

A SAFER SOCIETY THROUGH COMMUNICATION AND INFORMATION

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ABSTRACT

The article defines negotiation as the use of information, time, and power to influence outcomes. It underscores the importance of negotiation in both personal and professional settings, highlighting strategies like rhetoric, logic, and non-verbal communication. Various negotiation types, such as distributive (win-lose), integrative (win-win), and rational (objective-based) are discussed. The authors stress the importance of mutual benefit, the psychology of reciprocity, and ethical considerations in negotiations.

Finally, the article outlines negotiation tactics and strategies, such as the "YES...BUT" tactic and stress-inducing techniques, while emphasizing that negotiation should be a deliberate choice based on one's comfort and needs. The ultimate message is that learning to negotiate effectively can significantly improve the quality of life.

KEYWORDS: *effective communication, ethics, manipulation techniques, morality, mutual benefit (WIN-WIN), negotiation, power and influence, social and business relationships.*

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1. INTRODUCTION

Human beings are highly interactive socially. Talking to each other gives people an exceptionally quick, clear, and thorough way to get to know and form relationships with each other. The real world is a huge bargaining table, and whether we like it or not, we are all participants. We all come into conflict with others, such as family members, business agents, competitors, or government entities. How we approach these encounters can determine not only whether we will prosper, but whether we will enjoy a satisfying, enjoyable, and fulfilling life. Negotiation is an area of knowledge and effort that focuses on winning the favor of people from whom we want certain things.

Traditionally, it is assumed that those with the greatest talent, dedication and education are rewarded. But life has disappointed those who claim that virtue and hard work will ultimately triumph. The "winners" seem to be the people who are not only competent, but also have the ability to "negotiate" how to get what they want (Vasile Tran, Irina Stănciulescu, 2001).

2. WHAT IS NEGOTIATION?

In every negotiation we are involved in, in every negotiation in the world, from a geopolitical diplomatic negotiation to buying a house, three crucial elements are always present: information, time and power. Everyone's ability to negotiate determines whether we can influence the environment or not. It's about analyzing information, time and power to influence behaviour, satisfy needs and make things happen the way we want them to.

What is negotiation? It is the use of information and power to affect behavior in a "warp of tension". If we think about this broad definition, we realize that we actually negotiate all the time, both at work and in our personal lives. Against whom do we use information and power to affect their behavior outside of the job? Husbands negotiate with wives and wives with husbands. We use information and power in addition to friends and relatives. Negotiations can take place with a traffic policeman ready to give us a fine, with a store that does not want to accept our personal check, with a landlord who does not provide essential services or wants to double the rent, with a merchant who wants to cheat us. We can negotiate with customers, bankers, vendors, suppliers. We negotiate more often than we realize. That's why it's important to learn to do it better, more efficiently and thus improve the quality of our lives, at work or outside of it.

Regardless of where and between whom they are conducted, negotiations call on rhetoric, logic, and elements of argumentation theory. Sometimes effective communication and manipulation techniques are used. Notions such as offer, request, position, claim, objection, compromise, concession, argument, transaction, argumentation, evidence, etc., can frequently intervene in the negotiation process. At the same time, non-verbal communication elements, such

as physiognomy, facial expressions, gestures, posture, clothing, general appearance can have an importance that should not be neglected. The culture of the partners and the bargaining power of the negotiating parties are other elements that must be taken into account. Elements of tactics and strategy, rhetorical traps and tricks, as well as knowledge of the psychology of perception, can play a decisive role in obtaining large advantages in exchange for small concessions. In the contemporary business world, negotiation and the negotiator acquire considerable importance. Never in history have commercial transactions been more numerous and conducted at higher values. For the manufacturer, importer or wholesale distributor, a good negotiator can do in three hours what ten or a hundred contractors do in a few weeks or months. A weak negotiator can lose just as much. A margin of a few percent on the price, the warranty period, the delivery conditions and shipping, at the payment term or a margin of a few percent on commission or interest, always remain negotiable. In large transactions, in the industrial market, where contracts worth billions are negotiated, this negotiable margin can amount to tens or hundreds of millions. From the position of each of the parties, they can be lost or won. Negotiation is a talent, an innate grace, but also a skill acquired through experience, training and learning. The job of negotiator is an elite one, in business, in diplomacy, in politics. Broadly speaking, negotiation appears as a focused and interactive form of interpersonal communication in which two or more disagreeing parties seek to reach an agreement that solves a common problem or achieves a common goal. The understanding of the parties may be a simple verbal agreement. Consolidated by a handshake, it may be a tacit consent or a letter of intent or a protocol, convention or contract, drawn up following common procedures and usages; it can also mean an armistice, an international pact or treaty, drawn up in compliance with special procedures and customs.

