenting agreements*. Although some negotiations end in a handshake, documentation is highly recommended. Clear and concise documentation helps all parties to have a shared understanding of the agreed-upon terms and fine points. The documentation provides a reliable reference for a sustained agreement. Negotiators at Home Depot most likely insist upon documented agreements with their suppliers.

Tactics Dealing Mostly with Facts and Information

In this section, we deal with negotiation tactics that focus mostly on facts and information, rather than behavior and emotions. Nevertheless, negotiation is a highly subjective process that always involves psychological factors.

Persuasive Arguments

Presenting a persuasive argument for your demands or offer is an obvious negotiating tactic. Yet, developing your argument, including marshaling convincing facts, may take considerable time. In Chapter 3, persuasion skills were presented as a major contributor to effective negotiation. An example of a persuasive argument took place during the week-long Los Angeles teacher strike several years ago. One of the key demands of the teachers' union, United Teachers Los Angeles, was to reduce class sizes. The persuasive argument supporting the union's demands was that when class sizes are too large, less time is available to help individual students, with the quality of education thereby suffering.

Principled Negotiation

principled negotiation A method of deciding issues on their merit rather than through a haggling process of what each side says it will and will not do, instead looking for mutual gains.

A comprehensive negotiating scheme, principled negotiation, was developed by the Harvard Negotiation Project and then made prominent by the classic bestseller *Getting to Yes*, by Robert Fisher and William Ury. **Principled negotiation** is a method of deciding issues on their merit, rather than through a haggling process of what each side says it will and will not do, instead looking for mutual gains.⁵ The four components of principled negotiation are presented next.

1. *People: Separate the people from the problem.* In negotiation, there is a substantive problem that needs resolution, such as Katrina, a department head, wanting money to update the software for the six computers in her department. At the same time, Katrina must deal with the relationship involved in negotiating this problem with the division president, Malcolm, with whom she wants to maintain a cordial relationship. Fisher and Ury recommend that the negotiator be “soft on people and hard on the problem.” Following this advice, Katrina would carefully explain what the existing software cannot do in terms of productivity and what the new software could accomplish to enhance productivity. At the same time, Katrina would not attack Malcolm for being shortsighted or having a limited understanding of technology. Instead, Katrina would position herself as a business partner who wants to improve productivity.

An updated analysis of separating people from the problem uses the phrase “separate the relationship from the substance.” The relationship includes such factors as trust, respect, candor, and destructive behavior. Substantive issues include money, jobs, products, and transactions.⁶

2. *Interests: Focus on interests, not positions.* Rather than clinging to specific negotiating points, keep your overall interests in mind, and try to satisfy them. A key benefit of focusing on interests rather than positions is that it helps you move the emphasis away from winning and toward what you really want to achieve. If you focus on mutual interests, your intent will be to solve a problem rather than to outmaneuver the other side. For example, if a customer makes an unreasonable demand, your best interest is to somehow satisfy that demand without losing money to retain the customer.

3. *Options: Invent options for mutual gain.* The essence of integrative bargaining is to find options for mutual gain, the win–win approach. Joint problem solving, including the search for creative alternatives, is usually required to uncover options for mutual gain. In the Los Angeles teacher strike, the decreased class size could be an option for mutual gain. It is conceivable that the students would soon perform better on standardized tests, creating a climate whereby the California legislature would grant the school system more money in future years.
4. *Criteria: Insist on objective criteria.* People can get very emotional when negotiating and may insist that their demand or offer is reasonable. Quite often, the justification for their position is that their intuition, common sense, or sense of justice is the basis for their offer or demand. If both parties agree to use whatever objective criteria, or standards, are available, negotiations can move more quickly. Suppose a potential franchisee is negotiating the required down payment for a fitness center. Because this chain of fitness centers is not well established, room for negotiation exists. Instead of the franchiser and potential franchisee spending many hours negotiating the size of the down payment, they can conduct research about the down payments for comparable fitness centers across the country, perhaps arriving at \$150,000 as the average. At a minimum, the negotiation range will now be narrowed, saving both parties considerable time and haggling.

The widely accepted negotiation strategy of the best alternative to a negotiated agreement, or BATNA (discussed in Chapter 4), is another aspect of principled negotiation. A BATNA frees negotiators from thinking that reaching an agreement is an absolute necessity.

The Min-Max Approach

When establishing goals for negotiation, as described in Chapter 4, a negotiator has already thought about the minimum he or she will accept as well as the maximum he or she will give. A **min-max** specifies the minimum the negotiator will accept as well as the maximum the negotiator will give away. The owner of a lakefront cottage who rents it for part of the summer might conclude, “The minimum I will accept for weekly rentals is \$1,500, and the maximum I will ask for is \$2,500 per week.” Professor Edward G. Wertheim of Northeastern University suggests that to use the min-max approach, you should ask these four planning questions:⁷

min-max Specifies the minimum the negotiator will accept as well as the maximum the negotiator will give away.

1. What is the minimum I can accept to resolve the problem?
2. What is the maximum I can ask for without appearing outrageous?
3. What is the maximum I can give away?
4. What is the least I can ask for without appearing outrageous?

