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Arguing and Bargaining in International Negotiations: On the Application of the Frame-Selection Model and its Implications

Peter Kotzian

ABSTRACT. The aim of this article is to make a conceptual contribution regarding the occurrence of arguing and bargaining in international negotiations and to loosening the unitary-actor assumption underlying state behavior. To explain the occurrence of arguing and bargaining, Esser (2001, 2004) used the frame-selection model developed for individual actors. Arguing and bargaining are seen as frames – fixed combinations of supreme aims, norms, behavioral routines, and symbols. Once activated, a frame largely determines an actor's behavior. Similar to the mechanism proposed by March and Olsen (1998), actors choose a frame given the symbolic information in the situation, but also given the utility associated with a frame. Formally modeling the choice of arguing and bargaining as frames, Esser (2004) treats states as unitary actors and derives several statements about the occurrence of each mode. The additional contribution of this article is the loosening of this assumption and the derivation of its implications. The frames adopted by states are conceptualized as those frames dominant among the individuals involved in any particular negotiation, be it by being members of delegations or national policy networks. There are fundamental differences between the frame of a person and the frame of a state. Further, each component of a state's frame results from a different aggregation process. Only for some frame components, like interests, an established aggregation process exists. This accounts for the differences in the occurrence and effectiveness of arguing and bargaining at the international level.

Keywords: • Arguing • Bargaining • Frames • International negotiations

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1. Introduction

The aim of this article is to make a conceptual contribution to the debate on the occurrence of two distinct types of negotiation: "arguing negotiations," in

which actors follow a *logic of appropriateness*, and "bargaining negotiations," in which actors follow the *logic of consequentialism*. The two "logics" distinguished by March and Olsen (1989) are competing behavioral concepts used to explain state behavior. The rationalist approach assumes negotiations to be a bargaining situation among rational actors oriented toward the consequences of their actions, in which power and interests determine the outcome. Arguing approaches see negotiations as an argumentative discourse, in which actors orient their behavior toward what is appropriate to the situation. Both concepts are rooted in either rationalism or constructivism – wider paradigms of international politics with fundamentally different assumptions about actors, their behavior, the chances and conditions for cooperation, and the role of institutions (see Fearon and Wendt, 2002; Hopmann, 2001; Müller, 2004).

After sketching the content of arguing and bargaining in international negotiations (Section 2), the article discusses a new approach to explaining the occurrence of arguing and bargaining, one proposed by Esser (2001), but not yet introduced in the anglophone literature (Section 3). The approach allows formal statements to be made on the occurrence of either negotiation mode as well as on the shift between both. Esser's approach is the rationalist counterpart to Müller (2004), who sees the occurrence of each mode as determined by norms. In his treatment of the arguing–bargaining problem, Esser (2004) treats states as unitary actors, that is, as persons. In Section 4, I loosen this assumption. This allows additional statements on the occurrence of arguing and bargaining as well as on the mechanisms by which institutions influence the negotiation mode. It also allows the variation in the frequency of both modes and, in particular, the dominance of the bargaining mode to be explained.

2. Arguing and Bargaining Negotiations

The term "international negotiations" is understood here as an interactive process by which a solution to a problem is sought by several states (see Hopmann, 2001: 445; Young, 1991). Arguing and bargaining are two different concepts of this process. As for the terminology used in this article, the term "mode" refers to the way an actual negotiation is conducted, while the term "model" refers to the appropriate theoretical model used to describe the negotiations as well as to the mental model of the actors, that is, what they believe the negotiations to be.

2.1. Bargaining Negotiations and the Logic of Consequentialism

In bargaining negotiations, actors are assumed to be following a *logic of consequentialism*: based on fixed preferences, bargaining power, and information, and motivated by self-interest, actors behave in a way oriented toward the consequences of their actions. Negotiation outcomes reflect interests and power. The negotiation process is of little relevance. It can be (and often is) ignored, in particular, in formal models. Usually, it is assumed that actors engage in a tâtonement-process leading to an agreement (see Arregui et al., 2004; Hopmann, 2001; Raiffa, 1982). Apart from stating proposals, communication such as the justification of proposals by reference to norms or facts is mere strategic rhetoric or cheap talk. The process is studied in more detail in order to provide advice that increases the chance of agreement and improves negotiation outcomes.[1] Pre-existing institutions,

such as norms or organizations, may facilitate negotiations (Hopmann, 2001; Sjöstedt, 2003), but only have an impact if they also have bargaining power.

The term "identity" makes sense only insofar as actors have certain preferences and power. Preference development is seen as a conceptually distinct step. It can be modeled as a process of intra-national preference aggregation, one concluded beforehand (Moravcsik, 1997). Double-edged diplomatic approaches loosen this distinction by conceptualizing the state as an agent negotiating internationally as well as domestically with national actors (Evans et al., 1993).

2.2. Arguing Negotiations and the Logic of Appropriateness

In arguing negotiations, actors follow the *logic of appropriateness*: actors are oriented toward whether an action is appropriate in a given situation, irrespective of the consequences. As for motives, according to Habermas (1982: 385), actors in what he calls the mode of "communicative action" do not primarily strive for their own utility, but for an agreement in the sense of a mutual understanding and solution which satisfies certain criteria, for example, which respects the positions of all actors, as well as norms, and facts. Reaching this agreement (*Verständigung*) ranks higher than their own utility. Maximization of utility is impossible, since preferences are endogenous and subject to change. Negotiations are seen as a long-term problem-solving process of discourse, learning, and changes in the actor's identity. This process and its history cannot be skipped, but is the focus of the studies. Communication is not limited to demands and threats, but consists primarily of the presentation of arguments and the appeal to norms. Statements have to be justified with reference to more general norms and facts (Gehring, 1996: 218). These in turn are created during a kind of meta-discourse. With regard to this process Risse (2000: 8 *ff.*) introduces a third logic, the *logic of arguing*, as the process of generating true facts and legitimizing norms, which are later the appropriate criteria to which actors adhere.

