

## SITUATIONAL FACTORS AFFECTING THE USE OF ETHICALLY AMBIGUOUS NEGOTIATION TACTICS

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This study reports on the findings of structured interviews conducted to gain information on whether and to what extent situational factors influence Hungarian negotiators' choices in opting for or against the use of ethically ambiguous negotiation tactics. First the literature on the role of ethic in negotiations, marginally ethical negotiation tactics and variables affecting their use is reviewed. Then the research methodology and sampling are described and the findings are presented and discussed. The paper concludes that for practising Hungarian negotiators the importance and outcome of the negotiations seem to be the most important variables and further, they tend to limit the use of tactics when they negotiate with a counterpart for the first time.

**Keywords:** Ethic, Negotiations, EANTs, Situational variables.

### Introduction

Practising negotiators for a long time held the view that negotiation is an art rather than an inventory of skills, and thus research into what was believed an aptitude to negotiation, as well as its teaching, was put into the background (Alavoine 2011). It was only later that professionals claimed that several negotiating competencies can be developed through instruction. The fact that the past decades have seen the incorporation of negotiations not only into the curriculum of business courses but also into that of other specialist fields at tertiary level education, and further, the publication of dozens of coursebooks on negotiations indicates that the skills-based view seems to conquer.

Research accompanies teaching. The specialist books and articles written on different aspects of negotiations and the rise of specialist journals devoted to this topic (*Negotiation Journal*, *International Negotiation*, *Journal of Police Crisis Negotiations*, *Journal of Collective Negotiations*, to name but a few) shows the growing importance attached to the subject.

However, in Hungary there is a relative lack of research into negotiations. The main reasons are the limited human and financial sources tertiary institutions and research institutes have at their disposal on the one hand, and practising negotiators' reluctance to fill in questionnaires or take part in interviews on the other. The majority of professionals in the business sector tend to consider most aspects of their work as 'confidential company information'. Given these unfavourable conditions, the little research done concentrates mainly on intercultural and moral aspects of negotiations (e.g. Dévényi 2006; Borgulya 2009).

The present study reports on the findings of structured interviews conducted to learn about whether and to what extent situational factors influence negotiators' choices in opting for or against the use of ethically ambiguous negotiating tactics. First the literature on the role of ethic in negotiations, marginally ethical negotiating tactics, and variables affecting their use will be reviewed. Then the research methodology will be described and the findings presented and discussed. Although the authors are aware of the limitations of their research, tentative conclusions will be drawn from its results and future lines of research indicated.

## Literature Review

The definitions of negotiations put emphasis either on the contradictory interest and aims of the negotiating parties or highlight the trust and honesty necessary for the successful outcome of the negotiation. In the heart of the argument there is either competition or cooperation. Almost half a century ago Carr (1968) put forward the view that negotiations are similar to poker. Ever since, many professionals and researchers who support the idea of competition have claimed that deception is a necessary component in negotiations. It is inevitable that conflicting interests have as big a role in negotiations as those which require cooperation. Since the publication of *Getting to Yes* by Fisher and Ury (1981), authors have compared the negotiated issues to a pie. During competition-centred distributive negotiations the parties see a fixed pie and, consequently, they try to obtain as big a segment as possible so that they win and the other party loses. During cooperation-based integrative negotiations, however, the parties try to extend the pie in order to have a win-win outcome.

The distributive and integrative aspects are present in each negotiation, thus the negotiating parties alternate between showing their overbearing or emphatic self (Alavoine 2011). Speakers of English often call their negotiating counterpart their 'opponent', which puts the competitive self into the forefront. Although the opponent is called a 'negotiating partner' in the Hungarian language, Hungarian negotiators, being representatives of a masculine culture (Hofstede and Hofstede 2005), usually see their counterparts as enemies rather than partners. One of the authors of the present paper reported on a study which found that Hungarian female negotiators display very masculine characteristics (Tompos 2009).

Tactics and tricks are usually associated with distributive negotiations. The question concerning their use is not whether they are legal but whether they are ethical. At the same time, it is difficult to tell what is ethical. Immanuel Kant, the German philosopher (e.g. Kant 1996) claimed that the ethical norm is universal and independent of experience while representatives of utilitarianism (e.g. Bentham 1781) believe that ethicality depends on the results of a decision, i.e. the amount of pleasure it brings.

