

## THE SECRET OF GAINING THE UPPER HAND IS TO GIVE THE OTHER SIDE THE ILLUSION OF CONTROL

### Interview with Chris T. Voss ON HIGH PERFORMANCE NEGOTIATION

MANON SCHONEWILLE

*Mediator, deal facilitator and trainer, Manon Schonewille<sup>1</sup> speaks with FBI veteran and former special agent Chris Voss<sup>2</sup> – who was the FBI’s lead international kidnapping negotiator – about high performance negotiation and the lessons that can be learned from this for business negotiations. Chris shares leanings from his extensive 24 year FBI practice, as well as his academic insights as an Adjunct Professor at Georgetown University where he teaches negotiation in the MBA program.*

*His main advice for business executives is that they need to learn to see that emotions greatly influence business decisions and that deep listening is key. The other thing is the tremendous value of open ended questions and the overriding effect of autonomy for negotiations. Also the value of soliciting a “NO” from your negotiation partner instead of pushing for “YES” is an important success factor in high performance negotiations.*

**Chris Voss** was the FBI’s lead international kidnapping negotiator and is the CEO of The Black Swan Group, a strategic business advisory firm that focuses on high-stakes business negotiation. Chris is also an Adjunct Professor at the Georgetown University’s McDonough School of Business where he teaches business negotiation in the M.B.A. program. Prior to teaching at the McDonough School of Business, Chris taught International Business Negotiation at Harvard University.

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Chris founded the Black Swan Group, in 2008 upon his retirement from the FBI. He has negotiated in places ranging from Latin America to the Middle East to New Jersey. He is well versed in leading negotiation teams and the concepts of obtaining the collaboration of multiple stakeholders.

Chris has lectured on negotiation at the High Performance Leadership course at the IMD business school in Lausanne, Switzerland, the Goethe Business School at Frankfurt University in Frankfurt, Germany, the Sloan School of Business at MIT and the Kellogg School of Business at Northwestern University.

The Black Swan Group was founded in July of 2008 upon Chris' graduation from the Kennedy School of Government at Harvard University, where Chris received a Master of Public Administration. The Black Swan Group applies the lessons of hostage negotiation to high-stakes business negotiation, utilizing the lessons learned of bargaining in the most difficult of situations and getting even the most dangerous of adversaries to keep their word.

*Chris, I read that you like Jim Camp's book "START WITH NO"<sup>3</sup>. The NO attitude seems at first sight provoking and for an interest oriented negotiator also counterintuitive. Can you tell us how this book has influenced you and the FBI's approach to negotiation?*

**A:** Sure I'd be happy to. The book actually helped me take another look at a tool that I was already aware that we had but that we were not utilizing completely, which is open ended questions. I was not fully appreciating how effective they were. The book helped me take a hard look at something we already knew about but did not take full advantage off. Also the 3 plus tool was something I had not heard of before and I thought that was extremely insightful.

This book has often been referred to as 'just say NO'. The 'NO attitude' – as described in the book – is however not necessarily that you are simply going to express "no". It's more that you are giving the *other* person the opportunity to say "no" and making them feel comfortable with the concept. There is another book that I also like, called 'Beyond Reason'<sup>4</sup> which is written by Dan Shapiro and Roger Fisher. Dan talks about 6 different tools that he thinks are both a lens and a lever. A lens through which to have a look at communication and a lever to understand how people are being driven. One of his tools is autonomy or self-determination. When you take away someone's right to say no, you interfere with their autonomy, which Dan observes in his book. Jim Camp's take on "no" is what Dan Shapiro is talking about in 'Beyond Reason,' it is respecting the other sides' autonomy. In a

<sup>3</sup> START WITH NO...THE NEGOTIATING TOOLS THAT THE PROS DON'T WANT YOU TO KNOW "More on Jim Camp's best-seller, Start with No on: [www.startwithno.com](http://www.startwithno.com). There Jim's negotiation approach is described as: "Imagine getting your hands on the negotiation secrets that top global CEOs and billion-dollar deal-makers (even the FBI) use to make outstanding sales contracts, real estate deals, business relationships, and job packages that bring them great wealth and competitive advantage."

<sup>4</sup> BEYOND REASON. USING EMOTIONS AS YOU NEGOTIATE, Roger Fisher and Daniel Shapiro. New York, Viking, Penguin Group, 2005.

negotiation people are often trying to push someone into a “yes”, which leads to the other side getting the feeling that their self-determination is taken away. And that will have the tendency to stop the entire process. People will fight to their death in order to preserve their own autonomy and they will make decisions that rationally seen might have negative consequences, just because they want to prove their autonomy and their independence. We in fact see this around the world; people go to war over preserving their autonomy.