In relation to the area of interest in which negotiations are carried out, we can distinguish between several specific forms of negotiation.

By negotiation we understand any form of unarmed confrontation, through which two or more parties with contradictory but complementary interests and positions aim to reach a mutually beneficial commitment whose terms are not known from the beginning (Ștefan Prutianu, Communication and negotiation in business). In this confrontation, mainly and loyally, arguments and proofs are brought, claims and objections are formulated, concessions and compromises are made to avoid both the breakdown of relations and open conflict. Negotiation enables the creation, maintenance or development of an interpersonal or social relationship in general, as well as a business, work or diplomatic relationship in particular. It should also be mentioned that negotiations do not necessarily always aim at results manifested in the direction of an agreement. Often they are carried for their collateral effects such as: maintaining the contract, buying time, preventing the deterioration of the conflict situation. Apart from these, negotiators' meetings can be seen as a potential channel for urgent communications in crisis situations.

The absence of communication can be considered as an alarming sign of the impossibility of carrying out the negotiation; its presence is an indication of the chances that negotiation will occur. At the same time, we must pay sufficient attention to the climate of discretion and thorough gradual construction.

As long as the negotiation is conducted with the conscious and deliberate participation of the parties who seek together a solution to a common problem, the approach involves a certain ethics and principle.

Mutual benefit (WIN-WIN)

In principle, in negotiations, each side adjusts its claims and revises the initial objectives. Thus, in one or more successive rounds, the final agreement is built, which represents a satisfactory compromise for all parties: the negotiation therefore works according to the principle of mutual advantage.

According to this principle, the agreement is good when all negotiating parties have something to gain and none to lose. Everyone can achieve victory, without anyone being defeated. The important thing is that when all parties win, they all support the chosen solution and abide by the agreement. The principle of mutual advantage (WIN-WIN) does not exclude, however, the fact that the advantages obtained by one of the parties may be greater or smaller than the advantages obtained by the other or the other parties in negotiations.

I use it often

In the psychology of communication, there is a so-called psychological law of reciprocity, a law according to which if someone gives or takes something, the partner will automatically feel the desire to give or take something else in return. Even if we don't actually give something in return, we are still left with the feeling that we owe, that we should give.

Following the subtle action of this psychological law, any form of negotiation is governed by the principle of compensatory actions. The consequence is reciprocity of concessions, objections, threats, reprisals, etc. The Latin expressions of this principle are: "Do ut des" and "Facio ut facio". In Romanian, the principle can be found in expressions like: "I give if you give", "I do if you do", "If you give more, you leave me too" or "If you make concessions, I will do it too", "If you raise demands, I will also pick up" etc.

3. MORALITY AND LEGALITY

The law is the law and must respect it even beyond the principles. To avoid unpleasantness, the morality of commercial deals, where the law does not appear, often remains a matter of principle, of deontology. Strict adherence to this principle is not really possible. The control of communication ethics is relative. The legal aspects of transactions are an exception, but also from this point of view, in international negotiations, the parties must agree from the start on the rules of commercial law that they will respect. When these differ from one country to another, each party tries to remain under the legal rules of its country. This fact can generate conflicting situations, which can be overcome by adopting the norms of commercial law and international customs.

The fine art of negotiation is actually not new. Two of the greatest negotiators in history lived about two thousand years ago. Neither was part of any institution of their time, neither had official authority. However, they both exercised their power. Both men dressed poorly and went about asking questions, and thereby gathering information, the one in the form of syllogisms, the

other in the form of parables. They had goals and standards. They wanted to take risks, but with a sense of mastery over their situation. Each of them chose their place and manner of death. Yet by death they both gained the devotion of disciples on the face of the earth. In fact, many of us try to live our daily lives according to our values. It is about Jesus and Socrates. They were ethical negotiators, followers of the win-win theory, and they were people of power.

There are several fundamental types of negotiation. The real world is a huge bargaining table, and whether we like it or not, we are all participants. Analyzing the type of negotiation we are engaging in is always important. To know and evaluate him already means to predict in broad terms the behavior that the partner will adopt and to prepare his own behavior in response. In this way, the risk of a rupture to conclude a disadvantageous agreement decreases.

