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Justice and Negotiation

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Abstract

This review article examines the literature regarding the role played by principles of justice in negotiation. Laboratory experiments and high-stakes negotiations reveal that justice is a complex concept, both in relation to attaining just outcomes and to establishing just processes. We focus on how justice preferences guide the process and outcome of negotiated exchanges. Focusing primarily on the two types of principles that have received the most attention, distributive justice (outcomes of negotiation) and procedural justice (process of negotiation), we introduce the topic by reviewing the most relevant experimental and field or archival research on the roles played by these justice principles in negotiation. A discussion of the methods used in these studies precedes a review organized in terms of a framework that highlights the concept of negotiating stages. We also develop hypotheses based on the existing literature to point the way forward for further research on this topic.

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INTRODUCTION

This review examines the role played by principles of justice in negotiation. Our focus is on how justice preferences guide the process and outcome of negotiated exchanges. We are less concerned about the use of justice principles to regulate allocation decisions made by authorities or other actors charged with unilateral decision making. Focusing primarily on the two types of principles that have received the most attention, distributive justice (outcomes of negotiation) and procedural justice (process of negotiation), we introduce the topic by reviewing the most relevant experimental and field or archival research on the roles played by these justice principles in negotiation. Our coverage of the literature is broad and deep. While emphasizing more recent studies, we draw on earlier research for providing insights into the connection between justice and negotiation. The recent literature is embedded in the context of a larger body of work.

A discussion of the methods used in these studies precedes a review organized in terms of a framework that highlights the concept of negotiating stages. Following the review of relevant literature for each negotiating stage, we identify hypotheses that emerge from existing research to point the way for further studies of the relationship between justice and negotiation.

Justice principles can affect negotiation processes and outcomes in a number of ways. In negotiation simulations, subjects negotiating a contract on behalf of a homeowner and contractor, respectively, were found to be more willing to accept an agreement if they assessed the process as fair, and they reached better joint outcomes if they reported a more collaborative negotiation process (Hollander-Blumoff & Tyler 2008). In a related finding, opportunities for expression (voice) or the perception of control during a negotiation led to more positive evaluations of the decision-making process and to judgments of fairness in the outcome (Lind et al. 1990, Tyler 1987).

Similar findings are reported for cases with life and death stakes. The negotiations leading to the Rome General Peace Accords, which brought an end to a 15-year deadly conflict in Mozambique, have been held up as an example for the resolution of civil wars. The Community of Sant'Egidio, a Catholic nongovernmental organization (NGO), led the mediation efforts in these talks and fostered "a genuine political process based on dialogue between the warring factions" (Bartoli 1999, p. 265). The relationship established during the negotiations carried over into the implementation of the agreement. By contrast, many of the messages exchanged between rebels and government representatives in the talks seeking to conclude the civil war in Sierra Leone through the Abidjan Peace Agreement of 1996 were conveyed through intermediaries, public statements, and on the

battlefield. Justice principles of fair play and transparency were not adhered to in the negotiation process, and the agreement failed to establish a lasting peace (Wagner & Druckman 2015).

Other examples of the role of justice come from the arenas of trade and environmental negotiations. Weaving through these negotiating processes are attempts to resolve various procedural issues. The usual result is a mix of adhering to and violating such principles as fair representation, transparency, and voluntary decision making. When these principles are satisfied, the result is often an effective agreement: Examples include the World Trade Organization talks on agricultural issues in 2004 and the Convention on Early Notification of a Nuclear Accident negotiated in 1986. When the principles are violated, the talks are less effective in producing a durable agreement: Examples include the 1990 General Agreement on Tariffs and Trade (GATT) negotiations on textiles and the 2009 Copenhagen Climate Change Conference. When some principles are satisfied while others are violated, the result is often agreements that favor only a few of the negotiating parties, as was the case with the 1992 North American Free Trade Agreement (NAFTA) and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal negotiated in 1989.

Fairness. Transparency. Equality. Each of these terms is an element of a broader concept of justice. A close examination of the experiments and high-stakes negotiations discussed above reveals that justice is a complex concept, both in relation to attaining just outcomes and to establishing just processes. An understanding of the outcomes in each of these examples necessitates an appreciation of the various types of justice that could be incorporated into an outcome as well as the types of justice involved in the decision-making process.

This review of the existing literature seeks to provide such an appreciation, and in bringing together the justice literature as it relates specifically to negotiations, this article examines a topic not yet explored in the *Annual Review of Psychology*. Related reviews focus primarily on negotiation, with scant reference to justice concepts. Although the Bazerman et al. (2000) review of research on social factors that affect negotiation presents some complementary literature, its review of ethics and sacredness evaluates questions of deception in the negotiation process and the implications of negotiations for issues perceived as being taboo. Our review defines justice as a multifaceted process and outcome concept. Kelman (2006) identifies approaches to peacemaking on a larger scale, through conflict settlement, conflict resolution, and reconciliation. The Thompson et al. (2010) review examines negotiation processes and outcomes, focusing on five levels of analysis: intrapersonal, interpersonal, group, organizational, and virtual. Their study evaluates the implications of each level for integrative and distributive bargaining, which involves what the negotiators are doing at the table rather than the fundamental justice principles establishing how they have organized the talks. On the concept of justice, this article offers the first comprehensive literature review of how justice contributes to the negotiation process and acceptance of negotiated outcomes. Miller (2001) examines links among disrespect, anger, and injustice and offers a brief summary of the concepts of procedural and distributive justice, but not as they relate specifically to the negotiation context.

DISTRIBUTIVE JUSTICE AND NEGOTIATION

Distributive justice (DJ) refers to principles for allocating benefits or burdens among the members of a group or community. Four DJ principles are emphasized in the literature: equality, proportionality or equity, compensation, and need. One or more of these principles surface in the outcome of a negotiation. Perhaps the most ambitious research program on DJ in negotiation outcomes was conducted by Deutsch (1985), who investigated preferences for DJ principles in laboratory negotiation tasks. Clear findings emerged from his experiments with college students. The results, along with results from other experiments, indicated an overwhelming preference for

the distributive principle of equality and, to a lesser extent, need. These findings are consistent with those obtained by a number of other investigators. Deutsch does note that the findings can be a function of the particular context of the experiments: namely, money as the resource to be distributed, a workplace as the social context, and American college students as the participants. However, he also claims that these conditions worked against a preference for egalitarianism and would seem to encourage a preference for proportionality or equity.

Yet, despite the claims for robustness of the equality preferences, Deutsch emphasizes the importance of the type of distributive system. He contrasts an egalitarian, solidarity-oriented system, characterized by positive social relations and a sense of similarity, with a meritocratic, economic-oriented system, characterized by impersonal social relations and a sense of differences. Equality is the preferred principle in the former, whereas proportionality is sought by negotiators in the latter type of social system. By taking the normative system into account, Deutsch runs into a problem. His own results, showing preferences for equality in a meritorious system, run counter to this hypothesis. Further, equality distribution preferences have been shown to correlate with higher productivity than preferences for distributions based on an equity principle (Cook & Hegtvædt 1983). The empirical results contradict expectations based on norms and raise an issue about the difference between normative and empirically based theory, which is an age-old question in this literature (cf. Rawls 1958 with Deutsch 1985 or Lind & Tyler 1988).

Deutsch's hypothesis does, however, garner support in two recent studies. Harmon & Kim's (2013) laboratory research showed that equity, rather than equality or need, is regarded as a fair DJ principle in performance-based situations in which negotiators compete for economic rewards. The Wagner & Druckman (2015) archival study of peace agreements showed that DJ principles can lead to the emergence of normative systems. They found a strong correlation between proportionality or equity and the economic component of an index of durable peace: The more central was the proportionality principle in the agreements, the more stable was the economic environment following the negotiation. Neither proportionality nor the economic component correlated with any of the parts of the durable peace index (reconciliation, security institutions, governing institutions). On the other hand, equality correlated with the other parts of the index, indicating that the noneconomic aspects of durable peace are influenced by agreements that embody this principle. Earlier research showed that positive relationships or liking (Mikula & Schwinger 1973), long-term relationships (Mikula 1980), and an emphasis on the team aspect of a relationship (Lerner 1974) led to preferences for an equality rule.

