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Insincere negotiation: Using the negotiation process to pursue non-agreement motives[☆]



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ABSTRACT

Negotiation scholars have assumed that participants enter negotiations with the intent to reach an agreement. In addition, negotiation scholars have assumed that negotiators cannot be significantly harmed by the negotiation process itself. We challenge both of these assumptions and identify important implications. We introduce the term *insincere negotiations* to characterize negotiations that involve one or more negotiators who feign interest in seeking an agreement and enter negotiations to pursue non-agreement motives, such as stalling for time, gaining information, or blocking a competitor from reaching an agreement. We explore how this broader conceptualization of negotiations changes both negotiator behavior and negotiated outcomes and makes the decisions to enter and to persist in a negotiation risky and strategic.

In psychology, management, and economics, negotiation scholars have assumed that parties approach negotiations with the intent to reach an agreement (Carnevale & Lawler, 1986; Carnevale & Pruitt, 1992; Fisher, Ury, & Patton, 1991; Rubin & Brown, 2013; Rubinstein, 1982). For example, the prevailing, classical definition of negotiation from *Getting to Yes* (Fisher et al., 1991, p. xvii) states that negotiations are “back and forth communication *designed to reach an agreement*” [emphasis added]. Similarly, Rubin and Brown (2013, p. 2) define negotiations as “the process whereby two or more parties attempt to settle what each should give and take.”

A substantial literature has developed our understanding of classical negotiations (Ames & Mason, 2015; Cohen, Leonardelli, & Thompson, 2014; Galinsky, Leonardelli, Okhuysen, & Mussweiler, 2005; Gunia, Brett, & Gelfand, 2016; Gunia, Brett, & Nadkeolyar, 2014; Halevy, 2008; Halevy, Chou, & Murnighan, 2012; Halevy & Chou, 2014; Hart & Schweitzer, 2020; Mason, Lee, Wiley, & Ames, 2013; Mason, Wiley, & Ames, 2018; Schweitzer & Gombert, 2001; Thatcher & Patel, 2012; Thompson, Wang, & Gunia, 2010). Curiously, *none* of this work accounts for the possibility that negotiators might enter negotiations to pursue non-agreement goals or the possibility that the negotiation process can change the value of a negotiator’s outside option or Best Alternative To Negotiated Agreement (BATNA). As a result, insights

from the existing negotiations literature limit our ability to understand many important negotiator behaviors and outcomes.

In practice, many individuals and organizations have used the negotiation process to gain leverage or a strategic advantage without reaching an agreement. For example, in 1996, the Peruvian government, led by then President Alberto Fujimori, used the negotiations process to gain time and information that enabled them to launch a military offensive against hostage takers. As the Canadian ambassador to Peru who participated in the negotiations later asserted, Fujimori’s negotiating team “...had served as little more than a cover to give [Fujimori] time to put in place the physical and political elements of a raid” (Schemo, 1997). In a very different setting, Microsoft entered negotiations to discuss the acquisition of a smaller company named Stac. However, Microsoft used their negotiation process with Stac not to secure an agreement but instead to steal proprietary code (Fisher, 1994). In yet another context, the Boston Red Sox initiated negotiations with a star pitcher, Matsuzaka, not to reach an agreement but rather to keep him from exploring other options, fearing he might sign with a rival team (Chass, 2007). Across these disparate settings, actors strategically used negotiations to attain non-agreement outcomes.

In fact, the widespread use of counter-measures, such as non-disclosure agreements (NDAs), underscores the concern negotiators have

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about the prevalence of insincere negotiations. For example, during acquisition talks, the target company may be concerned that the potential buyer may use the negotiation to steal proprietary information rather than negotiate the purchase of their company. We represent this context in Study 1. Similarly, the National Labor Relations Board (NLRB) rules, which require negotiators “to bargain in good faith,” highlight the potential problem that insincere negotiations pose (NLRB, 2017). By introducing insincere negotiations to the literature, we address an important theoretical and practical shortcoming of negotiation literature.

We introduce a new term, *insincere negotiations*, to describe negotiations in which a negotiator has non-agreement goals. In contrast to sincere negotiators who enter negotiations with the aim of reaching an agreement, insincere negotiators use the negotiation process as a vehicle to exploit their counterpart. In the pursuit of different goals, insincere negotiators engage in different negotiation behaviors, as they focus on gaining information or stalling for time, than sincere negotiators do. Importantly, the mere possibility of encountering an insincere negotiator may deter negotiators, create friction (e.g., by requiring non-disclosure agreements), and boost the likelihood that negotiators will fail to reach an agreement. As scholars, we may have overstated the benefits of both exploring and accepting invitations to negotiate. Quite possibly, some individuals would be far better off by *not* negotiating. Our work is the first experimental demonstration of the use of the negotiation process as a vehicle for achieving a non-agreement motive.

We postulate that negotiators may mislead their counterpart about their underlying intentions to reach an agreement. This is very different from the substantial negotiation literature that has explored deception *within* the negotiation process. This prior work examines how negotiators use deception *during* negotiations to achieve a more favorable negotiation outcome (Aquino, 1998; Barry, Fulmer, & Van Kleef, 2004; Boles, Croson, & Murnighan, 2000; Friedman, Anderson, Brett, Oleklans, Goates, & Lisco, 2004; Fulmer, Barry, & Long, 2008; Koning, Van Dijk, Van Beest, & Steinel, 2010; Lewicki & Robinson, 1998; O'Connor & Carnevale, 1997; Oleklans & Smith, 2007, 2009; Schweitzer, DeChurch, & Gibson, 2005; Tenbrunsel, 1998; Thompson, 1990). However, this literature has not considered the broader question of how negotiators can exploit their counterpart by using the negotiation process as a strategic tool to achieve an outcome that does not involve a negotiated agreement.

We investigate how the existence of insincere negotiations affects both the insincere negotiator and their counterpart. Insincere negotiators with non-agreement motives are likely to engage in different negotiation behaviors and reach different negotiation outcomes than sincere negotiators are. Negotiators who anticipate that their counterpart may have non-agreement motives are also likely to engage in different negotiation behaviors and reach different types of negotiated outcomes. For example, we expect negotiators who are suspicious of their counterpart's agreement motives to ask questions early in the negotiation process to assess their counterpart's interest in reaching an agreement. These suspicious negotiators may also behave more aggressively toward their counterparts and exit negotiations early.

In this article, we term *classical negotiations* as negotiations involving counterparts who enter negotiations with sincere intentions to reach an agreement and choose strategic actions within their negotiation to reach a favorable outcome. Of course, even within classical negotiations, many participants fail to reach an agreement. However, the key point is that an impasse was never the ex-ante objective of sincere negotiators. Across our studies, we contrast classical negotiations with insincere negotiations and identify differences in both negotiation behavior and negotiation outcomes.

Our findings inform important theoretical implications for negotiation, strategy, and management. First, our work makes a fundamental contribution to the negotiation literature. We not only redefine the negotiation construct but also highlight a critical shortcoming in how negotiations have been studied. By presuming an agreement

motive, prior scholars have considered only a small subset of actual negotiation experiences. This scholarship has not only misrepresented the broader negotiation experience but has also possibly drawn erroneous conclusions. For example, exhortations to negotiate may be appropriate when your counterpart is sincere but may lead to ruin when they are not.

Our broader conceptualization of negotiation also provides a new foundation for studying repeated negotiations. For example, a potential car buyer may approach multiple dealerships to glean information before approaching their preferred vendor. By acknowledging the potential of insincere negotiations, we not only afford a platform for representing and understanding these initial negotiations (e.g., a car salesperson who cuts a negotiation short) but also contemplate that negotiators' motives may change during the negotiation. In short, by introducing insincere negotiations to the negotiation literature, we redefine negotiations, challenge the existing conceptualization of negotiations, challenge negotiation prescriptions, and create a generative platform for future research.

Second, our reframing of negotiation as a strategic tool to achieve both agreement and non-agreement motives makes a novel theoretical contribution to the strategy literature. By conceptualizing the negotiation as a tool for gaining leverage by gathering information, stalling for time, blocking a competitor, or managing impressions, we introduce negotiations to the strategy literature as a multi-purpose influence tool. This broader conceptualization has implications both for prospective strategic actors and for those who are likely to be their targets.

Third, our findings make an important contribution to the broader management literature by bridging negotiation theory with signaling theory (Spence, 2002; see Connelly, Certo, Ireland, & Reutzel, 2011, for review). According to signaling theory, individuals engage in costly behaviors to reduce informational asymmetry (e.g., a job applicant will signal their intelligence by completing graduate degrees). By introducing the possibility of different negotiator types (e.g., sincere and insincere negotiators), we introduce negotiations as a signaling problem. Just as recruiters seek to gauge the motivation of a job applicant, negotiation counterparts need to gauge the sincerity of their partner.

1. Negotiation

Negotiation scholars in psychology, management, and economics have defined negotiations as a process that involves parties seeking to reach an agreement. This assumption is often implicit in the problem formulation, but many scholars have stated this assumption explicitly as well. For example, Fisher et al. (1991) define negotiations as “back and forth communication designed to reach an agreement” (p. xvii). Carnevale and Lawler (1986: 636) state that “negotiation is a form of symbolic communication that involves two or more people *attempting to reach an agreement* on issues where there are perceived differences of interest” [emphasis added], and Rubinstein (1982, p. 97) defines negotiation as a situation in which “two individuals have before them several possible contractual agreements. *Both have interests in reaching agreement* but their interests are not entirely identical” [emphasis added].

