

Words Are All I Have: Linguistic Cues as Predictors of Settlement in Divorce Mediation

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Abstract

What we say conveys information about how we perceived our relationships with others. In this research, we draw on Relational Order Theory (ROT) to analyze how words associated with affiliation (liking) affect the outcome of child custody mediations. We found that two indicators of relational distance—pronouns and the expression of emotions—were associated with agreement. In successful mediations, disputants decreased their use of third person pronouns, negative emotions and anger over time. The differential use of I by husbands and wives affected agreements, which were more likely if wives used I frequently in the first quarter of the mediation. Convergence to wives positive emotions also affected outcomes: agreement was reached when husbands converged to wives high levels of positive emotion, whereas impasses occurred when husbands converged to wives low levels of positive emotion. We discuss implications for extending ROT and for the practice of mediation.

Words Are All I Have: Linguistic Cues as Predictors of Settlement in Child Custody Mediation

The words we use are not chosen at random. Our conversations with others are goal-oriented and intended to convey information about what we hope to achieve, how we perceive ourselves and how we perceive the underlying relationship (e.g., Waldron, Cegala, Sharkey, & Taboul, 1990; Dillard, Palmer, & Kinney, 1995; Waldron & Cegala,

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1992; Wilson & Putnam, 1990). These ideas are formalized in Donohue's Relational Order Theory (ROT; Donohue & Roberto, 1993) which argues that parties in conflict not only negotiate their substantive differences, they also negotiate relational parameters of affiliation (liking, trust, friendliness) and interdependence (power, rights, obligations). These two parameters of ROT create four relational frames: collaboration (high affiliation, high interdependence), cooperation (high affiliation, low interdependence), co-existence (low affiliation, low interdependence), and competition (low affiliation, high interdependence).

In this study, we use the affiliation parameter of ROT to interpret the conversation that takes place between husbands and wives during child custody mediations. We focus on affiliation, rather than interdependence, because husbands and wives with children continue to be highly interdependent even when divorced or divorcing. Conversational indicators of affiliation are words marked by liking (disliking), trust (distrust), and social closeness (social distance; Donnellon, 1994). Our broad argument is that when disputing couples use language that expresses high affiliation, they are more likely to reach a child custody agreement without recourse to intervention by a judge or the court.

Our research makes important new theoretical and applied contributions because we interpret the dynamics of the mediation through conversation. We are especially interested in changes in the degree of affiliation from the beginning to the end of the mediation, which party initiates those changes, and whether changes in affiliation affect couples' ability to reach agreement. Understanding how changes in the expression of affiliation contribute to the formulation of agreements in child custody mediations provides important new insight for mediators who must manage the communication process from beginning to end of child custody conferences. ROT is generally silent about how the affiliation parameter is negotiated over time. For example, is agreement impacted by longer co-constructed strings of affiliation language as the interaction evolves, or is affiliation more front-loaded in more collaborative interactions? More broadly, ROT is yet to address whether the dynamics of conversation, when interpreted through the lens of affiliation, are associated with reaching (or failing to reach) agreement. Our research seeks to address these important theoretical and applied questions.

We begin with a brief overview of ROT, specifically focusing on the role of language in signaling affiliation. We then describe how linguistic cues—pronouns and emotion words—reflect different degrees of affiliation. Drawing on ROT, we suggest why these linguistic markers predict the likelihood of agreement. We then introduce role theory and integrate it with ROT to explain how husbands and wives' differential use of affiliative words may impact mediation agreements and why.

