

# Never Split the Difference

by Chris Voss

A former FBI Top Hostage Negotiator's Field-Tested Tools for Talking

## Chapter 1 The New Rules

One core assumption is that feeling is a form of thinking. Inspired by Daniel Kahneman and Amos Tversky, people are neither fully rational nor completely selfish, and that their tastes are anything but stable. Thus, do not assume people make rational decisions especially when they are in negotiation.

- Human suffers several behavioural phenomena or theories, including Cognitive Bias, Framing Effect, Prospect Theory, Loss Aversion, etc.
- System 1 (fast, instinctive, and emotional) and System 2 (slow, deliberative, and logical) are there to guide and steer the rational thoughts.
- Tactical Empathy. When individuals feel listened to, they tend to listen to themselves more carefully and to openly evaluate and clarify their own thoughts and feelings. Listening is a martial art.
- Negotiation servers to distinct (1) information gathering and (2) behaviour influencing

## Chapter 2 Be A Mirror

Negotiator should engage the process with a mindset of discovery. The goal is to extract and observe as much information as possible. We start with we know nothing, and get to explore in the negotiation.

- Don't commit to assumptions; instead, view them as hypotheses and use the negotiation to test them rigorously. Negotiation is not an act of battle, it's a process of discovery.
- Slow Down, put together all the puzzle pieces.
- Use the Late-Night, FM DJ Voice: deep, soft, slow, and reassuring. Clam the other side down. It's the voice of an easygoing, good-natured person. The attitude is light and encouraging. Relax and smile. Smiling would have an impact tonally.
- Mirroring, also called isopaxism, is essentially imitation. It's another neuro-behaviour humans display in which we copy each other to comfort each other. Establish Trust. Use mirrors to encourage the other side to empathise and bond with you, keep people talking, buy your side time to regroup, and encourage your counterparts to reveal their strategy.
  - Repeat the last three words of what someone has just said.
    1. Start with "I'm sorry ..."
    2. Mirror. Repeat the last three words (or the critical one to three words).
    3. Silence. At least four seconds, to let the mirror work its magic on your counterpart.
    4. Repeat

## Chapter 3 Don't Feel Their Pain, Label It

Negotiation is about emotional and feelings. How can one separate people from the problem when the emotions are the problem?

Instead of denying or ignoring emotions, good negotiators identify and influence them. Emotion is a tool.

- Tactical Empathy. The ability to recognise the perspective of a counterpart, and of that recognition.
  - That's an academic way of saying that empathy is paying attention to another human being, asking what they are feeling and making a commitment to understanding their world.
  - understand the feelings and mindset of another in the moment and also hearing what is behind those feelings so you increase your influence in all the moments that follow.
  - Labeling, by spotting their feelings, turned them into words, and then very calmly and respectfully repeated their emotions back to them.
    - Labeling is a way of validating someone's emotion by acknowledging it. Give someone's emotion a name and you show you identify with how the person feels.
    - use the wording with "roughly": "it looks like you are ...", "it seems you don't want to go back to jail".
    - when you phrase a label as a neutral statement of understanding, it encourages your counterpart to be responsive.
    - The last rule of labeling is silence. Once thrown out a label, be quiet and listen.
    - Label counterpart's fears to diffuse their power. When deal with a person who wants to be appreciated and understood. So use labels to reinforce and encourage positive perceptions and dynamics.
    - when people are shown photos of faces expressing strong emotion, the brain shows greater activity in the amygdala, the part that generates fear. But when they are asked to label the emotion, the activity moves to the areas that govern rational thinking. In other words, labeling an emotion-applying rational words to a fear-disrupt its raw intensity.
  - list the worst things that the other party could say about you and say them before the other person can.

## Chapter 4 Beware "Yes" - Master "No"

"Yes" is often a meaningless answer that hides deeper objection (and "Maybe" is even worse). Pushing hard for "Yes" doesn't get a negotiator any closer to a win; it just angers the other side. "No" is pure gold. That negative provides a great opportunity for you and the other party to clarify what you really want by eliminating what you don't want. 'No' is not failure, it lead to "Yes", as the final goal. Don't get to 'Yes' before the final. "No "make people feel safe, "Yes" make people guard.

