

ISSA Proceedings 2006 - Towards A Pragma-Dialectical Approach To Negotiation



The aim of this paper is to explore the merits of examining negotiation with a pragma-dialectical approach. I start at the argumentative nature of the verbal interaction in negotiation, and argue that adopting a pragma-dialectical approach in analyzing and evaluating negotiation encounters, would allow for an evaluation of negotiation

that emphasizes the potential for rationality without overlooking the characteristics of negotiation practice. The tension between the rational nature assumed by the promoted pragma-dialectical approach and the often non-rational aspects of negotiation practice can be mainly attributed to the gap between ideal and practice. I hope that highlighting the rational side would bring the practice closer to ideal

1. *The nature of negotiation*

According to the Oxford English Dictionary, to negotiate is to try to reach an agreement or compromise by discussion. People negotiate all the time: parents and children negotiate over the time to go to bed, partners negotiate terms of their relationship, workers and employers negotiate over salaries and working hours, nations negotiate border issues as well as cooperation prospects... etc. It is then not an exaggeration to say that people negotiate all the time and about everything. From the interpersonal to the international level, there is hardly a domain that does not witness negotiation. The resort to negotiation can be considered a manifestation of a peaceful, reasonable and respectful attitude towards human differences.

Among the various definitions for negotiation offered in negotiation research, I quote two that highlight essential aspects of a negotiation activity. The first definition is the one presented by Pierre Casse (Casse, 1981; Casse & Deol, 1985). Casse defines negotiation as “a process in which one individual tries to persuade another to alter ideas or behavior; a process in which at least two partners with different viewpoints try to reach an agreement on matters of mutual interest” (1981: 152). This definition of negotiation highlights the initial

difference between individuals or parties, which is the origin of the need to negotiate. The role that persuasion plays in the resolution of this original difference is another aspect that is highlighted by this definition. The second definition is the one introduced by Alan Firth (1995). Firth considers negotiation to be a discourse-based and situated activity in which two parties advance reciprocal argument and counter-argument, proposal and counterproposal in an attempt to agree upon actions and outcomes mutually perceived as beneficial (1995: pp. 3-4). Firth approaches negotiation from a verbal communication perspective, adopting Sawyer & Guetzkow's (1964) view of arguments, counter-arguments, proposals and counterproposals to constitute the central process of negotiation (Sawyer & Guetzkow 1964: 479). Such a view of negotiation endorses its argumentative nature. The argumentative nature of negotiation has also been brought to light by van Eemeren and Houtlosser (2005), who perceive negotiation as one of the various activity types of argumentative practice (van Eemeren and Houtlosser 2005: 78).

2. The advantages of analyzing and evaluating negotiation within a pragma-dialectical framework

As a type of argumentative discourse, negotiation can be analyzed and evaluated within a pragma-dialectical framework, with the help of the ideal model of a critical discussion. Pragma-dialectics, a normative theory of argumentation developed by Frans van Eemeren and Rob Grootendorst (1984; 1992; 2004), introduced the tool of a "critical discussion" in order to analyze and evaluate argumentative discourse. As presented by van Eemeren et. al. (2002), a critical discussion is "an ideal of argumentative discourse aimed at resolving a difference of opinion by determining whether the standpoints at issue ought to be accepted or not" (van Eemeren, Grootendorst & Snoeck Henkemans 2002: 23). The model of a critical discussion attributes the resolution of a difference of opinion to argumentative discourse, and specifies the stages that such a resolution should go through in order to reach this aim. The ideal model does not describe the reality of argumentative discourse; it rather specifies how argumentative discourse would look like if it were solely aimed at resolving a difference of opinion, thus, providing a normative tool to reconstruct argumentative discourse, as a step prior to its evaluation.

In this paper, I argue in favor of a pragma-dialectical approach in analyzing and evaluating negotiation encounters. The promoted approach brings new insights to

the study of negotiation, by providing a theoretically motivated, process focused analysis and evaluation of negotiation encounters, based on the verbal interaction in negotiation exchanges. The promoted approach overcomes three main shortcomings that can be observed in the main bulk of the available research on negotiation.