What Jim is trying to do with his philosophy in the book, is that he believes that from the very beginning you need to show the other side that you have tremendous respect for their autonomy. This will actually break down barriers and makes it a rapport building tool.

I think this is probably true; there is so much persuasion, what is known as “*push persuasion*”, where you try to push the other side into an agreement. People are so used to that on a normal basis that they are hypersensitive to their own autonomy in a negotiation and they are in fact grateful when they deal with someone that has a tremendous amount of respect for their autonomy. They like it a great deal and they are more likely to be cooperative with someone that respects that particular portion of who they are.

*The same book also deals with win-win strategies. In fact the subtitle of Jim Camps book says: “... why win-win is an ineffective often disastrous strategy ...” I was wondering about your thoughts on that particular aspect. Because when I listen to your explanation and also from what I read in Jim's book he says that if you go into a negotiation with a win-win mindset it is not necessarily bad, but you may be taken advantage off by people who have a different approach. So what mindset is effective?*

**A:** Yes, he is saying that a win-win mindset makes you vulnerable and then ultimately what he is doing is prescribing a win-win strategy. He is trying to provoke some thoughts with that statement. The idea is trying to keep people from being so trusting that they get taken advantage of.

*So you need to get rid of the naivety and keep the cooperative mindset?*

**A:** Yes I think that is a fair statement. What he is trying to do is to distinguish his negotiation method away from win-win, which has been mostly attached to Harvard. It can be seen as a marketing approach on his part. Actually I had a number of my Harvard colleagues that I recommended the book to in the past who said that Jim criticizes the book ‘Getting to Yes’<sup>5</sup> and then he turned around and wrote “Getting

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<sup>5</sup> Roger Fisher, William Ury and Bruce Patton (1991). GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN. Harvard Negotiation Project, 2nd edition. New York: Penguin Books.

to Yes"... If you dig into the principles of negotiation you realize that it all comes down to something similar. In order to have an implementable agreement and a relationship that continues – which is especially important in business relationships – the other side has to win too. So your ultimate goal is to make *both* sides win. Jim believes from his experiences that people who start with a win-win mindset make themselves vulnerable to a win-lose negotiator. It is important to be on your guard in the event that you are dealing with a win-lose negotiator. But you still need to make sure that the other side has victories and wins as well; otherwise they are not going to do business with you.

*You mentioned earlier on the 3 plus tool. Could you elaborate more on that?*

**A:** It is a matter of making sure that you get three solid answers in the same conversation to effectively assess “yes” or “no” reactions. It is especially important to check when people say yes, because often people say yes when they mean “maybe” and maybe is in fact a “no” in the future in disguise. Maybe means someone is telling you “*I plan to say no further on down the line, but right now I’m on a fishing expedition*”, or they want to hear more or they do not want to hurt your feelings, or they want to make you feel respected by listening to you but intend to say no later on. If they do not really mean “yes”, the second time they say it in the same conversation they will probably hesitate. The third time you are looking for confirmation even more. You can ask confirmation in different ways in a very gentle fashion. For example by paraphrasing what they say, by being very cautious with your tone of voice, so that they feel comfortable letting you know that there are things that they are not sure of. If they know it’s ok to say no to you when they hesitate and to reject portions of what you are saying and to let you know what does not work for them, they are more likely to tell you. It is a way to making sure that you have got a really firm answer to your questions as opposed to you hearing one elusive yes and immediately wanting to terminate the conversation because you are hoping too hard that you have an agreement but you are going to find out the hard way later on that the yes was not a solid yes.

*Can you give an example of a situation where you assumed that somebody said yes without checking and that got you into trouble?*

**A:** I do that so unconsciously now that I am always looking for confirmation and for potential problems that I cannot think of a time where it went wrong. The 3 plus tool was however used on me effectively. Somebody was asking permission to use one of my performances on a DvD. I wanted to have the recording but I was trying to leave my options open as to what I was going to do with it. So they said: “*All right, this is what you are going to do.*” and I gave an eluded “*Yes*”. They said: “*No really, this is what you are going to do isn’t it?*” and I actually found that the second time I said “*yes*” they got me to change my mind. Because I had said yes more than once and I felt obligated to perform. I think that each time someone says yes or no

a portion of their ego is invested in that answer. So if you get someone to say yes three times they will feel that they have to do it. I found from my own experiences that someone just got me to say yes just twice and it was sufficient to invest my own particular ego in it and once I said I would do it twice I felt I had to comply and they effectively got me to change my mind.