Recent years have seen the emergence of research into the use of 'marginally ethical negotiation tactics' (Lewicki and Robinson 1998) or 'ethically ambiguous negotiation tactics' (Volkema and Fleury 2002). In their book, the editors Menkel-Meadow and Wheeler (2004) devote a chapter to each of the following five ethical problems which may arise before or during the negotiating process: (1) Truth telling; (2) Bargaining tactics; (3) Negotiating relationships; (4) Negotiations and agents; (5) Social influences and impacts.

In a seminal study, Lewicki and Robinson (1998) put forward the view that negotiating tactics are on a continuum of ethically appropriate to ethically inappropriate with a grey area in between the two groups. They claimed that these marginally unethical tactics are justifiable under some circumstances but unclear as to their ethical appropriateness. In a large-scale questionnaire survey they made more than 1,000 MBA students from two American universities

rate on appropriateness and likelihood of use 18 marginally unethical tactics. On the basis of the results, they established the following five factors (groups of tactics): (F1) Misrepresentation of information; (F2) Traditional competitive bargaining; (F3) Bluffing; (F4) Manipulation of opponent's network; and (F5) Inappropriate information gathering.

The data they gained allowed them to draw conclusions on the different preferences of students according to demographical data, for example that female respondents, regarding F2 tactics as inappropriate, tended to be more cooperative and fair-minded. Also, they found significant differences in the preferences of respondents with different cultural backgrounds. Among others, they found that American MBAs were significantly more accepting of F2 tactics than Eastern European MBAs and Eastern Europeans were significantly less accepting of F3 tactics than their American and Asian counterparts.

Lewicki and Robinson (1998) noted that they found no data on significant cultural differences which would have allowed for comparison of their findings. Later they expanded their research and concluded that "the perception of negotiation tactics is sensitive to cultural differences" (Robinson, Lewicki and Donahue 2000: 658). They also called for further research into the interplay of national culture, business practices and what is considered ethical behaviour in negotiations.

During the fifteen years which have passed since the publication of their original research, a growing number of authors have published articles with data that prove the difference in preferences of negotiators with different cultural backgrounds. For example, Triandis et al. (2001) studied the relationship of deception and culture and concluded that although the situation and the importance of the outcome affect the tactical choices of negotiators, the judgement on what is considered a lie and to what extent a tactic can be used differs from culture to culture. Rivers (2004) examined Australian negotiators' perceptions of ethically ambiguous tactics along four dimensions and also discussed potential cross-cultural variations on these dimensions.

Quite a few of these investigations set out to identify the cultural aspect which is responsible for the difference. Volkema (1999, 2004), for example, found correlations between intercultural differences in negotiators' preferences and the hofstedian dimensions of culture, namely individualism/collectivism, high/low power distance and masculinity/femininity, although admittedly the results bore some inconsistency. Zhang, Liu and Liu (2012) compared American and Chinese negotiators' aptitude to deceive and came to the conclusion that Chinese negotiators, coming from a collectivistic culture, tend to employ more informational deception than American negotiators but their individualistic American counterparts are more likely to commit more negative emotional deception.

With the growing number of investigations it has become obvious that in order to provide an explanation of the differences it is not sufficient to pay attention only to the characteristics of a given culture; situational variables, for example whether a collectivist negotiates with an in-group member or an out-group member, need to be considered.

Volkema and Fleury (2002) examined culture's influence on the acceptance (perceived ethicality) and likelihood of use of ethically ambiguous negotiating tactics. The American and Brazilian respondents had to consider the following factors: (1) Unspecified context; (2) The opponent has a reputation as an unethical negotiator; (3) The country is known for skilled negotiators; (4) It is a very important negotiation; (5) There is a time deadline; (6) The opponent has a reputation as a very good negotiator; (7) There will be future cooperation with the opponent; (8) Colleagues will learn about the details of the negotiation. The results showed a significant difference due to country in five of the eight conditions. Thus, Volkema and Fleury (2002) demonstrated that although culture does play an important role, situational factors also

have an effect on the perceptions and use of ethically ambiguous negotiating tactics independent of culture.

Lewicki et al. (2003) established the following situational/contextual factors: (1) Past experiences of the negotiator; (2) Incentives; (3) Relationship with the other party; (4) The relative power between the negotiators; (5) Mode of communication; (6) Whether or not the negotiator is acting as an agent; (7) The group and the organisational norms, (8) The cultural norms. Not only is this list of variables completely different from that of Volkema and Fleury's (2002) but in this model cultural norms represent only a contextual variable.