First, in most of the available research on negotiation, verbal communication has been marginalized; the language in negotiation is extremely neglected and psychological mental bases are prevailing. Conversely, a pragma-dialectical analysis will be based on the verbal interaction in the negotiation activity. In pragma-dialectics, argumentation is externalized so that arguers are held responsible only of what they have expressed; speculations about beliefs and thoughts do not play role in the pragma-dialectical analysis of argumentative discourse. Adopting a pragma-dialectical approach to negotiation would then eliminate psychological and cognitive considerations – which are not accessible states of minds – as basis for analyzing negotiation, and would instead rely on the commitments that negotiators take through their verbal interaction.

Second, while it is the case in most of the negotiation research that the outcome of negotiation is the focus of study, a pragma-dialectical approach would be process-focused. In its ideal model of a critical discussion, pragma-dialectics accentuates the purposive interactional nature of argumentation as a process of resolving disputes. Applying the model of a critical discussion to negotiation would consequently offer an evaluation that is process focused.

Third, whereas the existing models of negotiation are either purely descriptive serving no evaluative purpose, or atheoretically prescriptive stemming from personal experiences, the pragma-dialectical approach combines both descriptive and theoretically normative elements in examining negotiation, as it provides both a fairly descriptive account of negotiation encounters in the analysis as well as a theoretically motivated normative evaluation of these exchanges. The promoted approach relies on descriptive accounts of argumentative discourse to reconstruct it normatively after the ideal model of a critical discussion, which is governed by the theoretical norm of critical testing. In this way, the pragma-dialectical approach maintains a balance between the interests of normative evaluation and intentions of discourse producers, in such a way that brings about an analysis of negotiation that accounts for the intentions of the negotiators, and an evaluation that is theoretically normative.

3. Negotiation as an argumentative activity type

Inspired by Levinson's concept of activity types (1979; 1992), van Eemeren and Houtlosser introduced the pragma-dialectical concept of argumentative activity types (2005). Van Eemeren and Houtlosser present their argumentative activity types as "cultural artifacts that can be identified on the basis of careful empirical observation of argumentative practice" (2005: 76), arguing that taking into account the specific type of argumentative activity provides a more refined analysis and evaluation of argumentative practice.

As an empirical category of argumentative discourse, negotiation can be distinguished by characterizing its communicative practice, along four parameters that correspond to the four stages of the ideal model of a critical discussion. The initial situation in negotiation is characterized in parallel to the confrontation stage of a critical discussion. In parallel to the opening stage, the starting points of negotiation are highlighted. In parallel to the argumentation stage, the argumentative means of negotiation are identified. And in parallel to the concluding stage, the way the outcome of negotiation is determined is characterized. Characterizing negotiation in parallel to the ideal model does not overlook – at least – one essential difference between the two, mainly that while the model of a critical discussion is an analytic construct based on considerations relevant to the process of resolving a difference of opinion, negotiation – like the various argumentative activity types – is a conventionalized category of argumentative practice that can be distinguished by empirical observations of communicative practices in the various domains. In parallel to the ideal model negotiation is initiated by a free choice of parties who have a difference of positions rooted in a difference of interests, and who decide to resolve their difference by means of a discussion in which argumentation plays a significant role, and who are free to agree on an outcome that resolves their initial difference or disagree and get back to the initial situation of conflict.

The activity of negotiation, as a type of argumentative discourse, exhibits dialectical and rhetorical aims. Within a pragma-dialectical framework, the parties of argumentative discourse are assumed to be geared towards the satisfaction of a dialectical aim of critically testing the tenability of the standpoints at stake, as well as a rhetorical aim of resolving the difference of opinion, each to his own interest. The parties are further assumed to attempt to strike a balance between the two aims at every stage of resolving their difference of opinion. In addition to the dialectical and rhetorical aims of argumentative

discourse, the parties in negotiation can be attributed an institutional aim that is specific to negotiation. This aim distinguishes negotiation from other types of argumentative discourse.

In negotiation encounters, each of the parties aims individually at satisfying the maximum of its interests, having engaged in negotiation, the parties' interaction becomes geared towards satisfying the maximum of their interdependent conflicting interests. The institutional aim of resolving the dispute in a way that satisfies the maximum of the negotiating parties' interests can be attributed to the participants in a negotiation encounter. The institutional aim and the related setting affect the pursuit of both dialectical and rhetorical aims of the participants, by posing constraints and providing opportunities for the participants as they attempt to win the discussion while maintaining certain standards of reasonableness. It is necessary for a pragma-dialectical approach that does not overlook the specific features of the argumentative activity type of negotiation, to take the institutional aim into consideration and incorporate it in the reconstruction of negotiation as a critical discussion.

