

Appendix A: Bargaining Styles Assessment Tool



Follow this four-step process to determine your personal bargaining style preferences.

1. Without giving the matter too much thought (and without revising your answers for any reason!), please select ONE STATEMENT in each pair of statements below. Select the statement you think is *more accurate* for you when you face a negotiation or disagreement with someone else—even if you think neither statement is very accurate or both are very accurate. Think about such situations in general—not just ones at work or at home. And don't pick the statement you "ought" to agree with—pick the one your gut tells you is more accurate for you most of the time. Some statements repeat, but do not worry about answering consistently. Just keep going. All answers are equally "correct."

2. After selecting a statement from every pair, go back and add up the total number of As, Bs, Cs, Ds, and Es you recorded. Put the totals in the "Results" space at the end of the survey.

3. Plot your total scores on the Evaluation Grid provided. Connect each of the numbers you circle with lines to make a simple graph. Your strongest inclinations will plot at the top of the graph while your weakest inclinations will plot near the bottom.

4. Return to the Chapter 1 text, or continue reading in this Appendix for a more in-depth explanation of your scores and the general subject of bargaining styles.

STEP 1: STYLE SURVEY

1. **E. I work hard to preserve the relationship with my counterpart**
B. I try to identify the underlying issues I select ____
2. **D. I work to defuse tense situations**
A. I gain concessions by being persistent I select ____
3. **E. I focus on solving the other party's problem**
D. I try to avoid unnecessary conflicts I select ____
4. **C. I search for a fair compromise**
E. I work hard to preserve the relationship I select ____
5. **C. I suggest fair compromises**
D. I avoid personal confrontations I select ____
6. **C. I seek the midpoint between our positions.**
B. I search for the problems underlying our
disagreements I select ____
7. **D. I tactfully resolve many disagreements**
C. I expect "give and take" in negotiations I select ____
8. **A. I clearly communicate my goals**
B. I focus my attention on the other side's needs I select ____
9. **D. I prefer to put off confrontations with other people**
A. I win my points by making strong arguments I select ____
10. **C. I am usually willing to compromise**
A. I enjoy winning concessions I select ____
11. **B. I candidly address all the problems between us**
E. I care more about the relationship than
winning the last concession I select ____
12. **D. I try to avoid unnecessary personal conflicts**
C. I search for fair compromises I select ____
13. **C. I give concessions and expect some concessions in return**
A. I strive to achieve all my goals in negotiations I select ____
14. **A. I enjoy getting concessions more than making them**
E. I strive to maintain the relationship I select ____
15. **E. I accommodate their needs to preserve the relationship**
D. I leave confrontational situations to others if I can I select ____

16. E. I try to address to the other person's needs
A. I work hard to achieve all my goals I select ____
17. A. I make sure to discuss my goals
D. I emphasize areas on which we agree I select ____
18. E. I am always looking out for the relationship
C. I give concessions and expect the other side to do the same I select ____
19. B. I identify and discuss all of our differences
D. I try to avoid confrontations I select ____
20. A. I obtain my share of concessions
E. I strive to maintain relationships I select ____
21. B. I identify and discuss all of our differences
C. I look for the compromises that might bridge the gap I select ____
22. E. I develop good relations with the other party
B. I develop options that address both of our needs I select ____
23. C. I seek the middle ground
A. I strive to achieve my goals in negotiations I select ____
24. B. I identify all of our differences and look for solutions
D. I try to avoid unnecessary conflicts I select ____
25. E. I try to preserve the relationship with my counterpart
C. I search for fair compromises I select ____
26. D. I emphasize the issues on which we agree
B. I uncover and address the things on which we disagree I select ____
27. A. I work hard to achieve my goals
B. I pay attention to the other person's needs I select ____
28. C. I look for the fair compromise
B. I try to identify all of the underlying problems I select ____
29. D. I avoid unnecessary disagreements
E. I focus on solving the other person's problem I select ____
30. A. I strive to achieve my goals
B. I work to address everyone's needs I select ____

STEP 2: RECORD RESULTS

Add up all your A, B, C, D, and E answers on the previous pages and put those totals below:

As = _____

Bs = _____

Cs = _____

Ds = _____

Es = _____

_____ TOTAL (Must equal 30!)

STEP 3: PLOT YOUR SCORES

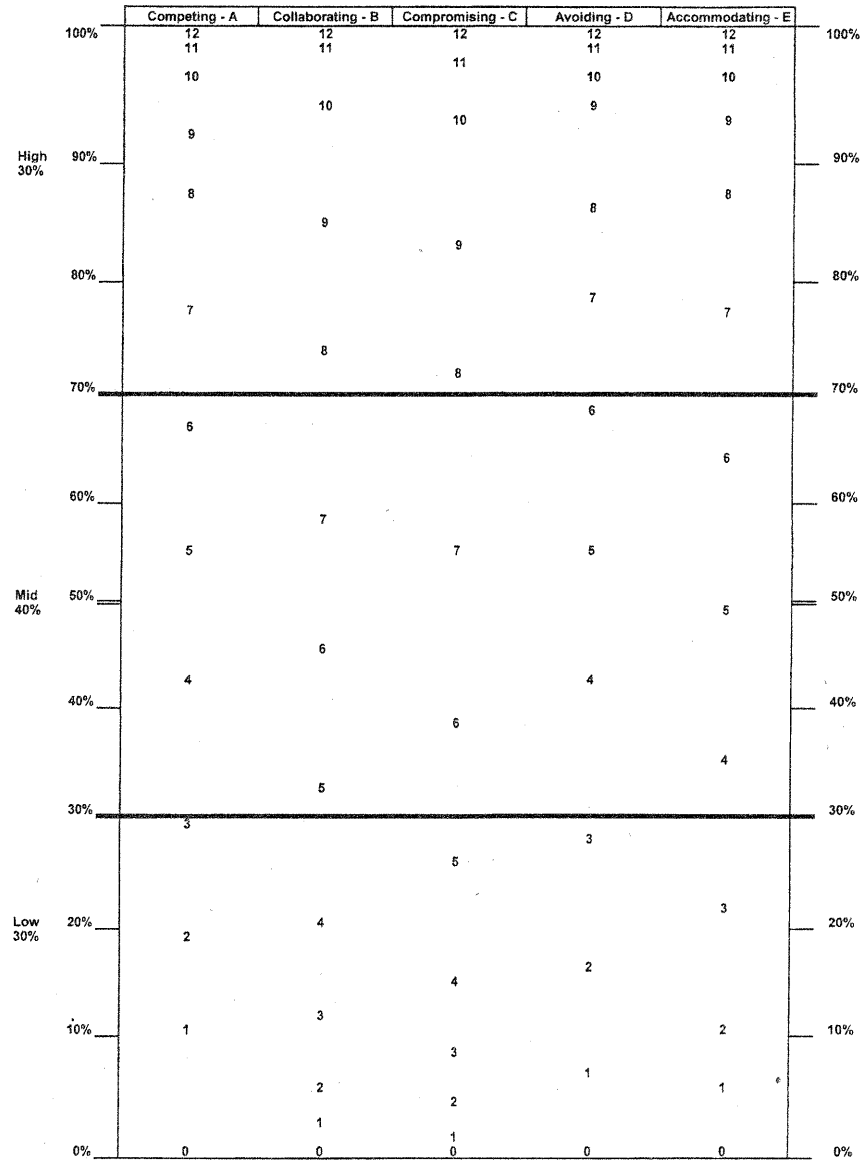
Find and circle the numbers on the following grid that correspond to your scores for each of the five letters. Circle your A score in the first vertical column on the left side of the grid marked "Competing—A." Circle your B score in the next vertical column marked "Collaborating—B," and so on over to the last vertical column on the right, which is for your E or "Accommodating" score.

Once you have one circle in each column of the grid, connect these five circles with straight lines so you have created a simple graph. Scores at the top of the graph (usually those above the 70th percentile) are your strongest bargaining style inclinations. Scores at the bottom of the graph (usually below the 30th percentile) are your weaker bargaining style inclinations. All scores between the 30th and 70th percentiles represent moderate, functional bargaining style inclinations. And the higher or lower the percentile, the stronger the inclination to use that move in ordinary negotiations.

For deeper insight into bargaining styles, their origins and their meanings, continue reading in Appendix A. First-time readers may want return to Chapter 1 and pick up the theme of bargaining styles there, leaving the further study of this subject for later.

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FURTHER ANALYSIS OF YOUR PERSONAL BARGAINING STYLES

Interest in personal bargaining styles and the use of assessment instruments to probe this factor date back almost as far as do organized courses on negotiation. The reason is simple: bargaining styles can play crucial roles in negotiation. Entrepreneur Donald Trump is well known to be (and takes pride in being) competitive to his core. Cable News Network personality Larry King is well known to be (and takes pride in being) empathetic and easy to get along with. If these two men were to find themselves negotiating against one another, both would be wise to think about their own and their counterpart's bargaining styles before making a move.

Bargaining styles, as I see them, are relatively stable, personality-driven behaviors and reactions that arise in negotiating encounters. These patterns reappear because we are, for reasons related to family, culture, gender, and early professional experience, predisposed toward particular courses of action in negotiation. Some people have a broad set of styles they can readily call upon to solve negotiation problems. Others are much more comfortable with some bargaining moves and not others. The true test of your bargaining styles is your emotional reaction to using various strategies—which strategies give you genuine satisfaction, even joy when you use them well? Which ones repeatedly cause you anxiety and frustration, leaving you feeling uncomfortable, irritated, or angry?

I developed the Bargaining Styles Assessment Tool for use in my negotiation programs. The evaluation grid records in percentile form the frequency with which business executives in my executive programs have reported their various scores. This evaluation grid allows you to plot the intensity of your preferences against a sample of over 1,500 global executives from a wide variety of professional fields. Below, I present capsule summaries of what each of the five conflict styles described by the assessment translates into when viewed as aspects of a complex bargaining style. I have observed many executives whose profiles exhibit both very strong and, just as interestingly, very weak predispositions for various strategies. These extremes often translate into systematic strengths and weaknesses as negotiators, depending on the situation they face.

SOME CHARACTERISTICS OF NEGOTIATORS EXHIBITING THE FIVE BARGAINING STYLES

Over the years, I have discussed bargaining style profiles with thousands of executives and other professionals. In these conversations, I have tested various style-based hypotheses with them for confirmation or disconfirmation. Below I summarize this experience by commenting on the bargaining strengths and weaknesses that may be exhibited by negotiators in a relatively high (70th or higher) percentile or relatively low (30th or lower) percentile for each conflict mode. For shorthand, I refer to people with each trait by the name of the bargaining style itself (e.g., "high accommodator" or "low compromiser"). I am thus assuming in these comments that the person is "high" or "low" in the subject conflict style *only*—and "in the middle" for all other modes. This is a convenient rather than a realistic assumption, but it permits me to discuss some important implications of each trait. Individuals may exhibit strong or weak preferences for several strategies, and the interaction of these preferences will, of course, affect the way they experience and manage their bargaining behavior in any given situation.

ACCOMMODATING

Negotiators Strongly Predisposed toward Accommodating. Negotiators with a strong predisposition toward accommodation derive significant satisfaction from solving other peoples' problems. They often have good relationship-building skills and are relatively sensitive to others' emotional states, body language, and verbal signals. This is a great trait to summon when working on negotiating problems within teams, bargaining in sales-based "relationship management" roles, or providing many types of customer services.

In terms of weaknesses, high accommodators sometimes place more weight on the relationship aspect of negotiations than the situation may warrant. In such cases, they are vulnerable to more competitively oriented people. High accommodators who feel taken advantage of in such situations may then experience resentment, further impeding their effectiveness.

Weakly Predisposed toward Accommodating. Negotiators with low accommodation scores have a tendency to hold out for their view of the "right" answer to a negotiating problem. They stay within their own frame of reference, seeing their solution as objectively correct. In short, low accom-

modators are sometimes more concerned with being "right" than with being persuasive. Where the low accommodator is an expert who understands the negotiation problem better than others at the table, this trait will assure that a group spends plenty of time considering the objectively "best" outcome. However, others may perceive the low accommodator as stubborn to the point of being unreasonable. This perception can interfere with effective group decision making. In addition, more accommodating people may mistake the low accommodator's preoccupation with the "right" answer (and associated lack of attention to other people's feelings and emotions) as a signal that the low accommodator does not care about them as individuals. Again, this can lower people's willingness to cooperate.

COMPROMISING

Negotiators Strongly Predisposed toward Compromising. People with a strong predisposition toward compromising are usually eager to close the deal by "closing the gap" in negotiations. They scan the environment for fair standards and formulae that can help them achieve closure as quickly as possible. When time is short, or when the stakes are small, a predisposition toward compromise can be a virtue. Others will see the high compromiser as a relationship-friendly "reasonable person." However, high compromisers often rush the negotiation process unnecessarily and make concessions too quickly. They do not question their own assumptions and rarely ask enough questions of the other side. They may also be satisfied with the first fair standard that presents itself as the basis for concluding the deal when other, equally fair standards might support a more advantageous deal.

Weakly Predisposed toward Compromising. People with a weak predisposition for compromise are, almost by definition, men and women of principle. Their great strength is their ability to summon passion and commitment when serious matters of principle and precedent are at stake in a negotiation. Their great weakness is their tendency to "make an issue" of everything—finding issues of principle where others see only issues relating to money or relative convenience. By arguing at length about things others see as secondary, the low compromiser risks being seen by others as stubborn—a person who is more concerned with winning an argument than closing a deal. Their distaste for such arbitrary allocation norms as splitting the difference can also make it more difficult for the low compromiser to close a deal when time is short.