In answering these questions, it is helpful to empathize with the other side so that you can anticipate his or her answers to the same questions. For example, if the cottage owner asked \$2,500 for a week-long rental, would the answer be, “Go jump in the lake”?

Sharing Information

As described in Chapter 1, information sharing is a characteristic of an effective negotiating situation and is also an effective negotiating tactic by itself. Sharing information contributes to a positive negotiating climate that is conducive to reaching an agreement.⁸ Self-Quiz 5-1 gives you the opportunity to think through your tendencies toward sharing knowledge and information.

Imagining Alternatives

A key challenge during negotiation is to have an alternative in mind in case negotiation does not go your way. The BATNA tactic applies when you really have an alternative. Research suggests that simply imagining an alternative can also bring you some power

SELF-QUIZ 5-1

My Tendencies Toward Sharing Knowledge and Information

Indicate whether each of the following statements is mostly true or mostly false as it applies to your own attitudes and behaviors.

Statement About Sharing Knowledge and Information	Mostly True	Mostly False
1. I am very secretive at work or school.		
2. The other side in a negotiation usually cannot be trusted, so reveal as little information as you can.		
3. I post lots of information about myself on social media sites.		
4. During a negotiation, I would be vague about how much I was willing to pay or offer for as long as possible.		
5. Only a fool would tell coworkers about a great idea he or she had for a new business.		
6. An effective negotiating trick is to keep the other side guessing about what you really think about his or her offer or demand.		
7. A good path to negotiation success is to be as open and candid as possible.		
8. A good path to negotiation failure is to be as open and candid as possible.		
9. I think that it is important that laws about intellectual property rights be strictly enforced.		
10. During a negotiation, it is essential to be evasive about how well your company is doing financially.		
11. If I were trading in one vehicle for another, I would tell the sales representative the real problems with my trade-in.		
12. I think that the other party in a negotiation should be willing to tell me up front the maximum offer he or she is willing to make.		
13. I think that the other party in a negotiation should be willing to tell me up front the minimum demand he or she is willing to make.		
14. I worry a lot about a manager stealing my ideas, even if he or she appears to be honest.		
15. During the warm-up part of a negotiation, I think that it is a good idea to swap details about the personal lives of all the parties involved.		

Scoring and Interpretation: Give yourself 1 point for having answered Mostly True to the following statements: 3, 7, 11, 12, 13, and 15. Give yourself 1 point for having answered Mostly False to the following statements: 1, 2, 4, 5, 6, 8, 9, 10, and 14.

12 or higher: You have very positive attitudes toward sharing knowledge with others inside or outside of negotiations. However, you might be a little too trusting of people whose intentions you do not know.

5–11: You have about average attitudes toward information sharing.

0–4: You have negative attitudes toward information sharing, and you may need to become a little more open with your knowledge and information to be more effective during a negotiation.

during negotiation. A series of laboratory studies demonstrated that imagining strong alternatives causes powerless individuals to negotiate more ambitiously. Negotiators reached more profitable agreements when they had a stronger tendency to simulate alternatives or were instructed to simulate an alternative. The researchers point out that the imagined alternative should be a good one and that the technique works best when you make the first offer.⁹

Three examples of potentially effective alternatives are (1) a job hunter imagining that he has already received an attractive job offer elsewhere, (2) a procurement specialist

imagining that she has already located another vendor who offers high quality and low price for the product in question, and (3) a small-business owner imagining that he has already located a lower-price refuse hauler when negotiating the price of trash removal.

Note that imagining alternatives is not the same idea as brainstorming different solutions to the problem being negotiated. An imagined alternative is pretending that you have already attained a worthwhile possible outcome to negotiation.

Implementing the Stalking Horse

An advanced and complex negotiation tactic reserved for dealing with bankruptcies of large business enterprises is the *stalking-horse bid*. The term “stalking horse” derives from the 16th century when hunters would hide behind their horse as they moved slowly toward their prey. Companies in financial crisis that are preparing to file for bankruptcy can sometimes accomplish a restructuring of their financial situation with a sale of at least the majority of their assets, if not all. A **stalking-horse bid** is an initial bid on the debtor’s assets. This type of bid implies that sometimes the buyer’s offer is hidden from the courts, creditors, and the public. The highest initial bid becomes the bottom price at the auction for the company’s assets, and the financially troubled company can then refuse lower bids.

stalking-horse bid An initial bid on the debtor’s assets.

An example of a stalking-horse bid took place in April 2023 when Bed Bath & Beyond filed for Chapter 11 bankruptcy after several attempts to raise enough cash to survive. The popular retailer had until June to obtain a stalking-horse bid for some or all its assets. Overstock.com was chosen to establish a floor for future bids. The online retailer placed a bid of \$21.5 million for some of Bed Bath & Beyond’s assets, including its intellectual property rights, business data, and access to mobile apps. Following the stalking-horse bid, the available assets of Bed Bath & Beyond were placed on auction. Overstock bought the brand that went out of business and restored its website, which still operates. Bed Bath & Beyond’s remaining assets were sold to other retailers.

