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谈判的理论与策略

NEGOTIATION THEORY AND STRATEGY

[美] 拉塞尔·科罗布金 (Russell Korobkin) / 著



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谈判的理论与策略

TANPAN DE LILUN YU CELÜE

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总 序

吴志攀

加入世界贸易组织表明我国经济发展进入了一个新的发展时代——一个国际化商业时代。商业与法律的人才流动将全球化，评介人才标准将国际化，教育必须与世界发展同步。商业社会早已被马克思描绘成为一架复杂与精巧的机器，维持这架机器运行的是法律。法律不仅仅是关于道德与公理的原则，也不单单是说理论道的公平教义，还是具有可操作性的精细的具体专业技术。像医学专业一样，这些专业知识与经验是从无数的案例实践积累而成的。这些经验与知识体现在法学院的教材里。中信出版社出版的这套美国法学院教材为读者展现了这一点。

教育部早在2001年1月2日下发的《关于加强高等学校本科教学工作提高教学质量的若干意见》中指出：“为适应经济全球化和科技革命的挑战，本科教育要创造条件使用英语等外语进行公共课和专业课教学。对高新技术领域的生物技术、信息技术等专业，以及为适应我国加入WTO后需要的金融、法律等专业，更要先行一步，力争三年内，外语教学课程达到所开课程的5%~10%。暂不具备直接用外语讲授条件的学校、专业，可以对部分课程先实行外语教材、中文授课，分步到位。”

引进优质教育资源，快速传播新课程，学习和借鉴发达国家的成功教学经验，大胆改革现有的教科书模式成为当务之急。

按照我国法学教育发展的要求，中信出版社与外国出版公司合作，瞄准国际法律的高水平，从高端入手，大规模引进畅销外国法学院的外版法律教材，以使法学院学生尽快了解各国的法律制度，尤其是欧美等经济发达国家的法律体系及法律制度，熟悉国际公约与惯例，培养处理国际事务的能力。

此次中信出版社引进的是美国ASPEN出版公司出版的供美国法学院使用的主流法学教材及其配套教学参考书，作者均为富有经验的知名教授，其中不乏国际学术权威或著名诉讼专家，历经数十年课堂教学的锤炼，颇受法学院学生的欢迎，并得到律师实务界的认可。它们包括诉讼法、合同法、公司法、侵权法、宪法、财产法、证券法等诸多法律部门，以系列图书的形式全面介绍了美国法律的基本概况。

这次大规模引进的美国法律教材包括：

伊曼纽尔法律精要 (Emanuel Law Outlines) 美国哈佛、耶鲁等著名大学法学院广泛采用的主流课程教学用书，是快捷了解美国法律的最佳读本。作者均为美国名牌大学权威教授。其特点是：内容精炼，语言深入浅出，独具特色。在前言中作者以其丰富的教学经验制定了切实可行的学习步骤和方法。概要部分提纲挈领，浓缩精华。每章精心设计了简答题供自我检测。对与该法有关的众多考题综合分析，归纳考试要点和难点。

案例与解析 (Examples and Explanations) 由美国最权威、最富有经验的教授所著，这套丛书历

经不断的修改、增订，吸收了最新的资料，经受了美国成熟市场的考验，读者日众。这次推出的是最新版本，在前几版的基础上精益求精，补充了最新的联邦规则，案例也是选用当今人们所密切关注的问题，有很强的时代感。该丛书强调法律在具体案件中的运用，避免了我国教育只灌输法律的理念与规定，而忽视实际解决问题的能力培养。该丛书以简洁生动的语言阐述了美国的基本法律制度，可准确快捷地了解美国法律的精髓。精心选取的案例，详尽到位的解析，使读者读后对同一问题均有清晰的思路，透彻的理解，能举一反三，灵活运用。该丛书匠心独具之处在于文字与图表、图例穿插，有助于理解与记忆。

