Emotion in Negotiation

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Bilyana Martinovski

Introduction

Problem restructuring in negotiation involves evolution of problem representations, including goals, values, criteria, and preferences (Shakun, 1991). Problem framing affects preferences and reference point (Tversky and Kahneman, 1981). But how are problem restructuring and reframing realized in communication? What is involved in these processes? Factors such as information-processing, planning, and social framing play an important role. Today, however, there is a special attention on emotion as a factor in restructuring and reframing of problem representation and solution (Barry, 2008; Barry et al., 2004; Druckman and Olekalns, 2008; Kumar, 1997). Emotion becomes an essential and exciting component of negotiation models, tools and analysis although it is not completely understood. This new trend within negotiation studies involves multi-disciplinary approaches and reaches beyond sociology and behavioral research. It asks not only instrumental but also theoretical questions such as: What is emotion? What is cognition? What is perception? Could new cognitive hypothesis such as Theory of Mind be tested in negotiation studies? Can change of emotion affect the framing effect? How is emotion related to the evolution of problem representation? What methods are to be used for the study of emotion in negotiation? Could studies of negotiation in different settings such as face-to-face, electronic and Virtual Reality (VR) contribute to the understanding of human cognition? How does emotion influence and how is it influenced by different kinds of settings, cultures and types of negotiation? Could knowledge about human emotion help us reach better agreements? How could understanding of emotion assist in intercultural negotiation?

The present chapter offers both answers and questions in a bird-eye view of recent developments as well as detailed examples of current methods of analysis and models of emotion in negotiation. First of all, since the concept of cognition is evolving, which affects views on group decision-making we need to see how this concept changes and why. Next, I observe how studies of e-negotiation, Virtual Agent modeling, and Theory of Mind involve emotion. Do they introduce new forms of data and new methods of analysis? Do these models study specific emotions? Are emotions multi-functional in negotiation? How is multi-functionality related to their dynamic nature and problem restructuring? I study these questions through a discourse analysis of manifestation and evolution of emotions in a face-to-face three-party negotiation. Finally, I relate ethics of otherness and Shakun's concept of connectedness to Buber's (1995) intuition about the limitations of sociology.

Emotion in Cognitive Theory

"The 'cognitive revolution' that swept across the social sciences in the 1960s" (Goodwin and Heritage, 1990, p. 283) turned the spotlights on social interaction as a "primordial means through which the business of the social world is transacted" (ibid.). This attention on

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interaction and human agency opened the way to the study of emotion in interaction, including negotiation. The "cognitive revolution" perpetuates as neurology and interactive technology have more impact on cognitive theory and social sciences, one of the results of which is that emotion is becoming more intimately related to "cognitive processes" such as decision-taking, memorizing and planning. Thus, definitions of emotion and cognition have been and are under intense revision as the notions are related and dependent of each other.

The subject of the role of emotion in cognitive theory would be summarized by Hamlet in the following dilemma: "I think therefore I am" or "I feel therefore I am", this is the question. Of course, the question is unfair, because why can't one think and feel at the same time?! The actual questions are: what is emotion and what is cognition? I don't think there are clear answers to these questions yet although there are many hypotheses. Cognitive science used to concentrate on what it considered to be "purely cognitive processes" such as decision-taking, memory, calculation, planning, perception etc. (Thagard, 2005). This is what the concept "cognition" denoted. Today "cognition" denotes not only the above capacities of the human brain but also what we denote with the general term "emotion". This tendency affected also the study of negotiation. But how did that happen?

Three hypothetical descriptions of the relation between emotion and cognition have been discussed through the centuries, which, as Scherer (1993) suggests, could be summarized in the following way:

1. Emotion is a separate system related to two other systems in an organism, namely cognition and will (Plato, Kant, Leibniz etc.)
2. Emotion is a grand system, a coordinator of all developing subsystems in an organism (Freud, Descartes)
3. Emotion is one of many components in a complex organism, which are in constant dynamic interaction with each other (Aristotle, Spinoza)

The dichotomy between emotion and cognition as well as this between irrational and rational stems back from Plato's political doctrine in "The Republic" where he claims that human and political well-being depends on the harmony between three separate units of society and soul: cognition (ruling class/thought, reason, rational judgment), "thumos" (warrior class/higher ideal emotions) and motivation (lower class/impulses, instincts, low desires). The Aristotelian tradition questioned this dogma by saying that desire can be found even in motivation and in cognition and that there could be many other components in the soul. In the context of Darwinism, emotion got a roll in adaptation in the course of evolution; it is universal as expression of emotion is found in other species (Cornelius, 2000). In Descartes' era, emotions intertwined with cognition of stimuli. Freudians called for exploration of emotion as a basic condition influencing the conscious and the unconscious. William James (Myers, 2001) introduced the role of the body in the cause and effect chain: the mind perceives the reaction of the body to stimuli, e.g. increased heartbeat; the sensation of the physiological response is a feeling which mental representation is an emotion, e.g. fear. In appraisal theory, which is a form of cognitivism, emotion is seen as something automatic, non-reflective and immediate and at the same time cognition leads emotion, i.e. the way we cognize events influences our emotions related to them. In this sense, emotions become and involve coping strategies (Lazarus, 1991). According to the social and anthropological constructivist theory it is the socio-cultural interpretation and conditions, which determine emotions and body reactions, e.g. attitudes to language variations such as dialects (Cornelius, 2000).

Contemporary neuroscientists report evidence for the involvement of emotion in so called rational cognitive processing. Neuroscientists such as Von Uexkull and Kriszat (1934), Fuster (2003), and Arnold Scheibel (personal communication) observe that evolution gave privilege to the limbic system: emotional feedback is present in lower species, but other cortical cognitive feedback is present only in higher species. In that sense, emotion functions in evolution as a coordinator of other cognitive and non-cognitive functions.

Damasio (1994) suggests that the state of the mind is identical to the state of feeling, which is a reflection of the state of the body. He explores the unusual case of Phineas Gage, a man whose ability to feel emotion was impaired after an accident in which part of his brain was damaged. Damasio finds that, while Gage's intelligence remained intact after the accident, his ability to take decisions became severely handicapped because his emotions could no longer be engaged in the process. Based on this case, the neurologist comes to the

conclusions that rationality stems from emotions and that emotions stem from bodily senses. Certain body states and postures, e.g. locking of the jaw, tension of shoulder, etc. would bring about certain feelings, e.g. anger, which in turn will trigger certain thoughts and interpretations of reality.

It is my impression that research on Theory of Mind (ToM) catalysed the change of meaning of "cognition". The term "ToM" refers to the abilities humans and other higher species have to perceive and reason about their own mental/emotional states and the mental/emotional states of others. ToM processes provide a special kind of context: the minds and emotions of others (Martinovski and Marsella, 2003; Givón, 2005). In interaction, people learn to act within these contexts. Beliefs about age, gender, language, environment, and so on contribute to the models that individuals form and keep of each other's intentions. ToM explanations have importance for the interactive realization of emotion i.e. the way we understand our own and others' states and emotions.

Three mutually exclusive theories have been suggested to explain how we relate to others: by imitation (e.g. Iacoboni, 2005), by simulation (e.g. Gordon, 1986; Stich and Nichols, 1992) or by representation (e.g. Hobbs and Gordon, 2005).

Originally, the main process for establishing and communication of ToM models was and still is thought to be imitation. There is increasing evidence from neurosciences "that the neural mechanisms implementing imitation are also used for other forms of human communication, such as language. . . . Functional similarities between the structure of actions and the structure of language as it unfolds during conversation reinforce this notion. . . . Additional data suggest also that empathy occurs via the minimal neural architecture for imitation interacting with regions of the brain relevant to emotion. All in all, we come to understand others via imitation, and imitation shares functional mechanisms with language and empathy" (Iacoboni, 2005).

According to "simulation theory", we think of the other's experiences by use of mental and even somatic simulation of e.g. our own experience of the same kind (Gordon, 1986). Thus, if someone has a stomachache, instead of imitating his/her experience of a stomachache one can simulate the psycho-somatic processes related to one's own previous experiences of a stomach ache and that way form an understanding and a reaction to his/her state.

