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## ABOUT THE AUTHOR

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# Never Split the Difference

## THE SUMMARY

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### Chapter 1: The New Rules

While you might be curious how FBI negotiators get some of the world's toughest bad guys to give up their hostages, you could be excused for wondering what hostage negotiation has to do with your life. Happily, very few people are ever forced to deal with Islamist terrorists who've kidnapped their loved ones, but allow me to let you in on a secret: life is negotiation. The majority of the interactions we have at work and at home are negotiations that boil down to the expression of a simple, animalistic urge: I want.

"I want you to free the hostages," is a very relevant one to this book, but so is, "I want you to accept that one million dollar contract," "I want to pay \$20,000 for that car," "I want you to give me a 10 percent raise," and "I want you to go to sleep at 9 p.m."

Negotiation serves the two distinct, vital life functions of information gathering and behavior influencing, and includes almost any interaction where each party wants something from the other side. Your career, your finances, your reputation, your love life, even the fate of your kid all hinge on your ability to negotiate. Negotiation is nothing more than communication with results. Getting what you want out of life is all about getting what you want from—and with—other people. Conflict between two parties is inevitable in all relationships. So, it's useful to know how to engage in that conflict to get what you want without inflicting damage.

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The first step to achieving a mastery of daily negotiation is to get over your aversion to negotiating. You don't need to like it; you just need to understand that's how the world works. Negotiating does not mean browbeating or grinding someone down. It simply means playing the emotional game that human society is set up for. In this world, you get what you ask for if you just ask correctly. So, claim your prerogative to ask for what you think is right.

Effective negotiation is applied people smarts, a psychological edge in every domain of life. This means how to size someone up; how to influence their sizing up of you, and how to use that knowledge to get what you want. But beware: this is not another pop-psych book. It's a deep and thoughtful (and most of all, practical) take on leading psychological theory that distills lessons from a twenty-four-year career in the FBI followed by ten years teaching and consulting in the best business schools and corporations in the world.

It works for one simple reason. It was designed in and for the real world. It was not born in a classroom or a training hall but built from years of experience that improved it until it reached near perfection. Remember, a hostage negotiator plays a unique role in that he has to win. Can he say to a bank robber, "Okay, you've taken four hostages. Let's split the difference —give me two, and we'll call it a day?" No. A successful hostage negotiator has to get everything he asks for, without giving anything back of substance, and do so in a way that leaves the adversaries feeling as if they have a great relationship. His work is emotional intelligence on steroids. Those are the tools you'll learn here.

## Chapter 2: Be a Mirror

Some people view negotiation as a battle of arguments, voices in their own head that are overwhelming them. When not talking, they're thinking about their arguments, and when they are talking, they're making their arguments. Often those on both sides of the table are doing the same thing, so you have what I call a state of schizophrenia: everyone just listening to the voice in their head (and not well, because they're doing seven or eight other things at the same time). It may look like there are only two people in a conversation, but really, it's more like four people all talking at once.

There's one powerful way to quiet the voice in your head and the voice in their head at the same time. Treat two schizophrenics with just one pill. Instead of prioritizing your argument or doing any thinking at all in the early goings about what you're going to say, make your sole and all-encompassing focus the other person and what they have to say. In that mode of true active listening you'll disarm your counterpart. You'll make them feel safe. The voice in their head will begin to quiet.

The goal is to identify what your counterparts actually need (monetarily, emotionally, or otherwise) and get them feeling safe enough to talk and talk and talk some more about what they want. The latter will help you discover the former. Wants are easy to talk about, representing the aspiration of

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getting our way, and sustaining any illusion of control we have as we begin to negotiate; needs imply survival, the very minimum required to make us act, and so make us vulnerable. But neither wants nor needs are where we start; it begins with listening, making it about the other people, validating their emotions, and creating enough trust and safety for a real conversation to begin.

Going too fast is one of the mistakes all negotiators are prone to making. If we're too much in a hurry, people can feel as if they're not being heard and we risk undermining the rapport and trust we've built. There's plenty of research that now validates the passage of time as one of the most important tools for a negotiator. When you slow the process down, you also calm it down. After all, if someone is talking, they're not shooting.