案例教程系列 (Casebook Series) 覆盖了美国法学校院的主流课程，是学习美国法律的代表性图书，美国著名的哈佛、耶鲁等大学的法学院普遍采用这套教材，在法学专家和学生中拥有极高的声誉。本丛书中所选的均为重要案例，其中很多案例有重要历史意义。书中摘录案例的重点部分，包括事实、法官的推理、作出判决的依据。不仅使读者快速掌握案例要点，而且省去繁琐的检索和查阅原案例的时间。书中还收录有成文法和相关资料，对国内不具备查阅美国原始资料条件的读者来说，本套书更是不可或缺的学习参考书。这套丛书充分体现了美国法学教育以案例教学为主的特点，以法院判例作为教学内容，采用苏格拉底式的问答方法，在课堂上学生充分参与讨论。这就要求学生不仅要了解专题法律知识，而且要理解法律判决书。本套丛书结合案例设计的大量思考题，对提高学生理解概念、提高分析和解决问题的能力，非常有益。本书及时补充出版最新的案例和法规汇编，保持四年修订一次的惯例，增补最新案例和最新学术研究成果，保证教材与时代发展同步。本丛书还有配套的教师手册，方便教师备课。

案例举要 (Casenote Legal Briefs) 美国最近三十年最畅销的法律教材的配套辅导读物。其中的每本书都是相关教材中的案例摘要和精辟讲解。该丛书内容简明扼要，条理清晰，结构科学，便于学生课前预习、课堂讨论、课后复习和准备考试。

除此之外，中信出版社还将推出教程系列、法律文书写作系列等美国法学教材的影印本。

美国法律以判例法为其主要的法律渊源，法律规范机动灵活，随着时代的变迁而对不合时宜的法律规则进行及时改进，以反映最新的时代特征；美国的法律教育同样贯穿了美国法律灵活的特性，采用大量的案例教学，启发学生的逻辑思维，提高其应用法律原则的能力。

从历史上看，我国的法律体系更多地受大陆法系的影响，法律渊源主要是成文法。在法学教育上，与国外法学教科书注重现实问题研究，注重培养学生分析和解决问题的能力相比，我国基本上采用理论教学为主，而用案例教学来解析法理则显得薄弱，在培养学生的创新精神和实践能力方面也做得不够。将美国的主流法学教材和权威的法律专业用书影印出版，就是试图让法律工作者通过原汁原味的外版书的学习，开阔眼界，取长补短，提升自己的专业水平，培养学生操作法律实际动手能力，特别是使我们的学生培养起对法律的精细化、具体化和操作化能力。

需要指出的是，影印出版美国的法学教材，并不是要不加取舍地全盘接收，我们只是希望呈现给读者一部完整的著作，让读者去评判。“取其精华去其糟粕”是我们民族对待外来文化的原则，我们相信读者的分辨能力。

是为序。

NEGOTIATION THEORY AND STRATEGY



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To my parents, who taught me
love of learning and pride in
accomplishment

PREFACE

Negotiating is a routine part of the professional life of virtually all lawyers, regardless of their area of specialty. With the possible exception of writing, no subject is as important for lawyers to understand thoroughly and practice competently. In the 21st century, law school curriculums are reflecting this reality more and more. Most law schools offer a course devoted entirely to the study of negotiation, many schools offer multiple courses, and a few have even developed special programs in the field of negotiation and dispute resolution. This book was written with the goal of providing an in-depth, intellectually rigorous yet practically useful introduction to the study of negotiation for law students, as merited by the importance of negotiation to the practice of law.

The design of the book reflects, of course, my personal views about the study of negotiation. The following four themes, I believe, are reinforced throughout the volume, and give the book its unique character:

First, negotiation is an inherently interdisciplinary subject. The reprinted excerpts, narrative sections, and note material in this book draw heavily on insights from a variety of social sciences (particularly economics, psychology, and sociology), as well as more traditional legal sources such as judicial opinions and law review articles.

Second, lawyers and other professional negotiators are best served by developing a thorough understanding of the structure of negotiation rather than merely mastering the execution of a list of tactics. The book attempts first to provide a conceptual framework for understanding negotiation, and then to consider how tactics that negotiators use and issues that arise at the bargaining table fit into that framework. By leaving the classroom with such a framework, students will have the tools to teach themselves to be successful negotiators throughout their lives as they continually face the need to adapt their skills to new contexts and changing situations.

Third, the basic structure of negotiation is the same regardless of the particular bargaining context. Many of the examples provided in the book come from contexts in which lawyers often find themselves. And some of the concepts covered, i.e., challenges and opportunities created by the relationship of a principal party and his agent, are of particular rel-

evance to lawyers, given the context in which they work. Nonetheless, the core concepts taught in the book can be applied to all negotiation situations, not just legal ones. Students should benefit from this approach whatever their career goals. Similarly, although the book is written for law students, it can be successfully used for a course taught to graduate students in other fields, or even advanced undergraduate students.

