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CONVERSATIONAL STRATEGIES IN MANAGEMENT UNION NEGOTIATIONS

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Abstract: *The paper analyses conversational strategies used in a Romanian negotiation transcript following management union talks on payment issues. After defining negotiation using concepts from Pragma-Dialectics and the New Rhetoric as a type of argumentative genre, the Romanian negotiation sample is compared to English negotiation samples highlighting the fact that the overall generic structure as well as many of the argument types is similar. Differences, however, can be encountered on the stylistic level. The author uses conversational analysis to establish the role of formulations, accounts, and thromises (a particular type of speech act based on a combination between a threat and a promise) in the sequential unfolding of the negotiation process. The Romanian negotiation style as it emerges from this single transcript analysed seems to be more competitive, even slightly more aggressive than its English counterparts are.*

Keywords*: strategic manoeuvring, conversational strategies, formulations, thromises.*

1. **Introduction**

In the present paper we are trying to analyse the ways in which rhetorical strategies can be subsumed to a critical dialectical analysis in order to achieve a descriptive as well as a critical evaluation of negotiation seen as a type of argumentative discourse.

Negotiation in this paper is viewed as a communicative activity aimed at reaching consensus through settlements.

Despite the variety of forms in which it can be encountered, two complementary meanings of the term prevail in the literature: a) *bargaining*, which refers mainly to the exchanges occurring within trade and b) *negotiation* which is basically envisaged as a social activity in which the central aim is to reach a "wise agreement' (Fisher et al., 1991) based on collectively set up rules. In practice both the former restricted and the second more general term are often used interchangingly. According to Godin & Brennan (2001) the distinction between the restricted meaning and the general one is rather a distinction between '*bargaining over beliefs'* and '*bargaining over the distribution of benefits and burdens'*.

Studies of negotiations fall into very diverse categories and approaches (the theoretical perspective concerned with bargaining economic models, the

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ethnographic perspective, psychological and cognitive approaches, discourse analysis). Most studies pertaining to the discourse analysis perspective are concerned with interactional analyses of negotiation (acc. to Jablin and Putnam, 2001) seen as a process like activity rather than a product. Their aim is basically to understand the stages or phases of negotiation, the sequences of the bargaining techniques and tactics. These studies either test the effects of communication on the outcome of the negotiation process (Maynard, 1984, Putnam and Wilson, 1989; Putnam, Wilson and Turner, 1990, etc.) or they describe the rhetorical strategies of bargaining tactics and language patterns (Donohue, Diez &Hamilton, 1984, Holmes, 1997, etc.)

In the present paper we advocate in favour of another perspective, that of the Pragma-Dialectical theory for two reasons. Firstly, the theory offers a *descriptive* and *normative* methodology[1] which integrates important concepts from the modern theory of argumentation with those from pragmatics (speech acts, conversational maxims) and secondly, it seems appropriate for a generic approach to negotiation. A generic analysis manages to unravel the macrostructure of the communicative event and the component elements at the level of single exchanges. (Swales, 1990). The analysis of a complete negotiation such as our transcript gives the researcher the possibility not only to describe but also to evaluate the component arguments with respect to their force and relevance for the outcome of the negotiation process.

The difficulties of the genre-approach lie in the great number of institutional settings in which negotiation occurs and in the fact that it is an oral communicative activity. Speech genres evince a greater variety than written genres as well as certain looseness. A major question is whether these settings can impose particular constraints on the format of the negotiation event or not. Genre analysis implies not only a linguistic analysis but it also aims at positing conventionalized structures that reveal the cognitive model on which the respective genre text is based. Therefore, such an analysis outlines the organizational patterns, the stylistic characteristics and the logic behind such a communicative event.

In the case of written genres such as the scientific article, the rhetorical disposition of the material and the inventional analysis (topoi, argumentative schemes, figures of speech) prevails because generic specificity manifests itself not only at the structural level but also at the level of the content. Negotiations, however, have a highly interactional nature; they need a methodology that focuses on process and less on product. Therefore, a rhetorical analysis that is concerned with the product needs to be supplemented with a methodology for the analysis of the dialogical process-like nature of negotiation. The interplay between persuasion and conviction, between rhetoric and dialectic[2] is present in most texts that are argumentative. We believe, however, that the dialectical aspect prevails in dialogic texts and the dialectical structure best illustrates the cognitive pattern behind such texts.

Such a dialectical perspective tries to explain how the parties are *convinced* rather than *persuaded* to adopt a certain compromise and is therefore suitable for the dialogic process-like nature of negotiation. Within the modern theory of argumentation a dialectical perspective has been adopted by the Pragma-Dialectical approach, which has postulated a theoretical ideal model for dialogic

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argumentative texts using the dialectical interactional perspective. This theoretical model regards instances of dialogic discourses as complete speech events made up of hierarchically ordered stages, moves and steps, which all contribute to the achievement of the communicative aim of the respective speech event.

