

Ethical and Unethical Bargaining Tactics: An Empirical Study

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ABSTRACT. Competitive negotiators frequently use tactics which others view as “unethical”, in that these tactics either violate standards of truth telling or violate the perceived rules of negotiation. This paper sought to determine how business students viewed a number of marginally ethical negotiating tactics, and to determine the underlying factor structure of these tactics. The factor analysis of these tactics revealed five clear factors which were highly similar across the two samples, and which parallel (to a moderate degree) categories of tactics proposed by earlier theory. Data from one sample also permitted comparisons of the appropriateness of certain tactics across gender, nationality, ethnic origin and perception of one’s negotiating style.

A consistent thread running through many of the ethical and moral scandals of the last decade is a flagrant disregard for basic standards of honesty. Lying and cheating seemed to be in vogue, and examples abound. Scientists falsify their research results. Major corporations fail to disclose product defects or chemical spills. Manufacturers fail to report known defects in their products. A 1989 *Newsweek* survey of 1093 high school seniors reports that 36% say they would plagiarize in order to pass a certification test; 50% would exaggerate on an insurance damage report; 66% would lie to achieve a business objective; and 67% would inflate their business expense reports (October 30, 1989).

Negotiations are an interesting arena in which to study ethical decision making regarding honesty. First, negotiation is a pervasive activity in management contexts. In his study of key management roles, Mintzberg (1973) reported that managers spend a significant portion of their time either negotiating for things that are

important to them, or resolving disputes among others in the workplace. Second, and more importantly, those who have written about effective negotiation strategies have often suggested that some types of dishonest behavior may be appropriate or even necessary to be an effective negotiator (see Lewicki, 1983; Carson, 1993; Crampton and Dees, 1993; Lewicki, Litterer, Minton and Saunders, 1994; Lewicki and Stark, 1994 for reviews).

The purpose of the study reported in this paper was to examine judgments about the perceived ethical appropriateness of using selected tactics in managerial negotiations. The paper will first examine the nature of negotiation and the challenges, it poses for those who wish to act ethically. The authors will explain the development of a questionnaire used to measure the perceived ethical appropriateness of selected tactics, and the results we obtained from two large samples of management students. The implications of these results will be explored for understanding how these tactics are perceived in negotiations, and for future research on the conditions under which these tactics may be used.

The negotiation context

Lax and Sebenius (1986) define negotiation as “a process of potentially opportunistic interaction by which two or more parties, with some apparent conflict, seek to do better through jointly decided action than they could otherwise” (p. 11). Lewicki, Litterer, Minton and Saunders (1994) state that a negotiation situation has the following parameters: a) two or more parties who

are interdependent; b) a conflict of interest; c) the parties are attempting to use one or more form of influence to obtain a “better” set of outcomes; and d) the parties expect that there will be some “give and take”, or concession making, to resolve their conflict.

Given either definition, it should be clear that in an effort to define and achieve a resolution to their conflict, and to achieve the best possible outcome for their side, each party must make the best possible case for his or her preferred solution, and move the opponent away from his/her preferred solution. These requirements may motivate an individual to violate contemporary ethical standards – in other words, to not do the right thing – by employing inappropriate influence tactics in order to gain the others’ compliance. The purpose of the current paper is to explore how negotiators perceive and make distinctions among the variety of marginally ethical tactics which may be available to them.

Ethical decision making and negotiation

We propose that dishonesty in negotiation is *primarily* concerned with problems of lying and truth telling.¹ Information is one of the most dominant sources of power (French and Raven, 1959) – particularly in negotiation (Lewicki et al., 1994). Information control enhances negotiator power (Pfeffer, 1993). Since negotiation is primarily a process of exchanging and communicating this information in a persuasive manner, the opportunities for unethical conduct are ones of dishonest communication. Negotiators must decide how open and direct to be about their true settlement preferences, how to manage potential access to privileged communication, and how open to be about future and intended actions (threats and promises).

We propose that negotiators, when deciding whether to use tactics which may be less than fully ethical, evaluate these tactics on a continuum of “ethically appropriate” to “ethically inappropriate”. Tactics at one end of this continuum are judged as being ethically acceptable and are commonly used in negotiation, even if they do require a small degree of deception

or dishonesty. Tactics at the other end of the continuum are judged as ethically inappropriate and difficult to defend or justify. Between these two end points is a middle ground or “gray area”, in which tactics be viewed as marginally unethical, justifiable under some circumstances but not others, and unclear as to their ethical appropriateness.

Our interest in this paper is to determine how negotiators perceive and discriminate among the range of available tactics. Much of the research literature (see below) proposes “categories” of dishonest actions, based on factors such as (a) the type of dishonesty involved; (b) the magnitude of the dishonesty; (c) the consequences (severity) of the dishonest action; or (d) the justifiability of the dishonest action. Our intent is to determine whether empirical methods for aggregating a group of unethical tactics through factor analysis can improve our understanding of the categories of tactics and their use.

Classifications of negotiating tactics

Lewicki (1983) proposed a model of lying and deception in negotiation. Drawing from Bok (1978) and her study of truth telling in medicine, lying was defined as “any intentionally deceptive message which is stated” (p. 13). Lewicki argued that the primary purpose of lying in negotiation is to increase the liar’s power over the opponent through false or misleading information. Lies function to misinform the opponent, to eliminate or obscure the opponent’s choice alternatives, or to manipulate the perceived costs and benefits of particular options that the opponent may wish to pursue. In negotiation, lies take several forms:

1. *Misrepresentation of position to an opponent.* The negotiator distorts his/her preferred settlement point. An individual intending to purchase an automobile may tell the seller that he can only afford \$3000, when in fact he is willing to spend up to \$4000. Misrepresentation is perceived as necessary in order to create a rationale for the opponent to make concessions. In an early study of misrepresentation, Chertkoff and Baird (1971) demonstrated that negotiators who made extreme

demands (significantly above or below their preferred settlement point) were more likely to have opponents give in to these demands and to achieve highly favorable settlements.

