

## Explaining Differences in Men and Women's Use of Unethical Tactics in Negotiations

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### **Abstract:**

Emerging evidence suggests that competitiveness and empathy explain men's greater willingness to use unethical tactics in negotiations. We tested whether and how robustly they do with three distinct studies, run with three distinct populations. Simultaneous mediation analyses generally, but not completely, confirmed our expectations. In Study 1, only competitiveness mediated sex differences in unethical negotiation tactics among Chilean business students. Although empathy also explained willingness to use unethical negotiation tactics, the Chilean men and women did not differ in this regard. In Study 2, competitiveness and empathy both mediated sex differences in American business students' intentions to lie to a client, but competitiveness explained greater variance. In Study 3, both factors explained sex differences in lying to bargaining partners for real stakes by working-age Americans. Our findings suggest that competitiveness and empathy each explain sex differences in willingness to use unethical tactics, but the former does so more consistently.

**Keywords:** ethical decision making | negotiations | sex differences | gender

### **Article:**

Considerable evidence shows that men routinely claim a greater share of resources when negotiating than women (Stuhlmacher & Walters, 1999). In addition to differential propensities to negotiate and discrimination (see Babcock & Laschever, 2009; Thompson, 2015; for reviews), researchers have begun to increasingly consider differences in ethical standards as a plausible reason for this disparity (Lee, Pitesa, Pillutla, & Thau, 2017) and with good reason. As compared to women, men consistently show more acceptance of and willingness to use unethical, that is, unacceptably harmful, self-beneficial (see Cohen & Morse, 2014) tactics in negotiations (Kray & Thompson, 2005; Robinson, Lewicki, & Donahue, 2000). The consistency of this ethical difference has inspired numerous studies to address why men are more willing to use unethical negotiation tactics than women.

Scholars who have attempted to answer this question have proposed and tested a range of compelling answers (e.g., Kennedy, Kray, & Ku, 2017; Kray & Haselhuhn, 2012; Lee et al.,

2017). Taken together, their findings suggest that, as proposed by McCabe, Ingram, and Dato-on (2006), two universal factors drive ethical differences between men and women: agency (i.e., concern for self) and communion (i.e., concern for others; Abele & Wojciszke, 2007). Most of these studies, however, involve only one or the other. That is, scholars who have studied ethical differences between men and women have tended to either focus on women's higher moral standards as a function of their being more communal (e.g., Kennedy et al., 2017; Ward & King, 2018) or men's lower ones as a function of their being more agentic (e.g., Kray & Haselhuhn, 2012; Lee et al., 2017). Simultaneous tests of both (e.g., McCabe et al., 2006) remain relatively rare and indirect at best. Thus, it remains unclear whether these factors explain shared or unique variance in men's greater willingness to use unethical negotiation tactics.

We conducted the present research, thus, to more explicitly test the general hypothesis that both agency and communion explain differences in men and women's willingness to use unethical negotiation tactics. Because agency and communion are broad, multifaceted constructs, we hypothesized that two of their subfactors—competitiveness and empathy—simultaneously mediate sex differences in the use of unethical negotiation tactics as suggested by extant evidence (e.g., Lee et al., 2017; Ward & King, 2018). We tested these hypotheses with three distinct studies, in each of which we drew from different populations and employed different methods. Given that all research methods have limitations, using different ones enabled us to rule out these limitations as explanations for our findings as well as identify potential boundary conditions.

Simultaneously examining the mediating roles of competitiveness and agency in men and women's use of unethical negotiation tactics has multiple implications for research and practice. Whereas previous evidence could only suggest that both factors explain sex differences in ethicality, we test that they do using more robust methods. Our methods not only enable us to address whether they explain the same or unique variance, but also address whether one explains more than the other. As a matter of course, we also introduce and validate a competitiveness scale that offers a reliable alternative to a more complex and less effective measure (see Cohen, Panter, Turan, Morse, & Kim, 2014). In addition to clarifying why men demonstrate more willingness to use unethical negotiation tactics, our work provides clues as to how to deal with the problem of unethical negotiation practices more generally. Given recent reports that the costs of unethical negotiation tactics, such as fraud (i.e., lying about material facts in negotiations), now reach into trillions of dollars annually (Association of Certified Fraud Examiners, 2014), any steps that could reduce the incidence thereof would necessarily yield tremendous dividends.

### **The mediating role of gender in unethical negotiation tactics**

Men often, but not always, show more willingness to use unethical tactics than women do. Although Lewicki and colleagues (Lewicki & Robinson, 1998; Robinson et al., 2000) and various others (e.g., Ma & Parks, 2012; Perry & Nixon, 2005) found men registering higher scores on their self-reported inappropriate negotiation strategies (SINS) scale, the record in behavioral economics is somewhat mixed. Some economists have reported men lying to, cheating, and stealing more from their counterparts than women (e.g., Dreber & Johannesson, 2008; Erat & Gneezy, 2012; Friesen & Gangadharan, 2012), whereas others have found no differences (e.g., Childs, 2012) or even the opposite (e.g., Vesely, 2014). Consequently,

negotiation researchers have begun to investigate why and when men show more willingness to use unethical negotiation tactics than women (Kennedy et al., 2017; Kray & Haselhuhn, 2012; Lee et al., 2017).

These attempts to understand why and when men and women differ in their use of unethical negotiation tactics invariably raise two fundamental questions: (a) what makes any action unethical and (b) why do men and women differ in any of their interpersonal attitudes, behaviors, or cognitions? Widely accepted answers to both questions share a common theme: trade-offs between concern for self and for others. We begin here therefore by highlighting how these themes emerge when we differentiate what is ethical from what is unethical as well as gender from sex. We use this overlap as the basis for our theory regarding why men and women differ in their willingness to use unethical negotiation tactics. We then hypothesize, more specifically, how competitiveness and empathy provide parsimonious and generalizable explanations for these differences.

### Differentiating unethical from ethical

Designating specific negotiation tactics as unethical requires that we first establish what we mean by “unethical.” Although philosophers and theologians have offered multiple bases for defining ethicality and morality (interchangeable terms), social and organizational scientists generally agree that relational implications differentiate unethical from ethical behavior in negotiations and other business transactions. For example, Donaldson and Dunfee (1994) proposed that all unethical conduct violates one or more social contracts between economic actors. Rai and Fiske (2011) similarly argued that morality has a fundamentally relational nature in that moral judgments can only be understood in relational contexts. Cohen and Morse (2014) summarized this understanding as follows: “Morality is not about subjugating personal self-interest, but rather about balancing self-interest with the interests of other people” (p. 44). Hence, most, if not, all societies reject overly self-serving and other-harming acts such as lying about material facts (i.e., fraud), cheating, and stealing as universally immoral (i.e., unethical; Donaldson & Dunfee, 1994).

### Differentiating gender from sex

Explaining differences between men and women requires differentiating the concepts of sex and gender. Although many researchers use the terms interchangeably, they have unique meanings and implications. Sex is a dichotomous biological trait whereas “gender ... is a complex social-psychological construct” (McCabe et al., 2006, p. 102). The former objectively distinguishes males who have one X chromosome and one Y chromosome (i.e., men) from females who have two X chromosomes (i.e., women). The latter, in contrast, involves subjective and broad constellations of psychological (e.g., attitudes, behavior, and cognitions) and sociological (e.g., social roles and expectations) differences associated with one sex or the other (Spence, 1993).