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

The Pragma-Dialectical theory has been developed by scholars from the Amsterdam University (van Eemeren, Grootendorst, 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, 1995).

Pragma-Dialectical theory integrates salient 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.

Argumentation is regarded as a way in which people use language in order to interact socially with other people in a reasonable manner. Pragma-dialecticians do not minimize the importance of logic as other modern argumentation theorists (e.g. Perelman, Olbrechts-Tyteca 1958, Toulmin, 1958). They consider that an analysis of an argumentative text based solely on formal logic fails to clarify the commitments that speakers or writers make in real life argumentation. These commitments reflect social realities, power relations as well as discussant roles that influence the practical process of argumentation. For instance, during negotiations the participants usually represent interests of an entire group, community, professional organization, etc. They have different roles such as the role of expert or that of the leader (the decision maker) and these different roles surface in the linguistic strategies they use. Therefore, the logical analysis should be supplemented with a pragmatic analysis that makes use of contextual information, background knowledge and general knowledge pertaining to conversational rules and conventions. That is why the Pragma-Dialectical theory presents a twofold methodology of studying argumentation. On the one hand, it uses concepts from pragmatics and discourse analysis to describe the language used and its social context (the argumentative process with its moves and stages seen as hierarchical speech act sequences) and on the other hand, it sets up normative rules of conduct that serve to evaluate real life argumentative discourse against a reasonable framework.

Pragma-dialecticians have postulated ten rules of conduct that should regulate the way in which rational people discuss. These rules regulate the conditions of an ideal discussion and constitute what pragma-dialecticians call first –order rules. The differences between the ideal critical discussion and real world discussions can be explained not only by the flouting of the first order rules, which would bring about stances of invalid argumentation but also by certain real world constraints, which in turn fall into two distinct categories. One category is represented by the so-called 'second-order conditions' which comprise the presupposed attitudes and intentions of the arguers' ability to reason validly.

In the case of negotiations or other goal-oriented speech activities it is impossible to observe this requirement, because participants have clearly defined interests to pursue. These may be their own interests

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or they may be the interests of the categories they represent (e.g. union leaders act on behalf of a large number of workers while management has to protect the interests of shareholders).

There is another category of conditions- the third order conditions- which refer to general ideals, such as non-violence, freedom of speech, intellectual pluralism, etc. The difference between third order conditions and invalid reasoning is that people should be held responsible mainly if they disregard the former. The fallacies of reasoning can be blamed on their skills and communicative competence. Participants representing institutions have to guarantee these conditions (e.g. political and social rights) through their communicative behaviour.

The ten rules of conduct serve to establish an ideal model of discussion, which in its turn can be used as an instrument for the assessment of real life argumentative discourse.

The critical discussion is a concept central to the Pragma-Dialectical theory, an ideal model for disagreement resolution that allows the analyst to examine real life disputation practices critically.

A characteristic of this type of discussion is that the participants have symmetrical status and that power does not influence its outcome.

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 that is then questioned by the other side. The confrontational stage identifies the disagreement zone as the standpoint or standpoints expressed by one of the discussants is rejected or placed under doubt by the other.

In the opening stage one of the discussants who has advanced a standpoint is prepared to defend it, while the other is prepared to criticise it. In this 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.

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 of the critical discussion are further decomposed into moves and speech acts that accomplish the interactional tasks of each stage.

The critical discussion acts as a grid against which actual real life disputes or discussions can be assessed via the above mentioned rules. The deviations from the ideal model help the analyst identify the rationality behind the actions of the discussants and the standards of communication to which the discussants hold themselves.

The evaluation of instances of argumentative discourse is performed by means of the concept of analytical overview. The analytical overview is a

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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, while deletion eliminates repetitions, repairs, false starts, jokes. The reconstructed texts are then compared to the theoretical ideal model .The major use of this ideal model and of the conduct rules postulated 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, real life ordinary discourse appears ambiguous, sometimes lacking explicitly stated purposes, argumentative roles or argumentative procedures. A dialectical reconstruction selects those features of the discourse that pertain to the argumentative structures, functions and content, and ignores other aspects that are less important from the dialectical point of view, such as repairs, repetitions, back-channelling, It identifies and analyses the point at issue in a dispute, the positions of the arguing party, the explicit and implicit arguments, and the structure of each party's argumentation.

The analytical overview highlights those moves in a conversational exchange that are argumentatively relevant in so far as they show the contribution of the arguments to the achievement of the sub goals of the various stages of the critical discussion.

In order to reconstruct this unexpressed information the analyst has to resort to empirical sources. One of these sources is the knowledge about discourse in general, such as conversational structures and strategies of discourse, the patterning of cohesive devices in the exchange, the turn-taking system. Other sources are ethnographic evidence, genre studies, and the conversational cues that show how the participants themselves understand what is going on.