- "No" could be one of the alternative, i.e. I am not yet ready to agree; I don't understand; I don't think I can afford it.
- After getting 'No', ask solution-based questions or simply label their effect, i.e. what about this doesn't work for you? what would you need to make it work?
- Every 'No' gets me closer to 'Yes'. But how to lead to a 'No'? Two ways as below.

- Mislable one's emotions or desires. Say something that you know is totally wrong, i.e. "So it seems that you really are eager to leave your job". That forces them to listen and makes them comfortable correcting you by saying 'No'.
- Ask the other party what they don't want. People are comfortable saying 'No' because it feels like self-protection. And once you've gotten them to say 'No', people are much more open to moving forward to new options and ideas.
- In Email, how ever to be ignored again. Provoke a "No" with a one-sentence email.

## Chapter 5 Trigger The Two Words That Immediately Transform Any Negotiation

Never try to get "Yes" at the end point. "Yes" is nothing without "how". In business negotiation, "that's right" often leads to the best outcomes. "That's right" is great, however if "You're right", nothing changes. Consider this: whenever someone is bothering you, and they just won't let up, and they won't listen to anything you have to say, what do you tell them to get them to shut up and go away? The answer is "You're right".

- The more person feels understood, and positively affirmed in that understanding, the more likely that urge for constructive behaviour will take hold.
- "That's right" is better than "Yes". Strive for it. Reaching "That's right" in a negotiation creates breakthroughs.
- Use a summary to trigger a "that's right". The building blocks of a good summary are a label combined with paraphrasing. Identify, rearticulate, and emotionally affirm "the world according to..."

## Chapter 6 Bend Their Reality

People are emotional, irrational beasts who are emotional and irrational in predictable, pattern-filled way. Using the knowledge and tools to bend the reality is rational, not cheating. Tools are:

- Don't let yourself be fooled by the surface.
- Not not Compromise by a split difference.
  - The win-win mindset pushed by so many negotiation experts is usually ineffective and often disastrous.
  - Compromise is often a 'bad deal'. No deal is better than a bad deal.
- Approaching deadlines. Deadlines regularly make people say and do impulsive things that are against their best interest, because we all have a natural tendency to rush as a deadline approaches. Having a deadline pushes you to speed up your concessions, but the other side, thinking that it has time, will just hold out for more. So, reveal the deadline to the counterpart could reduce the risks of impasse, and lead to a quickest concession.
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- The F-word, "Fair", is an emotional term people usually exploit to put the other side on the defensive and gain concessions. When your counterpart drops the F-bomb, don't get suckered into a concession. Instead, ask them to explain how you're mistreating them.
- Bend the counterpart's reality by anchoring one's starting point.
- People will take more risks to avoid a loss than to realise a gain. Make sure your counterpart sees that there is more things to lose by inaction. (Prospect Theory)

## Chapter 7 Create the Illusion of Control

Successful Negotiation involved getting your counterpart to do the work for you and suggest your solution himself. It involved giving him the **illusion of control** while you were the one defining the conversation.

A tool is provided in this chapter: **Calibrated, or Open-ended, Question.**

- Don't try to negotiate in the Fire-Fight.
- There is always a team on the other side.
- Suspend Unbelief. "Unbelief" is active resistance to what the other side is saying, complete rejection. That's where the two parties in a negotiation usually start.

If you can get the other side to drop their unbelief, you can slowly work them to your point of view on the back of their energy. You don't directly persuade them to see your ideas. Instead, you ride them to your ideas. As the saying goes the best way to ride a horse is in the direction in which it is going.