A potential limitation of a stalking-horse bid is that the negotiated bid between the company in debt and the bidder may not be approved by the bankruptcy court or the creditors’ committee. Furthermore, a higher bid for the assets might surface during the auction.¹⁰

The accompanying Negotiation and Conflict Resolution in Action feature illustrates a reliance on facts and information in a negotiation between professional sports team owners and player representatives.

Tactics Dealing Mostly with Behavior and Emotions

In this section, we describe advanced negotiation tactics that tend to emphasize behavior and emotion rather than facts and information.

Making the First Offer

Plausible arguments have been advanced for making the first offer in negotiations. Business broker Gary Miller notes that conventional negotiating wisdom says it is better to wait. Such advice makes intuitive sense, but it fails to account for the powerful effect that first offers often have on how people think during negotiation. In situations of ambiguity and uncertainty, first offers have an anchoring effect and might exert a strong pull throughout the negotiation. High anchors direct our attention toward a demand or offer’s positive attributes. In contrast, low anchors direct attention to the flaws of the demand or offer.

Anchoring research suggests that making the first offer often results in a bargaining advantage for the person or side making the offer. Because numerical values pull judgments toward themselves, they are termed *anchors*. When a seller makes the first offer, the final price tends to be higher than when the buyer makes the first offer.

Despite the advantages of making the first offer, it may not be advantageous when the other side has much more information than you do about the transaction to be negotiated. For example, buyers and sellers represented by investment bankers often have more in-depth knowledge than do unrepresented buyers and sellers.¹¹

NEGOTIATION AND CONFLICT RESOLUTION IN ACTION

WNBA Players Want to Negotiate Higher Salaries

Caitlin Clark plays the guard position for the Indiana Fever team of the Women's National Basketball Association (WNBA). Her rookie season in 2024 was an outstanding success. Clark led the league's worst team to the playoffs in her first season. She broke viewership and attendance records while receiving a salary of \$76,500. Clark's agent, Erin Kane, admitted that it had become impossible for her to receive fair compensation based strictly on her salary. For the 2025 season, her salary was \$78,000. Kane said, "Will Caitlin Clark ever be paid by the WNBA what she's really worth to the league? I don't think that's possible."

Ryan Brewer, a finance professor at Indiana University Columbus, calculated that Clark contributed a \$36 million impact to Indianapolis. She was also responsible for close to 27 percent of the WNBA's economic impact for the 2024 season, including attendance, the sale of merchandise, and television payments. Brewer estimated that one-sixth of tickets sold at a WNBA arena can be attributed to Clark. A study conducted by Relo Metrics indicated that the WNBA produced a record \$136 million in media value for sponsors during the 2024 regular season. Furthermore, 45 percent of the total broadcast value stemmed from the Indiana Fever.

The WNBA collective bargaining agreement (CBA) between the players and the owners sets a ceiling on players' wages in their rookie contracts. Player salaries range from approximately \$64,154 to \$241,984 for a player awarded a supermaximum contract. Even outstanding talents like Clark do not have the power to negotiate better deals. In 2024, the players opted out of this agreement and looked forward to a new CBA for 2025. The union said at the time that players were seeking a business model that compensates for their true value, including higher salaries and employee benefits.

Kane told sports network ESPN, "She's part of a larger player body. They all need to be paid more. She should be recognized for what she has done and what she's brought to the league from an economic standpoint." The women's league Unrivaled 3x3 pays its players an average salary of more than \$220,000; it also gives them an equity stake in the league. It is therefore feasible that the WNBA players will receive higher salaries based on their next CBA.

As of 2025, the WNBA was still not profitable despite the enhanced interest of fans with the presence of Clark. The WNBA lost \$40 million in 2024 and had lost an average of \$10 million each year since its founding. Yet TV viewership is rising rapidly, and a new mega TV deal began in 2026. The 11-year media rights deal is valued at approximately \$200 million per year, in contrast to the previous agreement of \$60 million annually. Terri Jackson, the WNBA executive director, said that the league was undervalued in the deal, which



Source: zimmytws/Shutterstock.

was negotiated by the National Basketball Association (NBA), which owns about 60 percent of the WNBA.

When Clark left college basketball, she had more than one option for earning money as a professional basketball player. The BIG3 league, owned by rapper Ice Cube, supposedly offered her a \$10 million contract to play against men in three-on-three competition (three players against three players). In addition, Clark would have received an ownership stake in a franchise and a percentage of her merchandise sales.

To supplement their WNBA salaries, many players spend their offseason in foreign leagues, including those in the coldest part of Russia. In response to this reality, Ice Cube wrote, "America's women athletes should not be forced to spend off seasons playing in often dismal and foreign countries just to make ends meet."

Clark is not dependent on her WNBA salary for income. Most of her earnings come from endorsements and brand deals. In 2024, she signed an eight-year, \$28 million contract with Nike that included a signature athletic shoe.

QUESTIONS

1. What financial reality would give WNBA players more power to negotiate higher salaries?
2. How fair would it be for the Indiana Fever owners to take into account Caitlin Clark's sponsorship and brand income when negotiating her salary?
3. Suppose Caitlin Clark says to the owner of the Indiana Fever, "The average guard in the NBA is paid about \$14 million per season. I want equal treatment before I sign a new contract." How should the owner respond?