The specialized literature distinguishes between three fundamental types of negotiation:

Distributive negotiation is either/or type, which opts between victory/defeat. It corresponds to a zero-sum game and takes the form of a transaction in which it is not possible for one party to win without the other party losing. Every concession made to the partner is detrimental to the grantor and to each other. In this perspective, negotiation pits two adversaries with opposing interests against each other and becomes a confrontation of forces, in which one of the parties must win. Any concession appears as a sign of weakness. Any successful attack appears as a token of strength. The object of the negotiation will be an agreement that will not take into account the interests of the partner and which will be all the better the harder it hits the opposing party. The negotiation tactics and techniques used in distributive negotiation are typical for resolving conflict situations. They are hard and tense.

Among the usual tactics, we can mention: the polemic carried out by permanent counters and by systematic deviation from the subject; assault by force; intimidation; rhetorical maneuvers based on dissimulation, masking intentions, hiding intentions, hiding the truth and blaming the opponent; disqualification for bad faith, personal attack and disparagement. This type of negotiation is possible when the opposition of interests is strong and the imbalance of forces is significant.

Another negotiation tactic is the integrative (win/win) one in which the partner's aspirations and interests are respected, even if they go against their own. It is based on mutual respect and tolerance of differences in aspirations and opinions. The advantages of this type of negotiation are that it leads to better, more sustainable solutions, the parties feel better, and the relations between the parties are strengthened. Both win and both support the settlement and agreement reached. Integrative negotiation creates, saves and strengthens long-term human and business relationships. It causes each of the negotiating parties to modify their objectives and adjust their demands in order to resolve their common interests. This approach to negotiation circumvents and avoids conflict situations. The climate of the negotiations is characterized by trust and optimism, and the agreement, once reached, has every chance of being respected. Specific tactics are based on reciprocity of concessions (shorter delivery times against immediate parties, for example).

Another negotiation tactic is the rational one, in which the parties do not only aim to make or obtain concessions, consents from subjective negotiating positions, but try to resolve substantive disputes from an objective position, other than the position of one or the other among

them. For this, mutual interests must be clearly defined within a framework of total transparency and sincerity, without resorting to the slightest dissimulation or suspicion. It starts with formulating the problems that need to be solved, with answers to questions like: What's not working? Where is the evil? How does this manifest itself? What are the facts that contradict the desired situation? It continues with a diagnosis of the existing situation, insisting on the causes that prevent solving the problems. Then, the theoretical solutions are sought and the measures by which at least some of them can be put into practice are determined by common agreement. The algorithm of rationality therefore means: defining problems; diagnosis of causes; searching for solutions. The negotiator seeks to understand the partner's stake, to know his feelings, motivations and concerns. Divergences that remain unresolved are regulated by recourse to objective criteria, as well as scientific references, legal norms, moral norms or by recourse to the offices of a neutral arbitrator.

Anticipating the margin of negotiation is essential. Any start of negotiation requires the definition of objectives. They give us a sense of direction, a definition of what we plan to achieve, and a sense of accomplishment once they have been achieved.

In principle, the negotiator comes to the negotiating table when he already has something in mind three negotiation positions, realized more or less precisely.

Position declared open (PD), also called starting position. This position is formulated in such a way as to ensure a margin of maneuver in relation to the partner's claims. As a general rule, for example in a commercial negotiation, the seller will declare more and the buyer less than they each hope to get. The advice of experienced negotiators is that when you buy, start from the bottom, and when you sell, start from the top. The order in which the statements are made almost always matters. As a rule, the one who declares first is at a disadvantage compared to the one who declares later.

The break position (PR), also called the minimum/maximum limit position. Below, or as the case may be, above its level, the negotiator is no longer willing to engage in any discussion. The breaking position is not uncovered by the partners (adversaries), but each of them must intuit and carefully and delicately evaluate the secret position of the other. Beyond the strictly technical and financial interests, any statement made outside of the partner's breaking position usually involves a certain amount of arrogance and frustration.

The objective position (PO), also called the expected position. It is the realistic position at which the contradictory claims of the partners (adversaries) can be met and balanced. It represents what the negotiator hopes to be able to obtain or extract from the partner without unacceptably harming his or her interests.

By overlapping the three negotiating positions of both partners, an area in which they can understand each other will result. This area of possible agreement is called the negotiation margin and is delimited by the breaking position of the negotiating parties. The key to success is the correct estimation of the break position (Herb Cohen, 1995).

