

Shifting attention as re-contextualization in negotiation

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Theory-of-Mind mental and emotional processes provide a special kind of context: the minds of others (Givón, 2005). In interaction, people learn to act within these contexts. Different activities, including roles and relations, delineate Theory of Mind (ToM) mental contexts in different degrees.

This paper presents an analysis of linguistic phenomena involved in a plea bargain negotiation where the participants are treated as contexts for each other. The activity-given context changes dynamically, driven by a more general context of human face-to-face interaction. Re-framing of the situation in a larger context of human co-existence results in a sudden negotiation resolution.

The audio recorded and transcribed plea bargain is a part of Douglas Maynard's corpus. Sitting in a room with a judge, we have a defence 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 linguistic manifestation of the minds-of-others context is summarized as follows:

Table 1: Linguistic manifestations of interactive contexts as minds of others

ToM context/ Expression type	Defence counsel	Prosecutor
lexical	Positive client descriptions 'sweet', 'nice', 'a very good go lucky good natured guy'; Mitigating expressions 'swing (instead of 'hit'), 'slipped and fell' (instead of 'collapsing due to resistance to arrest'); ToM modal expressions: 'actually', 'apparently', 'i assume'; entertaining: playful imitation of US African slang, yih know,	approximating expressions 'somewhere'; declarative questions and clarification requests; latching; downplaying expressions such as 'just', 'by the way', 'possible', 'probably better 148'; 'i see' and 'alright' as backchannels; impersonal expressions 'one senses that';

	overlap with other's laughter; negatively framed Q+ final positive or negative Q; colloquialisms: 'mighta', 'wanna', 'woulda'; thrown in comments, compliments: 'i wanna have to add'; apologies	
prosodic	'feel sorry for him'- prosody; emphasis on 'jail' and 'strike' as contrast to innocent description of client; fun intonations: higher volume at ending of preferred narrative, as escalation in the fun story; stress initial contra 'i don't think...'	lower voice, professional, even intonation
paralinguistic	throat clearing signalling ridicule; lip parting in questions of doubt; laughing through words; garbled self-confirming 'no'; breath in at end of defence speech	hesitations, self-repetitions, pause in own speech, self cut-offs, hesitation sounds
behavioral	thrown-in sarcastic empathy + laughter; telling the frame of the story not the actual reason of accusation; not reading evidence but ad hoc story compilation; references to and reformulations of judges previous; sarcastic apologies; entertaining	quoting, uncertainty, filling in the opponents story, impersonal agreements on story, allows to be interrupted line 163;

Juxtaposition of discursive manifestations of ToM contexts of the two main participants shows that while the defence counsel is staging an entertainment performance relying on prior contact with the judge, the prosecutor reacts to this emotional domineering by bringing in the external context of the law. The linguistic features exhibit the ToM contextual contrast. The negotiation goes through number of stages, which are driven by a dynamic re-contextualizing of the other's mind: as the defence attorney presents his client as 'a good guy in trouble', the prosecutor refers to previous record; as the previous record is mentioned, the defence counsel ridicules the idea of a jury trial for 'such as small thing', etc. After a few cycles of strategically emotionally loaded interactive duel the parties end in silence with no resolution. At this point the judge says ([] denote overlap, = - latching, _ - emphasis, Jge - Judge, Def - Defense counsel, Prs - Prosecutor):

Jge: Do I hear it raining again? Is it [()]

Def:: [°Oh my] god.

(1.2)

(D): 'h[h

Jge: [I think that's rain [isn' it?

Def: [It only does it for spite.

(0.5)

Prs: I think it is too.=

Def: =The suit's made of sugar. <It melt[s.
 Prs: [() out of (.)
 of (0.7) top on it. °It's a firebird. It's a- (0.5) ((clicking
 sound: chair?)) ().
 (): ((audible breathing))
 (J): `hhh
 Prs: Is a seventy ^five dollar (fine)?
 Jge: Hh Heh huh. `hh-
 Def: Why don't we compromise and make it fifty.
 Prs: That's done.
 Def: Ar[ri(h)ght.]

This sudden interruption 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 relief and almost immediate re-interpretation of personal and professional goals and contexts, which ends in a sense of a collaborative win-win resolution.

Based on such observations, the paper presents a model of dynamic re-interpretation and re-contextualization in negotiation. Specific linguistic manifestations of emotional dominance function as strategic means for negotiation with different levels of awareness, which depends also on the activity. Following the empiria, the model suggests, that explicit shifting of attention from contexts of other's minds to larger inclusive contexts offers relief in face-to-face negotiation, which brings out collaborative re-interpretations of the situation at hand.

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References

Givón, Talmy (2005) Context as Other Minds: The Pragmatics of Sociality, Cognition and Communication, John Benjamins.