Source: Original story based on facts and observations in the following sources: Liam Griffin, "Caitlin Clark's Agent Says Her WNBA Salary Has Limits," *The Washington Times* (www.thewashingtontimes.com), February 18, 2025, pp. 1–2; Josh Sanchez, "Caitlin Clark's Agent Makes Shocking Claim about WNBA Pay, Salary," *Sports Illustrated* (www.si.com), February 18, 2025, pp. 1–2; Ed Dixon, "WNBA Players 'Need to Be Paid More,' Says Caitlin Clark's Agent," *SportsPro* (www.sportspro.com), February 20, 2025, pp. 1–4; "Agent: Fever's Caitlin Clark, WNBA Players Deserve Higher Pay," *ESPN* (www.espn.com), 2025, pp. 1–2.

Christopher Voss was a chief hostage negotiator for the Federal Bureau of Investigation (FBI) and now teaches the art of negotiation as an adjunct professor at two universities and is a negotiation consultant. He strongly advocates letting the other side go first, commenting that negotiators typically want to speak first, but they are not listening. Voss says, “You are wasting your time if you go first. In addition, there will be mistakes or omissions in your data.” Before committing to a position, it is best to extract as much information as you can from the other side. It is best not to be so certain of what you want at the beginning of a negotiation that you would not take a better offer or demand.¹²

Another relevant observation about the first offer in negotiations is whether to take it seriously. Stephen P. Robbins and Phillip L. Hunsaker recommend paying little attention to initial offers. Instead, treat an initial offer as only a point of departure.¹³ Initial offers are frequently unrealistic and fall into the min-max framework, such as a building owner asking \$8 million for an office building that has an assessed valuation of \$5 million.

Asking the Other Side, “What Is It You Want Me to Do?”

An effective tactic for both negotiation and other forms of conflict resolution is to ask the other side what he or she would like you to do to reach an agreement. If you do what the other side wants, you will have already reached an agreement. The underlying psychology is that having suggested the solution, the other side will feel committed. Here is an example:

You and your teammates are dividing up work for a large task. It appears that several of your teammates do not think you are making an equitable contribution. After negotiating your contribution for about 30 minutes, you find that negotiations are stalled. You then ask, “What would you people like me to do?”

Because you are so cooperative, the other team members will probably not make an outrageous demand. Also, they will probably regard your contribution as equitable because they formulated it.

Mirroring

As the technique relates to negotiation, *mirroring* is the repetition of key words used by your negotiation counterpart. (*Mirroring* in general refers to building rapport with another person by imitating the person’s voice tone, breathing rate, body movement, and language.) The technique can be highly effective when you repeat the words the counterpart has just spoken. Mirroring signals to the other side that you are paying attention to what the person is saying. Mirroring also suggests that you are carefully considering the negotiation counterpart’s views.¹⁴ For example, Jason is negotiating with Brooklyn, who talks for three minutes about how high-precision parts are even more important than a low price. Jason then looks at Brooklyn and says, “I get it. High-precision parts are more important to your company than low-price parts.”

Effectively Using Silence

Silence is frequently an effective negotiation tactic. If you are silent, the other party is likely to think about what you just offered or demanded, thereby reinforcing what you just stated. The use of silence, however, must be executed strategically. You first make your offer or demand, then wait for your counterpart’s reaction instead of elaborating more on what you just said. The silence creates a void that the other party might feel obliged to fill with words, and these words might work in your favor.¹⁵ An investor in accounts receivable might say to a city official, “I see some value in that bucket of long-overdue taxes. I will give you 25 cents on the dollar for your entire portfolio of unpaid taxes.” The investor



Source: voronaman/Shutterstock.

Silence is frequently an effective negotiating tactic.

then says nothing, and the city official says, “Twenty-five cents on the dollar is better than what we have now. I will get back to you after I talk with the debt committee members.”

Projecting Power

During deal making, how you carry yourself can make a difference, according to Joe Navarro, a former FBI special agent and a specialist in body language. Your body language should project power and confidence. Navarro explains that during negotiations, you should stand with your head slightly tilted and your hands clasped. Smile and look directly at the counterpart’s eyes. The head tilt exposes the neck and communicates the thought, “I am listening, I am comfortable, and I am receptive.” In contrast, touching the neck or covering your chin indicates that you are uncomfortable, insecure, or concerned.¹⁶ (Navarro’s suggestions may work frequently, but nonverbal communication is only a contributor to success in negotiation.)

Mentioning the Offer of a Rival

Research consistently indicates that having alternatives contributes to negotiation success. Negotiators with high-value outside offers have more power and attain more valuable outcomes for themselves. A series of four experiments with both full-time working adults and college students adds a new twist to the effectiveness of alternatives. *Whom* the negotiator receives an offer from can affect the outcomes of the negotiation. Receiving an offer from a rival of the counterpart is a winning tactic. Visualize data analytics specialist Darwin negotiating a starting salary for a position at GM. If he mentions that Ford offered him a higher salary, Darwin has a better chance of obtaining an equal or higher starting salary from GM.

