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# COMMUNICATION IN THE CONTEXT OF THE NEGOTIATION PROCESS

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## Abstract

*The aim of the present paper is to highlight the way in which communication reflects in the negotiation process. Negotiation is known as the oldest means of communication that leads to the development of human relationships, continuously adjusting them to the values that are imposed when an agreement is desired regarding their observance/enforcement. It is unanimously accepted that negotiation is carried out essentially through communication. During the negotiation process information and knowledge is transmitted and received by the participants. The messages that are thus generated are subsequently used in arguments and counterarguments and serve to the purpose of imposing the transmitter's interests in the content of the agreements that might be reached with the receiver. The way in which communication is carried out in the process of negotiation helps to reveal feelings and concerns, attitudes, convictions, beliefs, temperament and character traits, taking up an offensive or defensive position, as well as other aspects of the interlocutors' behavior. The above-mentioned aspects allow stating that during the negotiation process one deals with oral or written communication, non-verbal communication, as well as with the so-called „marketing communication”.*

## Introduction

As a matter of fact, the literature records essentially two types of definitions of communication, in accordance with two different approaches of the term. The first uses a simple logical pattern, according to which an entity emits a message to another entity that acts as a receiver; the latter demonstrates that the message produced a certain effect through the feed-back that he/she gives. The second approach places communication within the negotiation space and focuses on the quality and meaning of the messages, both the transmission and the reception being influenced by the interlocutors' expertise, culture, openness towards consensus and towards reaching an agreement. According to this latter definition, communication fosters interpersonal relationships, human interactions directed toward consensus.

## Current stage of the knowledge

Communication characterizes to a great extent human beings, their identity, the life and activities they carry out, their interaction and relationships with the other individuals. Consequently, it is inherent to the development of society as a whole.

Due to these aspects that are unanimously accepted, communication has always been a main concern for the researchers and for all those interested in understanding and using its mechanisms in the domains in which they work. Nowadays, nobody questions the importance of communication any longer, but people try to find out ways to increase its effectiveness. The diversity of the domains to which communication researchers pertain leads to various approaches from the different perspectives specific to the sciences in which the respective researchers have expertise, while the observations and conclusions are expressed in the languages proper to these sciences.

In his work entitled *Tratat de comunicare i negociere în afaceri* (Treaty of business communication and negotiation), tefan Prutianu quotes the definition given to business communication by the mathematician Warren Weaver, according to whom – „Communication means all of the procedures by which one mind may affect another. The interpretation of this definition reveals the fact that people do not confine themselves to the act of merely informing. They react. They influence one another and persuade or not one another. Besides the informational content as such, that may well circulate between intelligent machines, human communication triggers and sets in motion feelings, emotions, attitudes and convictions or beliefs... Obviously, human communication does not sum up to its verbal aspect, namely to speaking or writing. Moreover, its non-verbal manifestations (voice

volume, tone of voice, accent, look, body posture, distance, clothing, gesticulation, mimics, etc.) prevail as compared to the verbal ones.” (Prutianu, 2008, pg. 339-340)

In the communication area, Gilles Amado and André Guittet (*Dynamique des communications dans les groupes*) bring to the fore the fact that „there is communication whenever an organism of any kind, particularly a living organism, can affect another organism, by modifying this latter or by modifying its very action, through the transmission of information (and not through some direct action like that exercised by a physical force which activates some energy)”. (Amado & Guittet, 2012, p. 5)

The definitions given by communication specialists focus on the senders and the receivers. The rule that senders apply is to use those forms and means of communication (promotional communication, negotiation, verbal and non-verbal messages, etc.), those sciences (rhetoric, psychosociology, acting, etc.) that are likely to induce in the receivers' minds the conviction that the messages delivered are useful to them and subsequently the idea that they should reach consensus. In the receivers' case, the feed-back that they provide must be well self-controlled so as to allow them to assume a most favorable position when they take up the sender's role. The communication process presupposes switching roles, from sender to receiver and the other way round.

Communication specialists and researchers point to the irreversible character of communication. The negative impact of certain pieces of information or wrong/inappropriate messages cannot be cancelled, at the most they can be reconsidered so as they may be somehow attenuated; in most of the cases, however, the initial impact comes to obsess the interlocutor. The same thing happens when communication is successful and when it is re-initiated the interlocutors rely on the continuation or keeping of communication in the same line of thought. Nothing remains the same after communication occurs. People change, their determination alters; their behavior is projected on the coordinates of what they become.