Expressing Affiliation in High Interdependence Relationships

Individuals tailor their conversations to accomplish specific social goals. Their conversations convey both verbally and nonverbally information about what they hope to achieve, how they perceive themselves, and how they perceive the underlying relationship (e.g., Waldron et al., 1990; Dillard et al., 1995; Waldron & Cegala, 1992;

Wilson & Putnam, 1990). The cues to individuals' social goals come from their choice of conversational topics, the words they use, pacing, laughter, body language and other expressions. In this research, we focus on the verbal cues of affiliation, or lack thereof, embedded in the conversations of husbands and wives as they pursue their child custody and visitation goals. We have chosen to focus on expressions of affiliation because they convey important information about the extent to which individuals respect and trust each other (Braz & Donohue, 2006). We suggest that affiliation and all it conveys is vital in child custody mediation if couples are going to be able to work together collaboratively and reach an agreement. Conversations that convey low affiliation through expressions of disrespect and distrust create barriers to effective problem solving and collaboration.

We start with the assumption that husbands and wives continue to be interdependent as they work to resolve child custody issues. In ROT, two communication patterns—collaboration and competition—are associated with high interdependence (Donohue & Roberto, 1993). Within highly interdependent relationships, these two communication patterns differ in the degree of affiliation that they convey. High affiliation, associated with *collaborating* or moving toward the other party, cues role obligations, since collaborative communication consists of expressions of mutual respect and trust that signal a desire to invest in the relationship by performing those behaviors consistent with each other's role expectations. The recognition and reinforcement of role obligations facilitate exchange of information, making settlement proposals, and the offering of concessions—all communications that lead to agreement (Donohue & Hoobler, 2002).

In contrast, the low affiliation associated with *competing* with or moving against the other party reveals an emphasis on self-interest. Competitive communication expresses a focus on individual goals and a desire to disinvest in the relationship and mutual interests. Threats, attacks and other similar conversational gambits reveal a priority placed on pursuing individual rights over fulfilling familial role obligations (Donohue & Hoobler, 2002; Donohue & Roberto, 1993). These kinds of messages increase the likelihood of no agreement since they undermine the fundamental relational foundation of the interaction needed for joint problem solving.

We propose that affiliation is signaled by each party's use of words associated with collaboration or competition. For example, we might conclude that parties engaged in reciprocal displays of disrespect or distrust, negative emotion, anger, frustration and name-calling, all of which signal low affiliation, have placed their relationship in the compete quadrant. The longer the parties sustain this reciprocal competitive display, the less likely they are to forge an agreement on a future state of affairs. Consequently, we focus not only on the words disputants use but also on the pattern of their communication as it emerges over time.

Linguistic Cues and Outcomes of Child Custody Mediation

To develop hypotheses about how the dynamics of couples' conversations explain their ability to successfully resolve their child custody disputes, we turned to recent studies of

online dispute resolution. These studies show that the frequency with which disputants use words conveying negative emotion, expectations of compliance, firmness or understanding, in the first round of online messages to each other predicts both the likelihood and speed of dispute resolution (Brett et al., 2007; Friedman et al., 2004). We extend this line of research on the use of language in conflict resolution by developing hypotheses predicting that over time husbands' and wives' increasing and decreasing use of words reflecting two groups of linguistic markers—pronouns and emotions—are associated with the outcome of child custody mediations.

Pronouns

Disputants' choice of pronouns provides information about how they frame the relationship. By using 2nd and 3rd person pronouns, disputants signal low affiliation, implying disrespect and distrust of the other person. According to Brown and Levinson (1987), impersonalization occurs when speakers remove 1st (I, we) and 2nd (you) person pronouns from their speech and refer to the other person in the 3rd person (he, she). When a third party mediator is present, disputants effectively impersonalize and objectify the other party by ignoring him or her and addressing the mediator. Another way disputants signal decreased social distance is by using the 2nd person. A core concern in dispute resolution is the extent to which disputants' language assigns blame to the other party, thereby escalating the conflict. An important indicator of assigning blame is the use of "you". When disputants use "you" they are engaging in accusatory or blaming behavior that can escalate the conflict.