The studies demonstrated that the rival offer enhances negotiators’ motivation to outperform their counterpart’s alternative by reaching an agreement with the person asking for a better offer. In turn, the negotiator who must match or beat the rival is willing to receive less value just to beat the rival.¹⁷ (If the rival offer is fictitious, the negotiator is behaving unethically.)

Observing the Other Side’s Tone of Voice

According to Voss, the most reliable nonverbal indicator of a change in demand by the other party is a change in voice tone. A former general manager of the LA Dodgers told Voss that in a two-hour negotiation, there will be 90 seconds of solid gold, and that is the key to the entire deal.¹⁸ The “solid gold” might be a lowered tone of voice, such as a union representative saying to her counterpart softly, “We still think the absence of time-recording devices is important.” Earlier in the negotiation, she might have spoken in a loud tone about the demand for getting rid of time-recording devices for indicating when employees check in and out of work.

Using Ultimatums and the Threat of Walking Out

When faced with an apparent impasse during negotiations, some people become emotionally upset and/or issue ultimatums. For example, “If you can’t find any money in your budget, why should I bother talking to you?” Or the negotiator might leave the negotiation temporarily or permanently, quickly dooming any potential deal under consideration. Walking away from a negotiation that is going poorly is included in both the BATNA and min-max tactics. An ultimatum is classified as a power-based negotiation strategy because it demands that the other party comply or face negative consequences. An ultimatum is usually more effective when one party has a clear advantage over another, such as a large company demanding a volume discount from a small supplier.¹⁹

Negotiating specialist and business professor Stuart Diamond suggests, “Keep your emotions in check or you’ll be checking out of your negotiation.” Diamond writes that as a headhunter (executive search specialist), he has heard hardline reactions from both

job candidates and hiring managers. When hearing Diamond relay the offer from a hiring manager, a candidate might say, “There is no way I am even going to consider such a ridiculous salary.” And when Diamond returns to the hiring manager with a counteroffer from the candidate, a hiring manager might say, “This is all we are going to offer for the position, and the candidate can take it or leave it.” When both parties take such irrevocable positions, the negotiation outcome is lose-lose.²⁰

Dealing with an Impasse

The threat of walking out of negotiations, followed by an actual walking out, leads to a breakdown in negotiation. An **impasse** takes place when the two sides attempting to resolve a problem are unable to reach an agreement and become deadlocked. The consequences of an impasse can be severe, such as government services being shut down, a labor union going on strike, or an employer locking out workers. The Program on Negotiation at Harvard Law School recommends four techniques that professional negotiators can use to build trust and overcome an impasse when the bargaining becomes adversarial.²¹

impasse A situation that takes place when the two sides attempting to resolve a problem are unable to reach an agreement and become deadlocked.

1. *Adopt a gain frame.* Negotiations dealing with costs and losses, such as a mortgage foreclosure or a budget shortfall, are generally more competitive and challenging than those involving benefits and assets, such as a home purchase or budget surplus. A rigid attitude can be self-defeating when negotiating over losses. Attempt to identify any benefits that accompany the difficulties you anticipate and encourage your counterpart to do the same. For example, if you receive a much smaller budget than anticipated, develop greater fiscal restraint, such as searching for a lower-cost supplier.
2. *Think multiple steps ahead.* When you are faced with an unappealing demand or offer, think multiple steps ahead before refusing to negotiate or compromise unless the other party submits to meeting your conditions. Rigid positions and outright rejections can trigger a protracted impasse. It can work to advise the other party about what aspects of your offer are the most palatable and what the other party might ask for in return for concessions. For example, “If we renovate your storm-damaged building at a price higher than your other bids, you will know that an excellent job will be accomplished on time. Maybe you would want us to throw in renovating an older office that was not storm-damaged.”
3. *Keep talking.* Refusal to negotiate on an issue of major importance can have dysfunctional consequences. Individuals and organizations sometimes refuse to negotiate, thinking that the counterpart will back down as the costs inflicted by an impasse mount. A problem often overlooked in the negative emotions involved in the negotiation is that the impasse imposes substantial damages on both sides. As time passes, the two sides often become more unyielding. If the two parties do agree to restart negotiations, the ill will that accumulates during the impasse will make the talks more tension-filled and challenging. An example would be a schoolteacher strike that lasts for three months, leaving both sides bitter, as well as students and parents suffering the consequences.
4. *Attempt to build trust and goodwill.* Negotiation is usually a more hopeful means of resolving a conflict and ending an impasse than refusing to negotiate. When talks have reached an impasse, try building trust and goodwill by proposing that relatively minor issues be negotiated first. However bitter the negotiations, a display of empathy can help build trust and goodwill. For example, in an impasse between management and the labor union, a management representative might say to a union leader, “I recognize that it is a living nightmare for your workers to be



Source: wavebreakmedia/Shutterstock.

A rigid attitude can be self-defeating when negotiating over losses.

going without pay. They are probably missing mortgage, rent, and car payments. We must find a solution to this negotiation breakdown together.”