The behavioral mechanism underlying arguing negotiations is not rational choice, but is close to sociological role theory: behavior follows identity. The most pronounced statement of this argument is presented by March and Olsen (1998: 951–2): actors behave as is appropriate to the identity or "role" that they are currently playing. An identity is here understood as a combination of norms, ideas, and preferences defining appropriate behavior in a situation. The identity itself is evoked by the situation, in particular, by symbols: the identity of an "EU member" created during the continual negotiations within the process of EU integration implies certain norms (for example, not to risk the EU by being too egoistical), values (for example, that the EU is a good thing), and causal beliefs (for example, that EU integration fosters welfare) (Falkner, 2002). In the EU context, a government will orient its behavior toward this identity, but behave differently in other contexts.

2.3. Occurrence, Conditions, and Conceptual Integration

Most authors concede the occurrence of both modes.[2] As for the practical identification of either mode of negotiation, one can look at the process and the outcome of the negotiations for the criteria of either mode. With regard to the process, bargaining is characterized by the exchange of "demands backed by credible promises, threats, or exit opportunities" (Risse, 2000: 8). As for outcomes, the bargaining mode of negotiation is recognizable by outcomes reflecting only

preferences and negotiation power, with no unexplained remainder.[3] With regard to the process, the arguing mode is indicated by communication which is argumentative and cannot be reduced to strategic rhetoric, with actors who are ready to submit to the better argument, even if this incurs costs. Thus, the outcome of a negotiation conducted in the arguing mode may be for some actors worse than the status quo.[4]

Bargaining models have been applied widely and successfully (see Hosli, 2000; Lewis, 1998; Milner, 1997; Powell, 2002). Their explanatory power seems to indicate that bargaining is the most frequent negotiation mode. Despite this success, some negotiations cannot be explained by rational choice at all, others only partly. The newer arguing approach is seen as an independent explanatory factor, capable of providing an explanation when pure rationalism fails (March and Olsen, 1998: 952). Some negotiations are classified as being of predominantly one type, for example, the EU as opposed to the WTO. Studies differentiating phases of negotiation, such as Zartman and Berman (1982), Gehring (1996: 220), as well as Risse (2000), associate steps with modes. The "diagnosis step," the establishment of a common understanding of the problem, is a question of facts and arguments, while distributional questions are settled later in the bargaining mode. Despite strategic usage of norms and facts, which is part of most real-life negotiations (Checkel, 1999; Elster, 1989; Payne, 2001: 41), many case studies have found true arguing in international negotiations (see Crawford, 2002; Elgström and Jönsson, 2000; Falkner, 2002; Müller, 2004; Risse, 2000). As for the logic of the behavioral mechanism of appropriateness, evidence suggests that states do indeed behave differently in different situations: EU identity sometimes dominates national identity and, as a consequence, the common interest of the EU may dominate national interests (Sbragia, 1994). Changes in identity may be triggered by symbols, for example, appeals to "Project Europe" (Lewis, 1998, 2003: 106). Several preconditions are enumerated for the occurrence of arguing: mutual trust, the irrelevance of distributional aspects, insecurity about the problem, a "common life world," and a shared readiness to submit to the better argument in a setting in which all participants are accepted as equals and the use of power is excluded (an "ideal speech situation" in Habermas's sense).

The conceptual question is how the existence of two fundamentally different behavioral modes can be integrated into a unitary concept of behavior. One can find several approaches to the reconstruction of arguing as rational choice and vice versa (Keck, 1995, 1997; Müller, 1994, 1995).

Müller (2004: 414), the most pronounced position within the arguing approach, states that norm-guided behavior is the more general behavioral model, and that bargaining is chosen when normatively appropriate. Along the same line of reasoning are the studies by socialization theorists, such as Checkel (2005), indicating that a certain behavioral mode is active if it is part of the role actors are abiding to.

Rational choice can integrate aspects of arguing, such as learning and the abidance to certain norms (see Axelrod, 1984; Becker, 1976; Ely and Välimäki, 2003; Guttman, 2003; Lange and Vogt, 2001; Schimmelfennig, 2000). But using utility-based models, rational choice has difficulties in explaining behavior without either short- or long-term utility and behavior which is to some degree automatic, that is, not the result of conscious calculation.

3. Integrating Arguing and Bargaining: The Frame-Selection Model

This section will discuss a rational-choice model able to explain the occurrence of rational, calculating behavior or automatic behavior in general and arguing and bargaining in particular. Since the work done by Esser (2001) is not yet widely known, this necessitates a somewhat longer exposition of the model. The frame-selection model can explain when actors engage in arguing and bargaining as two distinct modes of behavior.

3.1. Frames and Behavior

Esser (2001, 2004) starts from the psychological concept of a frame.[5] Compared to its political applications,[6] the frame concept used by Esser is a more encompassing one: a frame is a package of several components, telling the actor what the situation is about and what to do in a given situation. It encompasses a model of a prototypical situation, norms that are relevant in that situation, standardized behavior scripts which structure the interaction, information and beliefs which are assumed to be shared among the interacting actors, and in particular an ultimate aim which "frames" behavior and the perception of situational components (Esser, 2001: 262).