A comparison between low accommodators and low compromisers is

instructive. Low accommodators can (more quickly than most) become attached to their own preferred "correct" solutions. Low compromisers, by comparison, become attached to their own preferred "correct" principles and fairness arguments. In both cases, they may irritate other people, acquiring reputations for being stubborn.

AVOIDING

Negotiators Strongly Predisposed toward Avoiding. High avoiders are adept at deferring and dodging the confrontational aspects of negotiation. As a positive attribute, avoidance can be experienced by others as graceful tact and diplomacy. It can also permit groups to function better in the face of dysfunctional, hard-to-resolve interpersonal differences. High avoiders are skilled at using such conflict-reducing methods as clear rules, unambiguous decision-making authority, and hierarchies to substitute for negotiations. High avoiders are also at home using techniques like e-mail, memos, hired agents, and other intermediaries that minimize the need for face-to-face confrontation. When interpersonal conflict is a *functional* aspect of organizational or group life, high avoiders can be a bottleneck in the flow of important information about the intensity of people's preferences. And when interpersonal conflicts fester, they sometimes get worse, leading to all manner of problems. Finally, high avoiders pass up many opportunities to ask for things that would make them better off when others would be perfectly happy to accommodate their need. This may result in their becoming dissatisfied with a situation when a solution to meet their needs is only a question away.

Weakly Predisposed toward Avoiding. Low avoiders have little fear of interpersonal conflict. Indeed, they may in some cases enjoy it. As negotiators, they have a high tolerance for assertive, candid bargaining. They can fight hard against their bargaining counterpart all day and share drinks and stories with the same person in the evening. Low avoidance scores are helpful in such professions as labor-management relations, litigation, and mergers and acquisitions work. But beware: People with low scores in avoiding sometimes lack tact, and are often viewed as overly confrontational. In bureaucratic settings, low avoiders may be seen as troublemakers who refuse to leave well enough alone. The low avoider is characteristically frustrated by bureaucracy and office politics, which are alien settings to him or her.

COLLABORATING

Negotiators Strongly Predisposed toward Collaborating. High collaborators enjoy negotiations because they enjoy solving tough problems in engaged, interactive ways. They are instinctively good at using negotiations to probe beneath the surface of conflicts to discover basic interests, perceptions, and new solutions. They relish the continuous flow of the negotiation process and encourage everyone to be involved. They are assertively and honestly committed to finding the best solution for everyone. By the same token, people with a strong predisposition for collaborating sometimes needlessly create problems by transforming relatively simple situations into more complex (and interesting) occasions to practice their skills. This can irritate other people who want closure, who lack time to invest in a matter, or who do not wish to risk triggering interpersonal conflict over a small, albeit nagging, issue. High collaborators also need other, less collaborative skills to claim their fair share of the gains they help create. A high collaborator with a very low competing score can be at risk against a highly competitive counterpart.

Weakly Predisposed toward Collaborating. Low collaborators dislike using the bargaining process as a forum for creativity. These negotiators prefer having problems clearly specified before the negotiation begins and like to stick to the agenda and their preset goals once a meeting starts. They often bring a methodical pace, solid planning, and a need for clarity to their practice. When the matters being negotiated are so inherently complex that real-time brainstorming is the best way to proceed, low collaborators may become a bottleneck, slowing the process down. One way for low collaborators to compensate for this weakness is to make liberal use of breaks in the bargaining process to gather their thoughts and reset their strategy.

COMPETING

Negotiators Strongly Predisposed toward Competing. Like high collaborators, high competitors also enjoy negotiating. But they enjoy it for a different reason: Negotiating presents an opportunity for winning and losing, and they like to win. For this reason, high competitors prefer to frame negotiations as games with moves that can result in gains or losses, depending on one's relative skill. Highly competitive negotiators have strong instincts about such matters as leverage, deadlines, how to open, how to position final offers, ultimata, and similar aspects of traditional

negotiations. Competitors have energy and motivation in transactional negotiations in which the stakes are high. However, because their style can dominate the bargaining process, competitive people can be hard on relationships. The “loser” in a negotiating game, for example, may feel taken, coerced, or abused. This can affect future dealings. In addition, competitive negotiators instinctively focus on the issues that are easiest to count in terms of winning and losing—like money. They may overlook nonquantitative issues that can also yield value.

Weak Predisposition toward Competing. People with a weak predisposition for competing do not think that negotiations are simply about winning and losing. They see negotiations as a dance, not a game. It is a dance in which the goal is for the parties to treat each other fairly, avoid needless conflict, solve problems, or create trusting relationships. Others often view people with low competing scores as especially nonthreatening. This can be a strength in many professional settings in which the ability to gain trust is a critical skill. However, when there are large stakes on the table, the low competitor will be at a disadvantage.

SOME QUESTIONS PEOPLE FREQUENTLY ASK REGARDING BARGAINING STYLES

In using the Bargaining Styles Assessment Tool, I have encountered a number of reoccurring questions from students and executives. Below, I share some of the more common questions, along with some suggested answers.

1. *Is there an “optimal” score for negotiators?*

No. There is no “right” set of style preferences for negotiation effectiveness. Rather, people with instincts or aversions for each of the five styles tend to display certain systematic strengths and weaknesses. These strengths and weaknesses, in turn, either help or hurt, depending on the situation and who is sitting across the table. For people who engage in transactional negotiations as a profession, higher competitive and collaborative scores will be an indication that they enjoy their work. For people who do a lot of relationship-based sales or consulting, higher accommodating and compromising scores may be a sign that they feel comfortable in their jobs. Professional diplomats, by contrast, sometimes report higher-than-usual scores for avoiding conflict.

In other words, your scores may be one indication of how naturally your style “fits” the professional setting in which you negotiate. But there is no single profile that works best for all negotiators.

2. *What does it mean if a person prefers several styles?*

Each person has a unique combination of preferences. Many have strong predispositions toward several styles. People tend to assess their counterparts, analyze the situation they face, check to see if their most preferred (and therefore familiar) style is appropriate, and proceed. If their most preferred style is inappropriate (e.g., they are a high avoider and they are selling their used car), they tend to shift to their next most preferred style. This shifting of approaches can also occur in the middle of a negotiation if the preferred style is not working to advance the process.

Some style combinations yield characteristic results. For example, someone high in both *competing* and *collaborating* tends, as noted earlier, to be comfortable in many negotiating situations in which the stakes are large. Someone high in both *competing* and *avoiding*, meanwhile, is somewhat one-dimensional as a negotiator and tends to project a “we’re-doing-this-my-way-or-I’m-hitting-the-road” attitude. If this person cannot use his or her competitive tactics, they tend to exit the situation or delegate the bargaining to someone else. Those with high scores in both *accommodating* and *compromising*, by contrast, are very relationship-oriented and will tend to be seen as relatively easy to get along with as they move fluidly between an orientation toward solving the other person’s problem and an orientation toward simple, fast, fair allocations.

3. *What if a person’s scores are all in the middle percentiles—i.e., he or she has no strong preferences?*

Scores in the midrange percentiles often indicate that the style in question is relatively accessible and can be called out as the occasion demands. Some people score in this middle range for all five attributes, indicating that they have a very adaptable style that can serve them well in most situations. These negotiators may still be at a relative disadvantage, however, when facing off against equally experienced people who have much more definite preferences. For example, “moderately” competitive negotiators facing highly competitive counterparts in a situation that rewards a competitive approach may need to summon all their energies and instincts to stay even with their counterparts’ moves. The counterparts will experience less stress and “stretch” in this situation.

4. *Does my bargaining style affect the way I perceive other negotiators?*

Unquestionably. Research shows that most of us believe that other people are like ourselves. As one old saying puts it, “The thief thinks everybody steals.” And cooperative people assume that others are cooperative. Thus, when a competitive person meets a cooperative person at

the bargaining table, each is likely to assume the other is someone other than he or she actually is—leading to significant confusion. The cooperative person may share information, make a fair opening offer, and engage in other efforts to be open and reasonable, assuming that these efforts will be reciprocated. The competitive person, thinking that these moves are either evidence of naivety or designed to trick him into giving up leverage, takes advantage of the situation to secure a favorable position and then pounces, sweeping his or her money off the table. The cooperative person now feels betrayed and reacts angrily. And this behavior confirms the competitive person's initial hypothesis that the opponent was, in fact, in it for herself all along. Things go downhill from there.

In other words, the competitive person's belief that others are competitive sometimes acts as a self-fulfilling prophesy. And the same process can sometimes work in reverse, with a cooperative person's belief in cooperativeness allowing his or her counterpart to drop their guard and behave in a more reasonable, helpful way. Whether this works, of course, depends on what type of person is actually sitting on the other side of the table.

By contrast, when two people displaying similar styles meet, the rapport can be instant. As the super-competitive Donald Trump notes in his 1987 book, *The Art of the Deal*, "When [a competitive person] says no, sometimes you can talk him out of it. You rant and rave; and he rants and raves back, and you end up making a deal." The same sort of "style match" occurs when two cooperative people negotiate against one another.

In general, my advice is to take a minute at the beginning of a negotiation to size up your counterpart and see which styles he or she is bringing to the table. You can do this by negotiating some smaller items before you get to the main event and gauge the other person's reactions. Are they careful to reciprocate your every move? That is a sign of cooperativeness. Do they seem to be holding on to information and jumping on chances to "stay ahead"? You may have a competitive person on your hands. Either way, don't waste time trying to convert the person to your preferred style. Just accept them as they are and work to achieve your goals.

5. *Do scores change over time?*

Scores are a function of the time and place in which one fills out the instrument. If one has had a recent, very bitter conflict that has ruined a relationship, there may be a tendency to regret this event and select more accommodating choices than would otherwise be the case. Similarly, if one has recently been taken advantage of in a tough negotiation,

then one's scores might reflect a desire to correct this by selecting more competitive statements than would ordinarily be true.

If users can place their mind in "neutral" and simply do their best to select which of the statements in each pair better expresses their overall preferred attitude, however, the scores should be relatively stable over time. At the very least, the direction of these scores ought to remain relatively steady, with strongly preferred strategies maintaining their preferred positions—though by somewhat smaller margins. My own scores have not changed much over the years, for example. But the same may not be true for a younger or inexperienced negotiator who takes the assessment at one stage of a career and then, many years and experiences later, repeats it.

6. *How is the Bargaining Styles Assessment Tool different from the Thomas-Kilmann Conflict Mode Instrument referenced in the first edition of Bargaining for Advantage?*

The Bargaining Styles Assessment shares a common structure with the Thomas-Kilmann Conflict Mode Instrument (TKI), which I recommended in the first edition of this book. Both surveys feature a "forced choice" method of self-reporting that is used in many psychological assessments. Moreover, both tests incorporate the five style categories developed by Professors Blake and Mouton in the mid-1960s: competing, collaborating, compromising, accommodating, and avoiding.

However, the statements used in the Bargaining Styles Assessment (and sequence in which they appear) differ from those used in the TKI and are more directly related to negotiation than are many of the TKI statements. Readers are encouraged to compare the two self-assessment approaches for themselves by ordering a copy of the TKI from its owner, Consulting Psychologists Press, Inc. at its Web site CPP.com and comparing their results from the two surveys.

Appendix B:

Information-Based Bargaining Plan

I. The Problem

Problem Statement: I must negotiate with *(person)* to *(solve what problem)*.

II. Goals and Decision Makers

My Specific, High Expectation:	Target decision-maker:
Bottom Line:	Influencers (Should I negotiate with these people first?):

III. Underlying Needs and Interests (Shared/Ancillary/Conflicting)

<i>Mine</i>	<i>Theirs</i>
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IV. Leverage

What do I lose if there is no deal?	If no deal, what will they lose?
What steps or alternatives will reduce these losses?	Can I influence their alternatives or make their status quo worse?
Leverage Favors: ☐ Me ☐ Other Party ☐ About Even (Who has the most to lose overall from "no deal"?)	

V. Possible Proposals

Options: Build on Shared Interests/Bridge Conflicting Interests/Be Creative

VI. Authoritative Standards and Norms

Mine	Theirs	My Counter Arguments

VII. Third Party Moves

Can I use a third party as leverage? As an excuse? As an audience? Coalition partner?

VIII. Situation and Strategy Analysis

Situation as I see it: ☐ Transaction My basic style is ☐ ☐ Relationship ☐ ☐ Balanced Concerns so I need to be more ☐ ☐ Tacit Coordination ☐ in this situation.		Situation as they see it: Their expected strategy: ☐ Transaction ☐ Competitive ☐ Relationship ☐ Problem solving ☐ Balanced Concerns ☐ Compromise ☐ Tacit Coordination ☐ Avoiding ☐ Accommodating	
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IX. Best Modes of Communication

☐ Agent ☐ Teleconference ☐ E-mail
☐ Face to face ☐ Telephone ☐ Instant Messaging

X. Overall Positioning Theme

A short statement that sums up your underlying purpose in this negotiation:

Notes



INTRODUCTION: It's Your Move

- xx **"You must actually negotiate":** James C. Freund, *Anatomy of a Merger* (New York: Academic Press, 1975), p. 10.