Furthermore, scholars have widely assumed that aside from time and travel costs, negotiators cannot be harmed by the process of entering a negotiation (Galinsky & Schweitzer, 2015; Malhotra & Bazerman, 2007, 2008; Thompson, 2001; Thompson et al., 2010; Tsay & Bazerman, 2009). Specifically, scholars have not considered that through the negotiation process, negotiators' strategic position and the value of their alternatives (i.e., their BATNA) can change. This presumption fails to recognize the decision to enter a negotiation as a strategic decision. Classical negotiations, negotiations involving participants who sincerely intend to reach an agreement, are considered *complete* when participants either reach a mutually beneficial agreement or reach an impasse (Adair et al., 2004; Adair & Brett, 2005; Adair, Okumura, & Brett, 2001; Bear, 2011; Bear & Babcock, 2012; Bear

& Segel-Karpas, 2015; Bowles, Babcock, & McGinn, 2005; Gino & Moore, 2008; Gino & Shea, 2012; Lewicki, Tomlinson, & Gillespie, 2006; McGinn, Thompson, & Bazerman, 2003; Olekalns & Smith, 2000; Olekalns, Smith, & Walsh, 1996; Pinkley, Griffith, & Northcraft, 1995; Pinkley, Neale, & Bennett, 1994; Rothman & Northcraft, 2015; Thompson, 1990). In the classic experimental paradigm, participants read confidential information that presumes an interest in reaching a negotiated outcome, conduct a negotiation (in person or virtually), and reach either an agreement or an impasse (see Bazerman, Curhan, Moore, & Valley, 2000; Malhotra & Bazerman, 2008 for a review). Despite the consensus in negotiation scholarship that a negotiation is a process in which parties want to come to an agreement, we know in practice that there are other reasons individuals enter negotiations. We extend existing scholarship to consider a broader set of negotiator motives. Specifically, we consider how the possibility of encountering a counterpart who strategically uses the negotiation process to pursue non-agreement goals can fundamentally change a negotiator's decision to enter and persist in a negotiation.

To incorporate the possibility of insincere negotiations, we build upon Carnevale and Lawler's (1986) definition and redefine negotiation.

Negotiation is back and forth communication that involves two or more people with the **professed** objective of reaching an agreement. These parties may have divergent interests, including interests that may be orthogonal to reaching an agreement.

2. Deception in negotiation

Self-serving deception is a common feature of negotiations (Aquino, 1998; Erat & Gneezy, 2012; Lewicki & Robinson, 1998; O'Connor & Carnevale, 1997; Olekalns & Smith, 2007; Schweitzer et al., 2005; Tenbrunsel, 1998; Tenbrunsel & Smith-Crowe, 2008). From prior work, we know that negotiators are willing to use deception to exploit their counterpart in competitive settings and that these efforts often enable negotiators to reach more favorable agreements (Aquino, 1998; Aquino & Becker, 2005; Boles et al., 2000; Koning et al., 2010; Olekalns & Smith, 2009; Schweitzer et al., 2005; Schweitzer & Croson, 1999).

Many negotiators use deception to mislead their counterparts (Aquino & Becker, 2005; Murnighan, Babcock, Thompson, & Pillutla, 1999; O'Connor & Carnevale, 1997; Steinel & De Dreu, 2004), and prior work has found that negotiators are more likely to lie when making offers than when responding to offers (Boles et al., 2000). No prior deception research, however, has considered whether negotiators might deceive their counterpart about their underlying intentions to reach an agreement. That is, rather than exploiting a counterpart *within* a negotiation as both parties seek to reach an agreement, negotiators may use the entire negotiation process as a tool to misdirect and exploit a counterpart. Rather than entering a negotiation to reach an agreement, a negotiator may pursue ulterior motives, such as stalling for time, blocking a competitor from talking with another party, or gaining access to confidential information.

This fundamental reconceptualization of the negotiation process implies that rather than "attempting to reach an agreement" (Rubinstein, 1982), insincere negotiators will focus their effort on non-agreement motives. As a result, we expect negotiations that involve an insincere party to be far less likely to reach an agreement.

Hypothesis 1. Negotiations that involve an insincere negotiator are less likely to reach an agreement than negotiations that do not involve an insincere negotiator.

Even when negotiators have non-agreement motives, however, they may still reach an agreement. This is likely to be true for two reasons. First, negotiators may enter a negotiation with a non-agreement motive but may develop a preference for reaching an agreement during the negotiation. For example, a potential car buyer may approach a distant

dealership with the intent to merely learn information about cars and pricing (planning to buy the car later from a local dealership) but end up purchasing a car if the salesperson offers them particularly favorable terms.

Second, prior research documenting the agreement bias (Cohen et al., 2014; Thompson & Leonardelli, 2004; Tuncel, Mislin, Kesebir, & Pinkley, 2016) has found that negotiators often reach agreements that are worse for them than their outside options are. That is, in many cases negotiators secure an agreement even when they would have been better off with an impasse. We build on this work and propose the existence of an *extreme agreement bias*, a predilection for negotiators to reach an agreement even when they (a) expressly enter a negotiation with the objective of not reaching an agreement and (b) when their economic outcomes are greater in an impasse. We postulate that many individuals have an affinity for agreement. This conjecture is supported by research that has found that individuals are more likely to agree to unfavorable terms when the outcome is framed in terms of an "Agreement" rather than merely "Option A" (Tuncel et al., 2016).

Hypothesis 2. Some individuals exhibit an extreme agreement bias and reach an agreement even when their initial objective is to reach an impasse and it is economically costly to reach an agreement.

We also postulate that the knowledge of potentially encountering an insincere negotiator may change the negotiation process and negotiated outcomes. Specifically, we expect the mere suspicion that their counterpart may be insincere can create friction and misperceptions of motives. Prior work has shown that compared to unsuspecting individuals, suspicious individuals encode other people's behavior differently and behave differently themselves (Sinaceur, 2010). In negotiations, suspicious negotiators may be more likely to suspect counterparts of entering negotiations without the intent to reach an agreement. Suspicious negotiators may also behave more aggressively. For both reasons, we expect suspicious negotiators to be less likely to reach agreements.

Hypothesis 3. Suspicious negotiators will be less likely to reach an agreement than unsuspecting negotiators are, even when their counterpart is sincere.

In addition to testing our pre-registered **Hypotheses 1, 2, and 3**,¹ we conducted a series of inductive analyses to gain insight into insincere negotiations. In Pilot Study 1b, we coded legal cases involving bad faith negotiations in an attempt to create a typology of insincere negotiations. In Studies 1 and 3, we conducted post-hoc analyses of the negotiation text to understand differences in the negotiation process and outcomes.

3. Overview of current research

Across two pilot studies, we document insincere negotiations in field settings. In Pilot Study 1a, we survey car salespeople who routinely encounter insincere negotiators. In Pilot Study 1b, we analyze legal cases involving bad faith negotiations. We inductively analyze these legal cases to introduce a typology of non-agreement motives.

In Study 1, we conduct a negotiation experiment that relaxes two key assumptions that characterized negotiations in the existing negotiation literature. First, every prior negotiation study has assumed that negotiators enter a negotiation to reach an agreement. We relax this assumption to explore negotiator behavior and outcomes when individuals enter a negotiation with an ulterior motive. Second, and relatedly, no prior negotiation study has considered the *possibility* that a negotiator might be skeptical of the agreement motives of their counterpart. By presuming that every negotiation counterpart is sincere, negotiation scholars have failed to investigate a broad set of common,

¹ AsPredicted.com

suspicious negotiation behaviors. In this study, we document process and outcome differences between sincere and insincere negotiators. For example, compared to sincere negotiators, insincere negotiators are not only less likely to reach an agreement but also far more likely to deflect questions and ask tangential questions.

In Study 2, we introduce a novel, two-stage negotiation design to show that insincere negotiators spend more time negotiating than sincere negotiators do. This two-stage design mirrors a common experience we document in Pilot Study 1a: car salespeople who negotiate with insincere negotiators to glean information for a subsequent sincere negotiation.

In Study 3, we explore how the mere possibility of encountering an insincere negotiator changes negotiation behavior and outcomes. That is, by merely introducing the possibility of insincere negotiations, we document process and outcome differences. These findings underscore the broad implications of our new definition of negotiation.

We report all measures, manipulations, and exclusions in every study. We include all data and materials for our studies on OSF (https://osf.io/muwja/?view_only=aefe83ea775546d3ac1aac398cbd9fa2). We pre-registered our hypotheses, sample size, and exclusions on AsPredicted.com and provide direct links in the text.

4. Pilot Studies 1a and 1b

In our first pilot study, we investigate insincere negotiations in car dealerships and document the prevalence of insincere negotiators. We find that car salespeople routinely engage with negotiation counterparts who do not intend to reach an agreement.

In our second pilot study, we describe insincere negotiations across organizational contexts by analyzing 103 legal cases in which defendants were found guilty of bad faith negotiations. By focusing on these cases, we document instances in which negotiators clearly (beyond a reasonable doubt) pursued non-agreement motives. We conduct inductive analyses of these legal cases to introduce a typology of non-agreement motives.

4.1. Pilot Study 1a

In this study, we surveyed 25 car salespeople across 21 dealerships in the Northeast of the United States. To collect this data, two research assistants visited 21 dealerships in person and surveyed 25 salespeople face-to-face. To interview 25 salespeople, our research assistant approached 42 people with a response rate of 59.52%. On average, our research assistants estimated the age of the salespeople they interviewed as 36.96.

We asked each salesperson the following six questions: 1. Do you ever encounter a buyer who tries to negotiate with you, but is not sincere about reaching a deal?; 2. Why do you think buyers start negotiating with you when they are not trying to reach an agreement? What are the buyers trying to do?; 3. How often does this happen? E.g., how many times out of 10, is a buyer not really interested in reaching a deal?; 4. How can you tell that someone is not serious?; 5. How do these experiences change how you negotiate? E.g., do you sometimes not even participate in a negotiation?; and 6. If you encounter a customer, whom you do not think is a serious buyer, how would this change how you negotiate with this person? E.g., do you stop negotiating? Ask tougher questions? Change your attitude?

4.1.1. Results and discussion

We find that salespeople frequently encounter insincere negotiators. Although some of our later questions may have normalized the idea of insincere negotiation (e.g., “How can you tell that someone is not serious?”), nearly all (96%) of the salespeople responded affirmatively to our first question that they encounter insincere negotiators. Underscoring the prevalence of insincere negotiation, the salespeople we interviewed reported that on average, 1 out of 3 negotiators are

insincere. We also find that most (88%) salespeople look for specific behavioral cues to detect insincerity. Specifically, salespeople identify disinterested (40%) and evasive (20%) behavior as clues that the buyer is insincere. Salespeople described disinterested behaviors, such as “not ask[ing] questions” and acting “uninterested in every offer I make them,” and evasive behaviors, such as “jumping around when you ask questions” and not giving “a lot of details” about what they are looking for.