The cues that refer to the participants' understanding of the argumentative force are, among others: pause fillers, restarts, cut-offs which signal orientation of the speaker towards dispreferred turns, etc.

Using the above–mentioned methodological framework, a model of the negotiation discourse has been proposed (Hutiu, 2007) and compared with that of the critical discussion, highlighting the similarities and differences between the two. According to van Eemeren (2002, 2004) the structure of the critical discussion comprises the following parts: *Confrontational Stage- Opening Stage- Argumentative Stage- Conclusion.* For the negotiation model we have proposed (Hutiu, 2007) a slightly changed structure in which the Argumentative Stage is replaced by the *Argumentative-Bargaining Stage* and the *resolution* which appears in the *Conclusion Stage* is replaced by the *compromise*. The bargaining activity is typical for the negotiation discourse and all the arguments used are aimed at reaching an agreement and not a resolution.

3. Negotiation – An Argumentative Genre

In negotiation, unlike in the critical discussion the exchange of criticism and

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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 negotiation model differs from the critical discussion in that it is not based on shared common ground. The conflict here 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). While a critical discussion is a persuasive discourse that attempts to solve a disagreement of opinions by clarifying the issue and reaching thus a resolution, negotiation strives for a reasonable settlement, which would give both parties some satisfaction. A resolution, no matter how reasonable it is, or how valid the underlying argumentative chain is, will not be deemed satisfactory if it does not satisfy the interests of both parties. *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. In fact both the critical discussion and the negotiation model contain argumentation largely, 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. The different roles played by arguments in the two models can also be explained through the fact that negotiation is transactional in nature while the critical discussion is *relational* (A.van Rees, 1994).

As far as the stages are concerned, the differences appear mainly in the argumentative stage. In the critical discussion, this mainly consists of standpoints and *arguments,* but in negotiation, we have identified also those elements that trigger settlement instead of resolution. Thus, besides standpoints and arguments *proposals* are also present directly or indirectly as part of the *bargaining sequence*, (Maynard, 1984, Firth, 1995) a basic adjacency pair typical for the discourse of negotiation.

The frequent use of speech acts like commissives that have no argumentative value changes to a certain extent the argumentative character of the stage and therefore in our generic model the name of this stage has been changed to *argumentative bargaining stage.*

An important point when comparing the two types of discourse is the problem of *relevance.* Like in the case of the critical discussion in negotiations, the agenda is set during the confrontation stage. In both types of dialogues, fallacies of relevance occur when one party tries to distract the other, or gets off the track of the discussion, by raising questions or putting forward arguments that do not really bear to the central issue. However, relevance is different in the two types of discursive activities. In a critical discussion, an argument is relevant to the extent that it manages to prove that one of the original propositions is true. In negotiation, an argument or other kind of speech act is relevant if it is the right kind of move, like a concession or an offer – that is, a step that contributes to the resolution of the original conflict of interest by the agreement of both parties.

Negotiation has gradually become one of the most frequently used ways of solving conflict in societies in which the higher-order conditions that regulate institutionalised activities are based on

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ideas of social democracy. Even if in negotiation the final aim is not a reasonable solution, the *discussion - minded attitude* of participants is needed as much as in the case of the critical discussion.

Although the framework and methodology presented is focused on the dialectical reconstruction of argumentative texts, in time, representatives of pragma-dialectics have gradually acknowledged the fact that rhetorical strategies cannot be ignored and that they can be useful in the process of evaluating real life argumentative discourses.

The interplay between dialectic and rhetoric has been captured by pragma-dialecticians in the concept of *strategic maneuvering (*van Eemeren & Houtlosser, 2000), which allows for a more comprehensive analysis of real life data as it includes besides the dialectical overview a rhetorical analysis, thus acknowledging the importance of persuasion along conviction. Strategic manoeuvring implies that when people argue they can fulfill at the same time their dialectical obligations and their rhetorical objectives. The rhetorical strategies permitted are those that are dialectically acceptable, i.e. that can be used in order to carry out moves aimed at resolving a difference of opinion to one's own advantage.

In many cases strategic manoeuvrings are consistent with the rules that shape the structure of the stages in a negotiation process. However, there are cases when they are fallaciously used and thus impair the achievement of the goals in the stages, or even of the general goal of the entire communicative event, in our case of the negotiation.

Rhetorical strategies used for strategic manoeuvring may manifest themselves at three levels: in the selection of the material, its adaptation to the audience or opponent party and in the way the material is presented (van Eemeren & Houtlosser, 1998). Argument types, moves, speech acts, and what is generally included under the heading "stylistics" (i.e. issues and vocabulary, syntactic structures, etc.) are examined in order to highlight to what extent they contribute or hinder the achievement of a communicative aim of argumentative discourses.

In what follows we shall examine manifestations of strategic manoeuvring in the confrontation and opening stage in instances of a sample of labour management negotiation.