CHAPTER 1: The First Foundation: Your Bargaining Style

- 3 **Danish folk saying:** R.G.H. Siu, *Folk Wisdom and Management 3,333 Proverbs* (Washington, D.C.: Manuscript, 1994), p. 13.
- 4 **talking into the night:** Bettye H. Pruitt, *The Making of Harcourt General* (Boston: Harvard Business School Press, 1994), pp. 219–242.
- 4 **of large, shady trees:** This story is taken, with a few dramatic elaborations on my part, from the true story of a negotiation among the Arusha people described at length by anthropologist P. H. Gulliver. See. P. H. Gulliver, *Disputes and Negotiations: A Cross-Cultural Perspective* (New York: Academic Press, 1979), pp. 234–252.
- 8 **finally won a hand:** Connie Bruck, *Master of the Game: Steve Ross and the Creation of Time Warner* (New York: Penguin Books, 1994), p. 93.
- 8 **CNN's owner, Ted Turner:** Larry King's agent was Bob Woolf. See Bob Woolf, *Friendly Persuasion: How to Negotiate and Win* (New York: Berkley Books, 1990), pp. 147–148.
- 14 **using these two labels:** Gerald R. Williams, *Legal Negotiation and Settlement* (St. Paul, Minn.: West Publishing, 1983), p. 19.
- 14 **John Carlisle in England:** Neil Rackham and John Carlisle, "The Effective Negotiator—Part 1: The Behavior of Successful Negotiators," *Journal of European Industrial Training*, Vol. 2, No. 6 (1978), pp. 6–11; Neil Rackham and

- John Carlisle, "The Effective Negotiator—Part 2: Planning for Negotiations," *Journal of European Industrial Training*, Vol. 2, No. 7 (1978), pp. 2–5.
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 - 16 **a number of studies and contexts:** Linda Babcock and Sara Laschever, *Women Don't Ask: Negotiation and the Gender Divide* (Princeton, NJ: Princeton University Press, 2003). See also D. M. Kolb and J. Williams, *The Shadow Negotiation: How Women Can Master the Hidden Agendas that Determine Bargaining Success* (New York: Simon and Schuster, 2000).
 - 17 **what scholars call "stereotype threat":** Laura J. Kray, Leigh Thompson, and Adam Galinsky, "Battles of the Sexes: Gender Stereotype Confirmation and Reactance in Negotiations," *Journal of Personality and Social Psychology*, Vol. 80, No. 6 (2001), pp. 942–958; Laura J. Kray, Adam Galinsky, and Leigh Thompson, "Reversing the Gender Gap in Negotiations: An Exploration of Stereotype Regeneration," *Organizational Behavior and Human Decision Processes*, Vol. 87, No. 2 (2002), pp. 386–409.
 - 18 **cross-cultural issues can be showstoppers:** Catherine H. Tinsley, "How Negotiators Get to Yes: Predicting the Constellation of Strategies Used Across Cultures to Negotiate Conflict," *Journal of Applied Psychology*, Vol. 86, No. 4 (2001), pp. 583–593.
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 - 19 **Latin America to negotiate a complex deal:** Laura-Ann Dooly, "Culture Clashes Hinder Deals," *The National Law Journal*, Vol. 22, No. 3 (September 13, 1999), pp. B1, B4.
 - 20 **help you avoid cross-cultural meltdowns:** The best overall treatment of cross-cultural negotiating issues is Camille P. Schuster and Michael J. Copeland, *Global Business: Planning for Sales and Negotiations* (Fort Worth, TX: The Dryden Press, HarcourtBrace College, 1996). There are abundant resources in the business press and literature on specific cultures and the problems that can arise for negotiators. See, for example, Terri Morrison, Wayne A. Conaway, and George A. Borden, *Kiss, Bow and Shake Hands: How to Do Business in Sixty Countries* (New York: Adams Publishing, 1995); John L. Graham and N. Mark Lim, "The Chinese Negotiation," *Harvard Business Review*, October 2003, pp. 82–91.
 - 21 **has confirmed its importance:** Arvind Rangaswamy and G. Richard Shell, "Using Computers to Achieve Joint Gains in Negotiation: Towards an Electronic Bargaining Table," *Management Science*, Vol. 43, No. 8 (1997), pp. 1147–1163.

- 22 **straightforward dealing very highly:** Gerald R. Williams, *Legal Negotiation and Settlement* (St. Paul, Minn.: West Publishing, 1983), pp. 20–40; Howard Raiffa, *The Art and Science of Negotiation* (Boston: Harvard University Press, 1982), pp. 119–122.
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CHAPTER 2: The Second Foundation:
Your Goals and Expectations

- 26 **King Ching of Chou (1100 B.C.):** Violina P. Rindova and William H. Starbuck, “Ancient Chinese Theories of Control,” *Journal of Management Inquiry*, Vol. 6, No. 2 (June 1997), pp. 153–155.
- 26 **Sam Walton, founder of Wal-Mart:** Sam Walton, “Running a Successful Company: Ten Rules That Worked for Me,” in *Sam Walton: Made in America* (New York: Doubleday, 1992), p. 246.
- 27 **“America wants big radios”:** Akio Morita, *Made in Japan* (New York: E. P. Dutton, 1986), pp. 83–85.
- 28 **are to obtain it:** Several research studies have shown that people who set specific goals outperform those who set general or “do your best” goals. See G. Lathan and E. Locke, “Self-regulation Through Goal Setting,” *Organizational Behavior and Human Decision Processes*, Vol. 50, No. 2 (1991), pp. 212–247. E. Locke and G. Latham, *A Theory of Goal Setting and Task Performance* (Englewood Cliffs, N.J.: Prentice-Hall, 1990), pp. 29–31; I. R. Gellately and J. P. Meyer, “The Effect of Goal Difficulty on Physiological Arousal, Cognition, and Task Performance,” *Journal of Applied Psychology*, Vol. 77, No. 2 (1992), pp. 694–704.
- 28 **with others at risk:** For a good survey on the use of ambitious goals to raise performance, see Kenneth R. Thompson, Wayne A. Hochwater, and Nicholas J. Mathys, “Stretch Targets: What Makes Them Effective?” *Academy of Management Executive*, Vol. 11, No. 3 (1997), pp. 48–61.
- 28 **Cat replies, cutting her off:** Lewis Carroll, *Alice’s Adventures in Wonderland* (New York: Penguin, 1960), p. 64.
- 29 **ought reasonably to accomplish:** Peter M. Blau, *Exchange and Power in Social Life* (New York: John Wiley & Sons, 1964), pp. 145–151.
- 29 **to obtain doctoral degrees:** U.S. Department of Education, *National Education Longitudinal Study 1988–1994* NCES 96-175 (May 1996), pp. 45–46.
- 29 **the firmer our expectations grow:** Scholars have identified these factors, and more, in a variety of empirical studies. See Reinhard Tietz, Hans-Jürgen Weber, Ulrike Vidmajer, and Christoph Wentzel, “On Aspiration-Forming Behavior in Repetitive Negotiations,” in Heinz Sauermann, ed., *Bargaining Behavior* (Tübingen, Germany: J.C.B. Mohr, 1978), pp. 88–102; Steven R. Wilson and Linda L. Putnam, “Interaction Goals in Negotiation,” *Communication Yearbook*, Vol. 13 (1989), pp. 374–406; Kristina A.

- Diekmann, Ann Tenbrunsel, Pri Pradhan Shah, Holly A. Schroth, and Max Bazerman, "The Descriptive and Prescriptive Use of Previous Purchase Price in Negotiations," *Organizational Behavior and Human Decision Processes*, Vol. 66, No. 2 (1996), pp. 179–191.
- 30 **"What convinces is conviction":** Booz, Allen & Hamilton, *Strategy & Business* (New York: Fourth Quarter, 1997), p. 79.
- 30 **Florida Panthers (ice hockey):** Gail DeGeorge, *The Making of Blockbuster* (New York: John Wiley & Sons, 1996), pp. 17–43. A friend of Huizenga's notes that Huizenga "always keeps the carrot far enough out in front of him and he never really wants to catch it. That's his personality. He's never satisfied" (*ibid.*, p. 42).
- 30 **a "positive bargaining zone":** Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, Mass.: Harvard University Press, 1982), pp. 45–50. Raiffa prefers to speak of "reservation prices," but the "bottom line" concept is identical.
- 31 **with reference to their bottom line:** Sally Blount White, Kathleen L. Valley, Max H. Bazerman, Margaret A. Neale, and Sharon R. Peck, "Alternative Models of Price Behavior in Dyadic Negotiations: Market Prices, Reservation Prices, and Negotiator Aspirations," *Organizational Behavior and Human Decision Processes*, Vol. 57, No. 3 (1994), pp. 430–447.
- 31 **a powerful motivating force:** Russel Korobkin, "Aspirations and Settlement," *Cornell Law Review*, Vol. 88 (2002), pp. 1–49.
- 32 **all else being equal:** Sally Blount White and Margaret A. Neale, "The Role of Negotiator Aspirations and Settlement Expectancies in Bargaining Outcomes," *Organizational Behavior and Human Decision Processes*, Vol. 57, No. 2 (1994), pp. 303–317.
- 32 **negotiators have this ability:** Neil Rackham and John Carlisle, "The Effective Negotiator—Part 2: Planning for Negotiations," *Journal of European Industrial Training*, Vol. 2, No. 7 (1978), pp. 2–5 (reporting that skilled negotiators were significantly more likely to set both goals and limits in negotiation, whereas average negotiators set only a single-point objective).
- 33 **strategy earned him millions:** Michael Pye, *Moguls: Inside the Business of Show Business* (New York: Holt, Rinehart and Winston, 1980), pp. 88–89.
- 33 **of records in half:** *Ibid.*, pp. 106–107.
- 33 **accept second-place status:** Bryn Burrough and John Helyer, *Barbarians at the Gate* (New York: Harper & Row, 1990), pp. 325–326.
- 34 **the modest \$2.10 goal:** Sydney Siegel and Lawrence Fouraker, "The Effect of Level of Aspiration on Differential Payoff," in *Bargaining and Group Decision Making* (New York: McGraw-Hill, 1960), pp. 61–70.
- 34 **with more modest goals:** Arvind Rangaswamy and G. Richard Shell, "Using Computers to Achieve Joint Gains: Toward an Electronic Bargaining Table," *Management Science*, Vol. 43, No. 8 (1997), pp. 1147–1163.
- 35 **would care to admit:** Morris Rosenberg, *Conceiving the Self* (New York: Basic Books, 1979), p. 61.
- 35 **and lower their targets:** Peter M. Blau, *Exchange and Power in Social Life* (New York: John Wiley & Sons, 1964), p. 145; Kurt Lewin, Tamara Dembo,

- Leon Festinger, and Pauline S. Sears, "Level of Aspiration," in J. McV. Hunt, ed., *Personality and the Behavior Disorders*, Vol. 1 (New York: Ronald Press, 1944), pp. 337-340.
- 36 **as specific as possible:** Vandra L. Huber and Margaret A. Neale, "Effects of Self- and Competitor Goals on Performance in an Interdependent Bargaining Task," *Journal of Applied Psychology*, Vol. 72, No. 2 (1987), pp. 197-203.
- 36 **self-confidence and commitment:** Visualization has been shown to enhance performance in a number of human activities, most notably athletics. See A. Bandura, *Social Foundations of Thought and Action* (Englewood Cliffs, N.J.: Prentice-Hall, 1986), pp. 61-62; Donald R. Liggett and Sadao Hamada, "Enhancing the Visualization of Gymnasts," *American Journal of Clinical Hypnosis*, Vol. 35, No. 3 (1993), pp. 190-197.
- 37 **improves salespeople's performance:** Robert B. Cialdini, *Influence: The Psychology of Persuasion* (New York: William Morrow, 1984), p. 79.
- 37 **to achieve a goal:** A number of studies have demonstrated that negotiators bargain somewhat harder when they think they are under the "surveillance" of a supporter or constituency. See Orly Ben-Toav and Dean G. Pruitt, "Accountability to Constituents: A Two-Edged Sword," *Organizational Behavior and Human Decision Processes*, Vol. 34, No. 3 (1984), pp. 283-295; Peter J. D. Carnevale, Dean G. Pruitt, and Scott D. Britton, "Looking Tough: The Negotiator Under Constituent Surveillance," *Personality and Social Psychology Bulletin*, Vol. 5, No. 1 (1979), pp. 118-121.
- 38 **for closing the purchase:** Steve Massey, "US Airways Reiterates Cost-Cutting Warning to Unions," *Pittsburgh Post Gazette*, April 11, 1997, p. A1 (describing US Airways CEO Steve Wolf's announcement of a September 30, 1997 deadline for the settlement of a dispute with his pilots' union because that was the date on which his contract with Airbus for \$14 billion worth of planes would be canceled).
- 38 **winning a competition:** Cialdini, *Influence*, pp. 264-265.
- 38 **"escalation of commitment":** Max Bazerman, *Judgement in Managerial Decision-Making*, 4th ed. (New York: John Wiley & Sons, 1998), pp. 66-78.
- 39 **regret the "winner's curse":** Richard H. Thaler, *The Winner's Curse: Paradoxes and Anomalies of Economic Life* (New York: Free Press, 1992), pp. 1-5.