Almost half (48%) of the salespeople reported that they changed their behavior upon suspecting their counterpart of being insincere. For example, many salespeople (20%) stated that they ask more specific questions of buyers who seem insincere, such as “when do you want to buy” or “if we give [the car to] you [for] \$12K, can you take the car today?” Some salespeople (32%) reported that they put even more effort into making the sale, “I make sure I show them what the last dealer did not.” Other salespeople (16%) reported that they decide not to negotiate or end the negotiation quickly, “typically, I’m more stern... and sometimes I just don’t participate in the negotiation.”

Through this study, we demonstrate that negotiators frequently encounter insincere negotiators in the field. We also show that negotiators both search for behavioral signals of insincerity and alter their own behavior once they suspect insincerity. Importantly, this study documents the existence of insincere negotiations, reveals that insincere negotiations are prevalent in at least one common negotiation domain, and demonstrates that the potential of encountering an insincere negotiator can change both the negotiation processes and negotiated outcomes.

Results from this study also link insincere negotiations to the emerging literature on repeated negotiations (Halevy, Weisel, & Bornstein, 2012; Nakashima, Halali, & Halevi, 2017). Whereas prior work on repeated negotiations has presumed a repeated set of *sincere* negotiations and focused on questions such as reputations and trust, results from this pilot study reveal that many prospective negotiators engage in insincere negotiations prior to conducting a sincere negotiation. Finally, this study highlights the possibility that an insincere negotiation mindset may not be fixed. In many cases, negotiators sought to persuade an insincere negotiator to become sincere. We call for future work to explore when and how negotiation mindsets can change. In sum, this study documents insincere negotiations and generates a number of novel and generative insights for future negotiation scholarship.

4.2. Pilot Study 1b

In Pilot Study 1b, we extend our investigation of insincere negotiations to develop a typology of non-agreement motives. We use an inductive approach to analyze 103 legal cases in which defendants were found guilty of bad faith negotiations across a wide range of industries. By focusing on these cases, we narrowed our analyses to field settings in which a negotiator clearly used the negotiation process to harm a counterpart. Not every case we analyzed, however, reflected insincere negotiations. The legal definition of “bad faith” behavior is an “intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others” (“Law.com Legal Dictionary”, 2019). According to this definition, “bad faith” negotiations can include behaviors such as lying in a negotiation to secure more favorable terms, a topic that has been well-studied in the negotiation literature (Aquino, 1998; Moran & Schweitzer, 2008; Olekalns & Smith, 2007; Schweitzer et al., 2005; Schweitzer & Gomberg, 2001), as well as using the negotiation process itself to fundamentally misdirect a counterpart, a topic that no prior work has considered. We guided our coders to distinguish insincere negotiations from aggressive negotiator behavior by focusing on whether the accused negotiator had attempted to achieve a non-agreement objective that was distinct from reaching an agreement or had

employed tactics to reach a favorable negotiated outcome.

We set an initial goal of analyzing 100 legal cases across ten years. To do so, we downloaded a random set of approximately 10 legal cases with the phrase “bad faith” from each year between 2009 and 2018. We then analyzed cases that met two inclusion rules: (1) the primary allegation included bad faith negotiations and (2) the case ended with a settlement or guilty verdict. This yielded 103 cases. Then, two independent coders read each of the cases and categorized the bad faith negotiation behavior. Some of these cases involved more than one type of negotiation behavior.

4.2.1. Results and discussion

We focus our analyses on cases that involve insincere negotiations. We find that most insincere behaviors fall into the following categories: negotiating to stall for time, negotiating without initial intent to reach an agreement, negotiating in order to plant false information, and negotiating to steal information. For example, in Case 8150856 from Pennsylvania, a negotiator was successfully prosecuted for stalling. In this case, the plaintiff accused the defendant, Fidelity National, of “fail [ing] to resolve the claim for over a period of three years,” even though Fidelity had acknowledged the plaintiff’s “valid claim for benefits”. Fidelity was ordered to pay \$2,062,747 for stalling the negotiation. Similarly, in Case 3778887 from Louisiana, the defendant, Little Village, continued lease negotiations with the plaintiff, CDR Properties, even after Little Village had secured a lease at another location. As a result, CDR Properties filed a suit against Little Village for “continuing lease negotiations...in bad faith” without the objective of reaching an agreement. In this case, the defendant was ordered to pay \$15,000 for negotiating without the intent of reaching an agreement. In Table 1, we report the distribution of cases we analyzed. Out of the 103 cases we analyzed, we identified 47 insincere negotiation tactics. These cases involving insincere negotiation behavior yielded an average of \$4.8 million in settlement or verdict amounts.

In this study, we document insincere negotiation behavior across a variety of negotiation contexts. We find that many negotiators stall for time or enter negotiations without intending to reach a deal. These data are limited, however, insofar as we lack information about their underlying motives and strategic objectives. However, this study fundamentally advances negotiation scholarship by documenting insincere negotiation behavior as a common and costly phenomenon and by providing the first inductively determined list of non-agreement negotiator motives.

5. Study 1

In Study 1, we explore how non-agreement motives influence negotiator behavior and outcomes. In this experiment, we contrast the negotiation behavior and negotiation outcomes of sincere and insincere buyers. In addition, we investigate whether their counterparts’ (sellers’) suspicion of the buyers’ motives influences the sellers’ decision to exit the negotiation. Although prior negotiation scholarship has considered the possibility that negotiators are suspicious of the veracity of the claims their counterparts make within a negotiation, no prior work has considered the possibility that negotiators might be suspicious of their counterparts’ interest in reaching an agreement.

Table 1
Types of bad faith behaviors (Pilot Study 1b).

	Insincere					Aggressive
	Stalling	No initial intent to agree	Planting false information	Stealing information	Total insincere tactics	Total aggressive tactics
Occurrence	29	15	2	1	47	108
Average verdict (\$)	\$2,686,079	\$1,494,903	\$176,650	\$463,208	\$4,820,839	\$7,849,314

Two independent raters coded 103 cases in which defendants were found guilty of bad faith negotiations. We took an inductive approach to create a typology of insincere, non-agreement motives. Aggressive tactics include denying or refusing to follow through on contractual obligations.

In this study, we challenge two key assumptions that characterize prior negotiation studies. First, we challenge the assumption that negotiators enter negotiations with the objective of reaching an agreement. Second, we challenge the assumption that negotiators are unsuspecting of their counterparts’ motives with respect to whether or not they aspire to reach an agreement. In this study, we test Hypotheses 1, 2, and 3 to contrast agreement rates and exit decisions between sincere and insincere negotiators. We also conduct exploratory analyses to describe negotiator behavior across conditions. We preregistered Hypotheses on AsPredicted.org #13545 (<https://aspredicted.org/blind.php?x=gd3df9>).

5.1. Method

5.1.1. Participants

We recruited 288 participants at a university in the Northeast of the United States to participate in an experiment in exchange for a \$10 show-up fee and the opportunity to earn additional money based upon their outcomes. The bonus money that participants could earn ranged from \$0 to \$3. Of the 288 participants who began the study, eleven dyads (22 participants) failed to complete the study either because they failed to follow directions or because of a technical malfunction. We pre-registered both of these exclusion rules, and we report results for the 266 participants (133 negotiation dyads) who completed the study (76.7% Female; 20.8 years old). A post-hoc power analysis confirmed there was adequate power to detect the effects found; the analysis had 80% power assuming $\alpha = 0.05$ to detect a minimum effect size $f = 0.175$.

5.1.2. Design

We assigned each dyad to one of four conditions from a 2×2 design: Sincere_Buyer-Unsuspecting_Seller, our classical negotiations condition, (36 dyads), Sincere_Buyer-Suspecting_Seller (32 dyads), Insincere_Buyer-Unsuspecting_Seller (32 dyads), and Insincere_Buyer-Suspecting_Seller (33 dyads).

5.1.3. Negotiation context

To prepare for the negotiation, participants read background information for a three-issue negotiation about a cosmetics manufacturer that we created for this study. Consistent with our pre-registration, we only considered negotiators to have reached an agreement if both the buyer and the seller agreed on all three issues. We include the full text of this negotiation in Appendix A. In this negotiation, the buyer seeks to bring a new product to market and would like to delay their competitor from gaining access to the key ingredient that only the seller has.

We informed sincere buyers that their goal was to reach a favorable agreement that maximized their negotiation surplus. This condition matches typical negotiation experiments. In this study, both sincere and insincere buyers earned \$0.10 for every 1 point they earned through the negotiation process (see Appendix A for the payoff sheets).

Reflecting a non-agreement motive to use the negotiation process to block a counterpart from securing an agreement with a competitor, insincere buyers in this study had an additional incentive. If they successfully kept their counterpart seller negotiating for > 5 min without reaching an agreement, the buyer would earn 150 points (equivalent to

a \$1.50 bonus). That is, insincere negotiators could either reach an agreement and earn a bonus, just as sincere negotiators could, or use the negotiation process to pursue a non-agreement motive to earn a larger bonus. Both insincere and sincere negotiators who reached an agreement earned 100 points (equivalent to a \$1.00 bonus). Sincere negotiators could not earn more than this amount.

We assigned sellers to one of two conditions: Unsuspicious or Suspicious. The Unsuspicious seller condition matches typical negotiation studies. We simply informed Unsuspicious sellers that their objective was to reach a favorable agreement. In the Suspicious seller condition, we gave sellers the same background information but added the following statement: “As you enter negotiations, one thing to keep in mind is how sincere the buyer really is. Some buyers out there are sincerely interested in buying your product—and others are not. As you negotiate, your goal is to reach the best agreement you can with a sincere buyer.” We introduced this information to raise awareness of the possibility of exploitation.

Sellers in both conditions could exit negotiations at any time. We told sellers that they could exit the negotiation within the first 5 minutes for a 50% chance of securing a different buyer (with an automatic bonus payment of \$1.50) or a 50% chance of not securing a different buyer (earning a \$0 bonus). In actuality, in this study we did not create an opportunity to negotiate with a second counterpart. However, we did pay sellers based upon the decisions they made. We gave every seller across all conditions the same option: an incentive to exit the negotiation. If sellers reached an agreement, they earned \$1 for every 100 points they earned.

