DEFINING POSITIONS AND COMMITMENTS - ARGUMENTS AND LINGUISTIC STRATEGIES IN NEGOTIATIONS

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Abstract The paper analyses negotiation defined as a type of argumentative discourse aiming to solve disagreement between conflicting social groups.

The analysis of arguments in the discourse of negotiation is carried out using elements of the Pragma-Dialectical (PD) methodology. The present paper briefly describes the analytical model used (the Pragma-Dialectical analysis), shows the difference between this model and that of negotiation (in point of structure and aims) and focuses on the rhetorical analysis of the confrontation stage in negotiation . The article presents and analyses standpoints, arguments and commitments in an endeavor to demonstrate the idea that persuasive elements can be subsumed to the overall dialectical frame. The rhetorical strategies used by negotiators fulfill the aim of this stage, i.e. to define commitments and the space of disagreement.

Key words: standpoints, commitments, pragma-dialectics, interests, compromise.

1. Introduction

The present paper offers an analysis of one of the most frequently used types of discourses in the modern globalized world: the discourse of negotiation.

Negotiation is this paper is viewed as a as a communicative genre [1] aimed at reaching consensus through settlements.

Negotiation has been researched from a great variety of perspectives. In the present paper negotiation is analyzed within the framework of argumentation theory, as this approach allows for a descriptive and evaluative analysis of negotiation. The argumentation theory used is the Pragma-Dialectical theory because this approach offers a

[1] Negotiation as studied in the present paper refers to a genre used in a great variety of communicative events and not to a discursive strategy in which meaning is negotiated by participants in the communicative event (Martin, Rose, 2007).

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descriptive and a *normative* methodology which has managed to integrate important concepts from the modern theory of argumentation with those from pragmatics (speech acts, conversational maxims).

2. Outline of the Methodological Framework –The Pragma-Dialectical Theory

The Pragma-Dialectical theory has been developed by scholars from the Amsterdam University (van Eeemeren, Grootendors, van Rees, Feteris, Aakhus, etc.), as well as from US and Canadian scholars in the field of argumentation (S. Jacobs, S. Johnson) and informal logic (D. Walton).

Pragma-Dialectical theory integrates findings from speech act theory, conversational maxims and interactional discourse analysis into an analytical framework that is able both to describe argumentative dialogic discourse and to evaluate it.

The theory postulates a model of an ideal discussion called *critical discussion* using the methodology and concepts of speech acts, argumentation and genre analysis.

The critical discussion is a concept central to the Pragma-Dialectical theory, which has many similar points with the concept of ideal speech situation postulated by J. Habermas[2]. It is considered an ideal model for disagreement resolution that allows the analyst to examine real life differences.

The resolution of a dispute ideally passes through four stages which correspond to four different phases of a critical discussion (van Eemeren, 1992): a*) the confrontation stage*; b*) the opening stage*; c*) the argumentative stage*; d) *the concluding stage.*

The confrontation stage is the one in which one participant in the critical discussion advances a standpoint which, then is questioned by the other side.

In the opening stage one of the discussant who has advanced a standpoint is prepared to defend it while the other is prepared to criticise it. In the opening stage, the parties try to find out whether there is sufficient common ground to make resolution-oriented discussion possible: shared background assumptions, facts, values, procedural agreements.

[2]For J. Habermas the concept of ideal speech situation can be attained through the achievement of a rational consensus. N. Blackie (1996) explains how such a concept works "For such a consensus to be regarded as perfectly rational, it must be possible to demonstrate that any rational, competent person would come to the same conclusion if they were free of all constraints or distorting influences, whether their source was open domination, conscious strategic behaviour or the more subtle barrier to communication derived from self-deception. Such a set of ideal circumstances he called an ideal speech situation'. Even if such a situation is impossible to achieve, it is nevertheless assumed or anticipated in all discourse (N.Blackie, 1996: 56).

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During the argumentative stage, one of the discussants presents arguments meant to support his/ her standpoint, whereas the other elicits further arguments if he is still in doubt. The argumentative stage is the one in which the complex argumentation patterns are displayed and the outcome of the discussion is established.

