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Paul Thies: Many business professionals out there have faced situations they would describe as high stakes. You want to talk about high stakes, imagine you're on the end of the phone line when a call comes in, and a kidnapper or terrorist demands you pay \$1 million or else an innocent person is going to lose their life. You simply cannot fail, so what do you do? What are the right and wrong ways to react? What can be learned from a decade's long career of taking these phone calls and contending with unbelievably high-pressure stakes? It takes the school of hard knocks to a whole other level.

Hello, I'm your host, Paul Thies, and on this episode of *If When* we discussed the art of negotiation with Chris Voss, CEO and founder of The Black Swan group, and the acclaimed author of the book *Never Split The Difference*. Before starting his own business negotiation consulting firm, Chris was the lead international kidnapping negotiator for the FBI, as well as the FBI's hostage negotiation representative for the National Security Council's Hostage Working Group. During his career, he also represented the US government as an expert in kidnapping at two international conferences sponsored by the G8.

Before becoming the FBI's lead international kidnapping negotiator, Chris served as the lead crisis negotiator for the New York City Division of the FBI. He was a member of the New York City Joint Terrorist Task Force for 14 years. During Chris's 24-year career with the FBI, he was trained in the art of negotiation by not only the FBI but also Scotland Yard and Harvard Law School. He's also a recipient of the Attorney General's Award for Excellence in Law Enforcement and the FBI Agents Association Award for Distinguished and Exemplary Service.

In the discussion that follows, Chris shares the lessons he's learned in his career as a lead negotiator that are amazingly applicable to anyone looking to create a positive outcome between parties. He explained some of the most common mistakes would be dealmakers commit and he unpacks for us concepts such as yes without how is worthless, and start with no.

Well, Chris, thank you so much for joining me. I'm really looking forward to talking with you about your book *Never Split the Difference: Negotiating As If Your Life Depended On It*. You know a little bit about that you were FBI's top international hostage negotiator, so talk about a high-pressure job. I think this really fascinating book, and I appreciate you sitting down with me today that talk about negotiation.

Chris: The pleasure is mine.

Paul: All right. To start us off, when I was reading the book, one of the things that I guess surprised me and I am not a great negotiator so I will be honest about that right up front. You talked about the concept of getting to yes, I think it was like that was a foundational-- This idea of getting the yes, it's foundational for a lot of negotiations or how people are taught. You write about how there's this evolution in negotiation and moving away from getting to yes. Can you tell us a little bit about that, particularly the idea of focusing on the act of discovery and creating empathy between negotiation parties?

Chris: Sure. Great question. Really, I think the intent of getting to yes, in the beginning, was very good. There's nothing wrong with the intent. What the intent really was, is getting to agreement. What are the essentials of great agreement? First of all, the other side feels committed and this whole getting to yes thing, the problem with that is, it spawned the Yes momentum and momentum selling and momentum agreements and they became traps. Getting to yes, in an application became about trapping people. We've seen the Yes, momentum described as get a series of micro agreements. Each one is a tie down, each one is a commitment and then you got to them. They got to say yes to the big commitment. It's a trap.

I was lucky enough to meet Roger Fisher some years before he died. That wasn't the intent but that was the way it began to get implied. Then how do we get out of that? What really matters? What really becomes an agreement? Empathy precedes agreements. Empathy is not sympathy. Empathy is just understanding the other side because if you don't understand where the other side's coming from your agreement is not going to hold up. It's just not. Then the process of discovery, beginning to yes people will go heavily into preparation, learning as much as possible.

The problem with preparation and learning as much as possible about the person on the other side of the table, first issue is most of the data sources are like dating profiles that ain't the person you're going to meet. That picture is just not you, that was you 20 pounds ago, 20 years ago, that is not the person I'm looking at. I've had people describe LinkedIn and all those things, those are dating profiles. That's not actually who you're going to see. Then all right, let's say, what about what information is accurate?