2. *Bluffing*. The negotiator falsely states his/her intentions to perform some act. Bluffs can generally be described as false promises and false threats. A false promise (general form: if you do X, I will reward you) might be a commitment to reward an individual later if the opponent complies with our request now. A false threat (general form: if you don't do X, or if you do Y, I will punish you) might be a stated intention to walk out if the opponent does not make appropriate concessions. In both cases, the actor never intends to follow through on the stated consequences.

3. *Falsification*. A third form of lying is the introduction of erroneous, incorrect information as though it were true. Examples include erroneous and misleading financial information, certifications of "proof", or false warranties and guarantees. Whether spoken or printed, falsification attempts to use erroneous information to change the opponent's position by distorting the facts themselves.

4. *Deception*. A fourth form of lying is deception. Deception attempts to manipulate the opponent's logical and inferential processes, in order to lead the opponent to an incorrect conclusion or deduction. First, negotiators may only present part of the relevant information, and not "tell everything". An individual negotiating for a job may list several prestigious employers on his resume, without indicating that he only worked for those firms a short period of time. Deception also occurs when negotiators assemble a collection of arguments that lead the opponent to the wrong conclusion. A negotiator may give every indication she will support a particular course of action, without explicitly proclaiming her endorsement of that action. When the endorsement is not forthcoming, she may claim that she did not lie – but she did not tell the whole truth either.

5. *Selective disclosure or misrepresentation to constituencies*. This final form of lying occurs in situations where other parties – in addition to the opponent – are involved in the negotiating

relationship. The primary difference is in the target audience. Negotiators may misrepresent the events which occur at the negotiating table to their constituencies, or may misrepresent the constituents' desires to the opposing negotiator.

Anton (1990) reports the results of a negotiation study that lends some validity to this classification scheme. Anton selected the first four of Lewicki's categories, and constructed five brief hypothetical negotiating scenarios for each. Several different groups of MBA students (full time, part time and executive MBAs, representing a range of business occupations), and a group of clergymen, rated each scenario on its perceived ethicality (1–5 scale). The findings can be summarized as follows:

- * subjects perceived the four categories as relatively distinct from each other; each category had a low-moderate correlation with the others, but was perceived as distinctly different by subjects.
- * the categories could be ordered into a continuum: misrepresentation of position was perceived as most ethical ($x = 2.0$), followed by bluffing ($x = 2.8$), deception ($x = 3.8$) and falsification as the least ethical ($x = 4.9$).
- * by defining a "3" on the 5-point scale as an ethically neutral response, Anton argued that "*Misrepresentation of Position to an Opponent*" (he called it *Value Discovery*) was deemed as generally ethical by all groups. *Bluffing* we considered to be an ethically neutral response, while *Deception* and *Falsification* were clearly considered to be unethical responses.
- * there were clear differences in ratings by the different groups. The clergy group were most "conservative" in their rating of each group of tactics, being more likely to view *all* the tactics as more unethical. In contrast, the full time MBA students were most likely to see all of the tactics as more ethical.
- * several incidental differences were noted as a function of age, gender and years of employment, but there was no noticeable pattern of differences for these demographic variables.

Anton's study thus confirmed that items could be written to represent the categories, that the items were discernibly different from each other, and that one could "scale" the items in the categories along a single ethical-unethical dimension.

As stated earlier, the purpose of this paper was to determine how negotiators evaluate a more complex array of negotiating tactics, all of which require deception and dishonesty. A repertoire of deceptive negotiation tactics was generated (see below); each tactic was then evaluated on a scales of ethical appropriateness in negotiation, and likelihood that the respondent would use the tactic. Ratings of appropriateness of tactics were also subjected to a factor analysis, to determine the dimensions which might underlie the aggregate of items. Once these results were obtained, data was collected at a second research site. This data collection offered the researchers a much larger sample on which to verify the reliability of their results. It also offered the opportunity to determine whether a different population might view the tactics differently or represent different underlying factors.

Study 1

The research subjects were 320 MBA students enrolled in an academic course on negotiation (the data was collected in multiple iterations of

the course over a two year period) at Ohio State University. Each student completed the questionnaire at the beginning of the course. A demographic profile of the sample is presented in Table I.

Research questionnaire. The eighteen tactics selected were taken from a larger list, compiled from a number of research and practitioner-oriented publications on strategy and tactics in negotiation. Two criteria were used in creating the list. First, the tactic had to be a relatively common one which could be used in a variety of negotiation situations. i.e., it was not unique to any one negotiation context (e.g. real estate, buying an automobile) or type of dishonesty (e.g. bluffing, falsification, etc.). Second, the tactics had to differ in the apparent "magnitude" of the dishonesty involved. The Lewicki (1983) categories were used as a rough guide in paring down the list to eighteen items; however, unlike Anton's study, the list of items was not intended to specifically mirror the Lewicki (1983) categories.² Preliminary drafts of the questionnaire were presented to managers who negotiate extensively; they suggested wording modifications and changes to refine the 18-item version used in this study.

The questionnaire asked each respondent to rate the perceived ethical *appropriateness* of using the tactic in negotiation,³ and the *likelihood* that they would use each of the eighteen tactics in a

TABLE I
Comparative demographics of Ohio State and Harvard samples

		Harvard	Ohio State
Age		26.2	26.1
Gender	F	28.7%	29.7%
	M	71.3%	70.3
U.S. citizen?	No	30.5%	28.1%
	Yes	69.5%	71.9%
Race	White	69%	59.4%
	Black	6%	12.5%
Asian/Hispanic/N.A.		25%	28.1%
Years fulltime work experience		4.30	3.90

negotiation. All respondents were asked to judge from the following perspective: "You are about to enter into a negotiation. You will be negotiating for something which is very important to you and your business." No information about the negotiation context (the negotiator's own personal motivations, the specific issue being negotiated, information about the opponent, the relationship between the parties, or other contextual factors) was provided which might temper or shape the rating of the tactics. Respondents rated how appropriate each tactic was, and how likely they would be to use the tactic in this situation (scale range = 1–7, with higher ratings indicating greater perceived appropriateness or likelihood.)

