

A Sumbiosis Think Piece

How to Prevent the Use of Manipulative Tactics in Negotiation

Source: [Beyond Frogs and Scorpions: A Risk-Based Framework for Understanding Negotiating Counterparts' Ethical Motivations](#), Roger Volkema and Cheryl Rivers, *Negotiation Journal*, Volume 28, Number 4, October 2012

USAGE OF MANIPULATIVE TACTICS

Manipulative tactics are frequently used in negotiation. Studies have shown for instance that in different samples of cases studies:

- ➔ misrepresentation was detected in 28% of the cases;
- ➔ 25% of sellers both withheld information about the conditions of their faulty products and actively lied about it;
- ➔ where negotiations led to an agreement, 34% of experienced negotiators both lied (i.e.: made invalid statements) and were deceptive (i.e.: failed to correct a counterpart's inaccurate assumptions);
- ➔ when faced with incentives to deceive (e.g.: to misrepresent information), the use of ethically questionable tactics was even more frequent: 43% of negotiators concealed information, while 55% actively lied.

One rationale for employing such tactics is obviously that they help a negotiator achieve a better outcome for him- or herself. Because many of these tactics are difficult to detect, even in face-to-face encounters, negotiators might think that the marginal risk of getting caught is worth the enhanced outcomes.

However, using these tactics also can decrease the chances for an integrative agreement, while jeopardizing long-term business opportunities and the negotiator's good reputation. Parties may fail to maximize joint gains because, among other reasons, their initial behaviors are often reciprocated by their counterparts. Thus, the use of such tactics can create a competitive spiral in which incomplete or erroneous information becomes the basis for decisions.

Numerous studies have sought to identify the factors that might predict the likelihood that an individual will use manipulative tactics. Although the findings are intriguing, it is usually difficult to apply them to predict the behavior of a counterpart because many personal characteristics cannot be externally assessed: a counterpart's degree of Machiavellianism is unlikely to be detectable, for instance!

While it is difficult to assess counterpart's ethical tendencies based on their individual attributes, it is at least helpful to understand the motivations which drive the decision to use manipulative tactics.

FRAMEWORK FOR UNDERSTANDING ETHICAL MOTIVATIONS

When engaged in decision making, individuals must manage competing goals and approaches. To overcome this complexity and uncertainty, they often categorize possible outcomes in terms of potential benefits and costs, strengths and weaknesses, or gains and losses. When a negotiation counterpart makes such assessments, he or she is likely to be simultaneously drawn to and repelled by certain options. For example, when assessing the benefits and costs of employing ethically questionable tactics, negotiation counterparts are likely to weigh the importance of their desired outcome against the risks of being caught in a lie or deception. (The risk of potential costs or losses can be a particularly powerful motivator of human behavior.)

A negotiation counterpart is likely to consider two sets of risks based on the dual-concerns model: risks to tasks or goals and risks to relationships:

Perceived Risks (Negative Consequences) of Unethical Behavior in Negotiation

	Short-term	Long-term
Goal/task concerns	No agreement Unmet goals	Loss of future business Formal sanctions
Relationship concerns	Loss of respect or support Bad reputation	Limited expansion of Social and business networks

MOTIVATING NEGOTIATORS TO BEHAVE ETHICALLY: 12 PROPOSITIONS

1. The more a counterpart is convinced that his/her immediate or short-term goals will be achieved, the less likely the counterpart will be to employ manipulative tactics.
2. The more a counterpart is convinced that progress is being made toward achieving his or her immediate or short-term goals/tasks, the less likely the counterpart will be to employ manipulative tactics.
3. The more a counterpart is convinced that the immediate or short-term goals/tasks of the two parties are linked (interdependent), the less likely he or she will be to employ manipulative tactics.
4. The more a counterpart is convinced that he or she has few if any viable, immediate alternatives to a negotiated agreement, the less likely the counterpart will be to employ manipulative tactics.
5. The more a counterpart is convinced that the negotiator has viable options, the less likely the counterpart will be to employ manipulative tactics.
6. The more a counterpart is convinced of his or her personal similarities to a negotiator, the less likely the counterpart will be to employ manipulative tactics.
7. The more a counterpart is convinced to identify with an ethical organization, the less likely the counterpart will be to employ manipulative tactics.
8. The more a counterpart is convinced that a negotiator is connected to the counterpart’s social network, the less likely the counterpart will be to employ manipulative tactics.
9. The more a counterpart is convinced that there are long-term business opportunities between the parties, the less likely the counterpart will be to employ manipulative tactics.
10. The more a counterpart is convinced that engaging in questionable or unethical behavior has serious legal implications, the less likely the counterpart will be to employ manipulative tactics.

11. The more a counterpart is convinced that a negotiator can provide future affiliative support, the less likely the counterpart will be to employ ethically ambiguous negotiation tactics.
12. The more a counterpart is convinced that a negotiator can assist the counterpart in gaining future entry into valued social and business networks, the less likely the counterpart will be to employ ethically ambiguous negotiation tactics.

CONCLUSIONS

If a negotiation counterpart has a reputation for employing manipulative tactics, avoidance is sometimes seen as the best option.

In some situations, however, avoidance can be difficult, such as negotiating with a sole supplier or when too much has been invested in the process to abort the negotiation. Under circumstances in which a negotiator feels she must proceed, she will typically consider several options, including openly confronting the counterpart about his behavior at the earliest indication. If the counterpart is in a position of power or leverage, however, this carries inherent risks. For example, some counterparts will recognize their advantage and respond aggressively, anticipating that the accuser will back down. Furthermore, once threatened for one and then both parties, trust will remain fragile and difficult to restore, particularly when subsequent indiscretions are suspected.

Given the limits of confrontation, taking a preventive approach – i.e.: trying to neutralize a counterpart's temptations before they materialize – is the best possible choice.