As it has been sketched above, negotiation originates in a conflict of interests and a decision to resolve the conflict through discussion. Engaging in a discussion concerning the conflicting interests requires that the interests be expressed in terms of positions. Positions that the parties in negotiations adopt are usually demands that they make on their opponents or bids that they make themselves. Even though a negotiation encounter originates in conflicting interests, interests are usually intangible; what both analysts and negotiating parties have access to is merely the interests that are expressed and included by the negotiators themselves in the positions they adopt. Taking this limitation into consideration, a pragma-dialectical approach can refer to a difference of positions that exists between the parties, and apply the ideal model of a critical discussion to analyze the resolution of this difference. Within a pragma-dialectical framework, an analyst would examine how argumentation is used by the negotiators to resolve their difference of positions which are the externalization of their interests. The positions of the parties can be reconstructed as standpoints that are subject to discussion in the course of negotiations. Negotiators advance their positions and revise or retract them in light of their opponent's criticism. A negotiation encounter can usually be broken into many disputes, each of which is marked by a new advanced position, and each can be the subject of pragma-dialectical analysis.

The view of restricting the analysis to the positions that negotiators adopt would not necessarily contradict with taking the interests of the parties into consideration, and accounting for the aims of the negotiating parties. The aim of satisfying the maximum of the parties' conflicting interests, being the underlying aim of negotiation, manifests itself in the discussion through which the difference of interests between the parties is resolved. The contribution of an adopted position to this aim is often the criteria upon which the rejection of the opponent's position is justified. Restricting the analysis to the positions that negotiators adopt does in fact account for the interests of the parties as it incorporates the interest-related aim of negotiation into the reconstruction of argumentation in negotiation encounters.

In a negotiation encounter where party 1 adopts a position like *party 2 should do X*, I suggest that an implicit argument of the form *X would satisfy the maximum of our conflicting interdependent interests* needs be reconstructed as an argument in support of the adopted position. Such an implicit argument which incorporates the underlying aim of the negotiation encounter is usually what an opponent addresses in his criticism of the adopted position. Though left unexpressed, this reconstructed argument plays a central role in a negotiation encounter. Negotiators often question the contribution of an adopted position to the satisfying of their interests, and make it clear that they reject a certain advanced position because it fails to satisfy their interests, and they also often justify their acceptance of a revised position because it succeeds. It is also the case that negotiators defend their position by showing that it does lead to a solution where the interests of the parties are met to the maximum possible. In other words, this implicit argument becomes often the subject of the critical testing once it is challenged or criticized. Working within a pragma-dialectical framework, an analyst would make this implicit argument explicit when reconstructing the verbal interaction in negotiation as a critical discussion.

With the help of example (1) below, such a reconstruction will be illustrated. The example is borrowed from Fisher and Ury's *Getting to Yes: Negotiating Agreements without Giving In* (1981, pp. 3-4).

Example (1)

Customer: How much do you want for this brass dish?

Shopkeeper: That is a beautiful antique, isn't it? I guess I could let it go for 75\$.

Customer: Oh come on, it's dented. I'll give you 15\$.

Shopkeeper: Really! I might consider a serious offer, but 15\$ certainly isn't serious.

Customer: Well I could go to 20\$, but I would never pay anything like 75\$. Quote me a realistic price.

Shopkeeper: You drive a hard bargain, young lady. 60\$ cash, right now.

Customer: 25\$

Shopkeeper: It cost me a great deal more than that. Make me a serious offer.

Customer: 37.50\$. That's the highest I will go.

Shopkeeper: Have you noticed the engraving on the dish? Next year pieces like that will be worth twice what you pay today.

This negotiation exchange is typical of negotiation occurring at an interpersonal level, in the haggling that takes place between customers and shopkeepers. In this negotiation dialogue, a customer and an antique shopkeeper are having a bargain over the price of a brass dish. In this bargain, each of the parties presents an initial position, and they both revise their initial positions in light of the objections they get from the opponent. That is done again and again; whenever a party objects to the advanced position, the opponent revises his own position and introduces a new one. Argumentation is often provided either to support the position advanced, or the rejection of the opponent's position.

