

Never Split The Difference: Negotiating As If Your Life Depended On It

by Chris Voss

Chapter 1: The New Rules

- No matter how we dress up negotiation in mathematical theories, we still act like animals, driven by our fears, needs, perceptions, and desires.
- The book Getting to Yes assumes that the animalistic, emotional brain could be overcome through a rational, joint problem-solving mindset.
- It focused on separating people from problems, on positions from interests, generating win-win options, and mutually-agreed upon standards for evaluating options.
- Thinking Fast and Slow says our emotional response (System 1) to a suggestion or question informs and creates our logical answer (System 2).
- By affecting a counterpart's System 1 thinking, you can guide his System 2 rationality and therefore modify his responses.
- Emotions and emotional intelligence must be central to an effective negotiation, and not things to overcome.
- The majority of interactions we have at work and at home boil down to a simple, animalistic urge: I want.
- Negotiation is for information gathering and behavior influencing, and includes almost any interaction where someone wants something from somebody else.
- The first step to achieving a mastery of daily negotiation is to get over your aversion to negotiating.
- Effective negotiation is sizing someone up, influencing their sizing up of you, and using that knowledge to get what you want.
- Negotiation is the heart of collaboration, and is what makes conflict potentially meaningful and productive for all parties.

Chapter 2: Be a Mirror

- Good negotiators expect surprises; great negotiators use their skills to reveal the surprises they are certain exist.
- Great negotiators question the assumptions that others accept on faith, and thus remain more emotionally open and intellectually agile.
- Most people approach a negotiation so preoccupied by the arguments that support their position that they are unable to listen attentively.

- The goal is to make your counterparts feel safe enough to talk about what they want, and then move on to identify what they actually need.
- But we begin with listening, making it about the other people, validating their emotions, and creating enough trust and safety to begin a real conversation.
- Going too fast makes people feel as if they're not being heard, thereby undermining all the rapport and trust that we've built.
- When you slow the process down, you also calm it down.
- It's not what we say, but how we are that is both the easiest thing to enact and the most immediately effective mode of influence.
- A playful voice puts someone in a positive frame of mind, where parties thinking more quickly and are more likely to collaborate and problem solve.
- A late-night FM DJ voice with a downward inflection says you're in control. Inflection in an upward way connotes uncertainty and invites a response.
- Mirroring is an unconscious behavior in which we copy each other to comfort each other, building a kind of rapport that leads to trust.
- Repeat back the critical one to three words of what people say. Your counterpart will elaborate on what was said and sustain the process of connecting.
- To deal with forceful type A personalities, use the late-night FM DJ voice, start with "I'm sorry," mirror, sit in silence, and repeat.
- Use mirroring to elicit the same response as "What do you mean by that?" while signaling respect and concern for what the other person is saying.

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

- Traditional negotiating advice says to separate people from the problem, but that's hard when their emotions are the problem.
- Good negotiators precisely label emotions, belonging to others and themselves, and then talk about them without getting wound up.
- Empathy is the ability to recognize the perspective of a counterpart, and the vocalization of that recognition. It is not sympathy.
- Tactical empathy goes farther by also hearing what is behind those feelings so you increase your influence on all following moments.
- Most of us enter verbal combat unlikely to persuade anyone of anything because we only know and care about our own goals and perspective.
- When we closely observe a person's face, gestures, and tone of voice, we align with theirs in a process called neural resonance.
- With labeling, we turn someone's feelings into words, and then very calmly and respectfully repeat their emotions back to them.