Yet a third idea is that ToM is the application of commonsense inferences about the way people think (Hobbs and Gordon, 2005). Here, if someone has a stomachache one can understand her/his state based on ready-made mental representations, which describe what it is to have a stomachache, without going through somatic imitation or mental simulation.

The last two explanations seem mutually dependent. In order to simulate a stomachache one must have some representation of what "a stomachache" is. In order to make inferences about mental representations, one may have to play "as if" games. Martinovski (2007) has suggested that imitation, simulation and representation are cognitive-emotive processes developed in evolution, all equally available for homo sapiens sapiens.

Researchers have suggested different mechanisms for dealing with ToM's complex processing. Baron-Cohen talks about "mindreading" or the ability to monitor others' intentions (Baron-Cohen, 2000). He claims that successful communication entails a constant feedback-check between communicators to verify whether the listener's interpretation corresponds to the intended interpretation. In discourse analysis, feedback-checking is reflected in the concepts of grounding and feedback (Allwood, 1995, 1997). In computer science, the concept of grounding has been used for the design of computational models of dialogue (Traum, 1994).

Group decision-making and negotiation and problem restructuring require a capacity for cognitive-emotive understanding of others and self. This capacity involves the understanding of differing beliefs, intentions, emotional and visceral states, ability to react and to draw necessary inferences, to predict and plan given these concerns. ToM research starts to play an important role in negotiation models, as it enables reasoning about own and others' emotions, goals and strategies and changes thereof (e.g. Martinovski and Mao, 2009; see Section "Emotion in VR Simulated Negotiation").

Emotion in Argumentation and Negotiation Theory

Contemporary approaches to human cognition and interaction underline the major role emotions play in cognitive processing, which influences models and

theories of negotiation, argumentation and decision taking, although not as much as one may expect. This is not surprising, because many of the institutionalized negotiation spaces, such as courts, militaries, and businesses, disprefer "dealing" with emotions (Martinovski, 2000).

Currently, the most popular argumentation theory is that of van Eemeren and Grootendorst's (2004). They define argumentation as a verbal, social and rational activity aimed at convincing a reasonable critic of the acceptability of a standpoint by putting forward propositions justifying or refuting the proposition. Another example are Douglas Walton (1989, 1996) studies of argumentation by means of informal logic and critical thinking where argument schemes for presumptive reasoning constitute the majority of reasoning and argumentation. Argument schemes are structures or forms of argument, which are normatively binding kinds of reasoning and are best seen as moves, or speech acts in dialogues (Walton, 1996).

Case-based and logic-based approaches (e.g. non-monotonic logic) have been applied to study legal argumentation, supplemented with an argument-scheme approach (McCarty, 1997; Prakken, 2005; Prakken and Sartor, 2002). Meanwhile, in artificial intelligence and multi-agent research community, researchers have built computational models for multi-agent negotiation and argumentation-based systems (Sierra et al., 1997; Kraus, 2001; Parsons, 1998; Traum et al., 2003).

With the exception of Walton (1992), these theories did not address the role emotions play in argumentation and negotiation. Gilbert (1995) pointed out that emotional, intuitive (*kisceral*), and physical (*visceral*) arguments ought be considered legitimate and studied just as much as logical arguments. However, neither Walton nor Gilbert offer a model of how emotions alter negotiation.

As Kumar (1997) and Druckman and Olekalns (2008) observe in their overviews, before the 1990s negotiation studies such as Nisbett and Ross (1980), Shakun (1988), Taylor and Crocker (1981), Alderfer (1987), Payne et al. (1992), etc. emphasized information-processing and heuristic aspects of decision-making. The first psychologically motivated behavioral decision theories in modern economics (e.g. Tversky and Kahneman, 1974) were met with mixed feelings. It was easy to experience behavioristic approaches as commercialization of "the managed heart" (Hochschild, 1983) precisely because their focus was on instrumental functions of emotion. The main question was: how can one use emotion in negotiation to achieve better outcome? As a result, research on the topic reflected appraisal theory, which, roughly, defines emotion as a cognitive appraisal, as a reaction to cognitive interpretation (e.g. Carver and Scheir, 1990; Berkiwitz, 1989). Some even defined intelligence as an ability for emotional self-control and self-monitoring for the purpose of strategic goal accomplishment (Salovey et al., 1994). The appraisal-based definition of emotions as intense reactions to achievement of goals is pervasive even today (see e.g. Barry, 2008) especially in the context of artificial intelligence applications development (Traum et al., 2003). It underlines the strategic and tactical functions of emotion.

Related to appraisal theory is the anthropological constructivists theory of emotion, which points out that emotion in negotiation and decision-taking is not only a strategy or tactics related to goals but also a social and cultural phenomenon (e.g. Clore et al., 1993; Ortony et al., 1988). However, although this trend moved a bit away from the goal-behavioral paradigm it is not fundamentally different from appraisal theory as it also defines emotion as appraisals, triggered not only by goals but also by cultures and social relations. Researchers from this period concentrated on emotion as a cause, a consequence and as tactics and not so much on understanding of mechanisms of emotional exchange between-man-and-man within various activities. Negative emotions were privileged mainly because they are part of a major area of research, namely conflict resolution (see the chapter by Kilgour and Hipel, this volume). The Journal of Conflict Resolution started soon after WWII in 1957 whereas the Journal of Happiness Studies exists since 2000, after 55 years of relative world peace. Some of the behavioral observations from that period are:

- display of emotion helps participants to navigate in social structures, it is not only a consequence of information-processing (Parkinson, 1996)
- conflict and negative emotions can be constructive
- ambiguity often causes negative emotions, which influence judgment
- negative emotion in one situation or to one agent easily distributes over other situations/agents

- coercion bias influences negotiation, i.e. negotiators are not aware that display of anger does not only influence the other party but it also fires back on themselves
- illusion of transparency influences negotiation i.e. negotiators assume their emotions are obvious to others, which leads to misinterpretations
- expression of negative emotion can lead to necessary changes (Schwarz, 1990)
- f.ex. anger indicates the importance of an issue to the involved party (Daly, 1991)

Displayed positive emotions between negotiators have number of both positive and negative effects (see also Kumar, 1997):

- enhanced commitment, bonding and confidence (e.g. Kopelman et al., 2006; Kramer et al., 1993; Shiota et al., 2004)
- enhanced flexibility (e.g. Druckman and Broome, 1991)
- mutually satisfactory agreements (e.g. Hollingstead and Carnevale, 1990)
- enhanced gullibility and passivity (e.g. Schaller and Cialdini, 1988)
- heightened expectations which likely lead to disappointment (e.g. Parrott, 1994)

Although theoretically limited these studies started the development of a new trend and a new field within negotiation and decision-making. They are concerned with the effects of emotions but they are not clear on what emotion is. One of the main insights from that period, which we continue to study today is that emotions are processes, which can realize e.g. as cycles (Gulliver, 1979). This insight may throw light on the essence of emotion as a social, physiological or cognitive phenomenon because in this cyclic process emotions can be realized at different stages as impulses or as appraisals and thus affect other cognitive functions.

Current Trends

There is a renaissance of research on emotion and negotiation. This is indicated, for instance, by a recent publication of two special issues of the Group Decision and Negotiation Journal 2008 and 2009 dedicated to emotion in negotiation. Current trends within cognitive-emotive studies in negotiation are concerned with the use of novel methods and new media as well as with the adaptation of emotion within existing theories and the development of new theoretical models of emotion in negotiation, including collaboration engineering (see the chapter by Kolfshoten and De Vreede, this volume) and group support systems (see the chapter by Lewis, this volume).

In parallel with the perpetual refining of the understanding of the true causes and effects of emotion in group decision-taking there is also an interest in the essence of emotion as well as in interaction between man and man, beyond strategic information-management. Emotional, intuitive (*kisceral*), and physical (*visceral*) aspects of negotiation are studied not less than logical arguments as suggested by Gilbert (1995).