The dialogue can be divided into six successive disputes. In every dispute a position by one of the parties is being advanced and challenged. The parties concede to their opponents' challenge and retract their positions. Even though such retraction is never explicit, the introduction of a new position can be considered as a manifestation of a retraction. The introduction of a new position also marks the initiation of a new dispute. The customer and shopkeeper in this dialogue do not reach a deal. None of them succeeds in defending his position; all presented positions do not stand up to the criticism directed at them. The difference of interests between the customer and the shopkeeper remains. They're free either to continue their negotiation aiming to resolve it or just keep the situation as it is.

The first dispute starts with the position advanced by the shopkeeper in the second turn, after the customer asks him about the price of the brass dish. In this second turn, the shopkeeper introduces his initial position: the brass dish costs 75\$. In this turn he also provides a justification for this price: the brass dish is a beautiful antique. The customer objects to the high price. She provides a reason

to reject the shopkeeper's initial demand: the dish is dented, and advances an alternative bid: she should pay 15\$. The shopkeeper seems to accept her objection that the price is too high for a dented dish. And here ends the first dispute by the shopkeeper implicitly retracting his position. The initial position of the customer marks the start of a second dispute.

The second dispute is about the customer's bid to pay 15\$. Even though the shopkeeper concedes to the customer's criticism and retracts his initial demand, he nonetheless objects to her advanced bid. For the shopkeeper, the customer's initial bid is not a serious offer; it is too low to be serious. The customer concedes to the shopkeeper's criticism of her initial position; she revises it and advances a new bid: she should pay 20\$. In this turn, the second dispute is ended when the customer retracts her position in light of the criticism advanced by the shopkeeper, and the third dispute is initiated by the customer in her advancing a new bid. In the following turn, the shopkeeper does not react to the customer's last position but rather advances a revised version of his initial position: she should pay 60\$. That marks the start of a fourth dispute; the third dispute is implicitly concluded. In the next turn, the customer rejects the shopkeeper's revised position, and introduces a new one: 25\$. In this turn the fourth dispute is closed and a fifth dispute starts. The shopkeeper rejects the bid advanced by the customer in the fifth dispute; he criticizes it on the ground that it does not include a serious offer again. The shopkeeper supports his claim that the position advanced by his opponent does not include a serious offer by stating that he has paid more for this dish himself. The customer concedes to this criticism; the fifth dispute is ended. The customer initiates a sixth dispute by advancing a new bid: 37.50\$. The shopkeeper rejects this position as well; he refers to the engravings on the dish implying that they justify a higher price than the one included in the last position. In each of the six disputes above, a position is advanced and retracted. In all disputes, the position is supported by the implicit argument that such a price satisfies the interests of both parties.

In this particular case, the interest of the customer is to get the brass dish with the lowest price, and the interest of the shopkeeper is to get the maximum price for his brass dish. The underlying common aim of the customer-shopkeeper bargaining encounter is to agree on a good price for the brass dish; a good price should satisfy the maximum of the parties' interests. The interaction in this encounter is geared towards the aim of agreeing upon a good price. The parties' advanced positions are supposed to contribute to this aim, thus an implicit argument in which every party asserts that its position includes a good price can

be attributed to the parties. It is this implicit argument that is the subject of criticism when a party rejects the position advanced by its opponent such as in the fifth dispute.

Analyzing the first dispute, the initial position of the shopkeeper can be reconstructed as the standpoint *you should pay 75\$*. The shopkeeper is the protagonist of the positive standpoint to which customer is the antagonist. The customer does not merely challenge the protagonist standpoint, but also adopts a negative standpoint. The customer is the protagonist of the related negative standpoint *I should not pay 75\$*. Suggested by the nature of the negotiation exchange, an implicit argument such as 75\$ is a good price for this brass dish can be attributed to the protagonist of the positive standpoint, and be made explicit. The protagonist of the positive standpoint advances another argument (that the brass dish is a beautiful antique) in defense of this implicit argument. In support of her negative standpoint, the protagonist advances counter argumentation (that the dish is dented). The protagonist of the positive standpoints concedes to this criticism and retracts the initial standpoint.

The following is the argumentation and counter-argumentation that each of the parties advances in defense of his/her standpoint.