*On 2 and 3 December 2010 we have the pleasure of welcoming you in Amsterdam to conduct a training in high performance negotiation for the Result ADR Negotiation Institute. In this training you will teach about important DNA skills for negotiators, an acronym for Deep listening, No-oriented questions and Agenda. Can you tell a bit more about the value of these DNA skills?*

**A:** The idea of **Deep Listening** is to evoke an image that really gets down to basic core levels of who we are speaking with and how we want to interact with other people. This is cross cultural. Everyone, regardless of the culture they are from, wants to be respected by being truly listened to. Everybody wants to have their communicating understood; otherwise they would not be communicating. Communication is done on several levels and there may even be contradictions in the various things that are being communicated. The emotion that someone is expressing themselves with is not exactly the same as the words that are being used and they may even be different. For example if someone in a very angry fashion says: *“I’m not angry!”*. You want to respect both what they say and how they said it and not reject either. So you want to listen on a much deeper level so you get a feeling for what is driving them, why they are saying things that are contradicting how they are saying it. You want to respect their autonomy. This cuts across cultures it touches on how we are as human beings.

It is also important that you ask the occasional **No-oriented question**, a question that is not driving for a yes but instead stimulates a no. When you call someone on the phone and ask: *“Have you got a few minutes for me?”* you are clearly looking for a yes. If you say instead *“Is now a bad time to talk?”* it frees the other side and actually encourages them to be frank, you make them feel respected and feeling that they do not need to be on their guard in order to maintain their autonomy.

In some cultures they do not want to say the word no. I once was at a seminar with a Chinese lady that maintained that you should never ever try to get a Chinese person to say no, because they will not express it. It is not in their culture or their DNA to be willing to say no. While teaching she asked the students if she could share something with them that she had heard about them. She said: *“I do not want to embarrass you so I’m asking if it would embarrass you if I share this positive thing that I heard about you.”* The answer to that question that she is driving for is obviously a no. She wanted the students to say *“no, it would not embarrass us it is OK to ask that question.”* So here was a person that was Chinese and who told me that you never ask a question that would make a Chinese person have to say no and she turned it

around and used that technique herself. So the no-oriented question goes beyond the concept of no as a rejection of a human being. It goes to respecting people's autonomy and communicating to them in a way that you respect their self-reliance and you respect them. That is a kind of a second layer to that.

The **Agenda** part is almost misleading. Because whenever people get into agendas they look at it as things that should happen in a specific order. There are certain things that you want out of a negotiation, like you want to know what the next steps are and you want to know where the other side is coming from. These are things that should be on your agenda, but they do not necessarily need to happen in a particular order. They are just things that in order to be successful you have to take away at the end of the conversation. Your agenda should be to make sure that the other person feels heard and your agenda should be that at the end of the conversation everyone should feel that they know what the next steps are. Oftentimes in a hostage negotiation of the FBI our agenda would be to listen what they have to say and decide when we are going to talk again. That is enough of an agenda for a conversation. So the agenda part of your DNA is understanding what you need to take away from each of the interactions.

*You emphasize the value of open-ended questions. Can you give an example of how open ended questions made a breakthrough in a high stakes negotiation?*

**A:** Absolutely. I was consulting with a client who has a small company that does marketing for a very large company. The large company was not paying their bills. As time went on, they owed my client more and more money. They kept her doing their business by promising lots of repeat business implying that she would get a great deal of revenue if they would continue doing business. So she was kind of trapped between the promise of riches and the fact that she had invested a lot in the relationship. She felt that if she walked away from the relationship she would also be walking away from being paid. She did not know how to deal with that. My advice for her was to ask an open ended question. To get them into a conversation where she would first summarize the situation and ask "*How would you like me to proceed? How am I supposed to accept this situation?*" She did not want to say this because she was afraid to hear that she had to accept this situation or otherwise she would not be paid or would not get the future business. The idea of having to ask this question just terrified her because she was afraid of the answer they might give her; at the same time she was losing sleep over this issue. I explained to her that as long as you make sure to avoid making it sound like a direct accusation or threat, asking an open-ended question would not lead to them terminating the relationship. I walked her through several times and the second time I had counseled her she called me back after 24 hours, being literally giddy with happiness, because she had finally decided to call her client to summarize the situation and to ask: "*How can I accept this?*" The answer she got was: "*You're right, you can't and I apologize.*" Her client explained that they had experienced internal problems and that they had

to restructure and that the people who were responsible for dealing with her were no longer in that position. Next my client was informed whom she had to contact to get paid and her client promised to inform them that she would be calling and that she needed to get paid.