Learning from a Failed Negotiation

No matter how much experience and skill negotiators have, they will sometimes fail. Joshua M. Weiss, the cofounder of the Global Negotiation Initiative at Harvard University, notes that when a negotiation has failed, it is helpful to consider what went wrong so that you can perform better in the future. Weiss recommends the following five steps to turn a setback into an opportunity to become a more effective negotiator:

1. *Acknowledge and accept the failure.* Blaming others or ignoring what went wrong blocks growth from the experience. Instead of making excuses, accept the negotiation outcome. Recognize how you contributed to the failure, such as having underestimated your counterpart. Doing so helps you move ahead with clarity.
2. *Analyze what went wrong.* Implement a step-by-step analysis. Perhaps you misjudged priorities, overlooked essential information, or became too emotional. Try to assess the turning points in the negotiation and how different decisions by you might have led to a better outcome. For example, *When the other side asked for 30 more days to complete the work, I replied, “Are you out of your mind?” She got angry and walked away from the negotiating session.* To keep the negotiation alive, it would be better to be more tactful by making a statement such as, “Thirty more days seems like a long time to me.”
3. *Extract key lessons.* Some missteps may have been related to this one negotiation session, but some may reveal a deeper pattern and need for growth. You might conclude that in the excitement of a negotiation, you sometimes fail to listen carefully to what the counterpart is saying.
4. *Pinpoint and fix your weaknesses that led to the failure.* As in the previous step, attempt to think objectively about your weaknesses as a negotiator. Do you tend to give in too easily just to avoid conflict? Are you too brash and demanding? Are you too impatient to conclude the negotiation? Attempt to overcome behaviors that are holding you back and develop new skills that will contribute to future success.
5. *Return to the negotiation setting with confidence.* Whether you return to the same negotiation or move on to a new one, commit to not repeating what you did wrong the last time. For example, perhaps you relied too much on facts and statistics during the negotiation instead of also injecting a few emotional appeals.²²

Summary

Negotiation models differ in whether they are descriptive or prescriptive. Process models agree that there is at least some negotiation preparation, followed by the conduct of negotiation, then implementation of the results. If the results are not as satisfactory as anticipated, renegotiation may be necessary. Negotiations often fail because the negotiators do not bring to bear appropriate knowledge.

According to a representative model, the steps in the negotiation process are as follows: preparing your strategy, exchanging information, closing and gaining commitment, opening and making concessions, and documenting agreement.

Tactics dealing mostly with facts and information include the following: (1) persuasive arguments, (2) principled negotiation, (3) the min-max approach, (4) sharing information, (5) imagining alternatives, (6) implementing the stalking horse.

Tactics dealing mostly with behavior and emotion include the following: (1) making the first offer; (2) asking the other side, “What is it you want me to do?”; (3) mirroring; (4) effectively using silence; (5) projecting power; (6) mentioning the offer of a rival; (7) observing the other side’s tone of voice; (8) using ultimatums and the threat of walking out; (9) dealing with an impasse; and (10) learning from a failed negotiation.

Four recommendations for dealing with an impasse are (1) adopt a gain frame, (2) think multiple steps ahead, (3) keep talking, and (4) attempt to build trust and goodwill. Five recommendations for learning from a failed negotiation are (1) acknowledge and accept the failure, (2) analyze what went wrong, (3) extract key lessons, (4) pinpoint and fix your weaknesses that led to the failure, and (5) return to the negotiation setting with confidence.

Key Terms and Phrases

Impasse, p. 81
Min-max, p. 75

Principled negotiation, p. 74
Stalking-horse bid, p. 77

Discussion Questions and Activities

1. If you were going to negotiate a starting salary for yourself, what kind of preparation should you make?
2. Many employee groups are demanding a minimum wage of at least \$20 per hour for entry-level workers, even for service industries such as restaurants. What concessions could these employee groups make to management to attain their demands?
3. What persuasive argument could a supplier of wood for the furniture industry use to negotiate a price increase of 25 percent?
4. Assume that you are negotiating to purchase a distressed property to renovate the property and then sell it at a profit ("flipping" the house). Give an example of how you could be "soft on the people but hard on the problem."
5. As a team leader in a manufacturing company, you are negotiating for funds to outfit your team of 12 people in team T-shirts and caps. Where could you find "objective criteria" to use in your negotiation?
6. Why might leadership in a company that was going bankrupt be willing to listen to a stalking-horse bid?
7. A hostage negotiator mentioned in the chapter strongly advocates letting the other side go first in a negotiation. What kind of first offer could a hostage-taker make who has five people trapped in a bank?
8. What is your opinion of the potential effectiveness of the tactic of asking the other side, "What do you want me to do?"
9. Imagine a sales representative for a precious minerals company negotiating prices with battery manufacturers. Considering all his or her leverage, why should the sales rep worry about building a positive negotiating climate?
10. Imagine that you have just paid \$5,000 more than you anticipated for the vehicle of your choice. What type of "gain frame" can you possibly adopt?

