
UNIT 11 DIALOGUE AND NEGOTIATION

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11.1 INTRODUCTION

In the realm of conflict resolution, Satyagraha stands tall for its espousal of non-violence. It stresses on those methods that are non-violent in nature and insists on following methods that allow the conflicting parties to amicably discuss the issue at hand rather than opting for violence to resolve it. In this context, two methods play a significant role- one, dialogue and two, negotiation. These two methods of communication intend to reduce or even mitigate the conflict to considerable extent and bring the negotiating parties together to resolve the contentious issues. We have already studied about other methods of resolution like mediation, reconciliation, adjudication and arbitration and how effective they can be in unraveling the conflict situation. Gandhi, during the years of freedom struggle, used all these methods extensively for he abhorred violence in thought, word and deed to deal with the opponents. As Weber has said, 'Gandhi was a lifelong practitioner of conducting major public conflicts and a profound conflict theorist. In short, it could be argued that Gandhi should be viewed from within conflict resolution theory, rather than being distinct from it' (Weber, 2001, p.493).

Aims and Objectives

After reading this Unit, you would be able to

- Understand the method and levels of dialogue
- Examine the negotiation process of resolving conflicts
- Analyse their relevance in the contemporary times.

11.2 DIALOGUE

Dialogue, essentially, is a conversation between two or more people. According to the Encyclopaedia of Evaluation, it is an interaction between people with different perspectives and interests who are intent on learning from one another. It can be engaged in numerous ways like conversation, debate, discussion, critique, lesson and the like. It also presumes

a certain respect for others (especially among those who may be different from each other), mutuality, honesty, and the ability to engage in critical thinking. Engaging in dialogue creates the opportunity for new understandings—the focus is on exploring others' and ones' own perspective or viewpoint. There is less agreement about whether dialogue should result in consensus or mutual deep understanding, whether of similarities or differences (see Encyclopedia of Evaluation). Dialogue can take place between two or more people, and is primarily a face-to-face interaction of the individuals. Modern technology has enabled it to take many other forms like online conferencing, collaborating and expressing views through various forums.

The encyclopedia also describes dialogue as 'a key element in a number of approaches to evaluation, including the democratic deliberative, empowerment, participatory, and critical approaches to evaluation. Dialogue in evaluation is intended to promote inclusion and understanding of stakeholders' interests. It is also understood to be an essential step in identifying issues and opportunities within a program, organization, or community that can ultimately lead to a better quality of life'. It helps in resolving long-standing contentious issues and helps dispel misgivings apart from building trust. Dialogue enables one to inquire, explore and discover others' perspective in a most constructive and non-violent manner.

Dialogue enables the stakeholders to identify, involve, be sensitive and plan to represent one's interest as well as understand the interests and intentions of the opponent groups. It should also have a degree of openness and receptiveness that is essential for both the parties. It is, as pointed out by Gergen and his associates, is critical to the success and failure of the organisations. David Bohm views it as 'a constructive endeavour in which new meaning and insight are creatively coproduced'.

Dialogue is found both in literary and philosophical genres. The dialogue introduces us to the thought process of the author who records the words between the people -living or imaginary- thus giving us an insight into the issue concerned. Dialogue also exists in the philosophical genre. It gives us an idea of particular time, period, age, people, thought, art, literature and the existing conditions of the time. This explains the philosophy of that age and people. Dialogue is said to have originated in Greece, and the historians usually attribute it as a method, which Plato introduced for a systematic use and elevated this art to its highest perfection. In essence, he can be called as the master of the art of 'dialogue'. It is to be noted that most of Plato's writings are in the form of dialogue. He used it for depicting Socrates and others as engaged in conversation, which is prominently known as Socratic method of teaching. This gained prominence as philosophical dialogue. Socrates remained the protagonist of Plato's dialogues. This form is said to have inspired others including Xenophon, Aristotle, Cicero and scholars from Hellenistic Schools who carved their own methods of dialogue. Thomas Aquinas and Augustine adopted it as philosophical format. Eminent scholars have viewed dialogue in different ways. Martin Buber sees dialogue as an effective means of on-going communication; the second Vatican Council preferred to use it for dialogue with other religions, modern society and political authorities; Paulo Freire, the eminent educationist used it as a type of classroom pedagogy; and Mikhail Bakhtin, the Russian Philosopher, views dialogue as something that enables to create a new understanding of the situation that demands change. Bakhtin, in 1981, used the term 'dialogism' to interpret the approaches of the organisation (apart from the literary connotations); these include appreciative inquiry (as to what should be and what will be), dialogic communication (trying to understand better one's own position and of others), transformative dialogue (constructive and generative forms of interaction