Fourth, the goal of equipping students with the ability to implement what they have learned in their daily personal and professional dealings is best served by the following three pedagogical steps:

- 1) Communicate intellectually challenging concepts.
- 2) Reinforce those concepts by challenging students to apply them to new situations and to their life experiences.
- 3) Provide an opportunity for students to tailor the concepts for their own use in an interactive setting.

Each chapter of the book exposes students to challenging theoretical concepts through a combination of narrative material, excerpts of published books and articles, and note material that further explains and builds on points made in the narrative and excerpted sections. The “discussion questions and problems” that end each chapter provide an opportunity for students to explore and apply the reading material in a class discussion format. Finally, a recommended negotiation simulation accompanies each chapter. These exercises, provided in the teacher’s manual that accompanies this book, were selected or designed to reinforce the concepts emphasized in the relevant chapter.

The book contains 15 chapters — or approximately one chapter per week for a one-semester law school course — divided into five parts. Each part adds a new layer of complexity to the core concepts of the course. Although the book has a conscious progression and is designed to be taught in its entirety in one semester, it was also designed to be flexible in order to accommodate instructors with different approaches to teaching negotiation and/or particular areas of interest. No supplementary materials are needed, but instructors who wish to assign supplementary reading materials or additional simulation exercises can easily combine two chapters into a week of study or skip some chapters altogether (especially after Part II) in order to free up additional time. Instructors can also choose to assign the chapters in a different order to better suit their conception of the course without creating undue confusion on the part of students.

Many people have influenced my approach to thinking about and teaching negotiation, so a number of grateful acknowledgements are in order. As a law student at Stanford University in the early 1990s, I

studied negotiation with Professor Robert Mnookin (now at Harvard), and then became a graduate student research fellow at the Stanford Center on Conflict and Negotiation (SCCN). Although my views on negotiation are constantly evolving, I owe my interest in negotiation theory and the interdisciplinary perspective with which I approach the subject to these experiences generally and to Bob Mnookin in particular.

A large number of faculty associated with the SCCN at that time and students associated with the SCCN who have gone on to teach and study negotiation have influenced and continue to influence my thinking on the subject, including Janet Cooper Alexander, Paul Brest, Lee Ross, and the late Amos Tversky of Stanford, Ian Ayres (now at Yale), Richard Birke (now at Willamette), Craig Fox (now at Duke), Jeff Rachlinski (now at Cornell), Andrea Kupfer Schneider (now at Marquette), Eric Talley (now at the University of Southern California), and especially Chris Guthrie (now at the University of Missouri), with whom I have collaborated on a number of articles. In addition to this group, thanks are due to many other colleagues who have generously given me their advice and/or comments on some portions or all of this book at its various stages, including Linda Babcock, David Binder, Jennifer Gerarda Brown, Rachel Croson, John Fleming, Don Gifford, Ken Klee, Al Korobkin, Michael Meurer, Janice Nadler, Alan Rau, Ed Sherman, and Tom Ulen.

Finally, this book could not have been completed — at least not this decade — without the excellent research assistance provided by Leib Lerner and Paul Foust and the support of the UCLA School of Law administration and library staff. And, of course, my greatest appreciation is due to my wife, Sarah, for her support, encouragement, and relentless good humor throughout this project.

Russell Korobkin

February 2002

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Axelrod, Robert, *The Evolution of Cooperation*. Copyright © 1984 by Robert Axelrod. Reprinted by permission of Basic Books, a member of Perseus Books, L.L.C.

Brett, Jeanne M., *Culture and Negotiation*, 35 *International Journal of Psychology* 97 (2000). Copyright © 2000. Reprinted by permission of The International Union of Psychological Science and of the author.

Cialdini, Robert B., *Influence: Science and Practice*. Copyright © 1993 by Allyn & Bacon. Reprinted/adapted by permission.

Craver, Charles B., & David W. Barnes, *Gender, Risk Taking, and Negotiation Performance*, 5 *Mich. J. Gender & L.* 299 (1999). Copyright © 1999 by Charles B. Craver and David W. Barnes. Reprinted with permission.