Whether we want it or not, we communicate. In other words, this is a result of the stakeholders' behavior, which has the meaning of a message. When we communicate voluntarily, we use words, messages, symbols, or nonverbal elements. We communicate in speech in the contexts of various debates, meetings, interviews, round tables, colloquies, etc. We communicate in writing when we send e-mails, letters, offers, CV-s, text messages, reports, etc. We use all the means of non-verbal communication when we consciously make certain gestures, put on certain clothes, use our mimics, position of the head, hands or legs, etc.

Nonetheless, we also communicate involuntarily, especially when we leave our nonverbal language unattended, showing boredom, contempt, blatant distrust; shying away, speeding one's pace, etc. also indicate disagreement or lack of interest toward the effective or potential receiver.

In order to take place more easily and be successful, communication in the context of the negotiation process must be envisaged from the perspective of the marketing communication (promotional communication), which is described by Chris Fill as a „management process through which an organization engages with its various audiences. As a consequence of understanding an audience's communications environment, organizations seek to develop and deliver messages to their identified stakeholder groups, before evaluating and acting upon the responses. By conveying messages that are of significant value, they encourage audiences to offer attitudinal and behavioral responses". (Fill, 2010, p. 16)

Nowadays marketing communication has led to the appearance of a real scientific apparatus and a complex pack of procedures able to generate thinking and subsequently specific activity concerning both „intentional communication techniques (in the case of advertising, product promotion, public relations, namely actions concerning the image, direct marketing and personal selling, etc.), as well as unintentional communication techniques (the brand, the price, store location, the personnel's behavior or the environment, etc.)". (Shimp & Andrews, 2013, p. 7)

Communication influences the consolidation and development of society as a whole and especially of the organizations that compose it. Human beings, their actions, the way they communicate provide the meaning and the value of the organizations they are part of. In the marketing field this aspect is particularly complex and in most of the cases crucial for the existence of the organizations.

The notion of „marketing communication" implies the transmission of the marketing communications from the organization towards its internal as well as external audiences, in the context in which there is a wide range of adequate means and tools that support this process and facilitate its deployment. All the undertakings are tailored to fit the characteristics of the target audience. Inside the organization, the marketing communication serves to send messages towards and among the employees, so that they „come to speak the same language", to detain the same basic information they should have in mind when carrying out the actions meant to achieve the employer's target objectives. On the other hand, by communicating with the exterior, the organization aims at creating, developing and consolidating

relationships with the public opinion, the suppliers, the distributors and the consumers. Consequently, the organization does not envisage a short-term temporary partnership, but the creation and development of a long-term relationship, the loyalty of the customers pertaining to various categories of the public, the formation of their constant habits of buying the products offered by the organization.

Communication is a process of adjustment to various situations, provided that the messages are clear and concise in order to allow the interlocutor to get their correct meaning and react adequately. Any message, irrespective of its complexity, generates reactions and relationships among the interlocutors. Through communication, the participants in the negotiation process influence one another mutually to the purpose of persuading one another, by sharing values and interests that converge towards agreements meant to regulate the development of further activities.

According to these approaches, communication envisaged under its various forms that we have mentioned above, ensures the necessary transparency so that the participants in the negotiation may become aware of the various conclusive aspects relating to the activity of the partner organization or to the products that it offers. Communication cannot be avoided if it has been decided that negotiation is to take place. During the negotiation process roles switch. One receives or sends messages by turns.

Consequently, communication is present throughout all the stages of the negotiation process (pre-negotiation, the actual negotiation, post-negotiation proto-negotiation). These activities mutually build one another or each begins only after the previous one has been concluded. Proto-negotiation occurs continuously and influences pre-negotiation, the actual negotiation and post-negotiation. Each of these stages is important. „Negotiating is a give-and-take process. This exchange requires that you establish priorities about what you want to gain and what you are willing to give up. When you are clear about the purpose of the negotiation, you can develop a hierarchy of demands." (Levinson, Smith, & Wilson, 2004, p. 37)

## **Communication in the stages of the negotiation process**

### **1. Communication at the pre-negotiation stage**

At this stage, marketing communication should be the most effective. Ideally, marketing communication occurs continuously, based on a schedule and an adequate budget for its achievement. When communication ensures the exchange of information, messages and signals, it is voluntary/intentional. At the pre-negotiation stage, the potential negotiators exchange enquiries

and offers. While the tenderer transmits information, the enquirer gathers existing information about the potential partner. They exploit the information that is delivered through involuntary communication. As a matter of fact, no stage of negotiation can take place unless we communicate verbally or non-verbally (written or oral messages, communicated through direct mail, e-mail, fax, or telephone). According to Stefan Prutianu, communication develops on two levels: the content and the relationship. „No human communication sums up to merely transmitting information, but also induces a certain behavior. The information alone is not enough to trigger the behavior..... The verbal language communicates ideas, notions, concepts, at the level of the content of communication. The non-verbal component communicates affective states, emotions, feelings, attitudes, at the level of the relationship between the interlocutors..... At the level of the content, words carry out information. At the level of the relationship, the voice and the body provide information on the information.” (Prutianu, 2008, p. 346)

The constant development of a promotional communication plan allows negotiators to raise awareness of the organizations they represent, to get to know the current offer of their partner, the institutional image and the market positioning. All these aspects are important during the pre-negotiation stage (they facilitate gathering information and the elaboration of the negotiation files), as well as during the actual negotiation stage.