Theories of gender have become somewhat central to social psychology over the past several decades. Sandra Bem (1974, 1981) pioneered this domain when she aimed to determine what constitutes “masculine” or “feminine” based on the average associations expressed in a population and then type individuals relative to those averages. Because people vary in their

expression of both types of qualities, Bem categorized members of both sexes as highly masculine, highly feminine, both (i.e., androgynous), or neither (i.e., undifferentiated). Spence and Helmreich (1978) later associated gender with Bakan's (1966) arguments about general modes of human existence. One mode, communion, “reflects a focus on or orientation toward others” whereas the other mode of existence, agency, “reflects a focus on or orientation toward the self” (Helgeson, 1994b, p. 413). These modes reflect gender given that people accurately view them as prototypical of men and women, respectively. Men do in fact express relatively more agency (i.e., concern for themselves) and less communion (i.e., concern for others) than women (Helgeson, 1994a). This differential concern now serves as a basis for characterizing a wide range of individual differences (Abele & Wojciszke, 2007), including ethicality (McCabe et al., 2006).

### The theoretical link between gender and ethics

The theoretical link between gender and ethics readily emerges given that both concepts involve a contrast between concern for self and concern for others. Indeed, it takes a very small logical leap to theorize that men's relatively greater concern for themselves and lower concern for others predispose them to be more open to unethical behaviors, which disproportionately favor the self over others (Cohen & Morse, 2014), relative to women. Although the empirical record seems to have long and consistently suggested this is so (Franke, Crown, & Spake, 1997; Jaffee & Hyde, 2000), explicit tests that gender explains this pattern have come more recently.

To our knowledge, the first attempt to use gender to explain observed differences in men and women's ethicality came from McCabe et al. (2006). McCabe and colleague distinguished sex from gender by measuring their participants' expressiveness—communal traits more strongly associated with and expressed by women—and instrumentality—agentic traits more strongly associated with and expressed by men—as well as their attitudes toward common unethical business practices. Their analyses revealed two important patterns. First, they found that men and women differed in their tolerance of unethical interpersonal behaviors (e.g., bribery), but not impersonal acts (e.g., calling in “sick” and padding expense accounts). Second, they found that expressiveness had a positive association with ethical sensitivity by members of both sexes whereas instrumentality did not. Focus on others provides the common link between these two findings. Subsequent investigations further confirmed that gender explains men and women's differential ethicality in interpersonal contexts (Ward & King, 2018), especially negotiations (Kennedy et al., 2017; Kray & Haselhuhn, 2012; Lee et al., 2017), which have fundamentally interpersonal natures (Thompson, 2015). Unlike McCabe et al. (2006), however, their successors have tended to examine one side of gender to the exclusion of the other.

Lee et al. (2017), more recently, as well as Kray and Haselhuhn (2012), for instance, focused on male immorality and “pragmatism” (i.e., judging ethicality based on consequences for the self), respectively. Although they started with distinct theoretical groundings—evolutionary psychology and motivated cognition respectively—both concluded that competitiveness explains more willingness to stretch ethical bounds among men but not women. More specifically, both showed that men relax their ethical standards to compensate for the negative implications competition can have for their sense of worthiness as members of their sex (i.e., their masculinity).

In contrast, Kennedy et al. (2017) and Ward and King (2018) focused on explaining why women emerge as more moral than men. Although they proposed distinct psychological mechanisms—moral cognition versus moral emotion—both imply that women's more empathic natures provide the reason for their lower tolerance of ethical breaches. We say “imply” because they pay relatively little attention to the conceptual and statistical overlap that emerges between their focal constructs and empathy. Nevertheless, Kennedy et al.'s primary mediator, moral identity—“conceiving of the self in terms of ... traits that indicate responsiveness to others’ needs and interests” (pp. 29–30)—and its core elements (e.g., caring, compassionate) conceptually and operationally mirror empathy while Ward and King found that empathic concern shared variance with immoral intentions as well as moral identity and Kennedy et al.'s secondary mediator, moral disengagement (see their Study 4).

### Competitiveness and empathy as gendered mediators

The theory and evidence we have reviewed suggest that competitiveness and empathy operate as gendered mediators in men and women's willingness to use unethical negotiation tactics. Indeed, the interpersonal natures of both constructs make them potentially relevant to attitudes regarding unethical acts toward other people such as those that occur in negotiations. In addition, each can be expressed in general (i.e., to be a competitive or empathic person) or specific terms (i.e., to feel competitive with or empathy for specific persons or groups) that would explain willingness to use unethical negotiation tactics in general (i.e., as expressed on the SINS scale) as well as specifically (i.e., with certain counterparts). Given that each consistently differs between men and women and has explained variance in unethical conduct (Cohen, 2010; Schweitzer, DeChurch, & Gibson, 2005), the potential for mediation certainly exists (Baron & Kenny, 1986). Hence, we offer formal mediation hypotheses for each here.

#### *Competitiveness*

Competitiveness is the strength of belief that a negative correlation exists between one's well-being and the outcomes of comparable others (Johnson, Maruyama, Johnson, Nelson, & Skon, 1981). As this belief strengthens, so does the priority one places on maximizing relative rather than absolute outcomes (McNeel, McClintock, & Nuttin, 1972) and thus willingness to violate ethical norms to maximize those relative outcomes (Pierce, Kilduff, Galinsky, & Sivanathan, 2013; Schweitzer et al., 2005). Because men consistently manifest more competitiveness in their attitudes (Lynn, 1993) and actions than women (Walters, Stuhlmacher, & Meyer, 1998), we expect that competitiveness partially mediates the relation between sex and willingness to use of unethical negotiation tactics.

Hypothesis 1: Competitiveness will partially mediate the effect of sex on willingness to use unethical tactics in negotiations.

#### *Empathy*

Empathy is the extent to which people treat others' needs or concerns as their own. As empathy increases, so does motivation to take actions, including self-sacrificial ones, to satisfy others'

needs and desires (Batson, Eklund, Chermok, Hoyt, & Ortiz, 2007). Conversely, low empathy precedes general moral disengagement—the deactivation of moral self-regulatory processes that normally inhibit unethical decisions (Detert, Treviño, & Sweitzer, 2008)—which, in turn, precedes acts of deception among other antisocial behaviors (Miller & Eisenberg, 1988). Because women express more empathy than men (Eisenberg & Lennon, 1983), we expect that empathy partially mediates the relation between sex and willingness to use unethical negotiation tactics.

Hypothesis 2: Empathy will partially mediate the effect of sex on willingness to use unethical tactics in negotiations.

### Summary of hypotheses and studies

We have hypothesized that greater competitiveness (Hypothesis 1) and lower empathy (Hypothesis 2) among men explain why they are more willing to use unethical negotiation tactics than women. We hypothesized partial mediation in both cases because we expect that competitiveness and empathy independently and simultaneously contribute to the willingness to use unethical negotiation tactics. We tested our hypotheses with three studies. In Study 1, we validated measures for our mediators—competitiveness and empathy—showing that both explained attitudes toward unethical negotiation tactics among Chilean undergraduate business students. Given the potential for cultural differences as well as the broad nature of our dependent variable to explain the outcome of Study 1, we then retested our hypotheses in Study 2 with a sample of U.S. American business students in a hypothetical, but much more specific negotiation context. Finally, for Study 3, we reaffirmed our findings from Study 2 by reconfirming that competitiveness and empathy explain differences in the use of an actual unethical negotiation tactic—lying—by men and women.