Recent results in the realm of peace agreements call attention to the instrumental value of distributive principles. Druckman & Albin (2011) found that the equality principle mediated the relationship between the intensity of the conflict environment and the durability of the peace agreements: When equality was central in the agreements, the intensity of the conflict had less influence on durability. Another study by these authors showed that equality also mediated the relationship between procedural justice (PJ) and durability: PJ increased durability when equality was central in the agreements (Albin & Druckman 2012). Despite normative systems that would seem to encourage proportionality, the peace negotiators looked forward by paving the way for a political system in which the former rebels would be treated as equal citizens of their country. Those negotiating delegations that insisted on equality provisions carved out durable agreements. Thus, distributive principles may be used in more practical or strategic and less normative ways.

These DJ findings suggest interesting issues. One is the distinction between normative and empirical approaches to the study of justice. This distinction is also a source of tension in some issue areas. For example, nonproliferation norms in arms control negotiations are viewed by developing countries as being unjust. Agreements to halt the development of nuclear technologies are seen to widen the inequality gap (Müller 2013). Another issue is the relative preferences for

different DJ principles in varied contexts and situations. For example, the equality principle is essential for durable peace agreements but relatively unimportant for negotiating effective trade agreements (Albin & Druckman 2014a). These issues are discussed in the sections to follow. Similar issues arise with regard to PJ in negotiation, to which we now turn.

PROCEDURAL JUSTICE AND NEGOTIATION

Procedural justice refers to principles for guiding the negotiation process toward agreements. These principles include fair treatment and fair play, fair representation, transparency, and voluntary decisions. One or more of these principles surface during the negotiation process either positively, as, for example, more fair play or transparency, or negatively, as, for example, a lack of fair play or transparency. Positive adherence to one or more of these principles usually moves the process in the direction of agreement, whereas negative adherence often sustains impasses. An example of research that explored relationships between PJ and the negotiation process and its outcomes was conducted in two experiments by Hollander-Blumoff & Tyler (2008).

These investigators developed a simulated dispute between two lawyers representing a homeowner and contractor, respectively. The dispute was a conflict of interest over a contract for the construction of an in-ground, custom-designed swimming pool: The homeowner (contractor) desired as much (little) work as possible for as little (much) money as possible. A set of distributive issues—including various aspects of the construction and monetary value—were at stake in the negotiation. The first study focused on the distributive issues. The results showed that (a) the more procedurally fair the process was rated, the more willing negotiators were to accept the agreement; (b) the more procedurally fair the process was rated, the more that negotiators indicated they felt better and collaborated more during the process; and (c) negotiating dyads that indicated they were more collaborative and had good feelings during the negotiation reached better joint outcomes.

The second study introduced an integrative element to the negotiation problem. Negotiators were offered an opportunity to create extra value that had not existed in the previous version of the problem. Procedural justice influenced each of the three measures of integrative outcomes: more disclosures, higher joint outcomes, and more Pareto-optimal (most mutually beneficial) outcomes occurred for procedurally just negotiating dyads. Taken together, the two studies show that PJ influences the quality of negotiated outcomes: Greater PJ encourages agreements as well as more integrative outcomes when they are available.

Wagner & Druckman (2012) obtained similar findings in a study of 11 historical cases of agreements negotiated between governments. In addition to measures of PJ and outcomes, this study added indicators of DJ, problem-solving processes, and the durability of the agreements. These variables were coded from archival documentation about the cases. Thus, rather than the subjective questions asked in the Hollander-Blumoff & Tyler (2008) study, these investigators performed content analysis of the documents: DJ and PJ were coded in terms of principles that surface in the outcome (for DJ) or during the discussion texts (for PJ). Problem solving was measured with indicators of acknowledgment, disclosure, willingness to cooperate, and brainstorming or reframing. One of three outcome types were coded for each part of the agreement: integrative, compromise, or asymmetrical. Durability consisted of the number of years that the agreement was in force.

The key finding from this study was that problem-solving processes mediated the relationship between PJ and negotiation outcomes: When problem-solving processes were used, the outcome was more strongly influenced by the PJ principles. Specifically, more integrative outcomes emerged when problem-solving processes were set in motion by adherence to PJ principles. However, without problem solving, PJ would not lead reliably to integrative outcomes. This

finding extends the Hollander-Blumoff & Tyler (2008) results in two ways. The PJ-integrative outcome relationship is shown to depend on problem solving, which is similar to their measure of disclosure. The international domain provides another context for demonstrating the role played by justice in negotiation. Similar results from the different settings bolster the case for external validity. Another finding of interest was that DJ principles were more central in durable agreements. The PJ/problem-solving/integrative outcome cluster did not relate to durability. (See Albin & Druckman 2012 for findings on the mediating effects of the DJ principle of equality on the relationship between PJ and durability.)

The DJ/PJ distinction is particularly relevant to negotiation, the one referring primarily to outcomes or allocation decisions, the other primarily to the way the process is conducted. Yet, these should not be considered as monistic formulations of justice. Indeed, combinations of principles may be relevant to particular situations. This is especially likely in complex negotiations in which different principles guide distributions on different issues. The idea of compound justice is illustrated by Zartman et al. (1996): “For example, if the two parties claim different interpretations of inequality (equity versus compensation) for different aspects of an issue (or different issues), an equality principle can be produced by offsetting one with the other” (p. 88). Similarly, violations of the PJ principles of transparency and fair representation by secret discussion among members of a small coalition may be offset by presenting a proposal for ratification by all the parties, thus satisfying the PJ principle of voluntary decisions (e.g., Quimpo 2001). The secret discussions often contribute to efficiency at the cost of representation or voice. Attempts made to reconcile these two objectives have been effective in such areas as negotiations over arms export control policy (Müller 2013). Thus, various principles may be applied in combination or sequentially to produce a fair distribution (see also Cook & Hegtvedt 1983). These examples illustrate a bridging function for justice principles, an area that has received limited attention in the research literature.

Justice principles may also serve as heuristics that are easy to implement. The DJ principles of equality and equity are generally understood and can be used to justify an allocation decision. The problem, however, is mutual acceptance of the “correct” principle: Negotiators may differ on whether the goal of negotiation is to maximize gains (preferring equity) or enhance social harmony (preferring equality). These differences can be mollified by PJ. Perceptions of fair procedures have been shown to offset perceptions of unfair outcomes and facilitate compromise (Tyler & Blader 2003). This is another example of the combined use of DJ and PJ principles. These authors also suggest a strong relationship between the types of principles. Indeed, Hauenstein et al. (2001) report an average correlation between PJ and DJ, across the 63 studies used in their meta-analysis, of 0.64.

The findings from these studies shed light on the role played by these principles in negotiation. Negotiators who view the talks as being fair or who adhere to PJ principles during the process usually engage in problem solving and attain better outcomes. It is also the case, however, that these findings were obtained from only a few studies. Further insights into the role of justice in negotiation are sought by canvassing a large empirical literature on justice in related settings. We organize the findings in terms of negotiation stages to provide analytical specificity. We generate hypotheses to be explored in laboratory and field negotiations, and we provide a basis for organizing future reviews of findings from the studies to be conducted during the next decade.

METHODOLOGY

The empirical literature on justice has consisted of both experiments and case or field studies. Both approaches have contributed to the development of theory. The complementary strengths and

weaknesses of these methods (see Druckman 2005) are understood in terms of issues of causation and levels of analysis. These issues are discussed in this section.

The logic of causation guides the design of experiments. Necessary conditions include both control over the administration of independent variables (e.g., performance or relational-based task) and assessment of dependent variables (e.g., preference for a type of justice principle) as well as over the influence of possible confounding variables that threaten the validity of causal inferences. Many of the studies reviewed in this article satisfy these conditions (e.g., Deutsch 1985, Hollander-Blumoff & Tyler 2008, Harmon & Kim 2013); some studies go further by isolating mediating or moderating variables (e.g., perceptions of trust) that help to explain the independent variable–dependent variable relationship (e.g., Colquitt 2001, Hauenstein et al. 2001). Further advantages include replication and direct observation of negotiating processes. However, these internal validity strengths are gained at the cost of relevance to the complex, nonlaboratory negotiation settings in which justice plays a role before, during, and after the conclusion of negotiation. This broadened perspective is captured by case studies.

The difficulties involved in deriving causal inferences from case data are offset by wider and deeper probes of the role of justice in negotiation. Wider probes refer to an expanded portfolio of variables to analyze. Deeper probes refer to longer time periods to observe the influence of justice variables during several phases of negotiation, including postnegotiation processes. Further, historical case studies provide opportunities for comparative research. Although these strengths are gained at the cost of causal validity, some progress has been made on this front as well.