Skill-Building Exercise: Imagining Alternatives in Negotiation

Research cited in this chapter suggests that in many negotiating situations, having imaginary or simulated alternatives leads to an effective outcome for the negotiator. A caveat, however, is that the imagined alternative should be of high quality. For each of the five following scenarios, develop a sensible alternative to the stated negotiating offer or demand. The alternative might also be regarded as a backup possibility in case the demand or offer is not met.

Scenario 1

You have five years of work experience in your field, and you are job hunting to advance your career. Develop an imaginary alternative to staying in your present position to give you more strength in your job hunt.

Scenario 2

A couple living in New York City wants to relocate to Florida, so they place their three-bedroom condominium on the market for \$2,500,000. Give this affluent couple an imaginary alternative as they review offers from potential buyers.

Scenario 3

A nonprofit social agency provides help, including memory training, to people experiencing Alzheimer's disease.

Fantasia, the agency head, is going to ask the state to provide her agency \$2 million to help keep it running for the upcoming fiscal year. Fantasia knows this is a lot of money to demand, but she is passionate about her agency's purpose and the services it provides. Develop an imaginary alternative to not receiving \$2 million in funding from the state.

Scenario 4

Rondo, the owner of a small software development company, has developed a computerized camera and sensing device that detects unsafe exhaust systems as vehicles pass through an automated highway toll booth. The owners of the vehicles are then sent a request to replace or repair the defective exhaust system. Rondo thinks that because of the interest in climate change, a device that can help reduce noxious emissions from vehicles is very valuable. A major high-tech firm offers to acquire Rondo's firm for \$35 million. Develop an imaginary alternative offer for Rondo's firm as he negotiates with the high-tech firm.

Scenario 5

Your retired parents are relatively young and in good health, but they are bored. They decide they would like to own and operate a small boutique, perhaps four days

a week, to give more purpose to their lives. On the internet, you find a dog- and cat-grooming business, Heavenly Groomers, for sale that you think would be ideal for your parents. Using your parents' funds, you will offer a maxi-

imum of \$65,000 for Heavenly Groomers. Develop an alternative to purchasing this business to give you strength in your negotiation.

CASE PROBLEM 5A: Branch Manager Abigail Blames Automated House Appraisals

Abigail is a branch manager at Property Appraisals LLC, a regional company whose primary business is appraising the value of residential properties. The appraisals serve a couple of important purposes. Sellers sometimes use the appraisals to provide guidelines for setting the price of a property placed on the market. A more extensive use of the appraisals, however, is by mortgage lenders, such as banks, that want an accurate value of a house before issuing a mortgage. Abigail has a staff of four property appraisers plus an administrative assistant.

Branch revenue has shown a decline for nine consecutive quarters, even though residential sales in Abigail's city have shown a slight increase over the same period. Gwenn, the CEO of Property Appraisals, has been upset with the declining number of appraisals conducted at Abigail's branch. During a face-to-face meeting with Abigail at her branch, Gwenn asked, "Will you please explain why you cannot stop the decline in business?"

Abigail responded, "As you well know, the property appraisal field is suffering from automation, and particularly algorithms. A lot of potential customers are simply visiting Zillow.com to figure out how much their home is worth. The Zestimate provided is absolutely free. Stan Humphries, the chief analyst at Zillow, boasts that the company values about 100 million homes every night, with an error rate of 4.3 percent. That's pretty tough competition."

Gwenn then countered, "Okay, I can see that if somebody wants a quick estimate of the value of a house, they might use Zillow. But what about when a person wants an appraisal that is not simply plucked off the internet?"

Abigail said with a pained expression, "You must be aware that people are getting estimates supplied by free automated home valuation models. A home valuation specialist never gets near the property. The algorithm assesses information from the internet, including Google photos, and makes its estimates using software. Again, that type of competition is hard to beat when we charge about \$475 for an appraisal."

Gwenn said, "I am aware of the problems the home appraisal industry is facing, but I still think that your office can do better. There is still demand for customized, professionally prepared appraisals of residential properties. Stop blaming automation and look at what you could be doing to enhance revenue in your branch."

Abigail responded, "Maybe we could work together on deciding how much of a revenue enhancement would please you."

Case Questions

1. How justified do you think Abigail is in blaming low-priced internet appraisals for the decline in revenue at her branch?
2. Why should Gwenn bother to negotiate with Abigail about revenue-enhancement targets?
3. What approach to negotiation should Abigail take to arrive at a reasonable target for revenue enhancement for her branch?

Associated Role Play

Abigail and Gwen agree to discuss negotiating a revenue-enhancement goal for Abigail's branch. One student plays the role of Abigail, who plans to open negotiations with a goal of a 2 percent revenue increase. Another student plays the role of Gwen, who opens the negotiation session with a goal of a 10 percent increase in revenues. The role players can choose any basic (Chapter 4) or advanced (Chapter 5) negotiation techniques they think will work well in this scenario. Run the role play for about 10 minutes. Observers might provide feedback on the negotiation skills of the role players.

Source: A few of the facts in this case are from the following sources: "Why Automation Is Killing the Property Appraisal Business," Knowledge @Wharton (<https://knowledge.wharton.upenn.edu>), August 21, 2017, pp. 1–4; Jacob Burdis and Sam Dadofalza, "What Is My Home Worth? How to Use Free Automated Valuation Models," *HomeLight* (www.homelight.com), November 27, 2024, pp. 1–9.