They also help reduce the distrust, the suspicion, the misvaluation of the partner's strength.

They allow the extrapolation of the institutional image prior the post-negotiation stage, facilitating the conclusion of a new agreement or the prolongation of the existing one.

The unseen part of the negotiation process is underlined by the previous promotional communication and sometimes rolls obsessively in the partners' minds, which results in a negative impact on the production of offensive arguments counter arguments during the dialogue.

However, we may conclude that the application of a promotional communication plan impacts to a great extent upon the successful conclusion of an agreement between the participants in a negotiation process.

At the pre-negotiation stage the negotiation scenario is set up, the roles of the interlocutors/negotiators are established; the messages to be communicated are defined and encoded in the symbols considered the most appropriate. The communication channels are chosen. On the other hand, the decoding, interpretation and processing of the messages received take place. When the voluntary exchange

of information and message at the pre-negotiation stage is re-initiated, the feed-back allows the evaluation of the degree of understanding of the message by the partner/interlocutor.

At the pre-negotiation stage there occurs the so called pre-communication that paves the way for the actual negotiation.

## 2. Communication during the actual negotiation

The success of the negotiation process relies actually on the successful communication between the negotiators. The guarantee of the success lies in the application during communication of certain rules rendered objective by the negotiator's expertise, and acquired from numerous authors that analyzed the domain in question, summing up and validating the collective expertise.

In the same context we present a series of recommendations synthesized from the literature we have studied, out of which we may mention the following:

- The need to plan communication. The analysis of the messages that are to be delivered. The awareness of their logical weight and the thorough understanding of the semantics of the terms used;
- The granting of agreement by the managerial team and the granting of impartiality and objectivity to the messages;
- The identification and commitment to the objective of communication without any deviations or details that could dilute the persuasive force;
- The need to decipher the physical and moral impact of the messages that are delivered through the verbal and non-verbal communication;
- The need to exploit the capacity to empathize with the interlocutors, namely the rule of putting oneself in the partner's place;
- The compliance, throughout the negotiation process, of the rule of asking questions to keep the focus on the problem that needs solving;
- The use of communication techniques and means able to ensure agreement and enhance the perspective of future negotiations;
- The perseverance of the interlocutors;
- Listening as a dynamic feature of active communication, as a means to understand the interlocutor's message.

This stage relate to the effectiveness of verbal communication, even if this latter only contributes by 10% to the communication process. Therefore, this attention investment seems

paradoxical as compared to the control and self-control efforts that one should make in non-verbal communication.

It seems that the mastery of nonverbal communication requires acquiring a long experience. At the same time it is compulsory to have some knowledge about role-playing, staging, drama, psychology, diction, mimics, good manners, general knowledge, etc. The process of non-verbal communication presupposes three progressive stages of learning, namely:

- Paying attention to the interlocutor in order to understand the signals he/she transmits through the position of the body, of the limbs, through the expression of the face, in general, and of the mouth and eyes in particular; relating the gestures with the words, with the tone of the voice and decoding the truthfulness or falseness of the messages;
- Paying attention to himself/herself, being aware of one's posture, attitude, gestures. Controlled display of the body and mimics that are in accordance with the message one would like to deliver;
- Using non-verbal communication as a means of self-control and in order to control the interlocutor.

Once the interlocutor's behavior and non-verbal messages are understood, one may adjust his/her own behavior and nonverbal communication. The body posture, the gestures reveal the negotiators' feelings and emotions. The better one understands the interlocutor's nonverbal language, the more this can be used to the advantage of the negotiator.

### **3. Communication at the post-negotiation stage**

At this stage, communication is essentially corrective, clear and precise, without exploratory talks, especially verbal or written, consensus-oriented – the consensus has been pre-established during the actual negotiation stage. Non-verbal communication does not occur at this stage. It is the glory moment of the jurists. No room for acting or for flexibility. It's the victory of the consensus, of its final consignment.

The renegotiation with a view to amending, extending certain contract terms or to include additional contract terms that provide the necessary conditions for the transaction to be fulfilled is by now leveled as far as communication is concerned by the actual negotiation.