One advance has been to specify the time-ordering of variables; for example, adherence to PJ principles precedes outcomes that embody DJ principles, which leads to more or less durable implementation. Confidence in the time-ordering of the variables and a large number of cases encourages a search for mediating variables (see Albin & Druckman 2012, Chebat & Slusarczyk 2005). Another advance consists of the precautions taken to reduce the possibility of reverse causation; for example, from effective outcomes to process justice. These include developing conceptually distinct definitions of the variables, using different material for coding the justice variables, and interspersing the order of coding for the key variables such as justice and effectiveness (Albin & Druckman 2014a). A third advance is the care taken to avoid selection biases when choosing a sample of cases for analysis. This is done by drawing random or representative samples from a defined universe of cases within issue areas (e.g., trade, security, environmental negotiations). These procedures bring us closer to bridging the internal-external validity gap. The gap is reduced further when both experiments and case studies are included in a research project.

Other differences between laboratory and cases include the size of effects and levels of analysis. With regard to the former, Lind & Tyler (1988) note: “The laboratory and scenario methods used in early research may have caused us to underestimate the magnitude of PJ effects. Field research results have not only confirmed the findings of laboratory and scenario studies on PJ, but in fact have usually shown stronger PJ effects” (p. 206). This occurs, at least in part, because many of the field studies are conducted in contexts that support PJ, such as democratic institutions, and benefit from the combined effects of several independent variables operating in the same direction. Nonetheless, the correlation between PJ and DJ is consistently high across studies with varied methodologies, although there is a difference in the average size of correlations between dispute resolution and reward allocation settings (Hauenstein et al. 2001). This indicates a problem for assessing independent effects of the two types of justice, particularly when global assessments are made. It encourages the use of experimental or statistical controls in justice studies.

Laboratory research on negotiation has been conducted at a micro level, where influences are largely situational. Field and archival research has, on the other hand, construed negotiation as a process embedded in a larger domestic or international context. These macro-level variables

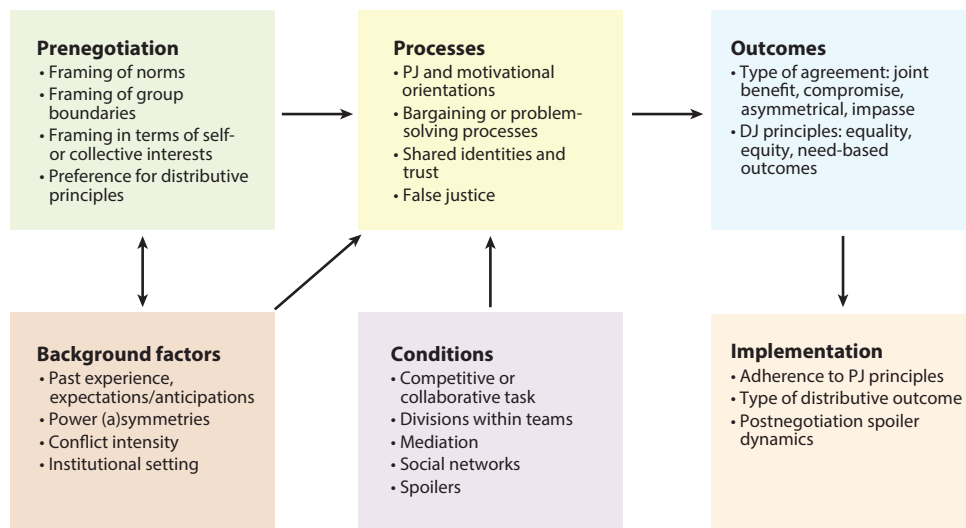


Figure 1

Justice and negotiation: a framework. Abbreviations: DJ, distributive justice; PJ, procedural justice.

are considered in our framework to be influences on justice decisions in negotiation. But the interplay between levels can also be considered as mutual influences, from negotiation to collective processes and vice versa. For example, justice principles that guide negotiated distributions may affect mobilization for collection action, which influences future negotiations (Cook & Hegtvædt 1983). But it is also the case that collective action decisions are negotiated often in large conferences involving diverse constituencies. An interesting question concerns the use of justice principles to reduce complexity and facilitate decisions in these settings. Other questions involve the path from negotiation to implementation, and some of these questions are discussed in the section on the implementation of negotiated agreements.

JUSTICE AND NEGOTIATION STAGES

The set of studies reviewed above makes a case for the importance of justice principles in negotiation. In this article, we explore further the role played by and the importance of justice principles in negotiation, drawing on literature from several social science disciplines using a variety of methodologies, including experiments and field or archival studies. But, given the limited amount of research on justice in negotiation (see Conlon 2012), we also draw on related literatures that have implications for negotiation.

The relevant literature is organized in terms of a framework that includes various parts of negotiation. These parts are depicted in **Figure 1** as boxes connected by arrows. The variables within the boxes are highlighted in the sections to follow.

The stages consist of prenegotiation, processes, outcomes, and implementation. Background factors and conditions are considered to be influences from the negotiating parties and the situations within which they negotiate. The factors in these boxes are discussed in conjunction with the stages. Each section below concludes with a summary of key points made about the role of justice in that negotiation stage and includes hypotheses to be explored in further research.

Prenegotiation

Several themes are discussed in this section in terms of their relevance to the prenegotiation stage. These include types of framing, tasks, preference for distributive principles, and anticipatory justice.

Framing. Mikula & Wenzel (2000) call attention to the importance of a shared moral community for the acceptance of justice principles. When this occurs, the principles become guides for structuring a fair process (PJ) and for agreeing on fair outcomes (DJ). Divergent perceptions of injustice can elicit social conflicts. When this occurs, justice principles become issues in negotiation. They may also be used tactically to defend positions, further exacerbating the conflict. In these situations, conflicts are resolved only when the proposed resolution leads to better outcomes for both/all parties.¹

The concept of a shared moral community captures both shared identities and shared cognitions. These variables have been shown to influence negotiation outcomes. (See, for example, Swaab et al. 2002 on shared cognitions and Gelfand et al. 2006 on shared identities.) In an attempt to integrate these literatures, Swaab et al. (2007) showed how they interact during the process leading to integrative agreements; shared identities were both the product of, and precursor to, the development of shared cognitions. Working together, these variables increased the chances of obtaining integrative outcomes. Regarded also as components of justice, identities and cognitions may be regarded as mechanisms that explain the relationship between adherence to shared principles of justice (such as equality) and durable outcomes (see Albin & Druckman 2012).

The shared moral community argument is also similar to Tyler's (2000) discussion of the way people frame group boundaries. The wider the definition of inclusiveness, the more likely that adherence to PJ principles will contribute to favorable joint negotiation outcomes. The way that people frame their identities influences the impact of PJ on outcomes. Interestingly, perceived identities can be influenced through experimental priming. Druckman & Olekalns (2013) showed that primed shared identities influenced decisions following a negotiating crisis.

Deutsch's (1985) egalitarian/solidarity versus meritorious/economics-based distinction is similar to the distinction made by Lind & Tyler (1988) between a group value and self-interest model. An emphasis on one or the other orientation can be framed by the negotiators or third parties prior to the negotiation. Attempts to invoke shared identities place an emphasis on group values, which increase the salience of PJ principles and problem solving during the process. The cooperative context engendered by this framing may also be instrumental in creating civic values that serve to restore damaged justice and reconcile deteriorating relationships, as noted by Johnson & Johnson (2012) in their discussion of constructive controversy. A focus on self-interests orients negotiators toward allocation decisions that influence the outcome. This focus may decrease the salience of PJ in the process in favor of a competitive bargaining process. Competitive negotiators seek advantageous agreements but may also strive for fair allocations. The key point is that they approach negotiation as tacticians with an eye on the outcome rather than the process. Thus, prenegotiation framing can influence the process by orienting negotiators toward fair processes or toward advantageous (or fair) outcomes.

¹ Rawls (1958) distinguished between utilitarian and justice principles. He argued that unequal outcomes can be justified when benefits accrue to the entire community. The justification is bolstered when procedures used for attaining these outcomes are considered to be fair by members who share the same moral community. These circumstances, present in most democratic societies, do not vitiate the central organizing principle of equality.

Barrett-Howard & Tyler (1986) found that PJ is more important in situations in which maintaining social harmony and maximizing welfare of all group members are the goals. These are negotiating situations that may give rise to cognitive (differences over means) rather than interest (differences over ends or outcomes) conflicts. Bremer & Hammond (1977) showed that these are difficult conflicts to resolve. They did not, however, investigate the role of PJ in facilitating resolutions.

