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## **True or False? Lie Detection at the Bargaining Table**

BY MICHAEL WHEELER

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# True or False? Lie Detection at the Bargaining Table

Spotting the difference between what people say and what they feel is critical to success in negotiation.

BY MICHAEL WHEELER

**I**N **HARDBALL BARGAINING**, is the other side really making its “absolute final offer” or only bluffing? In a collaborative situation, do you understand everyone’s true interests? Are valued customers and colleagues satisfied with their relationship with you, or are they harboring unspoken grievances?

This article, the first in a series on negotiation dynamics, identifies six ways to more effectively separate fact from fiction at the bargaining table. The focus will be on the interactive quality of the process—specifically, how one party’s words and deeds influence the other party’s behavior on an ongoing basis. Communication is a central part of that story.

Negotiators can have good reasons for not saying everything they’re thinking. Holding back information can be a simple matter of self-defense. If a seller reveals her bottom line, that may be what she’ll be paid. If a buyer discloses his “must have” issues, he may be gouged. Deception at the bargaining table can be hostile, too, as when someone pretends to have no authority to settle or makes promises he doesn’t intend to keep.

That’s why many of us prefer face-to-face meetings when there’s a lot at stake. We like to think we can gauge someone’s sincerity and commitment by the look in her eyes or the firmness of her handshake. After all, a bargainer who yields to a demand is said to have “blinked.” And if we reach agreement, it’s because we “see eye to eye.”

The fact is, though, that most of us aren’t nearly as good as we think we are at catching deception, whether it’s malicious or merely defensive. Studies show that our hunches about when people are lying aren’t much better than a coin toss—and the pressure of real-world negotiations probably makes our actual performance even worse. Sometimes we don’t realize we’re being conned; other times, we wrongly suspect people who are telling us nothing but the truth. Fortunately, those skilled in human observation—including psychologists, poker players, and actors—can teach us a number of strategies for distinguishing lies from truth.

## 1. Listen with all your senses

University of California Medical School, San Francisco, professor Paul Ekman has pioneered the study of what he calls “micro-expressions.” These fleeting, involuntary hints of emotion leak out in facial movements—a momentary blush or twitch that might be caught in a couple frames of film but would escape the notice of most untrained observers.

Evidence suggests that micro-expressions are there to be seen; the trick is knowing which ones to notice. There’s always the risk of making snap judgments about people based on the wrong clues. For example, research refutes the street wisdom that poor eye contact is a sign of deceit. Shyness, lack of confidence, and cultural norms can all explain an averted gaze. In the United States, eye contact is a sign of attention and interest, while in some parts of Africa, Japan, and Korea, *avoiding* eye contact shows respect. It’s a mistake, then, to seize on one look or expression and conclude that a person is or is not being truthful. Each cue and signal must be woven into a larger tapestry before a reliable picture will emerge.

## 2. Listen all the time

Science writer Malcolm Gladwell interviewed two Los Angeles policemen who staked their own lives on their ability to read other people’s intentions. One of the officers chose not to shoot a wild-eyed teenager who confronted him with a handgun. Something in the boy’s face told the officer—correctly—that he was not really in danger. The other officer did not hesitate to shoot a man who was reaching into his overcoat as he approached the squad car. This officer sensed danger—again, correctly: that man was carrying an armed bomb.

Writing in the *New Yorker*, Gladwell says that while the two policemen were different in temperament and appearance, his discussions with them felt “surprisingly similar”: “Yarborough and Harms never stop watching, even when they’re doing the talking.... Harms gave the impression that he was deeply interested in me. It wasn’t empathy. It was a kind of powerful curiosity.”

## Lie Detection at the Bargaining Table *(continued)*

Perfecting this intense curiosity is valuable for negotiators, even when the risks aren't as high as they were for these officers. Too often, however, we get so wrapped up in pitching a proposal or making an argument that we fail to register how we are being viewed. Is the other party nodding in true agreement or just being polite?

Poker players look for their opponents' "tells"—unintended signals that people send when they have drawn aces or are just bluffing. If a good player watches an opponent long enough, she can begin to detect a pattern. Serious poker players strive to disguise their tells with sunglasses or use eye drops so that their pupils don't dilate as they take in a spectacular hand, but it's not easy to control the emotions that bubble up to the surface. Negotiators have their habits, too, though it takes time and patience to discern their meaning.

### 3. Look for anomalies

Certain people have the knack of picking up on nonverbal cues. Clancy Prevost, a Minnesota flight school instructor, is such a person. Several years ago he had a student who seemed amiable, even if he wasn't a particularly skillful pilot. In casual conversation, writes Seymour M. Hersh in the *New Yorker*, Prevost happened to ask the student if he was Muslim, which drew the reply "I am nothing."