### Study 1

We implemented Study 1 with primary and secondary objectives in mind. Primarily, we conducted Study 1 as an initial test of our mediation hypotheses. We achieved this objective by following a common approach used by moral behaviorists (e.g., Kray & Haselhuhn, 2012; Lee et al., 2017; Pierce et al., 2013), that is, testing our hypotheses with responses to the SINS scale (Robinson et al., 2000) as the dependent variable. Given the strong precedent behind the expected findings, we pursued the secondary objective of testing their robustness in three ways. First, we ran Study 1 in Chile (population ~15 million) in a region from which samples are seldom drawn for such purposes. Second, we introduced simpler yet more general measures of competitiveness and empathy. Third, we randomly varied the order in which we measured our dependent variables and mediators to rule out order effects (cf. Ward & King, 2018).

### Method

One hundred and seventy-two (48.82% male) Chilean undergraduate students enrolled in introductory business courses at a large private university in Santiago. These students completed Study 1 in exchange for course credit. Their ages ranged from 18 to 37 and averaged 20.68 years ( $SD = 2.39$ ).

We invited students to participate in Study 1 using in-class announcements. We emailed instructions for completing the study to students who gave their informed consent and contact information to us. Participants then completed Study 1 by way of an Internet survey consisting of 62 questions across four questionnaires: one measuring our dependent variable, two measuring our mediators, and one for demographics, including age, sex, and grade point average.

We presented all the questions and instructions in Chilean Spanish as translated by a trained research assistant who was born and raised in Santiago. The first author, a native speaker of U.S. English and fluent Spanish speaker, then back-translated the questions and instructions to confirm consistency. We used two-levels of randomization to rule out ordering effects. First, we had approximately half of the participants (83) complete the measures of our dependent variable before completing the measures of our mediators. The rest (89) provided the dependent variable after the mediators. Second, we randomized the order of the questions in all but the demographic questionnaire. Given that making individuals' sex salient (i.e., by inquiring about it) can induce self-stereotyping (Hogg & Turner, 1987) and stereo-type-consistent behavior in negotiations (Kray & Thompson, 2005), all participants completed the demographic questionnaire last to eliminate self-stereotyping as an alternative explanation for their other responses.

### *Competitiveness*

We measured competitiveness by asking participants how much they agreed (1 = strongly disagree and 7 = strongly agree) with five statements from Helmreich and Spence's (1978, pp. 6–8) Work and Family Orientation Questionnaire: (a) "I enjoy working in situations involving competition with others," (b) "It is important to me to perform better than others on a task," (c) "I feel that winning is important in both work and games," (d) "It annoys me when others do better than I do," and (e) "I try harder when I'm in competition with other people" ( $\alpha = .75$ ).

### *Empathy*

We measured empathy with four items from the Bem Sex-Role Inventory (Bem, 1974): (a) compassionate, (b) sympathetic, (c) sensitive to the needs of others, and (d) understanding ( $\alpha = .74$ ).

### *Attitudes about using unethical tactics*

We assessed participants' attitudes about using unethical tactics in negotiations with the SINS scale (Robinson et al., 2000). We prompted participants with a translated version of the exact instructions Robinson et al. used. Per those instructions, participants indicated on a 7-point Likert scale (1 = not at all appropriate and 7 = very appropriate) how appropriate they believed it would be to use sixteen unethical tactics (e.g., "Intentionally misrepresent information to your opponent in order to strengthen your negotiation arguments or position," "Deny the validity of information which your opponent has that weakens your negotiating position, even though that information is true and valid";  $\alpha = .87$ ).

Table 1  
Correlations and descriptive statistics for study 1

Measure	<i>M</i>	<i>SD</i>	1	2	3	4	5
1. Sex	0.49	0.50	—				
2. Age	20.68	2.39	.06	—			
3. Competitiveness	4.60	1.14	.27***	.00	.75		
4. Empathy	5.32	0.85	-.02	-.03	-.11	.74	
5. SINS	2.90	0.90	.17*	-.06	.17*	-.18*	.87

Note: Sex was coded 0 = female and 1 = male.  $N = 170$ ,  $^{\dagger}p \leq 0.10$ ,  $*p \leq 0.05$ ,  $**p \leq 0.01$ ,  $***p \leq 0.001$

## Results

We report descriptive statistics and correlations in Table 1. The latter demonstrate preliminary support for our hypotheses as participants sex, competitiveness, and empathy all had significant correlations ( $r_s = .17, .17$ , and  $-.18$ ;  $p_s = .030, .029$ , and  $.017$ , respectively) with their score on the SINS scale (i.e., their attitudes about using unethical negotiation tactics). To more thoroughly test our hypotheses, we first assessed the validity of our competitiveness and empathy measures and then estimated our full mediation model.

### *Measurement Validation*

Given that Cronbach's alpha can over- and underestimate reliability, we further tested the internal validity of our competitiveness and empathy scales as recommended by Raykov (1998). Specifically, we used a confirmatory factor analysis (CFA) that accounted for measurement error using Mplus 6.11 (Muthén & Muthén, 2011). Our initial CFA produced a measurement model with good fit ( $\chi^2(26) = 45.55$ ,  $p = .01$ ,  $RMSEA = .07$ ,  $CFI = .94$ ,  $SRMR = 0.05$ ), a nonsignificant negative correlation ( $\phi = -.11$ ,  $p = .21$ ) between the two factors, and all but one item having very strong loadings ( $>.55$ ). Because dropping that weakest loading competitiveness item—"it annoys me when others do better than I do"—significantly improved the fit ( $\chi^2_{\text{difference}}(7) = 24.52$ ,  $p < .001$ ) of the measurement model from good to excellent ( $\chi^2(19) = 21.03$ ,  $p = .34$ ,  $RMSEA = .03$ ,  $CFI = .99$ ,  $SRMR = 0.04$ ) and had no impact on the between-factor correlation, we conducted the remainder of our analyses using the four better loading items for competitiveness.

### *Hypothesis Testing*

We conducted 2 two-way (sex: male vs. female; order: SINS after mediator vs. SINS before mediator) analyses of variance (ANOVAs) as a preliminary test of our hypotheses and to rule out order effects. First, we tested whether men and women differed in their responses on the SINS scale (our dependent variable). As expected, men expressed more positive attitudes ( $M = 3.05$ ,  $SD = 0.92$ ,  $95\% \text{ CI} = [2.86, 3.24]$ ) about using unethical tactics in negotiations than women ( $M = 2.75$ ,  $SD = 0.87$ ,  $95\% \text{ CI} = [2.56, 2.94]$ ;  $F(1, 168) = 4.75$ ,  $p = .031$ ,  $\eta^2 = .030$ ). We found that the order of presentation had neither a main effect nor an interaction effect with sex ( $F_s < 0.45$ ,  $p_s > .50$ ). Second, we tested whether men and women expressed different levels of competitiveness and empathy (our mediators). As expected, men expressed more

competitiveness ( $M = 5.20$ ,  $SD = 1.08$ ,  $95\% CI = [4.95, 5.45]$ ) than women ( $M = 4.39$ ,  $SD = 1.24$ ,  $95\% CI = [4.14, 4.64]$ ;  $F(1, 168) = 20.57$ ,  $p < .001$ ,  $\eta^2 = .10$ ). Unexpectedly, however, men and women expressed virtually identical levels of empathy ( $M$ 's = 5.30 and 5.34,  $SD$ 's = 0.78 and 0.91, respectively). Again, questionnaire order had no impact on the outcome.