Tasks and setting. The study by Harmon & Kim (2013) on trust repair is also interesting for the prenegotiation phase. They found that trust is restored when explanations for a breach of trust were based on equity rather than equality or need. Need-based justifications were least effective, especially when the benefits accrue to the person violating the trust. This effect is mediated by perceptions of fairness. It appears that equity is regarded as a fair DJ principle in performance-based situations. Equality, on the other hand, may be the guiding principle in group solidarity situations.

A study by Cohn and colleagues (2000) showed that the dispute-resolution setting made a difference with regard to the PJ principle used to guide decisions: impartiality is more important in court-like settings, whereas voice (opportunities to be heard) is more important in settings that focus on rights and morality. Can negotiating issues be distinguished along these lines, perhaps the distinction between interests and values? This study also has implications for process: PJ considerations trump DJ in the adjudication of a rights claim (values); it was considered unjust to deny PJ to the undeserving. Further, the correlation between PJ and DJ may be somewhat stronger for dispute resolution than for reward allocation contexts: The average correlation computed across 39 dispute resolution studies was 0.72, whereas the correlation computed across 55 reward allocation studies was 0.59; the difference between these correlations is not, however, statistically significant (Hauenstein et al. 2001). Thus, the relationship between these variables is, to some extent, context specific.

Preference for distributive principles. The research reviewed by Kabanoff (1991) suggests that power differences orient parties toward the distributive principle of equity, with distributive decisions favoring the stronger party. These decisions may not be the result of a negotiation, serving to frustrate the weaker parties and leading them to withdraw from the relationship. The power differences may also preclude negotiations. One way to overcome these differences is to initiate protective contracts. Thibaut's (1968) research shows that bargainers were inclined to enter into protective contracts that insured equity (fairness) in the distribution of resources (DJ) when the conflict of interest (CI) was high. These contracts reduced the impacts of intense conflicts, defined in terms of asymmetrical power [one party could distribute resources that either favored him/herself considerably (high CI) or only slightly (low CI)]. A challenge, however, is posed to both weaker and third parties. They must persuade the more powerful parties that it is also in their interest to sign such contracts. This is more likely to occur when longer-term relational issues are at stake.

Whether achieved by contractual mechanisms or as a by-product of organizational structure, perceived power equality orients parties toward the distributive principle of equality, which usually leads to negotiation based on reciprocity. However, a lack of power differentiation may also produce overt conflict that cannot be resolved by resorting to differences in power (Kabanoff 1991). These implications are discussed further in the section on the negotiation process.

More generally, Kabanoff (1991) suggests that organizational structure influences preferences for the equality and equity principles. A preference for equality is likely in less hierarchical, more horizontal organizations; a preference for equity occurs in more hierarchical, power differentiated organizations. (See Kabanoff's 1991 figure 1 for the various combinations of structure and process.)

Structure is more influential for negotiations conducted in tightly structured organizations such as the military but less influential in loosely structured organizations such as the United Nations or other international organizations. Druckman's (2006) distinction between strong and weak cultures is relevant. Accepted institutional routines guide reward systems in strong organizational cultures; more flexible routines encourage alternative routes to advancement in weaker cultures. These structures shape distributive norms in the direction of equity for strong cultures or equality for more loosely structured organizations.

Anticipatory justice. The study by Goldman et al. (2013) on anticipatory justice is relevant in thinking about justice and prenegotiation. Anticipatory justice refers to thinking about an event that has not yet been experienced. With regard to mediation, the findings show that it is more likely to be accepted when both DJ and PJ are expected. More interesting, however, is the finding that the PJ effect depends on anticipatory DJ. Another interesting finding is that fear of the opponent (anticipated negative effects of the opponent's voice) leads to reluctance to choose mediation, and this effect depends on the anticipatory distributive injustice or costs incurred to an organization from a harmful opponent.

Summary. The review in this section highlights the influence of decisions made during the prenegotiation stage and the emergence of justice principles. With regard to PJ, the framing of group boundaries can either expand or limit the perception of inclusiveness. A broad definition of community is likely to enhance shared identities, which encourages adherence to PJ principles. The research is less clear about the mechanisms of framing or reframing. Perceptual change is a long-term process, as recognized by practitioners who design interactive problem-solving workshops (e.g., Rouhana 2000). Although progress has been made on forging collaborative relationships among adversaries in several conflict arenas, the interactive technologies have not addressed connections between cooperative motives (or shared identities) and PJ principles. Nor have justice researchers explored the impact of prenegotiation agreement on the choice of PJ principles for guiding the negotiation process. Two hypotheses are suggested for further research:

H1: Agreement on PJ principles is more likely when parties perceive shared identities or common membership in a moral community.

H2: To the extent that parties agree on PJ principles during prenegotiation, these principles will guide the negotiation process.

With regard to DJ, preferences for equality or equity principles have been shown to be influenced by the framing of the negotiation (performance or solidarity), the relative power of the parties (asymmetrical, symmetrical), and the structure of the organization in which the talks are embedded (hierarchical, horizontal): Performance (solidarity), unequal (equal) power, and hierarchical (horizontal) structures lead to equity (equality) preferences. The prenegotiation conditions that promote equality are more likely to also encourage agreement on using PJ principles to guide the process. The PJ principles then lead to equality outcomes and durable agreements, as shown by Albin & Druckman (2012) in their research on civil wars. Two hypotheses are suggested:

H3: Preferences for distributions based on the principle of equality are more likely to occur when the negotiation is framed in terms of solidarity rather than competitive performance.

H4: To the extent that parties agree on DJ principles during prenegotiation, these principles will influence preferences for certain types of outcomes.

Negotiation Processes

The discussion of processes in this section emphasizes the themes of motivational orientations and PJ, shared identification and trust, false justice, and power.

PJ and motivational orientations. The type of justice most relevant to the process of negotiation is PJ. There is an interesting parallel between the Lind and Tyler models of PJ and negotiation models. Lind & Tyler's (1988) distinction between self-interest and group value explanations for adhering to PJ principles is similar to bargaining and problem-solving approaches to negotiation. Both self-interest and bargaining focus primarily on the goal of maximizing returns for self. Both group value and problem solving focus on the goal of maintaining or improving relationships. Perhaps the key distinguishing feature for both the PJ and negotiation models is orientation toward self or other (Pruitt & Carnevale 1993). PJ judgments and negotiating behavior derive from similar sources of motivation referred to by Donohue & Hobbler (2002) as affiliation and power orientations. These parallels provide a link between justice and negotiation process. Viewed across the spectrum of negotiation stages, motivational orientations may be developed prior to negotiation, are manifest in the process as competitive or cooperative behavior, emerge as compromise or integrative agreements, and influence the durability of the agreement. This sequence is evident in the negotiation findings obtained by Hollander-Blumoff & Tyler (2008) and Wagner & Druckman (2012) discussed above.

A broad survey of the PJ literature (e.g., Tyler 2005) suggests that PJ effects on perceptions and behavior are robust across cultures and are generally noninstrumental or valued for their own sake (e.g., Machura 2003, Sugawara & Huo 1994, Wemmers et al. 1995). However, the particular PJ principle used is sensitive to the situation (Tyler 1988). Situational dimensions include type of authority encountered, formal and informal encounters, and characteristics of the experience, but also prior views and expectations, which may lead to biases (Tyler 2000).

One particular PJ principle, relevant to negotiation, is the opportunity for voice, referred to also as fair treatment. Studies by Tyler (1987) and by Lind et al. (1990) show that opportunities for expression (voice) or the perception of control over the process leads to more positive evaluations of the decision-making process and to higher fairness judgments. Interestingly, predecision voice led to higher fairness judgments than postdecision voice. More generally, opportunities for voice can ameliorate the prospect of undesirable distributive outcomes. This is often seen in electoral politics, where groups remain loyal to their candidate despite policy differences: A heretical leader is more desirable than a consistently abject alternative (see Hirschman 1970). And, as Peterson (1999) showed, opportunities for voice may have positive effects on less—but not more—intense conflicts. Voice can have the effect of either reducing or intensifying conflict depending on the sensitivity of the issues and the context in which the opinions are expressed. These robust findings on PJ effects beg the question of what accounts for them.

Tyler & Blader (2003) suggest that procedures are important because they shape peoples' social identity within groups, and these identities in turn shape values, attitudes, and behavior: Social identity may be a mediator between PJ and satisfaction or fairness judgments. The PJ feature that carries the most social-identity-relevant information is the perceived quality of interpersonal treatment, which is relevant to one's perceived status and value in the group. Tyler & Blader (2003) connect PJ to the identity literature. Implications for negotiation process may be in the realm of within-team or delegation perceptions concerning confidence in and legitimacy of the negotiating representative. These perceptions are likely to change through the course of negotiation, which is monitored by delegation members and policy makers to whom negotiators are accountable.