Results

First, descriptive statistics were computed to determine the means and standard deviations for the appropriateness and likelihood ratings of each tactic. The tactic means were then ordered by decreasing perceived appropriateness, and are presented in Table II.

Examination of this table indicates that there are some minor differences between the order of the appropriateness and likelihood ratings (e.g., item 4 was rated third highest for appropriateness but second highest for likelihood), the overall distributions of ratings are highly similar. The differences between the means for subject's rated appropriateness and likelihood ratings was small (the average difference between means was 0.2, and no item means differed by more than 0.5 of a rating point), indicating that in most cases, the appropriateness of an item was closely related to the likelihood of its being used.

Further analysis revealed substantial similarities among the items on the appropriateness and likelihood dimensions. Examination of the distributions suggested that the ratings could be best grouped into three categories: appropriate and likely to use (four tactics – #s 6, 5, 4, 13) inappropriate and unlikely to use (twelve tactics – 16, 12, 7, 18, 9, 17, 14, 11, 2, 1, 8, 15), and a "middle range" (the remaining two tactics – 3 and 10). The same items fell into the same three

categories for both scales. The high average intercorrelation (0.7) between the appropriateness and likelihood scales leads us to believe that the likelihood scale provided no additional information about how the tactics were viewed, and thus we decided to drop consideration of these ratings from subsequent analyses.

Factor analysis of the items

Having shown that the tactics were perceived as discernibly different from each other, the next step was to determine whether the tactics clustered together in some meaningful way. A factor analysis was performed on the appropriateness ratings to determine the emergent structure of the items. A principal components analysis with a varimax rotation was used. This is the least complicated of factoring procedures and has the advantage of using all of the item score variance. Only factor loadings with absolute value of 0.40 and above on any factor were considered (Rummel, 1970; Stevens, 1992).

Table III presents the results of the principal components analysis of the appropriateness item scores. Using the criterion of an eigen value greater than 1.0, five factors were extracted and rotated, accounting for 63.2% of the total variance.

The first factor, named "Misrepresentation of Information", included items 15, 16, 17, and 18. The commonality in these items is that the negotiator is explicitly lying about some form of information, either to one's opponent or one's constituency.

The second factor was named "Traditional Competitive Bargaining". The five items in this factor were examples of common techniques employed during traditional distributive bargaining situations (see Karrass, 1974; Lewicki et al., 1994). This factor consisted of tactics 4, 5, 6, 10 and 13 – including hiding one's real bottom line, making very high/low opening offers, and gaining information by asking among one's contacts and associates.

The third factor, named "Bluffing", included items 1, 2, and 3. The commonality in these items is that all attempt to make your opponent

TABLE II
Appropriateness and likelihood ratings of tactics

Tactic number and description	Mean approp.	S.D.	Mean likelihood	S.D.
6. Gain information about an opponent's negotiating position and strategy by "asking around" in a network of your own friends, associates, and contacts.	6.10	1.47	6.04	1.59
5. Make an opening demand that is far greater than what one really hopes to settle for.	5.84	1.48	5.62	1.65
4. Hide your real bottom line from your opponent.	5.75	1.58	5.07	1.52
13. Convey a false impression that you are in absolutely no hurry to come to a negotiation agreement, thereby trying to put more time pressure on your opponent to concede quickly.	5.37	1.79	5.22	1.86
3. Lead the other negotiator to believe that they can only get what they want by negotiating with you, when in fact they could go elsewhere and get what they want cheaper or faster.	4.28	1.70	4.31	1.78
10. Make an opening offer or demand so high (or low) that it seriously undermines your opponent's confidence in his/her own ability to negotiate a satisfactory settlement.	4.18	2.03	3.73	2.01
16. Intentionally misrepresent the nature of negotiations to the press or your constituency in order to protect delicate discussions that have occurred.	3.41	2.01	3.43	2.05
12. Talk directly to the people who your opponent reports to, or is accountable to, and try to encourage them to defect to your side.	3.18	1.92	2.93	1.77
7. Gain information about an opponent's negotiating position by paying friends, associates, and contacts to get this information for you.	3.07	1.90	2.77	1.83
18. Intentionally misrepresent factual information to your opponent when you know that he/she has already done this to you.	2.94	2.00	3.35	2.12
9. Gain information about an opponent's negotiating position by cultivating his/her friendship through expensive gifts, entertaining, or "personal favors."	2.83	1.71	2.80	1.79
17. Intentionally misrepresent the progress of negotiations to the press or your constituency in order to make your own position or point of view look better.	2.61	1.69	2.82	1.79
14. Threaten to make your opponent look weak or foolish in front of a boss or others to whom he/she is accountable.	2.35	1.59	2.33	1.54
11. Talk directly to the people who your opponent reports to, or is accountable to, and tell them things that will undermine their confidence in your opponent as negotiator.	2.20	1.53	2.13	1.50
2. Promise that good things will happen to your opponent if he/she gives you what you want, even if you know that you can't (or won't) deliver those good things when the other's cooperation is obtained.	2.20	1.43	2.39	1.45
1. Threaten to harm your opponent if he/she doesn't give you what you want, even if you know you will never follow through to carry out that threat.	2.10	1.87	2.15	1.83
8. Gain information about an opponent's negotiating position by trying to recruit or hire one of your opponent's key subordinates (on the condition that the key subordinate bring confidential information with him/her).	2.02	1.41	1.98	1.42
15. Intentionally misrepresent factual information to your opponent in order to support your negotiating arguments or position.	1.99	1.43	2.44	1.55

TABLE III
Principal components analysis with varimax rotation for appropriateness ratings