What happens all the time with the open-ended questions is that people feel all the things that you would like to express, but if you would actually say it, it would be perceived as an attack. So when she said *“How am I supposed to accept this?”* what they heard was *“we have put you in an unacceptable position.”* without her accusing them. My son Brandon once called open-ended questions *“forced empathy”*. They make sure the other side needs to have a fair look at your situation. And that is what happened in this case.

*So we just established the power of the technique of asking open-ended questions and you gave new insights into the reason why they work. The question now is how you decide what open-ended question to use. What kind of guidelines can you give us on how to choose the right open-ended question for a specific situation?*

**A:** Generally speaking the only open-ended questions you should ask are *“How”*, *“What”* and sometimes *“Why”*. Almost any question you want to ask someone else is probably a legitimate question. Any closed-ended question can be changed into a what-question or a how-question with a little bit of practice in the thought process. If you have to urge to ask a question that is a legitimate urge, you just need to change it into a format that makes the other side feel safe, powerful and comfortable. For example if you want to know why, that is a legitimate question. However regardless of what language the word why is translated into, it is an accusatory question. So you can take the question that you would legitimately like to ask someone, for example: *“Why did you do it?”* and change it to *“What caused you to do it?”*. Then they will answer because it takes away the emotion and it makes the question less accusatory. You really want to know what their thought processes are, what the circumstances were that lead to them making that decision.

There are probably 4 or 5 open-ended questions that you can use on a regular base:

*“How would you like me to proceed?”*

*“What is it that brought us into this situation?”*

*“How can we solve this problem?”*

*“What’s the objective?”*

*“What are we trying to accomplish here?”*

If you focus on how and what questions, on circumstances and on objectives, it helps you making a shortlist of things to do for breaking barriers without making enemies and you can use open-ended-questions like *“How am I supposed to accept that?”*

*Two negotiation situations are never exactly the same, however there are some clear and returning patterns and rules that apply to almost every negotiation, be it in kidnapping circumstances or in a business setting. For example some actions will invariably cause a similar reaction like what you just said that if you ask a threatening question you may turn the other party into your enemy. Assuming that it is useful for a negotiator to identify these patterns and rules because being able to predict a reaction of the other party will help to influence the course of a negotiation. What main rules and patterns do you see?*

**A:** Yes, it is beneficial to use this as a starting point for your thinking, as long as you don't think these rules are the only ones. I think the basic rule is consistently demonstrate respect for the other side. To have an effective negotiation the basic rule is do your best to systematically demonstrate respect to the other person and listen to them carefully and respect their autonomy. Also understand that you are going to make mistakes, so be prepared in advance to try to make amendments to these mistakes and be prepared to apologize. There is a rule of reciprocity that is universal, people expect reciprocity. They expect it in various degrees depending on their culture, but reciprocity is fundamental and you have to be sensitive. These are the starting points and building one those will increase your chances of success during negotiations.

*What are the differences and commonalities between hostage or kidnapping negotiation and high stake or high performance business negotiations?*

**A:** The commonalities are pretty much the same. High stakes are in the eye of the beholder, like the expression *beauty is in the eye of the beholder*. Every time when people feel stressed during negotiations, they feel the stakes are high. My colleague George Kohlrieser who wrote the book: "HOSTAGE AT THE TABLE"<sup>6</sup> says: that lessons learned as a hostage negotiator can be applied to situations where people feel powerless, helpless and entrapped, for example when the circumstances have taken them as a metaphorical hostage. When you feel stressed in a negotiation because you feel your options are limited you are taken hostage and you have to do something. Even if your life is not on the line in business negotiations, someone may feel their professional life is at stake. Although in relative terms this may be a small problem, however you feel now that it is your biggest problem and an overwhelming thing to face. So the principles for high stakes kidnapping negotiations and high stake business negotiations are pretty much the same.

What I'm really driving for in high performance negotiations is that I'm trying to use the concept of performance essentially with 2 definitions:

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<sup>6</sup> George Kohlrieser, *Hostage at the Table: HOW LEADERS CAN OVERCOME CONFLICT, INFLUENCE OTHERS, AND RAISE PERFORMANCE*. San Francisco: Jossey-Bass (2006).