When we radiate warmth and acceptance, conversations just seem to flow. When we enter a room with a level of comfort and enthusiasm, we attract people toward us. Smile at someone on the street and as a reflex they'll smile back. Understanding that reflex and putting it into practice is critical to the success of just about every negotiating there is to learn. That's why your most powerful tool in any verbal communication is your voice. You can use your voice to intentionally reach into someone's brain and flip an emotional switch. Distrusting to trusting. Nervous to calm. In an instant, the switch will flip just like that with the right delivery.

There are three voice tones available to negotiators:

*The late-night FM DJ voice:* Use selectively to make a point. Inflect your voice downward, keeping it calm and slow. When done properly, you create an aura of authority and trustworthiness without triggering defensiveness.

*The positive/playful voice:* Should be your default voice. It's the voice of an easygoing, good-natured person. Your attitude is light and encouraging. The key here is to relax and smile while you're talking.

*The direct or assertive voice:* Used rarely. Will cause problems and create pushback.

Mirroring, also called isopraxism, is essentially imitation. It's another neuro-behavior humans (and other animals) display in which we copy each other to comfort each other. It can be done with speech patterns, body language, vocabulary, tempo, and tone of voice. It's generally an unconscious behavior—we are rarely aware of it when it's happening—but it's a sign that people are bonding, in sync, and establishing the kind of rapport that leads to trust.

It's a phenomenon (and now technique) that follows a very basic but profound biological principle. We fear what's different and are drawn to what's similar. As the saying goes, birds of a feather flock together. Mirroring, then, when practiced consciously, is the art of insinuating similarity. "Trust me," a mirror signals to another's unconscious, "You and I—we're alike."

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Once you're attuned to the dynamic, you'll see couples walking on the street with their steps in perfect synchrony or friends in conversation at a park, both nodding their heads and crossing their legs at about the same time. These people are, in a word, connected. While mirroring is most often associated with forms of nonverbal communication, especially body language, for negotiators a "mirror" focuses on the words and nothing else. Not the body language. Not the accent. Not the tone or delivery. Just the words.

It's almost laughably simple. For the FBI, a "mirror" is when you repeat the last three words (or the critical one to three words) of what someone has just said. Of the entirety of the FBI's hostage negotiation skill set, mirroring is the closest one gets to a Jedi mind trick. It's so simple, and yet uncannily effective. By repeating back what people say, you trigger this mirroring instinct and your counterpart will inevitably elaborate on what was just said and sustain the process of connecting. Mirroring will make you feel awkward as heck when you first try it. That's the only hard part about it so the technique takes a little practice. Once you get the hang of it, it'll become a conversational Swiss Army knife valuable in just about every professional and social setting.

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

The relationship between an emotionally intelligent negotiator and their counterpart is essentially therapeutic. It duplicates that of a psychotherapist with a patient. The psychotherapist pokes and prods to understand his patient's problems, and then turns the response back onto the patient to get him to go deeper and change his behavior. That's exactly what good negotiators do.

Most of us enter verbal combat unlikely to persuade anyone of anything because we only know and care about our own goals and perspective. But the best officers are tuned in to their audience. They know that if they empathize, they can mold their audience by how they approach and talk to them. That's why, if a corrections officer approaches an inmate expecting him to resist, he often will. But if he approaches exuding calm, the inmate is more likely to be peaceful. It seems like wizardry, but it's not. It's just that when the officer has his audience clearly in mind, he can become who he needs to be to handle the situation.

Empathy is a classic "soft" communication skill, but it has a physical basis. When we closely observe a face, gestures, and tone of voice, our brain begins to align with theirs in a process called neural resonance, that lets us know more fully what they think and feel.

Labeling is a way of validating emotion by acknowledging it. Give someone's emotion a name and you show you identify with how that person feels. It gets you close to someone without asking about external factors you know nothing about (How's your family?). Think of labeling as a shortcut to intimacy, a time-saving emotional hack. Labeling has a special advantage when your counterpart is tense. Exposing negative thoughts to daylight makes them seem less frightening. For most people, it's one of the most awkward negotiating tools to use. Before they try it the first time, my students

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almost always tell me they expect their counterpart to jump up and shout, “Don’t you dare tell me how I feel!” Let me let you in on a secret. People never even notice.

The first step to labeling is detecting the other person’s emotional state. You can gather a wealth of information from the other person’s words, tone, and body language. We call that trinity “words, music, and dance.” The trick to spotting feelings is to pay close attention to changes people undergo when they respond to external events. Most often, those events are your words. If you say, “How is the family?” and the corners of the other party’s mouth turn down even when they say it’s great, you might detect that all is not well; if their voice goes flat when a colleague is mentioned, there could be a problem between the two; and if your landlord unconsciously fidgets his feet when you mention the neighbors, it’s pretty clear that he doesn’t think much of them.