5.1.4. Procedure

We randomly assigned participants to their roles (Buyer or Seller) and condition (Sincere_Buyer-Unsuspicious_Seller vs. Sincere_Buyer-Suspicious_Seller vs. Insincere_Buyer-Unsuspicious_Seller vs. Insincere_Buyer-Suspicious_Seller). Participants first read the negotiation instructions (see Appendix A), which included background information and the payoff structure. Participants then answered comprehension check questions. We pre-registered an exclusion rule to disqualify any participants who failed the comprehension check twice; in our study, every participant passed the comprehension check. After passing the comprehension check, participants negotiated with their counterpart via a chat platform. We told participants they had approximately 10–12 min to complete their negotiation but that they could exit early. After the negotiation, participants answered survey and demographic questions. Finally, we paid and dismissed participants based upon their outcomes.

5.1.5. Comprehension check questions

To ensure that Buyers and Sellers understood key features of the experiment, we asked specific comprehension check questions. For example, we asked both types of Buyers, “Is your primary goal to reach the best agreement possible with your partner?” and we asked both types of Sellers to respond “Yes” or “No” to “If you sense that your buyer is not sincere, you can exit negotiations for a chance to meet another buyer.” We also asked sellers, “How much time do you have to quit negotiations with your first buyer if you want the opportunity (50% chance) to meet another buyer?”

5.1.6. Coding

We had two raters independently code the text of each negotiation for the outcome of the negotiation, the use of deception, and stalling tactics. They coded agreement outcomes for three issues (exclusivity, price discounts, and quality checks) and the number of times the Buyer engaged in specific negotiation behaviors, such as asking tangential questions (questions that do not focus on the key issues in the negotiation). Given the context of this negotiation, the key issues are the exclusivity, price discounts, and quality checks. Background material for both parties suggests that this negotiation is a one-time transaction,

so questions that focus on repeat business (e.g., “are you insinuating I would not be a loyal customer?”) are tangential. If both the Buyer and the Seller agreed to each of the three issues (exclusivity, price discounts, and quality checks), we coded the chat as an agreement. Otherwise, we coded the chat as no agreement. The two raters initially coded every negotiation independently, ($\kappa = 0.443$, $p < 0.001$) and then resolved disagreements through discussion. Our raters were blind to the conditions and our hypotheses when they coded these texts.

5.2. Results

Across conditions, we find significant differences in negotiator behavior and negotiated outcomes. We first consider the negotiation process.

5.2.1. Negotiation process

We did not develop formal hypotheses regarding the negotiation process. We did, however, conduct exploratory analyses to investigate process differences across conditions. Overall, we find that insincere buyers did negotiate differently from sincere buyers. Specifically, compared to sincere buyers, insincere buyers engaged in more stalling tactics, such as asking tangential questions and deflecting questions, and prolonged their chat times.

5.2.1.1. Deflection. In most cases, when individuals are asked a question, they answer it. In some cases, however, individuals can respond to a question with another question that shifts the focus of the conversation. Consistent with prior work, we define the use of a question to respond to a question as deflection (Bitterly & Schweitzer, 2017; Rogers & Norton, 2011; Rogers, Zeckhauser, Gino, Norton, & Schweitzer, 2017). Though we did not pre-register hypotheses related to deflection, we decided post-hoc to have two raters count every instance the buyer used deflection. We conducted an OLS regression on deflection as a function of whether the buyer was sincere or insincere and whether the seller was suspicious or unsuspecting. We find a significant effect of buyers’ sincerity on the use of deflection ($b = -0.25$, $p = 0.001$), a significant effect of sellers’ suspicion on deflection ($b = -0.22$, $p = 0.006$), and an interaction effect ($b = 0.26$, $p = 0.02$). Insincere buyers paired with unsuspecting sellers deflected the most ($M = 0.28$, $SD = 0.52$). Insincere buyers paired with suspicious sellers ($M = 0.06$, $SD = 0.24$) and sincere buyers paired with suspicious sellers ($M = 0.06$, $SD = 0.25$) deflected less. Sincere buyers paired with unsuspecting sellers ($M = 0.03$, $SD = 0.17$) deflected the least.

5.2.1.2. Tangential questions. We also asked our coders to count every time the buyer asked tangential questions, questions that were unrelated to the key issues in the negotiation (e.g., asking about personal food preferences). We find that buyers asked very different questions across conditions. In an OLS regression on the number of tangential questions each buyer asked as a function of buyers’ conditions (sincere vs. insincere), sellers’ conditions (unsuspicious vs. suspicious), and the interaction, we find a significant effect of buyers’ sincerity on tangential question asking ($b = -0.82$, $p < 0.001$) but not of sellers’ suspicion ($b = -0.25$, $p = 0.44$) or an interaction ($b = 0.12$, $p = 0.78$). Insincere buyers paired with unsuspecting sellers ($M = 1.09$, $SD = 1.84$) and insincere buyers paired with suspicious sellers ($M = 0.85$, $SD = 1.64$) asked many more tangential questions than did sincere buyers paired with unsuspecting sellers ($M = 0.28$, $SD = 0.70$) or sincere buyers paired with suspicious sellers ($M = 0.16$, $SD = 0.37$).

5.2.1.3. Chat time. Chat time is the length of time participants spent negotiating. We find that negotiators in the Insincere_Buyer-Unsuspicious_Seller condition had the longest conversations. Insincere buyers effectively stalled for time when they were paired with

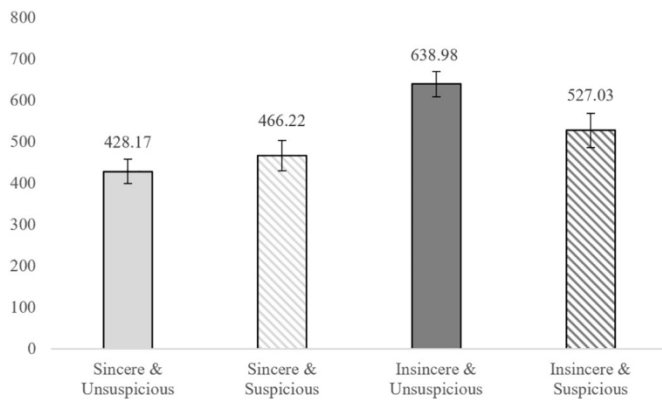


Fig. 1. Chat times across conditions (Study 1). Insincere buyers negotiated for a longer period of time than sincere buyers. The bars represent standard errors.

unsuspicious sellers. We conducted an OLS regression on chat time as a function of buyers' sincerity and sellers' suspicion. We find a significant effect of buyers' sincerity ($b = -210.81, p < 0.001$), a significant effect of sellers' suspicion ($b = -111.94, p = 0.02$), and a significant effect of the interaction ($b = 149.99, p = 0.03$). As we depict in Fig. 1, negotiators in the Insincere_Buyer-Unsuspicious_Seller condition ($M = 638.98, SD = 162.28$) and the Insincere_Buyer-Suspicious_Seller condition ($M = 527.03, SD = 236.24$) had longer chat times than did negotiators in the Sincere_Buyer-Unsuspicious_Seller condition ($M = 428.17, SD = 165.69$) and the Sincere_Buyer-Suspicious_Seller condition ($M = 466.22, SD = 192.20$).

5.2.1.4. Deception. Our raters coded for deception in each of the roles. We find that deception was pervasive in these negotiations. As depicted in Fig. 2, many of the insincere buyers facing unsuspicious sellers (53.13%) and insincere buyers facing suspicious sellers (39.39%) lied at least once to their counterparts. However, fewer sincere buyers facing unsuspicious sellers (36.11%) and sincere buyers facing suspicious sellers (31.25%) lied to their counterparts. Though in the predicted direction, these differences were not statistically significant; we did not find a significant effect of the buyer's sincerity ($b = -0.12, p = 0.71$), of the seller's suspicion ($b = 0.16, p = 0.64$), or an interaction ($b = -0.32, p = 0.50$). Sellers who faced insincere buyers lied more than sellers who faced sincere buyers did. A majority of unsuspicious sellers who faced insincere buyers (71.88%) and suspicious sellers who faced insincere buyers (54.55%) lied at least once. Many of the suspicious sellers who faced sincere buyers (50.00%) and unsuspicious sellers who faced sincere buyers (47.22%) lied at least

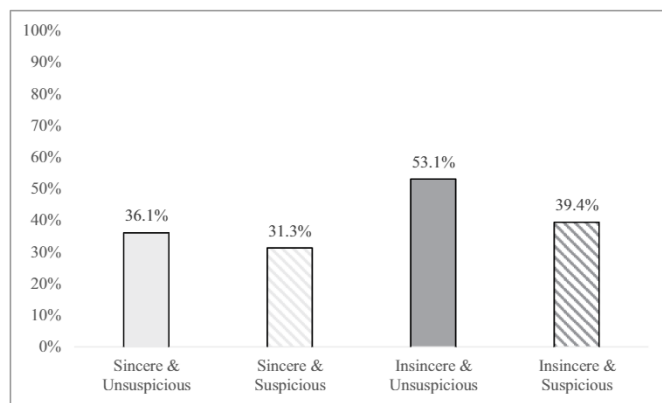


Fig. 2. Buyer deception (Study 1). Insincere buyers were more likely to lie to their counterparts than sincere buyers.

one time. We find a significant main effect of the buyer's sincerity ($p = 0.02$), but not of the seller's suspicion ($p = 0.36$) or an interaction ($p = 0.12$).

5.2.2. Negotiation outcomes

Insincere negotiators were far less likely to reach an agreement than sincere negotiators were, yet some insincere negotiators still reached an agreement.