Rivers and Lytle (2007) point out that culture is much more than a simple variable since it has a direct effect on the negotiator's consideration of the ethical decision. They base their claim on the fact that (1) culture includes cultural values as well as moral philosophy (e.g. Christianity and Confucianism) and (2) it affects other components, for example the organisational codes of ethics, organisational goals (e.g. rewards, deadline, the negotiator's role), the legal environment and the perception of the other party.

Alavoine (2011) emphasises the confrontation between values, visions of negotiation and practices. In his view, there are two main sources of influence on ethical choices: the 'world of representation' and the 'world of interpretations'. The first category comprises the individual's core values, which are in fact norms, principles and beliefs affected by (1) goals, expectations, personality, motivation (2) culture, subcultures, groups, family, gender and (3) education, experience, expertise, competencies. The second category relates to the individual's practices, for example whether they are distributive integrative negotiators. Practices include deception, lies, bluff, threats, promises and concessions affected by (1) context, opportunities, actors/partners, power, trust (2) feelings, emotions, communication, attitudes, behaviours (3) stakes, interests (4) objectives and personal orientation.

## **Aims and Methodology**

The investigation reported in this paper aimed to gain data about practising Hungarian negotiators' negotiating habits and experiences. The research was designed with the ultimate aim of integrating its findings into the syllabuses of courses instructed by the authors, namely Intercultural communication, Business negotiations and Intercultural manager communication.

The purpose of this study is to present and discuss the situational and contextual factors which practicing Hungarian business negotiators believe affect the use of ethically ambiguous negotiating tactics to a lesser or greater degree.

The research tool employed has been structured interviews. As a first step the authors translated and reformulated Lewicki and Robinson's (1998) 18 marginally ethical negotiating tactics and developed a list of contextual/situational variables put forward by Volkema and Fleury (2002), Lewicki et al. (2003) and Alavoine (2011). These two lists were discussed with three practicing business negotiators and, as a result, both lists were reduced so that they contained only the tactics and factors considered most relevant. For example, two of the tactics ("Intentionally misrepresent the nature of negotiations to the press or your constituency in order to protect delicate discussions that have occurred"; "Intentionally misrepresent the progress of negotiations to the press or your constituency in order to make your own position or point of view look better" (Lewicki and Robinson 1998: 670) were discarded because specialist informants claimed that they are rare in Hungarian business settings.

Then an interview sheet was developed. It consisted of two parts: (1) the respondent's demographical data and foreign language skills; (2) negotiations and the use of negotiating

tactics. In the second part of the interview, the respondents were asked to (1) consult the list of ethically ambiguous negotiating tactics (henceforth EANTs), state their familiarity with them and rate them with regard to their appropriateness and likelihood of use; (2) consult the list of contextual and situational variables and comment upon whether they affect the use of EANTs; (3) recall a memorable negotiation when they or their counterparts used an EANT; (4) characterise a foreign culture's negotiating habits and tactics and (5) list five qualities of a good negotiator.

The interview sheet contained the following fourteen EANTs in the first person singular. The broad factors of the marginally ethical tactics they represent are given in brackets (F1: Misrepresentation of information; F2: Traditional competitive bargaining; F3: Bluffing; F4: Manipulation of opponent's network; F5: Inappropriate information gathering).

- I intentionally misrepresent factual info to my opponent in order to support my negotiating position. (F1)
- I make a shocking opening offer/demand in order to undermine my opponent's confidence. (F2)
- I hide my real bottom line. (F2)
- I pretend to be in no hurry in trying to get my opponent to give concessions. (F2)
- I gain info about my opponent's position and strategy by asking my business contacts. (F2)
- I promise good things to my opponent if he gives what I want even if I know I can't or won't give them. (F3)
- I threaten my opponent even if I know I would not harm them. (F3)
- I make my opponent feel they can only get what they want from me although I know they could get it cheaper or faster elsewhere. (F3)
- I contact my opponent's superior and try to undermine their professional credibility. (F4)
- I threaten to make my opponent look unprofessional in front of their superiors. (F4)
- I contact my opponent's superior and try to encourage them to defect to my side. (F4)
- I gain information directly from my opponent through gifts, entertaining and personal favours. (F5)
- I 'hire' a subordinate of the opponent in order to gain confidential information on their position and strategy. (F5)
- I gain information about my opponent's position from 'paid informants' (e.g. acquaintances) (F5)

The respondents had to consult the following seven situational/contextual variables. There was also an open-ended question where they were asked to add further factors to the list.