- It has a special advantage when your counterpart is tense because exposing negative thoughts to daylight makes them seem less frightening.
- Labeling moves the brain from a fearful response to rational thinking. It disrupts the raw intensity of the emotion.
- The first step to labeling is detecting the other person's emotional state, usually by inspecting their words, tone, and body language.
- Then label it aloud with "It seems/sounds/looks like..." Don't use "I," which makes you seem self-interested, and makes you take personal responsibility for what follows.
- The last rule of labeling is silence. Be quiet and listen.
- Emotions have two levels: The "presenting" behavior you see and hear, and the "underlying" feeling that motivates the behavior.
- Labeling reinforcing positives and diffusing negatives. It forces an angry person to acknowledge their feelings rather than continue to act out.
- The fastest and most efficient way of establishing a quick working relationship is to acknowledge the negative and diffuse it.
- Deal with negativity by observing it, then consciously label each negative feeling and replace it with positive, compassionate, and solution-based thoughts.
- The faster you can label fears, the faster you can stop the swelling of fear, and the quicker you can build feelings of safety, well-being, and trust.
- By digging underneath a mountain of details and logistics, labels help to uncover the primary emotion driving against your counterpart's behavior.
- Never deny the negative; this is a crucial mistake that actually gives it credence.
- An accusation audit lists every terrible thing your counterpart could say about you. This disarms them by "taking the sting out."
- Going right after negativity brings us to a safe zone of empathy. Every one of us has an inherent need to be understood, and to connect.
- Following on the heels of an argument is a great position for a negotiator, because your counterpart is desperate for an empathetic connection.
- The first goal of these tools is human connection; that they might help you extract what you want is a bonus.

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

- "Yes" is often a meaningless answer that hides deeper objections.
- "No" provides an opportunity for both parties to clarify what they don't want, and is a safe choice that maintains the status quo.

- By giving someone permission to say "no" to your ideas, emotions calm, effectiveness increases, and the other party can really look at your proposal.
- "No" is not rejection. It means the other party is uncomfortable, does not understand, wants to consult someone else, and so on.
- After pausing, ask solution-based questions or simply label their effect.
- There are actually three kinds of "yes": counterfeit, confirmation, and commitment.
- A counterfeit yes is where your counterpart feels it is an escape route or uses it to continue the conversation for some edge.
- A confirmation yes is a reflexive response to a black-and-white question, a simple affirmation with no promise of action.
- A commitment yes is a true agreement that leads to action.
- The job of a good negotiator isn't to put on a great performance, but to gently guide their counterpart to discover their goal as his own.
- The other party should feel equally responsible, if not solely responsible, for creating the connection with you and the new ideas that they have.
- While we can't control others' actions, we can influence them by inhabiting their world and seeing and hearing exactly what they want.
- Primal needs are urgent and illogical, and so arguing them into a corner is just going to push your counterpart to flee with a counterfeit yes.
- Nice, employed as a ruse, is disingenuous and manipulative. In the context of a negotiation, feigned sympathy can backfire.
- Saying "no" gives the speaker the feeling of safety, security, and control. It is a sign that the other party is engaged and thinking.
- No is not an abuse of power, an act of rejection, a manifestation of stubbornness, or the end of a negotiation.
- If the other party is not listening, antagonize them into "no" by mislabeling their emotions or desires, or by asking what they don't want.
- If despite all your efforts, the other party won't say "no," then they are indecisive, confused, or have a hidden agenda. Walk away.
- If your emails are being ignored, provoke a "no" with the one sentence email: "Have you given up on this project?"

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

- Psychologist Carl Rogers proposed unconditional positive regard, or that real change can only come when the therapist accepts the client as he or she really is.

- But because most of us experience conditional positive regard, we instead calibrate our words to gain approval but disclosing little.
- Before you convince someone to see what you're trying to accomplish, you must say the things to them that will get them to say "that's right."
- A good summary is the combination of re-articulating the meaning of what is said plus acknowledging the emotions underlying that meaning.
- 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.
- If your adversaries say "you're right," then they won't own the conclusion. Their behavior won't change.
- "You're right," like "yes," is a social lubricant that is not in any way a substitute for real understanding between two parties.