- Giving your counterpart the illusion of control by asking calibrated question is one of the most powerful tools for suspending unbelief.
- When you go into a store, instead of telling the salesclerk what you "need", you can describe what you're looking for and ask for suggestions. (give the counterpart the illusion of control).
- As question such as "How am I supposed to do that?". The critical party of this approach is that you really are asking for help and your delivery must convey that. Instead of bullying the clerk, you're asking for their advice and giving them the illusion of control.
- Asking for help in this manner is an incredibly powerful negotiating technique for transforming encounters from confrontational showdowns into joint problem-solving sessions. And Calibrated Questions are the best tool.
- Calibrated Your Question.
  - The Rationale: Like the softening words and phrases "perhaps", "maybe", "I think", and "it seems", the calibrated open-ended question **takes the aggression out of a confrontational statement or close-ended request that might otherwise anger your counterpart.** What makes them work is that they are subject to interpretation by your counterpart instead of being rigidly defined. They allow you to introduce ideas and requests without sounding overbearing or pushy.
  - The real beauty of calibrated questions is that fact that they offer no target for attack like statements do. Calibrated questions have the power to educate your counterpart on what the problem is rather than causing conflict by telling them what the problem is.
  - Once you figure out where the conversation to go, you have to design the questions that will ease the conversation in that direction while letting the other guy think it's his choice to take you there.
  - Rules:
    - **Avoid Verbs or words** like "can", "is", "are", "do", or "does". There are closed-ended questions that can be answered with a simple "yes" or a "no".

- **Instead**, start with a list of words people know as reporter's questions: "who", "what", "when", "where", "why", and "how". Those words inspire your counterpart to think and then speak expansively.
  - It's best to start with "what", "how", and sometimes "why". Not do "who", "when", and "where", as the counterpart will share a fact without thinking.
  - "Why" can backfire. Regardless of what language the word "why" is translated into, it's accusatory. Rarely rarely as "why". The only time you can use "why" successfully is when the defensiveness that is created supports the change you are trying to get them to see. Treat "why" like a burner on a hot stove -- don't touch it.
  - Even something as harsh as "Why did you do it?" can be calibrated to "What caused you to do it?", which takes away the emotion and makes the question less accusatory.
  - Questions like "What is the biggest challenge you face?" can get the other side to teach you something about themselves, which is critical to any negotiation because all negotiation is an information-gathering process.
- Great Standbys:
  - What about this is important to you?
  - How can I help to make this better for us?
  - How would you like me to proceed?
  - What is it that brought us into this situation?
  - How can we solve this problem?
  - What's the objective? / What are we trying to accomplish here?
  - How am I supposed to do that?

The implication of any well-designed calibrated question is that you want what the other guy wants but you need his intelligence to overcome the problem. You've not only implicitly asked for help, but engineered a situation in which your formerly recalcitrant counterpart is now using his mental and emotional resources to overcome your challenges. That guides the other party toward designing a solution.

- Your Solution.
- Calibrated questions make your counterpart feel like they're in charge, but it's really you who are framing the conversation.
- Avoid questions that can be answered with "Yes" or tiny pieces of information.
- Ask "how" and "what" to give your counterpart an illusion of control, inspiring them to speak more, revealing more.
- When you are attacked, Pause, Think. Let the passion dissipate. Keep your emotional cool. Lower the change of saying more than you want to. Every calibrated question and apology would lower his heart rate just a little bit. That's how you get to a dynamic where solution can be found.
- Be a listener, as talker is revealing information, while the listener is directing the conversation toward his own goals.

## Chapter 8 Guarantee Execution

- "Yes" is nothing without "No".

By making your counterparts articulate implementation in their own words, your carefully calibrated "How" questions will convince them that the final solution is their idea.

Two key questions you can ask to push your counterparts to think they are defining success their way:

- How will we know we're on track?
- How will we address things if we find we're off track?

When they answer, you summarise their answers until you get a "That's right"

No get to "I'll try", that means "I plan to fail". When get that, dive back in with calibrated "How" questions until they define the terms of successful implementation.

"Yes" is nothing without "How". So keep asking "How?"

Ask calibrated "How" questions, and ask them again and again. Ask "how" keeps your counterparts illusion of control. It will lead them to contemplate your problems when making their demands.