Appropriateness item	Rotated factor loadings*				
	1	2	3	4	5
(18) Misrepresent info when opponent has	0.773				
(17) Misrepresent to press to look better	0.764				
(16) Misrepresent to press to protect	0.756				
(15) Misrepresent to support position	0.696				
(5) Make demand greater than hoped for		0.798			
(4) Hide real bottom line from opponent		0.635	0.402		
(13) Give impression you aren't in hurry		0.582			
(6) Gain info by "asking around"		0.614			0.406
(10) Make offer to undermine confidence		0.495			
(2) Promise good things you cant deliver			0.852		
(1) Falsely threaten to harm opponent			0.760		
(3) Make other believe must deal with you			0.657		
(11) Reduce confidence of others superiors				0.826	
(14) Threaten to make look foolish to boss				0.746	
(12) Encourage other's boss to defect				0.704	
(8) Gain info by recruiting other's subs				0.721	
(9) Gain info through cultivating friendship					0.673
(7) Gain info by paying your associates					0.673

* Only loadings with absolute ratings higher than 0.400 are reported

Factor labels:

- | | |
|--|---|
| (1) Misrepresentation of information | (4) Manipulation of opponents network |
| (2) Traditional competitive bargaining | (5) Inappropriate information gathering |
| (3) Bluffing | |

believe that you are in control of consequences which you do not, in fact, control.

The fourth factor, labeled "Manipulation of Opponent's Network" involves attempting to weaken your opponent's position through influencing his/her associates or constituency. Items 11, 12, and 14 load on this factor.

The final factor, named "Inappropriate Information Gathering" included items 7, 8, and 9. These tactics require gaining information about your opponent's negotiating position by employing various tactics generally viewed as unacceptable in traditional bargaining situations.

Two tactics loaded on two factors, which made the analysis slightly more difficult to interpret. Item 4, "hide real bottom line from opponent", loaded on Traditional Competitive Bargaining (Factor 2) and Bluffing (Factor 3).

Although it is unfortunate that the tactic double-loaded, "hiding one's real bottom line" is, in fact, both an aspect of bluffing and part of the dynamics of traditional competitive bargaining. Similarly, item 6, "gain information by asking around in the opponent's network", loaded strongly on Traditional Competitive Bargaining (Factor 2) and Inappropriate Information Gathering (Factor 5). This tactic is also consistent with both the more narrow information gathering process and with the broader scope of tactics used in the more traditional distributive bargaining process.

Table IV presents the results of a Maximum Likelihood Analysis of the Appropriateness ratings. This analysis is somewhat more tolerant of variance in the item ratings, and seeks the "best" factor solution. It is traditionally used as

TABLE IV
Maximum likelihood analysis with rotation for appropriateness ratings

Appropriateness item	Rotated Factor Loadings*				
	1	2	3	4	5
(17) Misrepresent to press to look better	0.819				
(16) Misrepresent to press to protect	0.744				
(18) Misrepresent info when opponent has	0.569				
(15) Misrepresent to support position	0.522				
(5) Make demand greater than hoped for		0.764			
(13) Give impression you aren't in hurry		0.596			
(6) Gain info by "asking around"		0.507			
(10) Make offer to undermine confidence		0.454			
(4) Hide real bottom line from opponent		0.412			
(2) Promise good things you cant deliver			0.877		
(1) Falsely threaten to harm opponent			0.698		
(3) Make other believe must deal with you			0.493		
(11) Reduce confidence of others superiors				0.758	
(12) Encourage other's boss to defect				0.598	
(14) Threaten to make look foolish to boss				0.595	
(9) Gain info through cultivating friendship				0.591	
(8) Gain info by recruiting other's subs					0.545
(7) Gain info by paying your associates					0.447

* Only loadings with absolute ratings higher than 0.400 are reported

Factor labels:

- | | |
|--|---|
| (1) Misrepresentation of information | (4) Manipulation of opponents network |
| (2) Traditional competitive bargaining | (5) Inappropriate information gathering |
| (3) Bluffing | |

a confirmatory factor analytic procedure. This analysis reveals that the basic five-factor solution is maintained, and the dual loadings of items 4 and 6 disappears. The items are slightly reordered within the factors, and factors four and five exchange one item in the "network negotiation" clusters. However, the overall pattern strongly suggests that there are five clear factors in this group of items.

Study 2: Verification of the factor structure and examination of demographic differences in scale ratings

After establishing the structure of these five factors with the OSU sample, an opportunity to collect further data at a different institution

created an occasion to pursue several research objectives. First, the additional data would create a significantly larger sample, permitting the researchers to replicate the factor analysis and have more confidence in the factor pattern. The second research site also offered the opportunity to explore whether students at that institution viewed the tactics differently (our hunch, based on stereotypic impressions of the competitiveness of the students, was that Harvard students might view the tactics as more ethically acceptable across the entire range of tactics). Finally, this second data collection offered the opportunity to link tactic ratings to demographic variables not collected in the first sample, such as age, gender, national origin, and self-reported views of their conflict management disposition as aggressive or cooperative.⁴

Method

736 first year MBA students at Harvard Business School (HBS) were asked to complete a questionnaire at the beginning of a required course on managerial negotiation. The questionnaire requested demographic information and data about previous negotiation experience and also presented the same 18 negotiation tactics given to the Ohio State University (OSU) sample. Two factor analyses – one with the HBS student data and one with the combined OSU-HBS students – were performed (One analysis determined whether the HBS sample differed from the OSU sample, and the second determined whether the results of the combined sample differed from

either individual sample). The results of these factor analyses are presented in Table V.

The analysis in Table V reveals that there is a close correspondence between the factors discovered in the two samples. The combined factor analyses, performed on a total sample of 1056 responses, also produced five factors, all consistent with, and supportive of, the initial analyses from the OSU sample. From here on, our discussion refers to the factors from the combined samples, and are shown in the last column of Table V.