Any real-life situation is usually coupled with one frame only. Once a frame as a model of a situation is activated, behavior follows the components of this frame. Among these components are the following:

1.   The *aim component* of a frame is the overall aim, defining what the situation is all about. This component is crucial, since under certain frames only one aim is pursued, while virtually everything else is completely ignored, even if this incurs substantial costs. The aim can be anything from maximizing one's own utility (bargaining) to finding the truth (arguing) or following a certain norm (appropriateness).
2.   Frames also encompass a *norm component*. To respect a certain norm may be indispensable in one situation, while other or no norms apply in others: if an employer and employee are haggling over wages, neither of them renounces utility for the sake of the other, nor is he expected to do so.
3.   The *script component* of a frame is a standardized model of behavior or an interaction sequence. For instance, the interaction between a customer and a seller in a supermarket is highly standardized. The actors know how to behave and what to expect next, which economizes behavior for standard situations by making permanent calculation and reflection superfluous.
4.   Frames also encompass information, an important example of this being *symbolic components*: symbols indicating to the actors that a particular situation belongs to a more general type of situation in which this particular frame is valid. Assigning a frame to a concrete situation is the "definition of the situation," a cognitive step preceding any action.

To sum up the argument, a frame is a learned mental model coupling situations and behavior. There are typical situations, recognizable by interpreting the situation and its symbols, resulting in the activation of a frame with certain elements: "one behaves in a certain way," strives for certain aims while assuming certain causal relationships, and in doing so respects certain norms. Both the arguing and the bargaining mode of behavior can be seen as frames consisting of

certain components which are activated in a certain situation and then determine behavior. The argument of the frame-selection model for explaining ruptures in behavior is simply that it is still the same actor, but the same actor acting under a different frame. This causes the impression that actors behave as if they had different identities in different situations. This concept of frames, their activation, and the explanation of behavior by stating that it follows a certain frame is very close to the behavioral mechanism proposed by March and Olson: the situation is identified by symbols, an identity is evoked, and from these behavior follows.

In explaining the occurrence of arguing and bargaining in this way, two questions arise. First, where do frames come from? Second, which frame is activated in which situation?

As for the first question, frames are created within a culture: over time, norms and behavior patterns (scripts) are habitually coupled with standard situations, which are in turn coupled with symbols (Berger and Luckmann, 1993). The content of frames and their "significant symbols" are shared in a culture (Esser, 2001). Existing frames are learned during socialization. The same is true for states, which "learn" frames, for instance, after entering a pre-existing group of states such as the EU (Schimmelfennig, 2000, 2005). Much of the literature using the frame concept in politics focuses on factors influencing frame evolution (Smith, 2003), frame impact (Surel, 2000), and frame transmission, in particular, in the sense of identity and norms (Payne, 2001). For the explanation of behavior, Esser's model assumes frames to be given at a certain point in time. He assumes that there is the arguing frame, under which finding of truth and reaching *Verständigung* are the supreme aims, and the use of threats and strategic communication are precluded. At the same time, there is the bargaining frame, under which the pursuit of one's own utility by whatever means is what the situation is all about.

3.2. Which Frame? The Frame-Selection Model

Just using a frame, learned by socialization and automatically activated by symbols, as an explanation of behavior would be to replace one question (why does the actor act this way in this situation?) with another (why does the actor have this frame?). Rejecting the idea that frames are activated automatically or according to norms, Esser assumes them to be chosen. His central argument is that this choice is rational.

Esser's (2001: 261 *ff.*) general model of frame selection simplifies the choice of a frame as the choice between the two most probable frames. Just as in the original frame concept, frames are seen as substitutes for each other. The frame can either be bargaining or arguing, but in the individual's mind it cannot be both or a mixture thereof. The choice of a frame consists in Esser's model of two steps. In the first step, the actor decides how to process information, either in a reflective-calculative mode (RC mode) or a spontaneous-automatic mode (SA mode). In the more elaborate RC mode, information is actively sought after. The actor invests effort in thinking about and interpreting the symbols present in the situation in order to identify the "right" frame for the situation. In the SA mode, the actor just takes the obvious clues in the situation and the choice of a frame is made automatically, just like in psychological stimulus-response models of situation-behavior models.

Esser assumes the actors to be conscious of the consequences of each of the two frames. Actors will choose the frame most attractive to them, that is, to some

degree actors see the world as they want to see it and act accordingly. In Esser's modeling of the choice of the arguing or the bargaining frame, the utility of an arguing situation is denoted by U(ag) and the utility of a bargaining situation is denoted by U(bg). "Arguing situation" and "bargaining situation" refer to a bundle of actions and consequences: if the situation is of the bargaining type, the actor will follow a certain course of action. This will, together with the actions of the other actors involved, lead to a utility of U(bg). If the situation is of the arguing type, the utility to be expected would be U(ag). The question now is whether the one or the other frame is the true frame for the current situation. The matching parameter, m, is the (subjectively perceived) probability that either the one or the other frame is the true one: with probability m, the situation is a bargaining situation; with $1 - m$, it is an arguing situation. The actor will then choose the frame which grants the highest subjective expected utility, EU, and behave accordingly:

$$EU(bg) = mU(bg)$$
$$EU(ag) = (1 - m)U(ag)$$

If EU(bg) is higher, the actor will act in the bargaining mode, and vice versa. In addition to the decision per se, the actor can choose the mode in which he makes this decision: he can either process automatically (that is, take whatever clues are readily available in the situation and take the next best frame) or he can actively invest in searching for and processing information. Whether the actor does so is also a rational decision, depending on his perception that investing in searching for information and elaborating on it will result in increased utility and on the costs of elaboration.

Apart from the utility associated with a situation, the match between an actual situation and a prototypical model in the actor's mind (that is, the matching parameter) is central. If the match between an actual situation and the abstract model is perfect, the frame will be activated. The probability of the alternative frame is zero, as is its expected utility, and the chosen frame will persist, independent of the attractiveness of the alternative frame: actors will follow whatever overall aim and norms belong to the frame unconditionally and whatever the consequences may be. Only if the match is imperfect and the nature of the situation doubtful will the actor (maybe) invest in actively searching for and processing information, and as a result perhaps change the frame. For instance, the occurrence of signals which make it doubtful whether the frame currently held is the right one (because they do not fit into the abstract model) can make actors look for and think about additional information. Whether they do so depends on the costs of "thinking" (which are also influenced by the availability of information in the situation) and the utilities expected from one frame or the other.