CHAPTER 3: The Third Foundation:

Authoritative Standards and Norms

- 40 **Samuel Taylor Coleridge:** Michael R. Roloff, Frank E. Tutzauer, and William O'Daniley, "The Role of Argumentation in Distribution and Integrative Bargaining Contexts: Seeking Relative Advantage but at What Cost?" in M. Afzalur Rahim, ed., *Management Conflict: An Interdisciplinary Approach* (New York: Praeger, 1989), p. 109.
- 40 **J. P. Morgan:** Ron Chernow, *The House of Morgan* (New York: Simon & Schuster, 1990), p. 114.

- 42 **restoring the peace:** R. F. Barton, *The Halfway Sun: Life Among the Head-hunters of the Philippines* (New York: Brewer and Warren, 1930), pp. 65–86. This story is also retold in P. H. Gulliver, *Disputes and Negotiations: A Cross-Cultural Perspective* (New York: Academic Press, 1979), pp. 30–31.
- 43 **“the consistency principle”:** Robert Cialdini, *Influence: The Psychology of Persuasion*, 2nd ed. (New York: William Morrow, 1987), p. 59.
- 48 **Experiments with Truth:** M. K. Gandhi, *The Story of My Experiments with Truth* (Ahmedabad, India: Jivanji Dahyabhai Desai, 1927), pp. 272–276.
- 49 **a frock coat and necktie:** Ibid.
- 50 **an otherwise negotiable issue:** P. H. Gulliver, *Disputes and Negotiations: A Cross-Cultural Perspective* (New York: Academic Press, 1979), pp. 191–94; Dean Pruitt, *Negotiation Behavior* (New York: Academic Press, 1981), pp. 4–5; P. J. DiMaggio and W. W. Powell, “The Iron Cage Revisited: Institutionalism, Isomorphism, and Collective Rationality in Organizational Fields,” *American Sociological Review*, Vol. 48, No. 1 (1983), pp. 147–160.
- 50 **price of a home:** M. H. Bazerman, M. A. Neale, K. L. Valley, E. J. Zajac, and Y. M. Kim, “The Effect of Agents and Mediators on Negotiation Outcomes,” *Organizational Behavior and Human Decision Processes*, Vol. 53, No. 1 (1992), pp. 53–73 (noting that real estate commissions in the United States were formerly set by regulation at 6 percent and have continued at that level for decades in the wake of deregulation).
- 51 **significantly affect negotiation results:** Sally Blount, Melissa C. Thomas-Hunt, and Margaret A. Neale, “The Price Is Right—Or Is It? A Reference Point Model of Two-Party Price Negotiations,” *Organizational Behavior and Human Decision Processes*, Vol. 68, No. 1 (October 1996), pp. 1–12.
- 53 **“would’ve approached it differently”:** Paul Magnusson, “A Wake-up Call for Business,” *Business Week*, September 1, 1997, p. 29.
- 54 **our deference to authority:** Herb Cohen, *You Can Negotiate Anything* (New York: Lyle Stuart, 1980), pp. 58–60.
- 55 **eardrops into people’s eyes:** Neil M. Davis and Michael R. Cohen, *Medication Errors: Causes and Prevention* (Philadelphia: George F. Strickley, 1981), p. 80.
- 55 **ultimately, negotiate effectively:** Connie J. G. Gersick and J. Richard Hackman, “Habitual Routines in Task-Performing Groups,” *Organizational Behavior and Human Decision Processes*, Vol. 47 (1990), pp. 65–97.
- 56 **[Sound of impact.]:** This conversation is reprinted in Deborah Tannen, *Talking from 9 to 5* (New York: Avon Books, 1994), pp. 92–93, based on the actual transcript taken from Air Florida Flight 90’s “black box” flight recorder. See Aircraft Accident Report NTSB-AAR-82-8, published by the U.S. Government National Transportation Safety Board, Washington, D.C. 20594.

CHAPTER 4: The Fourth Foundation: Relationships

- 58 **Franklin D. Roosevelt:** I do not know the original source of this quotation. I found it in a book on negotiation by sports and entertainment agent Bob

- Woolf. See Bob Woolf, *Friendly Persuasion: How to Negotiate and Win* (New York: Berkley Books, 1990), p. 37.
- 58 **Kenyan folk saying:** R.G.H. Siu, *Folk Wisdom and Management 3,333 Proverbs* (Washington, D.C.: Manuscript, 1994), p. 74.
- 59 **"have had with them":** Alvin W. Gouldner, "The Norm of Reciprocity: A Preliminary Statement," *American Sociological Review*, Vol. 25, No. 2 (April 1960), pp. 161–178; quote at pp. 170–171.
- 59 **Italy in 1935:** Robert Cialdini summarizes this research in his book. See Robert B. Cialdini, *Influence: The Psychology of Persuasion* (New York: William Morrow, 1984), pp. 17–57.
- 60 **can from every transaction:** Economist Matthew Rabin wrote a pathbreaking article in 1993 in which he modeled the effect of relationships on exchange. This article is considered somewhat radical within the economics profession. See Matthew Rabin, "Incorporating Fairness into Game Theory and Economics," *American Economic Review*, Vol. 83, No. 5 (December 1993), pp. 1281–1302. Of course, the entire discipline of social psychology assumes that relationships affect exchange in deep, pervasive ways.
- 60 **J. P. Morgan in his autobiography:** Andrew Carnegie, *Autobiography* (New York: Doubleday, 1920), pp. 165–166.
- 61 **"henceforth a firm friend":** Ibid., p. 166.
- 61 **called the "ultimatum game":** Ultimatum games provide data about our taste for fairness both with and without relationships as factors in decision making. For a review of the ultimatum game literature, see Werner Guth and Reinhard Tietz, "Ultimatum Bargaining Behavior: A Survey and Comparison of Experimental Results," *Journal of Economic Psychology*, Vol. 11 (1990), pp. 417–432.
- 62 **this patently unfair division:** Most ultimatum game studies reveal that people offer an average of 40 percent of the amount being divided and will usually reject amounts that fall below 20 percent. See George Lowenstein, Samuel Issacharoff, Colin Camerer, and Linda Babcock, "Self-serving Assessments of Fairness and Pre-trial Bargaining," *Journal of Legal Studies*, Vol. 22, No. 1 (1993), pp. 135–159.
- 66 **dating couples handled bargaining:** William R. Fry, Ira J. Firestone, and David L. Williams, "Negotiation Process and Outcome of Stranger Dyads and Dating Couples: Do Lovers Lose?," *Basic and Applied Social Psychology*, Vol. 4, No. 1 (1983), pp. 1–16.
- 67 **when it comes to bargaining:** Jennifer J. Halpern, "The Effect of Friendship on Personal Business Transactions," *Journal of Conflict Resolution*, Vol. 38, No. 4 (December 1994), pp. 647–664.
- 67 **between friends and strangers:** Edward H. Lorenz, "Neither Friends nor Strangers: Informal Networks of Subcontracting in French Industry," in *Trust: Making and Breaking Cooperative Relations* (New York: Basil Blackwell, 1988), p. 194.
- 68 **similarity to help him:** Two studies documenting the similarity principle from the early 1970s are discussed in Cialdini, *Influence*. In the first, re-

- searchers dressed as “hippies” or as “straights” and roamed a college campus asking for small change (a dime). They discovered that their request was granted roughly two thirds of the time when they were dressed similarly to the person being asked but less than half the time when the target was dressed differently. See T. K. Emswiller and J. E. Willits, “Similarity, Sex and Requests for Small Favors,” *Journal of Applied Social Psychology*, Vol. 1 (1971), pp. 284–291. The same result was achieved by similar means in a study seeking signatures on an anti-Vietnam War petition. See P. S. Suedfeld, S. Bochner, and C. Matas, “Petitioner’s Attire and Petition Signing by Peace Demonstrators: A Field Experiment,” *Journal of Applied Social Psychology*, Vol. 1 (1971), pp. 278–283.
- 69 **the HBJ example:** Colin Camerer, “Gifts as Economic Signals and Social Symbols,” *American Journal of Sociology*, Vol. 94 (Suppl.) (1988), pp. S180–S214.
- 70 **do in the West:** Murray Weidenbaum, “The Bamboo Network: Asia’s Family-Run Conglomerates,” *Strategy and Business*, No. 10 (1998), pp. 59–65; Cynthia L. Kemper, “Russian business success is a long-term proposition,” *The Denver Post*, June 8, 1997, p. 14.
- 70 **reciprocal signs of respect:** The ceremony can be quite elaborate; one business book takes three pages to describe it. See Jon P. Alston, *The Intelligent Businessman’s Guide to Japan* (New York: Charles E. Tuttle, 1990), pp. 39–42.
- 70 **the issue of trust:** Ibid., pp. 49–53.
- 70 **guanxi (pronounced “gwang-chi”):** Eric W. K. Tsang, “Can *guanxi* be a source of sustained competitive advantage for doing business in China?,” *Academy of Management Executive*, Vol. 12, No. 2 (1998), pp. 64–73.
- 70 **“simplest deals can disintegrate”:** “The ‘Guanxi’ List 1997,” *International Business Asia*, Vol. 5, No. 12 (June 30, 1997), pp. 11–23.
- 71 **soon opened as planned:** See Evelyn Iritani, “On the Front Lines: A Handful of U.S. Entrepreneurs Are Battling Bureaucracy and Corruption to Establish Their Niches in China,” *Los Angeles Times*, October 8, 1997, p. D1.
- 71 **“best business and political circles”:** “The ‘Guanxi’ List 1997,” *International Business Asia*, pp. 11–21.

CHAPTER 5: The Fifth Foundation:

The Other Party’s Interests

- 76 **Adam Smith (1776):** Adam Smith, *An Inquiry into the Nature and Cause of the Wealth of Nations* (Oxford: Oxford University Press, 1993), p. 22.
- 76 **Henry Ford:** I have not been able to find the original source of this quote but it is attributed to Henry Ford in Dale Carnegie, *How to Win Friends and Influence People*, rev. ed. (New York: Pocket Books, 1981), p. 37. The quote has an ironic twist, given Henry Ford’s reluctance to alter his Model T car’s basic design even when consumers began demanding variety from automobile manufacturers.

- 78 **"always another billion dollars":** Melissa Wahl, "1st Union chief's nerve-racking wait for CoreStatés," *Philadelphia Inquirer*, November 26, 1997, p. D1.
- 78 **"thinking about the other side . . .":** Gail DeGeorge, *The Making of Blockbuster* (New York: John Wiley & Sons, 1996), p. 48. I have altered this quotation to the present tense for clarity.
- 78 **having partisan perceptions:** Leigh A. Thompson, "They Saw a Negotiation: Partisanship and Involvement," *Journal of Personality and Social Psychology*, Vol. 68 (1995), pp. 839–853.
- 78 **are contributing to it:** Actually, most negotiators believe not only that others are like them but also that others are not quite as flexible, purposeful, competent, fair, honest, or cooperative—in short, that others are like them only not as "good." See Max H. Bazerman and Margaret A. Neale, *Negotiating Rationally* (New York: Free Press, 1992), p. 61.
- 79 **make the pie bigger:** Ibid., pp. 16–22.
- 79 **50 percent of the time:** Leigh Thompson, *The Mind and Heart of the Negotiator* (Englewood Cliffs, N.J.: Prentice-Hall, 1998), p. 49.
- 79 **real interests and motivations:** Walter Morley Balke, Kenneth Hammond, and G. Dale Meyer, "An Alternate Approach to Labor-Management Relations," *Administrative Science Quarterly*, Vol. 18 (1973), pp. 311–327.
- 80 **feasible options for settlement:** N. Rackham and J. Carlisle, "The Effective Negotiator—Part 1: The Behavior of Successful Negotiators," *Journal of European Industrial Training*, Vol. 2, No. 6 (1978), pp. 6–11; N. Rackham and J. Carlisle, "The Effective Negotiator—Part 2: Planning for Negotiations," *Journal of European Industrial Training*, Vol. 2, No. 7 (1978), pp. 2–5.
- 80 **price, power, or control:** Only 11 percent of the comments of the less skilled negotiators were focused on possible common ground. Rackham and Carlisle, Part 2.
- 81 **on their own goals:** Leigh Thompson, "Information Exchanged in Negotiation," *Journal of Experimental Social Psychology*, Vol. 27 (1991), pp. 161–179; Leigh Thompson and T. DeHarpport, "Social Judgment, Feedback, and Interpersonal Learning," *Organizational Behavior and Human Decision Processes*, Vol. 58, No. 3 (1994), pp. 327–345; Leigh Thompson and R. Hastie, "Social Perception in Negotiation," *Organizational Behavior and Human Decision Processes*, Vol. 47, No. 1 (1990), pp. 98–123.
- 84 **"Ask and It Shall Be Discounted":** "Ask and It Shall Be Discounted: Business-to-business bargains are becoming a way of life," *Business Week*, October 6, 1997, pp. 116–118.
- 85 **up to that time in U.S. history:** Wahl, "1st Union chief's nerve-racking wait," p. D1.
- 86 **California, and its garbage:** Jeff Bailey, "Arizona Has Plenty of What Ocean-side Needs and Vice Versa," *The Wall Street Journal*, March 4, 1997, p. 1.

