Chapter 2 – Distributive Bargaining

8 Typical Hardball Tactics

1. Good Cop / Bad Cop

a. “Bad cop” plays the role of the bad guy who takes tough measures (threats, intimidation) against the targeted party

b. “Bad cop” leaves the negotiation table for the “Good cop” to come and offer the targeted party “an easy way out” of the situation

c. The “easy way out” option is meant for the targeted party to yield to the team’s demands

Advantages
- Often results in negotiated agreements

Disadvantages
- Easily seen through by targeted party
- Can be countered easily by clearly exposing the negotiators’ plot
- Distracts the negotiators from the negotiation goals

Dealing with Good Cop / Bad Cop
- Openly exposing the negotiators’ plot

2. Lowball / Highball

a. Starts the negotiation with a unreasonable low(high) opening offer

Advantages
- Aims to get the other party to re-evaluate his opening offer & move closer to his resistance point

Disadvantages
- Other party may not want to negotiate at all
- Requires a skilled negotiator to explain his extreme opening offer if the other party continues to negotiate

Dealing with Lowball / Highball
- Best tactic : ask for a more reasonable opening offer instead of a counter offer

3. Bogey

a. Negotiator pretends that an unimportant issue is quite important to him

b. Use this tactic to trade and make concessions for issues that are really important

Advantages
- Difficult to defend against

Disadvantages
- Difficult to enact
- May backfire if the other party takes you seriously and therefore giving you what you want to bogey away

Dealing with Bogey
- Question why the negotiator wants a particular outcome or makes a sudden reversal in positions
- Not conceding to what the negotiator wants after his sudden reversal in position

4. The Nibble

a. Negotiator adds a small item (the nibble) to the agreement when the both parties had spent significant time & effort in negotiation and the agreement is near

Advantages
- None

Disadvantages
- Although the nibble is small in size, it’s enough to upset the other party
- The other party may be motivated to seek revenge in future negotiations

- Insisting on a reasonable opening offer before negotiating further
- Show that you are familiar with the bargaining mix and therefore you will not be fooled
- Show your displeasure of such tactic used against you by threatening to leave the negotiating table
- Come up with an extreme counter offer
Dealing with The Nibble

• Ask the negotiator “What else do you want?” every time he asks for a nibble, until all issues are raised and identified

• Come up with one's own nibbles in exchange for the negotiator’s nibbles

5. Chicken

a. The negotiator uses a big bluff with a threatened action, in order to force the other party to “chicken out” and yield to their demands

Advantages

• Non

Disadvantages

• Turns the negotiation into a high-stakes gamble for both sides

• Makes it hard to distinguish whether either party will follow through on his/her stated course of action

Dealing with Chicken

• Preparation before negotiation helps to understand both parties' situations

• Using external sources to verify what’s exchanged in the negotiation

6. Intimidation

a. Many tactics take the form of intimidation

b. Common point of these tactics: the use of emotional ploys to force the other party to yield

c. Other forms of intimidation: increasing the appearance of legitimacy & guilt

d. All these tactics make intimidator feel more powerful

e. Leads the targeted party to give in due to emotional rather than objective reasons

Dealing with Intimidation

• Discuss the negotiation process with the intimidator, stating that you expect a fair negotiation process

• Ignore the intimidation

7. Aggressive Behavior

a. Similar to intimidation tactics

b. Being aggressive in establishing your position and attacking the other party’s position eg.

i. Asking for best offer early in the negotiation

ii. Getting the other party to explain his position by justifying item by item

iii. Getting the other party to make many concessions

Dealing with Aggressive Behavior

• Stop the negotiation to discuss the process itself

• Using a team of negotiators to negotiate with the aggressive party

8. Snow Job

a. To overwhelm the other party with large amount of information, such that the other party have a problem determining which information are real or important

b. To use technical or expert language such that a non-expert party cannot understand and would simply acknowledge it just to avoid embarrassment

Dealing with Snow Job

• Not to be afraid to ask questions until a clearly understood answer is obtained

• Use of technical experts to discuss and verify technical issues

• Looking out for inconsistency in the negotiator’s answer or response & ask if in doubt