The concluding stage is shaped by one of the following two possibilities: the argumentation is accepted as a resolution to the dispute, or the standpoint advanced in the confrontation stage is withdrawn if the argumentation has not been accepted as a suitable resolution.

These stages are further decomposed into moves and speech acts which accomplish the interactional tasks of each stage.

Arguments are seen as complex speech acts which differ from other types of speech acts (for instance an explanation or a demonstration) as they always accompany a standpoint and have to be accepted/refuted by the interlocutors. The perlocutionary effect is central to this type of speech act.

Real life argumentative discourse displays many irregularities, a kind of looseness , the stages may be ordered differently , the argument lines and argumentative schemes may be difficult to discern .To cope with this problems the pragma-dialectical theory postulates *the analytical overview*, i.e. a procedure whose aim is to reconstruct real life argumentative instances of discourse revealing their basic underlying component parts: *the standpoint, the arguments, the conclusions.* In the course of this reconstruction the analyst makes use of four types of operations: additions, substitutions, permutations and deletion. Thus, additions make unexpressed steps of an argumentation explicit, substitutions recover the basic underlying speech acts eliminating indirect speech acts and permutations rearrange the material in order to clarify the dialectical process; whereas deletion eliminates repetitions, repairs, false starts, jokes. The reconstructed texts are then compared to a theoretical ideal model of argumentative discourse – *the critical discussion*- that acts as a grid against which dialogic discourse can be assessed.

The major use of the ideal model is to enable the analyst to perform a normative reconstruction of real life argumentative discourse in order to evaluate it, to understand its fallacies and incongruities if present. Compared to the ideal argumentative conduct, the real life ordinary discourse appears as ambiguous, sometimes without explicitly stated purposes, argumentative roles or argumentative procedures.

3. Defining Negotiation as an Argumentative Discourse

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Negotiation is basically an "exchange of concessions "(Walton, 1998) in which the participants use arguments in order to reach a compromise or some sort of agreement that satisfies both parts. Unlike in the critical discussion, here the exchange of criticism and arguments is not free; it depends on many aspects, such as the power and the status of the discussants, the commitments and the interests behind these commitments.

The conflict in negotiation is generated by a lack of knowledge or shared common ground.Thus, a major distinction between the critical discussion model and the negotiation model can be postulated in terms of goals *(*Walton, 1998, 2002). The conflict in negotiation is not over opinions; it is a conflict of interests.

In negotiation it seems that the settlement, which is usually attained through compromise, is more important than a rational, logical resolution which would imply argumentation. In fact both the critical discussion and the negotiation model contain argumentation to a large extent, but the role of arguments in the negotiation process is somewhat changed. The end point of a successful negotiation is commitment by both parties to a contract to carry out some proposal, based on each individual's determination that is the best that they can get.

4. Analysis of the Confrontation Stage

In the present article the argumentative analysis has been carried out using examples form English transcript of negotiations which has been retrieved from the web .We have no additional information concerning aspects like accent, pauses, and rhythm. These kinds of texts are not originally meant for linguistic analysis; therefore no transcription conventions have been used. The transcript renders the negotiations held at the 3rd Congress Hill Conference on Middle East Issues organized by the Americans for Peace Now Organization in February 2000. The series of Congress Hill Conferences are periodically held, aiming at exploring possible solutions for the Middle East conflict. The participants argument their positions and try through negotiation to find mutually acceptable solutions for the key problems of the conflict. The participants are diplomats, academics, and journalists from the U.S., Israel and the Arab countries, usually people that are or were engaged officially in negotiations in the Middle East. The outcomes of this series of conferences help them and the other negotiators in their future official negotiations

In the analyzed transcript the confrontation stage comes after the opening stage. This reversed order is due to institutionally imposed constraints on the real world genres,

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such as negotiation. The opening stage has a clarifying organizing task whereas the main task of the confrontation stage is to forward the standpoints of each party and to signal the strength of their commitments.