We then conducted a mediation analysis using the product-of-coefficients method prescribed by Preacher and Hayes (2008). As they recommended, we estimated a structural equation model. Although sex did not predict empathy, we included it and competitiveness in our model to assess how much unique variance each explained. Our model fit the data very well ( $\chi^2(33) = 46.69$ ,  $p = .058$ ,  $RMSEA = .05$ ,  $CFI = .96$ ,  $SRMR = 0.06$ ) and support Hypothesis 1. As illustrated in Figure 1, sex predicted competitiveness ( $b = .90$ ,  $p < .001$ ), which predicted attitudes about using unethical tactics in negotiations ( $b = .14$ ,  $p = .044$ ). Because sampling distributions of indirect effects only approximate normality with large sample sizes (i.e.,  $n$ 's  $\geq 300$ ), we then re-estimated the indirect effects using bias-corrected bootstrapping with 5,000 iterations. Doing so confirmed the indirect effect as the 95% CIs for the path coefficient (indirect = .12,  $p = .060$ ) excluded zero ([0.03, 0.53]). Given our initial expectations, we also assessed whether empathy explained unique variance in willingness to use unethical tactics in negotiations and found that it did ( $b = -.23$ ,  $p < .033$ ), consistent with Hypothesis 2.

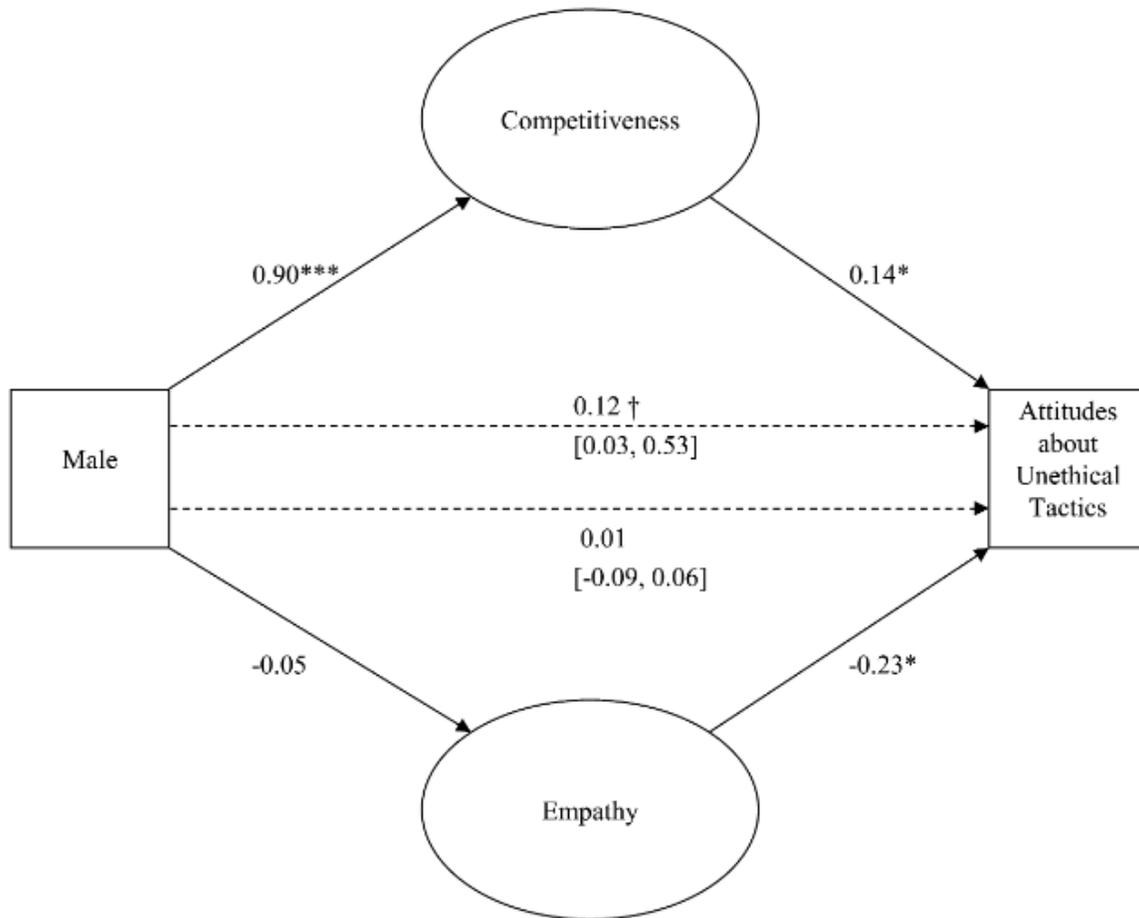


Figure 1. Mediation of effect of biological sex on attitudes about unethical tactics through competitiveness and empathy. Fit statistics:  $\chi^2 = 46.69$ ,  $df = 33$ ,  $CFI = .96$ ,  $RMSEA = .05$ ,  $N = 170$ . † $p \leq 0.10$ , \* $p \leq 0.05$ , \*\* $p \leq 0.01$ , \*\*\* $p \leq 0.001$ .

## Discussion

The results obtained mostly aligned with our expectations. As found in numerous other studies, the men in our sample expressed more willingness than the women to use unethical negotiation tactics. Also, as expected, competitiveness and empathy explained variance in this willingness. Surprisingly, however, Chilean men and women expressed equal levels of empathy, precluding confirmation of Hypothesis 2. We take these results as tentative for two reasons.

First, obtaining our mediating and dependent variables using the same survey method introduces the potential for common method bias (Podsakoff, MacKenzie, Lee, & Podsakoff, 2003). Second, cultural differences may explain the lack of difference in empathy expressed by men and women. Indeed, our result fits with what theories of cultural differences would predict. Given that Chile scores relatively low on two cultural dimensions—individualism and masculinity (23 and 28 out of 100 respectively; Hofstede Insights, 2017)—associated with agency and communion (Abele and Wojciszke (2007) and that the latter reflects the extent to which men and women differ within cultures, Chile's low score suggests less pronounced differences between men and women. That is, differences in empathy and, thus, support for Hypothesis 2 may more readily emerge in more “masculine” cultures like the United States, which scores much higher in both individualism and masculinity (91 and 62 out of 100, respectively). We address both potentialities by running Studies 2 and 3 with U.S. American samples and using different methods to obtain the dependent variables in each.

## Study 2

We conducted Study 2 with two objectives in mind. First and foremost, we wanted to test our hypotheses with a more contextualized and less explicit measure of willingness to use unethical tactics in negotiations. Given that the SINS scale explicitly names unethical tactics, differences in socially desirable responding could also explain why men and women routinely score differently (Dalton & Ortegren, 2011). We diminished this possibility by way of a hypothetical negotiation scenario, which provides an opportunity to lie about a material fact in a negotiation (i.e., commit fraud; Shell, 1991). Second, we wanted to validate our measures of competitiveness and empathy in a different cultural context. Although we speculated that culture explained the unexpected findings in Study 1, the possibility that our scales did remained.

