## HEALY, FISKE, RICHMOND & MATTHEW, LLP 43 THORNDIKE STREET

CAMBRIDGE, MASSACHUSETTS 02141-1279 TEL: (617) 354-7133

> FAX: (617) 354-5830 <u>www.hfrmlaw.com</u> www.mediate.com/fiske

## A Marital Negotiation Process, or What do *I* Want?

- 1. You ask yourself, "What do <u>I</u> want?" This beginning is by far the most difficult part of negotiating, for many people. "How can I possibly know what I want when I have never looked out for myself before?""
  - a. Yet if you do not ask and answer this question, the process has no foundation and crumbles. You can't negotiate for something when you don't know what it is.
  - b. So all the succeeding steps assume you have figured out what you want and are ready to tell the other person.
- 2. You tell the other person what you want.
  - a. You check with the other person to be sure (s)he listened, heard and understands what you want. Having him or her repeat what you want, to your satisfaction, may be useful for you both. At least you'll feel heard, and that's good.
- 3. The other person says to you what (s)he wants.
  - a. The other person checks with you to be sure you listened, heard and understand what (s)he wants.
- 4. Often, there is no conflict between what you want and what the other person wants. However, if what you want conflicts with what the other person wants,
  - a. "How big a deal is this for me?" You ask yourself.
  - b. You tell the other person.
  - c. IF it is not a big deal for one of you, you or (s)he should say so.
  - d. The other should check to make sure you are being fair to yourself.
  - e. IF it is not a big deal for either of you, you both need to figure out who gets what, always making sure you are still being fair to yourself.

IF it is a BIG DEAL for both of you, turn the page....

- 5. You have created a problem. You need to separate yourselves from the problem and acknowledge, "WE have a problem." It is not your problem or his or her problem, it is OUR problem. "What are WE going to do about OUR problem."
  - a. You explore alternatives. Can we reframe the question so it becomes less of a win lose situation for us?
  - b. You can brainstorm, with ideas being suggested by each of you with the understanding that no idea is crazy and you are free from criticism by the other.
  - c. All alternatives should be subject to the first three negotiation steps on page one.
  - d. You discuss and explore every idea you have suggested.
  - e. If none of these approaches succeed for both of you, here are useful questions:
    - 1. What are we arguing about?
    - 2. What are your concerns?
    - 3. Why?
    - 4. Why do you want....?
    - 5. Can you think of anything I can do that might be helpful for you?
    - 6. What would you be willing to do in order to get me to agree with you?
    - 7. What would you require from me in order for you to agree with me?

If you	are	still	stuck		
--------	-----	-------	-------	--	--

John A. Fiske August 2013

(Originally written with a married couple in 1997, revised often. My thanks to the Harvard Negotiation Project and <u>Getting to Yes.</u>)