Once you’ve spotted an emotion you want to highlight, the next step is to label it aloud. Labels can be phrased as statements or questions. The only difference is whether you end the sentence with a downward or upward inflection. No matter how they end, labels almost always begin with roughly the same words: It seems like... It sounds like... It looks like... Notice we said, “It sounds like...” and not “I’m hearing that...” That’s because the word “I” gets people’s guard up. When you say “I,” it says you’re more interested in yourself than the other person, and it makes you take personal responsibility for the words that follow and the offense they might cause.

When you phrase a label as a neutral statement of understanding, it encourages your counterpart to be responsive. They’ll usually give a longer answer than just “yes” or “no.” If they disagree with the label, that’s okay. You can always step back and say, “I didn’t say that was what it was. I just said it seems like that.” The last rule of labeling is silence. Once you’ve thrown out a label, be quiet and listen. We all have a tendency to expand on what we’ve said, to finish, “It seems like you like the way that shirt looks,” with a specific question like “Where did you get it?” But a label’s power is that it invites the other person to reveal himself.

Labeling is a tactic, not a strategy, in the same way a spoon is a great tool for stirring soup but it’s not a recipe. How you use labeling will go a long way in determining your success. Deployed well, it’s how we as negotiators identify and then slowly alter the inner voices of our counterpart’s consciousness to something more collaborative and trusting. Labeling is a helpful tactic in de-escalating angry confrontations because it makes the person acknowledge their feelings rather than continue to act out.

Try this the next time you have to apologize for a bone-headed mistake. Go right at it. The fastest and most efficient means of establishing a quick working relationship is to acknowledge the negative and diffuse it. Whenever I was dealing with the family of a hostage, I started out by saying I knew they were scared. When I make a mistake—something that happens a lot—I always acknowledge the other person’s anger. I’ve found the phrase, “Look, I’m an asshole” to be an amazingly effective way to make problems go away.

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This approach has never failed me. List the worst things that the other party could say about you and say them before the other person can. Performing an accusation audit in advance prepares you to head off negative dynamics before they take root. These accusations often sound exaggerated when said aloud, so speaking them will encourage the other person to claim that quite the opposite is true.

Remember you're dealing with a person who wants to be appreciated and understood. So, use labels to reinforce and encourage positive perceptions and dynamics.

## Chapter 4: Beware "Yes," Master "No"

"No" is the start of the negotiation, not the end of it. We've been conditioned to fear the word "No", but it is a statement of perception far more often than of fact. It seldom means, "I have considered all the facts and made a rational choice." Instead, "No" is often a decision, frequently temporary, to maintain the status quo. Change is scary and "No" provides a little protection from that scariness.

I'll let you in on a secret. There are actually three kinds of "Yes": counterfeit, confirmation, and commitment. A counterfeit "yes" is one in which your counterpart plans on saying "no" but either feels "yes" is an easier escape route or just wants to disingenuously keep the conversation going to obtain more information or some other kind of edge. A confirmation "yes" is generally a reflexive response to a black-or-white question; it's sometimes used to lay a trap but mostly it's just simple affirmation with no promise of action. A commitment "yes" is the real deal; it's a true agreement that leads to action, a "yes" at the table that ends with a signature on the contract. The commitment "yes" is what you want, but the three types sound almost the same so you have to learn how to recognize which one is being used. Human beings the world over are so used to being pursued for the commitment "yes" as a condition to find out more that they have become masters at giving the counterfeit "yes."

Whenever we negotiate, there's no doubt we want to finish with a "Yes." But we mistakenly conflate the positive value of that final "Yes" with a positive value of "Yes" in general. We see "No" as the opposite of "Yes," so we then assume that "No" is always a bad thing. Nothing could be further from the truth. Saying "No" gives the speaker the feeling of safety, security, and control. You use a question that prompts a "No" answer, and your counterpart feels that by turning you down he has proved that he's in the driver's seat.