4. NEGOTIATION TECHNIQUES AND TACTICS

In the specialized literature, it is often presented that, in any form of human interaction, a certain strategy and tactic is put into play. Any form of negotiation involves a confrontation of wills, feelings and interests. At the same time, mastering the interaction of the wills involved in the negotiation means not falling prey to spontaneous reactions, without a logical and rational determination. It often happens that a spontaneous action, an impulsive reaction of the opponent leads to the "choice" of the negotiation tactic. That is quite something other than a rational course of action (Rita Carter).

The premeditated tactic can be an effective communication technique, a rhetorical trap or a psychological trick. It helps us to stay in control, to take the initiative.

The YES...BUT tactic is the kind of tactic that makes us more likable to the negotiating partner. It's free. Diplomats never say NO. Like good negotiators everywhere, they learned this from the Asians. Returning from his long Asian journey, Marco Polo, one of the best negotiators, wrote that he met real schools where the messengers and spokesmen of the Mongolian and Tibetan chiefs were trained. They received, in the evening, as many lashes on their soles as they did NOT get off their lips during the day. People hate being denied, challenged, contradicted. "NO" is a direct and categorical negation that cuts, tears and hits. It runs the risk of offending the partner and blocking the discussion. "NO" irritates and infuriates. It lacks delicacy.

Tactful people carefully avoid it. Expressed simply, clearly and unequivocally, the negation "NO" remains without further options. It leaves no room for turning. Break off the negotiation. Conversely, a wording like "YES...BUT" can be used with the meaning of negation, retaining two other options. It has three possible shades: one meaning "YES", one meaning "maybe" and one more which really means "NO". At any time you can continue on the desired option. The secret of "yes...but" is that it allows the formulation of one's own opinion as a continuation of what the partner said and not as a direct contradiction of his opinion.

The tactic of the fake offer, in short, can be characterized as "a negotiation trick with...a little drama". Price negotiation is always a zero-sum game, where one cannot win without the other losing. As much as possible, the adversaries manipulate each other, at least to the limit of loyalty and morality. One of the somewhat disloyal tactics, rarely found in textbooks and often in practice, is that in which the buyer makes an attractive price offer to the seller to eliminate the competition and to motivate him in the course of the transaction. Once he has obtained this, he finds a reason to modify his original offer. Then begins the "bargaining" by which he convinces the seller to accept the new offer, usually much more moderate. As much as possible, the seller is put in the position of having little choice.

The tactic of stressing and harassing, in a word, weakens the opponent's physical and mental resistance. As an exception and as rarely as possible, when we negotiate with a difficult, unprincipled and disagreeable opponent, willing to unnecessarily engage in tough and prolonged negotiations, it is recommended to use tricks and tactics to stress and harass. Within them, an insistent and vicious counter-crowding is recommended. All kinds of side maneuvers can be used,

which, although not directly offensive and humiliating, have the role of annoying and disturbing the opponent, putting him in a position to hasten the end of the negotiations. The opponent can be persistently carried through the manufacturing halls and warehouses of the company. He can be accommodated in a room exposed to hellish noises that prevent him from sleeping. At the negotiating table, he can be placed with his eyes in the sun or another source of irritating light. He may be sitting with his back to a creaking door that someone is closing and opening insistently, as if by accident. He can be seated in a seemingly luxurious, but uncomfortable, creaking armchair, the only one available, unfortunately. He will sit stiffly and tire quickly. It can be placed near a strong heat source or in a cool, damp draft. He may be invited to a meal where he is generously offered exactly what he does not like or cannot eat. Strong drinks may be offered beyond the limit of his mental endurance. When the long-term relationship is not in our interest and we propose to use such means of pressure, we must do so under the guise of the most perfect innocence and kindness, apologizing and pretending to be victims alongside the opponent. These are some of the negotiation tactics.

5. CONCLUSIONS

In conclusion, just because so many things are negotiable, doesn't mean we always have to negotiate. But whether or not we negotiate something must be entirely our choice, based on the answers to the following questions: *Do I feel comfortable in the position to negotiate in this particular situation? Will the negotiation meet my needs? Are the benefits I can get as a result of this meeting worth the energy and time on my part?* If the answer is yes to these questions, only then should the negotiation begin. We should feel that we are masters of the situation, choose our occasions according to our needs. We have the freedom to choose our attitude towards certain circumstances and data and the ability to influence the outcome. In other words, we can play a much bigger role than we realize in shaping our lives and improving our lifestyles.

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