

CONFLICT & DISPUTE RESOLUTION

Deception & Honesty in Negotiation

Instructions

When doing the reading for this class, there are the two basic kinds of information you need to understand:

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 position on an issue, rather than another.

Reading

Machiavelli, N. (2010). How Princes Should Keep Their Word. In J. Bennett (Trans.), *The Prince* (pp. 37–38). Early Modern Texts. Retrieved November 20, 2018, from <http://www.earlymoderntexts.com/assets/pdfs/machiavelli1532part2.pdf>. (Original work from 1532).

Shell, G. R. (1991, Spring). When Is It Legal to Lie in Negotiations? *Sloan Management Review*, 32(3), 93–101.

Questions

1. According to Machiavelli, to what extent should rulers keep promises?
2. 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 lie and yet also avoid that feature of fraud through legal technicalities or loopholes, and
 - C. He explains how ethical (as opposed to legal) concerns usually lead courts to reassess those legal technicalities and then often close those loopholes that seem to permit lying.

Summarize how Shell specifically follows this argumentative pattern for each of the five above features of a fraudulent statement?

To answer these questions you will have to reflect critically on what you have read and possibly re-read important passages.

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.