Good negotiators welcome a solid "No" to start, as a sign that the other party is engaged and thinking. If you gun for a "Yes" straight off the bat, your counterpart gets defensive, wary, and skittish. That's why I tell my students that if you're trying to sell something, don't start with, "Do you have a few minutes to talk?" Instead ask, "Is now a bad time to talk?" Either you get, "Yes, it is a bad time," followed by a good time or a request to go away, or you get, "No, it's not," and total focus.

One negotiating genius who's impossible to miss is Mark Cuban, the billionaire owner of the Dallas Mavericks. I always quote to my students one of his best lines on negotiation. "Every 'No' gets me closer to a 'Yes.'" Then I remind them that extracting those "No's" on the road to "Yes" isn't always easy.

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There is a big difference between making your counterpart feel that they can say “No” and actually getting them to say it. Sometimes, if you’re talking to somebody who is just not listening, the only way you can crack their cranium is to antagonize them into “No.” One great way to do this is to mislabel one of the other party’s emotions or desires. You say something that you know is totally wrong like, “So it seems that you really are eager to leave your job,” when they clearly want to stay. That forces them to listen and makes them comfortable correcting you by saying, “No, that’s not it. This is it.”

Another way to force “No” in a negotiation is to ask the other party what they don’t want. “Let’s talk about what you would say ‘No’ to,” you’d say. People are comfortable saying “No” here because it feels like self-protection. Once you’ve gotten them to say “No,” people are much more open to moving forward toward new options and ideas. “No” also serves as a warning like the canary in the coal mine. If despite all your efforts, the other party won’t say “No,” you’re dealing with people who are indecisive or confused or who have a hidden agenda. In cases like that you have to end the negotiation and walk away. Think of it like this: No “No” means no go.

## **Chapter 5: Trigger the Two Words That Immediately Transform Any Negotiation**

In August 2000, the militant Islamic group Abu Sayyaf, in the southern Philippines, broadcast that it had captured a CIA agent. The truth was not as newsworthy, or as valuable to the rebels. Abu Sayyaf had kidnapped Jeffrey Schilling, a twenty-four-year-old American who had traveled near their base in Jolo Island. A California native, Schilling became a hostage with a \$10 million price tag on his head.

At the time I was a Supervisory Special Agent (SSA) attached to the FBI’s elite Crisis Negotiation Unit (CNU). The CNU is the equivalent of the special forces of negotiations. CNU developed what is a powerful staple in the high-stakes world of crisis negotiation, the Behavioral Change Stairway Model (BCSM). The model proposes five stages—active listening, empathy, rapport, influence, and behavioral change—that take any negotiator from listening to influencing behavior. Though the stakes of an everyday negotiation with your child, boss, or client are usually not as high as that of a hostage negotiation, the psychological environment necessary for not just temporary in-the-moment compliance, but real gut-level change, is the same.

If you successfully take someone up the Behavioral Change Stairway, each stage attempting to engender more trust and more connection, there will be a breakthrough moment when unconditional positive regard is established, and you can begin exerting influence. After years of refining the BCSM and its tactics, I can teach anyone how to get to that moment. You more than likely haven’t gotten there yet if what you’re hearing is the word “yes.” Instead, the sweetest two words in any negotiation are actually, “That’s right.”

Our principal adversary was Abu Sabaya, the rebel leader who personally negotiated for Schilling’s ransom. Sabaya was a veteran of the rebel movement with a violent past. He wanted \$10 million in war damages, not ransom, but war damages. He held firm in his demand and kept us out of the offer

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counter offer system we wanted to use against him. He occasionally dropped in threats that he was torturing Jeff Schilling. Sabaya negotiated directly with Benjie, a Filipino military officer. After four months of negotiations, Sabaya still refused to budge. I decided it was time to hit the reset switch.

We had to get Sabaya off this war damages nonsense. I decided that in order to break through this phase we needed to reposition Sabaya with his own words in a way that would dissolve barriers. We needed to get him to say, "That's right." At the time, I didn't know for sure what kind of breakthrough it was going to give us. I just knew we needed to trust the process. I wrote a two-page document that instructed Benjie to change course. We were going to use nearly every tactic in the active listening arsenal.

*Effective Pauses:* Silence is powerful. We told Benjie to use it for emphasis, to encourage Sabaya to keep talking until eventually, like clearing out a swamp, the emotions were drained from the dialogue.

*Minimal Encouragers:* Besides silence, we instructed using simple phrases, such as "Yes," "Uh-huh," or "I see," to effectively convey that Benjie was now paying full attention to Sabaya and all he had to say.

