



OBLINGER & TSANG

The  
**Win-Win**  
**TRAP**



Dan Oblinger and Allan Tsang

# The Win-Win Trap

## The Win-Win Trap

Everywhere we look, we see people clamoring about "win-win". As consulting negotiators, we often hear negotiation authors, trainers, and students describe negotiations as win-win.

This is dangerous just as much as it is popular.

Thinking of a negotiation as an opportunity to "make it a win-win" is popular because it is simple. It makes us look like the good guy or gal. We want to be seen as fair and empathetic. Negotiations seem contentious and complex. Why not simply make it win-win and magically turn it into a collaboration where everyone wins?!

At the risk of being seen as unfair and un-empathetic, here is a brief critique of this popular negotiation mantra so that you can negotiate well with other humans and not get eaten by a shark.

### 1. Win-win is Invalid as a Negotiation Framework



Here are some critical questions that a win-win proponent must answer if we can entertain this sort of framework for negotiating.

# The Win-Win Trap

- What constitutes a win in a negotiation? A loss?
- Who defines what a win looks like for you?
- Are you in competition with your counterparty? Or collaboration?
- Who is the referee?
- What if your counterparty SAYS “win-win” but they just do so to get you to drop your guard?
- Is it possible that today’s “win” will be revealed in the harsh light of a future morning to be a terrible loss?
- If your counterparty insists on making a deal that you know is a loss, how can you win?
- Do you have the right, obligation, or permission to determine what a win will be for your counterparty?
- What if your counterparty desperately needs a deal, but it makes no sense for you?

The simplest invalidation of win-win is that negotiation fails the definition of a traditional two-party game where winners are declared. There is no guarantee of a winner and a loser. There are no referees, no universal laws, few sanctions, and no end of game conditions that, when met, allow all parties to agree it is over and a winner can be determined. Negotiation is an infinite game and is about improvement or regression. This must be measured during the negotiation before an agreement is inked. It is only determined through the lens of a valid mission and purpose.





# The Win-Win Trap



## 2. Win-win Fails to Respect the Complex Nature of Negotiations

Negotiations are complex because the process of making sound decisions is complex. Influencing the decisions of others is complex. Working with emotions, biases, and human creativity is complex.

Reducing a complex process to a simple term might seem innocent enough. Watch out! How negotiators think forms their vision and creates their decisions. We have seen many students who fall into a win-win mindset trap. They have poor habits in the discovery process. They simply ask the counter party what they want. Then they tell the counter party what the student wants. Then they haggle.

This oversimplification ignores the real possibility of deception, aggression, leverage, emotional manipulation, and the impact of cognitive biases on human conflict, controversy, and decisions. It fails to recognize that sometimes there are factions within each side, so that a win for one division or work unit harms another. Frequently, there are hidden counter parties in a deal. They all might win somehow, or all but one would be seen as a loser when they don't win the work!

# The Win-Win Trap

## 3. Win-win is dangerous when your counterparty plays it win-lose

Here is the most dangerous and pervasive problem. What if I use win-win as a tactic? Would it be wise to lay all your cards on the table and accept your counterparties claim of the same? It leads to compromise in the best case and makes you vulnerable to an unscrupulous partner at the worst.

“Win-win” implies that negotiation is collaborative. We think that’s a noble implication! We also recognize that there are firms, cultures, and practitioners who see the negotiated world through the lens of “zero sum”. Moreover, these negotiators are quite adept at simulating the appearance of a win-win negotiator. They signal collaboration and then abscond with the funds! Without a proper negotiation strategy, a well-formed habit of sound negotiation practices, and a valid mission and purpose, looking for a win-win with a zero-sum negotiator is fraught with danger.



Win-win is sufficiently vague that it won’t guide you in the critical and complex decisions that negotiation practitioners must make in high-stakes negotiation. It might lead you to accept an agreement when it hurts your mission as an organization. It is difficult to lose in a deal you walk away from. You never had the deal to begin! A truly bad negotiator makes deals that are bad. It is possible with two bad negotiators representing two parties for both of them to harm their respective interests.

If you rush to a collaborative process without conducting proper discovery, allow someone else to dictate what wins and losses will be, take others at their word without verification, or get lulled into a false sense of safety, then you place your success in the hands of your counter party.

“Win-win” sounds nice. Remember! Even friendly counterparties may have an ax to grind! They may have felt cheated in the last deal, might be under pressure from their boss to claw back perceived losses, or might be driven by negative emotions connected with your firm. Pushing for a win-win and failing to recognize these dynamics will lead to a failed deal or one that damages your company’s reputation or profitability.

# The Win-Win Trap

## An Alternative to Win-Win

Win-win is wrong. Not because you have to be a shark and choose win-lose. It's wrong because negotiations are not about winning or losing and are not that simple. Negotiation is a constant process of decisions, influencing decisions, managing your emotions and influencing others' emotions, appraising value, and exploring solutions. There are certainly advantages, disadvantages, leverage, profit-taking, and the potential for bankruptcy- of the moral and financial varieties!

We recently helped a client with a tricky situation. As consulting negotiators, we work with internal negotiation programs and also consult with individual executives when they have high stakes negotiations. The client had been contracted to deliver a technology solution for their own customer. This customer had failed to provide specifications, would not communicate critical information, and consequently, the project was behind and the project manager quit. Our client was worried about being sued for breach when the customer was the problem! By crafting a valid mission and purpose, our client was able to discover that not only did the customer's CEO not want to fire them, the CEO wanted to discuss terms for the new contract to finish the job. Because the mission and purpose was so well written, our client was able to pivot and explain that they didn't want the work. After several big concessions, the customer renegotiated the contract to be highly favorable for our client and agreed to provide the necessary communications and specs to finish the project.



# The Win-Win Trap

In an infinite game, professional negotiators need a better guide and strategy because winning is measured in years, decades, and perhaps centuries!. You need a mission. You need a string of interlocking purposes for the complex decisions and dialogues you must execute. With discovery habits and a practiced skill of listening well, you will find the value in every interaction or know when no deal is the best deal for now. Because negotiation as a way of life never ends, turning down a deal means we are free to find another, better opportunity. Sometimes it is with the same counterparty we politely declined!

So reject win-win, win-lose, and zero-sum. They are too simple to the point of being a hazard. You will need a rich, deep, and resilient habit set. Find a program of habit-formation in listening, bargaining, problem solving, emotions and bias control. Learn to recognize common tactics others may use. Be consistent. Build good habits today and move your mission forward everytime!

## Want to Know or Do More?

Allan Tsang and Dan Oblinger are the principals and founders of Oblinger & Tsang, the premier consulting and coaching negotiations firm in the marketplace today. If you are in sales, executive leadership, procurement, or professional services and negotiate scope and fee, then you should make negotiation your craft. That means a hard look at your own habits in negotiation, listening, and discovery. We coach professionals to be excellent and resilient negotiators. It also means taking an honest appraisal of the negotiation capabilities in your organizational culture. We conduct audits and design and administer internal negotiations programs. In gratitude for reading this paper, please email us to book a free 30 minute consultation to offer your perspective on the issue and explore some options in being coached!



**DAN  
OBLINGER**

HOSTAGE/CRISIS NEGOTIATOR  
BUSINESS NEGOTIATOR/COACH



**ALLAN  
TSANG**

BUSINESS NEGOTIATOR/COACH  
BUSINESS CONSULTANT





# OBLINGER & TSANG

Allan@88owls.com  
dan.oblinger@gmail.com