Earlier studies in negotiation used predominantly artificially created environments, scenarios, lab experiments and traditional sociological methods such as questionnaires and interviews (Barry, 2008; Druckman and Olekalns, 2008; Kumar, 1997). The new trend introduces authentic data such as recordings of face-to-face and e-negotiations organized in linguistic corpora covering different languages and activities, e.g. business negotiation, conflict solving, bargaining, task management meetings, discussions, etc. (see also the chapter by Rennecker et al., this volume). The novel type of data call for adequate methods of analysis, such as discourse analysis, conversation analysis, activity-based-communication analysis, etc. (see also the chapter by Koeszegi and Vetschera, this volume).

Developments in artificial reality offer the option of simulating emotion in negotiation in virtual reality (VR) environments. It is possible to test the realization and effect of different emotions on negotiation and decision-making as one can simulate human cognitive functions. In this process one develops models of emotion in negotiation, which triggers theoretical development of the subject.

This section will go through three areas of current research: (1) emotion in VR simulated negotiations, (2) emotion in e-negotiations and (3) emotion in face-to-face negotiation and studies of positive and negative emotions and emotional states.

Emotion in VR Simulated Negotiation

Cognitive theory, neurology and philosophy throw Rousseauian glances on the subject of emotion as a complex basis of cognition for a long time but the conceptual change today is heralded by studies in computer science, especially in robotics and virtual agent design. In 2003 Hudlicka observed: "In the process of creating the virtual community and the virtual inhabitants, it became evident that all human cognitive activities and processes are heavily dependent of what we colloquially call emotions." Rapidly growing literature on the topic communicates computational ways for integration of emotion in virtual agents and a need of emotion in these virtual agents models and virtual negotiation worlds (Gratch and Marsella, 2001, 2004; Pelachaud and Poggi, 2001). Virtual agents used for negotiation training, among other things, can hardly fulfill their purposes if they are not coded in a way that connects emotions, actions, and speech (Gratch and Marsella, 2005; Martinovski and Traum, 2003).

Traditionally AI applications use appraisal theory, which is suitable for programming. Emotions have a simple condition: the closer the virtual agent is to its own goals the more intensely positive the agent's emotions are (Traum et al., 2003). However, in order to accomplish ToM reasoning one has to incorporate a capacity for interpretation of others' emotions and beliefs as it affects negotiation. Building on this insight, Obeidi et al. (2009) develop a Graph Model technique for representation of decision-making by adding a module of awareness tracking each decision-maker's model of the other (see also chapter by Sycara and Dai, this volume). Thus they integrate the notion of subjective perception. They use examples from international negotiation where emotions such as fear and anger play a strong role in conflicts as parties build wrong models of each other's mental and emotional states.

Another effort for operationalisation of ToM reasoning and emotion in AI mind-minding negotiation is Martinovski and Mao (2009) process-based Model of Emotion in Negotiation and Decision-Taking (MEND). There they redefine emotion as a coordinator of decision-making not only on personal level (i.e. the agent's own goals) but also in interaction i.e. as restructuring of each other's goals, beliefs and emotions. That way emotion can be involved in interactive re-contextualization of problems and contribute to evolution of problem representation. Emotions are described as personal and interpersonal dynamic processes on a neurological, biological, expressive and interpretative level. One and same stimuli can cause a chain of different physiological reactions, emotional sensations and cognitive appraisals, each of which can influence the other in time. That is, a physiological reaction may bring about an emotion, which can influence cognitive appraisal but this appraisal can in turn bring about coping strategies, which generate other emotions. This process is mediated by physical presence and communication, which can also both influence and be influenced by emotions, beliefs and goals. In this model (see Fig. 1), emotions, ToM beliefs and communication style may alter goals and strategies. Emotion is a derivate of visceral reactions, language, planning, and ToM processing. Each negotiation situation starts with some set of ToM beliefs and goals associated with Self and Other, which relate to a choice of negotiation strategy and tactics realized in the conversation. The decision-making is analyzed into negotiation strategies and transaction and interaction goals. These influence the communication process through interaction/communication, feelings and appraisal of gains and emotion bring about coping strategies. These trigger re-evaluation of ToM models (ToMMs), goals, beliefs, and strategies, which might be changed. Besides the particular goals, ToMMs and beliefs, each negotiation is embedded in a larger existential context,

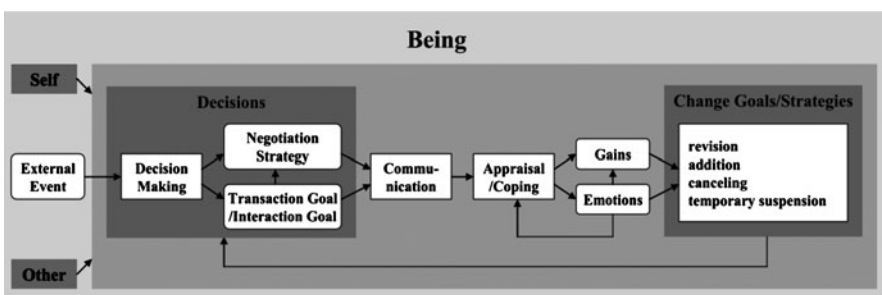

Fig. 1 A model of emotion in negotiation

which wraps in all human and other activity. Studies suggest (e.g. Martinovski, 2007) that awareness of and reference to co-existence in a larger context facilitate group decision-making and negotiation.

The goals, can be interactional i.e. related to ethics, face saving and transactional i.e. related to issues at stake. The interactional and transactional goals can be subdivided into cooperative (win–win), combative (win–lose) and non-cooperative (lose–lose). The negotiation strategies are designed for accomplishing goals and could be avoidance, demand and consent. The goals are communicated and in the process gains and emotions arise and are appraised, consciously or subconsciously, followed by coping with gains in status and emotions. Coping may result in evaluation of need to change goals and/or negotiation strategies. In the following turn we can see how goals, tactics and strategies are distributed within MEND:

Example 1

A: could you, please, take this bag, it is too heavy for me.
The MEND analysis is as follows:

interactive goal:	express desire to get help from someone
transactive goal:	remove a bag
tactics:	bonding
negotiation strategy:	indirect demand
emotion:	empathy elicitation

Each speaker has a particular set of interactive and transactive goals, which might change during communication. Since the interactive goals often determine the choice of tactics, they are not always stated. Transactive goals may sometimes be more salient than interactive goals. By attaching values to each component of MEND one can simulate and test findings of previous studies on and theories of emotion in decision-taking and negotiation (for more detail and examples, see Martinovski and Mao, 2009).

In each interaction, one is dealing with one's model of the other's goals rather than with the actual goals of the other. The communicative exchange and feedback system involved in it serves to resolve mismatches due to this ToM character of communication. In MEND, emotion is an iterative process, which regulates ToMMs build by the interactants of each other's goals, states, tactics, and strategies. The traditional idea of win–win, win–lose and lose–lose negotiation types is thus put into perspective where these processes are seen as dynamic re-conditioning of negotiation by changes of ToMMs driven by emotions. MEND operationalizes re-contextualization (Martinovski, 2007) and the realization that each negotiation is embedded in a larger context of co-being, which invites empathy and awareness of common goal/condition (see 5.8).

Although this model elaborates on the cognitive-emotive processes which go on during negotiation it does not show the linguistic-pragmatic realization of emotion in negotiation. Discourse analysis of linguistic forms and functions of different emotions in negotiation in section five below complements the MEND model.

Language and Emotion in E-Negotiation

Studies on emotion in e-negotiation (see also chapter by Kersten and Lai, this volume) continue to search for understanding of effects of emotion on negotiation and contribute to two specific areas of insight. First, they bring further insights into the relation between emotion and other cognitive functions such as data-processing, decision taking, and memory. Second, e-negotiations are, for the most part, written data thus we find increased interest in and understanding of the emotional value of written language negotiation (see also chapter by Koeszegi and Vetschera, this volume).

In their thorough study of language and emotion in dyadic e-negotiation Hines et al. (2009) find that assent-oriented wording of relations and actions, such as inclusive we-expressions and linguistic formulations of positive emotions, can be used to predict successful negotiations. They seem to be more economical in time and cognitive effort than failed e-negotiations.