Craver, Charles B., *Negotiation Ethics: How to be Deceptive Without Being Dishonest/How to be Assertive Without Being Offensive*, 38 *S. Tex. L. Rev.* 713 (1997). Copyright © 1997 by South Texas Law Review, Inc. Reprinted with permission.

Fisher, Roger, William Ury & Bruce Patton, *Getting to Yes* 2/e. Copyright © 1981, 1991 by Roger Fisher and William Ury. Reprinted by permission of Houghton Mifflin Company. All rights reserved.

Gelfand, Michelle J., & Sophia Christakopoulou, *Culture and Negotiator Cognition: Judgment Accuracy and Negotiation Processes in Individualistic and Collectivistic Cultures*, in *Organizational Behavior and Human Decision Processes*, Volume 79, 248-269. Copyright © 1999 by Academic Press. Reprinted by permission of the publisher.

Gifford, Donald G., *Legal Negotiation: Theory and Applications*. Copyright © 1989 by West Publishing Co. Reprinted with permission of West Group.

Gilligan, Carol, *In a Different Voice*. Reprinted by permission of the publisher, pages 25-26, 27-28, 28-29, 32. Cambridge, Mass.: Harvard University Press. Copyright © 1982, 1993 by Carol Gilligan.

Gilson, Ronald J., & Robert H. Mnookin, *Disputing Through Agents: Cooperation and Conflict Between Lawyers in Litigation*, 94 *Colum. L. Rev.* 509 (1994). Copyright © 1994 by the Directors of The Columbia Law Review Association, Inc. Reprinted with permission.

Gilson, Ronald J., *Value Creation by Business Lawyers: Legal Skills and Asset Pricing*, 94 *Yale L.J.* 239 (1984). Copyright © 1984 by Ronald J. Gilson. Reprinted by permission of the author, The Yale Law Journal Company and William S. Hein Company from The Yale Law Journal, Vol. 94, pages 239-313.

Kahneman, Daniel, Jack L. Knetsch & Richard H. Thaler, *Fairness as a Constraint on Profit Seeking: Entitlements in the Market*, 76 *Am. Econ. Rev.* 728 (1986). Copyright © 1986 by the American Economic Association. Reprinted with permission.

Kahneman, Daniel, Jack L. Knetsch & Richard H. Thaler, *Experimental Tests of the Endowment Effect and the Coase Theorem*, 98 *Journal of Political Economy* 1325 (1990). Copyright © 1990 by the University of Chicago. All rights reserved. Reprinted by permission.

Korobkin, Russell, *Inertia and Preference in Contract Negotiation: The Psychological Power of Default Rules and Form Terms*, 51 *Vand. L. Rev.* 1583 (1998). Copyright © 1998 Vanderbilt Law Review. Reprinted with permission.

Korobkin, Russell, *A Positive Theory of Legal Negotiation*, 88 *Geo. L. J.* 1789 (2000). Copyright © 2000 by the Georgetown Law Journal Association. Reprinted with permission.

Korobkin, Russell & Chris Guthrie, *Psychology, Economics, and Settlement: A New Look at the Role of the Lawyer*, 76 *Tex. L. Rev.* 77 (1997). Copyright © 1997 the Texas Law Review Association. Reprinted with permission.

Korobkin, Russell & Chris Guthrie, *Psychological Barriers to Litigation Settlement: An Experimental Approach*, 93 *Mich. L. Rev.* 107 (1994). Copyright © 1994 Michigan Law Review Association. Reprinted by permission.

Lax, David A., & James K. Sebenius, *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*. Reprinted and

abridged with the permission of The Free Press, a division of Simon & Schuster, Inc. Copyright © 1986 by David A. Lax and James K. Sebenius.

Loder, Reed Elizabeth, *Moral Truthseeking and the Virtuous Negotiator*, 8 *Geo. J. Legal Ethics* 45 (1994). Copyright © 1994 by the Georgetown Journal of Legal Ethics. Reprinted with permission.

Loewenstein, George, Samuel Issacharoff, Colin Camerer & Linda Babcock, *Self-Serving Assessments of Fairness and Pretrial Bargaining*, 22 *J. Legal Stud.* 135 (1993). Published by The Journal of Legal Studies, the University of Chicago. Copyright © 1993 by the University of Chicago. All rights reserved. Reprinted by permission of the authors and the publisher.