3.3. Frame Selection and Behavior

The model presented by Esser (2004) allows for the deriving of clear hypotheses on the occurrence of arguing and bargaining frames, as follows:

1. A negotiation mode becomes more likely if its attractiveness increases. To some degree, actors see the world as they would like it to be. If an actor has no power resources to engage successfully in bargaining, bargaining will have little or no utility. Hence, he will see the situation as falling within the arguing frame and behave accordingly: he will rely on arguments and appeals to norms

and the common good.[7] Conversely, actors able to reach a favorable out-come by using their bargaining power will be more likely to see the situation as one of "bargaining" and behave accordingly. The argument raised by Müller (1994: 28) that states shifts to arguing if bargaining has reached a costly deadlock for all actors can be reconstructed in this way. The same is true for the behavior of nongovernmental organizations, which, lacking bargaining power, must rely on normative appeals and reference to facts (Joachim, 2003). The same is true for frame components such as beliefs: actors are likely to believe facts which imply benefits and disbelieve facts with costly implications.

2. The matching parameter, m, concerns the existence of clearly identifiable symbols indicating a situation and frame. If the situation is clearly of one type, actors will behave in this mode without further thinking and calculating. Only if the situation and its symbols are or become ambiguous will they start to evaluate the situation anew, looking for information and investing effort in interpreting symbols.

To sum up Esser's approach, bargaining and arguing can be conceptualized as frames. Both consist of the standard frame components, such as the overall aim, norms, and so on, but differ with regard to the actual content of each component. The activation of a frame is a rational choice, based on symbols in the situation and utility calculations. Once activated, the frame determines behavior: actors' behavior and identities differ between situations because different frames are activated.

4. Applying the Frame-Selection Model to Collective Actors and International Negotiations: Some Implications

In this section, I elaborate on the application of the frame-selection model to states treated not as unitary, person-like actors, but as collective actors.[8] I argue that the frame-selection model can be applied in the sense that the individuals acting on behalf of a state (for example, a state's delegation to a negotiation) hold the same frame. The state represented by a delegation sharing a frame can be said to hold a frame. Looking at international negotiations among states represented or "personified" by delegations, a frame can be said to be dominant and effective for behavior in the negotiation if it is shared by the delegations. Hence, to the degree that actors are predominantly in the arguing or bargaining mode, the negotiations can be said to be of a certain mode.

Many hypotheses derived from the frame-selection model pertain equally to states and "persons," that is, pertain as much to unitary actors as to states as collective actors representing groups of individuals. But there are several crucial differences as well.

Within a delegation, individuals may hold different frames and delegations are also likely to enter negotiations with different frames. Further, individuals as well as delegations may favor a certain frame (for example, view a problem in terms of its cost–benefit implications), actively trying to convince others of this. Hence, frames compete both within delegations and among delegations in the negotiations, and the establishment of a shared frame may be difficult. For both the delegation and the negotiations, the dominance of a frame is inherently unstable: it is always possible that an individual or a delegation will come up with a new frame (for example, a new belief component) that may become dominant.

Consequently, shifts among frames are to be expected. With regard to shifts between arguing and bargaining, the shift from bargaining to arguing is less likely. First, the bargaining frame is more likely to be the frame that negotiations begin with and is also an absorbing and fall-back mode of behavior if actors are risk averse. Second, the establishment and persistence of the arguing frame in the setting of international negotiations requires certain conditions, while the bargaining frame does not. Consequently, bargaining is the more frequent mode, and the more appropriate baseline model for international negotiations.

4.1. Frame of Collective Actors as the Dominant Frame in National Networks

The conceptual connection between the individualistic frame-selection model and the behavior of states arises from the fact that individuals (for example, delegates) represent states: whatever a state "does," "wants," or "believes" is derived from what individuals do, want, and believe. All the frame components a state holds are actually held by persons representing that state.[9] In particular, the case studies by McDermott (1998) are striking examples of the impact of frames held by individual decision-makers on US foreign policy. The USA (seen as personified by the president) acts under the influence of a frame. In McDermott's cases, the frame is whether the situation is about gaining or losing. In the first case, things are basically good, and behavior is about avoiding deterioration. In the second, the situation is basically bad, and behavior is about recouping losses. Even in this small and quite homogeneous group, different frames exist and compete for prevalence, with advisors competing for influence on the president's perception of the situation. Other examples of framing and the "wishful thinking" implied can be found in t'Hart et al. (1997).

If all members of a collective actor hold the same frame, one can say that the collective actor holds this frame. While the delegation is the peak representation of a state in international negotiations, the number of actors involved in negotiations is larger, encompassing individuals such as politicians and members of the public, but also other collective actors such as national interest groups and bureaucracies, which in turn consist of individuals. Thus, I conceptualize the frame of a state in international negotiations as the dominant frame in a national network of individuals involved in the negotiations. I treat the frame components a state holds, its preferences, norms, causal beliefs, and its idea of what the negotiation is all about (that is, the identity of a state), as the result of intra-national aggregation processes.