and reconfiguring existing realities) and dialogical scripting (to form plurivocal accounts and richer insights).

In the process of dialogue, it is necessary that enough space be created for the parties to engage in conversation freely. Dialogue facilitates the process of not just talking but allows the parties to discover or empathise with the other party, which leads to the realisation that the other party too is an affected one and is seeking a meaningful solution. The purpose of a dialogue is to learn from each other. It is necessary to use appropriate language, communication methods and skills. Dialogue is not to judge in a prejudiced way but to listen with attention and respect other's opinion. If a dialogue has to be successful, it should be cautious regarding conscious or unconscious beliefs, insight, and assumptions etc. Dialogue need not always end up in a successful conclusion. It is crucial that the parties do not give way to anger, frustration or impatience during the process. It can often be marred by poor communication, rigid stance, and mutual distrust, unwarranted exercise of power, external pressure and other distracting instances.

Sometimes, dialogue is taken up by the parties, which are in asymmetrical power equations. This creates the apprehension of the powerful one gaining an upper hand and subordination of the weaker party. Therefore, it is imperative to create an atmosphere of mutual trust and democratic engagement. Another problem might be the reluctance of the parties involved in dialogue to shed their rigid stance and unwillingness to accommodate other's viewpoint. This creates an ambience that is biased rather than the one with deeper understanding and trust. Much of the success depends on the participants' ability to accommodate and respect others' views, facilitation and sharing of information, democratic and participatory approach. Dialogue is necessary for conflict resolution without whose positive involvement, a solution can never be in sight. Gergen points to its continuous relevance and momentum.

The first crisis in the process of dialogue comes when the parties involved in it come together with their own preconceived (or biased) and pent-up differences. The parties need to observe and be open to being observed, apart from reaching an understanding and come to a settlement. Peter Senge analyses it as a very crucial stage. Gradually, the members realise that they do have an option of suspending their view and adopt a flexible method. The whole process comes under intense introspection wherein members delve into the roots of the conflict. This thought usually carries the process of dialogue forward. Senge also observes that the situation may be vice versa wherein members can choose to become further rigid and diverge, and hold on to their pre-set notions and bias. This is also likely to lead to dialogue because of the 'reasoning they use to support their positions, moving to skillful discussion'. Senge analyses other stages of dialogue as instability, inquiry and finally, creativity that can generate a breakthrough in the conflict resolution.

11.3 NEGOTIATION

The Wikipedia defines negotiation as 'a dialogue intended to resolve disputes, to produce an agreement upon courses of action, to bargain for individual or collective advantage, or to craft outcomes to satisfy various interests'. According to the Dictionary of International Relations, 'negotiation is the process whereby macropolitical actors interact in order to effect a number of goals that can only, or most effectively, be realized by joint agreement'. The Encyclopedia of Law and Society defines it as 'the process of joint decision making in social interactions dealing with conflict resolution, or handling collaborative

future interaction'. Of all the methods of dispute/conflict resolution, negotiation is the most opted method for it 'allows the parties involved to resolve their differences without any third-party intervention, to manage the decision-making process and to control the outcome'. As Thomas Weber puts it, 'negotiation is a search for an outcome that is adequately suitable to both parties, but unlike mediation, the dispute is settled bilaterally, that is, the two parties are themselves the decision makers' (Conflict Resolution and Gandhian Ethics, 1991, p.22). The parties to negotiation can identify a common interest and can attain it by joining together and a complimentary interest in an exchange of different objects, which they can grant to each other.