## Method

One hundred and twenty-nine (63.51% male) undergraduate students enrolled in an introductory business course at a large Midwestern university successfully completed this study in exchange for extra course credit. Participants, whose ages ranged from 19 to 27 and averaged 20.26 years ( $SD = 1.02$ ), completed Study 2 in a computer laboratory in groups of between 10 and 50. After providing their informed consent, they completed our measures of competition and empathy and then responded to our negotiation scenario via computer-based survey.

### *Competitiveness*

We measured competitiveness with the original English versions of the same four items we ultimately used in Study 1 ( $\alpha = .63$ ).

### *Empathy*

We also measured empathy with the original English versions of the same four items we used to measure empathy in Study 1 ( $\alpha = .75$ ).

### *Intention to Lie*

Participants responded to a vignette (see Appendix) designed to measure intention to lie for financial gain. We designed the vignette as a contextualized version of the partial-information ultimatum game (Mitzkewitz & Nagel, 1993), the behavioral protocol we used in Study 3. The vignette places participants in the role of a broker who helps buyers and sellers of collectables find each other. As described, a client has just inquired about selling an item for which the broker already has a buyer lined up. All participants need to do therefore is decide how to make a proposal to the client. To make the proposal, the participants must provide two pieces of information to the client: (a) how much profit the sale would bring and (b) how much commission they would charge as the broker. The first part provides an opportunity to lie because the broker knows both the seller's acquisition price and the buyer's offer. Hence, we coded intention to lie according to whether participants expressed that they would lie (intention to lie = 1) or tell the truth (intention to lie = 0) to their counterparts regarding the profit (\$150). We confirmed that we captured intention to lie by presenting two follow-up comprehension-check questions as shown in the Appendix. We excluded data from participants who failed the comprehension check from our analysis.

### *Demographics*

At the conclusion of the study, participants completed a brief demographic questionnaire and then exited the computer laboratory.

### Results

As reported in Table 2, 54 (42.52%) participants said they would understate the profit. Consistent with Hypothesis 1, men said they would lie more frequently (50.00%, 95% CI = [38.75%, 61.25%]) than women (28.89%, 95% CI = [15.65%, 42.13%];  $\chi^2(1) = 5.30$ ,  $p = .021$ ).

Intention	Men		Women		$\chi^2(1)$	$p$
	$n$	%	$N$	%		
Don't lie	41	50	34	71	5.30	.021
Lie	41	50	13	29	-	-

Table 2. Unethical Intentions Expressed by Men and Women in Study 2

We confirmed the internal reliability of our measures of competitiveness and empathy with a CFA that accounted for measurement error using Mplus 6.11 (Muthén & Muthén, 2011). The model had excellent fit ( $\chi^2(19) = 27.76$ ,  $p = .09$ ,  $RMSEA = .06$ ,  $CFI = .96$ ,  $SRMR = 0.05$ ) with a marginally significant correlation between the factors ( $\varphi = -.11$ ,  $p = .070$ ). As expected, men reported more competitiveness ( $M = 6.31$ ,  $SD = 1.08$ ,  $95\% CI = [6.05, 6.58]$ ) and less empathy ( $M = 5.09$ ,  $SD = 0.85$ ,  $95\% CI = [4.89, 5.29]$ ) than women ( $M$ 's = 5.66 and 5.51,  $SD$ 's = 1.40 and 0.99,  $95\% CIs = [5.31, 6.02]$  and  $[5.25, 5.78]$ ,  $F$ 's(1, 125) = 8.56 and 6.41,  $p$ 's = .004 and .013, and  $\eta_p^2$ 's = .064 and .041, respectively). Confirmation of these differences provided partial support for our hypotheses so we proceeded with our mediation analyses.

As in Study 1, we conducted our mediation analyses by estimating the structural equation model illustrated in Figure 2. Again, we found that competitiveness and empathy independently predicted intention to lie (Wald statistics = 5.59 and 4.48,  $p$ 's = .018 and .034, respectively). We also found that each mediated the effect between sex and intention to deceive ( $b'_{\text{Sindirect}} = .23$  and .13,  $p$ 's = .051 and .100, respectively). We confirmed the indirect effects using bias-corrected bootstrapping with 5,000 iterations as the 95% CIs for both estimates excluded zero ( $[0.03, 0.60]$  and  $[0.004, 0.38]$ , respectively). These results support Hypotheses 1 and 2.

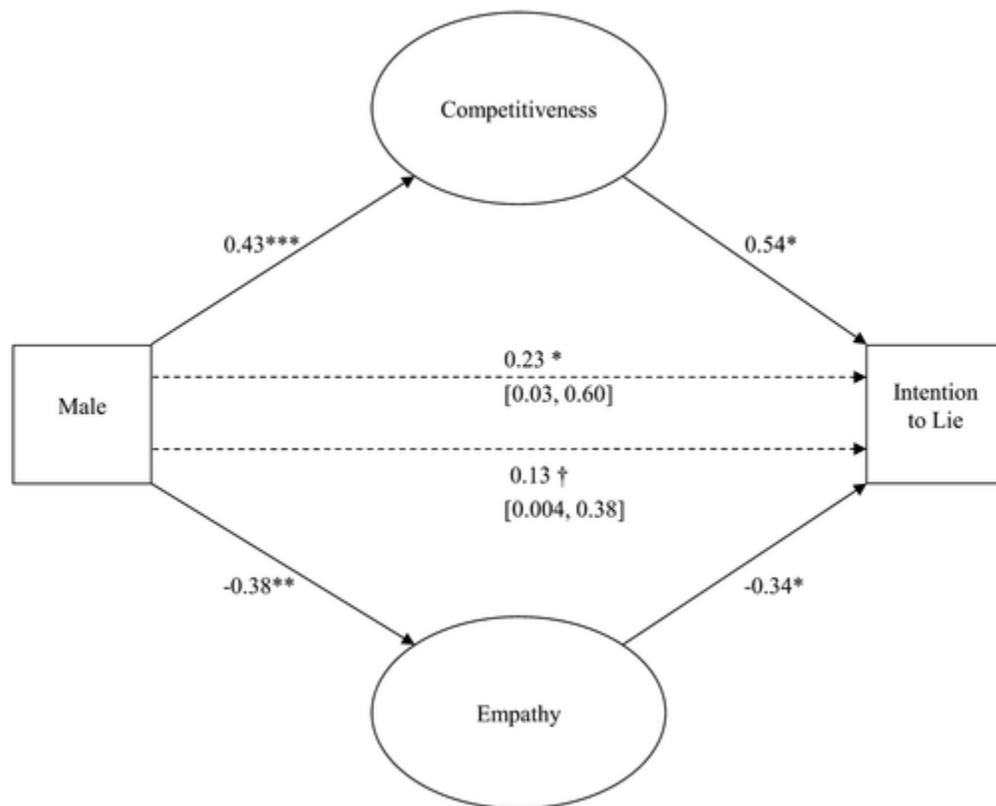


Figure 2. Mediation of effect of biological sex on intentions to lie through competitiveness and empathy. Fit statistics:  $\chi^2 = 44.96$ ,  $df = 33$ ,  $CFI = .92$ ,  $RMSEA = .05$ ,  $N = 127$ .  $\uparrow p \leq 0.10$ ,  $*p \leq 0.05$ ,  $**p \leq 0.01$ ,  $***p \leq 0.001$ .