CASE PROBLEM 5B: Walmart Clashes with Its Chinese Suppliers

In 2025, the United States and China were embroiled in a trade war triggered by heavy tariffs imposed by President Trump. To cope with the rising tariffs of an unknown duration, Walmart executives pressured the

company's Chinese suppliers to grant the company discounts on products sold in its stores. Approximately 60 percent of Walmart's imports stem from China. He Yongquian, a spokesperson for the Commerce Ministry

in China, said, “Our relevant departments have reached out to Walmart to further understand the situation, and the company has provided an explanation.”

A major problem facing Walmart, as well as other retailers, is that high tariffs force them to raise prices even when consumers are already facing financial pressures and the squeeze of inflation. Walmart asked some of its Chinese vendors for price cuts of up to 10 percent to offset the U.S. tariffs. Chinese authorities summoned Walmart executives to discuss the situation when they heard about the proposed 10 percent cut. The state media outlet CCTV said in a social media post in China that Chinese authorities could take action if Walmart continued to press for more discounts. A problem many Chinese factories faced was that they were already operating with ultra-thin margins. A Bloomberg report concluded that a price cut of more than 2 percent would create a loss for many suppliers.

CCTV stated in its post, “It is unreasonable to require Chinese suppliers to bear all tariffs, which will disrupt fair competition and foreign trade order.” The post also added that Walmart’s price pressuring could create supply-chain disruption, as well as harm the interests of Chinese and American consumers. Furthermore, CCTV accused Walmart of attempting to shift the burden of the new tariffs imposed on China to “Chinese suppliers and consumers.”

Walmart officials explained that the company’s purpose remained to “help people save money and live better.” Walmart CEO Doug McMillon added, “We’re wired to try and save people money.” The conversations with Chinese suppliers were aimed at carrying out the Walmart purpose for millions of customers. Walmart emphasized that it wanted to work closely with its suppliers during uncertain times. McMillon noted that the company has weathered tariffs for many years, always with the aim of trying to save customers money.

Vivi Ton owns a factory in China that makes toy cars. During the height of the tariff dispute, she barely shipped anything to the United States. Yet Ton was willing to grant discounts to American retailers to keep her business going.

During a meeting, Chinese authorities explained to Walmart officials that asking suppliers to lower prices might be in violation of contracts and have legal consequences. The social media post included the idea that if Walmart were to demand that suppliers cut prices, then Walmart would be facing more than just talk. Walmart officials attending the meeting promised to find ways to prevent damaging the interests of all parties involved. Company officials emphasized that China’s supply chains were instrumental to its success.

CCTV posted, “The relationship between Walmart and its Chinese suppliers is definitely not one of you

being ‘higher,’ and me being ‘lower.’ On the contrary, precisely because most of Walmart’s products are produced in China, Chinese consumers can easily find alternatives.”

China’s top textiles group urged U.S. retailers to examine international trade issues with fairness and reasonableness. The group also said it planned to take “proactive measures to safeguard the legitimate rights and interests of its members.”

A concern expressed by the Chinese is that the dispute over lower prices could negatively affect Walmart stores within China. In addition to having multiple Chinese suppliers, Walmart has stores in over 100 Chinese cities, with approximately 325 Walmart and Sam’s Club stores with \$17 billion in annual sales.

Case Questions

1. During the tariff dispute, what, if any, alternative did Walmart have to asking Chinese suppliers for a discount?
2. How might Walmart and its Chinese suppliers have negotiated the dispute about the retailer asking for discounts?
3. How might Walmart and Chinese government officials have negotiated the dispute about the retailer asking for discounts?

Associated Role Play

Walmart executives want to retain their longtime relationships with vendors located in China. At the same time, Walmart does not want to pay such high prices for merchandise from vendors that it must raise prices considerably for its customers. Walmart asks officials at its largest vendor of toys and athletic equipment, Joy Products, to mediate the dispute. One student plays the role of a procurement official from Walmart, and another student plays the role of the chief marketing officer from Joy Products. Walmart wants a 10 percent price reduction, whereas Joy Products wonders how it can afford any price reduction.

Run this role play for about 15 minutes to see if Walmart and Joy Products can attain a negotiated solution to their dispute.

Source: Original story based on facts and observations in the following sources: Siladitya Ray, “Trump’s Tariffs Trigger Clash between China and Walmart—What to Know,” *Forbes* (www.forbes.com), March 13, 2025, pp. 1–4; Tom Ryan, “Is Walmart Bullying Its Chinese Suppliers?” *Retail Wire* (www.retailwire.com), March 17, 2025, pp. 1–6; John Liu and Juliana Liu, “Walmart Feels the Heat in China After Trump Imposes Tariffs,” *CNN Business* (www.cnn.com), March 13, 2025, pp. 1–2; John Liu and CNN Staff, “Walmart, Target Resume Business with Some Chinese Factories after Tariff-Related Halt, Suppliers Say,” *Marketplace Asia/CNN Business* (www.cnn.com), April 29, 2025, pp. 1–5.

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