CHAPTER 6: The Sixth Foundation: Leverage

- 89 **I know those reasons:** Bob Woolf, *Friendly Persuasion: How to Negotiate and Win* (New York: Berkley Books, 1990), p. 129.
- 89 **Attributed to American gangster Al Capone:** Ibid., pp. 129–130.
- 90 **bargainers achieve their goals:** Chester L. Karrass, *The Negotiating Game*, rev. ed. (New York: HarperBusiness, 1992), pp. 20–22.
- 90 **faced a big problem:** This story comes from Matthew Lynn, *Birds of Prey, Boeing vs. Airbus: A Battle for the Skies*, rev. ed. (New York: Four Walls Eight Windows, 1997), pp. 120–122.
- 91 **turned-producer Peter Guber:** Nancy Griffin and Kim Masters, *Hit and Run: How Jon Peters and Peter Guber Took Sony for a Ride in Hollywood* (New York: Simon & Schuster, 1996), pp. 88–89.
- 91 **its giant generating station:** Daniel Machalaba, “Tired of Costs, Delays of Railroads, Firms Lay Their Own Tracks,” *The Wall Street Journal*, February 6, 1998, p. A1.
- 93 **is dictating your moves:** Hostage situations have been the subject of extensive research in negotiation, particularly by scholars interested in human communication. See William A. Donohue and Anthony J. Roberto, “Relational Development as Negotiated Order in Hostage Negotiation,” *Human Communication Research*, Vol. 20, No. 2 (December 1993), pp. 175–198, for a review of the literature.
- 95 **threat may lack credibility:** Thomas C. Schelling makes this point convincingly in his classic work. Thomas C. Schelling, *The Strategy of Conflict* (London: Oxford University Press, 1960), pp. 21–52.
- 95 **the use of force:** Before police and other authorities began using negotiation to help them resolve hostage situations, many more hostages died during police-led assaults to free them than were killed directly by hostage takers. See Abraham H. Miller, *Terrorism and Hostage Negotiations* (Boulder, Colo.: Westview Press, 1980), pp. 37–38.
- 96 **surviving are quite good:** Ibid., p. 42.
- 97 **“it for [many] hours”:** Ibid.
- 97 **to meet his death:** Bruce W. Nelan, “How They Did It: In a Quick and Brutal Assault, Fujimori’s Troops Rescue All But One of the 72 Hostages,” *Time*, May 5, 1997, p. 67. This phenomenon works both ways. Hostages sometimes suffer from the “Stockholm syndrome,” named for a famous 1973 bank robbery in Sweden during which a female hostage fell in love with her captor, had voluntary sexual relations with him while a captive, and continued the relationship after he went to prison. Miller, *Terrorism and Hostage Negotiations*, p. 46.
- 100 **age of ninety-six:** Ibid., pp. 14–36; Tom Mathews, “Seizing Hostages: Scourge of the 70s,” *Newsweek*, March 21, 1977, p. 16.
- 101 **“the greater your power”:** Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes*, 2d. ed. (New York: Penguin Books, 1991), pp. 97–106.
- 101 **to achieve its goals:** Peter H. Kim and Alison R. Fragale, “Choosing the

- Path to Bargaining Power: An Empirical Comparison of BATNAs and Contributions in Negotiation," *Journal of Applied Psychology*, Vol. 90 (2005), pp. 373–381 (BATNA was a better measure of bargaining power for small bargaining zones but relative contributions to the relationship mattered more for large bargaining zones).
- 102 **"simply cannot do without":** Donald J. Trump, *The Art of the Deal* (New York: Random House, 1987), p. 37.
- 103 **section of Fifth Avenue:** Ibid., pp. 103–104.
- 103 **than do equivalent gains:** There is a rich literature on the importance of how people think about potential losses versus potential gains. See Daniel Kahneman and Amos Tversky, "Prospect Theory: An Analysis of Decision Risk," *Econometrica*, Vol. 47, No. 2 (1979), pp. 263–291; Paul H. Schurr, "Effects of Gains and Loss Decision Frames on Risky Purchase Negotiations," *Journal of Applied Psychology*, Vol. 72, No. 3 (1987), pp. 351–358; Eric van Dijk and Daan van Knippenberg, "Buying and Selling Exchange Goods: Loss Aversion and the Endowment Effect," *Journal of Economic Psychology*, Vol. 17 (1996), pp. 517–524.
- 105 **the jury unanimously endorses:** Harry Kalven, Jr., and Hans Zeisel, *The American Jury* (Boston: Little Brown, 1966), pp. 486–91; John Sabini, *Social Psychology*, 2d. ed. (New York: W. W. Norton, 1992), pp. 94–95.
- 105 **scientists call social proof:** Cialdini, *Influence*, pp. 114–166.
- 106 **too proud to apply:** Scott Kilman, "Hard-Pressed Ranchers Dream of Marketing Own Brand of Beef," *The Wall Street Journal*, March 26, 1997, p. A1.
- 109 **of newspaper comic strips:** David M. Herszenhorn, "Widowed Homeowner Foils Trump in Atlantic City," *New York Times*, July 21, 1998, p. B1; Tiffany Danitz, "When Private Land Is Public Property," *Washington Times*, April 6, 1998, p. 14; John Curran, "Elderly Woman Battles Casinos over Her Home," *Los Angeles Times*, February 25, 1996, p. A11.
- 112 **"up to the President":** Howard Gardner, *Leading Minds: An Anatomy of Leadership* (New York: Basic Books, 1995), pp. 148–149.
- 112 **coupled with expertise:** Expertise is one of the most well-documented persuasion techniques in the literature on marketing. Elizabeth J. Wilson and Daniel L. Sherrell, "Source Effects in Communication and Persuasion Research: A Meta-Analysis of Effect Size," *Journal of the Academy of Marketing Science*, Vol. 21 (1993), pp. 101–112; Arch G. Woodside and J. William Davenport, Jr., "The Effect of Salesman Similarity and Expertise on Consumer Purchasing Behavior," *Journal of Marketing Research*, Vol. 11 (1974), pp. 198–202.

CHAPTER 7: Step 1: Preparing Your Strategy

- 117 **Sir Francis Bacon (1597):** Michael Kiernan, ed., *Sir Francis Bacon, The Essays of Counsels, Civill and Morall* (Cambridge, Mass.: Harvard University

Press, 1985), pp. 145–147. The essay from which this quote is taken is called “Of Negotiating” and first appeared in 1597.

- 117 **Turkish folk saying:** R.G.H. Siu, *Folk Wisdom and Management 3,333 Proverbs* (Washington, D.C.: Manuscript, 1994), p. 30.
- 119 **American business mergers:** Dr. Gulliver identifies eight distinct stages. Simplified, these stages include: 1) search for an arena, 2) formulation of an agenda, 3) preliminary statements, 4) narrowing of issues, 5) preliminaries to final bargaining, 6) bargaining, 7) agreement and ritual confirmation, and 8) implementation. P. H. Gulliver, *Disputes and Negotiations: A Cross-Cultural Perspective* (New York: Academic Press, 1979), p. 82. I prefer to condense these eight steps into four for pedagogical purposes. Other scholars have identified basically similar stages in the negotiation process. Ann Douglas, *Industrial Peacemaking* (New York: Columbia University Press, 1962), pp. 13–99; Ian Morley and Geoffrey Stephenson, *The Social Psychology of Bargaining* (London: George Allen & Unwin Ltd., 1977), pp. 284–93; Michael E. Holmes, “Phase Structures in Negotiation,” in *Communication and Negotiation* (Newbury Park, N.J.: Sage, 1992), pp. 83–105; Camille P. Schuster and Michael J. Copeland, *Global Business: Planning for Sales and Negotiations* (Fort Worth, Tex.: The Dryden Press, Harcourt Brace College, 1996), pp. 27–28.
- 121 **in this particular transaction?:** The discussion in the text is a variant on the “Dual Concern” model. Peter J. D. Carnevale and Dean G. Pruitt, “Negotiation and Mediation,” *Annual Review of Psychology*, Vol. 43 (1992), pp. 539–543.
- 122 **John D. Rockefeller, Jr.:** Allan Nevins, Vol. 2, *John D. Rockefeller: The Heroic Age of American Enterprise* (New York: Scribners, 1940), pp. 417–422. Ron Chernow, *Titan: The Life of John D. Rockefeller, Sr.* (New York: Random House, 1998), pp. 390–392.
- 124 **the Depression-scarred 1930s:** Abraham Pais, *Einstein Lived Here* (New York: Clarendon Press, 1994), p. 188. Another account of these negotiations can be found in Dennis Brian, *Einstein: A Life* (New York: John Wiley & Sons, 1996), p. 232.
- 125 **pockets of everyone involved:** The story comes from Benjamin Franklin himself. L. Jesse Lemisch, ed., Benjamin Franklin, *The Autobiography and Other Writings* (New York: Penguin, 1961), pp. 29–30.
- 131 **whether you like it or not:** For an excellent summary of academic learning on the role of agents in negotiation, see Robert H. Mnookin, Lawrence E. Susskind, and Pacey C. Foster, *Negotiating on Behalf of Others: Advice to Lawyers, Business Executives, Sports Agents, Diplomats, Politicians, and Everybody Else* (Thousand Oaks, CA: Sage Publications, 1999).
- 131 **using a good lawyer to help you negotiate deals:** Good lawyers can actually create value in negotiations. Bad ones usually prolong the process and add costs. See Ronald J. Gilson and Robert H. Mnookin, “Disputing Through Agents: Cooperation and Conflict Between Lawyers in Litigation,” *Columbia Law Review*, Vol. 94 (1994), pp. 509–578.

- 132 **longer when they are selling yours:** Steven D. Levitt and Stephen J. Dubner, *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything* (New York: HarperCollins, 2005), pp. 120–131.
- 133 **ease the negotiation over many hurdles:** For a good summary of various communication methods and their effect on negotiation, see Kathleen L. McGinn and Rachel Croson, “What Do Communication Media Mean for Negotiations? A Question of Social Awareness,” in Michele J. Gelfand and Jeanne M. Brett, eds., *The Handbook of Negotiation and Culture* (Stanford, CA: Stanford University Press, 2004), pp. 334–349.
- 133 **use the narrowest communication pipeline (e-mail) the most:** I have written more extensively on the general issues of electronic negotiations. See G. Richard Shell, “Electronic Bargaining: The Perils of E-Mail and the Promise of Computer-Assisted Negotiations,” in Stephen J. Hoch and Howard C. Kunreuther, *Wharton on Making Decisions* (New York: Wiley, 2001), pp. 201–221.
- 133 **benefits of using e-mail . . . to negotiate our home sale:** For a general discussion of the benefits of electronic negotiation, see Leigh Thompson and Janice Nadler, “Negotiating Via Information Technology: Theory and Application,” *Journal of Social Issues*, Vol. 58, No. 1 (Spring 2002), pp. 109–124.
- 134 **studies of e-mail negotiations have confirmed this problem:** The study described in the text can be found in Michael Morris, Janice Nadler, Terri Kurtzberg, and Leigh Thompson, “Schmooze or Lose: Social Friction and Lubrication in E-mail Negotiations,” *Group Dynamics, Theory, Research & Practice*, Vol. 6, No. 1 (May 2002), pp. 89–100. A similar study was done involving law students at different universities, with similar results. Negotiators who shared a getting-to-know-you telephone call before initiating e-mail negotiations were more successful avoiding impasse than those who did not. Janice Nadler, “Legal Negotiation and Communication Technology: How Small Talk Can Facilitate E-mail Dealmaking,” *Harvard Negotiation Law Review*, Vol. 9 (2004), pp. 223–245. See also Nicholas Epley and Justin Kruger, “When What You Type Isn’t What They Read: The Perseverance of Stereotypes and Expectancies Over E-Mail,” *Journal of Experimental Social Psychology*, Vol. 41 (2005), pp. 414–422. For further research regarding the pitfalls of using e-mail to negotiate, see Raymond A. Friedman and Steven C. Currall, “Conflict Escalation: Dispute Exacerbating Elements of E-mail Communications,” *Human Relations*, Vol. 56, No. 11 (2003), pp. 1325–1347; Charles E. Naquin and Gaylen D. Paulson, “Online Bargaining and Trust,” *Journal of Applied Psychology*, Vol. 88, No. 1 (2003), pp. 113–120 (e-mail negotiators had less trust and had less desire for a repeated transaction than did face-to-face negotiators).
- 135 **an advantage when using IM:** Research on IM negotiating is just getting started. See Jeffrey Loewenstein, Michael W. Morris, Angnish Chakravarti, Leigh Thompson, and Shirli Kopelman, “At a loss for words: Dominating the conversation and the outcome in negotiation as a function of intricate arguments and communication media,” Vol. 98 (2005), pp. 28–38.