With regard to complex, multi-tiered negotiations between bitter adversaries, Lilja (2012) shows that there is value in developing social networks within the rebel parties. By increasing the interconnectedness of factions and thus cohesion, they become a more unified negotiating team with increased confidence in their representatives. The networks provide strong ties between individuals who control resources. Lilja's (2012) analyses suggest that the unity enhanced the team's flexibility as well as their adherence to PJ principles. This case study raises the issue of how to structure a group or delegation in order to enhance internal trust, with implications for flexibility in negotiation.

Shared identities and trust. Perhaps more important for negotiation is the extent to which the parties share an identity. Shared identities have been shown to produce improved processes and outcomes (Druckman & Olekalns 2013, Kramer et al. 1993). Thus, to the extent that PJ increases the perception of a shared identity, it should also improve the negotiation.

More broadly, shared identities are part of a cluster of covarying relationships that include PJ, trust, and problem-solving processes. Positive effects on outcomes and relationships from adhering to PJ principles may be explained by increased trust and problem-solving behavior. The Irmer & Druckman (2009) study showed that movement from calculus to identity-trust led to more comprehensive peace agreements. The Wagner & Druckman (2012) study showed that problem-solving processes mediated the relationship between PJ and integrative outcomes in historical international negotiations. The Druckman & Olekalns (2013) study showed that trust (as confidence that the other will honor commitments) propelled negotiators to continue talking in the face of a crisis even when transaction (process) costs were high. Holtz (2013) developed a model of reciprocal relations between trust and perceived justice. This model posits that the development of trust, which may form rapidly, precedes and influences employee perceptions of justice.

These studies raise questions about causal sequences among these variables: Is trust a precondition for PJ, shared identities, and problem solving? Or, does trust emerge from agreement on PJ principles and/or problem solving? If trust is a precondition, as Holtz (2013) suggests, then an early focus on creating conditions for increasing perceptions of trust would be beneficial. If, however, trust is an emergent process, as suggested by the Irmer & Druckman (2009) finding, then focusing first on establishing PJ rules would be advised. On the other hand, if the trigger is problem solving, as suggested by the Wagner & Druckman (2012) finding, then encouraging these behaviors would increase trust. It may be that the variables in this cluster are intertwined or cyclical rather than sequential. Bolstering any one of them would have ramifying effects on the others. These are issues that remain to be explored.

A related issue is the role of justice principles in trust violation and repair. Explanations for violations may be framed in terms of justice principles. Equity principles work best to repair trust when the perceived violation occurs in task performance situations. Equality is better in situations that emphasize the socioemotional aspects of relationships (Harmon & Kim 2013). Less is known about the role of PJ principles in trust repair. One issue is the extent to which PJ principles repair trust when the specific principles do not fit the situation or provide sufficient explanation for the violation.

Trust is important as well with regard to mediation. Acceptance of a mediator's suggestions has been shown to depend on the extent to which he or she is judged as being fair. Conlon et al. (1994) showed that negotiators accepted a mediator's suggestions when they perceived him or her to be fair. A suggestion to reject a compromise decision in favor of a problem-solving process was accepted after the mediator demonstrated an understanding of the compromise or equal losses outcome. That understanding enhanced perceptions of the mediator's fairness or trust that, in

turn, bolstered the negotiators' willingness to take risks. The risks consisted of revealing sensitive information that aided problem solving toward integrative solutions. These mediation process variables may, however, be moderated by the parties' expectation of receiving a better outcome (Schuller & Hastings 1996).

The studies reviewed above support the idea that positive PJ perceptions are beneficial to both/all parties in negotiation: They promote shared identities and increase trust perceptions. However, it would be interesting to identify the conditions under which PJ is used instrumentally to achieve better outcomes for self, following the Lind & Tyler (1988) self-interest model of procedural justice. Relevant themes are false justice, compensatory justice, and asymmetrical power.

False justice. Despite the benefits of PJ, there is the possibility that these principles can be abused. Referring to the idea of "false consciousness," Lind & Tyler (1988) call attention to the dangers of PJ manipulation. Low-power groups can be fooled into believing that there will be distributive gains when they are given voice. This has been shown to occur at the macro, meso, and micro levels of analysis. At the macro level, politically disadvantaged groups are discouraged from mobilizing for actions that would improve their outcomes by fostering societal beliefs in the fairness of political institutions (Tyler & McGraw 1986). At the meso level, "an organization might introduce task-assignment procedures that appeared to allow workers voice prior to the allocation of task assignments when in fact the voiced preferences and values are never really considered" (Lind & Tyler 1988, p. 201). At the micro level, giving people voice in small groups may exacerbate conflict when these people fundamentally disagree (Peterson 1999). This effect was also shown to occur in attempts to negotiate peace agreements. Opportunities for voice given to rebel groups in negotiation often backfire when the agreement that emerges favors the government. Interestingly, PJ principles were adhered to even in some of the most difficult conflict environments: The correlation between PJ and conflict intensity across 16 peace negotiations was moderate (-0.49) (Druckman & Albin 2011). But, many of these cases—for example, the 1994 Rwanda negotiations—did not produce durable agreements.

Power. In asymmetrical power situations, the more powerful party prefers equitable distributions (favoring him- or herself) without alienating (disloyalty, withdrawal) less powerful parties. They may do this by espousing procedural justice, which can be used manipulatively as false justice. An exception, documented by Kapstein (2008), occurred in the Uruguay round of the GATT negotiations. In those talks, the more powerful developed countries made larger concessions than the less powerful developing countries. This was interpreted as a form of compensatory justice, which contributes to trade balance in the international system. Of interest is the question of conditions under which different types of justice principles are used in negotiation.

A key tension experienced by negotiators is between striving for equitable or equal distributive outcomes. This tension is acute when the negotiating parties are near-equals in power (Mulder 1977). The jockeying for advantage that occurs between near-equals prolongs the process and risks impasses. Both parties challenge the equity of rewards received by the "stronger" party. Both are motivated by self-interest: When PJ is motivated by self-interest, it is likely to lead to equitable distributions (to reinforce power relations). A challenge in this situation is to orient the parties toward group values: When PJ is motivated by group values, it is more likely to lead to equal distributions (to reinforce group cohesiveness). The connection between the Lind & Tyler (1988) self-interest and group values models and task or solidarity motives is made by Kabanoff (1991). He discusses the organizational designs that would balance efficiency (rewards based on performance) with cohesion or solidarity (rewards based on relationships). This balance is often achieved through negotiation processes. We know less about the possible causal sequences from motivation to PJ adherence to distributive outcomes.

Summary. In this section, we discussed the relationship between PJ and negotiation processes. The review suggests that this relationship can be understood in terms of alternative motivational orientations, trust, and power. The distinction between affiliation and power sets in motion particular negotiation processes as summarized by two hypotheses:

H1: Motivational orientations that focus on affiliation increase the likelihood of problem-solving processes.

H2: Motivational orientations that focus on power increase the likelihood of competitive bargaining processes.

These contrasting orientations can also be construed in terms of the Lind & Tyler (1988) models of PJ, referred to as group values and self-interest: An emphasis on group values is more likely to lead to problem solving, whereas a self-interested negotiator is more likely to encourage competitive bargaining. A group values emphasis strengthens group identity, with implications for both intrateam and interteam negotiations as summarized by the following hypotheses:

H3: Adherence to PJ principles with an emphasis on group values strengthens group identity, which increases trust in the team's negotiating representative.

H4: Adherence to PJ principles with an emphasis on group values increases the shared identity between the opposing representatives, leading to problem-solving processes.

A self-interest emphasis reduces group identity with implications also for intra- and interteam negotiations, as summarized by the following hypotheses:

H5: Adherence to PJ principles with an emphasis on self-interest weakens group identity, which decreases trust in the negotiating representative.

H6: Adherence to PJ principles with an emphasis on self-interest decreases the shared identity between opposing representatives, leading to competitive bargaining processes.

Another interesting relationship is between PJ and power. The review suggests that an emphasis on group values or self-interests may moderate the impact of unequal power on negotiation processes. This relationship is summarized by the following set of hypotheses:

H7: Asymmetrical power between opposing negotiating representatives enhances cooperation or competition, depending on whether negotiators emphasize group values or self-interests.

H7a: Group-value negotiators are more likely to use their power advantage to encourage adherence to noninstrumental PJ principles, which leads to problem-solving processes.