5.2.2.1. Agreement. Consistent with our pre-registration, we only considered negotiations to have reached an agreement if both negotiators agreed on all three issues. We find a significant main effect of buyers' sincerity on agreement. Supporting our pre-registered hypotheses, we find that negotiators in the Sincere_Buyer-Unsuspicious_Seller condition reached agreements most often and negotiators in the Insincere_Buyer-Suspicious_Seller reached agreements least often. We conducted a logistical regression on agreement as a function of buyers' sincerity and sellers' suspicion. We find a significant effect of buyers' sincerity on agreement rates ($b = 2.14, p < 0.001$). We did not find a significant effect of sellers' suspicion ($b = -0.62, p = 0.43$) or the interaction ($b = 0.42, p = 0.65$). We find support for our pre-registered Hypothesis 1; negotiators in the Sincere_Buyer-Unsuspicious_Seller condition ($M = 61.11%$) reached agreements the most frequently compared to negotiators in all other conditions: Sincere_Buyer-Suspicious_Seller ($M = 56.25%$), Insincere_Buyer-Unsuspicious_Seller ($M = 15.63%$), and Insincere_Buyer-Suspicious_Seller ($M = 9.09%$). We also find support for our pre-registered hypothesis regarding suspicion (Hypothesis 3). We find that negotiators in the Sincere_Buyer-Suspicious_Seller condition reach agreements less frequently than negotiators in the Sincere_Buyer-Unsuspicious_Seller condition do (see Fig. 3). In addition, we find support for Hypothesis 2; even though buyers could have earned a larger bonus for reaching an impasse and knew this to be true, many buyers still reached an agreement.

5.2.2.2. Exploitation. Insincere buyers successfully exploit their negotiation counterparts when they achieve their non-agreement motive. In this case, buyers successfully exploited their counterpart when they stalled the negotiation for more than 5 minutes to reach an impasse. We conducted a logistical regression on exploitation as a function of buyers' sincerity and sellers' suspicion. We find a significant effect of buyers' sincerity ($b = -2.13, p < 0.001$) but not of sellers' suspicion ($b = 0.42, p = 0.60$) or the interaction ($b = -0.62, p = 0.52$). Insincere buyers paired with unsuspicious sellers ($M = 82.14%$) and insincere buyers paired with suspicious sellers ($M = 87.50%$) succeed in running out the clock without reaching an agreement significantly more often than sincere buyers paired with

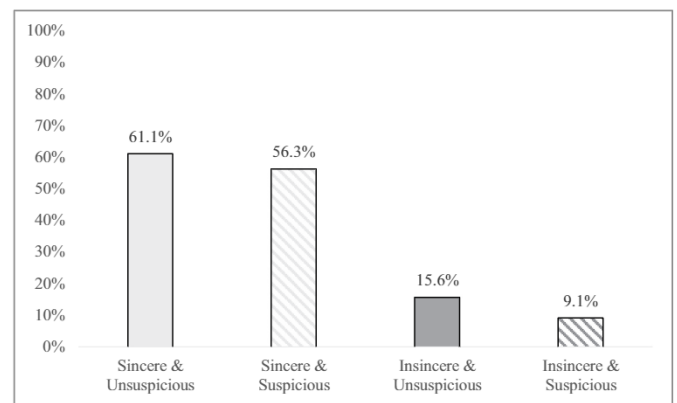


Fig. 3. Agreement across conditions (Study 1). Sincere buyers were more likely to reach agreement with their counterparts than insincere buyers.

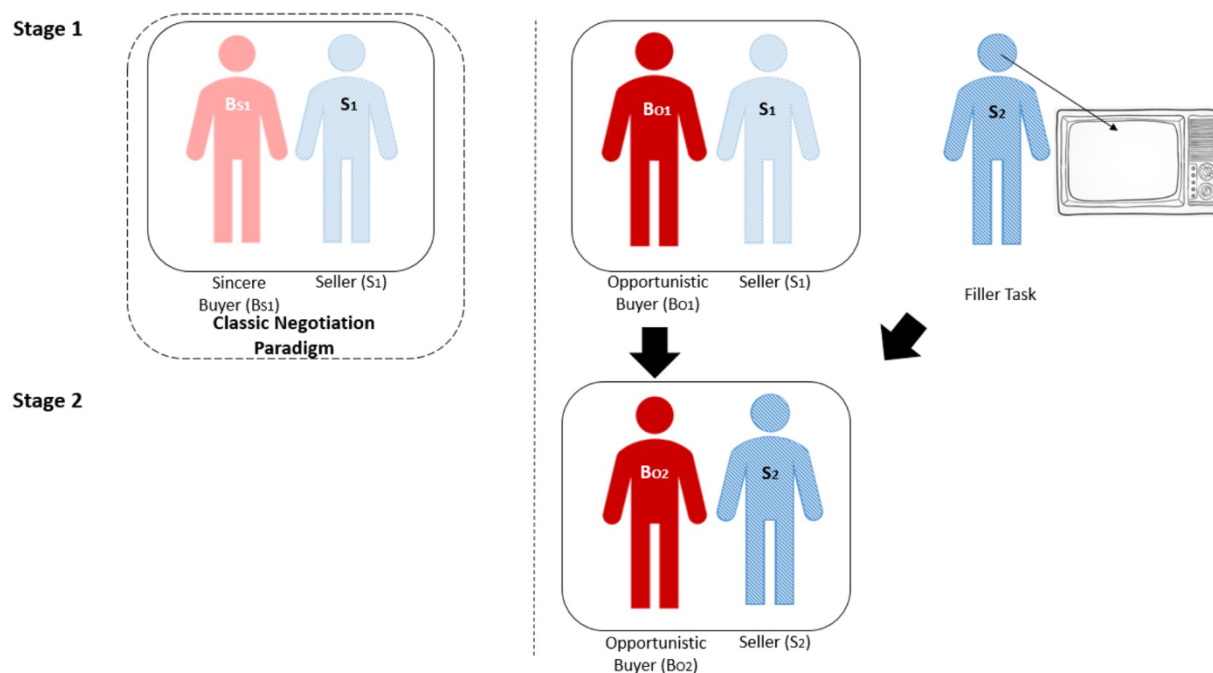


Fig. 4. Design (Study 2).

There are two types of buyers, sincere and opportunistic. The sincere buyer (BS1) negotiates once in stage 1 with a seller (S1). The opportunistic buyer (BO1, BO2) negotiates twice. The first time, they negotiate with S1. The second time, they negotiate with S2, a seller who completed a filler task during stage 1. The opportunistic buyer has insincere motives in the first stage and sincere motives in the second stage.

unsuspicious sellers ($M = 35.29\%$) and sincere buyers paired with suspicious sellers do ($M = 30.77\%$). As we predicted, we find a significant main effect of buyer sincerity. We also expected insincere buyers paired with unsuspecting sellers to be more successful in exploitation compared to insincere buyers paired with suspicious sellers, but we did not find support for [Hypothesis 3](#).

5.2.2.3. Seller early exit. In this study, we define an early exit as a seller leaving the negotiation within the first 5 min. Unsuspicious sellers facing sincere buyers ($M = 5.56\%$) exited early less often than sellers in all other conditions did: Sincere_Buyer-Suspicious_Seller ($M = 18.75\%$, $t(48.78) = -1.65$, $p = 0.11$); Insincere_Buyer-Unsuspecting_Seller ($M = 12.5\%$, $t(54.26) = -0.98$, $p = 0.33$); and Insincere_Buyer-Suspicious_Seller ($M = 27.27\%$, $t(46.85) = -2.48$, $p = 0.02$). We conducted a logistical regression on sellers' early exit as a function of buyers' sincerity and sellers' suspicion. In this analysis, we did not find a main effect of the buyers' condition ($b = -0.89$, $p = 0.33$), of the sellers' condition ($b = 0.97$, $p = 0.15$) or the interaction ($b = 0.40$, $p = .71$). Taken together, we find directional support for our expectations regarding early exit.

5.3. Discussion

Consistent with how scholars have defined negotiations, every prior negotiation experiment has involved participants seeking to reach an agreement. In this study, we investigate how negotiator behavior changes when one of the negotiation parties has ulterior motives or is suspicious of their counterpart's underlying motive in the negotiation. That is, we relax two key assumptions that characterize prior negotiation research: that negotiators enter negotiations with sincere intentions and that negotiators are unsuspecting of their counterpart's motives with respect to their intent to reach an agreement. When we relax these two assumptions, we find significant differences in both the negotiation process and negotiated outcomes.

Consistent with the legal cases we analyzed in Pilot Study 1b, we find that our broader conceptualization of negotiations has an

important implication that prior work has ignored. Specifically, individuals who enter a negotiation can be harmed not only if they reach a bad agreement, as prior work has considered, but also if they persist in a negotiation process that can shift the relative leverage and outcomes of negotiation parties even if they fail to reach an agreement. One important implication of these findings is that negotiators should make the decisions to enter and persist in a negotiation carefully and strategically.

Results from this study also identify a novel negotiator challenge: assessing the underlying motives of a negotiation partner. Our findings reveal that insincere negotiators act differently than sincere negotiators do. That is, behavioral clues that signal insincere intentions exist, but many negotiators may miss these cues. We also find that cues to prompt suspicion also change negotiation behavior, and we call for future work to explore how experience, like that of the car salespeople interviewed in Pilot Study 1a, influences the ability to detect, deter, and possibly change the underlying motives of insincere negotiators. We postulate that negotiation experience in general and experience with insincere negotiation counterparts in particular will change how individuals navigate the process of both enacting and detecting insincere negotiations.

6. Study 2

In Study 2, we extend our investigation to a new context: the purchase of a new car. In this study, we consider the broad class of insincere negotiations that we identified in Pilot Study 1a: repeated insincere negotiations. This is the first experimental investigation of insincere negotiators who can glean information from an initial insincere negotiation for use in a subsequent negotiation. In this study, one group of buyers was insincere buyers in their first negotiation (stage 1) who become sincere buyers in their second negotiation (stage 2). We refer to these buyers as *opportunistic* because in the first negotiation, they could exploit opportunities to gather information or use aggressive tactics without fear of reaching an impasse.

We postulate that opportunistic buyers can learn information in an

initial negotiation that enables them to secure better deal terms in a second negotiation. In our design, we also run a control condition of sincere buyers who negotiate only once in the first negotiation (stage 1). This condition matches the sincere approach to negotiations of prior negotiation studies. Notably, every seller in this study was sincere and only negotiated once. We depict this design in Fig. 4.