4. General Characteristics of Labour Management Negotiation

Labour management negotiations have been among the most frequently studied negotiations by American researchers (Walker1995, O'Donnell (1992), Blimes (1995), but as far as the research of Romanian negotiation discourse is concerned, these studies are at the very beginning.

There are elements of the collective bargaining process that parallel other negotiation situations (diplomatic negotiations, corporate negotiations, etc.) The similarities with these refer to

1) the triggering of the negotiation process by some conflict or competition;
2) the existence of a relationship between the negotiating parties, parties that belong to the same discourse community (as defined by Swales, 1990);
3) labour negotiation takes place in keeping with prescribed rules or conventions among which a special point has to be made for the legal

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framework (provisions, labour regulating acts, laws) which limit the negotiating possibilities of the participants;

4) the significant persuasive feature of the labour management negotiation process;
5) similar patterns concerning the outcome of the negotiations (i.e. compromise, deadlock, delay).

Labour management negotiations differ from other type of negotiations in their concern for relationship, in the maintenance of a power balance, in the close interdependence between the negotiating parties, and in the special legal framework which enforces the negotiated outcomes.

5. Selection and Analysis of the Corpus

The analyses have been carried out on a transcript of Romanian union-management negotiations.

One criterion in selecting the transcript has been that it is a complete text, containing an entire communicative event

The transcript presents a negotiation session between management and union concerning the negotiation of the annual work agreement. As we had access to transcripts and only partially to tapes in the present analysis we did not use the usual notational conventions and symbols developed by Gail Jefferson (1971) and used by conversational analysis researchers.

Letters A and C were used for the two union members who speak on the trade unions' behalf and B and D for those who represent management. Actually, the talks are conducted by two of the participants A for union and B for management, and the other two have only few remarks. They are legal experts of the two groups. Other participants also make comments, which are not heard distinctly on the tape, but the negotiations, the arguments, counterarguments, proposals and rejections belong to the two leaders of the groups. In the present paper the analysis covers one hour of negotiations in which two goals are negotiated: minimum wage value and wage indexation.

The analysis begins with the reconstruction of the analytic overview and a layout of the structure with its main stages (opening, confrontation, bargaining-argumentative stage and conclusion stage) with the moves and steps.

In order to build the analytical overview, the main claims made by the two negotiating parties have been established together with the arguments that supported them by applying the four transformations already mentioned at point 2 of the present paper: addition, substitution, permutation and deletion. Permutation was the most frequently used operation. The overview comprises therefore the main ideas underlying the argumentative dialogue. The following main standpoints have resulted:

Management's standpoint: A min. wage for the entire metallurgical branch cannot be established

↑↓

Union's standpoint: A min. wage for the entire metallurgical branch can be established.

Therefore, in the first round there is a single dispute in which the two negotiating parties hold opposite views.

In the second round of negotiation, the issue is wage indexation and the following major standpoints are held by the opponents:

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Union's standpoint: Indexing should be applied to the negotiated wage and not to the basic wage.

↑↓

Management standpoint Indexing should be applied to the basic wage not to the negotiated wage

The second round of negotiation is built around a mixed dispute in which the opposing parties try to define the term wage.

In the first round of negotiation, a zone of agreement could not be delimited. The arguments used had the function to delimit the position and underlying interests of both parties. While the Union's arguments were entirely focused on the impossibility of securing a living standard for the workers, the Management argued that the economic situation of the metallurgical branch did not allow substantial raises.

In the second round, both parties resort to more technical solutions, elaborating on ways of calculating the indexation. The parties concentrate on previous documents regarding indexation and through a series of reformulations and clarifications they manage to delimit an area of agreement. The use of more objective criteria (Fisher et al.1991) leads to the identification of common views so that a concessionary move made by the Union is accepted by the Management.

The opening stage has a first move that contains only greetings and the announcement of the agenda. No small talk occurs.

This stage, however, is very important in the transcript because the participants exhibit a strong disagreement concerning the agenda. In negotiation, unlike in the critical discussion delimiting the issue may strengthen the discussant's position. The Union representative imposes a certain topic and he will be the one to take the leading part in the next stage, the bargaining argumentative one.

e.g. [1]

B: Deci, am stabilit cum se negociază şi cum se stabileşte , prin ce… de fapt ce Cambridge University Pressrinde salariul de bază.

A: Cum ce Cambridge University Pressrinde ..?

B : Nu ați înțeles. Am greşit. Acum trebuie să ne referim la adaosuri, şi sporuri la salariu.

A: Nu, nu, nu. Îmi permiteți să vă spun , mai întâi stabilim salariul şi după aceea să ne referim la clauză. Că dacă eu adaug la salariu înseamnă …..

B: Dați-mi voie, încî o dată să vă spun , nu discutăm pentru că înainte de a face …..indiferent că fac teorie, sau nu. .înainte eu trebuie să stabilesc salariul .

