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International Mediation – The Syntax of Argumentation

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Introduction

The paper is an attempt to characterise the discourse of mediation from different argumentative perspectives – rhetorical and pragma-dialectical, finding the analysis that best fits mediation.

This approach is believed to be the most suitable one for the type of discourse we are dealing with – the discourse of mediation, as there are three participant parties involved in the dispute: two conflicting parties (which fits the pragma-dialectical pattern), and a third party that addresses each of the parties, both in turn (the rhetorical model, where there are no interlocutors, but a speaker and an audience), and as a whole. The concept of strategic maneuvering is briefly discussed as the one which bridges the gap between dialectic and rhetoric.

For demonstration, the paper has an annex enclosed, as a sample of a mediation phase – some letters exchanges proving negotiation procedures between the American President, Jimmy Carter in the position of mediator, and Begin, the Prime Minister of Israel.

1. Definitions of the concepts

Mediation is the process in which a third party – ideally neutral – assists two or more parties in conflict, facilitating communication and offering some guidance in order to help them solve the dispute by themselves. (van Eemeren, Grootendorst, Jackson and Jacobs, 1993; Jacobs and Aakhus, 2002).

The person who mediates is called a Mediator. Van Eemeren & al. (1993: 118), Naess (1966) define him not as a person who necessarily has to solve the conflict, or who must come to a conclusion about the truth or falsity of information, but especially as one whose job is "to regulate communication, manage interpersonal relations, and facilitate decision-making" (Jacobs & Aakhus 2002: 29).

International mediation is the particular type of mediation used in international conflicts. "Mediation at the international level involves interventions by credible and competent intermediaries who assist the parties in working toward a negotiated settlement on substantive issues through persuasion, the control of information, the suggestion of alternatives, and, in some case, the application of leverage" (Fischer & Keashly 1991: 30).

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2. Perspectives of analysis

2.1. The rhetorical perspective - The structure of classical discourse

In order to discuss text organization, a relevant aspect is represented by the characterization of the classical discourse pattern, as well as of the stages of the critical discussion promoted by the theory of argumentation. The aim is to see how the two perspectives are reunited by a concept introduced by pragma-dialectics, i.e. strategic maneuvering.

The discourse was made up of several parts, each of them having the exactness of mathematics, that is, there was a number of several things to be said in each of these parts, which, in their turn, had their own organization and separate functions in order to build up a whole. Cicero was the first to use the term 'sapientia' about the form of a discourse – as a system of rules regarding measure and the choice of appropriate words and constructions.

Before the act in itself of delivering the discourse, as speech, a lot of work had to be done in the organization of the text to be delivered. This preparing was made in several phases. First of all, there was 'inventio', the invention which presupposed information gathering to produce ideas, as well as the choice of exposing modes. Secondly, the 'dispositio', dealt with the disposition, the arrangement of the ideas, and with the decision – making about the order of the several parts of the discourse.

In the third place, 'elocutio' was concerned with the style of the text, with the discovery of appropriate words to express the ideas in order to convey purity and elegance to the discourse. Next, prior to the delivery was 'memoria', the act of memorizing parts, or even the whole text, in order to make a good impression on the audience. Then, the act of delivery proper took place – 'actio' – the public presentation.

A very important attention was paid to the way of pronouncing which was exercised before, and the discourse was actually re-written, according to the pronunciation, which was essential to generate certain feelings and states.

Another very rigorously built system was the very discourse made up of several parts, too. There was, first, the 'exordium' which consisted of 'principium', in which the subject of the discourse was introduced to the audience, and of 'captatio benevolentia', which launched an interesting idea in order to appeal to the public (at that time, to impress the group of judges). Another part of the delivery was 'propositio' which could be missing, where general political and law considerations were made. The third part, obligatory, this time, was 'narratio', where the subject is made known, with the facts presented as they happened. Then, 'argumentatio', the next phase, dealt with two subparts – 'confirmatio' (arguments brought in, in favour of the accused person), and 'refutatio' (the contradiction of the arguments invoked). The last part was 'peroratio' and it referred to the final plea, a conclusion on the whole situation. This part is usually full of pathos, of gestures, and is meant to stir the souls. Although the order of the parts may not be always the same (argumentatio may stay before narratio), the several phases are necessary for a good development of the discourse, which, at that time, was the trial, as I have mentioned earlier that the discourse was closely linked to a trial, to the domain of justice-making.

This arrangement of parts is not totally followed in the organization of modern discourse, things being oversimplified.

The new rhetoric of Perelman and Tyteca stresses the role of the decoder of the message; it regards the audience's adhesion to the thesis introduced by the producer

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of the message. The proposal the two linguists make views a classification of arguments into two classes – arguments based on association and on dissociation.

Laying emphasis on audience, the *aim* of this particular type of discourse is mainly *persuasive*, when each of the antagonists tries to convince the mediator about the righteousness of their deeds. But at the same time the discourse is informative and explanatory when the parties present the facts. On the other hand, looking at things from the mediator's perspective, the discourse is highly persuasive, as the aim of the mediator is to present the better arguments so as to determine the antagonists to find a resolution point of their conflict.

2.2. The pragma-dialectical theory of argumentation

According to van Eemeren & Grootendorst (1992, 1993), negotiation can be seen as critical discussion – 'two parties who attempt to resolve a difference of opinion, by means of a methodical exchange of moves in a discussion' (1992: 10). They are willing to reach an agreement, passing through the four stages of an ideal critical discussion (confrontation, opening, argumentation and concluding stages).