Lubet, Steven, *Notes on the Bedouin Horse Trade or "Why Won't the Market Clear, Daddy?"*, 74 *Tex. L. Rev.* 1039 (1996). Copyright © 1996 the Texas Law Review Association. Reprinted by permission.

Menkel-Meadow, Carrie, *Toward Another View of Legal Negotiation: The Structure of Problem-Solving*, 31 *UCLA L. Rev.* 754 (1984). Originally published in 31 *UCLA L. Rev.* 754. Copyright © 1984 The Regents of the University of California. All rights reserved. Reprinted by permission of the author, the publisher and William S. Hein & Co., Inc.

Mnookin, Robert H., *Why Negotiations Fail: An Exploration of Barriers to the Resolution of Conflict*, 8 *Ohio St. J. Disp. Res.* 235 (1993). Copyright © 1993 by the Ohio State Journal on Dispute Resolution. Reprinted with permission.

Mnookin, Robert H., Scott R. Peppet & Andrew S. Tulumello, *The Tension Between Empathy and Assertiveness*, 12 *Negotiation J.* 217 (1996). Copyright © 1996 by Kluwer Academic/Plenum Publisher. Reprinted with permission.

Moore, Christopher W., *The Caucus: Private Meetings that Promote Settlement*, 16 *Mediation Quarterly* 87 (1987). Copyright © 1987 by Jossey-Bass Inc., Publishers and Jossey-Bass Limited. Reprinted by permission of Jossey-Bass, Inc., a subsidiary of John Wiley & Sons, Inc.

Rachlinski, Jeffrey J., *Gains, Losses, and the Psychology of Litigation*, 70 *S. Cal. L. Rev.* 113 (1996). Copyright © 1996 by the Southern California Law Review. Reprinted with permission.

Reactive Devaluation in Negotiation and Conflict Resolution, from *Barriers to Conflict Resolution*, edited by Kenneth J. Arrow, et al. Copyright © 1995 by the Stanford Center on Conflict & Negotiation. Used by permission of W. W. Norton & Company, Inc.

Riskin, Leonard L., *Understanding Mediators' Orientations, Strategies, and Techniques: A Grid for the Perplexed*, 1 *Harv. Negotiation L. Rev.* 7 (1996). Copyright © 1996 by the Harvard Negotiation Law Review. Reprinted with permission.

Salacuse, Jeswald W., *Making Deals in Strange Places: A Beginner's Guide to International Business Negotiations*, 4 *Negotiation J.* 5 (1988). Copyright © 1988 by Kluwer Academic/Plenum Publisher. Reprinted with permission.

Schelling, Thomas C., *The Strategy of Conflict*. Reprinted by permission of the publisher from *The Strategy of Conflict* by Thomas C. Schelling, pp. 21-37. Cambridge, Mass.: Harvard University Press. Copyright © 1960, 1980 by the President and Fellows of Harvard College. Copyright renewed 1988.

Shell, G. Richard, *Bargaining for Advantage*. Copyright © 1999 by G. Richard Shell. Used by permission of Viking Penguin, a division of Penguin Putnam Inc.

Sherman, Edward F., *From "Loser Pays" to Modified Offer of Judgment Rules: Reconciling Incentives to Settle with Access to Justice*, 76 *Tex. L. Rev.* 1863 (1998). Copyright © 1998 by the Texas Law Review Association. Reprinted with permission.

Wetlauffer, Gerald B., *The Limits of Integrative Bargaining*, 85 *Geo. L. J.* 369 (1996). Copyright © 1996 by Gerald B. Wetlauffer. Reprinted with permission.

Wetlauffer, Gerald B., *The Ethics of Lying in Negotiations*, 75 *Iowa L. Rev.* 1219, 1272-73 (1990). Copyright © 1990 by Gerald Wetlauffer. Reprinted with permission.

White, James J., *Machiavelli and the Bar: Ethical Limitations on Lying in Negotiation*, 1980 *Am. B. Found. Res. J.* 926 (1980). Copyright © 1980 by the American Bar Foundation. Reprinted with permission.

Williams, Gerald R., *Legal Negotiation and Settlement*. Copyright © 1983 by West Publishing Co. Reprinted with permission of West Group.

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