In contrast, when disputants use 1st person pronouns (I, we), they are signaling high affiliation. Compared to disputants who use the accusatory "you", disputants who use "I" are focusing on themselves. Rather than focusing on the responsibility of the other party and accusing the other person, as the "you" speakers are doing, they are either taking or distancing themselves from responsibility. Consistent with our argument, communication theorists identify the use of "I" as a mechanism for reducing social distance (Diez, 1986; Donnellon, 1994). Furthermore, disputants using "I" are sharing important information about themselves: what they hope to achieve, how they perceive themselves and how they perceive the relationship. In negotiation language, disputants who use "I" are sharing their positions, e.g., "I want," and possibly their interests, e.g., "I need". This is information that the other disputant or the mediator may be able to use to craft an agreement. The use of the 1st person "we" goes even further. "We" is inclusive. It signals that the two parties are jointly and mutually responsible and recognizes their interdependence.

In negotiations, the use of people-centered words (I and we) is associated with value creation (Simons, 1993). Converging lines of theory and research imply that the use of 1st person pronouns signals high affiliation, whereas the use of 2nd and 3rd person pronouns signals low affiliation. In the context of ROT, we propose that 1st person pronouns place speakers in a collaborative frame whereas 2nd and 3rd person pronouns place speakers in a competitive frame. We therefore hypothesize that:

H1a: The use of 1st person pronouns will be associated with agreement whereas the use of 2nd and 3rd person pronouns will be associated with impasse.

Emotions

Emotions differ in their valence (pleasant or unpleasant) as well as in the level of arousal that they evoke (Watson, Clark, & Tellegen, 1988). Our focus is on emotions associated with high levels of arousal and hence a willingness to take action. This is because couples who cannot agree on child custody are nevertheless motivated to take some kind of action to avoid having a child custody settlement imposed on them by a judge. Whether a party expresses pleasant (positive) or unpleasant (negative) emotions while actively trying to resolve the child custody dispute conveys distinctly different information about that person's perceptions of the other person and the underlying relationship. We are interested in how expressions of positive or negative emotions associated with high arousal are associated with the outcomes of child custody disputes.

Positive emotions such as optimism, happiness, excitement and elation are associated with high arousal and a willingness to approach a situation (Keltner, Gruenfeld, & Anderson, 2003; Watson et al., 1988). In the context of child custody mediation, expressions of positive emotions convey a willingness to move forward and, by expressing optimism, disputants should decrease social distance and increase affiliation, leading toward a settlement. We expect the expression of positive emotions to be associated with the collaboration frame described by ROT.

In contrast, negative emotions such as anger and anxiety inhibit or deactivate behavior. Anger, which is an extreme example of an unpleasant emotion, is used to signal that social relationships need to be adjusted (Oatley & Johnson-Laird, 1996). In negotiation, one party's expression of anger signals that the other person should make some kind of adjustment or concession to turn off the anger (Van Kleef, De Dreu, & Manstead, 2004). However, in the context of disputes, the expression of negative emotions either prevents or delays resolution (Brett et al., 2007; Friedman et al., 2004). One reason for this is that negative emotions, which convey pessimism, elicit reciprocity that escalates the dispute and makes settlement more difficult (Friedman et al., 2004). Expressions of negative emotions are likely to increase social distance and decrease affiliation. We expect the expression of negative emotions such as anger and anxiety to be associated with the competition frame described by ROT. We therefore hypothesize that:

H1b: Expressions of positive emotions and optimism will be associated with agreement whereas expressions of negative feelings, anger and anxiety will be associated with impasse.

Linguistic Cues over Time and the Outcomes of Child Custody Mediation

Both the collaboration and competition frames of ROT imply not only that language will indicate the level of affiliation at any given moment, but that patterns of language

over time will also signal increasing or decreasing relational distance. In this research, we draw on stage models of negotiation and mediation to examine how disputants' use of language changes over time.