H7b: Self-interested negotiators are more likely to use their power advantage to encourage adherence to instrumental PJ principles, which leads to competitive bargaining processes.

Viewed through a PJ lens, negotiation processes are driven by the alternative orientations of group values or self-interest. The former emphasizes joint gains, whereas the latter is concerned primarily with maximizing own gains. This distinction is made also by the well-known dual-concern model of negotiation (Pruitt & Carnevale 1993) and reinforced by the relatively strong effect sizes for orientation obtained in meta-analyses of bargaining behavior (Druckman 1994). Extending the path from orientations to processes further, we can derive implications for negotiation outcomes, as discussed in the next section.

Negotiation Outcomes

Negotiation outcomes are usually considered in terms of the type of agreement, as joint benefits, compromises, or impasses (see **Figure 1**). A considerable amount of research on negotiation has

focused on relationships between these outcomes and processes, such as bargaining or problem solving. Results have shown that processes influence outcomes (e.g., Hopmann 1995, Irmer & Druckman 2009, Wagner 2008). Justice provides another lens for viewing outcomes, which are considered in terms of distributional benefits (see **Figure 1**). These benefits, or DJ principles, also emerge from processes, which are construed in terms of PJ principles.

Relationships between PJ and DJ. The substantial correlations between PJ and DJ across the 63 studies analyzed by Hauenstein et al. (2001) are consistent with results on process-outcome relationships from the negotiation studies. However, the correlations are inconsistent across negotiation issue areas. Correlations among various indexes of PJ and DJ for samples of peace agreements range from 0.06 to 0.39 (see Wagner & Druckman 2015). The correlations for a sample of bilateral and multilateral trade negotiation cases range from 0.38 to 0.65 (Albin & Druckman 2014a). For a sample of arms control negotiation cases, the correlations range from 0.06 to 0.25 (Albin & Druckman 2014b), and for a sample of environmental cases, they range from 0.01 to 0.32. Thus, the strength of correlations between these variables is contingent on issue area.

A more promising line of investigation may be to consider mediating variables. As we discussed previously, PJ effects on outcomes are mediated by problem-solving processes (Hollander-Blumoff & Tyler 2008, Wagner & Druckman 2012): Adherence to PJ principles leads to integrative outcomes when negotiators engage in problem solving (versus bargaining). PJ effects on the durability of the negotiation outcome have been shown to depend on the centrality of the DJ principle of equality in the agreement (Albin & Druckman 2012): Adherence to PJ principles leads to durable outcomes when equality is emphasized in the agreement. These findings suggest that PJ/DJ relationships depend on other features of the process (bargaining and problem solving), the outcome (integrative or compromise, equality), and context (issue area). Thus, the justice variables are understood as part of a sequence of processes, outcomes, and implementation activities. These relationships have also been shown to depend on perceived time frame. Joy & Witt (1992) found that PJ and DJ are more strongly related for employees with a long-term perspective on their organization.

Another way of thinking about interactions between PJ and DJ is in terms of compensatory effects of the two types of justice. Brockner and his colleagues showed that negative effects of unfavorable outcomes, such as a small pay raise or no promotion, can be mitigated by adherence to PJ principles during the process. Indeed, the more severe the outcome, the more salient the effects of PJ (Brockner et al. 1992). Similarly, receiving favorable outcomes, such as an unexpected pay raise or promotion, can mitigate the negative effects of violations of PJ principles (Brockner & Wiesenfeld 1996). Negative events (unfair procedures, bad outcomes) seem to heighten sensitivity to the outcome received or to the procedures used to determine the outcome. More broadly, democratic political systems are based on fair procedures, particularly with regard to legal institutions. This fundamental tenet provides citizens with access to legal procedures and due process. It also cushions the disappointment of distributive losses suffered from negotiated outcomes and may avoid costly civil conflicts between groups (Tyler 1994).

Outcomes are evaluated as well in terms of perceived fairness. Interestingly, these perceptions may not be related strongly with satisfaction. Outcome fairness is based on social comparisons, whereas satisfaction is based more on the extent to which one's own outcomes correspond with expectations or preferences (Brickman 1975). There may also be a temporal effect for the relative contribution of PJ and DJ to perceptions of fairness: PJ is the stronger influence when procedural information is available before information about outcomes (van den Bos et al. 1997). Further, the fair process/fair outcome distinction depends on perceptions of authorities or institutions for process (PJ) and specific outcomes such as pay raises (DJ) (Folger & Konovsky 1989).

Impacts of DJ principles. Achieving outcomes that are “just” may fulfill a universal human desire, but as Zartman et al. (1996) indicate, the negotiating participants’ interpretations of what is just are likely to vary. The different types of justice that can be represented in outcomes introduce the possibility for the creation of trade-offs, but they also present a challenge for negotiators to understand the types of just outcomes and their effects. Although equality, equity, need, and compensation are all called distributive “justice,” the decision mechanisms used to reach each outcome type, the distribution accorded under each principle, and the expected outcomes from each type are different.

Proportionality (or equity) and equality have received the most attention in the DJ literature. Equitable outcomes indicate that negotiators have agreed to a distribution that is proportional to negotiators’ inputs (Adams 1965, Homans 1961). By contrast, equality refers to outcomes in which there is an equal distribution of resources or burdens among the negotiators (Deutsch 1985). Thus, actors are assumed to have the same stake in the outcome, an assumption that may lead to different implications than those derived when equity is the guiding principle. A compensatory distribution of resources would involve a division that indemnifies one or more parties for undue costs or burdens (Piaget 1948). The distribution of resources based on parties’ needs would signify that negotiators agreed to an outcome that assigns value in proportion to the strength of one or more party’s needs (Burton 1986).

Proportional, or equitable, outcomes rely on assessments of what the relevant input (or, in Homan’s 1961 terms, investments and contributions) is for a particular decision and an agreement regarding the appropriate division of rewards relative to that input. Since these assessments are made by individuals (Adams 1965), they could make room for the tradeoffs identified by Zartman et al. (1996), particularly if each negotiator values the inputs differently. Adams (1963) and others have looked into whether inputs vary based on perceptions of inequality and found that student subjects who believed they were being paid more than they deserved increased their relative inputs as a way to reduce inequities. Experiments have also revealed that the reverse may occur: Those who feel underpaid are likely to reduce their inputs. Deutsch (1985), however, critiques this theory for overlooking the interactional element of negotiations and for assuming that individuals typically try to maximize their material outcomes.

As discussed previously, the objectives of outcomes that emphasize equality and proportionality differ. Similarly, the objectives of outcomes that emphasize need also differ. Kabanoff’s (1991, p. 420) observation that “equity [proportionality] was the preferred principle when productivity was emphasized, and equality was chosen when solidarity was the goal” highlights that outcome and implementation are on a continuum, where decisions at one stage can anticipate the requirements of the next. Deutsch (1985) notes that need is the prominent principle of distributive justice if fostering personal development and welfare is the primary goal of negotiation. He suggests that “caring” and “solidarity” (equality) orientations are similar and differ in similar ways from the “economic” (proportionality/equity) principle, although need is “characterized by a more direct and explicit responsibility for the fostering of the personal development and personal welfare of others in the group” (Deutsch 1985, p. 45).

These outcome-related concepts may take shape during the prenegotiation phase and influence the postnegotiation process. As negotiators develop their preference for distributive principles and assess their relevant inputs before they enter into a negotiation, implicit or explicit assumptions regarding the value of distributive outcome types are made. These concepts also indicate outcome preferences that could ensure implementation, such as convincing the other negotiator that they are receiving more than they deserved.

The concept of distributive justice also introduces a mechanism through which negotiations may become recursive in a search for justice. If parties believe they did not receive equitable

distributions, they will be distressed, which in turn motivates them to try to restore equity (Walster et al. 1978). Postagreement negotiations are often stimulated by distress and by motivation for the restoration of equity.

Summary. The research on negotiated outcomes reveals that justice is a dynamic concept. It may be construed on a continuum that is set in motion by justice issues raised during the process, continuing through the outcome and to implementation activities. The relationship between justice as an outcome and the extent to which justice is involved in the procedures to reach that outcome on the one hand, and the expected type of implementation on the other, suggests a pattern of overlapping influences across negotiation stages. Some of these influences are summarized in the form of the following hypotheses:

H1: The strength of the relationship between procedural and distributive justice will vary by issue area.

H2: Equality outcomes enhance the durability of an agreement, particularly when negotiators adhere to PJ principles during the process.

H3: Adherence to PJ (DJ) principles can compensate for unfavorable distributive (procedural) outcomes.