Chapter 6: Bend Their Reality

- Negotiation is never a linear formula. We all have irrational blind spots, hidden needs, and undeveloped notions.
- There are always ways to bend our counterpart's reality so that it conforms to what we ultimately want to give them, not to what they initially think they deserve.
- Splitting the difference, or a "win-win approach," at best satisfies neither side, and at worst fails against an adversary with a win-lose approach.
- We don't compromise because it's right, but because it's easy and we save face. Distilled to its essence, we compromise because it's safe.
- Never split the difference. Creative solutions are almost always preceded by some risk, annoyance, confusion, or conflict.
- A deadline creates an environment of reactive behavior and poor choices, allowing our counterpart can let it do all the work for him.
- Deadlines are the boogeymen of negotiation. They are often arbitrary, almost always flexible, and never as consequential as we think.
- If you internalize "No deal is better than a bad deal," then your patience can become a powerful weapon.
- Deadlines cut both ways. When the negotiation is over for one side, then it's over for the other side too.
- Hiding your deadline increases the risk of an impasse, because having a deadline pushes you to speed up your concessions, but the other side, thinking it has time, will just hold out for more.
- While we may use logic to reason ourselves toward a decision, the actual decision making is governed by emotion.

- The most powerful word in negotiations is "fair." We comply with agreements if we feel we have been treated fairly, and lash out if we don't.
- The phrase "We just want what's fair" destabilizes the other side. Instead of conceding irrationally, apologize, and offer to go back to where the unfairness began and fix things.
- The phrase "We've given you a fair offer" is nefarious. Mirror with "Fair?" and label with "It seems like you're ready to provide evidence to support that."
- The phrase "I want you to feel like you're being treated fairly at all times. Please stop me at any time if you feel like you're being treated unfairly, and we'll address it" is empowering.
- While our decisions may be largely irrational, there are consistent patterns, principles, and rules behind how we act.
- The certainty effect says that we are drawn to sure things over probabilities, even when the probability is a better choice.
- Loss aversion says that people will take greater risks to avoid losses than to achieve gains.
- Real leverage in a negotiation is not delivering what the other party wants, but convincing them that they have something concrete to lose if the deal falls through.
- Start with an accusation audit to anchor your counterpart's emotions in preparation for a loss. From loss aversion, they'll jump at the chance to avoid it.
- Let the other side anchor monetary negotiations, since you often don't know enough to open with confidence.
- Be prepared to withstand the first offer. It could be extreme to bend your reality, and so his following, merely absurd offer will seem reasonable.
- Establish a range in your offer. Expect your counterpart to come in at the low end, so make the low number what you actually want.
- Anchor your counterpart high, then make your offer seem reasonable by offering things that aren't important to you but could be important to them.
- Similarly, if their offer is low, then ask for things that matter more to you than to them.
- Numbers that end in 0 feel like temporary placeholders. Numbers that sound less rounded feel serious and permanent to your counterpart.
- A wholly unrelated surprise gift can make extreme anchors palatable because they introduce a dynamic of reciprocity.
- When negotiating a salary, be pleasantly persistent on non-salary terms. The more you talk about them, the more you'll hear the full range of options.
- Once you've negotiated a salary, define success for your position, as well as metrics for your next raise.

- By selling yourself and your success as a way your boss can validate his own intelligence and sell it to the rest of the company, he'll have a stake in your success.

Chapter 7: Create The Illusion Of Control

- Successful negotiation involves the illusion of control: Having your counterpart do the work for you and suggesting your solution himself.
- The calibrated, or open-ended, question acknowledges the other side openly, while letting you introduce ideas and requests without sounding pushy.
- Negotiation in a tit-for-tat, reciprocity-driven manner fails because we all want to extract something from each other, but don't want to give.
- The calibrated question forces the other party to pause and actually think about how to solve the problem.
- The counterpart solves the problem, and so it gives him the illusion of control. Additionally, there is no reciprocity involved.
- Giving the illusion of control like this suspends "unbelief," or complete rejection to what the other side is saying.
- The greatest calibrated question "How am I supposed to do that?" transforms confrontational showdowns into joint problem-solving sessions.
- Calibrated questions take the aggression out because they are subject to interpretation by your counterpart instead of being rigidly defined.
- They 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 avoid "can," "is," "are," "do," or "does," which can be answered with a simple "yes" or "no."
- Start questions with "what" and "how." "Who," "when," and "where" will cause your counterpart to share a fact without thinking. "Why" can sound accusatory.
- Only use "why" when the defensiveness that it creates supports the change that you are trying to get them to see.
- The question "What is the biggest challenge you face?" gets the other side to teach you something about themselves.
- A well-designed calibrated question implies that you need the other party's intelligence to overcome the problem, which appeals to very aggressive or egotistical types.
- Your counterpart is using his mental and emotional resources to overcome your challenges, internalizing your way and the obstacles in it as his own.
- This guides the other party into designing a solution that is in fact your solution.