*The effect of respondent characteristics on the perceived acceptability of various tactics.*⁵ Several studies (e.g. Hollinger and Clark, 1983; Ash, 1991; Murphy,

TABLE V
Factor analysis – consolidation of OSU and HBS students

Factor (number & description)	OSU Sample (<i>n</i> = 364)		HBS Sample (<i>n</i> = 736)		Combined (<i>n</i> = 1100)	
	Items	Factor loading	Items	Factor loading	Items	Factor loading
1: Misrepresentation	17	0.774	17	0.797	17	0.788
	16	0.756	16	0.777	16	0.759
	18	0.765	15	0.669	18	0.728
	15	0.696	18	0.668	15	0.702
2: Traditional competitive bargaining	5	0.798	5	0.717	5	0.743
	13	0.614	10	0.692	4	0.649
	6	0.582	13	0.658	13	0.618
	10	0.495	4	0.606	10	0.583
	4	0.635	–	–	–	–
3: Bluffing	2	0.853	1	0.754	2	0.790
	1	0.760	2	0.731	1	0.760
	3	0.657	3	0.512	3	0.576
4: Misrepresentation to opponent's network	11	0.826	11	0.680	11	0.796
	12	0.704	8	0.669	14	0.657
	14	0.746	9	0.575	12	0.627
	–	–	12	0.571	–	–
	–	–	14	0.463	–	–
5: Inappropriate information collection	9	0.673	6	0.806	7	0.773
	8	0.673	7	0.726	6	0.620
	7	0.720	–	–	9	0.618
	–	–	–	–	8	0.538

1993) have examined the potential role played by demographic differences in employee theft. Forsyth (1980) proposed that differences in ethical ideology would lead individuals to use different types of reasoning in making an ethical decision. In his study of negotiation tactics, Anton (1990) tested responses from four different samples that differed in age, gender, years employed, educational background and profession (several categories of managers vs. clergy). His collection of demographic data did not permit independent analysis of the contribution of each dimension, but his results reveal that

- younger and older respondents (mostly clergy) saw bluffing as less ethical than middle-aged respondents;
- those with 3–5 years of work experience saw bluffing as less ethical than those with less or more work experience;
- older respondents saw deception as less ethical than any other group;
- women saw bluffing as less ethical than men;
- clergy saw misrepresentation of value as less ethical than businesspersons.

Anton's data are incomplete, based on primitive descriptions of broad categories of tactics, and based on a limited sample. The data obtainable from the large HBS sample afforded the opportunity to pursue Anton's findings and further explore the effect of various respondent characteristics on the acceptance or rejection of the negotiation tactics (see Table VI).

OSU vs. HBS MBA students. As shown in Table VI, HBS MBA students emerged as somewhat more accepting of the entire group of negotiation tactics in general, compared to their OSU counterparts. On four of the five factors, HBS MBA students were significantly more accepting of the tactics in question (the differences on Factor 5 are only marginally significant, however). Only on Factor 3 – misrepresenting an opponent's network – were there no differences between the samples.

It is interesting to speculate on the source of these differences between the two samples. On

the one hand, both groups of students completed the questionnaire at the beginning of academic courses on negotiation, before they had the opportunity to experiment with these tactics themselves, observe others experimenting with the tactics, and experience the results of using them with classmates. On the other hand, the results confirmed our own naive stereotypic judgments, that HBS students would be more comfortable with the ethicality of both "acceptable" (Factor 2) and "unacceptable" (Factors 1, 4, 5) tactics. Some of these differences may be due to the demographic and attitudinal differences noted below; additional variance may be attributed to parameters NOT collected for this research, such as personality differences between applicants to the two schools, academic talent and aptitude, as well as the type of professional work experience participants had before returning to business school or intended professional position after graduation. We did not collect systematic data on the two student populations to permit direct comparisons. Therefore, the explanatory power contributed by these other differences remains an agenda item for future research.

Women vs. men. There is a long history of research related to the impact of gender on approaches to negotiation. The stereotypic view is that men are more competitively selfish and more willing to engage in hard bargaining, while women are more cooperative and fair minded. Watson (1994) challenged this stereotypic view, evaluates the theoretical underpinnings of the assumption, and provides an excellent review of past empirical research. Her conclusions are that the gender differences noted in past research are largely an artifact of power and status differences between genders in U.S. culture, and that additional data about perceived power, status, opponent and context are critical to truly understanding how women may interpret the appropriateness of particular strategy and tactics.

Within the HBS sample, the data reveal that men were significant more accepting of the tactics on four of the five factors. Interestingly, however, the two groups did not diverge on Factor 2 – traditional competitive bargaining – suggesting that women (at least in this sample)

TABLE VI
Comparison of various groups on the five factors

Group	N	Factor 1 Misrepresentation	Factor 2 Trad. compet. bargaining	Factor 3 Misrep. to opponent's network	Factor 4 Bluffing	Factor 5 Inappropri. info. collection
Harvard MBAs	736	3.30*	5.61*	2.71	2.90*	3.56***
OSU MBAs	364	2.67	5.20	2.80	2.52	3.43
Females	206	3.15	5.56	2.45	2.40	4.54
Males	528	3.36***	5.63	2.81*	2.80*	4.84*
Aggressives	160	3.63*	5.91*	3.11**	2.85*	4.89
Cooperatives	573	3.21	5.52	2.54	2.64	4.72
Non-citizens	203	3.27	5.36	2.83***	2.58	4.84
US citizens	527	3.32	5.70*	2.67	2.73***	4.73
Asians	62	3.19	5.28 ^a	2.85	2.82 ^A	4.84
Eastern Europeans	11	3.32	5.11 ^{ab}	2.76	1.98 ^a	4.95
Latin Americans	36	3.27	5.16 ^a	2.94	2.52	4.96
Middle Easterners	11	3.64	5.95 ^A	3.27 ^A	2.53	5.32
USA & UK	517	3.36	5.69 ^B	2.66 ^a	2.73 ^A	4.73
Western Europeans	65	3.20	5.40	2.91	2.55	4.67

* $p < 0.1$

** $p < 0.05$

*** $p < 0.01$

(For the final sets of results, means with uppercase superscripts (e.g. A) are significantly larger than means with corresponding lowercase superscripts (e.g. a)).

Preliminary data analysis indicated that USA and UK subjects were essentially similar in all aspects of their views on negotiation tactics. For the purpose of these analyses, these two categories have therefore been combined.

are as willing as their male counterparts to use these tactics when they are in traditionally competitive contexts, but have greater reservations than men about using the other kinds of tactics. Following Watson's findings (noted above), and given that most of the situational cues (status, power, opponent and context) needed to truly distinguish male/female differences were absent in this study, our findings require replication in more clearly delineated situations which specify these cues.