Argumentation by the shopkeeper- in defense of the positive standpoint:

1. You should pay 75\$ for the brass dish.
- (1.1). 75\$ is a good price for such a brass dish.
- (1.1'). We need to find a good price for this brass dish.
- 1.1.1. That is a beautiful antique.
- (1.1.1'). A beautiful antique is worth 75\$.

Argumentation by the customer- in defense of the negative standpoint:

- (1). I should not pay 75\$ for the brass dish.
- (1.1). 75\$ is a not good price for such a brass dish.
- (1.1'). We need to find a good price for this brass dish.
- 1.1.1. The dish is dented.
- (1.1.1'). A dented dish is not worth 75\$.

The arguments *X is a good price***[i]** and *we need to find a good price for this brass dish* can be made explicit in all reconstructed argumentative discussions in this dialogue. Making implicit argumentation explicit, as part of the dialectical

transformation of addition in the pragma-dialectical terms, makes explicit the elements that are relevant to the resolution process but were left unexpressed. Such a transformation is important because it helps account for the specific aim of a negotiation exchange when it is reconstructed into a critical discussion. Though often left unexpressed, both of the arguments above are significant to the resolution of the difference of opinion concerning how to reconcile the conflicting interests of the parties in negotiation. Making these arguments explicit clarifies the link between the positions adopted by the negotiators and the arguments they advance in defense of these positions; it consequently, prepares for a critical evaluation of the discussion of the parties' positions.

Adopting a pragma-dialectical approach to negotiation, the analyst needs to adopt a notion of resolution that is different from the one that is common in negotiation research. Within pragma-dialectics, the analyst would be interested in the way the difference of interest-related positions in negotiation is resolved, rather than the difference of interests itself. The critical testing norm would then apply as a criterion to determine the resolution of the dispute. While it is usually necessary for the parties in negotiation to reach a deal for the difference of interests to be considered resolved, the difference of opinion needs not to yield a position that is accepted by the two parties in order for the dispute to be resolved. Being concerned with the difference of opinion in negotiation, disputes can be considered resolved even when the negotiation encounter yields no deal. However, because a pragma-dialectical reconstruction of the verbal interaction in negotiation accounts for the interests and the interest-related aim of the parties, the quality of resolution of the dispute in the pragma-dialectical sense would still be indicative of the quality of the resolution in the sense used in negotiation literature.

4. The merits of a pragma-dialectical approach to negotiation

In this last section, example (2) below, is intended to demonstrate the merits a pragma-dialectical approach to negotiation. The example is intended to show how a pragma-dialectical approach interprets a negotiation activity and evaluates it. In a pragma-dialectical analysis, the negotiation encounter needs to be reconstructed into phases, roles and moves that are examined in terms of their contribution to the process of resolving the initial difference. And in the evaluation, the extent to which the resolution of the initial difference in negotiation was carried out reasonably is tested.

The negotiation encounter to be analyzed is a real life negotiation in an industrial

context. It is borrowed from Morley and Stephenson's *The Social Psychology of Bargaining* (1977, pp. 229-252). It is an informal negotiation meeting between electricians and management representatives in the Demy Ltd Company that took place in January 1969. The meeting is almost totally devoted to negotiating the callout procedure on bank holidays, which can be considered to be the main issue in this negotiation encounter. The electricians object to their having to be on standby for callout on all bank holidays. They provide argumentation for their objection on the callout procedure as it is now, and ask to be relieved of this responsibility. The management representatives object to a complete stop of the callout on bank holiday because that would create a gap in the services of the company. However, they acknowledge that an alternative procedure for callout needs to be adopted.

The negotiation encounter is triggered by a difference of interests between the electricians and the management in the Demy Ltd Company. The electricians' interest is to have bank holidays off. It is expressed by the chief electrician spokesman when he says: "We just want bank holidays as bank holidays". The management's interest is to provide a cover of the electrical work needed in bank holidays; "somewhere there has got to be some form of coverage", as the chief management spokesman puts it.

Throughout the encounter, the parties adopt and discuss different positions aimed at reaching a deal that satisfies their interests. The discussion in the meeting can be broken into several negotiation disputes, each of which pertains to a certain advanced position. Unfortunately, the space of this paper does not allow for a comprehensive discussion of the whole negotiation encounter. Nevertheless, the discussion to follow will examine the first of the disputes in the encounter by providing examples of a pragma-dialectical analysis in which the social interactive purposive nature of the negotiation activity is highlighted as well as an evaluation in which the reasonableness of the different moves in the encounter is tested within the normative framework of pragma-dialectics.