- Calibrated questions require self-control and emotional regulation. You cannot influence the emotions of another party without controlling your own.
- The first and most basic rule of keeping your emotional cool is to figuratively bite your tongue. Pause and think.
- Also, when you are verbally assaulted, do not counterattack. Instead disarm your opponent by asking a calibrated question.
- The hostage mentality says that in moments of conflict, we react to lack of power by either becoming extremely defensive or lashing out.

Chapter 8: Guarantee Execution

- Your job isn't just to get to an agreement, but to get to one that can be implemented and making sure that it happens.
- "How" questions, correctly used, are gentle and graceful ways to say "no" and guide your counterpart to develop a solution that's your own.
- The other benefit of a "how" question is that it forces your counterpart to consider and explain how a deal will be implemented.
- "How" questions convince them that the final solution is their idea, and people always make more effort to implement a solution when they think it's theirs.
- "How will we know when we're on track?" and "How will we address things if we find we're off track" push counterparts to think they're defining success their way.
- If you hear "you're right" or "I'll try," dive back in with calibrated "how" questions until you get a "that's right."
- If you want your deal implemented, you must discover and affect any individuals who can act as deal makers or deal killers.
- Beware of parties who are not directly involved but can help implement agreements they like and block ones they don't.
- Many negotiations hinge on something other than money, often having more to do with self-esteem, status, and other non-financial needs.
- Effective negotiators are conscious of verbal, paraverbal (how it's said), and nonverbal communications.
- The 7-38-55 rule says 7 percent of a message is based on words, 38 percent from tone of voice, and 55 percent from body language and facial expressions.
- When someone's tone of voice or body language is incongruous with their words, use labels to discover its source.
- The Rule of Three is getting the other party to agree to the same thing three times. This uncovers falsehoods and the aforementioned incongruence.

- To avoid sounding like a broken record, label or summarize, or use calibrated questions to hear agreement three times.
- The Pinocchio Effect says that liars use more words, speak in more complex sentences, and use far more third-person pronouns.
- The harder it is to hear a first-person pronoun from a negotiator, the more important they are. Smart negotiators defer to people away from the table to avoid getting pinned down.
- Humanize yourself, use your name to introduce yourself, and say it in a fun and friendly way.
- The phrase "Your offer is very generous, but I'm sorry, that just doesn't work for me" is a second way of saying "no."
- The phrase "I'm sorry but I'm afraid I just can't do that" is a third way, and is a little more direct.
- The art of closing a deal is staying focused to the very end.

Chapter 9: Bargain Hard

- The bargaining step produces the most anxiety and unfocused aggression, which is why it's more fumbled and mishandled than any other step.
- You and your counterpart have habits of mind and behavior, and once you identify them you can leverage them in a strategic manner.
- Negotiators fall into three categories: Accommodators, Assertives, and Analysts.
- To be good, you have to be yourself at the bargaining table. To be great, you have to add to your strengths, not replace them.
- Analysts are methodical and diligent. They are not in a big rush, and their self-image is linked to minimizing mistakes.
- Analysts work alone, rarely show emotion, extensively prepare, are hypersensitive to reciprocity, are skeptical, value silence, and don't value apologies.
- As an analyst, smile when you speak, so that you are not cut off from an essential source of data, namely your counterpart.
- Accommodators value most the building of a relationship. They value the time communicating and want a win-win.
- If your counterpart is an accommodator, ask calibrated questions to translate their talk into action.
- As an accommodator, do not sacrifice your objections, and beware of excessive chitchat, especially if your counterpart is one as well.
- Assertives believe time is money. Their self image is linked to getting things done, and getting things perfect isn't paramount.