*Mirroring:* Rather than argue with Sabaya and try to separate Schilling from the "war damages," Benjie would listen and repeat back what Sabaya said.

*Labeling:* Benjie had to give Sabaya's feelings a name and identify with how he felt. "It all seems so tragically unfair, I can now see why you sound so angry."

*Paraphrase:* Benjie should repeat what Sabaya is saying back to him in Benjie's own words. This, we told him, would powerfully show him you really do understand and aren't merely parroting his concerns.

*Summarize:* A good summary is the combination of rearticulating the meaning of what is said plus the acknowledgment of the emotions underlying that meaning (para-phrasing + labeling = summary). We told Benjie he needed to listen and repeat the "world according to Abu Sabaya." He needed to fully and completely summarize all the nonsense that Sabaya had come up with about war damages and fishing rights and five hundred years of oppression. Once he did that fully and completely, the only possible response for Sabaya, and anyone faced with a good summary, would be, "That's right."

Two days later Sabaya phoned Benjie. Sabaya spoke. Benjie listened. When he spoke, he followed my script and commiserated with the rebel predicament. Mirroring, encouraging, labeling all worked seamlessly and cumulatively to soften Sabaya up and begin shifting his perspective. Finally, Benjie repeated in his own words Sabaya's version of history and the emotions that came with that version. Sabaya was silent for nearly a minute. Finally, he spoke. "That's right," he said. We ended the call. The "war damages" demand just disappeared.



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From that point forward Sabaya never mentioned money again. He never asked for another dime for the release of Jeffrey Schilling. He ultimately became so weary of this case and holding the young Californian that he let down his guard. Schilling escaped from their camp, and Philippine commandoes swooped in and rescued him. When your adversaries say, “That’s right,” they feel they have assessed what you’ve said and pronounced it as correct of their own free will. They embrace it.

In hostage negotiations, we never tried to get to “yes” as an endpoint. We knew that “yes” is nothing without “how.” When we applied hostage negotiating tactics to business, we saw how “that’s right” often leads to the best outcomes.

## **Chapter 6: Bend Their Reality**

Once you understand that subterranean world of unspoken needs and thoughts, you’ll discover a universe of variables that can be leveraged to change your counterpart’s needs and expectations. From using some people’s fear of deadlines and the mysterious power of odd numbers, to our misunderstood relationship to fairness, there are always ways to bend our counterpart’s reality, so it conforms to what we ultimately want to give them, not to what they initially think they deserve.

As we’ve noted previously, you need to keep the cooperative, rapport-building, empathetic approach, the kind that creates a dynamic in which deals can be made. You have to get rid of that naiveté of compromise because compromise or “splitting the difference” can lead to terrible outcomes.

To make my point on compromise, let me paint you an example. A woman wants her husband to wear black shoes with his suit. Her husband doesn’t want to because he prefers brown shoes. So, what do they do? They compromise, they meet halfway. You guessed it, he wears one black and one brown shoe. Is this the best outcome? No! In fact, that’s the worst possible outcome. Either black or brown would be better than the compromise.

Deadlines are the bogeymen of negotiation, almost exclusively self-inflicted figments of our imagination, unnecessarily unsettling us for no good reason. The mantra we coach our clients on is, “No deal is better than a bad deal.” If that mantra can truly be internalized, and clients begin to believe they’ve got all the time they need to conduct the negotiation right, their patience becomes a formidable weapon.

When negotiators tell their counterparts about their deadline, they get better deals. It’s true. First, by revealing your cutoff you reduce the risk of impasse. Second, when an opponent knows your deadline, he’ll get to the real deal and concession-making more quickly.

I’ve got one final point to make before we move on: deadlines are never ironclad. What’s more important is engaging in the process and having a feel for how long that will take. You may see that you have more to accomplish than time will actually allow before the clock runs out.

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To bend your counterpart's reality, you have to start with the basics of empathy. Start out with an accusation audit acknowledging all of their fears. By anchoring their emotions in preparation for a loss, you inflame the other side's loss aversion so they jump at the chance to avoid it. On my first project after leaving the FBI, I received the honor to train the national hostage negotiation team for the United Arab Emirates. Unfortunately, the prestige of the assignment was tempered during the project by problems with the general contractor. (I was a subcontractor.) The problems became so bad that I was going to have to go back to the contractors I'd signed up, who normally got \$2,000 a day, and tell them that for several months, I could only offer \$500.

