

Conflict & Dispute Resolution

Honesty in Negotiation

As you read the material for our next class, keep the questions below in mind. To answer these questions you will have to reflect critically on what you have read and possibly re-read important passages. Keep in mind that there are two basic kinds of information that you need to look for in the reading:

1. What are the main points or conclusions that an author accepts with respect to a particular issue?
2. What are the reasons, important considerations, and evidence that lead the author to accept that conclusion?

For our purposes, *it is information of the second sort that will be our primary concern* since our most basic task is to *evaluate the reasons and evidence* that are offered to support accepting one possible conclusion about an issue, rather than another.

Although I strongly suggest that you write out brief answers to these questions, you do not have to turn in written responses. You do, however, need to be prepared to speak intelligently about these issues at our next class meeting.

Reading

- Niccolò Machiavelli, “How Rulers Should Keep Their Promises” (webpage).
- G. Richard Shell, “When Is It Legal to Lie in Negotiations?” (webpage).

Questions

1. According to Machiavelli, how should rulers keep their promises? Do you agree or disagree with his position?
2. In defending his answer to the previous question, Machiavelli makes two assumptions: (1) the truth of psychological egoism and (2) that the outcome (of preserving the state) justifies the means used to achieve that outcome. How does he use these two assumptions to defend his position? Do you agree or disagree with these two assumptions in this context? Do they really support his position?
3. Shell defines a fraudulent statement as “when the speaker makes a [1] knowing [2] misrepresentation of a [3] material [4] fact on which the victim [5] reasonably relies and which causes damage” (p. 94). For each of the five features (indicated in brackets), Shell adopts the following argumentative pattern:
 - A. Shell explains the standard, legal definition of the feature,
 - B. He gives a common way that negotiators might try to avoid that feature through legal technicalities or loopholes, and
 - C. He explains how *ethical* (as opposed to *legal*) concerns lead courts to assess those technicalities and often close those loopholes.Summarize how Shell specifically follows this argumentative pattern for each of the five features of a fraudulent statement.
4. In light of the arguments by both Machiavelli and Shell, to what extent do you believe a negotiator should be honest with the other party?