CHAPTER 8: Step 2: Exchanging Information

- 138 **Sir Francis Bacon (1597):** Michael Kiernan, ed., *Sir Francis Bacon, The Essays of Counsels, Civill and Morall* (Cambridge, Mass.: Harvard University Press, 1985), pp. 145–147. The essay from which this quote is taken is called “Of Negotiating” and first appeared in 1597.
- 138 **Fulfulde folk saying:** R.G.H. Siu, *Folk Wisdom and Management 3,333 Proverbs* (Washington, D.C.: Manuscript, 1994), p. 24. The Fulfulde people live in Africa, mainly within Nigeria.
- 139 **discussed in Chapter 4:** As discussed in Chapter 4, fairness and reciprocity are basic building blocks to successful relationships. Paul C. Cozby, “Self-disclosure, Reciprocity, and Liking,” *Sociometry*, Vol. 35, No. 1 (1972), pp. 151–160.
- 140 **“task-oriented” in negotiation:** Camille P. Schuster and Michael J. Copeland, *Global Business: Planning for Sales and Negotiations* (Fort Worth, Tex.: The Dryden Press, Harcourt Brace, 1996), pp. 27–28 (discussing the prevalence outside North America of prenegotiation discussion of nonbusiness matters ranging from personal concerns to social conversation).
- 140 **single transaction at issue:** Ibid., p. 28 (discussing the importance of relationship formation in negotiations outside North America).
- 140 **get to meaningful bargaining:** Ibid., pp. 107–112. (“Because relationships are paramount [in Latin America] and getting to the task is not the highest priority, more time is spent at the early part of the process getting to know the other person and deciding on the parameters of the negotiation process.”)
- 140 **rapprochement between the negotiators:** Bruce Barry and Richard L. Oliver, “Affect in Dyadic Negotiation: A Model and Propositions,” *Organizational Behavior and Human Decision Processes*, Vol. 67, No. 2 (1996), pp. 127–143.
- 141 **also won the contract:** Carl Blumay, *The Dark Side of Power: The Real Armand Hammer* (New York: Simon and Schuster, 1992), pp. 96–97.
- 141 **the funeral home business:** Connie Bruck, *Master of the Game: Steve Ross and the Creation of Time Warner* (New York: Penguin, 1994), p. 27.
- 142 **“we know and like”:** Robert B. Cialdini, *Influence: The Psychology of Persuasion* (New York: William Morrow, 1993), pp. 167–207.
- 142 **reflect well on them:** Two early works that helped identify this phenomenon are T. M. Newcomb, *The Acquaintance Process* (New York: Holt, Rinehart, and Winston, 1961), and D. Byrne, *The Attraction Paradigm* (New York: Academic Press, 1971). For a more recent survey and study on how similarity of mood affects liking, see Kenneth D. Locke and Leonard M. Horowitz, “Satisfaction in Interpersonal Interactions as a Foundation of Similarity in Level of Dysphoria,” *Journal of Personality and Social Psychology*, Vol. 58, No. 5 (1990), pp. 823–831.
- 142 **of relatedness and similarity:** M. B. Brewer, “In-Group Bias in the Minimal Group Situation: A Cognitive-Motivational Analysis,” *Psychological Bulletin*, Vol. 86 (1979), pp. 307–324; A. H. Ryen and A. Kahn, “Effects of Inter-

- group Orientation on Group Attitudes and Proxemic Behavior," *Journal of Personality and Social Psychology*, Vol. 31 (1975), pp. 302–310.
- 143 **in terms of credibility:** See Edward E. Jones and C. Wortman, *Ingratiation: An Attributional Approach* (Morristown, N.J.: General Learning Press, 1973); Edward E. Jones, "Flattery Will Get You Somewhere," *Transaction*, Vol. 2, No. 4 (1965), pp. 20–23; David Drachman, Andre DeCarufel, and Chester A. Insko, "The Extra Credit Effect in Interpersonal Attraction," *Journal of Experimental Social Psychology*, Vol. 14 (1978), pp. 458–465.
- 143 **partners were not amused:** Dean Takahashi, "It's Dog Eat Dog, So Executives with Loose Lips Get the Muzzle," *The Wall Street Journal*, July 15, 1997, p. B1.
- 145 **copy and replay TV programs:** This story originally comes from a series that ran in *The New Yorker* magazine. See "Annals of the Law: The Betamax Case I," *The New Yorker*, April 6, 1987. It is retold in Robert M. March, *The Japanese Negotiator: Subtlety and Strategy Beyond Western Logic* (Tokyo: Kodansha International, 1989), pp. 119–123.
- 148 **engaged in actual transactions:** N. Rackham and J. Carlisle, "The Effective Negotiator—Part 1: The Behavior of Successful Negotiators," *Journal of European Industrial Training*, Vol. 2, No. 6 (1978), pp. 6–11; N. Rackham and J. Carlisle, "The Effective Negotiator—Part 2: Planning for Negotiations," *Journal of European Industrial Training*, Vol. 2, No. 7 (1978), pp. 2–5.
- 149 **activities by average negotiators:** N. Rackham and J. Carlisle, "The Effective Negotiator—Part I: The Behavior of Successful Negotiators," *Journal of European Industrial Training*, Vol. 2, No. 6 (1978), pp. 6–11.
- 149 **"probe an opponent's position":** Williams, *Legal Negotiation and Settlement* (St. Paul, Minn.: West Publishing, 1983), pp. 15–46. Williams's research studied practicing lawyers in two major U.S. cities. In addition to discovering the traits of effective negotiators, Williams found that least effective negotiators are either too "trustful" and "obliging" (for cooperative negotiators) or "irritating," "headstrong," and "arrogant" (for competitive negotiators). *Ibid.*
- 149 **negotiators in that industry:** Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, Mass.: Harvard University Press, 1982), pp. 120–121.
- 149 **skill after "verbal clarity":** Chester Karrass, *The Negotiating Game*, rev. ed. (New York: HarperBusiness, 1992), pp. 241–244.
- 150 **provide them with leverage:** For a formal economic model that expresses this same thought, see Vincent P. Crawford and Joel Sobel, "Strategic Information Transmission," *Econometrica*, Vol. 50, No. 6 (1982), pp. 1431–1451.
- 151 **50 percent of the time:** Leigh Thompson, *The Mind and Heart of the Negotiator* (Englewood Cliffs, N.J.: Prentice-Hall, 1998), p. 49.
- 151 **due to bluffs that backfired:** Leigh Thompson, "An Examination of Naive and Experienced Negotiators," *Journal of Personality and Social Psychology*, Vol. 59, No. 1 (1990), pp. 82–90.
- 153 **"they want the deal":** I got this quote from Harvey Mackay. See Harvey Mackay, *Swim with the Sharks* (New York: Ivy Books, 1988), p. 107.

- 153 **proceed on that basis:** Research suggests that personalizing the negotiation encounter is especially good advice when you lack leverage. Ian Morley and Geoffrey Stephenson, *The Social Psychology of Bargaining* (London: George Allen and Unwin, 1977), pp. 138–182. See also James K. Esser, Michael J. Calvillo, Michael R. Scheel, and James L. Walker, “Oligopoly Bargaining: Effects of Agreement Pressure and Opponent Strategies,” *Journal of Applied Social Psychology*, Vol. 20 (1990), pp. 1256–1271; Dean Tjosvold and Ted L. Houston, “Social Face and Resistance to Compromise in Bargaining,” *Journal of Social Psychology*, Vol. 104 (1978), pp. 57–68.

CHAPTER 9: Step 3: Opening and Making Concessions

- 156 **Samuel Johnson:** *Roget's International Thesaurus* (New York: Thomas Y. Crowell, 1946), p. 530.
- 158 **ready to negotiate:** This story comes from Mark McCormack. See Mark McCormack, *On Negotiating* (Los Angeles: Dove Books, 1995), p. 129.
- 158 **Beatles considerably more money:** Bob Woolf, *Friendly Persuasion: How to Negotiate and Win* (New York: Berkley Books, 1990), pp. 180–181.
- 159 **to rethink its goals:** Bruce K. MacMurray and Edward J. Lawler, “Level-of-Aspiration Theory and Initial Stance in Bargaining,” *Representative Research in Social Psychology*, Vol. 16, No. 1 (1986), pp. 35–44.
- 159 **we anchor and adjust:** Max H. Bazerman, *Judgment in Managerial Decision Making*, 4th ed. (New York: John Wiley & Sons, 1990), pp. 27–30.
- 159 **could offset this effect:** James K. Esser, “Agreement Pressure and Opponent Strategies in Oligopoly Bargaining,” *Personality and Social Psychology Bulletin*, Vol. 15, No. 4 (1989), pp. 596–603.
- 160 **should open optimistically:** Jerome M. Shertkoff and Melinda Conley, “Opening Offer and Frequency of Concession as Bargaining Strategies,” *Journal of Personality and Social Psychology*, Vol. 7, No. 2 (1967), pp. 181–185; Gary Yukl, “Effects of the Opponent's Initial Offer, Concession Magnitude, and Concession Frequency on Bargaining Behavior,” *Journal of Personality and Social Psychology*, Vol. 30, No. 3 (1974), pp. 323–335. This research finding, while confirmed repeatedly, could be the product of its experimental setting. Typically, the subjects in these investigations (usually inexperienced undergraduates in psychology classes) sit in cubicles and, thinking they are negotiating against another subject, make written or computerized offers and counteroffers for commodities such as used cars or appliances, sending and receiving bare price terms. The experimenters confront subjects with a set of “programmed” openings and concession-making strategies by the “other party” and record the subjects’ responses and final deals. Starting very high (or low), conceding slowly, and diminishing the size of concessions as bargaining proceeds is the best way to bargain in this artificial setting. Whether it is therefore the best way to handle real people with real things to buy and sell is a more complicated question.

- 160 **mediated by a broker:** Mike Allen, William Donohue, and Becky Stewart, "Comparing Hardline and Softline Bargaining Strategies in Zero-Sum Situations Using Meta-Analysis," in M. Afzalur Rahim, ed., *Theory and Research in Conflict Management* (New York: Praeger, 1990), pp. 86–103.
- 161 **examine the contrast principle:** Robert B. Cialdini, *Influence: The Psychology of Persuasion* (New York: William Morrow, 1984), pp. 11–14, 42–45.
- 161 **or even to say "yes":** Robert B. Cialdini, Joyce E. Vincent, Stephen K. Lewis, Jose Catalan, Diane Wheeler, and Betty Lee Darby, "Reciprocal Concessions Procedure for Inducing Compliance: The Door-in-the-Face Technique," *Journal of Personality and Social Psychology*, Vol. 31, No. 2 (1975), pp. 206–215. See also Robert Vincent Joule, "Tobacco deprivation: The foot-in-the-door technique versus the low-ball technique," *European Journal of Social Psychology*, Vol. 17 (1987), pp. 361–365.
- 162 **scare the employer away:** Esser, "Agreement Pressure and Opponent Strategies in Oligopoly Bargaining."
- 163 **"what I really deserved":** Gail DeGeorge, *The Making of Blockbuster* (New York: John Wiley & Sons, 1996), pp. 38–39.
- 163 **(see Chapter 2) is still appropriate:** Dean G. Pruitt and Steven A. Lewis, "Development of Integrative Solutions in Bilateral Negotiation," *Journal of Personality and Social Psychology*, Vol. 31, No. 4 (1975), pp. 621–633.
- 163 **automobile dealers of America:** Keith Bradsher, "Sticker Shock: Car Buyers Miss Hagglng Ritual," *The New York Times*, June 13, 1996, p. D1.
- 164 **"deal is through negotiation":** Ibid., p. D23.
- 164 **to the moderate point:** P. L. Benson, H. H. Kelly, and B. Liebling, "Effects of Extremity of Offers and Concession Rate on the Outcomes of Bargaining," *Journal of Personality and Social Psychology*, Vol. 24 (1983), pp. 73–83. Similar results have been reported elsewhere. See S. S. Komorita and Arline R. Brenner, "Bargaining and Concession Making Under Bilateral Monopoly," *Journal of Personality and Social Psychology*, Vol. 9, No. 1 (1968), pp. 15–20.
- 164 **who refused to move:** As psychologist W. C. Hamner has expressed it, "Negotiators expect something more than just a mutually rewarding payoff. They also seem to expect a rewarding social exchange, trial by trial. That is, they define bargaining as a give-and-take process and therefore expect it to consist of a series of exchanges, not just one large concession." See W. C. Hamner, "Effects of Bargaining Strategy and Pressure to Reach Agreement in a Stalemated Negotiation," *Journal of Personality and Social Psychology*, Vol. 30 (1974), pp. 458–467; Hamner's sentiments are echoed in a more recent study that highlights the importance of "procedural justice" norms in allocation decisions of all kinds. See Tom R. Tyler and Eugene Griffin, "The Influence of Decision Makers' Goals on Their Concerns About Procedural Justice," *Journal of Applied Social Psychology*, Vol. 21 (1991), pp. 1629–1658.
- 166 **concession strategy works best:** Seungwoo Kwon and Laurie R. Weingart, "Unilateral Concessions from the Other Party: Concession Behavior, Attributions, and Negotiator Judgment," *Journal of Applied Psychology*, Vol. 89, No.