- the opponent's gender
- the opponent's nationality
- this is the first negotiation with the opponent
- the opponent is regarded almost as a friend
- the broad aim (e.g. one-off negotiation or a long-term relationship)
- the importance of the negotiation's outcome
- the balance of power is not in the opponent's favour

The interviewees were selected by means of convenience sampling, namely easily available subjects combined with snowball. These methods, which in fact lack representativity, are

accepted in qualitative studies as the aim is to gain rich data (Babbie 2010). The sampling criteria were the following: the informants had to be practising Hungarian business negotiators who routinely conduct negotiations with representatives of foreign cultures. The authors, being aware that the respondents are busy businesspeople, as well as the drawbacks of on-site questions, decided to inform the interviewees about the aims of the questions. They had also been sent the interview sheet prior to the interviews. Then an interview protocol (Kvale 1996) was developed, which was necessary because it was five MSc students who conducted most of the interviews. In order to standardise the interviewing process, the authors and the students carried out two interviews together. The interviewers took notes during the interviews.

## Findings

A total of 72 interviews were conducted with practising Hungarian business negotiators. They were asked to state whether the contextual/situational variables affect the use of the EANTs. If they claimed that a variable does influence their choice of tactics, they were asked which tactic it influences and how. The size of the sample does not justify the breaking down of the results according to, for example, respondents' gender or age. The interview sheets with the interviewers' notes were processed manually by the authors.

In the first place, it should be noted that none of the contextual/situational factors were approved by a great majority of the interviewees. Six of the seven variables fell between the approval rate of 70-50 percent, which seems to show that neither factor is considered significantly more important than the others. On the other hand, one variable was disapproved of by more than 70 percent of the respondents.

The variable *importance of the negotiation's outcome* received the highest approval rate. 69.44% of the respondents stated that the outcome affects the use of tactics. They claimed that they tend to use more EANTs if the negotiation is of less importance and, conversely, the more important its result, the less risk they are willing to take. The tactics most often used with negotiations of greater importance are related to the strategies which aim to lead the opponent to believe they must deal with the respondent's company.

*This is the first negotiation with the opponent* was seen as the second most important factor by the respondents, since 68.42 % said this variable affects the use of all EANTs. They agreed that in the case of a first negotiation one has to use the tactics very carefully and tentatively, whereas an established relationship with the opponent allows for the gathering of information directly from them or the use of more tactics which are known to be effective.

63.16% of the interviewees believe the *broad aim of the negotiation* influences the choice of tactics. They said if they want to establish a long-term relationship they tend to take less risk, thus use EANTs very carefully. They claimed they do not use tactics related to bluffing (e.g. making the opponent believe they must deal with them) or to the manipulation of the opponent's network (e.g. contacting the opponent's superior).

58.82 % of the respondents stated that they consider the use of tactics if *their position is more powerful than that of the opponent*. At the same time, some of them said that, due to their advantage, they use fewer EANTs, while others claimed that they use more of them. Quite a few of them said that since the negotiating position tends to change during the negotiation, they use more shocking tactics related to traditional competitive bargaining and bluffing whenever they feel their position strengthen or weaken. Several interviewees pointed out that the advantage of being more powerful should not be abused and the opponents should be treated as equal partners even if the balance of power is not in their favour.

The *opponent's nationality* received an approval rate of 55.26%. The respondents who stated it influences the use of EANTs gave several examples. Most of them told that it is worth concentrating on the facts if the opponents are from Germany or Austria. Similarly, fewer bluffing-related tactics should be used with Japanese counterparts, whereas they believe entertaining and gifts might be useful with Russian negotiating partners. Some interviewees pointed out that instead of tactics, more direct information-gathering channels can be used with Eastern Europeans.

A little more than half of the informants (53.16%) said having a *friendly relationship with their opponent* affects their use of tactics. In general, they stated that close rapport influences the employment of all EANTs since it makes it easier to reach their aims with fewer tactics. However, almost half of the respondents claimed a friendly relationship does not influence the use of tactics. Within this latter group, nine interviewees expressed the opinion that it is not a good idea to make friends with business partners.