- **Influencing those behind the table.**
- **Spotting liars, dealing with jerks, and charming everyone else.** Learn how to spot and interpret the subtleties of communication - both verbal and nonverbal - that reveal the mental states of your counterparts.

Tactics, Tools, and methods for using subtle verbal and nonverbal forms of communication to understand and modify the mental states of your counterpart: Tools are like:

- **The 7-38-55 percent rule:** by studies, only 7 percent of a message is based on the words while 38 percent comes from the tone of voice and 55 percent from the speaker's body language and face.

Pay close attention to tone and body language to make sure they match up with the literal meaning of the words. If they don't align, it's quite possible that the speaker is lying for at least unconvinced. Then, use labels to discover the source of the incongruence. Label will make them feel respected.

- **The Rule of Three.** There are three kinds of "Yes": Commitment, Confirmation, and Counterfeit. We want to avoid the trap of Counterfeit "Yes". The Rule is simply getting the other guy to agree to the same thing three times in the same conversation. In doing so, it uncovers problems before they happen, because it's hard to repeatedly lie or fake conviction.

The No. 1 yes if the counterpart agree to something to give a commitment.

The No. 2 you might label or summarise what the counterpart said so they answer, "That's right".

The No. 3 could be a calibrated "How" or "What" question about implementation that asks them to explain. Something like "What do we do if we get off track"

Or, the three times might just be the same calibrated questions phrased three different ways, like "What's the biggest challenge you faced? What are we up against here? What do you see as being the most difficult thing to get around?"

- **The Pinocchio Effect.** On average, liars use more words than truth tellers and use far more third-person pronouns. They start talking about "him, her, it, one, they, their", rather than "I", in order to put more distance between themselves and the lie. Discover that liars tend to speak in more complex sentences in an attempt to win over their suspicious counterparts.
- **Pay attention to their usage of pronouns.** The more in love they are with "I", "me" and "my" the less important they are. Conversely, the harder it is to get a first person pronoun out of a negotiator's mouth, the more important they are.
- **The Chris Discount.** Remember and use your counterpart's name in a negotiation. People are tired of being hammered with their own name. Also, use your own name. Humanise yourself. Use your name to introduce yourself. Say it in a fun, friendly way. Let them enjoy the interaction, too. That can get you a special price.
- How to get the counterparts to bid against themselves.

The best way to get your counterparts to lower their demands is to say "No" using "How" questions. These indirect ways of saying "No" using won't shut down your counterpart the way a blunt, pride-piercing "No" would. So, Say "NO" in a Blunt way.

Say "How am I suppose to do that?" - show empathy, request for help.

Say "I'm sorry", "I'm sorry but I'm afraid I just can't do that", "I'm sorry, No"

## Chapter 9 Bargain Hard

There three categories of people in negotiation. (1) Accommodators, (2) Assertive, and (3) Data-Loving Analysts. Each styles can be effective. And to truly be effective you need elements from all three.

To be good, you have to learn to be yourself at the bargaining table. To be great you have to add to your strengths, not replace them.

- Analyst
  - Characteristics:
    - (Time = Preparation)
    - (Silence makes Analysts think)
  - The motto: As much time as it takes to get it right. The analysts need extensive preparation, and they hate surprises.
  - Classic Analysts prefer to work on their own and rarely deviate from their goals. They rarely show emotion. Analysts often speak in a way that is distant and cold instead of soothing. This puts people off without them knowing it and actually limits them from putting their counterpart at ease and opening them up.
  - They are reserved problem solvers, and information aggregators, and are hypersensitive to reciprocity.
  - As a counterpart:
    - People like this are skeptical by nature. So asking too many questions to start is a bad idea, because they're not going to want to answer until they understand all the implications. With them, it's vital to be prepared.
    - Silence to them is an opportunity to think. If you feel they don't see things the way you do, give them a chance to think first.

Apologies have little value to them since they see the negotiation and their relationship with you as a person largely as separate things. They are not quick to answer calibrated questions, or closed-ended questions when the answer is "Yes". They may need a few days to respond.