- 2 (2004), pp. 263–278. Mara Olekalns, Philip L. Smith, and Therese Walsh, “The Process of Negotiating: Strategy and Timing as Predictors of Outcomes,” *Organizational Behavior and Human Decision Processes*, Vol. 68, No. 1 (1996), pp. 68–77; Gary Yukl, “Effects of Situational Variables and Opponent Concessions on a Bargainer’s Perception, Aspirations, and Concessions,” *Journal of Personality and Social Psychology*, Vol. 29, No. 2 (1974), pp. 227–236.
- 166 **play it in competitive situations:** Martin Patchen, “Strategies for Eliciting Cooperating from an Adversary,” *Journal of Conflict Resolution*, Vol. 31, No. 1 (1987), pp. 164–185.
- 168 **this phenomenon “concession devaluation”:** Negotiation scholars also call this “reactive devaluation.” Margaret Neale and Max Bazerman, *Cognition and Rationality in Negotiation* (New York: Free Press, 1991), p. 75; Robert Mnookin, “Why Negotiations Fail: An Exploration of Barriers to the Resolution of Conflict,” *Ohio State Journal of Dispute Resolution*, Vol. 8 (1993), pp. 235, 238–247.
- 168 **“we esteem too lightly”:** This saying is attributed to Thomas Paine. *Roget’s International Thesaurus* (New York: Thomas Y. Crowell, 1946), p. 555.
- 168 **interests, priorities, and differences:** Richard E. Walton and Robert B. McKersie, *A Behavioral Theory of Labor Negotiations* (New York: McGraw-Hill, 1965), pp. 126–182.
- 169 **“big” (most important) issues:** Lewis A. Froman, Jr., and Michael D. Cohen, “Compromise and Logroll: Comparing the Efficiency of Two Bargaining Processes,” *Behavioral Science*, Vol. 15 (1970), pp. 180–183.
- 169 **proceeds through “package bargaining”:** Pruitt and Lewis, “Development of Integrative Solutions in Bilateral Negotiation”; Elizabeth A. Mannix, Leigh Thompson, and Max H. Bazerman, “Negotiation in Small Groups,” *Journal of Applied Psychology*, Vol. 74, No. 3 (1989), pp. 508–517; Gary A. Yukl, Michael P. Malone, Bert Hayslip, and Thomas A. Pamin, “The Effects of Time Pressure and Issue Settlement Order on Integrative Bargaining,” *Sociometry*, Vol. 39, No. 3 (1976), pp. 277–281.
- 169 **on issues X and Y:** Gavin Kennedy, John Benson, and John McMillian, *Managing Negotiations* (Englewood Cliffs, N.J.: Prentice-Hall, 1982), pp. 88–98.
- 172 **than a simple compromise:** Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes*, 2nd ed. (New York: Penguin, 1991). These authors advocate brainstorming as a technique to help in problem-solving situations. Also see Thomas J. D’Zurilla and Arthur Nezu, “A Study of the Generation-of-Alternatives Process in Social Problem Solving,” *Cognitive Therapy and Research*, Vol. 4, No. 1 (1980), pp. 67–72 (showing that the best way to find quality solutions is simply to generate as many options as possible).
- 172 **“good guy/bad guy” routine:** Good examples can be found in several “war story” books about mergers and acquisitions. See Bryan Burrough and John Hellyar, *Barbarians at the Gate: The Fall of RJR Nabisco* (New York: Harper & Row, 1990), pp. 266–269; DeGeorge, *The Making of Blockbuster*, pp. 141–143.

- 172 **we have met before:** Robert Cialdini has an excellent discussion of the psychological principles that underlie the “good guy/bad guy” routine. See Cialdini, *Influence*, pp. 186–187.
- 173 **connection with optimistic openings:** John A. Hilty and Peter Carnevale, “Black Hat/White Hat Strategy in Bilateral Negotiation,” *Organizational Behavior and Human Decision Processes*, Vol. 55, No. 3 (1993), pp. 444–469.

CHAPTER 10: Step 4: Closing and Gaining Commitment

- 175 **English rhyme:** *Roget's International Thesaurus* (New York: Thomas Y. Crowell, 1946), p. 533.
- 175 **Slovakian folk saying:** R.G.H. Siu, *Folk Wisdom and Management 3,333 Proverbs* (Washington, D.C.: Manuscript, 1994), p. 73.
- 176 **Barbarians at the Gate:** Bryan Burrough and John Helyar, *Barbarians at the Gate: The Fall of RJR Nabisco* (New York: Harper & Row, 1990).
- 176 **“be in this deal”:** *Ibid.*, p. 203. The authors note that Kravis denied saying “We have to be in on this deal. And we will be in this deal.”
- 177 **tense but optimistic:** The story of the fateful events of November 30, 1988 can be found in *Barbarians at the Gate*, pp. 474–502.
- 178 **“Absolutely not,” says Kravis:** *Ibid.*, p. 481.
- 178 **“one person to another”:** Michael Lynn, “Scarcity Effects on Value: A Quantitative Review of the Commodity Theory Literature,” *Psychology and Marketing*, Vol. 8, No. 1 (Spring 1991), p. 52.
- 178 **we missed an opportunity:** Graham Loomes and Robert Sugden, “Regret Theory: An Alternative Theory of Rational Choice Under Uncertainty,” *The Economic Journal*, Vol. 92 (1982), pp. 805–824.
- 180 **imposed by stiff competition:** Chester Karrass, *The Negotiating Game*, rev. ed. (New York: HarperBusiness, 1992), pp. 20–23.
- 181 **trademark of his style:** David Johnson, “In Taj deal Trump used an old tactic,” *The Philadelphia Inquirer*, November 18, 1990, p. D1.
- 181 **a family in New Orleans:** Gail DeGeorge, *The Making of Blockbuster* (New York: John Wiley & Sons, 1996), pp. 73–74.
- 182 **to win the contest:** Burrough and Helyar, *Barbarians at the Gate*, pp. 482–483.
- 182 **Psychologists call it overcommitment:** Howard Garland, “Throwing Good Money After Bad: The Effect of Sunk Costs on the Decision to Escalate Commitment to an Ongoing Project,” *Journal of Applied Psychology*, Vol. 75, No. 6 (1990), pp. 728–731.
- 186 **lack of balance at the beginning:** One well-known professional negotiator, Bob Woolf, maintains that he never splits the difference. Instead, he treats the offer to split as an admission. The other party has told him, in effect, that it can do the deal at a point halfway between the last two offers. Interview, “How to Negotiate Practically Anything,” *Inc.*, February 1989, p. 10.

- 187 **out of the Korean War:** Jeffrey Z. Rubin and Bert R. Brown, *The Social Psychology of Bargaining and Negotiation* (New York: Academic Press, 1975), p. 96. The story was originally reported in the press. See UPI, "2 Sides Sit Silently 4½ Hours at Korean Truce Meeting," *Philadelphia Evening Bulletin*, April 11, 1969, p. 10. I take my spelling of General Yi's name, which appears in several different forms in news reports, from the *New York Times*. See "U.S., at Meeting in Korea, Protests Downing of Plane," *New York Times*, April 18, 1969, p. A1.
- 188 **return to the table:** William Ury has an entire book on this subject. See William Ury, *Getting Past No* (New York: Bantam, 1991), pp. 105–129.
- 189 **up between the parties:** Murraray Chass, "The National Pastime's True Most Valuable Player," *The New York Times*, November 28, 1996, p. B23.
- 189 **can work in private:** Moving the parties to a private location where they can work on an agreement without having to answer to constituents is especially useful in international relations. See Clyde Haberman, "How the Oslo Connection Led to the Mideast Peace," *The New York Times*, September 5, 1993, p. A1.
- 189 **then wait for reciprocation:** This process has been confirmed experimentally. See S. S. Komorita and James K. Esser, "Frequency of Reciprocated Concessions in Bargaining," *Journal of Personality and Social Psychology*, Vol. 32, No. 4 (1975), pp. 699–705.
- 189 **Initiatives in Tension Reduction:** Charles E. Osgood, *An Alternative to War or Surrender* (Urbana, Ill.: University of Illinois Press, 1962), pp. 85–134.
- 190 **Sinai Peninsula to Egypt:** Howard Raiffa provides an excellent discussion of the Camp David accords as an example of assisted negotiation. See Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, Mass.: Harvard University Press, 1982), p. 205.
- 190 **compared with available alternatives:** William P. Bottom and Amy Studt, "Framing Effects and the Distributive Aspect of Integrative Bargaining," *Organizational Behavior and Human Decision Processes*, Vol. 56, No. 3 (1993), pp. 459–474.
- 191 **backed out of the deal:** Patrick McGeehan, "Morgan Stanley, Dean Witter Have Big Breakup Fee," *The Wall Street Journal*, February 18, 1997, p. B12.
- 191 **that \$8.3 million figure:** Bob Woolf, *Friendly Persuasion: How to Negotiate and Win* (New York: Berkley Books, 1990), pp. 19–22.

CHAPTER 11: Bargaining with the Devil Without

Losing Your Soul: Ethics in Negotiation

- 196 **Anacharsis (600 B.C.):** *Roget's International Thesaurus* (New York: Thomas Y. Crowell, 1946), p. 548.
- 196 **O'Loughlin, Allstate Insurance Company:** Mr. O'Loughlin was a senior vice president at Allstate Insurance Company at the time he was quoted as saying this. See Bruce Horovitz, "When Should an Executive Lie?," *Industry Week*, November 16, 1981, p. 87.

- 196 **a Philadelphia newspaper columnist:** Darrell Sifford, "Mastering the Fine Art of Negotiation," *Philadelphia Inquirer*, June 30, 1991, p. 11.
- 198 **life in every culture:** Sissela Bok calls white lies "the most common and the most trivial forms that duplicity can take." Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage, 1978), p. 60. Some interesting research on "everyday" lying is reported in two articles. See Bella M. DePaulo, Deborah A. Kashy, Susan E. Kirkendol, Melissa M. Wyer, and Jennifer A. Epstein, "Lying in Everyday Life," *Journal of Personality and Social Psychology*, Vol. 70, No. 5 (1996), pp. 979-995; Deborah A. Kashy and Bella M. DePaulo, "Who Lies?," *Journal of Personality and Social Psychology*, Vol. 70, No. 5 (1996), pp. 1037-1051. Curiously, the strongest predictor of whether a person was likely to lie a lot was whether he or she had high-quality same-sex relationships. As the researchers put it, "People who described their same-sex relationships as warm, enduring, and satisfying told fewer lies overall, and especially fewer self-centered lies, than people who described their same-sex relationships in less glowing terms."
- 198 **return for concrete concessions:** Robert J. Robinson, Roy J. Lewicki, and Eileen M. Donohue, "Extending and Testing a Five Factor Model of Ethical and Unethical Bargaining Tactics: Introducing the SINS Scale," *Journal of Organizational Behavior* (1998).
- 199 **a major motivational objective:** Gerald R. Williams, *Legal Negotiation and Settlement* (St. Paul, Minn.: West Publishing, 1983), p. 19.
- 199 **interviews are "persistent liars":** Bruce Horowitz, "When Should an Executive Lie?," *Industry Week*, November 16, 1981, pp. 81-87.
- 199 **"engage in ethical behavior":** James J. White, "The Pros and Cons of 'Getting to Yes,'" *Journal of Legal Education*, Vol. 34 (1984), pp. 115-124, quote on p. 118. Business ethicist and economist Robert H. Frank of Cornell University echoes White's analysis when he says, "The art of bargaining, as most of us eventually learn, is in large part the art of sending misleading messages about [reservation prices]." See Robert H. Frank, *Passions Within Reason* (New York: W. W. Norton, 1988), p. 165.
- 200 **traits of a skilled negotiator:** Chester Karrass, *The Negotiating Game*, rev. ed. (New York: HarperBusiness, 1992), pp. 242-243; Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, Mass.: Harvard University Press, 1982), pp. 120-121.
- 201 **regulate the negotiation process:** Much of the following discussion comes from an article I wrote in 1991. See G. Richard Shell, "When Is It Legal to Lie in Negotiations?," *Sloan Management Review*, Vol. 32 (1991), pp. 93-101.
- 201 **negotiation of commercial agreements:** The Uniform Commercial Code states that the general duty of good faith applies only to the performance and enforcement of agreements, not their negotiation. See *Uniform Commercial Code* § 1-203. See also *Restatement (Second) of Contracts* § 205 (1981), comment c ("Bad faith in negotiation" is not "within the scope of this Section"). *Ibid.*, § 205, comment c.

- 201 **“bad faith” in negotiations**: *Feldman v. Allegheny Intn'l, Inc.*, 850 F. 2d 1217, 1223 (7th Cir., 1988).
- 201 **relies (6) causing damages**: W. Page Keeton, Dan B. Dobbs, Robert E. Keeton, and David G. Owen, *Prosser and Keeton on the Law of Torts* (St. Paul, Minn.: West Publishing, 1984), p. 728.
- 204 **infestation in her home**: *Miles v. McSwegin*, 388 N.E. 2d 1367 (Ohio, 1979).
- 204 **negotiating to purchase it**: *Zaschak v. Traverse Corp.*, 333 N.W. 2d 191 (Mich. Appl., 1983).
- 204 **preferring the term “bluffs”**: Robert A. Wenke, *The Art of Negotiation for Lawyers* (New York: Law Distributors, 1985), p. 33. For a summary of research on ethical attitudes about bluffing and other traditional “competitive bargaining” behavior, see Roy J. Lewicki, Joseph A. Litterer, John W. Minton, and David M. Saunders, *Negotiation*, 2nd ed. (Burr Ridge, Ill.: Irwin, 1994), pp. 392–398.
- 205 **to their expressed preferences**: John G. Cross, *The Economics of Bargaining* (New York: Basic Books, 1969), pp. 166–179 (exaggerated demands make it possible to engage in cooperative process of mutual concession making); P. H. Gulliver, *Disputes and Negotiation: A Cross-Cultural Perspective* (New York: Academic Press, 1979), pp. 135–141 (exaggerated demands set legitimate boundaries of dispute); Thomas Schelling, *The Strategy of Conflict* (New York: Oxford University Press, 1963), pp. 22–28 (strength of commitment is key to success in using misleading statements about reservation price to capture larger share of bargaining surplus).
- 205 **to a third person**: American Bar Association, *Model Rules of Professional Conduct*, Rule 4.1(a) official comment (1983).
- 205 **legal case from Massachusetts**: *Kabatchnick v. Hanover-Elm Bldg. Corp.*, 103 N.E. 2d 692 (Mass., 1952).
- 205 **later that same day**: *Beavers v. Lamplighters Realty, Inc.*, 556 P. 2d 1328 (Okla. Appl., 1976).
- 206 **“state of his digestion”**: *Edgington v. Fitzmaurice*, L. R. 29 Ch. Div. 359 (1885).
- 207 **intention was “material”**: A particularly vivid example of this sort of conduct was litigated in *Markov v. ABC Transfer & Storage Co.*, 457 P. 2d 535 (Wash., 1969). See also *Gibraltar Savings v. LDBrinkman Corp.*, 860 F. 2d 1275 (5th Cir., 1988) (debtor’s promise to creditor to keep holding company solvent when plans were under way to dissolve holding company deemed fraudulent, resulting in \$6 million verdict).
- 207 **from his largest customer**: *Alio v. Saponaro*, 520 N.Y.S. 2d 245 (A.D., 1987).
- 207 **to sell their discoveries**: *Smith v. Snap-on Tools Corp.*, 833 F. 2d 578 (5th Cir., 1988) (no liability when inventor made a gift of invention to the company); *Smith v. Dravo Corp.*, 203 F. 2d 369 (7th Cir., 1953) (liability when inventor intended negotiations to lead to sale of trade secret).
- 208 **the final written contract**: *Turner v. Johnson & Johnson*, 809 F. 2d 90 (1st Cir., 1986).
- 209 **approach others as equals**: See Geoffrey M. Peter, “The Use of Lies in Negotiation,” *Ohio State Law Journal*, Vol. 48, No. 1 (1987), pp. 1–50.