Analysis

To satisfy their interests, the electricians advance their initial position: *electricians should stop doing callout on bank holidays*. The management representatives seem to admit the need to satisfy the electricians' interest of having bank holidays off, however, they do remind the electricians that the management has also an interest that needs to be satisfied.

In defense of their initial position – *that electricians should stop doing callout on bank holidays* –, the electricians advance several arguments. The electricians argue that doing work on bank holidays is something that was never agreed on and that they never wanted to do it. They also argue that they should have bank holidays off because that's the time when they can do something with their families. They argue as well that they should stop doing callout on bank holidays because the other staff of the company do not work on bank holidays. The argumentation advanced by the electricians defends their position in terms of its role to satisfy their interest only. The position – and the argumentation in support of it – does not consider the common aim of negotiation, that of satisfying the maximum of the interests of both parties. That is the basis on which the management representatives reproach the electricians' position; the position does not serve the main goal of a negotiation encounter.

Initially, the management representatives do not advance any position; they just challenge the position of the electricians then reject it. Until that point in the meeting, there is only one position advanced – that of the electricians – . This position is defended by the electricians and challenged then rejected by the management. Analyzing the discussion concerning this position within a pragma-dialectical framework, a critical discussion can be reconstructed. In this discussion, the dispute is single and mixed, with one position and two related standpoints each with a protagonist and an antagonist. The electricians are the protagonist of the positive standpoint *electricians should stop doing callout on bank holidays*. The management representatives are the antagonist of this standpoint, as they challenge it asking the electricians to defend it. However, the management representatives go beyond mere challenge when they criticize this standpoint on the ground that it fails to contribute to the aim of satisfying the maximum of the conflicting interests of the parties in negotiation. They then adopt a negative standpoint for the same position – that it is not the case that *electricians should stop doing callout on bank holidays* –, and argue in defense of it.

The difference of opinion concerning this position goes through the four stages of resolving a difference of opinion. First, the electricians advance a standpoint that does not get accepted by the management. Second, the management asks the electricians to defend their standpoint and the electricians agree, and the parties assume their dialectical roles (of protagonist and antagonist). Third, the electricians – with the role of a protagonist – advance argumentation in defense of

their standpoint. And fourth, the argumentation advanced is assessed by the parties; the protagonist concedes to the criticism, and the dispute is resolved in favor of the antagonist.

The standpoints and argumentation of both electricians and management representatives pertaining to this dispute can be reconstructed as the following:

The electricians' standpoint and argumentation:

1. Electricians should stop doing callout on bank holidays
 - 1.1a. It was never agreed on to do callout on bank holidays.
 - 1.1b. Electricians should have bank holidays off.
 - 1.1b.1. Bank holidays are when electricians can do something with their families
 - 1.1c. Other staff of the company do not work on bank holidays.

The management's standpoint and counter-argumentation:

1. It is not the case that electricians should stop doing callout on bank holidays.
 - 1.1. That would not allow covering eventualities on bank holidays.
 - 1.1'. Coverage for eventualities on bank holidays should be provided and electricians should have bank holidays off.

Different argument schemes can be identified in this dispute. For example, the electricians employ argumentation by analogy – among other schemes of argument – in defending their position. An analogy scheme comes in the form Y is true of X because Y is true of Z and X is comparable to Z. In 1.1c of the dispute at hand, the electrician argue that

Electricians should not do callout on bank holidays,
because other staff of the company do not work on bank holidays,
and electricians are comparable to other staff of the company.

Evaluation

Analysts adopting a pragma-dialectical approach to negotiation can refer to the ten rules for reasonable discussants, as presented by van Eemeren and Grootendorst (2004, pp. 190-196), in each stage of the resolution process to evaluate the extent to which negotiators resolve their difference of positions reasonably. The ten rules specify those dialectical obligations of the parties that are necessary for a critical resolution of the dispute, at each of the dialectical stages in the ideal model of a critical discussion. By comparing the behavior of the parties in a certain stage of the dispute to the relevant rule, the critical rationality

of the argumentative exchange can be assessed.