"He sort of flushed," Prevost told Hersh. "It wasn't the right reaction."

Prevost took his concerns about the trainee pilot to school administrators, who eventually contacted the FBI. The student was arrested near the flight school on August 16, 2001. He was Zacarias Moussaoui, now charged as the so-called 20th hijacker in the September 11, 2001, attacks on New York City and Washington, D.C.

Prevost apparently had no special training in reading nonverbal communication and assumed that Moussaoui was a typical customer. But the coupling of an odd statement and a flush jolted Prevost into realizing that things were not as they seemed. Moussaoui's visceral response told a critical truth about him that the instructor was alert enough to catch.

### 4. Ask the right questions

In negotiation, the question "Is that really your best offer?" almost always elicits a "Yes." No one is going to say, "Well, actually, it isn't. I was just hoping you'd think so." A better strategy is to give the other party an out. If someone says, "Take it or leave it," simply treat the statement as untrue for the moment and make a counterproposal. The

truth of an ultimatum is tested by whether the person making it is willing to consider alternatives. It's up to you to float them.

Deception can also hinge on what's *not* said at the bargaining table. Some people may feel morally bound to respond truthfully to any questions posed to them directly but not obliged to volunteer information. The burden falls on you to touch all the bases. When negotiating for a used car you found through the want ads, you might ask the seller, "What more do I need to know about the car?" If you've spotted a flaw that the seller doesn't mention, you then have reason to question his honesty.

Negotiating with friends presents a different kind of problem. Whether you are doing a business deal or making plans for a joint vacation, friends may tell you that they are perfectly happy with your proposal even if they have private misgivings. For this reason, negotiations between friends tend to be less creative than deals between strangers. Friends reach agreement quickly but are often hesitant to push their own interests. Don't just blandly ask, "Is this OK with you?" Instead, shift to the heart of the matter: "What would make this deal even better?"

**The truth of an ultimatum is tested by whether the person making it is willing to consider alternatives. It's up to you to float them.**

### 5. Take a broad view

None of us is clairvoyant. No matter how well we understand another person, we can never have a perfect image of his or her thoughts and feelings. In light of the strategic incentives to mask intentions in negotiation, the picture can be especially cloudy. Whatever impressions we form at the bargaining table should always be tentative. Clancy Prevost was operating on the cheerful assumption that his student pilot was a harmless fellow, but he was not blind to other possibilities.

In negotiation, it's healthy to second-guess your impressions of the other party. Some new discoveries may be pleasant; others, less so. Either way, we're better off if we accurately assess what our negotiating partners are privately thinking.

In his classic book *Getting Past No* (revised ed., Bantam, 1993), William Ury counsels negotiators to "go to the balcony." This means being in two places psychologically at the same time: at center stage, passionately engaged in the negotiation, yet also detached and observant, as if you were an audience member watching the interaction unfold. You should maintain the same attitude when the other party is reciting her demands. Rather than just focusing on the substance of the negotiator's message, tune in to whether she seems insistent, confident, defensive, an-

## Lie Detection at the Bargaining Table *(continued)*

gry, or a mix of these feelings. You will then be better able to judge what she truly needs versus what she would like.

### 6. Hone your skills

Negotiation doesn't give very good feedback about performance. When we reach a stalemate, it's hard to know if we have overlooked some ingenious solution or if a deal simply doesn't exist. And when we reach agreement, we often can't be sure if we've gotten our fair share. It's especially hard to get feedback on our ability to read other people's truthfulness.

Using all of your senses, listening all the time, looking for anomalies, asking the right questions, and taking a broad view all are important skills. You also can enhance your abilities by watching movies. This may seem like odd advice, but consider this: talented actors give us a unique opportunity to compare what characters say and do with what they think. In his review of the film *Rushmore*, Anthony Lane describes the myriad emotions that pass across actor Bill Murray's face when he meets a character who he had thought was an illustrious neurosurgeon, but is actually a barber: "Puzzlement, disbelief, a speck of outrage, the quiet rush of truth, and last of all, a gentle settling of kindness. The entire thing takes maybe four seconds."

You aren't a passive member of an audience when you negotiate, of course. Being an active participant gives you the chance to influence other people's candor. While you can't magically turn scoundrels into saints, it doesn't take much skill to bring out the worst in others. If you seem coy or duplicitous, they will have little reason to be forthcoming. Likewise, if you pounce on an admission of weakness, you'll teach people to be more guarded. The key to promoting truthfulness in others is to give them reason to be truthful with you. ♦

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