To study the changing dynamics of negotiations over time, researchers typically divide the negotiation or mediation into between 2 and 12 time segments (see Donohue, 1991). When segments are called phases they are typically based on content, so that the introduction of a new topic defines the start of a new phase. When segments are called stages, they are typically based on time, either number of speaking turns or actual elapsed time. Each stage is then coded for content, making the identification of a stage and the identification of content independent acts (Brett, Weingart, & Olekals, 2004). We chose to use a stage model and selected four stages.

Selecting the appropriate number of stages depends on the researchers' goals. Researchers who wish to undertake a fine-grained analysis use a large number of stages, but in doing so run the risk of capturing too little data in each stage to identify significant effects. Those who opt for fewer stages may capture too much data within each to be able to differentiate among stages (Brett et al., 2004). We chose four stages, relying on the empirical evidence in a series of articles analyzing negotiations that lasted about the same amount of time as our mediations. These analyses indicated that four stages captured sufficient data in each stage for significant differences to emerge (Adair & Brett, 2005; Brett et al., 2004; Brett, Shapiro, & Lytle, 1998).

Research shows that the use of collaborative and competitive relational frames not only varies with time but that different patterns of use are associated with different types of outcomes. In a test of ROT, Donohue and Roberto (1993) showed that hostage takers and police cycled through language indicating high and low levels of interdependence. Mediation researchers have also demonstrated distinct phases in mediators' communication structures and have linked different patterns of mediators' communications to whether the dispute settles or comes to an impasse. Generally, mediators who facilitate settlements engage in information search earlier in the mediation, use the middle stages of the mediation to focus on facts, interests and process management more than mediators who do not facilitate settlements (Donohue, 1989; Donohue, Drake, & Roberto, 1994; Jones, 1988). Finally, toward the end of the mediation, mediators who are ultimately successful in facilitating agreements are more likely to focus on proposal development than those who are not successful (Jones, 1988).

We undertake a more fine-grained analysis of how the use of linguistic cues unfolds over time than has been done previously by focusing on specific words chosen by disputants. In addition, we shift the focus from what mediators say to what the disputants say. We test whether patterns of word use, over time, are associated with agreement in mediation. Drawing on ROT, we propose that an improving relationship is signaled by an increasing use of high affiliation words such as "I/we" or positive emotions. We expect that disputants who increase their use of these words, over time, will reach agreement. Conversely, we propose a worsening relationship is signaled by an increasing use of low affiliation words such as "you/he/she" or negative emotions. When the use of these words increases, agreement becomes less likely.

H2: Agreements will be characterized by an increasing use of high affiliation words over time, whereas impasses will be characterized by an increasing use of low affiliation words over time.

Role, Outcome and Linguistic Choices over Time

The use of language by husbands and wives is likely to be different because of the roles they occupy. Roles, which convey normative information about how individuals should behave, are an element of an individual's social identity (Donohue & Taylor, 2007; Katz & Kahn, 1996). As a result, roles are likely to shape what individuals say and do. Supporting this idea, there is considerable evidence ranging from settings as diverse as international negotiations, hostage situations, labor-management negotiations and buyer-seller transactions that roles influence negotiators' behaviors (Donohue & Taylor, 2007). In this research, we propose that linguistic choices in child custody mediations are influenced by the roles of "husband" and "wife".

At the very broadest level, what husbands and wives say—and how they say it—in the context of child custody mediation will be different because each is influenced by gender-role expectations. The communication literature shows that men rely more heavily on agentic language, whereas women rely more heavily on communal language (Aries, 1996; Tannen, 1994), implying that husbands in child custody disputes will use language associated with low affiliation whereas wives will use language associated with high affiliation. Consistent with this gendered view of language, past analyzes of divorce mediations show that husbands are more direct and self-focused whereas wives are more indirect, relationship-sensitive and other focused (e.g., Donohue, 1989, 1991; Sillars, Roberts, Leonard, & Dun, 2000).