Greissmair and Koeszegi, (2009) confirm these findings in an exploration of cognitive-emotive content of electronic negotiation. They show that factual statements (i.e. not only explicit emotional utterance, which have been the object of analysis of most studies on the topic) do convey emotion and that the wording of factual statements can create differentiation in emotional connotation. This suggests that cognitive and

emotional processing is realized in discourse in parallel, which contradicts the view that emotional content is delayed when task-related information has to be conveyed. In fact, it might be the opposite: task-related information is delayed during intense emotional experiences.

Additionally, since emotions evolve differently in successful and failed negotiations, one may describe factual statements and negotiation strategies as interrelated factors of the successful negotiation style. For instance, underlining cooperation despite conflict of interests brings about positive emotions, which then influence success of negotiation.

Studies on Specific Emotions and General Affect

ToM theories directed attention towards emotions, such as empathy and empathy-related discourses as well as towards conflict-resolution models, dealing with fear and anger. There are also studies of general states such as warmth and positive mood effects on decision-taking and explorations of the nature of disagreement. The intercultural negotiation theme is not a major emphasis in this period although it is a growing field of study as number of papers use intercultural negotiation data and arguments (e.g. Kopelman and Rosette, 2008; Yifeng et al., 2008).

Carnevale (2008) is an example of incorporating emotion into the body of an existing decision-taking theory, such as Tversky and Kahneman's (1981). Carnevale does not study the effect of a specific emotion but a general positive affect, which he expects to be accomplished when informants get some positive motivation, such as candy (or wine). Despite this simple stimulation and the limitations of the experimental method his results indicate that positive affect shifts reference point upwards and reconditions the framing effect, predicted by Tversky and Kahneman (1981). Carnevale's attention on emotion in negotiation is an example also of the current trend's interest to involve and contribute to neuroscience. He mentions De Martino et al. (2006), which finds that "increased activation in the amygdala was associated with frame effects" (Carnevale, 2008, p. 58). In turn, based on his negotiation study and De Martino et al.'s (ibid.) results, Carnevale suggests that good mood impacts the neural activity of both right orbitofrontal and vetromedial prefrontal cortex, which associate with decreased disposition to frame effect (Carnevale, 2008, p. 58–59). These multi-disciplinary approaches to negotiation indicate a strong and promising line of research.

Intercultural variation in response to emotions in negotiation (Kopelman and Rosette, 2008) is another promising line of research. Based on staged experiments, they find that Israeli negotiators' acceptance of deals is not as negatively affected by display of negative emotions as Chinese negotiators' are. They attribute that to assumed characteristics in the Israeli and Chinese cultures. However, the language of negotiation, English, is not considered as a factor. Other methods of exploration of assumptions, such as observation of authentic communicative behavior in different languages, could bring deeper insight to the effect of culture on emotion in negotiation.

Yifeng et al. (2008) find that foreign manager's warm-heartedness affects Chinese employees' integration in decision-taking but it does not affect their framing and attitudes to mutual and competitive reward distribution.

Martinovski et al. (2009, 2005a, b) study the manifestation of empathy in discourse based on authentic English data. Empathy in negotiation involves adoption of others' assumed goals or change of own goals and thus enhance decision-making. Empathy stimulates negotiation (Allred et al., 1997) and social harmony (Davis, 1994; Stephan and Finlay, 1999). It is one of the complex cognitive processes which involves reasoning, understanding, and feeling of the other also on a visceral and somatic level. Similar to other discursive phenomena, empathy realizes under certain conditions and has three main functions in discourse: giving, eliciting, and reception, as well as their negative counterparts, namely, refusal to give and rejection to accept empathy. Martinovski et al. (ibid.) find discoursive patterns that are associated in different languages and activities with the main functions of empathy. If empathy is defined as the ability to take the other's position in discourse then any communicative exchange is an instance of empathy since in order to converse one needs to be able to understand what the other is saying and intending. Martinovski and Mao (2009) operationalize empathy in the MEND model.

Mizukami et al. (2009) do not model but aim to understand the nature of disagreement through the development of a communication checklist for the description of a good discussion in Japanese

face-to-face contexts by studying the importance of factors such as activeness of the floor, multi-direction and unification of discussion, relationship and sincerity of participants, and development and sophistication of discussion. Disagreements may yield fruitful discussions, which the authors call criticism or bad discussions, which they call censure. Censures are characterized by lack-of empathy between participants. The authors find that activeness of floor during a discussion can be described in terms of a commitment to speak autonomously and to respond to all participants. They suggest that features, such as choice of object of counter-arguments and treatment of minority opinions during a discussion influence the distinction between reasonable and unreasonable disagreement. Similar to Hines et al. (2009) and Griessmair and Koeszegi (2009), Mizukami et al. (ibid.) point out that language and words matter as they affect expression and perception of emotion.

The next section is dedicated to the analysis of linguistic manifestation of emotion.

Functional Potential and Multi-functionality of Emotions in Negotiation

Emotions are multi-functional in negotiation, which is a result of (i) their essential nature, (ii) their realization in discourse and (iii) the nature of human discourse.

Emotions can function as (i) physiological reactions, (ii) appraised coping on different levels of consciousness and/or (iii) deliberate cognitive and social strategies.

Levels of consciousness can be described as the degree of consciousness of intended communicated meaning in interaction. A useful taxonomy is that of Allwood (1996):

- Indication: ex. blushing
- Display: ex. greeting
- Signal: ex. deception, concealing

Emotions often realize as indications i.e. the participants are less aware and have less control over the indication of emotion in communication. Emotions realized on signal level have a higher degree of consciousness and control. Such realizations are typical for deliberate strategic emotion communication. The most common consciousness level of communication of emotion in interaction does not involve full control nor control of emotion but socially regulated and often automatized awareness, such as in case of greetings.

Another source of multi-functionality is that multiple emotions can be expressed and evoked by each utterance.

Furthermore, linguistic multi-functionality in discourse is generated on different contextual levels, namely, context, co-text, and others'/own mind:

(i) Context can be divided into:
  (a) generic: culture, activity, personality, etc
  (b) specific: physical and psychological state, relation, roles, space, scenario, etc.

(ii) Co-text can be realized as
  (a) Utterances
    – Within utterance
    – Previous utterances and talk
    – Next utterance and future talk
  (b) Concurrent gesturing (Kendon, 2004)
  (c) Concurrent events, activities

(iii) Others' and own minds as context and co-text (Givon, 2005; Martinovski and Marsella, 2003) is another source of multi-functionality in interaction.

Emotion can have one function on generic context level, another on specific context level, a third function in relation to previous talk, fourth function in relation to future talk, etc. In group decision and negotiation, addressees, non-addressees and audiences may interpret and be affected by displayed emotions differently. Emotions can affect own ToMMs and state in a way different from the effect on others' ToMMs and states.

Discourse interaction has been described in terms of joint projects between interactants, in which each joint project consist of at least two contributions by at least two participants (Clark, 1999). A contribution is defined not only by the displayed intentions of the speaker but also by the displayed interpretation of the addressee/s and other participants (Linell and Markova, 1995). Each utterance within the joint project has an expressive and an evocative function (Allwood, 1995). These set up the functional potential and power (Martinovski, 2000) of utterance, illustrated in Fig. 2.