- If you're this type:

You should be worried about cutting yourself off from an essential source of data, your counterpart. The single biggest thing you can do is to smile when you speak. People will be more forthcoming with information to you as a result. Smiling can also become a habit that makes it easy for you to mask any moments you've been caught off guard.

- Accommodator

- Characteristics:

(Time = Relationship)

(Silence make accommodators anger)

The most important thing to this type of negotiator is the time spent building the relationship.

Accommodators want to remain friends with their counterpart even if they can't reach an agreement.

- As a counterpart:

If your counterparts are sociable, peace-seeking, optimistic, distractible, and poor time managers, they're probably Accommodators.

If they're your counterpart, be sociable and friendly. Listen to them talk about their ideas and use calibrated questions focused specifically on implementation to nudge them along and find ways to translate their talk into action.

- If you're this type:

Stick to your ability to be very likable, but do not sacrifice your objections.

- Assertive

- Characteristics:

(Time = Money)

(Silence means nothing to say, lol)

Assertives believe time is money.

Assertives are fiery people who love winning above all else, often at the expense of others. They have aggressive communication style and they don't worry about future interactions. Their view of business relationships is based on respect, nothing more and nothing less.

Assertives want to be heard, and mostly do not have ability to listen, until they know that you've heard them. They focus on their own goals rather than people. And they tell rather than ask.

- As a counterpart:

It's best to focus on what they have to say, because once they are convinced you understand them, then and only then will they listen for your point of view.

Every silence is an opportunity to speak more. So, Mirrors are wonderful tool with this type. So are calibrated questions, labels, and summaries. The most important thing to get from an Assertive will be a "that's right".



- If you're this type:

be particularly conscious of your tone.

Use calibrated questions and labels with your counterpart since that will also make you more approachable and increase the chances for collaboration.

- Why people often fail to identify their counterpart's style?

The great obstacle to accurately identifying someone else's style is the "I am normal" paradox. This is, our hypothesis that the world should look to others as it looks to us. SO, do not project the counterpart the same as you.

- Take a Punch.

Set boundaries, and learn to take a punch or punch back, without anger. The guy across the table is not the problem, the situation is.

Be prepared to withstand the hit and counter the panache, while taking a punch.

1. Deflect the punch in a way that opens up your counterpart. Say "no", or "How am I supposed to accept that?", or "What are we trying to accomplish here?"
2. When you feel you're being dragged into a haggle, you can detour the conversation to the non-monetary issues that make any final price work. Says, "What else would you be able to offer to make that a good price for me."

- Punching Back: Using assertion without getting used by it.

When a negotiation is far from resolution and going nowhere fast, you need to shake things up and get your counterpart out of their rigid mindset. There are tools:

1. Use anger, but use anger under control, because anger reduces our cognitive ability. Researchers found that expressions of anger increase a negotiator's advantage and final take. But there are different angers.

When someone puts out a ridiculous offer, one that really pisses you off, take a deep breath, allow little anger, and channel it-at the proposal, not the person-and say, "I don't see how that would ever work"

2. "Why" question. Remember "Why" is usually defensive and might be less used. But while punching back, employ the defensiveness the question triggers to get your counterpart to defend your position.

3. "I" messages:

"I fell \_\_ because \_\_"

Label + because to make it more convinced.

4. Have the ready-to-walk mindset.

Maintain the collaborative relationship even when you're setting boundaries.

Anger and other strong emotions can on rare occasions be effective. In any bare-knuckle bargaining session, the most vital principle to keep in mind is never to look at your counterpart as an enemy.

The person across the table is never the problem. The unsolved issue is. So focus on the issue.

- Ackerman Bargaining Model

Steps are:

1. Set your target price (your goal)

2. Set your first offer at 65% of your target price
3. Calculate three raises of decreasing increments (to 85, 95, and 100 percent)
4. Use lots of empathy and different ways of saying "No" to get the other side to counter before you increase your offer.
5. When calculating the final amount, use precise, non-round numbers like, say, USD 37,893, rather than USD 38,000. It gives the number credibility and weight.
6. On your final number, throw in a non-monetary item (that they probably don't want) to show you're at your limit.