## Discussion

Study 2 yielded outcomes with several important implications. First and foremost, the results supported both of our hypotheses. In doing so, they further demonstrated the validity of our new scales for competitiveness and empathy. Finding that U.S. American men and women differed, as expected, in the levels of empathy also reduces the possibility that our adapted scale explains why Chilean men and women did not differ in this regard. Nevertheless, we continue to see stronger support for Hypothesis 1 than Hypothesis 2. Given that the use of different populations and different methods (intention to lie), the evidence suggests that competitiveness plays a more robust role than empathy in explaining men and women's differences in willingness to use unethical tactics in negotiations.

Although more in line with our results, Study 2 has two general limitations that deserve attention. First, two of our findings—the internal reliability ( $\alpha$ ) of competitiveness and the specific indirect effect for empathy—were marginal in terms of statistical strength. Given that we had 25% fewer participants in Study 2, sample size stands out as a possible reason for these outcomes as reductions in sample sizes can cause variance to increase and power to decrease, yielding less reliable and precise results (see Bonett & Wright, 2015; Shrout & Bolger, 2002 for more detailed explanations). Second, our vignette like the SINS scale only accounts for hypothetical rather than actual behavior. We designed and ran Study 3 to address both concerns.

### Study 3

We had three objectives for Study 3: (a) to confirm that men will use an actual unethical tactic (lying) in a negotiation context with real stakes more than women, (b) to confirm that competitiveness and empathy explain these behavioral differences, and (c) to confirm that the pattern established in Studies 1 and 2 replicates with an adult population.

#### Method

We accomplished our third objective by recruiting 300 (59.67% male) adult U.S. residents ( $M_{\text{age}} = 33.03$ ;  $SD = 11.49$ ) via Amazon Mechanical Turk. Participants received \$0.50 for completing our experiment and the chance to earn a bonus based on their decisions. We used the same measures of competitiveness ( $\alpha = .84$ ) and empathy ( $\alpha = .92$ ) as in our previous two studies and provided participants the opportunity to lie using an exercise that simulates the final-offer phase of a negotiation, the partial-information ultimatum game (Mitzkewitz & Nagel, 1993).

The standard ultimatum game involves two parties deciding how to divide a resource (i.e., the pie), typically a sum of money or points. One party, the proposer, proposes how to divide the pie (e.g., 60% for self and 40% for the other). The other, the responder, either accepts or rejects the offer. If the responder accepts the offer, each receives the proposed amounts. Otherwise, each party receives nothing. The partial-information version more closely simulates the final-offer phase of a negotiation (Pillutla & Murnighan, 1995) as only proposers know the actual size of the resource (i.e., their best offer). Proposers must inform responders about the size of the resource, but can also understate it to increase their likely payout without risk of detection. That is, proposers given an initial amount of \$15 may try to get \$10 by claiming an endowment of \$10 and offering half (i.e., \$5) to their counterparts rather than reporting the actual amount and

offering one-third as responders would be more likely to accept an offer of \$5 out of \$10 than \$5 out of \$15 (see Straub & Murnighan, 1995).

To avoid inducing competitiveness, we referred to this activity as a “two-person decision-making exercise” rather than “ultimatum game” in the instructions to participants. We assigned all participants to the role of “Participant 1,” the proposer, and simulated the responders by computer. Participants answered comprehension-check questions to ensure they understood the exercise. Next, we informed participants who passed the comprehension check that we had allocated them 15 points (equal to \$1.50) to split with their counterparts and that they would complete two messages to be sent to their counterparts: (a) “I have been given \_\_\_\_ points to split with you.”; and (b) “I offer you \_\_\_\_ points. I will keep the rest.” Participants could enter between 8 and 15 (the range specified in the instructions) for the former and between 0 and 15 for the latter. To ensure we only recorded intentional lying, we asked participants to recall their allocations and to indicate the number of points they would receive if their counterparts accepted their offers. Finally, we presented a demographic survey and, given that the responders were simulated, probed for suspicion at the end of the session.

## Results

Two hundred and fifty-two participants passed our comprehension as well as attention checks, and expressed no suspicion about the existence of their counterpart. As reported in Table 3, 96 of these participants lied (38.10%) with men lying more often (44.37%, 95% CI = [36.45%, 52.30%]) than women (28.71%, 95% CI = [19.89%, 37.54%];  $\chi^2(1) = 6.29, p = .012$ ). Men also reported more competitiveness ( $M = 5.02, SD = 0.99, 95\% CI = [4.84, 5.19]$ ) and less empathy ( $M = 5.29, SD = 1.00, 95\% CI = [5.13, 5.44]$ ) than women ( $M$ 's = 4.39 and 5.91,  $SD$ 's = 1.26 and 0.92, 95% CIs = [4.17, 4.60] and [5.72, 6.10],  $F$ 's(1,250) = 19.63 and 24.96,  $p$ 's < .001, and  $\eta^2$ 's = .073 and .091, respectively). These outcomes partially supported Hypotheses 1 and 2.

Intention	Men		Women		$\chi^2(1)$	$p$
	$n$	%	$n$	%		
Didn't lie	84	56	72	71	6.29	.012
Lied	67	44	29	29	-	-

Table 3. Unethical Behavior by Men and Women in Study 3

Our measurement model continued to have excellent fit ( $\chi^2(19) = 18.40, p = .50, RMSEA = .00, CFI = 1.00, SRMR = 0.02$ ) with a nonsignificant negative correlation between the factors ( $\phi = -.01, p = .84$ ). Thus, we again conducted our mediation analyses by way of structural equation model. As shown in Figure 3, competitiveness and empathy predicted (Wald statistics = 7.17 and 4.80, and  $p$ 's = .007 and .028, respectively) and mediated the effects of biological sex ( $b$ 's indirect = 0.14 and 0.11, and  $p$ 's = .017 and = .046, respectively) on lying. A bias-corrected bootstrapped mediation analysis with 5,000 iterations confirmed the indirect effects as the 95% CIs for

competitiveness [0.04, 0.29] and empathy [0.01, 0.26] both excluded zero. These outcomes remained unchanged with data from all participants included.