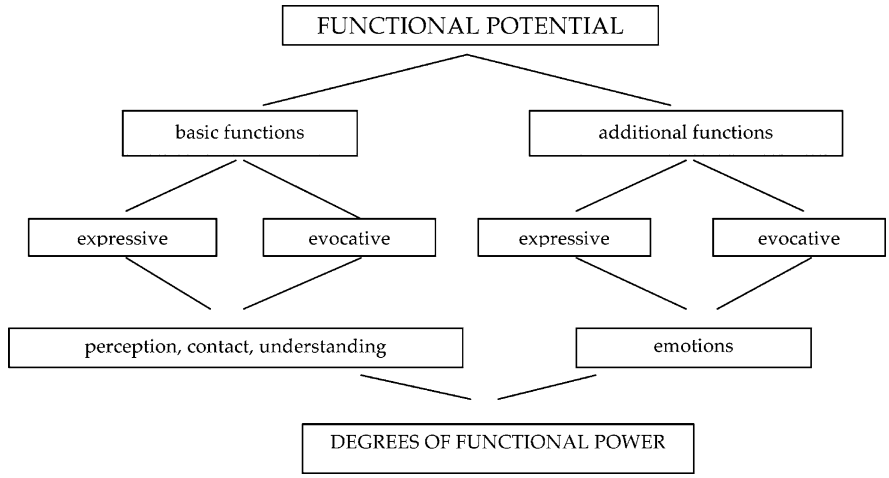

Fig. 2 Functional potential of utterances in negotiation

This pragmatic model of meaning in interaction can be applied also to functions of emotion in negotiation (see Fig. 3). Each verbal or non-verbal utterance has an emotional potential, which is realized through contributions of each party in the interactive joint project. It expresses one or more emotions and it sets short-term and long-term emotional expectations, which influence the functional potential and power of utterances and emotions in the rest of the negotiation. The short-term expectation is related to evocation of immediate response. The long-term expectation is related to future responses with the current or other negotiations or conversations. Expressive and evocative functions of emotion can be intended, unintended and not intended as well as expected, unexpected and not expected.

The functional potential of emotion drives the evolution of problem restructuring in negotiation. The expressed emotion has a potential x to be interpreted in y number of ways depending also on contextual factors. The evoked emotion has a potential x' to be realized in y' ways in the concrete negotiation. These functional potential of emotion in discourse is limited and defined by the next contribution of other participants. The functional power of emotion in negotiation is a product of the interactive realization of functional potential as well as of context. For the sake of clarity, let's observe a fictive example:

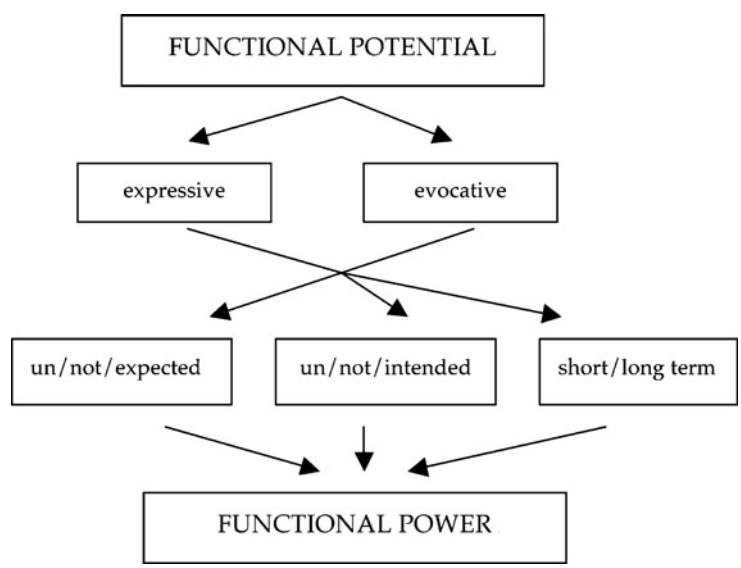

Fig. 3 Functional potential of emotion in negotiation

Example 2

A: Your department dealt admirably with these issues.
B: Yeah, the report says the issues were serious.
According to the framework suggested above A's utterance has the following emotional functions:

Expression:	flattery
Intended feeling in other:	feel appreciated, cooperate in future negotiation, be pleased to accept the utterance as a genuine expression of appreciation, not as a deliberate strategy for accomplishment of own goals
Expected emotion in other	(dependent on context): pleasure or irritation
Unexpected emotion	(dependent on context): anger or contempt
Not expected emotion:	guilt

B's response directs the emotional functional potential of A's utterances and thus contributes to the evolution of problem representation: the structure of B's utterance indicates that it does not accept A's utterance as a genuine expression of appreciation as it is not formulated as, for instance, "Thank you!". Instead, it agrees with previous statement in an informal manner (initial "yeah") and points to the issues in question, which directs to further negotiation of contrasting interpretations of events and goals. Thus it does not indicate any of the expected, unexpected or not expected emotions but it treats the previous utterance as a deliberate strategy and refuses to respond with the evoked emotions.

The analysis in the next sub-sections illustrates further the function of emotion in problem restructuring in negotiation based on authentic data. It studies linguistic manifestations and multi-functionality of emotion as physiological reactions, coping appraisals, and deliberate strategies. I observe mechanism for evolution of problem representation and linguistic and discursive realization of participants' emotional contributions in joint interactive projects, whether they are contributions to the restructuring and the outcome of negotiation.

For the purpose, I use an audio recorded and transcribed plea bargain, which is part of Douglas Maynard's corpus. The setting is as follows: sitting in a room with a judge, we have a defense attorney and a district attorney. The discussion is whether the accused should get jail and for how long or a fine and in that case of what amount. The case involves violence under influence of alcohol and resistance to police officers. The offender is outside the room sitting on a bench visible from the windows.

Structure of the Plea Bargain

The plea bargain, although rather informal, has a particular sequential structure. In general, the parties have to agree first that they are willing to settle the case, then to establish the Penal Code provision that applies to the crime and at last, they need to agree on the settlement value. This particular instance of a negotiation involves sequences and phases of main activities and different kinds of subactivities and topics:

Main activities and sub-activities/topics and their initiators (*sub-activities in italics**; major negotiation accomplishments in bold***):

1. Brings up Frank Bryan's case – Judge (Jge)
2. *Inserted talk about a different case procedure referring back to a topic discussed before line 1 where the judge brings up Frank Bryan's case – Prosecutor (Prs)*
3. Return to the case topic – Jge

   Parties present their interpretation of events
   Defense offers settlement and reference to Penal code, insists that this is a case of disorderly conduct (CPC: 647f) rather than Arrest Resistance case (CPC: 148).

4. *A meta-comment on the origin of his settlement strategy – Defense (Def) to Jge*
5. **Agrees to settle, suggest a type of crime, 148 rather than 647f – Prs**
6. Discussion on events, type of crime and arrest period – Def and Prs
7. *Didactic instruction – Jge to Prs*
8. Aggressive refusal to involve defendant's prior criminal history – Def
9. *Side talk about rain – Jge*
10. **Plea Bargain Agreement – Prs, Def**

Each one of the phases in the negotiation has particular initiation signals and initiators. The order of the phases provides context and grounding for the rest of the phases, i.e. this sequential order provides the organic structure of the interaction. Phases are defined as larger units of talk distinguished by topic, activity and location in the conversation. Sequences are units of talk, which involve at least an adjacency pair and which build up phases in conversation. They are often used to jointly accomplish a communicative act/project.

There are number of concrete facts, which are considered by the parties in order to apply relevant provisions, establish settlement value, provide substantial justice, and eventually reach a plea bargain agreement:

1. Did the defendant resist arrest? – yes/no
2. Did the defendant strike an officer? – yes/no
3. Did the defendant cause disorder? – yes/no
4. Did the defendant spent time in jail already? – yes/no/how long
5. Does the defendant have prior convictions? – yes/no/what kind

The defense counsel's arguments mitigate each stance based on the above questions:

Defendant did not resist arrest other than verbally and if he did it just looked like resistance but it was not because he was drunk;
Defendant's character when not drunk is a very peaceful and sweet; there is no evidence that he stroke an officer;
Defendant caused disorder but it is a minor family thing thus trivial, in fact he was probably even justifiably angry since "what kind of mom calls the police on her son";
Defendant was drunk and if he was not he would not do what he did;
Defendant is black and if he was not it is less likely someone would call the police, even his mother.

Prosecutor's arguments refer to police report and legal provisions texts:

Defendant resisted arrest but not only verbally: he tried to escape;
There is not evidence he stroke an offices but the report is not full;
Defendant caused serious disorder to this extent that his own mother called the police, which points to 647f provision related to disorder conduct;
Defendant has spent time in jail justly since he did resist arrest although not clear for how long;
Defendant has prior convictions related to disorder conduct and violent resistance to arrest, including striking an officer, thus the most relevant and urgent provision is CPC: 148, which provides jail in order to reach substantial justice.