I want negotiators that I teach and share ideas with to perform well in negotiations and I also want a high percentage of the deals they negotiate to be performed on by the other side. So there should be a high compliance rate and very little that has to be re-negotiated. I want high performance negotiation to be a synonymous for high compliance negotiation.

*How are principles of hostage and kidnapping negotiation directly applicable to business negotiations?*

**A:** It took me a long time to see this. In both such negotiations the negotiator at the table is almost never the only stakeholder. There are always other people and stakeholders involved that influence not only the decision making, but also the compliance with the agreement. That is the case with hostage, kidnapping and business negotiations.

The difference between hostage and kidnapping is that a hostage situation is for example a criminal who is trapped at a bank and holding hostages after an armed robbery. Kidnapping has a slightly different dynamic. The criminals are not trapped; you do not know where they are so they have freedom of movement. Kidnapping negotiation is much closer to business negotiation: the kidnappers are trying to get something in return for the time, energy and money they invested in what they've done. Also they have the freedom to choose to comply or not to comply after the agreement and you have no way to force them to agree because you do not know where they are. In a hostage situation at a bank the difference is that you have a SWAT team outside. It's a backup force. It is pretty much the same situation as if someone is not going to perform on a business deal and they are facing a judge who can order them to comply with the agreement or can punish them if they don't. We make decisions as human beings based on what we value and it's very difficult to avoid emotions. We all like to think of ourselves as rational and reasonable people but our decisions are determined by our values and on how much we feel we have been respected.

The most powerful word in business negotiations is: fair. You will comply with the agreement if you feel you have been treated fairly. You will choose not to comply if you feel not treated fairly. If you use the word fair in a negotiation, I call it the f-word, people will begin to respond emotionally. Emotions play a role that cannot be ignored in business negotiations.

*Actually the other day I was involved in a mediation where one of the parties used the f-word and the other party reacted very emotionally to that causing the situation to escalate.*

**A:** Yes fairness is a tremendously powerful word and you need to use it with care, especially early on in the negotiation. A negotiator that uses the word fair often does not mean it as a two-way street. It's in fact accusing the other side of being

unfair. What I do is that I try to say early on: *“I want to treat you fairly because I need you to be my negotiation partner and therefore I need you to tell me when you feel that I am treating you unfairly.”* And since it is such an impactful word I let people know it is ok to use that word with me, because I need to know if they feel I have treated them unfairly. I use that to level out the communication, because quite often it is such an emotional word.

*I read that you see kidnapers as running their operations as a form of business, although an illegal one, but still a business operation governed by basic business principles.*

**A:** A kidnapper often use the phrase *“Look, this is nothing personal, it is just business.”* I had a kidnapper once say: *“I’m in the business of buying and selling human beings.”* I had to recognize that this is the way he looked at it. It happened early on in my career and it was what began to cause me to recognize the basic business dynamics in kidnapping and how kidnapers react and are dominated by all these principles. That is how they chose to make a living, the business they have gone into. People that kidnap do not do this for sport or pleasure; they found it’s an easy way to make money.

On a separate issue, once kidnapping enters into a society and people see how easy that money is. It tends to infect that society like a virus. We see it now in Mexico for example, many of the drug gangs have gone exclusively into the kidnapping business, because it’s so much easier and it can be much more lucrative than the drug business. Kidnapping is spreading through Central America and especially Mexico. If you live some place where you can get away with it, it’s an easy and effective way to make money.

Once you realize that they do it in order to make a living, you know that they are governed by the same principles of exchange and human nature like wanting to do things in an easy fashion. The kidnapping negotiation is often delegated to a subordinate. You do not talk to the boss just like it happens in the business world. The boss has the decision making authority but needs time to think. So they delegate the negotiation to somebody else because it isolates them. Kidnapers do exactly the same thing. If you sufficiently frustrate the first spokesperson from the kidnapping gang, the very next person you speak to is often the boss. In business negotiations when someone fails in representing the company, the next person you speak with is often someone with higher authority. So the dynamics play out exactly the same. It took me a few years to realize and recognize this and once I did our responsiveness to kidnapers became more effective because you properly have to diagnose the dynamics that you will be faced with. We dealt much more effectively with kidnapers, when we realized it was a business for the other side.