The confrontation stage and the following stage-the argumentative bargaining stage- have been separated by means of the dialectical transformation of permutation. Each discussant presents his or her argumentation and standpoint in one and the same intervention. The keynote speakers present their argumentations before they introduce the standpoint in an inductive manner, the main reason being that of conveying the impression that they have reached the respective standpoint objectively.

The manner in which negotiators relate to the issue under discussion is crucial in negotiation.

Thus, Dr. Klinov, the first speaker, when presenting her standpoint, tried to reframe the issue, from a political issue of refugees that have the right to come back to their original home into a problem of economic development

. 69-102: "In other matters the refugees are quite similar ,in some dimensions quite better off , in some dimensions a little less well off to the non-refugee population ……"

"So we are talking really economically about a boost to the development of the region .."

She uses the technique of dissociation recasting the problem of refugees into economic terms. Such a reformulation changes things radically because if there are no refugees, then the second line of argument about who generated the refugee problem, who is responsible and even guilty, is no longer relevant. Thus, dissociation brings about a different evaluation of the issue. [3]

Dr. Klinov uses this reformulation in order to prepare her proposal under the form of a compromise. If they are no longer talking about refugees, the proposal of compensations given to the poor population seems a good suggestion.

[3] Concerning the argument of dissociation Perelmann considers that :" La technique de rupture, de liaison consiste donc a affirmer que sont indûment associe des éléments qui devraient rester sépares et independents. Par contre, la dissociation des notions détermine un remaniement plus ou moins profonde des donnees conceptuelles qui servent de fondement a l'argumentation: il ne s'agit plus, dans ce cas de rompre les fils qui rattachent des éléments isoles, mais de modifier la structure même de ceux-ci." (Perelmann & Olbrechts Tyteca, 1958/2000: 550)

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The arguments belonging to the dissociation scheme of argumentation lend themselves easily to the formulation of compromises as they belong to the class of arguments that structure reality (according to Perelmann & Olbrechts Tyteca). Once formulated, the newly structured terms of the compromise present themselves as the best solution.

Although she doesn't consider them as refugees, Dr. Klinov continues her speech with some arguments in favor of a partial return.

Even if it seems inconsistent with her previous standpoint, this presentation of two slightly different views is frequent in negotiations where the parties try to delimit one area within which agreement and proposals are possible. Thus, she offers in fact two proposals which both are acceptable from her point of view: compensation and partial return. She delimits the zone of agreement between the more radical standpoint that Palestinians are not refugees and the less radical one that poor Palestinians should be allowed to return or else get compensation.[4]

The second speaker, Abu Zayyad, rejects this view from the very beginning of his intervention. He clarifies his position, stating that he speaks there not as an official but as a private person. Abu Zayyad introduces the issue using the words '*as you know'* through which he tries to present the issue of refugees as self-evident. Presenting the issue as self-evident can be a fallacious move in a critical discussion, but here it is relevant as it is an attempt of one of the discussants to keep the discussion focused on the issue announced in the previous phase.

His standpoint is that all refugees should return and that this is their right and not a favor. This formulation shows the strong commitment of the discussant (Walton, 1998) and signals the fact that a major change in standpoint is unlikely to occur during the negotiation.[5]

283-284 And when we speak about the right to return, we speak about it as a right and not a gesture of goodwill.

[4] *This is known in the prescriptive literature on negotiation as log-rolling , when one issue is divided in two separate issues in order to reach agreement at least with respect to one of them.*
[5] *Strong commitments are according to Fisher and Ury (1991) characteristic for positional bargaining in which the negotiators are unwilling to relinquish their positions. Fisher suggests that negotiators should look for the interests behind the positions in order to come closer to a settlement.*

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The standpoints of the other speakers of the meeting are put forward clearly, using mostly assertive speech acts. Unlike the first two, all the other use tentative language (many instances of '*I think'*) and deontic modals: like *'need', 'has to,* which imply less involvement and a weaker commitment.

Although each negotiation encounter is dominated, on the whole, by one of the two main styles, the cooperative or the competitive, a mixture of styles can be noticed even in the speech of a single participant. In our transcript each of the speakers exhibited instances of cooperative and competitive style.