The next subsections proceed with the observation of linguistic manifestation, evolution of emotion and its effect on problem restructuring and negotiation outcome. The analysis offered below, is a developed version of the analysis in Martinovski and Mao (2009).

The negotiation is transcribed according to selected conversation analysis standards (",," denotes continuous intonation; "." – falling intonation; ":" – prolonged sound; [ ] – overlap; "=" – latching; "_" – emphasis; "Jge" – Judge; "Def" – Defense counsel; "Prs" – Prosecutor).

Flattery – Confidence, Cooperation

After opening the negotiation and before announcing desire to settle, the defense attorney offers a compliment to his opponents' party with a tone of voice particular for sober flattery. At the same time, he also restructures problem representation (i.e. because the policemen were professional his client could not strike an officer therefore he does not deserve a harder punishment such as jail) and evokes cooperation.

Extract 1.

61 Def: [He doe:]s (.) take a menacing sta:nce, hh but
62 on the other hand he doesn′t attempt ta strike an officer.
63 <I assume that the officer′s highl – high – degree of
64 prufessionalism: pruvents my client from getting himself into
65 further tr(h)ouble. ˙hhh[hh
66 Prs: [Yeah, thee he (slipped and fell) of
67 [uh: the (court) apparently >[which′s caused< that uh:: a:=

Prs accepts partially the evoked mood of cooperation by acknowledging Def's statement and flattery with a clear initial feedback word (line 66). Prs demonstrates also confidence by not letting his turn despite simultaneous talk (line 66–67) and by checking the facts in the report. However, the structure of his utterance does not indicate acknowledgement of Def's flattery as a genuine expression of appreciation but as a deliberate strategy. Instead of expressing gratitude Prs points to facts in the police report and thus further restructures problem representation. Emotional intent for cooperation reaches partially its goal as the parties agree on a settlement but not on what it is to be settled:

93 Def: [It′s a verbal:. w:: one forty eight. and a real six forty
94 seven ef. Now u: >if you< I would like to settle this case.
95 Prs: Well I′d li[ke to settle (it)

The combination of Prs' initial indication of disagreement followed by an agreement ("well") expresses a qualified acceptance of invitation for cooperation in settlement (Def's invitation on line 94) and intention for further negotiation on the conditions of settlement based on disagreement on interpretation of facts in report and legal consequences. Def's flattery reaches interactive goal of a cooperative mood but Prs' responses inform Def that further negotiation and effort will be necessary. Thus the functional potential of future emotions is thereby directed and limited.

Flattery is a communicative emotion elicitor, presented here in a serious tone and structured language, in difference from other moments of entertainment, sprinkled with casual colloquial mannerisms.

Entertainment – Seriousness

After Defs announcement of desire to settle, Jdg interrupts Prs and Def takes the opportunity for side talk as a form of entertainment in which he motivates his strategic communication choice and demonstrates (*italized*) his experience and friendship with famous, successful lawyers.

96 Jge: *[Yo(h)u ha(h)lwa(h)ays s(h)ay tha(h)a(h)at*
97 *[˙i h h][˙ihh][h u h][h u h]*
98 Def: *[Well as – I][I lea][rned that (t][rade) from Harr]y Moberg,*
99 Jge: *ˈuhh[hOh:] hah [hah][h a h ˙h h] ( )=*
100 Def: *[uh:] [bee][cuz with Harry], (0.2) >you=*
101 Jge: *=[((thrt clr))]*
102 Def: *=[start talkin′] to each other through clenched<teeth .*
103 *[And after about] five] minutes of (.) challenging each=*
104 Jge: *[ah hih!hihhih] ( )]*
105 Def: *=other to go [to trial, and I know ′at ′e doesn′t try any=*
106 *[((sound of small item dropped on table))*
107 Def: *=ca(h)ses see(h)ee, [ˈhh o(h)nly r(h)eason′sI g(h)otta go to=*
108 Jge: *[( )*
109 Def: *=trial a[gainst one′a his new kids, r(h)ight?=*
110 Jge: *[˙hhh*
111 Jge: *=Huh!=*
112 Def: *=ħh Or [(hi)his (n – old pro like) mister Franklin, ˙hhh=*
113( ): *[( )*
114 Def: *=And so I finally tried to get the conversation around t(h)a what*
115 *we were talkin′ about. like sett′lin′ the ca(h)aseˈhhh It*
116 *ˆworks.<Harry and I cuddo a lot of business that wa(h)ayhh*
117 *[wu-*
118 Jge: *[(hih) hih huh huh ˙hh=*
119 Prs: =Uh – (0.2) I – I think it′s a case that oughta be i – uh
120 settled. It′s a=
121 Def: = ˚Okay.=

In this embedded sequence, Def entertains the judge (Jge) who often laughs. He points out that he behaves within a context and with a strategy, that he is playing a role as prescribed by the best in his business. The linguistic tools he uses to accomplish emotional experience such as entertainment are:

Side talk
Narrative
Slang imitation
Lexical choices ("new kid", "old pro", "that trade")
Tone of voice

The Prs does not join the laugh. He latches with a hesitation sound (line 119) to the group laughter of the judge and the defense attorney after which follows a short pause. In that sense, Prs interrupts the entertainment session, in which Def openly presents his strategy, namely "coercion to compromise" (Vogel, 2008). Indirectly, Def presents himself as an "old pro", his opponent as a "new kid" and the plea bargain as "that trade". After the pause, Prs starts to verbalize his position with an initial repetition of a personal pronoun and another hesitation sound. The formulation reveals intention to express stance-taking of the law, not just agreement with the other party's desires, as it does not include an "also" or "I think so too" but modality choices such as "I think" and "ought to be" (line 119). The linguistic tools

Hesitation sounds
Self-repetitions

function as own communication management but may also indicate emotional states, such as reluctance, confusion, embarrassment, seriousness, etc. They do exhibit a contrast to the clear and certain stance-taking in the verbal formulation therefore they do not seem to be part of a deliberate emotional strategy on the part of the Prs. In that sense, they are more likely an emotional speech planning reaction to the emotional strategies of Def and his laughing coalition with Jge.

Ridicule, Sarcasm – Confusion, Angst

As the prosecutor has agreed to settle he proposes a settlement value. He is joining Def in his playful colloquial speech style, which is evident in lexical choices such as "dandy", "wanna", "probably". Def objects to that value starting with an interruption and an initial "wull" discourse particle (line 125 below). Def has no good argument other than reasoning based on his personal hypothetical interpretation of events. He interrupts the very beginning of Prs' attempt to take the floor with another indication of disagreement ("well") and present his own objection (line 130). Def's objection is again underlying his personal view in a categorical manner, which involves even sounds such as garbling signaling ridicule or his personal discontent. In response, Prs is defensive and presents a self-critical explanation of his initial settlement suggestion, which more or less cancels it and expresses his own uncertainty (line 132). When Prs tries to present his view of the situation, starting with a ToM expression such as "I think" he is again interrupted by Def (line 132–3). This time Def continues the ridiculing strategy vocalizing a mocking reaction (*italized*) of surprise with a single discourse particle or exclamation "oh".

122 Prs: =Strikes me as a dandy one forty eight uh – (1.0) >probably
123 better one fortyeight than a six fortyseven ef< if you wanna
124 be very stric[t about it.
125 Def: [Wull I – thu – I see it as a six forty seven ef.
126 uh: ′e didn′ lay hands on any officers, ˙hh if he ′adn′t been
127 so ˇdrunk I assume nothing none′uh this woulda ha:ppened.
128 ˙hh[h
129 Prs: [W[ell I-
130 Def: [I don′t think it′s worth any jail time no matter what it
131 is. ((″no″ is garbled))
132 Prs: I was being academic when I said that. [I]uh: I I think=
133 Def: *[˚Oh,]*

After restructuring the problem by laughing with the judge and flattering, dominating, and ridiculing his opponent, Def suggests his own version of a settlement value, which is of completely different kind: not jail but a very low fine. He does that by following the entertainment and ridicule line of argument, where he invents a new version of a legal term word (line 157–158) and then playfully offers a mocking apology (161, 163):

157 Def: *[Okay, uh: twenny fi dollar fine?<does*
158 *that so:und [justicy?][justici]able?*
159 Prs: [W e: ll,][u m :]
160 Prs: Um: (0.4) i – hh (0.4)[( )
161 Def: *[>I made it up.[I'm sor]ry.I didn′t=*
162 Prs: [Yih got-]
163 Def: *=look at the diction-I made up a [˚w o rd.<]*

Playfully sweet, charmingly apologetic, and ruthlessly ridiculing, Def is playing with words ("justicy",

"justiciabe") used earlier by the Prs thus diminishing his importance and in effect mitigating the effect of his claims for justice (see also chapter by Albin and Druckman, this volume).