- Focus on what assertives have to say, because until they are convinced you understand them, they won't listen to your point of view.
- Mirrors, calibrated questions, labels, and summaries work well with assertives, who see every silence as an opportunity to speak more.
- As an assertive, be conscious of your tone. Use calibrated questions and labels to make yourself more approachable.
- Don't assume that you are normal; this will lead to you unconsciously projecting your style onto the other side.
- If your counterpart has an extreme anchor, deflect with calibrated questions. If you must name a price first, allude to an incredibly high number someone else might charge.
- Anger on your part shows passion, but reduces your counterpart's resources for other cognitive activity, thereby reducing your gains.
- Use strategic umbrage, or threats delivered without anger but with poise, like "I'm sorry that just doesn't work for me."
- The statement "I feel ___ when you ___ because ___" counteracts unproductive statements and demands a time-out from your counterpart.
- In any bare-knuckle bargaining session, the most vital principle is never to look at your counterpart as your enemy.
- De-escalate by suggesting a time-out. Neither party is hostage to a bad situation, and they'll regain a sense of agency and power.
- Ackerman bargaining: Set your target price as a nonround number, then offer 65, 85, 95, 100 percent. Use empathy in between offers. On your final offer, throw in a non-monetary item.
- People getting concessions often feel better about the bargaining process than those who are given a single, firm, "fair" offer.

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.
- Black Swans are events or pieces of knowledge that sit outside of our regular expectations and therefore cannot be predicted.
- When pieces don't add up it's usually because our frame of reference is off. They only will if we break free of our expectations.
- Conventional questioning and research techniques confirm "known knows" and reduce uncertainty. They don't uncover "unknown unknowns."
- Black Swans are leverage multipliers. Leverage, or the ability to inflict loss and withhold gain, can always be manufactured.

- Leverage is fluid; you should always be aware of which side, at any given moment, feels they have the most to lose if negotiations collapse.
- Positive leverage is the ability to provide or withhold things that your counterpart wants.
- Negative leverage is the ability to make a counterpart suffer, and is based on threats. It preys on loss aversion.
- Black swans as negative leverage include what is important to them, such as what signifies status to them or what worries them.
- Negative leverage can be perceived as taking away autonomy. Instead, label your leverage and make it clear without attacking.
- Normative leverage is using the other party's norms and standards to advance your position.
- Look for inconsistencies between the other party's beliefs and actions. To find out what they believe, simply ask and listen openly.
- Positioning your demands within the worldview your counterpart uses to make decisions shows them respect, which gets you attention and results.
- Building rapport allows you to find similarities with your counterpart. We trust people more when we view them as being similar or familiar.
- When you ascertain your counterpart's unattained goals, express passion for their goals and for their ability to achieve them.
- To increase your effectiveness, offer reasons that reference your counterpart's worldview.
- It is when we hear or see something that doesn't make sense, or something "crazy," when we should push forward and look for Black Swans.
- People acting with incomplete information appear crazy to those who have different information.
- People may appear crazy if they have constraints that they are not eager to reveal, such as not having the power to close the deal.
- People complying with needs and desires you don't yet understand, based on their own rules or worldview, may appear crazy.
- Email is a bad medium for finding Black Swans: counterparts have time to think and re-center themselves, and you can't read non-verbal parts of a response.
- Get face time with your counterpart, and hunt for Black Swans at the fringes and ends of meetings, where people let their guard down.
- It is not the person across the table who scares us, but conflict itself. We overwhelmingly resort to flight in fight-or-flight.
- Genuine, honest conflict between people over their goals helps energize the problem-solving process in a collaborative way.

- Every negotiation, every conversation, every moment of life is a series of small conflicts that can rise to creative beauty. Embrace them.