Our primary contrast is between insincere negotiations (the first negotiation opportunistic buyers engaged in) and sincere negotiators who only negotiated once. In addition, we compare how opportunistic buyers negotiated in their stage 1 negotiation to how they negotiated in their stage 2 negotiation. In this study, we test [Hypotheses 1 and 2](#) by comparing agreement rates across conditions. We preregistered all of our hypotheses on [AsPredicted.org #15974 \(https://aspredicted.org/blind.php?x=2es2rz\)](https://aspredicted.org/blind.php?x=2es2rz).

6.1. Method

6.1.1. Participants

We recruited 158 participants at a university in the Northeast of the United States to complete an experiment in a behavioral laboratory in exchange for a \$10 show-up fee. Four participants failed the comprehension check twice and were disqualified from the study. We also dropped four negotiation dyads (three sincere and one second round negotiation) from the study because of technical difficulties, such as the inability to pair with a partner. We report the results for 146 participants (71.23% Female; 22.64 years old) who completed the study. A post-hoc power analysis confirmed there was adequate power to detect the effects found; the analysis had 80% power assuming $\alpha = 0.05$ to detect a minimum effect size $f = 0.81$.

6.1.2. Design

We used a 3-cell design (see Fig. 4). There were two buyer conditions (sincere vs. opportunistic). All sellers were unsuspecting and only negotiated once, representing the classic negotiation paradigm. In other words, we did not expose any sellers in this study to any information that would have made them suspicious about the buyer's intentions.

In the sincere condition, sincere buyers negotiated with sellers only once during stage 1 ($n = 24$ dyads). In the opportunistic condition, opportunistic buyers engaged in two rounds of negotiations. In stage 1, opportunistic buyers negotiated with sellers insincerely. In other words, buyers in this stage had the objective to gather information without necessarily reaching an agreement. We term this cell of our design Opportunistic-Stage-1 ($n = 25$ dyads). In stage 2, the same opportunistic buyers negotiated a second time with a new set of sellers (who completed a filler task of watching a short video and answering questions during stage 1). Buyers in this stage of the experiment had the objective to reach an agreement. We term this cell of our design Opportunistic-Stage-2 ($n = 24$ dyads).

6.1.3. Negotiation context

To prepare for the negotiation, participants read background information for a single-issue negotiation about the purchase of a new car. We developed this exercise for this study and include the full text of this negotiation in Appendix B.

In the sincere condition, we informed sincere buyers that their goal was to purchase a car for the lowest possible price. This condition matches typical negotiation experiments.

In the opportunistic condition, buyers negotiated in two separate negotiations. We informed opportunistic buyers that they would engage in two negotiations with similar sellers. In the first negotiation, their objective was to gain information but not reach an agreement. In the second negotiation, their objective was to reach an agreement. We informed opportunistic buyers that all sellers face similar costs from the manufacturer. We informed all buyers that they would earn raffle tickets for a \$100 prize commensurate with the surplus they earned in their negotiation. Specifically, participants earned 1 raffle ticket for

each dollar of surplus they earned from their negotiation outcome.

We informed sellers that their goal was to sell a car for the highest possible price. We guided sellers to follow three steps for a successful negotiation: (1) build rapport, (2) gauge interest, and (3) bargain. Every seller negotiated only one time and we did not inform any sellers about the potential of facing an insincere buyer. Sellers assigned to negotiate with opportunistic buyers in the second negotiation completed a filler task during the first round of the negotiation. Each seller earned raffle tickets for a \$100 prize based on their negotiated outcome.

6.1.4. Procedure

We randomly assigned participants to roles in one of two conditions: Sincere and Opportunistic. In the Sincere condition, our control condition, participants completed a traditional negotiation exercise: sincere buyers negotiated with sellers. In this condition, both the buyer and the seller read background information (see Appendix B), completed a comprehension check, and negotiated via a chat platform. As in prior negotiation studies, neither the buyer nor the seller was aware of opportunities to use the negotiation process to advance non-agreement motives. Buyers and sellers in this condition only negotiated once.

In the Opportunistic condition, opportunistic buyers negotiated twice—each time with a different seller. In stage 1, opportunistic buyers insincerely negotiated with sellers to gain information (much as a car buyer might negotiate with one dealership merely to gain information). That is, both opportunistic buyers (who are insincere in stage 1) and sellers read background information, completed a comprehension check, and negotiated via a chat platform. The key difference between this condition and the Sincere condition is that we informed buyers that they would have two opportunities to negotiate. After negotiations in stage 1, opportunistic buyers who reached an impasse could negotiate a second time (stage 2). In stage 2, opportunistic buyers engaged in the same negotiation with a new seller. Sellers in stage 2 prepared just as sellers in stage 1 had. Sellers in stage 2 were unaware that buyers had previously negotiated. These sellers in stage 2 completed a filler task that involved watching short videos during stage 1. Once the second negotiation was complete, both buyers and sellers answered some survey questions and then received payment for participating.

6.1.5. Comprehension check questions

We asked sellers three comprehension check questions, such as, "What is the lowest price you can accept for the car?" We asked sincere buyers two comprehension check questions: "How many raffle tickets do you get if you purchase the car for \$14,900?" and "What is your budget?" We asked insincere buyers four comprehension check questions, such as, "What is the goal of your first negotiation?" and "What is the maximum amount you can spend?"

6.1.6. Coding

We had three raters independently code the text of each negotiation for the negotiation process and outcomes. They coded the number of words negotiators used to build rapport, discuss interest in the car, and bargain. They also coded whether negotiators reached an agreement and, if so, the agreement price. Interrater agreement rates were high ($\kappa = 0.885$, $p < 0.001$), and they resolved disagreements through discussion.

6.2. Results

As in Study 1, we find that the introduction of insincere negotiators changed both the negotiation process and negotiated outcomes.

6.2.1. Negotiation process

We find that insincere negotiators spent more time negotiating than sincere negotiators did.

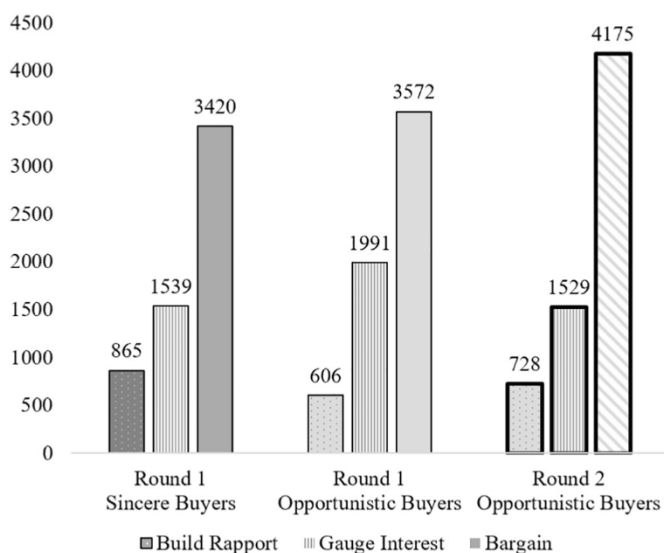


Fig. 5. Words spent building rapport, discuss interest, bargaining (Study 2). We code each negotiation and counted the words each buyer used to build rapport, discuss interest in the car, and bargain.

6.2.1.1. Chat times. We find that negotiators in Opportunistic-Stage-1 ($M = 490.65$ s, $SD = 48.79$ s) spent significantly more time in negotiations than negotiators in the Classical condition did ($M = 454.42$ s, $SD = 72.12$ s; $t(40.21) = 2.05, p = 0.05$). Negotiators in Opportunistic-Stage-1 also spent significantly more time than those in Opportunistic-Stage-2 did ($M = 453.03$ s, $SD = 58.27$ s; $t(44.89) = 2.45, p = 0.02$). We did not find that negotiators in Classical condition spent significantly more time negotiating than buyers in Opportunistic-Stage-2 did ($t(45.38) = 0.29, p = 0.77$).

In addition to longer chat times, we find a number of directional differences in negotiator behavior. As depicted in Fig. 5, buyers shifted their focus within the negotiation process. Sincere buyers devoted directionally more attention to building rapport and less attention to discussing their interest in the car than insincere buyers did. Sincere buyers were also less likely to lie in their negotiation than insincere buyers were. We report these results in Appendix C; these results are in the expected direction, but they are not statistically significant.

6.2.2. Negotiation outcomes

6.2.2.1. Agreement

As we depict in Fig. 6, supporting H1, negotiators in the Classical condition reached agreements more often (72.0%) than negotiators did in Opportunistic-Stage-1 (12.0%); ($t(43.73) = -5.30, p < 0.001$). Consistent with our pre-registered hypotheses, we also find that some negotiators in the Opportunistic-Stage-1 condition reached agreements despite their incentives to reach an impasse. We term this finding the extreme agreement bias. Negotiators in Classical condition and negotiators in Opportunistic-Stage-2 (79.2%) reached agreements at similar rates ($t(46.84) = 0.57, p = 0.57$). We find that buyers in the opportunistic condition attained similar agreement amounts ($M = 15,083.33, SD = 946.48$) to those in the Classical condition ($M = 15,115.28, SD = 541.18, t(2.22) = -0.06, p = .95$, see Appendix C for details).

6.3. Discussion

In Study 2, we introduce a novel negotiation paradigm in which insincere negotiators can use an initial negotiation to gain information

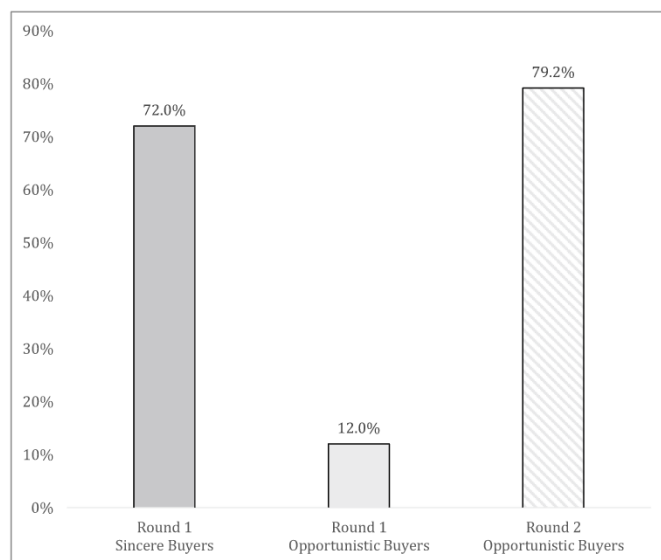


Fig. 6. Agreement (Study 2). We document an extreme agreement bias in Round 1 among opportunistic buyers; several opportunistic, insincere buyers reached agreement. Agreement rates, however, are highest when buyers enter negotiations with a sincere intent to reach an agreement (Round 1 sincere buyers and Round 2 opportunistic buyers).

to prepare for a second negotiation. This design mirrors many real-world environments. For example, a homebuyer can exit one negotiation to pursue another. Though this paradigm requires additional participants, which in our case diminished our power, it affords an important advance beyond the classic negotiation paradigm. As in Study 1, we find that by relaxing the classic assumption that negotiators enter negotiations with the intent to reach an agreement, both negotiator behavior and negotiated outcomes change.