In that sense, he combines entertainment and ridicule of Prs by playfully and subtly suggesting that he is too narrow-minded and works only with aid of books, laws and dictionaries, as he himself suggested earlier (line 132). The linguistic tools Def uses:

Repetitions
Turn-taking – interruption, latching
Rhetorical questions
Throat clearing
Tone of voice
Laughing
Not releasing the turn

Prs meets the playful ridiculing strategy with pauses, hesitation sounds, self-interrupted attempts for rebuts ("well"), prolongations, all of which indicate at least a confusion. As a result, Prs' input in the process of restructuring the problem is restricted.

Agreeable and Helpfulness – Incompetence

The functional potential of ridicule and embarrassment evolves in a direction of friendly requests for cooperation as Def asks Prs what value he suggests. Since Prs demanded jail it becomes critical to find out if Def's client has been in jail. Def presents himself as helpful when Prs lacks information on important issue such as how long the defendant spent in jail already. In parallel with the entertainment and ridicule, Def appear as an agreeable negotiator. The agreeable persona is expressed with a reference to the personal name of Prs who Def just made fun of and put in a corner.

170 Def: Well what are you asking for.<>Lemme I mean I always usually
171 go along with whatever Jerry says.<
172 Jge: How long was ′e in jail?
173 Prs: He bailed o:ut, uh:b I can′t tell from: my note he:re other
174 than the fact that (.) i – does yer honor indicate that
175 t[he]the time [of ( )]
176 Jge: [tih] [We never know].how long they were down
177 [there.
178 Def: [Well. lemme ask ′im. I assume ′is mumma bailed ′im out after she called the c(h)ops on ′i(h)m f(h)in′ ou(h)t what [(i′was) all ab(h)out.]

This helpfulness is again dominated by the playful entertaining tone ("lemme", "mumma"), which mitigates the seriousness of the offense and thus works towards minimal judgment. The contrast between this emotion and the aggression and ridicule expressed earlier illuminates the manipulative character of the expressed emotion. The mention of Prs' personal name as a third person expresses further deliberate bonding and at the same time functions as an invitation to the involvement of the third party, Jdg. As a result, since Prs appears incompetent and Def helpful, Jdg proceeds with a short lecture to Prs, which is not quoted here.

Elicitation of Empathy – Refusal of Empathy, Irony

Number of the defense' arguments build on and aim to evoke empathy: being black is a disadvantage therefore an excuse; being drunk provides an excuse too, as well as having one's "mom" call the "cops".

179 Def: [Well. lemme ask ′im. I assume ′is mumma bailed ′im out after
180 she called the c(h)ops on ′i(h)m f(h)in′ ou(h)t what
181 [(i′was) all ab(h)out.]

Empathy elicitation is signaled by number of linguistic devices, such as

Tone of voice
Lexical choices (mom, cops, reminds of adolescent speech style thus pointing to the person's immaturity, reaches to personal association with own family history)
Gesture

Elicitation of empathy aims at a particular restructuring of the problem at hand, namely no jail. Prs responds partially with slight sarcasm and partially

with concrete arguments from the record, which challenge the elicitation of empathy and indicate indirect disagreement with the value suggested by Def.

204 Prs: He has ub a: one prior. (0.3) conviction in this jurisdiction
205 with thee uhm (0.8) sheriff′s office, of of interestinly
206 enough. u:v striking a public officer and of disturbing peace.

Prs' refusal to give the elicited empathy (initial "he has ub a: one prior.") restructures Def's emotional argumentation. It is expressed by

Hesitation sounds
Pauses
Emphatic intonation
Irony expressions (such as "interestingly enough").

The emotional potential of this plea bargain is thus further restructured to a number of possible evolutions.

Aggression – Rebuts and Anxiety

Def interprets Prs stance taking as a challenge (204–206) and responds with sudden explosive counter challenge. The entertaining and ridiculing style, interchanged with demonstrations of helpfulness and agreeability develops into an expression of anger and disgust contempt and a decisive threat (*italized,* line 207). Prs' reaction is again a self-explanation presented in an even weaker manner as he stutters and has difficulties formulating a sentence (line 209). Def continues his ridicule by mocking back-channels, initial interruptions, latching, ridiculing mocking repetitions, etc. (lines 207, 208, 216, 220). In this manner, Def gains once again a dominant emotional role in the conversation, wins the floor and presents his personal hypothetical interpretations as arguments.

204 Prs: He has ub a: one prior. (0.3) conviction in this jurisdiction
205 with thee uhm (0.8) sheriff′s office, of of interestinly
206 enough. u:v striking a public officer and of disturbing peace.

207 Def: *Will you knock it off. ((disgusted tone)) (0.5) You wanna make*
208 *a federal case out of this¿*
209 Prs: N:o, [I I just] think [that that i]t′s it′s not uh this uh=
210 Def: [˙h h h] [h h m]
211 Prs: =happy go lucky chap′s uh first (1.0) encounter with uh um (1.8)
212 Def: [Statistic]ly if ya got black skin:. you ar (0.2) you ar (.)=
213 Prs: [( )]
214 Def: =hhighly likely to contact the police. I think
215 uh:substantially more likely than if you're white.<*Now come*
216 *on.<Whadda want from ′im. (0.6) He′s got a prior.*
217 *(1.8)*
218 Jge: Well we know he spent ten ho:urs, ehhem (1.0) end
219 uh:: [we know he′s been down here fer] mo:re
220 Def: [(He) o: n l y s p e n t ten] ((mock shock))
221 (0.8)
222( ): ((throat clear))=

Emotionally loaded imperative expressions such as "knock it off", "come on" and throat clearing act as more powerful persuasion devices than the arguments, which by themselves are inferential and unmotivated:

Tone of voice
Sentence modality
Turn taking –interruption, latching, backchannels
Lexical expressions
Sequential timing of aggression

Def's sudden anger display has a successful strategic effect. Prs' emotive-cognitive reaction to threats and anger is expressed by increase of:

self-repetitions
pauses
hesitation sounds
final silencing

Negotiation about value is evolving through joint emotional actions and reactions.

Re-contextualization or Agreement in a Parallel World

The negotiation goes through number of stages, which are driven by dynamic re-contexualizing of the other's mind and restructuring of values, controls and preferences: as the defense attorney presents his client as "a good guy in trouble", the prosecutor refers to previous record; as the previous record is mentioned, the defense counsel ridicules the idea of a jury trial for "such as small thing", etc. After a few cycles of emotionally loaded interactive duel and directly after Def's anger demonstration the parties end up in silence with no resolution.

221 (0.8)
222 ( ): ((throat clear) =
223Jge: =what do you think would be reasonable. Jerry,
224 (6.0) (sound of turning papers throught))

Throat clear, as the one on line 222, is a recognized emotional "non-verbal" expression of contempt, irritation, anger, disagreement, social anxiety and silence filler (Poyatos, 2002), in this case all at the same time. The resulting silence is an indication of emotional exhaustion and need of restructuring. At this point the judge says:

225 Jge: Do I hear it raining again? Is it [( )]
226 Def:: [˚Oh my] god.
227 (1.2)
228 (D): ˙h[h
229 Jge: [I think that′s r̲ain [isn′ it?
230 Def: [It only does it for spite.
231 (0.5)
232 Prs: I think it is too.=
233 Def: =The suit′s made of sugar.<It melt[s.
234 Prs: [( ) out of (.)
235 of (0.7) top on it.˚It′s a firebird. It′s a – (0.5) ((clicking
236 sound: chair?)) ( ).
237 ( ): ((audible breathing))
238 (J): ˙hhh
239 Prs: Is a seventy ˆfive dollar (fine)?
240 Jge: Hh Heh huh.˙hh-
241 Def: Why don′t we com̲promise and make it f̲ifty.
242 Prs: That′s d̲one.
243 Def: Ar[ri(h)ght.]