Competitive styles tend to prevail at the beginning of negotiation in the confrontation stage when participants state their positions and, if they manage to acquire a common zone of agreement in which a compromise proposal can be put forward, the style of the participants gradually turns into a cooperative one. Standpoints and proposals made by the other participants are mostly conveyed indirectly and with a use of tentative language, like in the following examples:

484- 488: If you look at the numbers….if you look at those figures and you see that they are in the same ball area…and if a certain number of people are actually going to return .., that number might be very much related to the number of Palestinians who will want to and who can and should be able to come back to their original homes.

The numerous modals used by the speakers show their awareness of circumstances, their effort to present standpoints as obvious, as being a result of the real conditions and not of their views.

Although spoken English uses in general more modals with a deontic meaning, in our corpus modals with epistemic meaning are also very frequent. The most numerous are *need*, and *have to* as these verbs show necessity which is beyond the speaker's control. Impersonal phrases like '*No one is going to feel …'; It is clear that…'* are used to introduce standpoints indirectly, however the force of the epistemic modal signals a strong commitment of the speaker.

Standpoints are also introduced by means of hypothetical constructions in which sometimes modals are also present (used epistemically or circumstantially – according to Kratzer, 1991). Hypothetical constructions convey a sense of modality (Palmer, 1986) which is reinforced if they are accompanied by modals. Conditionals also signal a rather

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strong commitment because they are generally used in arguments from consequence where a cause is shown to bring about necessarily a certain effect, good or bad. The numerous uses of reformulations and conditional sentences as well as other hypothetical constructions suggest indirectness in argumentation and a strict observance of social requirements such as politeness status and power of the participants.

Ms Artzt : I think we all can agree that, if there is going to be peace, it has to be a final peace…

The style used by the participants tends to move from competitive towards collaborative, as they pass from the confrontation to the bargaining –argumentative stage in whose aim is to reach consensus.

5. Discussions and Conclusion

In the confrontation stage the discussants paid attention to expressing their standpoints clearly and unambiguously. The way standpoints are introduced is important for the furthering of the negotiation process because it reveals commitments, positions and establishes the zone of agreement.

Commitment in negotiation is generally evaluated as flexible or firm (Putman, Jones) and can be expressed through language. Tentative language and indirectness indicate flexible commitments whereas explicit, clear, unambiguous language is a cue for firm commitments. These aspects are usually determined in the confrontation stage and have a great impact on the further development of the negotiation process. Therefore a rhetorical analysis of this stage supplements the dialectical reconstructions and gives the negotiator and the analysis useful information about the possible outcomes.

Strategic maneuvering manifested in the confrontation stage may become problematic when it appears as an attempt to present standpoints as self evident, sacrosanct, obvious and no argumentation is offered to justify it. In this case the commitment of the negotiator is too strong at it may finally block the achievement of a settlement. In the transcript analyzed the strong commitments are part of the confrontation stage only. They are downplayed in the argumentative stage in an attempt to reach consensus. Although some of the participants tended to present at the beginning their standpoint as self-evident ,this was meant only to signal strong positioning and a

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determination to be in control, because in the bargaining-argumentative stage they provided arguments in support of the standpoints advanced.

The aim of the present paper has been to present a possible analysis of the confrontation stage in an instance of negotiation discourse within the framework of the pragma-dialectical theory of argumentation. This approach offers important insights into the positions, interests, attitudes, of the discussants that govern any real life argumentative discourse.

The understanding of rhetorical strategies and their role in discussion may contribute to the development an argumentative competence in people, a discussion-minded attitude which proves extremely important in a post modern society in which negotiation has become a way of life.

As far as the teaching of negotiation is concerned, one has to distinguish between the teaching of negotiation to people belonging to the discourse community which is supposed to use negotiations and the teaching of negotiation as part of second language acquisition within the programmes for English for Specific Purposes (ESP).

The teaching of negotiation as a distinctive communicative activity aimed at reaching consensus has a wide range of application in domains such as economics, management, sociology, politics, as well as in any other field in which communicative skills are required.

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