[B:So, we have decided how to negotiate and how to determine, based on which....actually what comprises the basic wages.

A: What do you mean by what comprises..?

B: You didn't understand. It's my fault. Now we have to consider additional sums and benefits to the wages. A: No, no, no. Allow me to tell you, first we settle the issue of the wages and only then we pass on to consider the additional terms. Cause if I add to the wages, it means...

B: Allow me, once again to tell you that we do not discuss it because before making any... no matter if I come up with theoretical principles ,or not....at the very beginning I have to decide upon the basic wages...]

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At the beginning of the negotiations, the parties try to clarify the first issue. The union representative rejects the management's proposal in a straightforward manner:

(e.g.2) :
B…Acuma trebuie să ne referim la adaosuri şi sporuri la salar.
[B: ...Now we have to consider additional sums and benefits to the wages]

After a series of clarifications and repairs that manage to improve the union's control upon the ongoing process, the agenda is finally accepted by the union representatives:

The bargaining-argumentative stage is closely intertvowen with the confrontation stage and the Union's arguments tend to be more numerous. At the same time,, numerous arguments accompany proposals. In our transcripts proposals are sometimes abruptly introduced without a prior sequence of *standpoint + argumentation.*

The arguments most frequently encountered in this corpus are the argument of division, definitions, comparisons, the argument of inclusion, statistics and similarity, the argument of authority, the argument of direction, arguments based on causal reasoning.

These arguments are used to support the standpoints and proposals made by the negotiating parties and to delimit the agreement zone within which concessionary moves are possible.

The longest part of this transcript comprises the bargaining moves which extend almost over the entire transcript and which are made up of the following sequences of basic or underlying acts:

proposal + argument
acceptance / rejection+ counterargument .

The *proposal + argument* sequence is more frequent in this transcript than the *standpoint + argument*, followed by proposal. This may be due to the more spontaneous character of this negotiation and to the competitive style that prevails mainly on the part of the Union representative.

The Management's first proposal that the minimum wage should be negotiated separately by each company is introduced by means of an argument of division:

(e.g.3):
B: Dar noi vă propunem altceva…Prin negocieri, fiecare societate comercială îşi fixează un salariu de bază minim…Mhh.. Deci, asta vă propunem noi…Întrucât la nivel de ramură nu putem propune pentru toată lumea.
[B: But we have a different proposal for you...Through negotiations, each commercial unit should settle upon a minimum basic wage...Mhh..So, that's what we propose...Cause at branch level we can't propose for everybody...]

The proposal is supported by two arguments. The first argument is that the present contract has no stipulation concerning the minimum wage. The second argument that there is a minimum wage at the level of the entire economy is expressed through an argument of comparison . The union representative has a long intervention with a view to establishing the limits of the agreement that the union can negotiate. All industrial branches have included in the contract such a minimum wage:

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(e.g.4)

A : Probabil cunoaşteţi, şi sunt convins că cunoaşteţi , toate ramurile si-au stabilit un salariu minim şi vreau să spun că toate documentele prezentate , inclusiv în raportul celor 100 de zile se vorbeşte de un salar minim pe metalurgie, pe petrochimie, pe industrie alimentară, …..un salariu mediu, scuzaţi …

B E altceva…e cu totul altceva

[A : You probably know and I am convinced that you know, all branches have settled upon a minimum wage and what I want to say is that all the documents presented , including the 100 days report speak about a minimum wage for metallurgy, one for petrochemistry, one for the food industry,...a medium wage , sorry...

B: That's different. It's completely different..]

The Union representative uses here a correction in fact not for self-repair, but in order to formulate his warrant to the claim. He tries to use an argument of similarity and compatibility between the terms, trying to show that the average and the minimum wage belong to the same semantic category: wage.

His argument is at first rejected by the management but then, after a series of clarifications and repairs, it is accepted. The minimum wage was to be included in an appendix that was to be signed by the government. The union rejects again the management's proposal of the amount of the minimum wage because it is too low. The rejection is formulated as an indirect threat: *If we have small wages, workers will go on strike.*

In keeping with the idea that objective criteria should guide negotiators in their efforts to reach a settlement, one type of speech acts – *threats*- are considered as inappropriate. However, it has to be admitted that threats are very much used in negotiations and considered legitimate by many. Threats are found in negotiation because of the asymmetrical power relations that are typical for this discourse. Still, threats are easy to make but difficult to carry out in practice and they can generate tensions whereas offers help building relations of trust and prove in the end more efficient. Threats mean pressure. Pressure often accomplishes just the opposite of what is intended to do: it builds up pressure the other way. Instead of making a decision easier for the other side, it often makes it more difficult. In response to outside pressure, a union, a committee, a company or a government may close ranks and be more determined than ever to stick to their opinions. Threats may often lead to quarrels which should be avoided in negotiation because "*participants tend not only to focus too rigidly on their own positions, but also to get emotionally involved and attack the other party personally, there is a strong tendency for negotiation to degenerate into a quarrel*." (Walton, 1998). Jacobs and Jackson (1992) noticed in their study on child custody dispute how frequently this type of negotiation discourse might degenerate into quarrel. In their article about the role of language in negotiation Gibbons, Bradac and Bush (1992) use the term *thromise* to refer to indirect threats, which include besides the threat proper a promise as well. The role of threats in negotiations has been analyzed by many researchers[3] . Threats have generally been considered as counterproductive because they hinder the aim of any negotiation, i.e. the formulation of a mutually beneficial agreement. However, the combination between a threat and a promise – *the thromise*- is frequently encountered and is considered