Aggressiveness vs. cooperativeness. As part of the initial questionnaire, and before they were asked

to respond to the 18 tactics, subjects were asked (a forced choice question) to categorize themselves as either "aggressive" or "cooperative" in negotiation situations".⁶ As can be seen in Table VI, only 160 students (21.8% of the sample) classified themselves as aggressive; the remainder identified themselves as cooperative. The distinction proved predictive: on 4 of the 5 factors, self-rated aggressive subjects were more accepting of the tactics than their cooperative counterparts. Only on Factor 5 – Inappropriate Data Collection – did the two sides show similar acceptance of the tactics.

US citizens vs. noncitizens. The sizable non-USA citizen population at HBS allowed a direct comparison between US and non-USA MBAs (for a further breakdown, see below). Examination of Table VI reveals that US citizens emerge as somewhat more tolerant of certain kinds of tactics than non citizens. On two factors – Traditional Competitive Bargaining and Bluffing – US citizens are significantly more accepting of such tactics. This difference is greatest for Traditional Competitive Bargaining ($p < 0.01$), which raises the interesting possibility that American negotiators may, while following their own accepted ethical dictates, in certain instances be perceived as less ethical by their international counterparts. On the other hand, US citizens are significantly less accepting of the tactics in Factor 3 – Misrepresentation to an Opponent's Network – than their international brethren. The norm in the US of not spreading stories and slander about someone, particularly to their network of friends and formal reports, appears to be stronger in the US than elsewhere. Indeed, when one puts the unusual normative model on its head, and asks, in effect, “how do the negotiating ethics of US citizens differ from the rest of the world?”, it is possible to imagine somewhat different prescriptions being made for how we train our managers. Instead of seeing “foreign” cultural norms as odd and necessary to appease, we may want to consider the idiosyncratic nature of American ethical mores.

*Different international groups.*⁷ One way analyses of variance of the Factors across international groupings revealed some interesting distinctions. On Factor 2 – Traditional Competitive Bargaining – people from the Middle East emerged as significantly more accepting of such tactics than Asians, Eastern Europeans and Latin Americans. US respondents were also more accepting of such tactics than Eastern Europeans (the implications of this for US entrepreneurs entering the ex-communist block should be clear). Interestingly, and amplifying on the discussion in the previous paragraph, on Factor 3 – making Misrepresentations to an Opponent's Network – US subjects are least accepting, and are significantly less accepting than Middle

Eastern respondents. On Factor 4 – bluffing – Americans and Asians are more accepting than Eastern Europeans.

Ethnic groups. A final comparison was done on the HBS MBA sample, using only US subjects (not shown in Table VI). The categories used were African American, Asian, Hispanic/Latino, and White. No differences were observed except for Factor 5 – Inappropriate Information Gathering. On this factor, Hispanic/Latino subjects were more accepting of the tactics (5.58) than were Asians (4.57) or Whites (4.71) (all p values < 0.05). To our knowledge, no research has been done on negotiation ethics which specify international or ethnic groups by which we can benchmark these findings.

Discussion (both studies)

In this study, respondents to a questionnaire were asked to evaluate a set of ethically marginal negotiation tactics. These tactics were derived from reviewing several trade books and seminars that present a normative, competitive approach on “how to negotiate” (e.g. Karrass, 1974), as well as talking with experienced negotiators about incidents which they considered “unethical”.

The results indicate that even though all tactics raise some questions about ethicality and appropriateness, the respondents have rather strong and consistent beliefs about which tactics are acceptable, and which ones are unacceptable. Four tactics are generally seen as ethically “appropriate” (ratings of 5.0 or above), twelve tactics are seen as ethically “inappropriate” (ratings of 3.0 or below), and two tactics are seen as “marginal” (ratings between 3.0 and 5.0).

One conclusion that can be drawn from this data is that negotiation tactics are not seen as moral absolutes. Both the means and standard deviations of appropriateness and likelihood suggest that most respondents rated the tactics at different points along the dimensional scales, and perceived the tactics quite differently.

Surprisingly, only two of the eighteen tactics (tactic 3 – misleading an opponent, and tactic 10 – making a “high ball” or “low ball” offer)

fall within some “gray area” of marginal appropriateness. We expected that more of these tactics would be seen as marginal. Admittedly, this result may be an artifact by virtue of the method we use for determining “marginality” – i.e. selecting these two tactics from the middle of the scale based on their average ratings, rather than explicitly asking respondents to directly allocate the tactics to redefined categories labeled “appropriate”, “marginal” and “inappropriate”. In fact, the complete aggregation of tactics may be viewed as marginal, since we did not present tactics to respondents which were clearly “fully honest and disclosing”, nor did we include many tactics that would constitute outright lying, cheating and stealing in their most flagrant forms. As a result, the demand characteristics of the rating task may have forced a greater number of tactics into the “appropriate” and “inappropriate” categories than would otherwise occur. Further data collection and analysis, as well as a larger repertoire of tactics from the complete range, may help explain this distribution.

Factor analyses. The factor analyses also demonstrate patterns which are interesting and interpretable. These patterns are remarkably robust across the two university samples. Second, the factor pattern does match – to some degree – the different types of truth distortion suggested in Lewicki (1983).

Factor 1, “Misrepresentation of Information”, includes four tactics in which information is distorted in some manner to a “significant other” in negotiation – either the opponent (tactics 15 and 18) or the media (tactics 16 and 17). While the tactics differ in the reasons why they are performed – justification of position, retribution against an opponent, preserving confidentiality or face saving – and while the respondents define sharp differences in the perceived appropriateness of the tactics, the common theme of misrepresentation unites them. Factor 1 clearly parallels the “falsification” category in Lewicki (1983). Overt and explicit statement of false factual information is viewed as one type of judgment in the decision process about which tactics to use in negotiation.

