



## PREFACE

This is a book about how we should treat each other when we work with others to accomplish something. As two scholars, teachers, and practitioners of negotiation for close to two lifetimes of work, we came to this project because we felt that the issues of how people should deal with each other in negotiation were treated implicitly or secondarily in our major texts too often. As those texts and other writings about negotiation have proliferated in the past two decades, we noticed that often simplified oppositions of “principled” “problem-solving” or “integrative” bargaining to “competitive,” “distributional,” or “zero-sum” negotiating assumed similarly oppositional ethical precepts. Cooperation and trust, in search of joint gain, often assumes openness and sharing of information, equality of power or relationships between the parties, and goodwill on both sides. Competitive negotiations require hardball tactics and suspicion when dealing with parties on the other side, assumed to be taking advantage of us. Although both of us are clearly members of the “joint gain,” problem-solving association of negotiation academics, we undertook this project because, as with most other things that academics look at, we saw the complexities of the ethics issues when we asked ourselves, our students, and real-world negotiators, What’s fair in negotiation?

In working with the many wonderful people who have made this book a reality, we learned that it is not true, as in love and war, that all’s fair (and really, we do not think all’s fair in love and war, either). We decided to compile this book about what is fair in negotiation because we know that so many wise and

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savvy people have reflected on these questions in many different contexts and have explored the many diverse dimensions of answers to profound ethical dilemmas that we face every day. And because we are both teachers of negotiation in theory and practice, we were committed to focusing on what happens to negotiation ethics as they are actually practiced, not only how they are thought about by moral philosophers who negotiate mostly with their academic peers. We have learned (and selected from) the writings, teachings, and practices of moral philosophers, legal ethicists, corporate and business negotiators, public interest lawyers, and others who serve as agents for the subordinated and from the founding generation of modern negotiation theorists.

We begin with two pieces of our own to set the stage for what has concerned us about assessing what's fair and just in negotiation: the big questions about what duties are owed to others; their sources in personal, religious, familial, role, and professional morality and ethics; and the practice of ethics in actual negotiations. We hope that the chapters in this book orient readers and negotiation practitioners to what we call a moral realist's negotiation compass: knowing what questions to ask of self and others, searching out directions (yes, even you men out there) from those who have gone before, and then applying some basic principles—of the relation of means to ends and relations to relationships, distributive fairness, and just resource allocation—to real negotiation situations. We follow with an overview of orienting ethical frameworks developed by several of the major leaders in modern negotiation theory. We then treat five of the major issues, as we see them, in negotiation ethics, as others have written about them: issues about truth telling, candor, and deception in negotiation; tactics and strategic behavioral choices; relationships with others (opponents, adversaries, partners, counterparts); relationships of agents and principals (and role morality) in negotiation; and the social influences on negotiators (antecedent to) and social impacts (consequences and effects) of negotiation outcomes. In each part of this book, we provide an introduction to suggest some questions and orient readers to what is a diverse, provocative, and sometimes conflicting collection of readings on particular ethical dilemmas. We have sought to demonstrate that while we are searching for some universal principles in negotiation ethics, situations, contexts, and variations in negotiation structures (dyadic or multiparty, direct or representational) and cultures make universal generalizations difficult. Yet just because universal abstractions are often falsified in the realities of practice does not mean that we should either avoid ethical deliberation or leave it all to situational or relativist ethics. Many of the authors represented here (including ourselves) suggest that it is time for negotiation theory and practice to be more explicit about the ethical and moral assumptions or foundations on which both descriptive and prescriptive advice is presented. What's fair in negotiation depends in large measure on what we are trying to

accomplish with other people: using them, aiding them, or collaborating with them to improve the situations we are all in from before the negotiation began.

Several rules of thumb guided us in selecting the chapters. First, our focus was on the negotiation process generally. For the most part, that meant that we have not included material that deals with substantive ethical issues that arise in specific negotiation contexts, such as in the representation of children's interests in divorce cases. Likewise, we left for another day a considerable amount of material on the ethical responsibilities of mediators, arbitrators, and other third parties. Finally, we did our best to include perspectives from a range of disciplines and practices.

We encountered some challenges in putting this collection together. There was a good news–bad news aspect to the fact that there has been a lot of thoughtful writing about negotiation ethics. Although the book expanded beyond our original expectations, we could not include everything that we would have liked, and many of the selections that are included had to be trimmed in the name of overall economy. Interested readers will certainly find additional useful concepts and illustrations in the original material that we have had to condense. The Bibliography suggests additional resources. Finally, other than our own essays and Larry Susskind's contribution (Chapter Thirty-One), all of the material in the book was written at different times for different purposes. We hope that the categories and sequence that we have created provide a useful structure for exploring negotiation ethics, but most of the chapters are too interesting and too complex to roost obediently in our pigeonholes. Readers are encouraged to let their own curiosity lead them wherever it may.