I knew exactly what they would do if I just told them straight out. They'd laugh me out of town. So, I got each of them on the phone and hit them hard with an accusation audit. "I got a lousy proposition for you," I said, and paused until each asked me to go on. "By the time we get off the phone, you're going to think I'm a lousy businessman. You're going to think I can't budget or plan. You're going to think Chris Voss is a big talker. His first big project ever out of the FBI, he screws it up completely. He doesn't know how to run an operation. And he might even have lied to me."

Then, once I anchored their emotions in a minefield of low expectations, I played on their loss aversion. "Still, I wanted to bring this opportunity to you before I took it to someone else," I said. Suddenly, the call wasn't about being cut from \$2,000 to \$500 but how not to lose \$500 to some other guy. Every single one of them took the deal.

It's clear that the benefits of anchoring emotions are great when it comes to bending your counterpart's reality, but going first is not necessarily the best thing when it comes to negotiating price. The real issue is that neither side has perfect information going to the table. This often means you don't know enough to open with confidence. By letting them anchor you might get lucky. I've experienced many negotiations when the other party's first offer was higher than the closing figure I had in mind.

That said, you've got to be careful when you let the other guy anchor. You have to prepare yourself psychically to withstand the first offer. If the other guy's a shark, he's going to go for an extreme anchor in order to bend your reality. Then, when they come back with a merely absurd offer it will seem reasonable, just like an expensive \$400 iPhone seems reasonable after they mark it down from a crazy \$600.

While going first rarely helps, there is one way to seem to make an offer and bend their reality in the process. That is, by alluding to a range. What I mean is this. When confronted with naming your terms or price, counter by recalling a similar deal which establishes your "ballpark," albeit the best possible ballpark you wish to be in. Instead of saying, "I'm worth \$110,000," you might say, "At top places like X Corp., people in this job get between \$130,000 and \$170,000."

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That gets your point across without moving the other party into a defensive position. It also gets him thinking at higher-levels. Research shows that people who hear extreme anchors unconsciously adjust their expectations in the direction of the opening number. Every number has a psychological significance that goes beyond its value. I'm not just talking about how you love 17 because you think it's lucky. What I mean is that, in terms of negotiation, some numbers appear more immovable than others.

The biggest thing to remember is that numbers that end in 0 inevitably feel like temporary placeholders, guesstimates that you can easily be negotiated off of. But anything you throw out that sounds less rounded — say, \$37,263 — feels like a figure that you came to as a result of thoughtful calculation. Such numbers feel serious and permanent to your counterpart, so use them to fortify offers. These tools are used by all the best negotiators because they simply recognize the human psyche as it is. We are emotional, irrational beasts who are emotional and irrational in predictable, pattern-filled ways. Using that knowledge is only, well, rational.

## **Chapter 7: Create the Illusion of Control**

Our job as persuaders is easier than we think. It's not to get others believing what we say. It's just to stop them unbelieving. Once we achieve that, the game's half-won. Unbelief is the friction that keeps persuasion in check. Without it, there'd be no limits. Giving your counterpart the illusion of control by asking calibrated questions—by asking for help—is one of the most powerful tools for suspending unbelief.

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.

That's the difference between, "You're screwing me out of money, and it has to stop," and "How am I supposed to do that?"

The real beauty of calibrated questions is the 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. Calibrated questions are not just random requests for comment. They have a direction. Once you figure out where you want a 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.

That's why I refer to these questions as calibrated questions. You have to calibrate them carefully, just like you would calibrate a gun sight or a measuring scale, to target a specific problem. The good news is that there are rules for that.

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First off, calibrated questions avoid verbs or words like “can,” “are” or “does.” These are closed-ended questions that can be answered with a simple “yes” or “no.” Instead, they start with a list of words people know as reporter’s questions including “who,” “what,” “when,” “where,” “why,” and “how.” Those words inspire your counterpart to think and then speak expansively. Let me cut the list even further. It’s best to start with “what,” “how,” and sometimes “why.” Nothing else. “Who,” “when,” and “where” will often just get your counterpart to share a fact without thinking. Even “why” can backfire. Regardless of what language the word “why” is translated into, it’s accusatory. There are very rare moments when this is to your advantage.

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. “Why would you ever change from the way you’ve always done things and try my approach?” is an example. “Why would your company ever change from your long-standing vendor and choose our company?” is another. As always, tone of voice, respectful and deferential, is critical.