How long it's going to take you to do the research? I can get a minimal amount of information about you next to nothing, actually. Then discover a lot about you in a conversation. I can take this for granted based on how I approach my negotiation training. My training from the beginning, was there's no safety net, there's no BATNA and you get used to walking a tightrope, and it was never a safety net there, you realize like, "All right, well, the safety net doesn't actually affect my ability to negotiate, that's all an illusion in my head."

If I don't need it, then I don't panic when I don't have it. My Harvard. The academics is not just the Harvard that think this best BATNA, best alternative to negotiated agreement is key issue. It's a psychological construct. Then how much information do I need in advance? I get trained to get on the phone with somebody I know nothing about, nothing. Develop the information in a way that instead of making them feel interrogated, makes them feel good telling me this stuff and which accelerates everything. Really, it's just vastly different than the getting **[unintelligible 00:07:07]** framework it's quicker, time is money, and establishes relationships faster. The only thing besides the time that might be money relationships are money. Friend of mine, Joe Polish runs a Genius Network great guy says relationships are money. Is information money, the third type?

Well, this negotiation approach picks up the information faster than anything else does. You get time, money, and information all rolled into this great bundle of emotional intelligence-based approach to the Black Swan method and *Never Split The Difference*.

Paul: You talk about the getting to yes too. The problem with yes is that you get these kinds of phony yeses that people know you're pressuring them so they give you a yes that ultimately they probably have no intent of really bringing into effect, it's just a way to get you off their case. You say later in the book, a yes without a how is worthless.

Chris: Yes without a how is nothing.

Paul: Yes. Unpacking the yes and no dichotomy a little bit, you then you can-- honestly, you blew my mind with this concept you write that no starts the negotiation and that no, the word no has a way of removing barriers and creating beneficial communication. It seems counterintuitive, but then it's like you do a beautiful job of explaining why that is, can you share with us your fascination with the word no and how we would retain our way or retrain our way of thinking about it?

Chris: The real fascination with it really the first turning point in my yes-no journey and in everybody's yes-no journey is coming to grips with what yes and no really is. I came across this book in 2002 called *Start With No* by a guy named Jim Camp and I remember just doing a double take, I think my head probably was snapped off my shoulders as I'm walking to the airport and I see on the bookshelf *Start With No* and I'm like, "Start with no, are you kidding me? I thought that's what we were avoiding." It came throughout this whole idea that just let the other side to say it's okay-- Let them know it's okay to say no. You can say, "Look, you can say no to me at any time, you just go away."

Camp called that reserving the right to veto the right to say no and said that if you try to take away somebody's right to say, no, you take away their autonomy. If you take away their autonomy, people would die to preserve their autonomy. I remember thinking at that time, "Yes, boy no kidding. I know that's true. That's the whole reason why we got hostage negotiators in the first place because people were dying right, left because we tried to force them into agreement." I thought, "This is an underlying concept and business negotiation, not just hostage." We decided to take it one step further and say, "What happens if we actually triggered now? What happens?" Why people feel safe when they say no? My FBI days under New York City Joint Terrorist Task Force with the NYPD. I remember there was a lieutenant there that used to say, "You know, Chris, a lieutenant's job is to say no." First **[unintelligible 00:10:23]** really, I was insulted by that because a leader's job is not to obstruct his people. You're talking about being an obstructionist. Your job is to be an obstructionist. What made him think that that was cool? Because he felt safe, secure, and protected when he said no. I was like, "Ah, what happens to a counterpart when you make him feel safe, secure, and protected?" Suddenly they're open to listening.

Let's start triggering no on purpose and get some experiential data, which is another way of saying find out, learning by doing what happens when you get people to say no. It's so powerful that a lot of people, that's the only thing they learn and they immediately make more deals, and they immediately stop getting ghosted, and they immediately start getting decisions. I'm really happy for him. I feel also bad for him because they're making more money, but they just scratch the surface. Switching from yes to no makes such a huge difference in sales and negotiations and in deal-

making that people can't imagine they need anything else, and they're just scratching the surface. It's that much of a difference to switch from yes to no.