*How do you frustrate the first spokesperson without alienating this person or breaking off the entire negotiation? What tactics do you use?*

**A:** The short answer is that you need to ask open ended questions.

*From practice and research we know that tit-for-tat and good cop bad cop schemes do seem to work in negotiations. Do you employ those tactics in your negotiations and what do you think about them?*

**A:** Tit for tat is acceptable when necessary. It by definition it is a sequential game. As a general rule, sequential games are not the way you want to negotiate. You want to play what I refer to as a simultaneous game. If you get into a sequential game like tit for tat you need to be very careful in doing so, using it for short periods of time only and understand what you are trapping yourself into. It can be effective as a defensive move. But you have to be cautious because of the effectiveness it has. Any time someone tries something that is effective they want to stick to it and maybe use it to the exclusion of other tactics. So you have to be cautious with any sort of sequential move. I do not say that you should not use it but I advise a great deal of caution.

*So you need to avoid using tit for tat as a rule or as a basic mindset and only use it as an effective tool to break through an impasse or if you do not see another way of getting a negotiation moving on. Because what I hear you say is that actually it is so effective that maybe you get used to apply it automatically which will be damaging for the negotiation result because you will be tempted to push only for your own interests, is that what you are saying?*

**A:** That's a pretty good summary. Tit for tat is boundary setting confrontational technique, only used to educate an obstinate adversary. It is a negative move for someone that needs to be set a boundary on and you want to be cautious because of that and I think that everything else you said is accurate.

Good cop bad cop is by definition deceptive and I do not advocate being deceptive. It is used because it is somewhat effective in the short term on counter parts, which you want to deceive. I think in any strategy, deception as a long term strategy is a bad idea.

*We earlier spoke about the book "Beyond reason" which also deals with emotions and their impact on negotiations. Dealing with emotions – managing both your own and those of the other side – is one of the key tasks of any negotiator. In kidnapping negotiations emotions will usually be obvious and high and I assume that you can address emotions in one way or another as everybody will probably admit emotions are there. In many business negotiations the stakes are high, it is stressful and there are a lot of emotions running on both sides of the table. However, many negotiators discard discussions about*

*emotions as “touchy feely” and “this is just business”, which makes it often difficult to directly address emotions. On the other hand: they do have a lot of impact. How do you deal with that?*

**A:** The best way to deal with emotions is to look at negotiation as a team game endeavor. The team leader or the primary negotiator – which may be different persons – needs to understand the various team members strengths and weaknesses and the types of reactions they can get from the team members. In kidnapping negotiations you have a negotiating consultant available all the time and managing the emotions of the stakeholders is part of the consultant’s job. If there is no designated consultant, the only way you can do that is to make sure that you interact as a team. Negotiations are often viewed as an individual endeavor. Most analogies for negotiation are the question whether it is a game of poker or chess. If you look at it as a team endeavor it is easier to manage individual emotions. For example if I know that I need to control my aggression it can be done with the help of my team members if I know that I cannot do it by myself. If you do not arrive at that recognition then you are not able to manage your emotions.

*So you need to have good insight in your own strengths, weaknesses and approach as a negotiator, work as a team where members have different strengths and weaknesses so they can help each other; and you also recommend that there is a negotiation consultant available or a person who is responsible for dealing with emotions.*

**A:** Yes somebody in the team has to be competent in that. It is useful to make a self-assessment based on a test like the Thomas Killman conflict mode indicator, a psychological device which has 5 categories of how people approach conflicts. Most colleagues from Harvard boil them down to 3: an assertive, an avoider and an accommodator. When I am an assertive and for whatever reason the interaction becomes emotional, there should be another member of my team who will help me. For example by saying like my son recently did “*Everything you said needed to be said.*” He is an assertive, so I then knew that I was too aggressive, I was over the top, because if another assertive agrees with me, from someone else’s point of view I was too harsh. So I have to know what kind of answers I’m going to get from the other people in my team based on how they manage conflict themselves and they may mean something completely different than how I interpret it because I know what their type is and what to expect from them based on how they would have reacted.

*This is how you manage the emotions on your own side. How do you deal with those things on the other side on the table, especially in business negotiations when you may not know the other party or all of their team members very well.*

**A:** Listening for the cues, listening between the lines, the whole concept of listening carefully summarizing frequently and then asking the right open-ended question will guide your discoveries through the process just like theirs.

Emotions are something not to be avoided, it is just another aspect of the negotiation and you must recognize the necessity of it.

You cannot teach or educate the other side on emotions; you must engage them in a process. If they are not ready to recognize emotion as a concept, they will probably become very angry that you even recognized it at all. I had people strenuously arguing with me about whether or not emotions play a role in their decision making at all. This is an absurd thing to do, but some people are just completely unwilling to accept that there are always emotions involved.