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as a powerful indicator of commitments in negotiation.

An example of such a thromise appears quite early in our transcript and signals the union's strong position against the management's proposal:

(e.g.5)

A: ..Dați-mi voie să-l întreb pe domnu Scurtu dacă are curajul să meargă cu mine să propunem acest salariu la muncitorii din grevă.

[A: Let me ask Mr. Scurtu if he has the courage to go with me and ofer this salary to the workers on strike]

Another argument in favour of the rejection of the proposal is that with small wages, metallurgy will be finally destroyed.The union representative uses here the argument of direction, which acc. to Perelman (1958/2000) is typical for these argumentative situations. It shows that step by step, if concessions are accepted, the situation may become difficult.

(e.g.6) :

A : Domnu… Perfect. Eu vă spun un singur lucru, dacă vreți să înmormântăm metalurgia românească mergem în direcția asta.

B : Da

C : Eu am spus-o şi anul trecut, o spun şi acuma, sub nici o formă nu mai putem accepta

B : Da.

C : Acest decalaj

B : Da ..

C: Pentru că ştim foarte bine în ce condiții muncim, ce facem şi valoarea în acest angrenaj al ramurilor industriale.

[A : Mister… Perfect. I want to tell you just one thing, if you want to burry Romanian metallurgy we go in that direction

B :Yes

C : I said it last year and I'm saying it now, there's no way to accept this..

B : Yes

C : This lagging ..

B : Yes.....

C: Because we know too well what the working conditions are , what we do and what is the value of our work for the other industrial branches.]

Management's counterargument that not all companies can afford to pay 1.12 times the minimum wage is presented indirectly under the form of the argument of direction or the so-called slippery slope:

(e.g.7)

B: deci, eu nu discut , eu …până la 23.000 pot să discut cu toată lumea. ..Dar în momentul când Aiudu astăzi are 15.000 lei, ce fac? Dacă-i ridic salariul de la 15.000 la 23.000 cât am eu, pe mine dacă se stabileşte la 23.000 nici nu mă deranjează ca unitate, nu mă deranjează, dar ce se întâmplă cu Câmpia Turzii, ce se întâmplă cu Aiudu care n-au decât 15.000?

[B: ..Well, I don't discuss, I...can discuss up to 23,000 with everybody...But the moment when (the factory in) Aiud has today 15,000 lei, what am I going to do? If I raise their wage from 15,000 to 23,000 as I have now, if we settle for 23,000 for me is alright , it doesn't bother me, but what happens to(the factory in) Campia Turzii, what happens to Aiud, as they have only 15,000?]

Union's counterargument is based on an argument of authority and is formulated in a very firm manner, using an adjective like

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clear or the phrase *let it be very clear.* These wages are stipulated by the National Contract.

(e.g 8) :

A: Domnu Alecu, eu cred că am fost suficient de clar când v-am spus că punctul de începere al negocierii este art. 50 este..” salariu lminim lunar al salariaţilor beneficiari ai prezentului contract va fi de 1,12 ori mai mare decât salariul minim”… , deci acesta este punctul de plecare,deci să fie foarte clar acesta este articolul de la care plecăm.

[A: Mr.Alecu, I think I have been suffciently clearwhen I told you that the starting point for the negotiation is article 50, is ....” the minimum monthly wage of the employees who are the beneficiaries of the present contract is 1.12 higher than the minimum weage....so this is the starting point, so let it be very clear that this is the article we start from.]

The Management’s attempt to disregard the stipulations of the contract triggers another threat from the Union representative, this time expressed in a straightforward manner:

(e.g.9):

A: Atunci daţi-mi voie să vă spun că în momentul acesta nu mai avem ce negocia pentru că noi negociem după contractul de anul trecut, şi dacă acest contract e valabil în totalitate, e normal ca fiecare din punctele sale să fie valabil.

[A: Then , allow me to tell you that in this moment there is nothing we can negotiate any longer because we negotiate starting from last year’s contract and if this contract is valid as a whole ,then normally, each and every of its points has to be valid.]