Factor 2, “Traditional Competitive Bargain-

ing”, represents an aggregation of traditionally accepted tactics in distributive negotiation – hiding a bottom line (4), making inflated opening demands (5), securing information about your opponent (6), undermining an opponent’s confidence (10), and stalling or delaying negotiation progress (13). These tactics are frequently advocated as necessary to successful competitive negotiation (e.g. Cohen, 1980; Karrass, 1974). Respondents view these tactics less in regard to the types of deception involved than as common to a distinct style of negotiating. This factor is more difficult to relate to the Lewicki (1983) model, in that the factor does not represent a “type” of dishonesty (e.g. bluffing, falsification, etc.), but a cluster of those tactics which are in the “appropriate” range of things to do in negotiation (given this set of items). Given the prototypical model of distributive negotiation (e.g. Walton and McKersie, 1965; Lewicki and Litterer, 1985), the tactics are generally oriented toward maintaining the secrecy of one’s own position, sending out false cues that will throw the opponent “off the track” and thwarting the attempted secrecy of the opponent.

The third factor, “Bluffing”, includes three tactics which use deception to force an opponent into dealing with the negotiator directly. These might be labeled as the common bag of negotiator “dirty tricks”: false threats (1), false promises (2), and cutting off an opponent’s options to pursue objectives elsewhere (3). Again, these tactics differ strongly in perceived appropriateness and likelihood of use; tactic 3 is seen as marginal, while 1 and 2 are clearly inappropriate. However, they are united in their common intent to use power to pressure the opponent to comply with the negotiator directly, either by stating false threats and promises or narrowing the opponent’s perceived choice options. This category rather strongly mirrors the “bluffing” category proposed by Lewicki (1983).

Factor 4, “Manipulation of Opponent’s Network”, represents a class of negotiation tactics in which the objective is to undermine the negotiator’s support system in his/her constituency – talking to the boss or network and undermining the negotiator’s support (11), encouraging erosion of his support through defections (12)

or threatening to embarrassing the opponent (14). Most negotiators understand the implicit (or often explicit) pressures on them by constituents to appear strong and competent, and the powerful impact that a negative evaluation can have on “loss of face” (see Brown, 1968; Lewicki et al., 1994). While the brief “scenario” that we painted for the respondents contained no items specifically addressing the ethical concerns of the relationship between a negotiator and a constituency, this factor clearly indicates that the broader relationship with others, “outside” the boundaries of 1:1 negotiations, can become a key consideration in ethical judgments. This factor appears to parallel the category of lying described as “selective disclosure or misrepresentation to constituencies” in the Lewicki (1983) model.

Finally, the fifth factor was named “Inappropriate Information Gathering”. This factor includes those items that address various forms of “bribery” (7, paying for information about an opponent), “paying informants” (8, recruiting an opponent’s constituents to your side) and “seduction” (9, gaining information in exchange for gifts, favors, etc.) The commonality in these tactics is not one of truth distortion, but of “cheating” the informal rules of negotiation by paying for information which one would otherwise not have available to him. This was *not* a category of items which was proposed by the Lewicki (1983) model; however, that model only proposed categories of lying (violations of truth telling) in negotiation. This category, therefore, represents a cluster of items that emerged through the broad process of identifying the original list of tactics for this study. It also indicates that respondents clearly discriminate differences in the social exchange process by which information is obtained and distributed in negotiation; “paying” for information or for leverage in negotiation, particularly when it should be available “free”, is discernible as an inappropriate class of negotiation tactics. All of these tactics are seen as inappropriate, some clearly more than others.

Demographic differences. The differences noted in the Harvard sample as a function of institution, gender, nationality and self-perceived personality style are interesting. Each of these findings is

briefly reviewed and discussed below. However, a full and complete understanding of these findings will require significant methodological refinement of the data collection process, and a fuller specification of negotiation context, opponent, relationship to opponent, etc., before we can truly determine the meaning and import of any of the differences noted.

Institutional differences. Since there appears to be no significant difference in any of the demographic differences presented in Table I, the institutional difference findings – that Harvard students tend to embrace four of the five factor groups more than Ohio State students – appears to be attributable to other sources of difference. These differences could include differences in academic qualifications for the institution, differences in personality such as aggressiveness or competitiveness (obtained for Harvard students but not OSU students), type of past work experience, the “institutional culture” of each school, or the point at which students are measured within their graduate education (Harvard students completed this course in the Spring of their first year, while OSU students take the course as an elective in their second year). Our own speculation on these findings leads us to conclude that the general aggressiveness of Harvard students would be greater than Ohio State students, compounded by a greater competitiveness in the Harvard Business School student culture. Other recent research (e.g. Trevino, McCabe and Butterfield, 1996; Lewicki, Poland, Minton and Sheppard, 1997) has documented the strong impact of perceived organizational culture on dispositions to behave dishonestly, and our findings with regard to the sample differences could be explained by the different cultural norms. Future research on negotiator ethics may necessitate the measurement of perceived cultural context as a determinant of what tactics are seen as appropriate.

Gender. The differences in ratings as a function of gender results appear to confirm trends in many other studies on gender differences in conflict management, that women tend to be more cooperative and fair-minded. While women

did not disagree with men on the “appropriateness” of traditional competitive bargaining tactics, they were more conservative than men on the evaluation of all other tactics. This finding would suggest that women draw a sharper delineation between those tactics which are somewhat dishonest but nevertheless appropriate for competitive negotiation, vs. those tactics which are clearly inappropriate to use. However, as noted above, Watson’s (1994) findings suggest that reliable interpretation of gender differences must take into account a number of situational variables not measured in this study.

Nationality and ethnicity. The current research revealed differences in the ratings of tactics between US Citizens and Noncitizens, differences as a function of various world regions, and differences among U.S. ethnic groups. Similar to the results reported above for academic institution and gender, there are a large number of factors that might account for these differences – cultural expectations, expectations of the negotiation context, etc. We discussed each of results in the above section, and noted that the absence of benchmark data creates the opportunity for extensive cross-cultural exploration of how these tactics are viewed and used.