This view has implications for the stability and effectiveness of the frame for the behavior of collective actors. Given the diversity of individual actors, the dominance of a frame in the collective actor will most likely be incomplete. The large number of individuals involved in creating the national position and the diversity of views and interests at national level will decrease the likelihood that the delegation as a personification of the state will share one frame. Further, any individual in the network may change his frame for reasons unknown. This can lead to a change in the aggregated frame by way of individual-level diffusion. Since frames are more stable at the individual level, the situation of competing frames in a network can persist for a long time. Hence, the "activation" of a frame for a state as a collective actor is never as exclusive as it is for an individual. As a consequence, the frame of a state will never have the same "grip" as it has with individuals and will never be as effective in determining behavior. A further implication of this view is that

a shared frame will have a better "grip" in certain policy domains: insofar as the involvement of societal actors systematically differs among policy domains (for example, security issues as opposed to trade-related issues), the grip of frames can be expected to differ accordingly. While, for instance, in the cases described by McDermott decisions were made by the head of government (for example, by the US president and his advisory staff), economic negotiations usually involve many more societal actors and a larger national network of actors. Here, heads of government are not so much acting on their own, but act as a transmission belt for societal interests. The heterogeneity in the network is greater, more frames are competing, and the establishment of one frame as the dominant one is less stable.

4.2. The Creation of Frame Components by Aggregation

Frames consist of components such as ultimate aims, beliefs, scripts, and so on, as enumerated above. More generally, frames are the actors' perception of "what the situation is all about." A frame as a mental model gives the actor the answers to two basic questions. First, what is the situation? Second, what shall I do in this situation? While the first question concerns beliefs about the "facts" and information, the second concerns norms and interests. Looking at these elements while differentiating between individuals on the one hand and states as collective actors on the other yields interesting insights. As a connection between both levels, I propose to conceptualize the components of the frame held by the state as being created by aggregating the frame components existing at the individual level. Looking at the processes by which the components of the frame that a state "holds" are aggregated, it is easy to see that these processes differ systematically regarding the interests, information and beliefs, and norms that compose a frame, and differ in a way which is crucial for international negotiations.

4.2.1. Aggregation of Interests

The delegates of a state have, among other things, the assignment to represent the preferences of the government in negotiations. The government is seen as the agent of societal groups which try to influence the negotiation outcome by influencing the government's position. The government's position in an international negotiation is created by an intra-national process of preference aggregation (see, for example, Moravcsik, 1997).

My central point with regard to the aggregation of interests is that it is very likely to take place: the creation of a national negotiation position is similar to national policy-making. The aggregation of interests held by societal stakeholders into a common position is the central and highly institutionalized task of any political system. Consequently, the government's delegates will enter the negotiations with a clearly defined "wish list" of what they wish to achieve. As for the frame of the delegates as individuals, this sets the initial frame: that the negotiation is about getting the things on this wish list. As a consequence, negotiations are more likely to begin under the frame that they are about the realization of interests, that is, bargaining.

4.2.2. Aggregation of Information, Beliefs, and Views of the Problem

Apart from pure zero-sum issues, negotiations concerning complex issues require information. Every actor formulating a position or demand does so based on

information and beliefs: if the problem is like this, it is in his interest to demand this solution. In stating positions, actors also implicitly present "their" view of the problem. These beliefs may concern technical details, but also whether there are gains realizable by cooperation. Beliefs about the problem are part of the frame held by those involved in the negotiations. Delegates bring the information component with them as an implicit part of their preferences. This information was implicitly aggregated together with the preferences in the national-level processes preceding the negotiations. Stakeholders not only tell the government what they want, but also why they do so and why other solutions are costly and should be avoided. Again, stakeholders as well as states with a certain interest may favor a certain truth, and reject information for strategic reasons. This aggregation of information follows the same political structures as the aggregation of interests. As with the other frame components, a certain belief may dominate in the network. As with interests, actors with better access to the government or policy network will have a greater chance to include their "view of the world." In both the formulation of a national position as well as in the negotiations, the provision of information serves several purposes. For instance, it allows an "objective justification" of a demand and a cost–benefit evaluation of proposals made by other actors.

The crucial difference to the aggregation of interest is that the aggregation of beliefs and information is less organized and much more implicit. While the national position will be clearly defined, the information on which it is based will be much less so. Hence, the frame-component information will be much less defined and much less relevant for behavior.

4.2.3. Aggregation of Norms

Norms are also transported from the subnational to the international level in the sense that the delegates carry them (unconsciously) with them. But the process is not organized at all. The political process is designed to come up with what shall be done, not about which norms shall be followed. Most often, only a "common denominator" of norms is brought to negotiations: no *person* of a western European background would think of war as a regular instrument of politics. Some norms are so fundamental and widely shared that no aggregation process is needed to bring them into a negotiation. As for the behavior of delegates in negotiations, albeit that the individual delegates as well as the delegations share certain basic norms and respect them, the abidance to norms is not explicitly assigned, while the wish list given to them is. The frame component consisting of "norms to follow in this situation" remains largely undefined. There is, in particular at the beginning of international negotiations, only a basic set of shared norms, but no specific norms telling actors how to behave in this situation.

Looking at the delegation as the personification of a state, it holds the frame that the negotiations are about getting the items on a clearly defined list. It will have little information about the problem and even less norms to abide by in these specific negotiations.

4.3. Heterogeneity at the Table: Shared Frames in International Negotiations

While individuals can hold only one frame at a time, national networks and delegations as groups may simultaneously hold various competing frames, even if one frame or frame component dominates. Most members of the delegation