Paul: It's like you said, it creates an environment where a relationship can flourish. It's like I respect you enough that I'm giving you control, or I'm respecting or acknowledging your control in this part of the conversation so that you can say no and it doesn't just shut things down or **[unintelligible 00:12:07]** [crosstalk].

Chris: Exactly.

Paul: -bludgeon you to get my yes through your no or any of that. Then like you say in the book, it's that process of discovery and learning more and more and being able to really fully flesh out the context of the discussion. I love too so much of what you say about working with your counterpart to get them to solve your problems. The how questions and the what questions. Let me ask you a wide question. What are some of the more or most common mistakes that people make during negotiations?

Chris: I think one of the biggest ones first is going first. Not hearing the other side out. Most of the seasoned and savvy negotiators say, "He or she who names price first loses." That's going first. You're leaving money on the table. The problem with going first with price is you either leave money on the table, or you drive people away from the deal. Either or. Going first, having your say first. People are dying to have their say, so you get people talking at each other. The biggest mistake is however you do it, not hearing the other side out first is probably the biggest mistake.

Paul: I think going back to the book, you make that point, that it's the person who's in control of the negotiation is the listener, not the talker.

Chris: Listener is in charge, yes.

Paul: I guess maybe that leads me to this next question. What are some of the hardest things for people to master when learning to effectively negotiate?

Chris: Actually, listening, and then clarification is really hard to master because people are so afraid, if I go back over this, if I try to clarify in any way, I'm going to look stupid, or I'm going to look like I wasn't listening, or that I can't comprehend. I see on a regular basis a lack of clarification. Be sure that what you heard is what they meant to say. That's huge. I'm talking to a really successful businessman in a Salt Lake Park City area just a couple weeks ago. Ridiculously successful guy, great human being. The dude's name is Randy Garn. Randy is a great example of people who can be massively successful by being very generous. One of the most generous guys I've ever met.

He is talking about how he and some of his senior executives, they'll watch negotiations among people that work for them. He said they'll see deals getting destroyed by miscommunication or two sides getting further and further apart by what he termed miscommunication. I said, "All right, so is it a lack of articulation? Does communication break down based on a lack of articulation, or a lack of listening?" He's like, "Yes. People are not listening." They're not hearing what the other side is trying to say. They're not listening. That's really the issue. Don't become more eloquent. Don't put your efforts into saying the same thing different ways. Put

your efforts into being a better listener. Number one, you'll be on more firm ground. Number two, the other side will love it. People love to be listened to. You're on more firm ground and they like you even more, so they're more likely to be collaborative. What more do you want?

Paul: I think that ties to that concept of mirroring that you write about, isn't that right?

Chris: Yes. Mirroring is not the body language mirror. It's not the tonality mirror. It's not mirroring their behavior. It's the repetition of one to three words, one to three-ish words. When we're coaching this, we say it could be **[unintelligible 00:16:20]** one. It's shouldn't be more than five. Three-ish words, what they just said. Usually, the last thing they said, and that's just to get good at mirrors. They are the great clarification tool. I talked about clarification a moment ago. Start mirroring somebody. They're going to repeat, rephrase, add depth, add scope to what they just said. All massive amounts of information being triggered in your direction. Mirroring is a great skill, particularly for clarification because by and large, if you said something then I become aware that I need clarify, and I might say the typical, "What did you mean by that?" Most likely you're going to repeat it exactly the same way you just said it, only louder like an American overseas.

Paul: [laughs]

Chris: What I need is for you to say it differently. Expand on it, add to it. Mirrors always get people to say things in a more expansive way.

Paul: I think the listening thing is brilliant because-- I know this is one of my great temptations is trying not to jump ahead to what I want to say next. It's like, if you're not listening to people using what you were saying earlier, you're leaving stuff on the table because you're not pulling in the information, or you're not evaluating the information they're giving you because you're too focused on, "Well, what do I want to say next?" Now, we talked a little bit earlier, I mentioned earlier about the what and how questions. Can you talk about the methodology behind that and explain also as part of that, why do we avoid using why questions?

Chris: **[unintelligible 00:18:10]**. You caught yourself too, right?