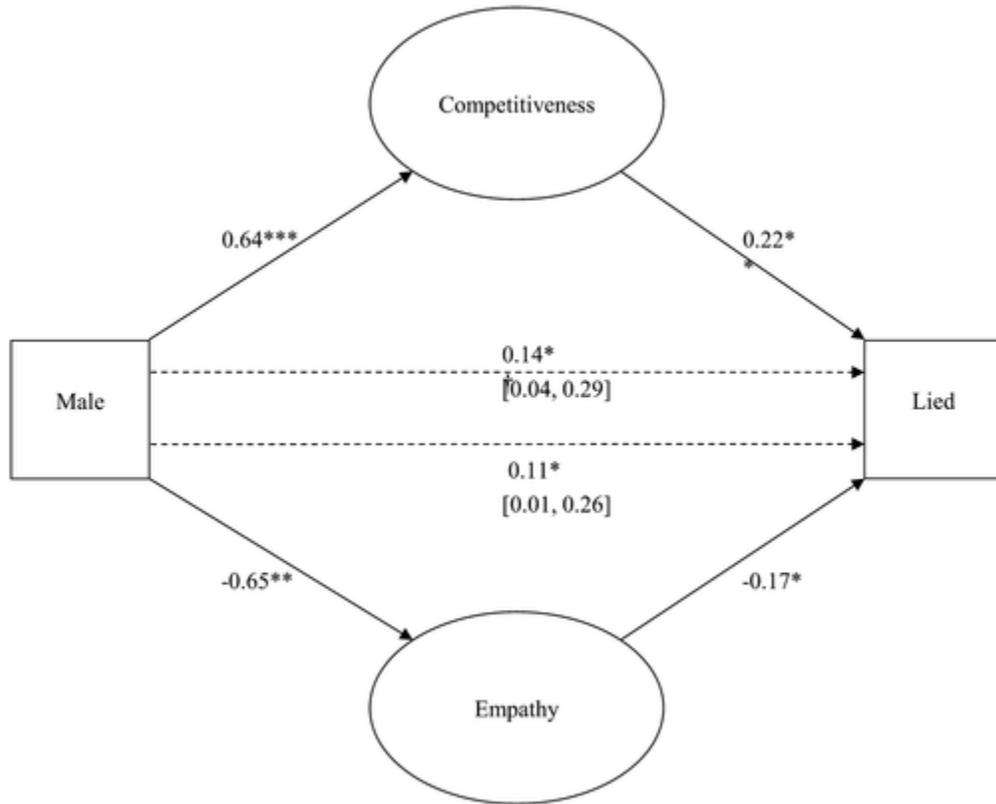


Figure 3. Mediation of effect of biological sex on lying through competitiveness and empathy. Fit statistics:  $\chi^2 = 43.83$ ,  $df = 32$ ,  $CFI = .97$ ,  $RMSEA = .04$ ,  $N = 252$ . † $p \leq 0.10$ , \* $p \leq 0.05$ , \*\* $p \leq 0.01$ , \*\*\* $p \leq 0.001$ .

## Discussion

Our third and final study produced the strongest results. This time the data provided clear support for both Hypotheses 1 and 2. The fact that these results came with actual behavior makes them even more convincing. The consistency between these outcomes and those of our previous two studies further affirms the validity of both our theory—that both competitiveness and empathy independently play roles in willingness to use unethical tactics in negotiations—and our newly adapted scales. Nevertheless, they still leave some questions unanswered.

Given the differences between this and our previous studies, it remains unclear whether method, sample size, or population drove the stronger results this time around. Consistent use of the identical scales for competitiveness and empathy, conversely, makes it difficult to determine whether competitiveness truly plays a stronger role in the use of unethical negotiation tactics than empathy or whether it is just an artifact driven by our scales. Finally, the results in Study 3 seemed to further suggest that the lack of difference in empathy between men and women in

Study 1 had something to do with that sample. We address these and other thematic limitations in more detail as part of our general discussion.

## **General Discussion**

We conducted three studies to confirm the general theory that gender mediates sex differences in willingness to use unethical negotiation tactics. Overall, our results confirmed that competitiveness and empathy—subfacets of the gender-related constructs agency and communion—consistently and independently explained men's looser ethical standards. However, we found that the former mediated this relation more consistently across diverse contexts than the latter. Our outcomes have several implications for negotiation research and practice as well as limitations that require further attention in future investigations.

### **Implications for Research**

We have advanced the ongoing dialogue regarding why men generally have lower ethical standards than women by demonstrating that two gendered mechanisms explain men's greater willingness to use unethical negotiation tactics. More specifically, we have confirmed what the empirical record had merely suggested till now: that competitiveness and empathy both mediate the relation between sex and ethicality. That is, we have confirmed that each explains unique variance in men and women's willingness to use unethical tactics in negotiations controlling for the other. This outcome advances theory of sex differences by showing that they manifest due to at least two independent psychological mechanisms working in parallel. We interpret this outcome as complementing rather than competing with related theoretical developments.

For instance, our findings viewed alongside those of Kennedy et al. (2017) and Ward and King (2018) suggest that empathy constitutes a more fundamental driver of sex differences in ethicality than moral identity. As noted earlier, moral identity has strong conceptual and statistical overlap with empathy. Given that empathy explains sex differences in theories of moral disengagement (e.g., Detert et al., 2008) and gender (i.e., gender-schema theory; Bem, 1981; Spence, 1993), it provides a more parsimonious explanation of sex differences in unethical behavior, such as lying in negotiations, than moral identity does. To be certain, the general concept of moral identity still has great intuitive appeal and relevance. Our results merely suggest that its definition and measurement require fine-tuning to achieve more consistency with reality and broader psychological theories. More generally, the empirical record now suggests that higher empathy among women influences their moral cognitions and emotions, which leads them to morally disengage and violate moral standards less than men.

Our results also suggest that competitiveness plays an even stronger and more universal role in sex differences in unethical negotiation tactics. Like empathy, it seems that competitiveness may also influence psychological phenomena such as ego threat and risk tolerance that seem to explain men's lower ethical standards (Kray & Haselhuhn, 2012; Lee et al., 2017). Although competitiveness and risk tolerance may strike some readers as orthogonal, a theoretical link between them suggests that both factors can explain why men transgress more than women (see Lucas & Galinsky, 2015). To the extent that competitiveness reflects a more negative response to losing than a positive response to winning, it would promote more risk tolerance (Tversky &

Kahneman, 1992), which would, in turn, lead to more risky behaviors such as violating accepted ethical norms. This potentiality provides a unique avenue for future researchers to explore. Confirming such a link would provide even more clarity regarding the role of competitiveness in sex differences in unethical negotiation tactics as well as broader ethical decision making.

In addition to these theoretical contributions, we have made a methodological one by validating two simple and reliable measures of trait competitiveness and empathy. What makes our measures simple is that each includes only four Likert-scale items, some of which are single words (e.g., compassionate, sympathetic, understanding). In terms of reliability, both consistently predicted willingness to use unethical negotiation tactics across diverse populations. The performance of our competitiveness measure greatly exceeded that of the more complex alternative used by Cohen et al. (2014). In addition, we have confirmed elsewhere (Pierce & Thompson, 2016) that variants of each measure confirm experimental priming of competitiveness and empathy.

### Implications for Practice

Our research also has important practical implications for negotiators. Showing that “agentic” individuals who negotiate competitively rather than empathically are more likely to commit ethical violations points to a potential solution for reining in unethical tactics. Specifically, our findings suggest that ethically minded negotiators would do well to emphasize the importance of cooperation in negotiations to create value, rather than competitively trying to claim as much value as possible. Doing so, of course, comes easier when negotiators understand and believe that cooperative approaches can and do lead to better outcomes for all parties than competitive ones (Brett & Thompson, 2016).

Whereas other recent findings (e.g., Cumming, Leung, & Rui, 2015) might lead some to expect less trickery and lower their guard when negotiating with women, ours suggest that the risk of such tactics depends on counterparts’ dispositions more than on their sex. Assessing that disposition comes with challenges. Although the four-item scales we used to measure competitiveness and empathy in our studies could serve as an indirect integrity test, getting a negotiation partner to complete such scales in advance is clearly unlikely. Hence, we encourage negotiators to use other cues to their counterparts’ competitiveness and empathy and, to reiterate, to take steps to suppress the former and induce the latter.

### Limitations and Future Directions

The present research informs the ongoing discussion regarding whether men and women differ in ethicality (Detert et al., 2008; Kish-Gephart, Harrison, & Treviño, 2010) and, if so, why? Multiple limitations thereof, however, preclude us from declaring men universally less ethical than women or the extent to which competitiveness and empathy explain differences in their use of unethical negotiation tactics. Although we confirmed that men consistently endorse and employ unethical tactics in negotiations more than women, we focused primarily on negotiations with instrumental outcomes. Given that previous researchers have found both sexes as well as neither more unethical than the other, the possibility remains that differences in the use of unethical tactics depend on the negotiation context as well. Whereas men behave less ethically

when money is on the line, women may behave less or equally unethically in more relationally focused negotiations as some evidence suggests (e.g., DePaulo, Kashy, Kirkendol, Wyer, & Epstein, 1996). In addition, the potential that other situational cues or individual differences (e.g., gender identity) determine when sex differences in ethical decision making appear, disappear, and reverse remains. Exploration of all these possibilities remains fertile ground for future research. Along with this general limitation, our studies bring with them some more specific ones.