might share a frame, but some members might not. Treating states as persons, of course, allows that the various states hold different frames. The heterogeneity of frames present and competing in the negotiations is even more prevalent if states are not seen as personified by a unitary delegation, negotiator, or head of government, but by a group or network whose members may hold different frames and actively propagate them. A negotiation can therefore be a mixture of arguing and bargaining, with delegations behaving in either mode. To characterize the negotiations, one can once again use the dominant mode. This dominance is even more fragile than within the delegations, and the negotiation mode may change as the dominance of a frame among the delegations changes. This change can have several reasons and mechanisms. Change can originate from the national networks, for example, through elections or an emerging scientific consensus concerning a problem. The climate negotiations are a good example for both types of change (Mintzer and Leonard, 1994). Change can also have its cause in the proceedings of the negotiation itself, based on the (mis)perceptions and (mis)interpretations of the actors. If some delegations suspect other delegations of not being truly truth seeking, they will, fearing themselves to be exploited, no longer selflessly strive for the best solution. With an increasing number of delegations, the likelihood increases that one delegation is actually (or is perceived to be) no longer in the arguing mode, but primarily pursuing its own aims. In terms of the frame-selection model, the matching parameter (the probability the actor assigns to the validity of a frame) decreases with the number and heterogeneity of delegations in the negotiations. The symbolic noise makes the situation difficult to interpret as being clearly of one type or the other. In particular, in negotiations involving actors from several cultural backgrounds, the interpretation of a symbol may signify "arguing" for some, while signifying "bargaining" for others. The more actors there are, the more symbolic messages are sent and the less clear the situation, particularly at the beginning of negotiations.[10] As for the establishment of a frame component such as a shared view of the problem during the negotiations, the same holds true: as the heterogeneity of the delegations increases, actors may hold different views or come up with other views, which later on diffuse to other delegations.

The chances of the establishment and persistence of a frame decrease as the number of actors and their cultural heterogeneity increases. So, for instance, arguing within a shared frame, once established, is more likely to persist in negotiations among a small group of culturally homogeneous actors such as the EU as opposed to a setting such as the UN.

Since what an actor believes to be the valid frame is also dependent on what he believes everybody else holds to be the frame, a change of frame is contagious. One delegation changing its frame may cause other delegations to follow. Consequently, the dominance of a frame is inherently unstable at the level of the negotiation and frames may shift from one to the other.

In principle, the shift can equally be from arguing to bargaining as the other way around. But there is substantial reason to expect that the shift toward bargaining is favored. The frame-selection model assumes that actors choose the frame which leads to the highest expected utility. With regard to arguing and bargaining as two options for how to conduct the interaction, the actor has to evaluate what would happen when he conducts his part of the interaction in either mode, the probabilities that the situation is actually of a certain mode, and the uncertainties associated with outcomes expectable in a mode. In this setting, bargaining is a

strategy associated with less uncertainty. An actor informed about his preferences and power resources as well as about those of the other actors can, just as is assumed in rational-choice models, calculate the expected negotiation outcome if the actors engage in bargaining. By engaging in bargaining, actors avoid risks and achieve a guaranteed minimal result. This may not be the best outcome, but it is a secure thing with an exit option guaranteeing the continuation of the status quo as the last resort. Arguing, on the other hand, renders such predictions much more difficult, since a really open discourse may, by definition, end up anywhere. However, if the discourse evolves in a direction too costly for the actors, they may shift to bargaining as a fallback solution or exit the negotiations altogether. By making bargaining power again relevant for the negotiations, they enable themselves to use their power, which in turn guarantees a certain result, for example, the status quo.

So negotiation situations of great uncertainty and the risk aversion of actors favor the bargaining mode by inducing actors to choose the bargaining mode when in doubt. The fear of being exploited makes the bargaining mode more likely to be adopted, and absorbing, i.e. less likely to be left.

4.4. International Institutions, Institutionalization, and Frames

International negotiation is not always ad hoc, but can also be institutionalized, be it in the minimal mode of mere permanence or in a stronger legalized way, such as the EU. This raises two questions. First, what is the impact of international institutions on international negotiations and politics if the frame-selection model is used as an analytical tool? Second, what are the consequences of an established frame on the impact and role of institutions? While much of the reasoning has been stated in the study of international socialization and the role of institutions (Checkel, 2005; Martin and Simmons, 1998), the following arguments offer a reinterpretation focusing on the frame model.

With regard to the role of institutions, two points have to be seen. First, the most important point already stated in the existing literature on frames is the role international institutions play in the creation and establishment of frames by creating the components of which a frame consists. Further, they also are an important factor in the stabilization and proliferation of a frame.

With regard to the information or belief component, the information-sharing and information-aggregation aspect of negotiations will lead to a shared problem perception. Actors deliver information, implicitly by stating their positions or explicitly by giving some kind of technical explanation, much of which may well be only rhetoric. This information is then evaluated by the participants (Jönsson, 1990: 5). Over time, beliefs may converge into common knowledge. If they see that their information was wrong or incomplete, delegations will change their demands for the very reason of achieving as much utility as possible. Information might then also flow back to the national level: delegates may learn that the solution presented to them by a stakeholder is inferior to an alternative, and convince the stakeholder that it is in their own interest to accept the new solution. The further proceedings and the potential outcomes will then be based on this shared view of the problem.[11]

The same holds true for the creation of behavior scripts, which reduce uncertainty about how to behave and what to expect. For this aspect, sociological theories can be applied, for example, Berger and Luckmann (1993). Essentially, they do not

require much more than continued interaction: in the setting of an international institution which entails a long-term interaction, certain "standard situations" evolve for which standard behavior routines become established and labeled with symbols. Sometimes these behavior scripts are fixed by writing them into a treaty, for instance, "Dispute resolution is to be carried out according to the procedure under article X of the treaty." The creation of shared symbols and behavior scripts has a function comparable to a common vocabulary (Cohen, 2000). Establishing symbols to transport certain intents ("I am arguing" or "I am bargaining") is easier, since it is by its nature a coordination problem. More difficult is the establishment of shared norms or beliefs, because of the distributional implications.

By writing the frame and its components in a treaty, frame components are stabilized. For instance, most treaties are intended to achieve a certain aim, for example, realizing free trade. By fixing this aim (for example, in the preamble), it is established as the supreme aim, which then frames all actions in the setting of this institution: the WTO is primarily about free trade, not about human rights. The treaty usually also encompasses mechanisms to achieve that aim, which are based on certain beliefs about the world, that is, the treaty also fixes the information and beliefs which dominated at a certain point in time. As for norms, Schimmelfennig (2000) indicates that writing a norm in a treaty renders the norm relatively independent from whether the individuals currently representing a state share those norms or not.