- 210 **"much money or power":** Albert Z. Carr, "Is Business Bluffing Ethical?," *Harvard Business Review*, Vol. 46 (1968), pp. 143–153. One modern follower of the Poker School might be former California real estate mogul and successful negotiation entrepreneur Roger Dawson, who teaches people to become "Power Negotiators." Dawson specializes in teaching "gam-bits," telling people that one of the secrets of success is "to think of negotiating as a game." See Roger Dawson, *Roger Dawson's Secrets of Power Negotiating* (Hawthorne, N.J.: Career Press, 1995), p. 94.
- 210 **person successfully deceived them:** Carr, "Is Business Bluffing Ethical?," p. 145.
- 212 **conduct is therefore unethical:** Immanuel Kant, *Foundations of the Meta-physics of Morals*, L. W. Beck, trans. (New York: Liberal Arts Press, 1959).
- 213 **bluffs about bottom lines:** J. Gregory Dees and Peter C. Cramton, "Shrewd Bargaining on the Moral Frontier: Toward a Theory of Morality in Prac-tice," *Business Ethics Quarterly*, Vol. 1, No. 2 (1991), pp. 135–167. Also see Alan Strudler, "On the Ethics of Deception in Negotiation," *Business Ethics Quarterly*, Vol. 5, No. 4 (1995), pp. 805–822.
- 213 **as an ethical option:** Scholars have hypothesized that a corrupt work envi-ronment can lead otherwise good people to engage in unethical conduct. Daniel J. Brass, Kenneth D. Butterfield, and Bruce C. Skaggs, "Relation-ships and Unethical Behavior: A Social Network Perspective," *Academy of Management Review*, Vol. 23 (1998), pp. 14–31. In addition, there is empiri-cal support for the idea that people tend to orient toward goals supported by the institutions in which they live and work. Tim Kasser, "Aspirations and Well-being in a Prison Setting," *Journal of Applied Social Psychology*, Vol. 26 (1996), pp. 1367–1377.
- 217 **daughter a used car:** Dale Singer, "I've Kicked the Tires. Now I'll Kick My-self," *The New York Times*, February 2, 1997, p. F14.
- 218 **a hidden psychological premise:** Robert B. Cialdini, John T. Cacioppo, Rodney Bassett, and John A. Miller, "Low-Ball Procedure for Producing Compliance: Commitment Then Cost," *Journal of Personality and Social Psy-chology*, Vol. 36, No. 5 (1978), pp. 463–476. Under the lowball procedure, a salesman induces a customer to make an active decision to buy one spe-cific car by offering an extremely good price. The salesman then uses one of several devices to remove the low price, including "checking with the boss," who overrules the salesman's offer. Other techniques include low-ering the trade-in allowance, threatening to leave out standard features such as the radio or air-conditioning, and so on. Consumer groups have identified and condemned the practice for decades. See, for example, *Con-sumer Reports*, Vol. 39 (May 1974), p. 368.
- 219 **real estate market: 1997:** Tracey Rozan, "A Hot Market Leads to Cold-Blooded Dealing," *The New York Times*, May 25, 1997, Sec. 9, p. 1.
- 220 **"with the latter's demands":** Frank J. Monteverde, Richard Paschke, and James T. Tedeschi, "The Effectiveness of Honesty and Deceit as Influence Tactics," *Sociometry*, Vol. 37, No. 4 (1974), pp. 583–591. A similar study

found that "the disadvantaged player in a bargaining game lied more often than his more powerful opponent and gained better bargaining outcomes as a consequence." See C. S. Fischer, "The Effect of Threats in an Incomplete Information Game," *Sociometry*, Vol. 32 (1969), pp. 301-314.

- 220 **"using less ethical tactics":** Roy J. Lewicki, Joseph A. Litterer, John W. Minton, and David M. Saunders, *Negotiation*, 2d ed. (Burr Ridge, Ill.: Irwin, 1994), p. 402.
- 221 **"willing to use them":** Ibid., p. 401. People who expect a short-term relationship are more likely to see ethically questionable behavior as acceptable than are those who foresee a long-term relationship. They are also more likely to anticipate unethical conduct from others and to use questionable tactics as a defense strategy themselves.
- 221 **lies have been told:** Peter J. DePaulo and Bella M. DePaulo, "Can Deception by Salespersons and Customers Be Detected Through Nonverbal Behavioral Cues?," *Journal of Applied Social Psychology*, Vol. 19, No. 18 (1989), pp. 1552-1577.
- 221 **"to interpret their speeches":** Michael Kiernan, ed., *Sir Francis Bacon, The Essays of Counsels, Civill and Morall* (Cambridge, Mass.: Harvard University Press, 1985), pp. 145-147.
- 221 **draw a firm conclusion:** Recent studies on lie detecting have suggested that only specialists, such as Secret Service personnel, are good at detecting liars. See, for example, Paul Ekman and Maureen O'Sullivan, "Who Can Catch a Liar?" *American Psychologist*, Vol. 46 (1991), pp. 913-920. Other researchers claim that average people can outperform chance, at least when it comes to telling that "something fishy is going on." Bella M. DePaulo and Robert Rosenthal, "Telling Lies," *Journal of Personality and Social Psychology*, Vol. 37, No. 10 (1979), pp. 1713-1722; Richard A. Maier and Paul J. Lavrakas, "Lying Behavior and Evaluation of Lies," *Perceptual and Motor Skills*, Vol. 42 (1976), pp. 575-581. Even these studies reveal that people are not very good at determining what people are covering up—only that they are covering *something* up.
- 224 **"Red Herring" technique:** Dawson, *Roger Dawson's Secrets of Power Negotiating*, pp. 94-100.
- 224 **Sony's new movie division:** Nancy Griffin and Kim Masters, *Hit and Run: How Jon Peters and Peter Guber Took Sony for a Ride in Hollywood* (New York: Simon & Schuster, 1996), pp. 233-251.
- 225 **to obtain their release:** Actually, the timing turned out not to matter. Steve Ross refused to give Guber and Peters a release, sued Sony for \$1 billion for inducing a breach of contract between Warner and Guber-Peters Entertainment, and won a handsome settlement.

CHAPTER 12: Conclusion: On Becoming an Effective Negotiator

- 229 **Pashto folk saying:** R.G.H. Siu, *Folk Wisdom and Management 3,333 Proverbs* (Washington, D.C.: Manuscript, 1994), p. 81. The Pashto language is spoken in a remote part of Pakistan and originated in Central Asia.
- 229 **Robert Louis Stevenson:** *Roget's International Thesaurus* (New York: Thomas Y. Crowell, 1946), p. 546.
- 233 **agents for others' interests:** James A. Breaugh and Richard J. Klimoski, "Social Forces in Negotiation Simulations," *Personality and Social Psychology Bulletin*, Vol. 7, No. 2 (1981), pp. 290–295 (finding that people bargained harder on behalf of a group of which they were a part than if they were merely "hired guns" who acted as bargaining agents). In general, agents tend to assert goals more aggressively than do people bargaining on their own behalf. See Max H. Bazerman, Margaret A. Neale, Kathleen L. Valley, Edward J. Zajac, and Yong Min Kim, "The Effect of Agents and Mediators on Negotiation Outcomes," *Organizational Behavior and Human Decision Processes*, Vol. 53, No. 1 (1992), pp. 55–73.
- 233 **people are watching them:** Peter J. D. Carnevale, Dean G. Pruitt, and Scott D. Britton, "Looking Tough: The Negotiator Under Constituent Surveillance," *Personality and Social Psychology Bulletin*, Vol. 5, No. 1 (1979), pp. 118–121.
- 233 **she made a request:** The studies were led by Harvard University's Ellen Langer. See Ellen Langer, Arthur Blank, and Ben Zion Chanowitz, "The Mindlessness of Ostensibly Thoughtful Action: The Role of Placebic Information in Interpersonal Interaction," *Journal of Personality and Social Psychology*, Vol. 36, No. 6 (1978), pp. 635–642. An account of this work can be found in Robert B. Cialdini, *Influence: The Psychology of Persuasion* (New York: William Morrow, 1984), pp. 4–5.

APPENDIX A: A Note on Your Personal Negotiation Style

- 242 **almost as far as do organized courses on negotiation:** J. Z. Rubin and R. B. Brown, *The Social Psychology of Bargaining and Negotiation* (New York: Academic Press, 1975); R. C. Bordone, "Teaching Interpersonal Skills for Negotiation and for Life," *Negotiation Journal* 16, No. 4 (2000), pp. 377–385; R. S. Fortgang, "Taking stock: An analysis of negotiation pedagogy across four professional fields," *Negotiation Journal* 16, No. 4 (2000), pp. 325–338. A related, more modern line of psychological pedagogy on negotiation deals with cognitive errors to which people of all races, genders, and interpersonal orientations are prone. Led by Max Bazerman (building on foundations laid by Daniel Kahneman and Amos Tversky), negotiation

teachers have learned to instruct their students about systematic biases in human cognition that can cloud negotiator judgment. The experimental evidence for such phenomena as "fixed pie" biases, gain-loss framing, availability, endowment effects, escalation of commitment, and overconfidence is strong, and classroom demonstrations of many of these biases are relatively easy to conduct. The pedagogical goal is to help people learn to recognize cognitive biases, overcome them in appropriate situations, and become more effective negotiators as a result. Like materials on gender, race, or culture, materials on cognitive psychology complement rather than substitute for content related to bargaining styles. The biases are not predispositions toward handling negotiation situations so much as they are hardwired quirks in the human information-processing system that affects many forms of decision making. D. Kahneman and A. Tversky, "Prospect Theory: An Analysis of Decision Under Risk," *Econometrica*, Vol. 47 (1979), pp. 136–291; D. Kahneman, D. P. Slovic and A. Tversky, *Judgment Under Uncertainty: Heuristics and Biases* (Cambridge: Cambridge University Press, 1982).

- 242 **bargaining styles can play crucial roles in negotiation:** R. W. Gilkey and L. Greenhalgh, "The Role of Personality in Successful Negotiating," *Negotiation Journal*, Vol. 2, No. 3 (1986), pp. 245–256.
- 248 **"thief thinks everybody steals":** R. G. H. Siu, *Folk Wisdom and Management: 3,333 Proverbs* (Washington, D.C.: Manuscript, 1994), p. 13.
- 248 **assume that others are cooperative:** H. H. Kelly and A. Stahelski, "Social Interaction Basis of Cooperators' and Competitors' Beliefs About Others," *Journal of Personality and Social Psychology*, Vol. 16 (1970), pp. 66–91; James K. Esser and S. S. Komorita, "Reciprocity and Concession Making in Bargaining," *Journal of Personality and Social Psychology*, Vol. 31, No. 5 (1975), pp. 864–872.
- 249 **you end up making a deal:** Donald J. Trump, *The Art of the Deal* (New York: Random House, 1987), p. 88.
- 250 **(TKI), which I recommended in the first edition:** R. H. Kilmann and K. W. Thomas, "Developing a Forced-Choice Measure of Conflict-Handling Behavior: The 'Mode' Instrument," *Educational and Psychological Measurement*, Vol. 37 (1977), pp. 309–325. There is some doubt about the construct validity of the TKI. See M. A. Konovsky, F. Jaster, and M. A. McDonald, "Using Parametric Statistics to Explore the Construct Validity of the Thomas-Kilmann Conflict Mode Instrument," *Management Communication Quarterly*, Vol. 3, No. 2 (1989), pp. 268–290; B. Kabanoff, "Predictive Validity of the MODE Conflict Instrument," *Journal of Applied Psychology*, Vol. 72, No. 1 (1987), pp. 160–163. These concerns may also apply to the Bargaining Styles Assessment Tool, on which no research has been conducted to assess validity.
- 250 **Blake and Mouton in the mid-1960s:** R. R. Blake and J. S. Mouton, *The Managerial Grid* (Houston: Gulf Publications, 1964).

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