*You have been trained in negotiation by the FBI, Scotland Yard and Harvard. What are the overriding lessons that you take away?*

**A:** What really opened my eyes the most was when I realized that both my Harvard and FBI colleagues realized that active listening is an essential component that the greatest strength in effective negotiation is your ability to listen. A colleague of mine compared negotiating to calibrating a rifle shot. You cannot calibrate a negotiation or the right responses if you are not listening.

Next to that you need to ask the right open ended questions. I don't think that my Harvard colleagues yet gained the full appreciation of how powerful it is to ask open-ended questions as I don't see them emphasizing that yet.

*What negotiation advice would you give Dutch business executives based on your learning's?*

**A:** The secret of gaining the upper hand is to give the other side the illusion of control. It frequently involves the use of open ended questions. One illustration was the example that I gave earlier where my client asked "*How am I supposed to accept this?*" Another example was when I was negotiating with one of my bosses about attending a Harvard executive program for the first time. The expenditure for trip was already approved by him but on the day before I was supposed to leave he called me in his office. He began to question the validity of the trip. I knew him well enough to know that he was in the process of trying to teach me that he was in charge. As we were talking I finally looked at him and I said: "*When you originally approved this trip. What did you have in mind?*" I saw him visibly relax and being very satisfied. He sat back his chair and put his hands together in what is called steepening; bringing the top of his fingers and thumbs together in the shape of a triangle. Generally this is a body language that usually means that you feel superior and in control at that moment. The effect of this open-ended was that he said:

*“Listen, just make sure you brief everyone when you get back.”* The question made him feel in control and it got me what I wanted.

*What are your favorite books on negotiation that you have on your book shelf besides Beyond Reason and Start with No?*

**A:** I also like ‘Beyond Winning’ by Robert Mnookin.<sup>7</sup> [Looks at what is actually on his book shelf]. I recently read ‘Barbarians at the gate’ by Bryan Burrough and John Helyar.<sup>8</sup> I thought it was a phenomenal illustration of business in general and the way emotions play a role in big business. It was example after example where I wished I would have been a negotiation consultant involved in what was going on.

*Can you give an example of an advice that you had wanted to give to the parties involved that would have allowed them to arrive at a better outcome?*

**A:** American Express was trying to buy RJR Nabisco together with another investment company. Early on in the deal making KKR offered American Express about \$ 140 or \$ 150 million to simply bow out of the deal. There was a tremendous discussion within American Express whether they should accept this offer. They felt that if they took the money that would make them look like they could be bought out of any deal for \$ 150 million and that this would make them look bad. I would love to gain the reputation that you can buy me out of a business deal for \$ 150 million. I wish I had that reputation. They were however so emotionally involved that ultimately the amount of profit that they gained from this business deal was zero. Actually they probably lost tens of millions of dollars and not only in an equivalent amount of the loss of time invested. As a hostage negotiator I would have loved to have gotten them into a rational state of mind. I would have told them that we can make a very good living by other companies buying us out of our deals at this rate.

You are a seasoned negotiator and life is often characterized as a constant negotiation. Are you always able to negotiate your way?

<sup>7</sup> Robert H. Mnookin, Scott R. Peppet, Andrew S. Tulumello, BEYOND WINNING: NEGOTIATING TO CREATE VALUE IN DEALS AND DISPUTES. Cambridge: The Belknap Press of Harvard University, 2000, Paperback Edition 2004.

<sup>8</sup> Bryan Burrough, John Helyar, BARBARIANS AT THE GATE: THE FALL OF RJR NABISCO. New York: Harper & Collins (1999), (Revised and updated 2009). Written by two investigative journalists and based upon a series of articles in The Wall Street Journal. This business thriller – first published in 1990 – is about the leveraged buyout and the battle for the control of RJR Nabisco in 1988, which became the largest and most dramatic corporate takeover in American history. It describes the devastating effect of greed, shortsightedness, (bad) publicity and large egos. The story is about the CEO of RJR Nabisco, F. Ross Johnson, who planned to buy out the rest of the Nabisco shareholders together with a division of American Express. The plans met a lot of opposition and other firms’ tender offers, causing a bidding war to take place which Johnson eventually loses from Henry Kravitz of KKR even though Johnson’s final bid is higher. The augmented buyout price causes a massive level of debt for the company with all the related problems.