Once frame components are fixed in a treaty, changes in the frames at the individual level, for example as a consequence of elections, will not challenge the frame under which the interaction in a relevant group is conducted. Frame components, such as norms and beliefs, may be challenged over time, but it is much more difficult to change them once they are incorporated in a treaty. Another function of institutions is the transmission of existing frames to new members, that is, what Schimmelfennig (2000) calls "international socialization." The frame components, established among the original participants of the negotiations, are presented as a given fact to newcomers, who are socialized over time. Looking at EU enlargement, it can be seen that, since socialization requires time, this may produce difficulties for at least some time after the accession of new members. There is the possibility of a change of frames which were undisputed among the old members. New members, visibly motivated by self-interest, might lead to a challenging of the frame that holds that the common interest of the EU and achieving consensus are more important than national interests. This might lead to a revival of a politics driven by national interests, with not only the newcomers, but also everybody else, pursuing their own interests.

The established frames and their components remain primarily institution specific, whereby the institution itself acts as a symbol for the actors for choosing an identity: states behave differently in the UN context than they do in the EU context.

Second, international institutions are an arena for frame effectiveness based on the individual level. Long-term negotiation isolates the individuals in a delegation from their principals at home. In this relative isolation, they may develop a frame or (group) identity over time. This is often said about national delegates in the EU bureaucracy, for example the Permanent Representatives Committee, (COREPER), who start as national representatives and end up as Europeans (Beyers, 2005; Cameron, 1995; Lewis, 2003, 2005). Individuals are

sent by their governments in order to foster the national interest in everyday EU decision-making, but during a long incumbency and in relative isolation from the home government they develop a different identity. As a result, they might be following norms established within the group, aiming at what is best for the EU even if their principals at home are against this.

With regard to the second question, the consequences of an established frame on the impact that international institutions have in negotiations can also be best illustrated using the EU, as follows:

1. If the bargaining frame is activated, the negotiation is determined by interest and power. The role of international institutions, but also of non-state actors, is hence determined by their power resources. Only if these exist, as is the case with the EU institutions, will such institutions have influence, even in bargaining situations.
2. If the arguing frame is activated, appeals to norms and reasoning will have an impact. This opens the door for the influence of actors without power, but with good arguments. Hence, even in the setting of the EU, both arguing and bargaining situations may exist, and the influence of the EU institutions will vary accordingly. In bargaining situations, the picture drawn by Moravcsik (1999: 269–70), that supranational EU institutions have no influence, holds true. However, if the arguing frame is activated, there is a role for institutions and nongovernmental organizations (Christiansen, 2002; Elgström and Jönsson, 2000; Falkner, 2002; Young, 1999).

5. Summary and Conclusions

Arguing and bargaining are fundamentally different conceptions of international negotiations based on rationalism and constructivism as basic paradigms. Both approaches try to integrate the other approach as a special case. The constructivist integration, stated most explicitly by Müller (2004), is that the choice between the two modes of behavior is itself made in accordance with meta-norms. This does not, however, answer the question of why actors abide by or deviate from this meta-norm.

Contrary to this, Esser (2001, 2004) models the choice of a behavior mode as a rational choice. Arguing and bargaining can be conceptualized as frames that encompass components such as overall aims, norms, and typical behavior routines or actions, which are coupled with symbols. Once activated, a frame determines the behavior of actors to a large degree. If a different frame is activated, actors behave as if they have different identities. The choice of a frame is based on the information available in a situation, but also on utility calculations.

Albeit that the frame-selection model was developed in relation to individuals, it can also be applied to collective actors. Some aspects and implications of the frame model are very similar, irrespective of whether states are treated as "persons" or networks of subnational groups such as societal groups, bureaucracies, epistemic communities, and so on. But there are also differences. The main points for the application of the frame-selection model to international negotiations among states as collective actors are the following:

1. The frame or frame components of a state consist of the frame that dominates among those individuals in the delegation sent to negotiations and in the

network of governmental and societal actors involved in preparing those negotiations. In the input stage, several competing frames can exist and this heterogeneity will very likely be reflected in the delegation of individuals representing a state. The frame of a collective actor will never have a grip on this actor in the same way it has on an individual. Equally, a frame is effective in a negotiation system if all or nearly all states and members of delegations hold the same frame. The existence of competing frame components at national level will diminish the chance that the delegation internally holds a uniform frame when entering the negotiations. The same is true when looking at negotiations: the more numerous and culturally heterogeneous the delegations participating, the less likely it is that they share the same frame and the more difficult is the establishment of a common frame during the negotiations. The more actors involved in a negotiation, the higher the chance that a new frame will arise and spread. Since policy domains differ systematically with regard to the degree to which societal actors are involved, they also differ systematically in the chance that a frame dominates.

2. A frame encompasses (among other components) ultimate aims, beliefs, and norms. The components of the frame that a state holds are the result of intra-national aggregation processes. Preferences and information held by societal stakeholders are aggregated into the negotiation position of a given state, characterized by preferences and underlying beliefs about the problem. This intra-national aggregation is highly institutionalized as the aggregation of preferences is concerned. The aggregation of information is less institutionalized and effective, and the aggregation of norms even less so. The delegation will certainly have a catalogue of demands, but no explicit set of information (that is, beliefs about the problem) nor a list of norms to be followed.

3. The frame a negotiator as an individual holds is that the negotiation outcome should come close to the list of preferences he is given. The baseline frame for the individual negotiator is the pursuit of interests, and hence bargaining. As a consequence, negotiations are likely to start in the bargaining mode.