Otherwise, treat “why” like a burner on a hot stove, meaning don’t touch it. Having just two words to start with might not seem like a lot of ammunition, but trust me, you can use “what” and “how” to calibrate nearly any question. “Does this look like something you would like?” can become “How does this look to you?” or “What about this works for you?” You can even ask, “What about this doesn’t work for you?” And you’ll probably trigger quite a bit of useful information from your counterpart.

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. 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. This really appeals to very aggressive or egotistical counterparts.

You’ve not only implicitly asked for help triggering goodwill and less defensiveness but you’ve engineered a situation in which your formerly recalcitrant counterpart is now using his mental and emotional resources to overcome your challenges. It is the first step in your counterpart internalizing your way, and the obstacles in it, as his own. That guides the other party toward designing a solution which is your solution.

## **Chapter 8: Guarantee Execution**

Calibrated “How” questions are a surefire way to keep negotiations going. They put the pressure on your counterpart to come up with answers, and to contemplate your problems when making their demands. With enough of the right “How” questions you can read and shape the negotiating environment in such a way that you’ll eventually get to the answer you want to hear. You just have to have an idea of where you want the conversation to go when you’re devising your questions.

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The trick to “How” questions is that, correctly used, they are gentle and graceful ways to say “No” (e.g. “How am I supposed to do that?”) and guide your counterpart to develop a better solution. A gentle How/No invites collaboration and leaves your counterpart with a feeling of having been treated with respect. Besides saying “No,” the other key benefit of asking “How?” is, quite literally, that it forces your counterpart to consider and explain how a deal will be implemented. A deal is nothing without good implementation. Poor implementation is the cancer that eats your profits.

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. That’s crucial. People always make more effort to implement a solution when they think it’s theirs. That is simply human nature. That’s why negotiation is often called “the art of letting someone else have your way.” There are 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?” and “How will we address things if we find we’re off track?” When they answer, you summarize their answers until you get, “That’s right.” Then you’ll know they’ve bought in.

On the flip side, be wary of two telling signs that your counterpart doesn’t believe the idea is theirs. When they say, “You’re right,” it’s often a good indicator they are not vested in what is being discussed. When you push for implementation and they say, “I’ll try,” you should get a sinking feeling in your stomach, because this really means, “I plan to fail. When you hear either of these, dive back in with calibrated “How” questions until they define the terms of successful implementation in their own voice. Follow up by summarizing what they have said to get a “That’s right.”

When implementation happens by committee, the support of that committee is key. You always have to identify and unearth their motivations, even if you haven’t yet identified each individual on that committee. That can be as easy as asking a few calibrated questions, like “How does this affect the rest of your team?” or “How on board are the people not on this call?” or simply “What do your colleagues see as their main challenges in this area?”

The larger concept I’m explaining here is that in any negotiation you have to analyze the entire negotiations pace. When other people will be affected by what is negotiated and can assert their rights or power later on, it’s just stupid to consider only the interests of those at the negotiation table. You have to beware of “behind the table” or “Level II” players who are parties that are not directly involved but who can help implement agreements they like and block ones they don’t. You can’t disregard them even when you’re talking to a CEO. There could always be someone whispering into his ear. At the end of the day, the deal killers often are more important than the deal makers.

## Chapter 9: Bargain Hard

Most negotiations hit that inevitable point where the slightly loose and informal interplay between two people turns to confrontation and the proverbial “brass tacks.” You know the moment. You’ve

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mirrored and labeled your way to a degree of rapport, an accusation audit has cleared any lingering mental or emotional obstacles, and you've identified and summarized the interests and positions at stake, eliciting a "That's right," and now it's time to bargain.

Here is the clash for cash, an uneasy dance of offers and counters that send most people into a cold sweat. If you count yourself among that majority, regarding the inevitable moment as nothing more than a necessary evil, there's a good chance you regularly get your clock cleaned by those who have learned to embrace it.

No part of a negotiation induces more anxiety and unfocused aggression than bargaining, which is why it's the part that is more often fumbled and mishandled than any other. It's simply not a comfortable dynamic for most people. Even when we have the best-laid plans a lot of us wimp out when we get to the moment of exchanging prices. Now, bargaining is not rocket science, but it's not simple intuition or mathematics, either. To bargain well, you need to shed your assumptions about the haggling process and learn to recognize the subtle psychological strategies that play vital roles at the bargaining table. Skilled bargainers see more than just opening offers, counter offers, and closing moves. They see the psychological currents that run below the surface.