Negotiations allow the parties to engage in constructive interaction and to improve their conditions. Since there is no appropriate, or procedural system, the parties usually work outside the system to work out better ways to settle as to what each party can give and take, and is willing to execute and obtain. It is necessary for the parties to recognise the need to secure mutual interdependence. Negotiation is supposed to be the most informal, and flexible of the methods available for conflict resolution. Negotiations have the advantage over the other methods of dispute settlement in that they are most likely to effect lasting resolution to conflict as well as reduce dependence on "experts" thereby making the parties self-reliant, giving them control over important decisions that need to be made concerning their own lives (Weber, p.22).

Negotiations take place at interpersonal, interstate and intergovernmental level apart from managing labour-management disputes. Some of the social theorists consider negotiation as 'any interpersonal communication that seeks to present the self' in the context of numerous social relationships and interdependencies. Negotiations may take place at an informal level i.e., among individuals and within groups such as families, firms, tribes, religious groups, or nations. Negotiations offer the opportunity for personal growth by exposing each party to the views of the other, providing a situation for learning- the decision being "the culmination of an interactive process of information exchange". This prevents personal, and in the long term and on a larger scale, social and national stagnation- when an agreement between the parties is reached "the position of each has been subtly changed not only by terms offered, but by its experience of the other and exposure to the other's persuasion" (cit in Weber, p.23).

There are different approaches to negotiation that also include Distributive (Adversarial) and Cooperative (Integrative) approaches. The earliest theories of negotiation focused on the distributive approach in which each party is trying to win as in a contest (Schelling, 1960). These emphasised looking into the strategies used by the parties to maximise their share of the resources in dispute, to minimise losses, and to achieve dominance. The cooperative approach emphasises on creating a cooperative atmosphere as against a competitive and individualistic one. It was developed during the Cold War years, in 1980s, and insisted on cooperative activity. The parties see themselves as 'collaborative problem solvers and principled negotiators'. The term 'integrative bargaining' emerged to symbolise the 'cooperative, collaborative, win-win, or problem solving', and takes the parties' goals are not mutually exclusive but those which both the sides can amicably achieve.

The advocacy approach involves the services of a skilled negotiator to advocate for a particular party and bring out the most favourable outcomes. The negotiator moves with caution wherein the favourable outcome does not make the other party break off from negotiations regarding the outcomes. The creative approach involves constructive talks

between the parties, exchange of information and interests that further lead to innovative ways of solving the problem. The pre-negotiation preparations, flow of information, understanding and seeking solutions, evolving new methods in negotiation- all contribute to creative approach. Shell R.G. in 'Bargaining for Advantage' (2006) identified five styles or responses to negotiation (prone to change as and when necessary) that are crucial- accommodating, avoiding, collaborating, competing and compromising.

Negotiation involves three basic elements: (1) process: refers to how the parties negotiate, context, parties, tactics, sequences and stages; (2) behaviour: communication methods involved, skills and styles; (3) substance: agenda, issues and interests, options and agreements. Other elements are added to this that comprise of strategy, tools and tactics. The first comprises goals, and final outcome; the second comprises the steps to be followed, role of the parties and preparation; and the third comprises statements, actions and responses. The recent additions have been the factors like 'persuasion and influence' that play a prominent role in swinging the fortunes of the parties involved. Two norms operate in the process of negotiations (1) the parties want to induce the opponent to reciprocate (though not mandatory) and (2) they want to facilitate agreement.

Roger Fisher and William Ury, in their work 'Getting to YES', suggested that the negotiations be based on the following four principles:

1. Separate the people from the problem. They advised negotiators to be soft on the people and hard on the problem, to depersonalize, save face, and maintain the relationship.
2. Focus on interests, not positions. The antifoundational assumption of the principled negotiation approach is that positions in negotiation veil its true movers or interests— that is, needs, desires, concerns, and fears. Later approaches differentiated between types of interests, some focusing on needs and values as the key for understanding interests.
3. Invent options for mutual gains. Keeping a collaborative, respectful atmosphere enables parties to brainstorm and generate creative options. Other scholars noted that the parties should work on their differences, avoid making premature judgments or fixating on one solution to expand the pie, create alternatives, and construct a "bridge solution" to the problems they encounter.
4. Insist on using objective criteria. This latter principle involves choosing between the options and regulating the negotiation by the parties' own agreement. They can choose a standard of fairness, efficiency, science, and even law, and avoid the dominance battle.