Rule 8, the argument scheme rule, can for example be used to evaluate the internal organization of the argumentation advanced in support of a standpoint. With the use of the relevant critical questions, the link between the standpoint and the arguments advanced in support of it can be evaluated. A correct use of argument schemes supports a critical resolution of the dispute; an incorrect use on the other hand, obstructs such a resolution.

In the dispute at hand, the electricians employ an argument by analogy to defend their standpoint that *electricians should stop doing callout on bank holidays*. To evaluate this argument based on the analogy relation, and used by the electricians as they argue that *electricians should stop doing callout on bank holidays* because *the other staff of the company do not work on bank holidays*, the relevant critical question would be: are the electricians and the other staff of the company really comparable? And aren't there any significant differences between the electricians and the other staff of the company? While it is generally speaking true that electricians are comparable to other staff of the company, there is at least one significant difference between two. Unlike other staff of the company, the nature of the electricians' work is technical, which makes it needed even on bank holidays. Such a significant difference weakens the strength of the scheme applied. An analyst analyzing negotiation with a pragma-dialectical approach can refer to the relevant critical question in explaining the weakness of this line of argumentation advanced by the electricians in defense of their initial position.

The incorrect use of the analogy scheme here obstructs a critical resolution of the difference of opinion, which the parties have concerning the position that *electricians should stop doing callout on bank holidays*. That, in turn, obstructs the negotiating parties' effort to achieve a resolution in which the maximum possible of their conflicting interests is satisfied. An analyst approaching negotiation from a pragma-dialectical perspective would be able to explain the unsuccessful attempt of defending this position in terms of the incorrect use of the argument scheme, and the effect of the latter on a fair resolution of the parties' interests in negotiation.

As it can be seen from the example, a pragma-dialectical examination of negotiation highlights and assesses the critical reasonableness of the discussion in negotiation. A pragma-dialectical analysis of negotiation accounts for the

interactional and purposive nature of negotiation encounters, as well as the important role that interests play in discussing positions in negotiation. The analysis focuses on the dynamics that lay behind the resolution as a process, as it identifies the stages that are necessary for a reasonable resolution of disputes, and the moves that play a role in such a resolution. Even though a pragma-dialectical analysis is based on externalized positions, it yet recognizes the importance of the interests in discussing positions in negotiation. It takes the aim of satisfying the maximum of the interdependent interests of the parties to be the underlying aim of negotiation, and incorporates it in the discussion of the positions adopted by the parties. Such an incorporation of the underlying aim of negotiation in the argumentative discussion of positions supports the presupposing of reasonability in the discussions in negotiation.

Moreover, pragma dialectics makes it possible for an analyst to offer an explanation of the success or failure of the resolution of disputes in a negotiation encounter, based on the argumentative interaction of negotiators. Pragma-dialectics offers a framework of evaluating the reasonableness in negotiation, highlighting the relation between the quality of resolving the dispute of interests and that of resolving the dispute of positions related to them. Pragma-dialectics assesses the adherence to the norm of critical reasonableness in the argumentative discussion in negotiation, by evaluating the discussion moves of the parties in terms of their contribution to the critical resolution of the difference of positions. Because the pragma-dialectical reconstruction of the verbal interaction in negotiation incorporates the parties' interests and aims, a pragma-dialectical approach enables the analyst to detect derailments in the argumentative discussion in negotiation that obstruct a reasonable resolution of the disputing positions that the parties adopt, and consequently obstruct a fair resolution of the related conflict of interests.

Conclusion

In this paper, I have sketched the preliminaries of a pragma-dialectical approach to negotiation. Starting from the argumentative nature of the verbal interaction in negotiation, pragma-dialectics offers an analysis and evaluation that highlight and assess the critical reasonableness of the discussion of positions in negotiation, based on the verbal interaction of negotiators. It provides the analyst with tools to examine how argumentation is used by the negotiators to resolve their difference of positions, as the externalization of their interests. A pragma-dialectical framework to negotiation equips the analyst with tools to detect derailments in

the argumentative discussion that obstruct a reasonable resolution of the disputing positions. Because the pragma-dialectical analysis of the verbal interaction in negotiation incorporates the parties' interests and aims, obstructing the critical resolution of the difference of positions would also yield an obstruction of a fair resolution of the conflicting interests of the parties. In this paper, I have argued that a pragma-dialectical approach enables the analyst to infer the latter obstruction from the former.

NOTE

[i] X is not a good price is substituted in case of counter argument.

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