For arguing and bargaining in international negotiations, the following points follow from the frame-selection model:

1. The bargaining mode grants actors a certain outcome, by using power or by choosing the exit option. Once doubt about the nature of the negotiation mode arises, risk-averse actors will more likely shift to a secure option than remain in an arguing mode in which they have to renounce the means which can grant them a certain outcome. The more actors there are, the higher the chances that one of them is only interested in maximizing his own utility, and that he reveals this (consciously or unconsciously) by some kind of action, which signals to the others that the arguing frame is no longer valid. The larger the number of actors and the more heterogeneous their cultural back-grounds, the more likely is it that someone interprets an activity as a signal to switch to the bargaining mode, causing others to follow.

2. Arguing negotiations involve considerable thought and openness while pushing one's aims requires much less thinking or even thoughtless stubbornness. While thinking about solutions to problems actors are in the more elaborate information-processing mode. As a consequence, actors can also constantly

check whether the arguing frame is still the right one, for instance, by inter-
preting signals or by recalculating the utility associated with a bargaining or
arguing situation.

Institutions foster the establishment of a frame, for example, by the aggregation
of information or by coupling standard situations with behavior routines and
symbols. A frame and its components can be fixed by writing it into a treaty,
making it less vulnerable to challenges. New group members are confronted
with a frame as a fixed bundle and are socialized within this. The impact of an
institution on negotiations depends on the frame activated: it is greater in the
arguing frame, where arguments and norms count, and has less impact in the
bargaining frame, where only power resources count. Institutions may differ with
regard to the degree to which a component of a frame is established and shared
among the actors, that is, the degree to which an institution is connected to a
well-defined frame is a measure of institutionalization.

As for the relative frequency of arguing and bargaining in international
negotiations, the following hypotheses can be stated. Bargaining is the baseline
model and only if certain conditions are met will actors engage in arguing. As
stated above, when actors meet what they are primarily concerned about in the
beginning is their own utility, that is, getting as much as possible of the wish list
they are given. The processes of developing the conditions necessary for a shift to
arguing (for instance, the establishment of a "European identity," shared norms
and aims, and so on) requires time. Bargaining is more likely to occur in one-shot
negotiations, while arguing may evolve in long-term interactions, in particular, in
the setting of international institutions. This accounts for the empirical success
of the rational-choice model in explaining international negotiations.

Arguing, in the sense of the aggregation of information during the early
phase of the negotiation process, will also be frequent. This is compatible with
the classical rational-choice model and not free of the strategic use of arguments
and information. Further, actors will propagate and stick to views of the world
and norms which imply advantages for themselves. Arguing, in the sense of actors
not only delivering arguments, but also not calculating the consequences of their
action or unconditionally following norms, is dependent on restricted conditions,
and hence will be the rarer mode of negotiation.

If the situation is very uncertain and actors are risk averse, they will engage in
bargaining, as the more "predictable" situation. If the situation is clear from the
perspective of an actor, he will choose the frame with the highest utility. If the actor
has enough bargaining power to reach a favorable outcome, he will not engage in
arguing. If the actor has no bargaining resources, he will rely on arguments and
try to turn bargaining into arguing. Both cultural heterogeneity and the mere
number of parties present in the negotiations make the development and the
stability of a dominant frame more difficult. Both factors increase the chances
for bargaining by making the situation complex, which in turn makes actors
favor the more predictable bargaining mode. The accession of new members to
a negotiation may destabilize the dominance of a frame. The new members, not
socialized so as to share the frame, may act under a different mode, which may
cause a frame shift among the older members and lead to a frame shift in the
whole negotiation.

Institutionalization may also be seen as the degree to which a single frame is
shared among actors. Long-term interaction as well as the fixing of frame com-
ponents in treaties underlying an institution help to establish the dominance of

a frame even in a situation in which some members no longer share the frame. This does not necessarily imply that the frame shared is that of arguing. The frame shared in the WTO is that of bargaining; the frame shared in the EU, at least in some subsystems, is that of arguing. International institutions, vested with their own interests as agents, but not usually vested with bargaining power, will also favor arguing negotiations, which gives them some influence.

Notes

1. See, for instance, the works by the Processes of International Negotiation Project in Mautner-Markhof (1989), Sebenius's (1983) "negotiation arithmetic," and Zartman and Berman (1982).
2. Moravcsik (1999) and Müller (1994: 15, 28) are proponents of the exclusive dominance of bargaining and of arguing, respectively.
3. See, for instance, the analyses of climate negotiations in Böhringer (2003) and Lange and Vogt (2001).
4. See Risse (2000) and Saretzki (1996) for criteria allowing a distinction to be made between both negotiation modes.
5. See Tversky and Kahneman (1981) for an elaboration of the frame's psychological foundations.
6. See Surel (2000: 496 *ff.*) for different concepts of frames.
7. Examples of competing frames, reflecting the substantial interests of the actors holding and propagating them, are the negotiations at the EU level on competition in the pharmaceutical market. Both the pharmaceutical industry and the Directorate-General for Industry had an interest in a European-level solution. In the first case, the interest resulted from economic reasons; in the second, the interest was institutional, concerning the extension of EU influence in a policy domain which had remained within national competence. However, the EU has no competence whatsoever for pharmaceutical price regulation, which was the core issue at hand. The matter was brought by both actors to the EU level by treating it as an issue of industrial politics. Other societal actors, such as insurance funds and patients, treated the issue as one of health politics, that is, they raised questions of access and finance and contested the framing of the issue (Kotzian, 2003).
8. See Wendt (2004) and Cederman and Daase (2003) for unwanted implications of and difficulties associated with treating states as persons.
9. See Bonham et al. (1997) and McDermott (1998) for examples of personifications.
10. See Jönsson (1990) and Cohen (2000) on the establishment of a common vocabulary of words and symbols.
11. See Grüner (2004) for the information-aggregation function of international negotiations and Eising (2002) and Bonham et al. (1997) for examples of information aggregation and learning.

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