[laughter]

Paul: Yes.

Chris: Why avoid why?

Paul: Yes.

Chris: What and how. When we first wrote the book and we pulled these out from a variety of sources, like in hostage negotiation, they called them open-ended questions. It comes by a variety of other names, who, what, when, where, why, and how. The reporters' questions. What and how are the most deferential and pull the most information. People love to be asked what to do. People love to be asked how to do something. There's great power and deference, and by definition, what and how start from a very deferential place, which means the other side's likely to give you a lot of information.

Now since the book has come out, there's been a lot of stuff that we've raised our understanding of increased refinement, increased understanding. What questions are designed primarily to uncover obstacles, to get people to think about obstacles? The famous Jim Camp question was, what's the biggest challenge you faced? That's about identification of obstacles. What's stopping you from moving forward? What are the next steps? That's about obstacles. How is then discovering how to overcome the obstacles. How to implement through the obstacles. How's about implementations. Yes, there's nothing without **[unintelligible 00:19:39]**. An agreement is nothing without implementation. We've realized that there's a refinement, not exclusively, but primarily when you're looking for implementation, you're going to use a how question. The very beginning, it never split the difference. Starts with the famous, how am I supposed to do that? Which was originally as conceived and designed, the first way to say no. If I'm trying to get the idea differential across to you that we're going to run into problems here and I probably can't do it. I'm going to say, "How am I supposed to do that?" "How am I supposed to do that?" "How am I supposed to do that?" Those are three different ways with three different meanings of repeating the same how question. I always thought of the first phase of, no, each one gets a little more firm till you get to the final phase, which where you just say no. Let no out a little at a time. How am I supposed to do that is the first phase of no. Then we're coming along with some more learning. We're coming up with another approach for preparation that's a little bit simpler and cleaner. We call it the six-to-one approach.

We ask three how questions, and I'm like, how am I supposed to do that, is an implementation question. You and I are in the middle of a deal. You want something that either I can't do at all, or that would be enormously difficult for me to do, which would take away all my incentive for doing the deal. How am I supposed to do that is a request for help to get you to see something, that's just a non-starter. Brandon, my son, uncredited co-author of the book, used to always refer to, how am I supposed to do that as forced empathy, making you take a look at my position and appreciate the scope and depth of what we're dealing with from my view. The how questions are largely implementation and incredibly effective at saying, "Hey, ho, ho ho, this is a problem."

Paul: I love too. It's not only the forced empathy but you make the point in the book, it's also getting the other party to solve your problem. In the sense that it's a subtle way to control the context of the discussion. You make this point about like you're getting the other party to spend their energy and resources to try to figure out your problems.

Chris: Exactly. Yes. Ultimately, if it's going to be a true collaboration, they're going to have to expend their energy and resources to collaborate.

Paul: I think you point out there in several of the cases, in the hostage cases that you dealt with, it was a way to pump the brakes. You get these crazy demands, "We want a \$1,000,000 or we're going to kill your aunt," kind of thing. Then it was, how am I supposed to get that money? Then the kidnappers had to go back and then they would decrease their demands and it bought time and it was a very effective way to I guess take the heat out of the situation so cooler heads could prevail and ultimately an efficacious resolution could be had.

Chris: That's right.

Paul: What do you think are some of the most powerful and effective tools that you've found that successful negotiators employ?

Chris: The first one is patience, which can be very hard for some people. When I was coaching negotiations, hostage negotiations, I can never tell somebody to be patient, but if they're really trumpet at the bet to move ahead, I'd say, "Patience is a weapon." They'd be like, "Oh, all right." Realizing that appeals to someone who either is very assertive or is trying to be very assertive. The patience, calm demeanor. Warren Buffet, by anybody's definition, anybody is going to have to admit that Warren Buffet's likely a very good negotiator. If he wasn't, somebody mentioned his name, we wouldn't know who he was. [laughter]

That dude's reputation is not for being impatient or loud or attacking. If anybody who's only barely aware of Buffet, and you would ask them, "How patient do you figure Warren Buffet is?" They'd probably say, "Oh yes, guy is got to be patient as heck." Which then is letting the deal come to you. Having the ability to let the deal come to you. Have the ability to let the awareness of the problems and the obstacles come to you so you're not caught off guard, so you know what you're getting into. Patience is a great accelerator of great deals. That would be another critical attribute plus the more patient you are the more likely to listen.