The sudden interruption of the silence and the negotiation on line 225 brings an unexpected reframing of the situation outside of the judicial and personal/emotive context. Instead of directing attention to the other's mind as a context, the participants are asked to shift mental attention to a larger context, in which they are all embedded. This shift brings feeling of relief and almost immediate re-framing of personal and professional goals, values, and preferences, which ends in a sense of a collaborative win-win resolution. One may ask oneself, was it worth fighting over 50 dollars? It certainly is for the defense counsel since he avoided jail for his client. His emotional strategy was successful in this negotiation also thanks to the involuntary "cooperation" of the prosecutor.

Particularly interesting is the empathic exchange between the opponents regarding the effects of rain. Prs expressed an agreement with Def in the context of the world outside of the problem at stake, namely that the rain comes when it is least expected, "I think it is too" (line 232). Both express surprise by the rain and both display irritation with it: Def complains that his suit will melt and Prs complains that the top of his convertible is down. In this exchange, their interaction is harmonious: agreements and complaints are done in synchrony and quickly as latching utterances, Prs is not self-repeating, no hesitation sounds, no pauses. After this moment of mutual empathy and common ground in relation to the rain, Prs makes his settlement offer in line with Def desire. The final bargain part is done smoothly and a compromise is reached in seconds. After an explosive negative emotional development, the re-framing of the situation helped the participants' to restructure understanding of the value, of the importance of the issue at stake and radically change preferences.

Evolution of Emotion in Negotiation

Emotion is an important device for problem restructuring, including goals, values, and preferences in the discussed negotiation. Def's display, indication, signaling and concealing of emotions evolve in the following order:

flattery, humor, ridicule, helpfulness, empathy elicitations, anger-anxiety-irritation-contempt, humor and empathy-elicitation.

Prs' displays of emotion-cognitive states are reactive and repetitive rather than strategic:

seriousness, confusion, refusal to give empathy, irony, confusion, feeling of intimidation, empathy giving.

The emotional structure of this negotiation produces exhaustion, which is reflected by long silences before judge's re-contextualization (lines 221 and 224). Emotive-cognitive and physical exhaustion leads to a tendency to compromise.

The defense counsel uses emotion as argumentation strategy throughout the entire negotiation (see also Martinovski and Mao, 2009). However, the reactive emotions of the prosecutor are not necessarily part of the prosecutor's own strategy although they might be part of his opponent's strategic ToM model. The interactive restructuring of problems and outcome is thus a result not only of the emotional strategy of the defense attorney but also of the emotive-cognitive interpretations and reactions of the prosecutor and the judge.

In sum, it is not simply the personal goals and values of the participants that determine their emotions but also the meeting of the emotions of different parties (see also chapter by Bryant, this volume). The functional potential and power of emotion is related to the functional potential and power of linguistic-discursive display. Even a simple throat clear can have multiple functions and can express number of emotions at the same time.

Between Man and Man

Do roles, social frames, social identities, codes, signals, personal and interpersonal goals, etc. explain and exhaust all that transpires between man and man? Can sociology cover everything between man and man? Martin Buber's answer is negative (1995, p. 17) and so is Shakun's (this volume). In interaction, one is dealing with own models of the other rather than with the actual state or goals of the other. This is the case for the cognitive organization of virtual humans and for interaction between humans. Sociology studies social and discursive realizations of these projections. But besides this social lawyer of interaction there is a more fundamental aspect of being and communication, which is beyond current sociology. This is what Shakun calls connectedness, what Buber calls dialogical principle (1995) and what Levinas (1989) calls response-ability to/for the Other. The functional potential of emotions provides an opportunity for the ethical, for a reexamination of values and goals in the relation between the Self and the Other. This relation with alterity bears out the tension between the temptation to reduce or transcend difference, the temptation for fusion, on the one hand, and the challenge instituted by the encounter with otherness, on the other. This tension implies traversing the boundary of Self and Other towards the terra incognita of alterity. Such involvement may indeed bring one closer to the limit of communication, which entails the risk of "failure", of communication breakdown. However, it is exactly at breakdown that communication as a joint project of reconciliation gets the opportunity to enter the space between man and man, as illustrated by the final silence and problem restructuring in the plea bargain described earlier. Thus the new trend in studies of negotiation views language not only as a vehicle for transmission of thought and emotion but also as a manifestation the ethical. Ethics emerges through and in language and discourse: beyond the contents delivered and the linguistic structure it enforces, language and discourse inspire the fundamental response-ability between Self and Other.

Conclusions

Current trends within cognitive-emotive studies in negotiation are concerned with the use of novel methods and new media as well as with the adaptation of emotion within existing theories and the development of new theoretical models of emotion in negotiation and group decision support systems.

In parallel with the perpetual refining of the understanding of the true causes and effects of emotion in group decision-taking there is also an interest in the essence of emotion as well as in interaction between man and man, beyond strategic information-management.

Developments within neurology and cognitive science emphasize the importance of emotion for cognitive functions such as decision-making and planning. The new trend in negotiation studies reflects this insight in a number of ways. First, it is aware of and seeks cooperation with neurological approaches to negotiation and decision-making. Second, it develops understanding and ideas for the involvement of ToM research in negotiation models. Third, it views emotion as a process and studies the effect of functional potential of emotion on the evolution of problem restructuring in negotiation through authentic data analysis. Fourth, it studies inter-human communication in different media and explores cognitive models for negotiation between Virtual agents and humans, which offer opportunity to VR-simulate cognitive behaviors. Fifth, it acknowledges the limitations of traditional sociological and behavioral approaches to emotion and negotiation by formulating ethical views of negotiation as a meeting with otherness and as instances of connectedness. Sixth, it acknowledges emotions' multi-functionality in negotiation. Negotiation about values and goals evolves through joint cognitive-emotional actions in communication thus emotions' functional potential is analyzed in terms of joint interactive projects. Participants' ToMMs are operationalized in discourse by connecting them to notions of context, expectedness, intendedness and interpretation of expression and evocation. Emotion contributions to joint communicative projects are settled by the interpretation of the addressee/s, not only by the intentions of speakers. The resulting functional potential and functional power of emotion drives problem restructuring and the evolution of problem representation.

Insights into the effects of participants' ToMMs' multi-functionality of emotion in negotiation improve conflict resolution.

In addition, current research on electronic and face-to-face negotiation dialogue suggests that memorizing, planning, decision-taking, calculation, and emotion processing are realized in parallel i.e. emotional content is not delayed when task-related information is conveyed.

The new trend emphasizes that words (verbal and non-verbal) matter, they affect expression and perception of emotion in local and intercultural settings. Specific linguistic manifestations of emotional dominance (flattery, sarcasm, ridicule, aggression etc.) exhibit different levels of awareness – from lexical choices to tones of voice and paralinguistic expressions. Word choice, especially factual, gestures and intonation are of decisive importance for a successful negotiation, face-to-face or electronic. Features, such as choice of object of counter-arguments and treatment of minority opinions during a discussion influence the distinction between reasonable and unreasonable disagreement. In dyadic e-negotiation assent-oriented wording of relations and actions, such as inclusive we-expressions and linguistic formulations of positive emotions, can be used to predict successful negotiations, which seem to be more economical in time and cognitive effort than failed e-negotiations.

Last but not least, emotion in negotiation is intimately related to issues of ethics and connectedness in negotiation. This new understanding of communication and emotion in cognition triggers future search for new and creative methods, which goal is to enhance finding common ground and reaching of agreement by emphasizing the integrated nature of brain functions through e.g. art, images and music.

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