We find that, compared to sincere buyers, opportunistic buyers in their first round negotiate for a longer period of time than sincere buyers do, perhaps because they need more time to glean information from their counterparts. We also find directional differences consistent with our expectations. For example, sincere buyers devote less attention to discussing their interest in the car and are less likely to engage in deception than opportunistic buyers are. However, our behavioral lab study involves only 146 participants across dyads and conditions, and several of these directional differences do not reach significance.

Negotiators in the classical negotiation paradigm reach agreements more often than insincere negotiators do, supporting Hypothesis 1. However, some insincere negotiators reach agreements despite their incentives for an impasse. This finding supports the extreme agreement bias, as predicted by Hypothesis 2. Interestingly, insincere buyers who reach an agreement in stage 1 do not obtain lower prices than buyers in the Classical condition do. We conjecture that self-selection effects may help account for this result. Negotiators eager to reach a deal may do so even if the deal terms they reach are not particularly favorable. In addition, we speculate that negotiators may derive the greatest benefits from repeated insincere negotiations when the terms of the negotiation are more complicated than those we studied.

7. Study 3

In Study 3, we extend our investigation to consider how mere suspicion might influence the negotiation process. One of our key ideas in advancing our new definition of negotiation is acknowledging the possibility that some negotiators may be insincere. In this study, we investigate how recognizing this possibility might change negotiator behavior and outcomes. Specifically, in this study, all of the negotiators

were sincere and aspired to reach an agreement. However, we informed half of the sellers that their counterpart may or may not be a sincere negotiator. As in Studies 1 and 2, we analyze how our new conceptualization of negotiations changes both negotiated outcomes and the negotiation process.

7.1. Method

7.1.1. Participants

We recruited participants on Amazon's Mechanical Turk (MTurk) in exchange for payment and an opportunity to win a raffle for a \$100 prize. Participants earned 1 raffle ticket for each dollar of surplus they earned from their negotiation outcome. Consistent with our pre-registered exclusions, we excluded all participants who failed to complete a negotiation or encountered technical difficulties. After our pre-registered exclusions, we analyzed data from 1380 participants (49.13% Female; 41.37 years old). This included 1230 participants who completed a first round of negotiations (615 first round buyers and 615 first round sellers) and an additional 150 participants who completed a second round negotiation (150 first round sellers completed a second negotiation, and 150 new buyers completed a second round negotiation).² A post-hoc power analysis confirmed there was adequate power to detect the effects we found; our analysis had 80% power assuming $\alpha = 0.05$ to detect a minimum effect size $f = 0.18$. We preregistered our hypotheses and exclusion rules on [AsPredicted.org](https://aspredicted.org/blind.php?x=fa8qi5) #19547 (<https://aspredicted.org/blind.php?x=fa8qi5>).

7.1.2. Design

We used a 3-cell design that allowed for two rounds of negotiation. We assigned sellers to one of two conditions, unsuspecting or suspicious, and we gave sellers the opportunity to negotiate twice. If sellers did not reach an agreement in their first round of negotiation, they could negotiate a second time. Buyers were always sincere negotiators and they only negotiated with sellers once (either in the first round of negotiation or in the second round of negotiation). That is, 615 sellers negotiated with 615 buyers in the first round of negotiation; 150 sellers did not reach an agreement in the first round and these sellers negotiated with 150 new buyers in a second negotiation. We depict our design in Fig. 7.

7.1.3. Negotiation context

To prepare for the negotiation, participants read background information for a single-issue negotiation about the purchase of a new car. We include the full text of this negotiation in Appendix D. In this negotiation, the buyer seeks to purchase a car for the lowest possible price and the seller seeks to sell the car for the highest possible price.

In the unsuspecting condition, we informed unsuspecting sellers that their goal was to sell the car for the highest price possible during a 5-minute negotiation. We also told the sellers that they could exit the negotiation within the first 2 min and, if they did so, they would have an opportunity to enter a second negotiation with a different buyer. In actuality, we gave every seller who did not reach an agreement in the first round a chance to negotiate with another buyer in the second round.

Sellers in the suspicious condition were given the same information as sellers in the unsuspecting condition. In addition, we informed these sellers about the possibility of encountering an insincere counterpart. Specifically, sellers read:

“Many negotiations fail because buyers often come to dealerships to gain information, rather than purchase a car.

If you spend too much time with a buyer who does not want to reach

an agreement, you may miss an opportunity to sell your car to another buyer who wants to buy a car today.

This exercise is similar to what happens in the real world. For example, car salespeople have said that they encounter buyers who are not really interested in reaching a deal ‘at least once a day’ and that many buyers are trying ‘to get information on prices, deals, payments,’ ‘shopping around,’ or ‘playing around with the idea of getting a car for satisfaction.’”

7.1.4. Procedure

We randomly assigned participants to their roles and conditions. Then, participants had two opportunities to complete a comprehension check. Once they passed the comprehension check, all participants saw the same information about the car. Next, participants completed a five-minute negotiation with a partner and then completed an agreement sheet. Sellers who reached an agreement³ in their first negotiation moved on to the final stage of the study and answered attitudinal and demographic questions. Sellers who did not reach an agreement had the option to try negotiating with another buyer. Those who chose to negotiate again participated in a second negotiation and completed a second agreement sheet. Finally, these participants answered attitudinal and demographic questions.

7.1.5. Comprehension check questions

We asked sellers three comprehension check questions, such as, “What is the lowest price you can accept for the car?” We asked buyers two comprehension questions: “What is your budget?” and “How many raffle tickets do you get if you purchase the car for \$13,500?”

7.2. Results

As in Studies 2 and 3, we find that relaxing the assumptions of classical negotiations changes both the negotiation process and negotiated outcomes. In this study, we merely exposed half of the sellers to the possibility that they might encounter an insincere counterpart.

7.2.1. Negotiation process

We conducted exploratory analyses to analyze the text of the negotiations using LIWC (Pennebaker, Francis, & Booth, 2007). In these analyses, we contrasted how sellers who knew about the possibility of encountering an insincere negotiator negotiated with how sellers who did not know about the possibility of encountering an insincere negotiator negotiated. We identify a number of process differences. First, suspicious sellers asked significantly more questions than unsuspecting sellers did. To gauge this, we counted the use of question marks. We find that suspicious sellers used question marks more often than unsuspecting sellers did ($M = 1.98$, $SD = 2.03$ versus $M = 1.43$, $SD = 1.66$; $t(591.49) = 3.72$, $p < 0.001$). Second, we coded assertiveness using “clout” on LIWC, which measures assertiveness of social status and leadership. We also find that suspicious sellers were more assertive in their communication than unsuspecting sellers were ($M = 67.47$, $SD = 20.9$ versus $M = 61.13$, $SD = 21.40$; $t(612.24) = 3.72$, $p < 0.001$).

Suspicious sellers were also more task-oriented than unsuspecting sellers: Suspicious sellers were more likely to discuss words related to money, such as bargain, cash, and pay, than unsuspecting sellers were ($M = 7.01$, $SD = 3.03$ versus $M = 6.4$, $SD = 2.80$; $t(609.99) = 2.55$, $p = 0.01$).

Further, suspicious sellers were more other-focused in their use of

² 231 sellers did not reach an agreement in the first round and wanted an opportunity to negotiate a second time. However, only 150 (64.94%) of those negotiators matched with a counterpart.

³ Whether we asked sellers if they wanted to participate in a second negotiation was based on their self-reported agreement sheet. Two sellers reached an agreement in the first negotiation but misrepresented their outcome in the agreement sheet for an opportunity to negotiate for a second time. We included these sellers in our analysis.

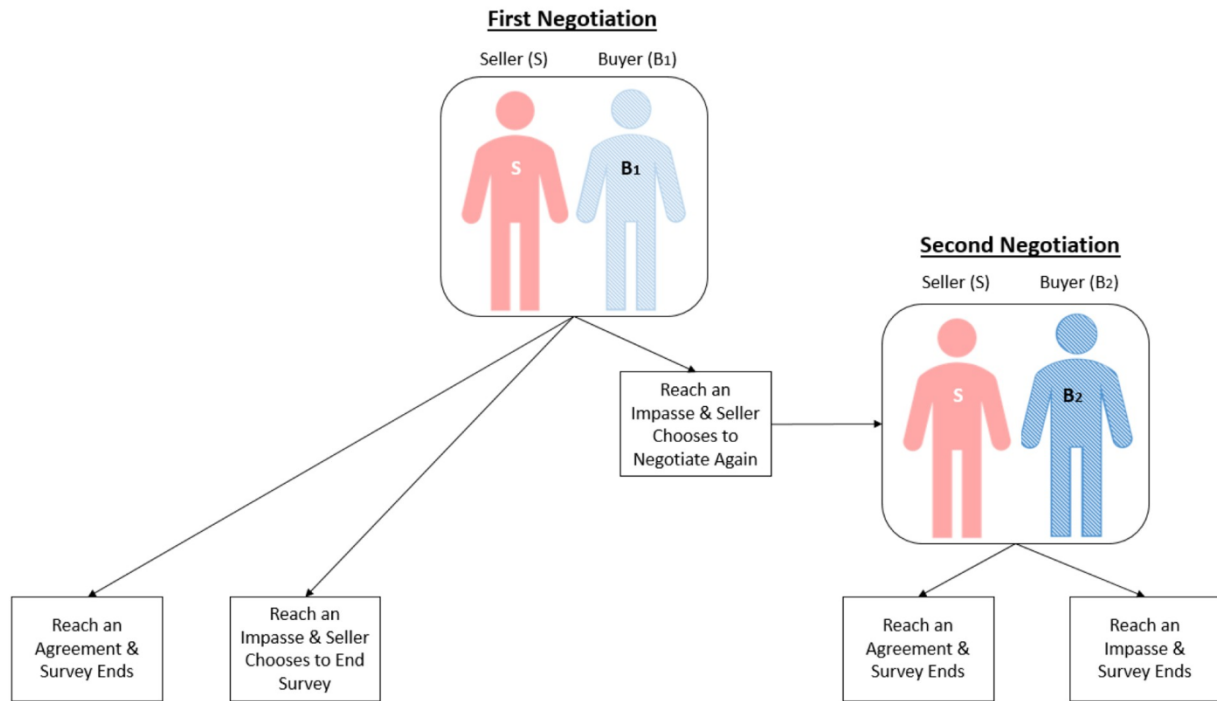


Fig. 7. Design (Study 3). Sellers, regardless of condition, are able to negotiate a second time if they do not reach an agreement in the first round. All buyers are unsuspecting and sincere.