Communication is more difficult when it has to do with the amiable settling of failure to comply with certain terms or with breaching of the contract terms. Putting forward the exculpatory arguments, meant to diminish the negative effects, falls not only on the jurists but on the entire team of negotiators.

At this stage, the negotiators take stock of the negotiations; they analyze the difference between the ideal scenario of the negotiation and what the consensus actually brought about. They diagnose the way in which communication was carried out. They lay the foundations for future negotiations.

When the negotiating parties come to settling the disputes in accordance with the legislation applicable to the agreement, communication is carried out essentially at the juridical level. The defence and the prosecution communicate in a juridical jargon, which is not an attribute of the negotiators, but is related to the interpretation of the legislation applicable to the transaction, to the revelation of legal defects that prove the weakness of the negotiating team, of the managerial team that mandated them, of the unfavorable general business environment, when this is the case.

This is the moment when the quality of the negotiating team is examined. Verdicts can be given, but, most important, instructive conclusions can be drawn, a new training programme of the team can be established, to ensure their performance and success. We have to do with a communication with a view to improvement.

### **4. Communication and its role at the proto-negotiation stage**

At the proto-negotiation stage, it is marketing communication (promotional communication) that prevails.

This activity allows the tactical harmonization of the points of view, attitudes, interests which, although negotiated and agreed upon, still seem to make the partner feel skeptical or reserved about them; this state of facts can get worse and subsequently impact negatively on the carrying out of the agreement. At the same time, the harmonization become compulsory due to new evolutions in the internal and international political and economic context, due to the changes in the legal framework, to the mass communication means that influence public opinion and bear a negative impact on the continuity of the agreement that has been negotiated and signed.

The proto-negotiation fosters, ensures the optimal flow of the other stages of the negotiation process (for instance, a vast campaign for the promotion of a certain product and which is carried out during the period of validity of the draft agreement can determine the negotiating team to accept certain clauses that otherwise would have been rejected, which would have led to the failure of the negotiations).

The proto-negotiation lies in the same line as the pre-negotiation, the actual negotiation and the post-negotiation. Communication occurs voluntarily, but indirectly. It does not involve

sitting at the negotiating table, but creating the favorable climate for the negotiations. Communication during the proto-negotiation stage provides arguments on both sides, facilitates reaching consensus, and renders the positions more flexible. There occurs polarization; veils are lifted; uncertainty is diminished.

At the same time, communication during the proto-negotiation carries information, knowledge, emotions and feelings. The actual negotiation is meant to persuade the interlocutor that the facts presented are true and useful and not false and deceitful. Negotiations are expected to converge towards consensus and subsequently towards the adoption of the agreement. That explains why communication at the proto-negotiation stage becomes a proactive factor for a successful negotiation.

Communication during this stage can be reparatory; it can allow the tactical alignment of the points of view, attitudes, interests which are liable to be put into question. Also, it can serve to adjust to certain unforeseen situations, such as political risk, climatic risk, marketing risk, technological risk, market risk, amended legislation risk etc.

In this context, the negotiators display a tacit behavior, with no apparent connection with the negotiated agreements, with no participation in the dialogue, the initiatives coming only from those interested in strengthening the agreement when this has already been concluded, or aiming at concluding an agreement still under negotiation. These activities deliver messages and signals of goodwill and availability; they foster favorable trends in the public opinion; they create a favorable environment and a favorable image that encourage the decision to negotiate an agreement.

Proto-negotiation has also as an objective sales promotion. When advertising campaigns are used for this purpose, we may talk about simple proto-negotiation. On the other hand, when a marketing communication plan (promotional communication) is developed we have to do with complex proto-negotiation.

Communication at the proto-negotiation stage can manipulate, can divert attention from a series of delicate problems of the draft negotiations.

It also allows one negotiating party to provide arguments in favor of certain important clauses, in response to the other party's reluctance.

In practice, any form of indirect communication is liable to fall under the category of proto-negotiation.

## Conclusions

Based on the fact that any communication aims at influencing the receiver through the information, knowledge, emotions conveyed, persuading him/her that they are useful and true and consequently modeling the receiver's buying

behavior, we can conclude that all the subjects and all the actions carried out throughout the negotiation process are influenced by communication. In practice, communication in the negotiation process focuses on „influencing, persuading, generating convictions and inducing behaviors to the benefit of the communicator. In the same context, the author argues that At one pole there is competitive negotiation: Win-Lose, Victory-Defeat. At the other pole, we find cooperative negotiation: Win-Win, Victory-Victory.” (Prutianu, 2008, pg. 343-344) These two extremes that render the negotiation process objective are decisively influenced by communication.

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