(Source: Encyclopedia of Law and Society).

The effects of negotiations can be both positive and negative. Before we discuss this, it is important to note that emotions play an important role in the negotiation process. The positive aspects include developing confidence, using cooperative strategy, less contentious and aggressive behaviour, enhancing the integrative gains, tendency to honour the agreements, flexible attitude, respect and tolerance towards others, reposing faith and confidence in the other party, and commitment to carry the negotiations forward with positive approach. The negative effects comprise of anger, less cooperation, distrust, narrowed focus on issues, rigid attitude, and use of negative communication skills, clouding the other party's judgement and commitment and developing unwarranted hostility. These can mar the

negotiations and lead the parties to reject each other's propositions and finally end in the failure of negotiations. In this context, it is important to note that compromise is an essential characteristic of negotiations. Reaching an agreement is essential for the parties involved. For this, sometimes, the goal evaluation is necessary wherein the goals are much more modest; settlement of such goals often proves to be satisfactory to the parties in negotiation.

The following strategies should be kept in view by the parties before initiating negotiations:

- identify the common problems,
- find a mutually accepted definition to the problems and for framing it,
- determine the goals and objectives of the process and create a mutually accepted plan of the negotiation's agenda, procedures, and setting,
- evaluate and prioritize one's goals and possible payoffs, including identifying one's best alternative to a negotiated agreement (BATNA),
- agree on the order in which the issues should be discussed,
- keep awareness of the concerns, fears, and positions that lie beneath the interests of self and the other since their interrelation is a pathway to the solution,
- determine the zone of possible agreement (ZOPA) between the least and most-favorable solutions,
- identify the other's emphasized issues,
- identify points where issues could be packaged,
- develop and locate supporting facts and arguments to one's views and anticipate counterarguments the other side might present, and
- try to find out about the other's interests, alternatives, personal negotiation style, and approach to negotiation.

(Source: Encyclopedia of Law and Society)

The most important factor is the understanding of cultural differences involved. The factors are language, values, non-verbal behaviour and thinking and decision-making processes. Unfamiliarity with these is likely to create misunderstanding and trust deficit. Sometimes, even the managerial values lead to misconceptions. For example, objectivity, competitiveness, equality and punctuality- the factors that are most valued by Americans is likely to be unappreciated by others. The success or failure of negotiations depends mostly on the perceptions of the negotiators. One most important factor is the background of the traditional relationship between the countries. In case of traditional positive and friendly relations, the negotiating parties are likely to be more accommodating, and offer concessions while in parties with traditionally hostile relations, they are likely to be more rigid and adamant to give concessions or even dishonour commitments. While bilateral negotiations can be manageable, the multilateral negotiations may turn out to be otherwise, except that all parties are equally represented. It is said that there is thin line between enmity and amity in the process of negotiations. During negotiations, the use of force should be controlled or prohibited altogether, for they send positive signals to the parties. As pointed by Kenneth Boulding, all parties must appreciate that the price of continued conflict is

higher than the costs of reducing demands. The onus lies on the parties involved to bring about amicable solutions.

11.4 GANDHI'S METHODS

Gandhi's non-violent methods had a telling effect on the masses during the freedom struggle. The effect was equally impressive on the British government that ruled the country. Gandhi was ready to investigate into the roots of the problem wherever it existed, petition, negotiate, arbitrate, mediate and engage in dialogue where necessary. He left no stone unturned before launching his mass Satyagraha movements or individual initiatives like fasting. Except for the non-cooperation movement where the masses turned violent, most of the cases taken up by Gandhi for dispute settlement with the government turned out to be successful though there are criticisms regarding the elements of coercion. Dialogue and negotiations were taken up in most of the cases like Ahmedabad Labour Strike, the Champaran Movement, Bardoli Satyagraha, Gandhi-Irwin Pact and Poona Pact concluded between Gandhi and Ambedkar. Since the details regarding the above cases have already been discussed in previous Courses and Units, the details are not being discussed here to avoid repetition. As Weber said, 'Gandhi's well-publicized examples of nonviolent resistance and the voluminous writings on his techniques at least set the tone for the later development and phenomenal growth of conflict resolution literature in the guise of modern problem-solving and win-win (as opposed to power-based and zero-sum) approaches leading to integrative conflict resolution (as opposed to mere compromise and distributive outcomes)' (in *Journal of Peace Research*, 2001, p.493).