Self-reported personality orientation. Finally, those respondents in the Harvard sample who reported themselves as “aggressive” were more likely to see the tactics as appropriate (in 4 of the 5 categories) than those self-rating as cooperative. What is interesting about this result is that individuals, depending upon whether they classify themselves as aggressive or cooperative, exhibit differential thresholds of tolerance for the various tactics, and appear to intuitively understand their own relative threshold. The findings are certainly not surprising, given that they are consistent with much other research on the role of personality/motivational orientation on the disposition negotiators take to the bargaining process (see Lewicki, Litterer, Minton and Sheppard, 1994 for one review). Yet as this review points out, a full understanding of the role of personality variables requires an understanding of how those variables interact with the contextual parameters of the

situation (opponent, negotiating problem, culture, etc.) Thus, even though we know that aggressive negotiators may be more likely to employ these tactics, future research will need to embed these tactics in a specific context to fully understand their use.

Limitations and implications for future research. This study has some obvious and clear limitations. First, evaluations of the tactics, and the subsequent impact these evaluations have on scale ratings and factor loadings, may be affected by the words used to describe the tactic. Despite a major effort to employ language which is neutral and describes the behavioral act in nonevaluative terms, phrases such as “intentionally misrepresent”, “threaten” and “undermine” are not neutral terms. Research on the rationalization and justification of controversial or unpopular behavior (e.g. Staw, 1979; Bies, 1989) indicates that the manner in which behavior is labeled and explained contributes greatly to the evaluation of that action and willingness to perform it. Subsequent research may wish to experiment with the labels used to describe these behaviors, as different labels may lead to different evaluations of selected tactics.

Second, the study measures perceptions and intentions rather than actual behavior. The questionnaire study creates demand characteristics for respondents to state what they *would* do, rather than observing what they *actually* do. Even though respondents were assured anonymity, we can expect that these demand characteristics probably skewed responses toward presenting a more “ethical” face to the world than might be otherwise observed.

Third, greater parsimony should be sought in the approach to developing the comprehensive list of tactics used in this research. A recent paper (Lewicki and Stark, 1994) suggests that this may be achieved by exploring the convergence (or lack thereof) of three different ways to think about marginally ethical negotiation tactics: proposed frameworks (e.g. Lewicki, 1983; Anton, 1990; Carson, 1993; Crampton and Dees, 1993), broader “explorations of honesty in the workplace” (e.g. Murphy, 1993), and lists of tactics derived from examining the practitioner litera-

ture. In an effort to achieve convergence among these approaches, recent work (Robinson, Lewicki and Donohue, 1996) developed a comprehensive list of tactics that reflected a clearer conceptual approach to deceptive negotiating tactics, and a broader list of sample items. However, factor analysis of this broader tactical array yielded the same identical factors as those reported in this study. Thus, we are quite confident that the clusters of tactics presented here are robust and durable.

Fourth, the data collected for this paper were from a U.S. student population. We do not see this as inappropriate, since these students (on average) have extensive work experience (Table I), came from careers where negotiation was a significant activity (sales, marketing, real estate, banking, consulting, etc) and expect to be returning to those same work environments following graduation. Yet we cannot deny that different results may be obtained from different samples representing different occupational groupings (c.f. Anton's findings with clergy), and future research may pursue these benchmarks with other populations.

Finally, as noted many times in the discussion of our findings, there are several clear areas for future research. Most significantly, we have noted that the judgments of tactic appropriateness were made *outside of a specific negotiation context*. Respondents were asked to place themselves in a situation which was highly sterile, and permitted them a great deal of latitude in defining the situation (their objectives, the nature of the other person, the issues at stake, etc.). Earlier papers (e.g. Lewicki, 1983; Lewicki et al., 1994) have reviewed research and suggested a number of personality and situational factors which might enhance or reduce the likelihood of using these tactics. For example, Lewicki and Spencer (1991) reported that negotiators were more likely to use the tactics when they anticipated that the other would behave competitively, and far more likely to use the tactics when the relationship with the opponent was perceived to be short-term, rather than long term. Similarly, our own work has shown that the self-reported personality orientation of a negotiator can affect their judgments,

as can cultural orientation and context. Future research should explore selected situational variables which are most likely to enhance or reduce the perceived appropriateness of tactics and likelihood of their use. This may include power differences, expectations of the other and the context, and the strengths of one's preferences to achieve objectives at any cost.

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Notes

¹ This may seem obvious to many, but good definitions of the scope of honesty are not readily available. The dictionary defines honest as "not given to lying, cheating, stealing or taking unfair advantage", suggesting that honesty encompasses respect for the truth, for rules and for property. Murphy (1993) defines honesty ". . . in terms of the extent to which individuals and groups in organizations abide by consistent and rational ethical principles related to obligations to respect the truth" (p. 9), suggesting that the definition applies only to standards of truth telling, but then immediately proceeds to elaborate on the deterioration of honesty in the workplace with examples of employee theft, corporate corruption, resume fraud, etc.

² Lewicki derived the categories used in the 1983 paper from earlier writing on different types of lying and deception (particularly Bok, 1978). There was no reason to presume that these categories were either comprehensive or exhaustive of the repertoire of dishonest negotiating tactics; therefore, the repertoire of tactics should not be bound by these categories.

³ "Appropriateness" was selected as a dimension because in earlier pilot studies, requesting subjects to rate the tactics as "ethical" caused consternation among some respondents who wanted the researchers to define "ethical" before they made their judgments. Asking respondents to define terms as "appropriate" created no such problem.

⁴ The demographic data reported on The Ohio State sample in Table I accurately describes the demo-

graphics of this sample, but this data was not collected in a manner permitting it to be used to divide the sample into subgroupings based on age, gender, etc.

⁵ All analyses described in this section are based on between-group t-tests, using the Ns as indicated in Table V, with the exception of comparisons of national origin, where results were obtained using one-way ANOVAs.

⁶ Although this forced choice produced the interesting results described here, subsequent studies will allow respondents to rate themselves (7 point scales) on both dimensions.

⁷ Only those groups with Ns large enough for analyses ($n > 10$) were included here.

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