Once you've learned to identify these currents, you'll be able to "read" bargaining situations more accurately and confidently answer the tactical questions that dog even the best. You'll be ready for the "bare-knuckle bargaining." They'll never see it coming. Back at FBI negotiation training, I learned the haggling system that I use to this day. I swear by it. I call the system the Ackerman model because it came from this guy Mike Ackerman, an ex-CIA type who founded a kidnap-for-ransom consulting company based out of Miami.

The Ackerman model is an offer-counter-offer method, at least on the surface. But it is a very effective system for beating the usual lackluster bargaining dynamic, which has the predictable result of meeting in the middle. The systematized and easy-to-remember process has only four steps:

1. Set your target price (your goal).
2. Set your first offer at 65 percent 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, \$37,893 rather than \$38,000. It gives the number credibility and weight.

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6. On your final number, throw in a non-monetary item (that they probably don't want) to show you're at your limit.

The genius of this system is that it incorporates the psychological tactics discussed (reciprocity, extreme anchors, loss aversion and so on) without you needing to think about them.

When push comes to shove you're going to find yourself sitting across the table from a bare-knuckle negotiator. After you've finished all the psychologically nuanced stuff you are going to have to hash out the "brass tacks." For most of us, that ain't fun. Top negotiators know, however, that conflict is often the path to great deals. The best find ways to actually have fun engaging in it. Conflict brings out truth, creativity, and resolution.

## 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. This is not the same as saying that sometimes things happen against one-in-a-million odds, but rather that things never imagined do come to pass. Think of Pearl Harbor, the rise of the Internet, 9/11, and the recent banking crisis.

This is a crucial concept in negotiation. In every negotiating session, there are different kinds of information. There are those things we know like our counterpart's name and their offer and our experiences from other negotiations. Those are known knowns. There are those 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. Those are known unknowns and they are like poker wildcards. You know they're out there, but you don't know who has them. Most important are those things we don't know that we don't know, pieces of information we've never imagined but that would be game changing if uncovered. Maybe our counterpart wants the deal to fail because he's leaving for a competitor. These unknown unknowns are Black Swans.

Finding and acting on Black Swans mandates a shift in your mindset. It takes negotiation from being a one-dimensional move-counter move game of checkers to a three-dimensional game that's more emotional, adaptive, and truly effective. Finding Black Swans is no easy task, of course. We are all blind to some degree. We do not know what is around the corner until we turn it. By definition we do not know what we don't know.

Here are some of the best techniques for flushing out the Black Swans and exploiting them. Remember, your counterpart may not even know how important the information is, or even that they reveal it.

- Let your known knowns guide you but not blind you. Every case is new, so remain flexible and adaptable.

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- Black Swans are leverage multipliers. There are three types of leverage: positive (the ability to give someone what they want); negative (the ability to hurt someone); and normative (using your counterpart's norms to bring them around).
- Work to understand the other side's "religion". Digging into world views inherently implies moving beyond the negotiating table and into the life, emotional and otherwise, of your counterpart. That's where Black Swans live.
- Review everything you hear from your counterpart. You will not hear everything the first time, so double-check. Compare notes with team members. Use backup listeners whose job is to listen between the lines. They will hear things you miss.
- Exploit the similarity principle. People are more apt to concede to someone they share a cultural similarity with, so dig for what makes them tick and show that you share common ground.
- When someone seems irrational or crazy, they most likely aren't. Faced with this situation, search for constraints, hidden desires, and bad information.
- Get face time with your counterpart. Ten minutes of time often reveals more than days of research. Pay special attention to your counterpart's verbal and nonverbal communication at unguarded moments like the beginning and the end of the session, or when someone says something out of line.

I'm going to leave you with one request. Whether it's in the office or around the family dinner table, don't avoid honest, clear conflict. It will get you the best car price, the higher salary, and the largest donation. It will also save your marriage, your friendship, and your family.

One can only be an exceptional negotiator, and a great person, by both listening and speaking clearly and empathetically; by treating counterparts with dignity and respect; and most of all by being honest about what one wants and what one can and cannot do. Every negotiation, every conversation, every moment of life, is a series of small conflicts that, managed well, can rise to creative beauty. Embrace them.