Gandhi was conscious of the difference between evil and evil-doer. Thus, he did warn his satyagrahis not to commit the mistake of hating those involved as the other party in conflict but abhor the sin that is committed by the persons involved. Gandhi's Satyagraha, thus, is a crucial method of conducting conflict apart from its goal of resolving it. Gandhi set the goals and the code of conduct in conflicts (what to achieve in the process of resolving a conflict and how to conduct oneself, i.e., not to hurt the opponent); defined the conflict (what the problem is about, views of both the parties and their goals); had a positive approach towards conflict (by taking it as opportunity to resolve long-standing issues, know the opponent's viewpoint, change the situation to better one's and other's condition); act non-violently in conflicts (adhere to non-violent methods, not to hurt or humiliate opponent); willingness to sacrifice and inflict self-suffering (as in fasting); to act in goal-consistent manner (for example, take up constructive work for positive transformation) and not to escalate the conflict (by indulging in violence and other deviating methods that are inconsistent with non-violence). Gandhi insisted on converting the opponent through Satyagraha, law of love and ahimsa instead of imposing coercion. Gandhi insisted on the right means and ends concept; therefore if the conflict is to be resolved (the end), it should be done so non-violently (the means). This, to him, was the goal to reach and realise the ultimate truth.

11.5 RELEVANCE OF DIALOGUE AND NEGOTIATION

The contemporary world has been witnessing wars of all sorts as it did in the 19th and 20th centuries. The war-torn and Cold War years have given way to a multipolar (or unipolar as some would call it) world where there are pertinent dangers of poverty, displacement, ethnic conflicts, environmental problems and terrorism. Often, the conflicts

are being handled through military violence (as in armed intervention) and through other forms (like imposing embargoes, economic sanctions) that hurt the people directly and indirectly. With migration of people to different parts of the world, multiculturalism is on rise. This, sometimes, is leading to the clashes in cultural values and perceptions and distrust. Under these circumstances, the solutions are being sought but not via non-violent methods. For peaceful existence of different cultures and people, dialogue is an essential feature. Thus there have come up forums promoting inter-faith or inter-religious dialogues. These are promising in nature though the visible evidence regarding its effectiveness is yet to emerge. Similarly, territorial/boundary disputes or economic disputes are on the rise. Though dialogue or negotiations are going on, these are marred by traditional/historical record of distrust and disharmony. The capacity to understand the opponent and engage in constructive one-to-one talk is waning. The rising violent incidents are adding to the existing conflicts thereby leaving no scope for dialogue and negotiation. Unless there is a massive change in the mindsets and strategies of the parties, the solutions seem to be unresolved. In the interest of mankind and in the interest of promoting world peace and order, it is imperative that non-violent methods are taken up. To repeat what Kenneth Boulding said, it is much costlier to handle an escalated conflict. The best possible solutions can be brought about through non-violent methods that impose no costs at all.

11.6 SUMMARY

Dialogue and negotiation constitute the non-violent methods of conflict resolution. They help in resolving the conflicts in an amicable manner and in understanding one's and other's position in a constructive manner. Both the methods help in forwarding one's interests; at the same time they give us an insight into others' problems. The resolutions are aimed through integrative approach, increased awareness about other's culture and values apart from constructive approach towards achieving cordial gains. It would also help in forging harmonious relations between parties or nations in order to work for a better and peaceful order in the world.

11.7 TERMINAL QUESTIONS

1. What do you understand by dialogue? Trace its origins and advantages.
2. Define the concept of negotiation. Analyse its principles and strategies.
3. Write short notes on:
 - a) Gandhi's methods of non-violent conflict resolution
 - b) Relevance of dialogue and negotiation in the contemporary world.

SUGGESTED READINGS

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