ABSTRACT. The success of Discourse Ethics is premised on the discovery and use of shared values. If this is true what type of negotiation style, especially when used in an intercultural setting, is best suited to make use of shared values. Research focusing on moral arguments between Germans and Americans uncovered an array of shared values. But the existence of shared values, by itself, was not an adequate predictor of a negotiation’s success. What did prove to be a predictor of success was the use of a Constructivist style of negotiation by both parties.

KEY WORDS: American values, constructivism, discourse ethics, framing, German values, moral reasoning, negotiation ethics, negotiation style

The self-contained nation state is a fiction

This claim by David Held prefaces his view that ethical standards to govern international transactions are gradually developing. He further claims that such standards will evolve because of the extension, intensity, velocity and impact which international transactions have upon cultures and economies (Held, 2001). As a student of Habermas, he is optimistic that reasoned discourse can lead to the resolution of business conflicts with ethical implications. Held’s optimism reflects that of Habermas (1991) who outlined an “application” level of discourse ethics centering on rules of argumentation. To resolve intercultural differences over ethical issues in business, a specific type of application ethics, called negotiation ethics, may be a productive path to follow.

The goal of the research reported in the following sections was to investigate whether people from different countries can successfully negotiate an ethical resolution to conflict by: (a) discovering shared values, and (b) basing a resolution on shared values? Such shared values are posited as the basis for shared understanding, which according to Habermas (1979) is the final goal of communication.

Negotiation ethics

Negotiation, as a type of discourse, can bring to light the values behind disparate ethical choices. The style in which a negotiation is conducted between the conflicting parties serves as an indicator of the degree to which different values are accepted by opposing parties.

A simplistic overview of negotiating styles would produce a binary split. The distributive style assumes a fixed set of known benefits that will be allocated through negotiation. In contrast, the integrative style assumes that benefits are not fixed beforehand, but can be discovered during the course of argumentation. The integrative
style is centered on what communication theorists label as framing. “Frames or the conceptualizing of issues, are co-constructed or determined collectively through the way that individuals make sense of their situation” (Eden et al., 1981).

Framing is synthesized by a five step process:
- Definition – conceptualization of a problem
- Specifying the Nature – dynamic interaction process
- Specifying Meanings – understandings of problems
- Reframing – transformation of understanding
- Specifying the Rule in Negotiating – furthering joint problem solving

Framing focuses on the joint construction of meaning through shared interpretation (Putnam and Roloff, 1992). Underlying the rationale behind negotiation ethics is a similar assumption. It is that negotiations can be integrative – the same assumption that underlies discourse ethics.

Historically, not just a binary split but four approaches to negotiation have appeared in experiential history (van Es, 1996). These approaches range from dyad centered, called Constructivist, to ego centered, labeled as Warrior. Just as Held sees an evolution toward common values in globalized business, an evolution has occurred over time in the negotiation process used to resolve ethical disputes. The Warrior approach is traced to the stone age and can only be considered ethical in the context of Kohlberg’s (1969) presocial convention level of moral development. The Mercantile style of negotiating, in turn, has been present in the records of civilized history for millennia, but did not attain dominance in the West until the 16th century. The Civil concept followed the Mercantile style and did not appear to take hold until the 19th Century. Finally, the Constructivist style seems to have gained acceptance only in the later part of the 20th Century. See Exhibit 1 for a more detailed description of each style.

There is a remarkable parallel between these four negotiating styles and Kohlberg’s stages of moral development, which Habermas (1979) matched against his degrees of communication interaction. Refer again to Exhibit 1. If the latter two stages of moral development (the postsocial convention level) are related to the use of a Constructivist style of negotiation, then we may have a guide for evaluating Habermas’ theory in ethical arguments. To test this potential relation in an intercultural setting, a choice of different but somewhat parallel cultures might be the safest starting point.

Research design

To investigate whether latent shared values not only exist between cultures, but would surface in a negotiation setting, the following study was undertaken. First, 40 subjects, half of whom were German, the other half American, were paired according to differences expressed about one of four ethical conflicts. Potential subjects had been given a short synopsis of a moral conflict to be negotiated. Each subject was then asked to make a binary choice after reflecting about the conflict.

Two moral issues, labeled Pollution and Nuclear Meltdown, were designed specifically for the purpose of this research. Two other moral issues were selected from a set of issues which Kurtines and Pollard (1989) had created for the purpose of encouraging moral discourse. These two situations have been labeled “Lying” and “Payment”. All subjects who negotiated the two situations created by Kurtines and Pollard took the Defining Issues Test that was designed by Rest (1979) to determine their individual level of moral reasoning. The remaining subjects took a similar test, using Rest’s definitional scheme, to designate their stages of moral reasoning. Based on the test results as well as their opposing positions regarding the moral issue, subjects were paired together, so that a German would negotiate with an American. The negotiations were recorded and then transcribed for analysis.

None of the subjects had knowledge of the procedures of discourse ethics. All, though, had some training in negotiation techniques. Each of the subjects possessed a university degree and, after experiencing corporate values in the workplace, had returned to a university setting for