H4: Perceived fairness is not strongly correlated with outcome satisfaction: The former is based on social comparisons; the latter is based on expectations or preferences.

H5: Equitable/proportional outcomes enhance productivity, equal outcomes enhance solidarity, and need-based outcomes enhance personal development and welfare.

Implementation of Agreements (Postnegotiation)

The discussion in this section on implementation includes considerations of both procedural and distributive justice issues.

Influence of PJ. The durability of agreements has been shown in field experiments on mediation to be influenced by PJ judgments. Pruitt and his colleagues (1990, 1993) found that long-term compliance with agreements is more strongly predicted by PJ perceptions than by joint problem-solving processes, goal achievement, or satisfaction with the agreement. Interestingly, reaching agreement or the quality of those agreements did not predict durability. Adherence to PJ principles has also been shown to increase compliance with agreements in difficult felony cases (Casper et al. 1988). These findings may be due, in part, to the positive impact of PJ on the relationship between the parties (Tyler & Blader 2003).

Postagreement negotiation processes include carrying out the terms of agreement as well as continuing negotiations over those terms, new issues that arise, or the relationship. In their discussion of intergovernmental negotiation, Spector & Zartman (2003) conceive the postagreement phase as a series of related encounters. Procedures and outcomes from one negotiation are likely to influence the next negotiation. This focus on relationships places an emphasis on a long process of reconciliation or trust building (see also Rosoux 2013). Thus, research on trust and PJ reviewed above in the section on the process is relevant as well to the postnegotiation stage. Particularly important is the cyclical idea of PJ-trust-problem solving (Holtz 2013, Wagner & Druckman 2012) and the way that PJ influences trust repair (Harmon & Kim 2013). But the path from PJ in the process to equality outcomes to durability also contributes to the success of implementing agreements (Albin & Druckman 2012). That success may, however, be challenged by groups with a political or economic interest in sustaining or escalating the conflict.

Distributive outcomes. The archival research by Druckman & Albin (2011) showed that equality outcomes (fairness) decreased the impact of intense conflicts on the durability of the agreements: For intense conflicts, an emphasis on the equality principle reduced the inverse correlation between intensity and durability. The problem, however, is to create an environment that encourages parties to desire equality outcomes. This may be more problematic in demanding social environments where conflicts are intense and relationships are deteriorating. Mittone & Ploner (2012) showed that equity rather than equality is the guiding distributive principle in these settings. But it is also the case that mediation is more likely to be used in deteriorating situations (Bercovitch & Diehl 1997). Mediators can be instrumental in moving parties to seek PJ in the process and anticipate equality as an outcome (see Goldman et al. 2013), particularly if they have a reputation for being fair (Conlon et al. 1994) or derive their authority from engaging in fair practices (Pruitt et al. 1993).

The literature on reactions to perceived inequity/inequality and on ways to restore equity/equality is relevant. Experimental subjects generally react to restore an equilibrium by compensating the inequitably underpaid subject (Leventhal et al. 1969, Törnblom 1977). Thus, the distributive principle of compensation may replace equity in the postnegotiation period. However, when the inequity is created by chance rather than intention, compensation is not provided to restore equity (Garrett & Libby 1973, Leventhal et al. 1969). Ascription of responsibility for the inequity may be an important influence on reactions to inequity (see also Cook 1975). Another reaction to inequitable distributions is to leave the situation, which has important implications for implementing the agreement and future negotiations (Cook & Hegtvædt 1983). The issue for negotiation is whether negotiators are motivated to restore equity through compensation or to justify inequitable outcomes by believing that they are consistent with a belief in a just world (Lerner 1980; see also Kapstein 2008 on compensatory concessions from developed to developing countries in the GATT Uruguay round of trade negotiations). This issue has not benefited from research to date.

The idea of compensation to restore equity was shown to be related to age. Different DJ principles were used by children of different ages following negotiation in the study by Solomon & Druckman (1972): equity for the youngest group (7–9 years old), equality for the middle-aged group (10–12 years old), and compensation for the oldest group (13–15 years old). These differences are consistent with Piaget's (1948) stage theory of development of attitudes about resource distribution. An implication is that a compensation rule takes longer to be understood but kicks in before adulthood, suggesting that diplomats would resort to it as a mode for restoring inequity and preserving relationships.

Role of spoilers. A major problem for implementing agreements is the presence of spoilers. These are “leaders and parties who believe the emerging peace threatens their power, world view, and interests and who use violence to undermine attempts to achieve it” (Stedman 2000, p. 178). Spoilers may be inside or outside the negotiation and may have different types of goals, referred to by Stedman (2000) as limited, greedy, and total. Justice considerations come into play with regard to strategies for managing spoilers. These strategies include inducement, socialization, and coercion. Inducement may work best for spoilers with limited goals. These include a larger share of the distribution or side payments. Greedy spoilers may also be satisfied with material rewards, but care must be taken to avoid whetting their appetite for more resources. A larger problem occurs with total spoilers, whose demands are often nonnegotiable. The only option may be to resort to coercion if the spoilers' power base prevents the use of legal channels for prosecution. For each of these spoilers, a socialization strategy is appropriate but difficult to implement given the time frame needed for change to occur. A challenge is to persuade the spoilers to adhere to a common set of norms that include PJ principles. This strategy may work better for internal

spoilers who are reluctant to destroy the negotiation process. The prospects of increased voice and legitimacy may satisfy their needs.

With regard to peace processes, Neu (2012) raises the dilemma of pursuing retributive justice for war criminals. Difficulties in prosecuting them increase the chances that war criminals will disrupt the process. This prospect is reduced when they are taken out of action by legal prosecution. However, it may also be the case that the groups to which the war criminals belong may rally around them and increase the intensity of protest and violence. On the positive side, such escalation of spoiler demands may serve to unite the opposing negotiating parties. They now have a shared goal of neutralizing the spoilers and a shared task of developing conflict management strategies. These cyclical action-reaction dynamics pose interesting questions for research on implementation of agreements.

Summary. The relevant research on implementation of negotiated agreements was reviewed in this section. Compliance with agreements has been shown to be influenced by PJ perceptions as well as by the distributive concepts of equality and compensation. These relationships can be understood in terms of a connected sequence of hypotheses as follows:

H1: Adherence to PJ principles leads to an emphasis on equal outcomes for the parties.

H2: PJ adherence and equal outcomes enhance the relationship between negotiating parties.

H3: Improved relationships increase the chances that the negotiating parties will comply with the terms of the agreement.

H4: Improved relationships enhance the willingness of more powerful (or advantaged) negotiating parties to offset unequal agreements through compensation during the implementation period.

Taken together, this set of hypotheses suggests the following path:

Adherence to PJ principles during the process → centrality of the equality principle in outcomes → improved relationships → compliance with the terms of agreement → use of compensatory principles to adjust unequal outcomes.

This path may also have a recursive feature by looping back to negotiation processes. Future talks between the parties may be facilitated by the strengthened relationships between them. These relationships develop in concert with adherence to PJ (process) and DJ (outcomes) principles, both of which contribute to durable agreements. However, the relationships may be threatened or strengthened by the presence of spoilers during the implementation process.

CONCLUSION: PERSPECTIVES ON JUSTICE AND NEGOTIATION

In this review, we situate justice in a broad framework of influences on and processes of negotiation (see **Figure 1**). In this concluding section, we attempt to develop implications of the review for perspectives on the topic. Two ways of construing justice variables emerge from the discussion. One consists of considering justice as part of a system of interacting variables. Another approach views justice through a chronological lens of negotiating stages. A discussion of both is followed by an attempt to provide an integration of the approaches.

A systemic approach emphasizes mutual influences of variables relevant to negotiation. This includes bidirectional effects, where justice simultaneously influences and is influenced by other variables through the course of a negotiation. An example is the way that justice covaries with

motivational orientation, trust, and shared identification. A willingness to adhere to DJ or PJ principles is encouraged by a social climate in which negotiators perceive trusting relationships, share a larger professional or personal identity, and view the negotiation as a problem to be solved rather than as a contest to be won. The cyclical feature of these covarying factors is that change in any one—for example, information that violates an expectation of affective trust—reverberates through the system. This cycle links the way negotiation is conducted (PJ principles) with the principles in the outcome (DJ), relationships among the parties (trust), motivation (orientation), and social connections (shared identities). The feature of mutual influence also allows for reverse causation, for example, from justice (motivation) to motivation (justice).