As the other two arguments given by the Union, based on statistical data (authority argument) and on comparison (in developed countries metallurgy has high salaries) is rejected by Management, both parties decide to renegotiate the issue in another round

Round 2 starts again with a topic clarification but this time the issue refers to wage indexation.

Union’s proposal that indexing should be applied to the negotiated wage is rejected by Management using an argument of direction again:

(e.g.10):

B: Care este pericolul ? Pentru că este un pericol…Pentru că , se poate întâmpla, ce s-a spus mai înainte , referitor la unele firme, dom"le , să stabilim un singur salariu care să Cambridge University Pressrindă în el toate condiţiile locului de muncă…..cu regim de lucru ş.a.m.d. Deoarece nu se va face aşa , e posibil ca să ne trezim la un moment dat , de asta vreau precizări mai, mai exacte , zice dom"le , salariul negociat, salariul de bază , uite, am stabilit de la început că sporurile cutare şi cutare intră în salariul de bază care se înscrie în contractul de muncă …în cartea de muncă ….deci acuma dă-mi şi sporurile…

A : Nu,nu,nu…

B : Pentru că toate sporurile se adaugă la salariul de bază

[B: Which is the danger? Because there is a danger…Because, it may happen something what has been mentioned before, concerning some companies, sir, let’s settle for a single wage that should comprise all working conditions…with

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the working routine, and so on. As this won't be specified as such, it is possible, one day to be faced with the following situation , that's why I need clear specifications, as they may say , look this is the negotiated wage , the basic wage, so we decided that such and such benefits are included in the basic wage stipulated in the work contract...in the work record book…so, now give me the other benefits…

A: No, no, no…

B: Because all the benefits are added to the basic wage.]]

Union reformulates proposal: the negotiated salary is to be understood this year as an aggregate, an assembly of several parts.

(e.g.11)

A: Nu ,.. deci , salariul negociat, deci asta înseamnă un ansamblu ….

[A: No,…so, the negotiated wage, this means an aggregate of…]

This reformulation initiates a concessionary move, which is supported by an argument of authority and of precedent.

(e.g.12)

A: Noi am făcut această propunere , încă o dată repet, pe baza experienței pe care am avut-o la încheierea contractelor la nivel de unitate , este o formă discutată juridic, din punct de vedere juridic, în așa fel poți să transformi un termen într-un termen general pentru că situația ne-o impune. Pentru că alții au făcut deja acest amalgam….

[A: We have made this proposal , , I repeat once again, on the basis of the experience we had when we concluded the contract with each unit, it is a legal form discussed and settled, from a legal point of view, so that you can turn a term into a general one because the situation imposes it so. Because others have already made this aggregate…]

Management accepts reformulation and implicitly this concessionary move: indexation is to be calculated based on the negotiated salary and it will be a fixed amount added to the salary.

Union accepts this modified proposal and the meeting ends in a compromise concerning the issue of indexation.

(e.g.13)

B : Deci , în prezentul contract prin salariul de bază se înțelege salariul negociat modificat prin actele normative aplicate pe perioada contractului .

A : Da, e bine așa .

B : Așa a fost anul trecut , s-a lucrat bine cu el.

[B: So, in the present contract basic wage is to be understood as the negotiated wage modified through norms that can apply during the contract period.

A: Yes, it is alright ..

B: This is how it was last year, it worked well.]

In this exchange, the union representative reformulates the gist of his prior argumentation, indirectly implying that the union's proposal is to equate the negotiated salary to the basic salary. The management accepts this indirect proposal, therefore the meaning of the formulation is that of a proposal and the meeting ends in an agreement upon this issue.

The round ends here and after a break, the negotiating parties resume negotiations with another issue.

The basic underlying parts are expressed as surface acts by assertives, formulations,

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repairs, clarification, and rhetorical questions. Even if the majority of the speech acts encountered are assertives due to the need for clarity, the bargaining move contains also proposals that surface as formulations.

The key points for initiating decisions that may lead to compromise are those in which the negotiators use reformulations Formulations are resolution-implicative , they are used as devices for initiating concessionary activity , thereby providing an opportunity for the two sides to reach an agreement" (E. Walker, 1995: 102). Through the reformulation of prior talk, a suggestion or a proposal is seen as a request and consequently is treated differently in the unfolding of a negotiation. If an action is identified as a proposal, it may provide an opportunity for an exchange of concessions but it is not in itself a concession, whereas for a request this interpretation is permissible. Reformulations may be regarded as indirect proposals and therefore their rejection may bring about less loss of face and embarrassment for the negotiators.

Formulations make an indirect offer by identifying a concession, which will make the other negotiating party 's position more acceptable. This party in its turn can accept or reject that indirectly proposed concession by confirming or disconfirming the reformulation. In this way,*" formulations generate the negotiation of concessions and not the collaborative inspection of the sense of prior talk*" (Walker, 1995:133)

For Walker (1995) the explanation that formulations are mitigating features associated with external factors, such as politeness and relative power does not seem to be valid, instead she considers that formulations are used to actually accomplish interactive negotiating activities. In our transcript formulations are more frequent in the second round when the indexation issue is discussed. They are important in the process of negotiation. We have found that these formulations have the role to initiate the bargaining stage proper and to help the negotiators advance towards a decision.