language. Suspicious sellers used “you” more often than unsuspecting sellers did ($M = 2.93, SD = 2.29$ versus $M = 2.27, SD = 1.94$), ($t(598.78) = 3.87, p < 0.001$), and suspicious sellers used “I” marginally less often than unsuspecting sellers did ($M = 2.77, SD = 2.31$ versus $M = 3.11, SD = 2.15$; $t(610.61) = -1.88, p = 0.06$).

7.2.2. Negotiation outcomes

7.2.2.1. Agreement. Agreement rates were higher for negotiation dyads with unsuspecting sellers than they were for dyads with suspicious sellers in the first negotiation.

As depicted in Fig. 8, in the first negotiation, we find that negotiation dyads with unsuspecting sellers had significantly higher agreement rates than those with suspicious sellers did ($M = 50.98\%$ versus $M = 38.83\%$; $t(612.24) = -3.05, p = 0.002$).

In the second negotiation, negotiation dyads with unsuspecting sellers ($M = 45.31\%$) had similar agreement rates as those with suspicious sellers ($M = 46.51\%$; $t(135.88) = 0.14, p = 0.89$).

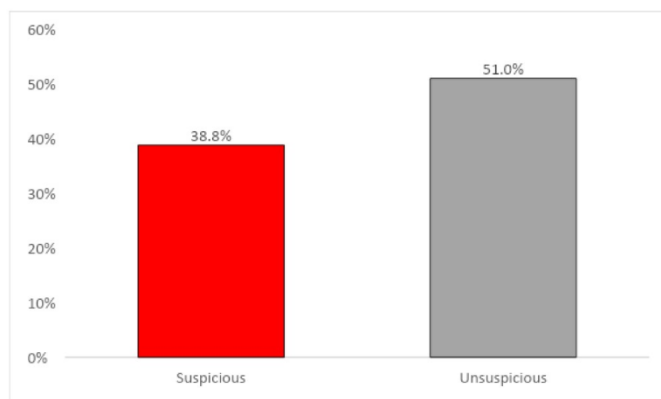


Fig. 8. Agreement rates in first negotiation (Study 3). In the first negotiation, negotiations involving a suspicious seller were significantly less likely to reach agreement than negotiations involving unsuspecting sellers were.

7.2.2.2. Agreement amount. Of participants who reached a deal, we did not find significant differences in prices. Unsuspecting sellers agreed to slightly higher final prices than suspicious sellers in both the first round ($M = \$13,606.45, SD = 3947.58$ versus $M = \$13,511.02, SD = 4243.23$; $t(260.33) = -0.19, p = 0.85$) and in the second round did ($M = \$9571.43, SD = 7281.33$ versus $M = \$6018.62, SD = 6250.71$; $t(52.39) = 1.07, p = 0.29$).

7.3. Discussion

In Study 3, we use a two-stage negotiation design for sellers. We vary the sellers’ suspicion to investigate how suspicion alone affects negotiator behavior and negotiation outcomes. In this study, we find that agreement rates are higher for dyads with unsuspecting sellers than they are for those with suspicious sellers, supporting Hypothesis 3, but final agreement amounts are not significantly different across conditions. Quite possibly, when bargaining zones are larger, buyers have less power, or greater information asymmetries exist, agreement amounts across conditions could be larger and suspicious sellers could earn higher profits than unsuspecting buyers could. These conjectures reflect several of the process differences we identify across conditions, such as the finding that compared to unsuspecting sellers, suspicious sellers ask more questions and are more assertive.

8. General discussion

In this article, we introduce a new definition and conceptualization of negotiations. We conceptualize negotiations as a strategic tool and consider the possibility that some individuals enter negotiations with motives that are very different from reaching an agreement. Results from our pilot studies reveal that our new definition reflects the reality that many negotiators encounter, and our results demonstrate that, rather than reflecting a subtle distinction, our new negotiation definition reflects a fundamental reconceptualization of negotiations.

In Pilot Study 1a, we found that car salespeople frequently encounter insincere negotiators. We also found that these negotiators actively search for behavioral cues to determine whether or not their counterpart is sincere. They report that they change their behavior once

they determine that their counterpart is insincere.

In Pilot Study 1b, we document insincere negotiation behaviors across a range of industries and geographical regions. Through inductive analysis, we introduce a typology of insincere negotiation motives and demonstrate that insincere negotiations reflect a broad managerial challenge.

In Study 1, we found that compared to sincere negotiators, insincere negotiators engaged in different negotiation behaviors and reached different outcomes. Compared to sincere negotiators, insincere negotiators engaged in stalling tactics, such as asking tangential questions, and were more likely to deceive their counterparts. We also found that insincere buyers were significantly less likely to reach a deal. Furthermore, of the negotiators facing insincere counterparts, suspicious negotiators were more likely to exit negotiations than unsuspecting ones were. Findings from this study reveal that insincere negotiations are qualitatively different from sincere negotiations.

In Study 2, we introduce a novel negotiation paradigm and explore a different non-agreement goal for our opportunistic buyers. We introduce a study design that allows opportunistic buyers to engage in a first round negotiation to gain information followed by a second round negotiation to reach an agreement. This design allows us to reflect a broad class of negotiation contexts, such as homebuyers and car salespeople. As in Study 1, we find that the introduction of insincere negotiations changes both the negotiation process and negotiation outcomes.

In Study 3, we introduced negotiators to the mere possibility of encountering an insincere counterpart and allowed sellers to engage in a second negotiation if they did not reach an agreement during the first round. In this study, we found that suspicious sellers asked more questions and were more assertive in their negotiations. In addition, agreement rates were lower for dyads with a suspicious seller than they were for dyads with an unsuspecting seller.

Our findings advance negotiation theory in several fundamental ways. First, in contrast to prior negotiation scholarship, we introduce a broader and more realistic definition of negotiation that conceptualizes the decision to enter and persist in a negotiation as a strategic move. Our work also advances our theoretical understanding of negotiation leverage and the negotiation BATNA. Rather than being exogenous factors in a negotiation, we show that the strength of negotiation alternatives can be influenced by what transpires within a negotiation. Importantly, by identifying the decision to enter a negotiation as a strategic move, we build a bridge between the negotiation literature and the broader strategy literature.

Second, our work links negotiation theory with signaling theory. Within a negotiation, negotiators signal the type of negotiator that they are (e.g. a truly exploitative negotiator vs. a curious negotiator willing to reach an agreement at the right price) and we identify important cues that counterparts could glean. We postulate that some negotiators may be better at detecting these cues than others are.

Third, we link the novel construct of insincere negotiations to repeated negotiations. In many cases, negotiators begin with one orientation (e.g., an insincere intent) but switch their orientation during the negotiation process (e.g., become sincere). For example, an individual may enter a dealership to gather information but decide that the deal is too good to pass up. Future work should explore what triggers negotiators to switch their orientation (Schweitzer & DeChurch, 2001).

Our findings underscore the importance of discerning the underlying motives of a negotiation counterpart. This idea links insincere negotiations with several related literatures that have considered the importance of early moves in a negotiation (Brooks & Schweitzer, 2011), negotiator emotional intelligence (Yip & Cote, 2013), negotiation context (Schweitzer & Kerr, 2000), and negotiator reputation (Tinsley, O'Connor, & Sullivan, 2002).

Our work also informs a number of practical implications. First, our work alerts negotiators to the possibility that a counterpart may use negotiation as a strategic tool to achieve non-agreement motives. As a result, negotiators should be wary of a counterpart who stalls a negotiation process or asks for sensitive information that may transform

their leverage should negotiations fail.

Second, our findings are very different from prior work that has explored deception within negotiations (Gaspar & Schweitzer, 2013): we consider the possibility that the entire negotiation process may be an attempt to misdirect a counterpart.

Third, our findings underscore the important role of policy in governing negotiations. For example, laws that curtail the possibility of engaging in insincere negotiations (e.g., labor laws that prohibit management from engaging in insincere negotiations; patent laws that prohibit negotiators from stealing secrets learned during negotiations) may increase social efficiency more than prior work has assumed. Policies designed to curtail the gains from insincere negotiations may help potential targets of insincere negotiations and ultimately prompt more negotiators to participate in sincere and constructive negotiations.

Importantly, our broader conceptualization of negotiations, negotiation paradigms, and findings inform a number of directions for future research. For example, future research should extend our investigation to consider how suspicion of a counterpart's motives affects sincere negotiations. Counterpart suspicion could significantly curtail the effectiveness of assertive negotiators. More broadly, we call for future work to investigate the decision processes involved in entering and persisting in negotiations.

9. Conclusion

The extant literature in bargaining and negotiations has assumed that parties to a negotiation sincerely want to reach an agreement. In this article, we challenge this assumption. We document insincere negotiations in the field and demonstrate across our experiments that insincere negotiators—and even the mere possibility of encountering an insincere negotiator—change both the negotiation process and negotiated outcomes.

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.jesp.2020.103981>.

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