Rationale: (1) knocking them off their game with an extreme anchor, (2) hitting them with calibrated question, (3) slowly give progressively smaller concession, (4) dropped the weird and accurate number that closed the deal.

## Chapter 10 Find the Black Swan

Black Swan theory tells us that things happen that were previously thought to be impossible - or never thought of at all.

In every negotiating session, there are different kinds of information. Those are *known knowns* that are things we are certain that exist but we don't know, like the possibility that the other side might get sick and leave us with another counterpart. And, *known unknowns* that you know they're out there but you don't know that we don't know, pieces of information we've never imagined but that would be game changing if uncovered.

The Black Swan is *unknown unknowns*.

- The key is to find *unknown unknowns*.
- Three types of leverage.
  - Positive Leverage: the ability to provide things that your counterpart wants. If you can provide, then you have the positive leverage.
  - Negative Leverage: the ability to make the counterpart suffer. If you have negative leverage, you can tell the counterpart, "if you do not fulfill your commitment/pay your bill/etc, I will destroy your reputation."

However, threats can be like nuclear bombs. There will be a toxic residue that will be difficult to clean up. You have to handle the potential of negative consequences with care, or you will hurt yourself and poison or blow up the whole process.

May using "Label" to alleviate the attacking power of the negative leverage.

Attention: The "Paradox of Power", namely, the harder we push, the more likely we are to be met with resistance. That's why you have to use negative leverage sparingly.

- Normative Leverage: using the other party's norms and standards to advance your position. If you can show inconsistencies between their beliefs and their actions, you have normative leverage.

discover the Black Swan that give you normative valuation can be as easy as asking what your counterpart believes and listening openly.

- Know their religion

Access to this hidden space very often comes through understanding the other sides' worldview, their *reason for being*, and their religion.

Digging into your counterpart's "religion" inherently implies moving beyond the negotiating table and into the life, emotional and otherwise, of your counterpart. - Know your counterpart.

- Two Tips for reading religion correctly:

1. Review everything you hear. Compare notes with your team members. Double-Check, and discover new information that helps your advance the negotiation.
2. Use backup listeners whose only job is to listen between the lines. They will hear things you miss.
  - Listen, listen, and listen some more.

- The Similarity Principle

Social scientists find that we trust people more when we view them as being similar or familiar.

When our counterpart displays attitudes, beliefs, ideas - even modes of dress - that are similar to our own, we tend to like and trust them more. Similarities as shallow as club memberships or college alumni status increase rapport.

- Religion as a Reason

Research studies have shown that people respond favorably to requests made in a reasonable tone of voice and followed with a "because" reason. And it didn't matter if the reason made sense. People just responded positively to the framework.

So, if there is not reasoning, using religion as a reason.

- Mistakes:

1. They are ill-informed.

Often the other side is acting on bad information, and when people have bad information they make bad choices. GIGO.

People operating with incomplete information appear crazy to those who have different information. Your job when faced with someone like this in a negotiation is to discover what they do not know and supply that information.

2. They are constrained.

The other side might not be able to do something because of legal advice, or because of promises already made, or even to avoid setting a precedent. Or they may just not have the power to close the deal.

3. They have other interests.

The presence of hidden interests isn't as rare as you might think. Your counterpart will often reject offers for reasons that have nothing to do with their merits.

- Get Face Time. Try getting face time, because it can avoid using email that gives counterpart too much time to think and re-center themselves to avoid revealing too much. Pay special attention to your counterpart's verbal and non-verbal communication at unguarded moments.

- Overcoming fear and learning to get what you want out of life.

Pushing hard for what you believe is not selfish. It's not bullying. It's not just helping you. Your amygdala, the part of the brain that processes fear, will try to convince you to give up, to flee, because the other guy is right, or you're being cruel.