In our transcript formulations together with repairs and self-corrections seem to have the function of introducing proposals or even of making concessions. This role is similar to the role played by accounts in commercial negotiations. (Firth, 1995) considers that an account "*initiates a joint solving problem activity. …Indeed the account itself is a negotiable object, in that its contents are oriented to as containing certain negotiable 'vulnerabilities'* "(Firth, 1995: 212). Our corpus contains few accounts, but plenty of formulations which in our opinion fulfill the same function as the accounts, i.e. they trigger *joint concessionary activities* and prepare the transition towards the presentation of proposals or offers.

If we compare our transcript with the fragments of transcripts analyzed in the literature, we notice that English labour negotiations are conducted in a more collaborative style and concessions tend to be made indirectly. The Romanian labour negotiation style, as it has emerged from our single transcript seems to be more competitive, even aggressive. Van Eemeren and Grootendorst consider that differences in argumentative styles may be due to differences in philosophical systems influencing different nations: "There are certainly striking external differences of opinion explicitly and directly. Within Western cultures, there are clear differences in the style of argumentation, at least at the level of presentation, between predominantly Anglo-Saxon

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oriented cultures and the Continental ones. It would be interesting to investigate to what extent a difference in philosophical traditions also plays a role." (2004:21). On the other hand Fisher et. al (1991) acknowledge cultural differences but warn against stereotypes in negotiation "Making assumptions about someone based on their group characteristics is insulting, as well as factually risky. It denies that person his or her individuality. We do not assume that our belief and habits are dictated by the groups in which we happen to fit; to imply so much of others is demeaning. Each of us is affected by myriad aspects of our environment and upbringing, our culture and group identity, but in no individually predictable way."(1991:168)

As far as power and distance are concerned, the English negotiations (Boden, 1995; Firth, 1995; Hutiu, 2007 are conducted in a more informal and friendlier atmosphere. Actually, there is interplay between the formal and informal registers, which we have seen in the Romanian transcript as well, but to a lesser extent.

Negotiators adopting the competitive style are more interested in winning an argument and less inclined to make concessions or to compromise.

An analysis of the argumentative patterns and of the structural and linguistic means from our transcript has revealed the fact that in this example of labour negotiations the style used is most of the time the competitive one, which is characterized by numerous argumentative markers, by the choice of quasi-logical arguments and arguments based on the real world (according to Perelman's classification), by a preference for deductive reasoning, hypothetical constructions, disjunctive reasoning , etc.

The competitive style can be inferred also from an analysis of the way turn-taking is achieved. In our transcript, the negotiating parties seem to have equal positions. The turn -taking is not restricted, the speakers frequently interrupt each other and numerous overlapping of speech occur. However, the union representatives are the ones who have longer turns and who strive to keep their turns and do not generally yield to interruptions or overlapping. They are seeking to impose their views and arguments and at least in one of the point - the indexation of wages they are successful, as their concession is smaller.

7. Conclusions

From the point of view of the style, the negotiators in our transcript exhibited the characteristic features of the competitive negotiating style in the confrontation stage: numerous firm claims and strong commitments, discourse markers and modifiers, numerous negative and interrogative constructs, hypothetical and disjunctive sentences. Standpoints are expressed clearly and unambiguously in the confrontational stage. 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 (Jablin &Putman, 2001) and can be expressed through language. Tentative language and indirectness indicate flexible commitments whereas explicit, clear, unambiguous language as the one exemplified in our transcript is a cue for firm commitments. These aspects are usually determined in the confrontation stage and have a great impact on the

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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 manoeuvring 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 our transcript the attempt to present standpoints as self evident has proven less successful, mainly in the first round which ended in a deadlock and the negotiators resorted to a third party mediation.

The aim of the present paper was to present an analysis of the negotiation discourse in which the rhetorical aspects have been subsumed to the dialectical perspective. As a conclusion, we must acknowledge the importance of rhetorical analysis, which cannot be ignored even if the focus is on a dialectical analysis. Rhetoric in the pragma-dialectical perspective offers important insights into the positions, interests, attitudes of the discussants, as well as into the second and third order conditions that govern any real life argumentative discourse.

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

Notes

[1] For a detailed account of this methodology, see van Eemeren (2002, 2004).

[2] In the present paper we use the term *'dialectic'* as it was defined by Hamblin (1970: 297): "dialectic is the study of context of use in which arguments are put forward by one party in a rule- governed, orderly verbal exchange with another party".

[3] For a comprehensive review of the subject see Putnam et al., 1992; Walton, 1998, Ury e.al., 1992

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