Paul: Then my last question for you, and this is it's around the concept of the Black Swan, and in fact, your consultancy is named after Black Swan. You talk about the concept in the book, it's almost like this magical phenomenon that just happens in the life of a negotiation that just really opens things up. Can you explain the concept of the Black Swan and how they can be game changers in negotiations?

Chris: Yes. Black Swan was originally inspired by Nassim Nicholas Taleb's book, *The Black Swan* that it read back in 2007. He called it *The Impact of the Highly Improbable*. What are the little things that make all the difference in the world? Point of fact, they're everywhere now. We can get into a very academic discussion over the concept of imperfect information. Point of fact, no matter how smart you are you've got imperfect information. No matter how good you are, you'll hold in every deal, you're holding something back. There's stuff you're keeping to yourself close to the vest, cards you're not showing, budget, timeline, pressures.

Do you want to make the deal? Do you not want to make the deal? What are the issues that make the deal better or worse for you? The stuff you're holding back is important. Otherwise, you wouldn't hold it back. You feel the other side's going to gain leverage of you if you know it and if it was known, it would change everything. Well, if you're holding stuff back then, so are they. You get two sets of hidden information. The hardest thing to wrap your mind around is what's in the overlap. If I don't know what you're hiding and you don't know what I'm hiding, then if somehow, if we trusted each other enough through, put our cards on a table, then the overlap of the combination of the two could be astronomical. Put it in poker terms.

Maybe if we put our cards together, we got a royal flush, and it's unbeatable. The overlap is where the power is. Take an approach that simultaneously builds trust and gathers information so that if what you haven't managed to get them to tell you

based on trust, they'll blurt out accidentally and they're going to know stuff that's important that they have no idea is important. You don't know to ask for it because you don't know what they're hiding. You get into this phenomenal, either upward or downward spiral. The upward spiral starts with this really impactful cool stuff here. They could tell me if I could build a great relationship without making them feel exploited or interrogated.

Paul: It sounds though Chris, that part of that too is that you've got to have confidence in your own position to be vulnerable about a certain amount of information or whatnot. You got to be sober, but-- I don't know. Maybe I'm wrong, but it seems if you're going to-- If I recall, you talk about some of the things in the book and what help me through this. If you're under time pressure, I have to have this deal done by Friday, or else, that the normal intuition is don't tell people you're under time pressure because they'll perceive it as a weakness and they'll try to exploit it. It's like, "He's under a crunch, so now we got him." Instead, you flip it around and say like, "Look, I have to have this done by Friday." Then you're franchising them to help you solve your problem again. Again, it seems there's this wrapping your head around the idea of being open with your vulnerabilities maybe. I don't know. What do you think?

Chris: Yes. That's a great point. Wrapping your mind around that, about the ways we take ourselves hostage is one of the key issues because your vulnerabilities, that's you taking new hostage. I'm vulnerable here. Some people take those vulnerabilities and make them strengths. Instead of saying, "I got to get this deal done by Friday." Being afraid to say that, say to somebody like, "Look, if we don't want this out by Friday, I got to walk." It's not a sin to not get the deal. It's a sin to take a long time to get a bad deal. If you can push yourself forward into that, a bad deal is going to cost me far more money long-term than anything else. That's a hard one. Then recognizing the potential bad deals. Because a friend of mine, another friend-- I'm blown away at the people that I get to know as a result of the success of *Never Split the Difference*. Having a best-selling business negotiation book in the world gives you a chance to meet some interesting people.

Paul: I bet it does.