For instance, the SINS scale we used for our dependent variable has multiple facets whose predictiveness of specific behavior remains unknown. Although we felt comfortable with our use of it based on current precedent and practice, we acknowledge that this approach is somewhat crude. Hence, we encourage efforts to assess the predictive validity of its items and facets in future research. Similarly, the behavioral outcome obtained from the partial-information ultimatum game used in Study 3 would benefit from focused research to determine its heretofore unknown association with behavior in “real” negotiations.

Our surprising result with respect to empathy in Study 1 provides another avenue for future researchers to address. As noted previously, this outcome raises the possibility that cultural differences explain why the Chilean men and women expressed equal levels of empathy. Given that psychologists have already established that cultural values and gender differences overlap with respect to independent and interdependent self-construals (Cross & Madson, 1997; Gardner, Gabriel, & Lee, 1999), it stands to reason that empathy and, perhaps, competitiveness similarly manifest as gendered value priorities. Because testing those possibilities exceeds the scope of the present project, we leave addressing them to future research as well.

Finally, we acknowledge that experimental manipulations of competitiveness and empathy would ordinarily be required to properly demonstrate their causal roles. We deemed such manipulations unnecessary and outside our scope for two reasons. First, ample evidence exists that manipulating either impacts ethical decision making (Batson et al., 2007; Pierce et al., 2013). Second, and more importantly, manipulating those factors would overcomplicate the present research. To the extent that sex is randomly assigned by nature, we already had a quasi-experimental  $1 \times 2$  (sex: male, female) design. Manipulating competitiveness and empathy would result in a far more complex  $2$  (sex: male, female)  $\times 2$  (competitiveness: high, low)  $\times 2$  (empathy: high, low) design giving eight conditions plus two- and three-way interactions to theorize about and test. Hence, we opted to focus on establishing the simpler main and mediated effects and leave exploring more complex moderated effects to future research. Given recent findings by Kray and Haselhuhn (2012) and Lee et al. (2017) that men and women respond differentially to competitive prompts, we anticipate such research would bear interesting and informative findings.

## **Conclusion**

We set out to confirm that subfacets of both agency and communion—competitiveness and empathy—mediate the relation between sex and willingness to use unethical negotiation tactics. Across three distinct studies conducted with three distinct populations, we found that both factors consistently explained willingness to use unethical tactics, but that the former explained sex

differences in this willingness more consistently than the latter. Overall, these outcomes lead us to conclude that at least two gendered psychological factors explain differences in ethicality between men and women. In addition to providing a significant step toward clarifying sex differences in ethical decision making more broadly, these results confirm that such differences can, at least partially, explain why men often achieve superior outcomes in negotiations as compared to women.

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## **Conflict of Interest**

Jason R. Pierce declares that he has no conflict of interest related to this research. Leigh Thompson declares that she has no conflict of interest related to this research.

## **Appendix: Decision-Making Exercise**

Please read the following and fill in the blanks at the end. Your answers are completely anonymous:

You work as a collectables broker and make money by finding items buyers want. Yesterday, a seller, Chris, sent you a message asking if you had any buyers for a unique item. Three pieces of information provide you an advantage in this negotiation:

1. You know how much Chris (the seller) paid for the item
2. You have a standing offer for the item from a buyer unknown by Chris
3. Chris is unlikely to find another buyer without your assistance because of the unique nature of this item.

The difference between the price Chris paid and your standing offer is \$150. That is, completing the transaction will net an overall profit of \$150 over what Chris paid.

Now, you must decide how to complete a proposal for Chris. If Chris rejects your proposal, you lose the deal and both of you make no money. Please fill in the two key pieces of your proposal to Chris as you would if you actually were the broker.

Note, Chris knows nothing about the buyer's offer and, but is likely to expect a profit of between \$50 and \$200 for the deal.

Again, please complete the proposal as you would if you were the broker. All your responses are anonymous and cannot be linked back to you personally.

1. I have an offer for this item which will yield a profit of \$\_\_\_\_\_ over what you paid.

2. I offer you \$ \_\_\_\_ of the profit. I will keep the rest.

### Comprehension Questionnaire

Please confirm that you understood the instructions for the exercise you just completed by entering the correct responses below.

1. Please enter the amount of the total profit that the deal would have yielded (i.e., the total amount you and Chris would have shared together): \_\_\_\_\_
2. If Chris had rejected the offer you made, how much profit would you have received?

All Half None

### Biographies

**Jason R. Pierce** is an Assistant Professor of Management at the Bryan School of Business and Economics where he conducts research on power and influence processes, managerial problem solving, and the causes and consequences of ethical decision making. Prior to joining the University of North Carolina – Greensboro, Jason held faculty appointments at the University of Southern Mississippi and Universidad Adolfo Ibáñez in Santiago, Chile where he taught numerous management courses including leadership, negotiation and conflict resolution, organizational alignment, and principles of management. He holds a Ph.D. in Management from Indiana University and a Bachelor of Science in Computer Science from Georgia Tech.

**Leigh Thompson** is the J. Jay Gerber Distinguished Professor of Dispute Resolution and Organizations, Kellogg School of Management, Northwestern University, Evanston, IL. She is an internationally recognized scholar on negotiation, group decision making, team creativity, teamwork and collaboration. She is the author of 11 books including: *Creative Conspiracy: The New Rules of Breakthrough Collaboration*, *Making the Team: A Guide for Managers*, *The Mind and Heart of the Negotiator*, *The Truth about Negotiations*, and *Stop Spending, Start Managing*. Thompson is the director of the *Leading High Impact Teams* executive program, the *Negotiation Strategies* executive program, and the *Constructive Collaboration* executive program. Thompson does research and teaching around the globe and her book, *The Truth about Negotiations* is a best-seller and has been translated into 7 languages. Her book, *The Mind and Heart of the Negotiator* has been translated into 4 languages, and *Making the Team: A Guide for Managers* has been translated into 2 languages. Thompson created the popular on-line video-teaching series: *Negotiation 101* and *Teamwork 101* for managers and executives. In addition, Thompson created a MOOC series with Coursera featuring in depth teaching sessions on high performance collaboration themes such as leadership, teamwork, and negotiation. Thompson also created 3-minute animated videos: *Is Your Team Slacking?*, *Managing Virtual Teams*, *High-Performance Negotiation Skills for Women*, and *How Brainstorming can Neutralize the Loudmouths*. Her work on team creativity has appeared on *Fast Company* and *BusinessWeek*. She serves on the editorial boards of several academic journals and is a member of the Academy of Management. For more information about Dr. Leigh Thompson, visit her website:

<http://leighthompson.com/>

## Notes

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Note: Sex was coded 0 = female and 1 = male.  $N = 170$ ,  $\dagger p \leq 0.10$ ,  $*p \leq 0.05$ ,  $**p \leq 0.01$ ,  $***p \leq 0.001$ .

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