The systemic idea does, however, raise questions about the interplay among these factors, for example, the difference between reinforcing effects (high trust, cooperation, and PJ lead to integrative outcomes) and offsetting effects (adherence to PJ compensates for low initial trust) or the likelihood of trumping effects (trust is a prerequisite for adherence to PJ principles). A practical question is how to set the cycle into motion. Implications for this question come from the research on prenegotiation framing and anticipatory justice, which is discussed in conjunction with the second perspective.

A different perspective is provided by situating justice concerns in a sequence of negotiation stages. Paths and cumulated effects on negotiating behavior are emphasized by this chronological perspective. Framing concerns loom large during the prenegotiation period. Of particular importance is the way that justice norms and preferences are developed in the context of structural and experiential factors. These concerns shape various aspects of the negotiation process, including decisions about PJ principles and exchange routines that emphasize bargaining or problem solving. DJ principles such as equality also come into play during the process but surface as formulae that underwrite the agreements. Adhering to these principles during the implementation phase bolsters the chances for compliance with the agreements as well as dealing with those actors intent on spoiling them. But a stage-like process also provides negotiators with experiences that shape expectations for future negotiations. The expectations in turn influence the frames that guide new rounds of negotiation.

Nonlinear (systemic) and linear (stages) approaches to theory are often considered to be alternative, even competing, conceptual vantage points. However, they may also be viewed as complementary. Both a dynamic interplay among negotiation variables and a chronological path of influences through the course of negotiation are relevant to an understanding of the role played by justice. For example, cooperative orientations that emerge from shared frames encourage adherence to PJ principles during the early days of negotiating. New information about the other's strategy or inferences about the other's intentions may provoke a reaction that reduces a willingness to abide by those principles. This development in turn reduces perceived trust, moving the talks away from agreements that embody DJ principles or an integration of needs and preferences. The systemic perspective highlights the interplay among these variables. The chronological perspective calls attention to particular variables—e.g., anticipatory justice, PJ principles, DJ principles, presence of spoilers—that set the cycles into motion. The combined perspectives may be a useful framework to guide further research about the role of justice in negotiation.

FURTHER QUESTIONS

Table 1 brings together the hypotheses developed in this literature review and can be used to develop further questions that connect the stages. For example, H1 for outcomes suggests that the relationship between procedural and distributive justice will vary by issue area: Do agreements on PJ and DJ principles have stronger influences on outcomes in certain issue areas (prenegotiation

Table 1 Hypotheses for future studies on justice and negotiation

Prenegotiation	Processes	Outcomes	Implementation
<p>H1: Agreement on procedural justice (PJ) principles is more likely when parties perceive shared identities or common membership in a moral community.</p> <p>H2: To the extent that parties agree on PJ principles during prenegotiation, these principles will guide the negotiation process.</p> <p>H3: Preferences for distributions based on the principle of equality are more likely to occur when the negotiation is framed in terms of solidarity rather than competitive performance.</p> <p>H4: To the extent that parties agree on distributive justice (DJ) principles during prenegotiation, these principles will influence preferences for certain types of outcomes.</p>	<p>H1: Motivational orientations that focus on affiliation increase the likelihood of problem-solving processes.</p> <p>H2: Motivational orientations that focus on power increase the likelihood of competitive bargaining processes.</p> <p>H3: Adherence to PJ principles with an emphasis on group values strengthens group identity, which in turn increases trust in the team's negotiating representative.</p> <p>H4: Adherence to PJ principles with an emphasis on group values increases the shared identity between the opposing representatives, leading in turn to problem-solving processes.</p> <p>H5: Adherence to PJ principles with an emphasis on self-interest weakens group identity, which in turn decreases trust in the negotiating representative.</p> <p>H6: Adherence to PJ principles with an emphasis on self-interest decreases the shared identity between opposing representatives, leading in turn to competitive bargaining processes.</p> <p>H7: Asymmetrical power between opposing negotiating representatives enhances cooperation or competition depending on whether negotiators emphasize group values or self-interests.</p> <p>H7a: Group-value negotiators are more likely to use their power advantage to encourage adherence to noninstrumental PJ principles, which in turn leads to problem-solving processes.</p> <p>H7b: Self-interested negotiators are more likely to use their power advantage to encourage adherence to instrumental PJ principles, which in turn leads to competitive bargaining processes.</p>	<p>H1: The strength of the relationship between PJ and DJ will vary by issue area.</p> <p>H2: Equality outcomes enhance the durability of an agreement, particularly when negotiators adhere to PJ principles during the process.</p> <p>H3: Adherence to PJ (DJ) principles can compensate for unfavorable distributive (procedural) outcomes.</p> <p>H4: Perceived fairness is not strongly correlated with outcome satisfaction: The former is based on social comparisons; the latter is based on expectations or preferences.</p> <p>H5: Equitable/proportional outcomes enhance productivity, equal outcomes enhance solidarity, and need-based outcomes enhance personal development and welfare.</p>	<p>H1: Adherence to PJ principles leads to an emphasis on equal outcomes for the parties.</p> <p>H2: PJ adherence and equal outcomes enhance the relationship between negotiating parties.</p> <p>H3: Improved relationships increase the chances that the negotiating parties will comply with the terms of the agreement.</p> <p>H4: Improved relationships enhance the willingness of more powerful (or advantaged) negotiating parties to offset unequal agreements through compensation during the implementation period.</p>

H1, H3, and H4)? Are power asymmetries (processes H2, H7, H7a, and H7b) related to the preferences for distribution (prenegotiation H3 and outcomes H5)? And if parties perceive shared identities or common membership in a moral community and therefore agree on PJ principles (prenegotiation H1), do they use problem-solving processes (processes H1, H4)?

SUMMARY POINTS

The key points made in this review are organized below by section.

1. **Distributive Justice (DJ) in Negotiation.** Different DJ principles are emphasized in different issue domains. For example, equality is important in securing durable peace agreements. Equity or proportionality is a preferred principle when issues of economic stability are at stake.
2. **Procedural Justice (PJ) in Negotiation.** Adherence to PJ principles encourages integrative negotiating agreements, particularly when the negotiators engage in problem solving or disclosure during the negotiating process.
3. **Methodology.** Laboratory and field research on justice are complementary research strategies. Conducted primarily at a micro level of analysis, laboratory studies provide insights into the role of justice in negotiating processes and outcomes. A focus primarily on macro-level variables in field or archival research provides insights into the influence of the institutional contexts in which negotiation occurs. A challenge for analysts is to develop methodological strategies that facilitate exploration of linkages between these levels.
4. **Prenegotiation.** Decisions made prior to negotiation influence the way negotiators discuss the issues. The framing of group boundaries influences perceptions of inclusiveness and shared identities, which in turn increase (decrease) adherence to PJ principles. Preferences for the DJ principles of equality or equity are influenced by whether the negotiation is framed as focused on building or reinforcing relationships (solidarity) or on encouraging competitive performance.
5. **Negotiation Processes.** Negotiation processes are influenced by alternative models of PJ. A group values emphasis gears the process in the direction of problem solving. PJ principles are used in noninstrumental ways. The mechanisms for this effect are strengthened intra- and interteam identity and increased trust. A focus on self-interest orients the process toward competitive bargaining. The mechanisms for this effect are weakened team identity and decreased trust. PJ principles are viewed as instrumental for achieving desired outcomes.
6. **Negotiation Outcomes.** The distinction between equal and equitable outcomes has received considerable attention in the research literature on justice. Equality is the preferred principle when the negotiation is framed in terms of solidarity. Equity is preferred when the negotiation is framed in terms of economic productivity. The former promotes group values, whereas the latter is geared toward self-interest. A third type of distribution is based on need. Emphasizing the welfare of others, this distribution compensates for losses experienced by the other negotiator. This outcome may also compensate for a lack of fairness in the negotiation process.

7. **Implementation of Agreements.** A key to the implementation of agreements is the relationship among the negotiating parties. The relationship is strengthened by adherence to PJ principles during the process and by outcomes that emphasize the distributive principle of equality. Yet despite improved relationships, an agreement can unravel when some members of negotiating delegations or third parties have incentives to spoil or undermine the implementation. Strategies for dealing with spoilers depend on the distinction between their goals as limited, greedy, or total.
8. **Conclusion.** Negotiation can be understood as a system of interacting variables. Justice perceptions influence and are influenced by relational, motivational, and identity variables. The sequential perspective used in this review provides further insights into these cyclical processes. Following a negotiation through its stages reveals how early framing encourages (or discourages) adherence to PJ principles, which in turn leads to certain types of distributive outcomes that remain in place over time or go off course through actions taken by spoilers. Systemic and sequential perspectives are shown to be complementary.

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