**A:** First of all regarding your characterization: I think credibility is very important in negotiation and I view good negotiation almost synonymous with good communication. If you look at the negotiation as having to be a true win for both you and the other person, then the adversarial situation is not applicable. There may be plenty of times when in the short term you may want to leave money on the table because you may want to let the other side have value. You cannot be completely competitive in negotiation and want to take all the pieces for yourself. If you look at the negotiation as a competitive situation that means your counterpart has to lose. I'm always driving for the best deal for both me and the person that I'm negotiating with. If I cannot get them to see it, which happens sometimes, I don't like the term compromise, but I will sort of leave things alone. Sometimes people closer to me in my life become concerned that they are not talking to me, but to 'Chris the negotiator' so I need to know when to let it go sometimes, so that the other person knows that I see him or her as a my partner and as a human being.

*So you do not always push to get your way out of considerations like that you value the relationship more than this one outcome or because it is not a wise strategy nor consistent with your philosophy.*

*What I hear you say is also that if you find it counterproductive to get it your way you will let the other party win, but that if you really want to get your way, you would in principle always be able to achieve that. That it is a conscious choice including that you choose when you want to leave something on the table.*

**A:** I think that is pretty close. I think I could often get more but it would be damaging in the long term.

*The Black Swan Group which was founded by you offers tactical and strategic high stakes negotiation consulting to both the private and security sectors. You introduced a concept known as the "hybrid" negotiator, a seasoned hostage negotiator that has successfully made the transition to business negotiations and brings his or her skill set to the business world. What are the advantages of a "hybrid" especially from the perspective of the business world?*

**A:** Hostage negotiation has made a transition to business negotiations. As hostage negotiators we have already accepted the fact that emotions are a critical influence and they are comfortable with that. They have also accepted the fact that negotiation is a perishable skill. Regardless of how much talent you are born with the only way to truly be a 'outlier',<sup>9</sup> your talent has to be enhanced by training and preparation. The two components are absolutely essential to truly be successful. It is less of a leap for them to go from hostage negotiation to business negotiation than it is for business negotiators to finally accept that emotions have a critical influence

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<sup>9</sup> Reference to Malcolm Gladwell's book 'OUTLIERS', described in the 'on our bookshelf' section of this volume.

on business decisions. Senior level executives tell me that there is an emotional component to every negotiation and I do not see that in more junior or mid-level business people. They are in fact often fighting the concept that emotions are important in business transactions. The senior executive, who survived the business wars the hard way, sees dealing with emotions as absolutely essential. This seems to me a terribly ineffective way to come to this insight. Hostage negotiators have been through situations where lives were literally on the line and they survived that training period effectively so for them it is relatively easy to pick up the business principles.

*How many hybrid negotiators do you have at The Black Swan Group?*

**A:** I'm beginning to put together a Linked In Group<sup>10</sup> and I would say that of the hostage negotiators that are making the transition I've probably got about 15 more senior negotiators that I'm bringing in to business negotiations with me. Some are still hostage negotiators and law enforcers. The FBI negotiators are not allowed to go into business while they are involved with the FBI. I've got some exceptionally talented people who I work with. One in particular, the leader of hostage negotiation team, who when he teaches business negotiation students gets exceptionally high rates. He is a phenomenal teacher and a phenomenal negotiator and he is a true student of the game. We had negotiation discussions that we both found absolutely absorbing. He loves the field and he loves knowledge.

*You explained the value of hostage negotiators and the lessons that business people can learn from them. Are there also lessons that a hostage negotiator can learn from business persons?*

**A:** When hostage negotiators begin to see the commonalities of the dynamics, then it really opens their eyes. Law enforcement officers and hostage negotiator need to learn about the business as an environment to be in. We come from a world where profit and loss are not tallied up. We are learning business principles and integrate them into negotiation. Just like the acceptance of underlying rules and laws of human nature as a universal concept.

*Chris, I want to thank you very much for taking the time for this inspiring interview and for sharing your valuable lessons. I wish you much success in continuing your fascinating work and I look forward to your training for The Result ADR Negotiation Institute in the Netherlands.*

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<sup>10</sup> Black Swan Professional Negotiators Linked In Group [www.linkedin.com/groupsDirectory?itemaction=mclk&anetid=2705021&impid=&pgkey=anet\\_search\\_results&actpref=anetsrch\\_name&trk=anetsrch\\_name&goback=.gdr\\_1286896589822\\_1](http://www.linkedin.com/groupsDirectory?itemaction=mclk&anetid=2705021&impid=&pgkey=anet_search_results&actpref=anetsrch_name&trk=anetsrch_name&goback=.gdr_1286896589822_1)