Mediation involves the "intervention of a skilled and experienced intermediary" (Fischer and Keashly, 1991: 33) that attempts to facilitate decision-making. The mediator usually combines negotiating sessions, and resorts to reasoning, persuasion, and the control of information so that the disputants reach an acceptable agreement.

In this sense, the inclusion of a third party in an international dispute turns a dyadic relationship into a triadic interaction of some kind (Bercovitch, 1991:4).

Mediation as negotiation – From the formal point of view, negotiation involves two parties in dialogue trying to resolve a conflict. By its definition, mediation needs three parties that can reach the phase of negotiation. The mediator, first, may negotiate with each of the disputants in private, and then the parties may come to negotiation between themselves. This happens with Carter's mediation, who first 'talks' with each of the parties through an exchange of letters, and then determines the parties to negotiate between themselves. In this sense, the letters in the Appendix are a relevant example.

As opposed to mediation, negotiation implies reaching a common point and an agreement settlement. Therefore, the negotiation phase is closer to the ideal critical discussion of pragma-dialectics. This is the case of the Camp David Accords mediated by President Carter. Commenting on Princen's opinion about Carter's mediation process, Bercovitch (1991: 5) says that the president's initial efforts were to adopt a third party strategy designed to improve communication and change. What actually happened was that no agreement could be established but in the two parties' own terms, that is, using mediation to "transform a two-way negotiation into a three-way negotiation" (ibid.).

Brief characterization of the discourse of mediation – In the case of international mediation, we deal with a dispute in which expressed opinions are externalised with the help of a third party – the mediator. There are three language users who have committed themselves in different ways to the expressed opinions under discussion, which means interaction under a dialogic form, and at least one point of view advanced is not shared by the other party to the dispute.

- There has to be a controversy, dispute or difference of position between people, or a need for decision-making or problem-solving. In this case, the dispute is between Egypt and Israel.

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- At least two parties willing to negotiate a positive solution to their problem, and to accept a discussion about respective interests and objectives. The two parties are represented by Anwar Al-Sadat, the first Arab leader to officially visit Israel, and the Israeli prime minister Menachem Begin.

- The intent to achieve a positive result through the facilitative help of an independent, neutral third party. Both parties accepted as mediator president Carter.

- Decision-making remaining with the parties rather than imposed by the third party. As a consequence of the peace deal, Israel withdrew from the Sinai Peninsula in phases, returning the entire area to Egypt by 1983.

3. Strategic maneuvering

Strategic maneuvering is a pragma-dialectic concept that establishes a balance between dialectic and rhetoric, in a critical discussion. This concept deals with three lines of analysis, i.e. the topical potential (what topics one may use in order to persuade), the audience orientation, and the presentational devices, which help at examining how rhwtorical opportunities available in a dialectical situation are used in argumentative practice.

Mediation and negotiation are two examples of argumentative activity types, in which the strategic maneuvering takes place. The dialectical preconditions for strategic maneuvering in mediation, in general, are briefly outlined by van Eemeren and Houtlosser (2007:15-16) for each dialectical stage: at the confrontation stage, we deal with disagreement and the third party with no jurisdiction to decide; at the opening stage starting points are outlined by "implicitly **enforced** regulative rules", and "no explicitly recognized concessions". At the argumentative stage, if we talk about a session where the disputants get together, the argumentation is seen as conveyed in "would-be spontaneous conversational exchanges". In the concluding stage, the mediated parties either come to a conclusion of the disagreement, or there is "provisional return to initial situation". (ibid.)

Although in principle the mediator's only task is to structure and improve the communication between the parties, in practice, his strategic maneuvering is often directed at overcoming the institutional constraints and contributing to the effectuation of an arrangement (van Eemeren and Houtlosser 2007:11).

Carter's letter is meant to create a connection between the two parties by the neutrality position he maintains and by his transparency attitude towards both the Egyptian president and the Israel Prime Minister, Begin.

Conclusions

What makes the pragma-dialectical approach so important is the pragmatic side it introduces into discussion and the dialectical code of conduct for rational discussants. The pragma-dialectic dimension of analysis is obvious as the parties in conflict come to a resolution by themselves, the mediator offering only some guidance, thus facilitating communication.

By introducing the concept of strategic maneuvering in this paper, the aim was to offer a better understanding of the image of the mediator in dealing with the parties involved in this critical discussion, Carter thus maintining the required balance between the rhetorical and dialectical aims – to persuade and to argue reasonably.

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Appendix 1

Exchange of Letters between President Carter and Prime Minister Begin Regarding the Exchange of Ambassadors between Egypt and Israel

March 26, 1979
His Excellency Menachem Begin
Prime Minister of the State of Israel

Dear Mr. Prime Minister,

I have received a letter from President Sadat that, within one month after Israel completes its withdrawal to the interim line in Sinai, as provided for in the Treaty of Peace between Egypt and Israel, Egypt will send a resident ambassador to Israel and will receive in Egypt a resident Israeli ambassador.

I would be grateful if you will confirm that this procedure will be agreeable to the Government of Israel.

Sincerely,
Jimmy Carter

Appendix 2

March 26, 1979
The President,
The White House

Dear Mr. President,

I am pleased to be able to confirm that the Government of Israel is agreeable to the procedure set out in your letter of March 26, 1979, in which you state:

"I have received a letter from President Sadat that, within one month after Israel completes its withdrawal to the interim line in Sinai, as provided for in the Treaty of Peace between Egypt and Israel, Egypt will send a resident ambassador to Israel and will receive in Egypt a resident Israeli ambassador."

Sincerely,
Menachem Begin

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Note

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http://www.jewishvirtuallibrary.org – The text of the letters

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