The *opponent's gender* received the lowest approval rate of 28.94%. It was exclusively male informants who said promising favourable things, entertaining and further, doing personal favours to female opponents positively influences the outcome of the negotiation. Further comments made included "women are easier to persuade" and "it's better to try to influence women's emotions rather than their logic". One respondent said women often tend to use their femininity and unethical tactics, for example "seducing" the male opponent.

The interview sheet included an open question where respondents were asked to add further influencing factors to the list. Very few informants did so. The comments included *whether the opponent is an experienced negotiator, the opponent's self-confidence, the opponent's appearance and the opponent's behaviour*.

## Discussion and Conclusions

No hypotheses were formulated prior to the procession of data since hypothesis testing, as a research aim, does not fit the qualitative/interpretative tradition (Gelei 2002). However, it is acknowledged that during the unfolding and understanding of interviewees' experiences and interpretations, the authors might have been influenced by their knowledge and expectations, which might have served as subconscious hypotheses. Further, meaning interpretation necessarily includes subjectivity, which usually characterises qualitative, interpretative research (Kvale 1996).

The size of the sample does not allow for far-fetching conclusions to be made. The discussion which follows highlights aspects of the findings which are in line with, or, on the contrary, contradict the authors' expectations based on their personal experience or the knowledge gained from specialist literature.

From the respondents' answers the broad conclusion that they either do not use too many tactics or do not admit to using them can be drawn. The EANTs they most often referred to are related to traditional competitive bargaining (F2) and bluffing (F3). This seems to show that these tactics are the most commonly used. This finding, at the same time, does not contradict Lewicki and Robinson's (1998) results since it is possible that American and Asian negotiators more often use F2 and F3 tactics than their Hungarian counterparts. Further, it is believed to support their view (Robinson, Lewicki and Donahue 2000) that the older the negotiators are and the more work experience they have, the more wary they are of potentially unethical bargaining tactics.

The interviewees most often referred only to one EANT which does not belong into the groups of traditional competitive bargaining and bluffing. Entertaining and giving the opponent gifts is a tactic which Lewicki and Robinson (1998) classified as 'inappropriate information gathering'. Gift-giving and treating guests are very common in Hungary even in business life. In the authors' view this habit might indicate only a manifestation of the famous Hungarian hospitality, rather than a back-door intention to gain advantage over the negotiating partner.

The overall result of the interviews is that situational factors related to the aim and outcome of the negotiation seem to affect the use of tactics to the greatest degree. The more important the long-term relationship and/or the result is, the fewer tactics are used. In general we can say that the respondents made very few and general comments on which tactic is influenced by the given factor. The EANTs they referred to in general are related to traditional competitive bargaining and bluffing.

Given the fact that Hungary is seen as a strongly or at least higher-than-middle masculine culture (e.g. Bakacsi et al. 2002, Hofmeister-Tóth et al. 2004, Hofstede and Hofstede 2005), it is considered a surprising result that most respondents claimed the gender of their opponent has no effect on their use of EANTs. At the same time, the male negotiators who approved of the variable as an influencing factor made comments which show high masculinity. In fact, they seem to have a low opinion of their female counterparts.

The Hungarian culture is usually described as a relationship-oriented and diffuse one, where businesspeople tend to mix their private and professional spheres, although some investigations found that it is in the middle ground between diffuse and specific (e.g. Trompenaars 1993) or even that it is specific (Kovács 2006). The EANT of entertaining and giving gifts referred to by the respondents seem to point towards the diffuse end. However, only a little more than half of the informants stated that the variable *having a friendly relationship with the opponent* influences their use of EANTs. Moreover, several of them pointed out that it is not desirable in to make friends with business partners. This finding seems to confirm the authors' view that gift-giving and entertaining might only be a habit stemming in the Hungarian culture and confirm the research results referred to above, namely that Hungarian businesspeople's behaviour is specific rather than diffuse.

Although all the interviewees routinely negotiate with members of other cultures, only 55% said the opponent's culture affect the EANTs they employ. An explanation of why negotiators attach little importance to cross-cultural differences may be that courses like Cross-cultural communication and International business negotiations have only been recently introduced in tertiary and postgraduate education in Hungary. In the authors' experience professionals in their forties or over tend to attribute communication breakdowns to insufficient foreign language or general communication skills rather than to the lack of cross-cultural knowledge and skills.

The findings of this study indicate further lines of research. In order to get more valid and reliable data, the authors intend to conduct further interviews. The results also indicate a need for investigations concentrating on more variables and for more detailed examinations of the intercultural aspects.

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