Chris Voss: Joe Polish runs an outfit called Genius Network out of Phoenix, Arizona, Phoenix Scottsdale. It's a great group that I'm a member of. I've been very involved with for a number of years. I learned a lot about marketing, highly ethical people, very trustworthy. Joe says, "There's two kinds of counterparts in this world, two kinds of customers, two kinds of people. HALFs and ELF." What's a HALF? Hard, annoying, lame, and frustrating? What's an ELF? ELF is easy, lucrative, and fun. He says, "Work with the ELFs, avoid the HALFs." That's great advice, but how do you implement that?

The first thing I did on my team was I said, "All right, there's behaviors that indicate HALFs. If we start looking for them, there's probably about five different profiles. They're very predictable, and we're going to pick them up in the first half hour of the interaction." Then I told my sales team, my business development team, "You got my permission to walk away from the HALFs as soon as you spot them. We do not need to be dealing with people who are hard, annoying, lame, and frustrating."

In implementing this process, picking out the behaviors, seeing how predictable it is, my team also started keeping track of the time costs of the HALFs. They came back to me and they said, "When we make a deal with the half between negotiation, implementation of the deal, start to finish, it's two to five times the time cost." Which means you just took a 50% cut in pay to deal with a pain in the neck." Then, the next thing they looked at the HALFs repeat because you might take a cut in pay if it turned into an annuity, a lifetime payment of repeat business. They said, "Not only do we take a cut in pay, but the HALFs still repeat. These [unintelligible 00:32:32] being [unintelligible 00:32:32] off." They are such a pain in the neck to deal with, that dealing with them just doesn't go well. They don't want to deal with us again, either. The HALF, the hard, annoying, lame, and frustrating, they took a 50% cut in pay and they don't repeat so there's no reason to do business with them.

Which then means that the elf start to show up. Is it by magic? Now, they were always there, but you just got distracted by these morons that were hard, annoying, lame, and frustrating. They are too demanding. They're unreliable. They don't pay on time. They ask for more free stuff. They screw you up in every way, shape, or form. It's not that the ELF appear out of magic, they were there all along. The HALF just kept them from us. We put a lot into that on teasing out who's hard, annoying, lame, and frustrating early on, and we're like, "There's somebody else out there that's better for you than we are."

Paul: I guess I'm assuming, I'm jumping to a conclusion here if you're not spending so much time on the HALFs, you actually have more time to like recognize the ELFs. Then if that process of working with them goes faster, the deal gets done sooner, so then you're able to move on to the next project or deal. Then the volume picks up because you're not getting bogged down dealing like all your attention is on this HALF person, HALF project that ends up not being lucrative anyway.

Chris: Exactly.

Paul: Wow. Chris, thank you so much for sitting down and talking about your book about negotiation insights. I highly recommend the book to anybody listening. I really enjoyed it. We didn't even really talk about it, but it's rife with these great real-life stories, true crime stories of kidnapping and intrigues. It's unbelievable what you've done in your career let alone the negotiation insights that you've picked up. I just want to thank you so much for your time today.

Chris: That's very kind. If I may, I would like to throw out how people might be able to want to follow up.

Paul: Yes, absolutely.

Chris: When people are ready to take the next step, the simplest thing to do after buying the book is to subscribe to our newsletter. It's free, and it's concise and actionable. Now to subscribe, all you got to do is go to the website, blackswanltd.com, [B-L-A-C-K-S-W-A-N-L-T-D .com](http://B-L-A-C-K-S-W-A-N-L-T-D.com). As soon as you pull it up, you're going to get the opportunity to subscribe to the newsletter. Then it'll get emailed to you on Tuesday morning if you got Monday behind you, Tuesday morning, 7:30 in the morning, wherever you are.

Concise, actionable newsletter, uses the skills that day plus a newsletter is the gateway to the website. It's the gateway. We've got a treasure trove of stuff to help people raise the level of their game, make more money, and a point of fact, this collaborative negotiation is going to make you happier too. You're going to enjoy life more.

Paul: Yes, absolutely. Hey, thank you again, and I wish you the very best, and thanks again for your time.

Chris: Thanks for having me.

[music]

[00:36:24] [END OF AUDIO]