However, the conversations that we analyze take place within a very specific context, that of child custody mediation. In this context, husbands and wives bring quite distinct goals to their conversations: in the case of husbands, it is to gain access to their children whereas in the case of wives it is to limit this access. We believe these goals arise from the norms of giving custody of children to mothers, particularly at the onset of separation: a study of 880 divorced couples in California reported that courts change a priori mother-custody arrangements least of all arrangements, which seems to indicate a bias by the courts to favor child–mother relations (Maccoby & Mnookin, 1992). These findings imply that in child custody disputes husbands may be at a disadvantage relative to their wives, especially if the wife has temporary custody of the children. We also note that in order to get to mediation the couple is in conflict over custody, otherwise they would not be in mediation. Presumably, husbands in these cases are trying to get more access to their children, wives are resisting, and the wives' alternatives to agreement are good: courts tend to favor child–mother relations. Finally, the agreement needs to be mediated because trading off money for child custody is not allowed in child custody mediations: the custody settlement is independent of the financial settlement.

We therefore expect that gender-based patterns of communication will be modified in light of the roles and goals of husbands and wives in child custody mediation. Men's gender-congruent use of language associated with low affiliation is unlikely to facilitate

agreement or help increase their access to their children. To the extent that husbands wish to participate in child custody, a role being disputed by their estranged wives (or else the couple would not need to be in mediation), husbands' use of language should reflect their goals and thus express affiliation to reduce social distance. Consequently, we expect that if a couple is ultimately to reach a child custody agreement the husband will, over time, have to reduce social distance by becoming more conciliatory.

In contrast, we predict that wives in child custody mediation will have a strong interest in maintaining a status quo child custody arrangement. Consequently, their interests are not served by gender-congruent language which is associated with high affiliation. Instead their language should reflect the goal of maintaining the status quo and thus express low affiliation to maintain or even increase social distance. The wives' goal of maintaining (or increasing) social distance implies that they will become less conciliatory over time. This reasoning implies that husbands are likely to increase their use of 1st person and the expression of positive emotions to reduce social distance and express affiliation, whereas wives are likely to increase their use of 2nd or 3rd person pronouns and the expression of negative emotions to increase or maintain social distance.

H3a: Over time, husbands will increase their use of words associated with high affiliation whereas wives will increase their use of words associated with low affiliation.

We also examine whether role affects how language is used over time. We have already argued that language that reduces social distance over time will facilitate successful outcomes. If our reasoning about the impact of role on linguistic cues is correct, we can also specify the mechanisms that will determine whether custody hearings are concluded successfully. A successful outcome requires the reduction of social distance. A key issue is how the communication patterns of husbands and wives change over time. Both the collaboration and competition frames of ROT imply not only that language will indicate the level of affiliation at any given moment, but that patterns of language over time will signal increasing or decreasing relational distance.

Two factors will influence perceived social distance: the extent to which communication patterns become more similar over time (converge) and the initial tone conveyed by disputants (Burgoon, Stern, & Dillman, 1995; Burgoon et al., 1998). Drawing on ROT, we suggest that convergence to a competitive frame, because it establishes low affiliation, is unlikely to result in agreement whereas convergence to a collaboration frame, because it establishes high affiliation, should establish the preconditions for successful settlement. Supporting this argument, prior unpublished analyzes of the child custody mediations that we are studying found far fewer significant differences between what husbands and wives were saying to each other in mediations that ultimately reached settlement than those that did not (Braz & Donohue, 2006).

In the context of child custody hearings, we propose that husbands create a setting that facilitates agreement through their increasing use of the high affiliation words associated with decreasing social distance. Consequently, the outcome of mediations will turn

on how wives respond. In H3a, we proposed that the most likely communication pattern for wives is an increasing use of low affiliative language. We expect that when wives do this, they will trigger a negative cycle by redirecting their husbands to the more male gender-normative use of low affiliative language. This reciprocal response on the part of husbands will lead to convergence of language associated with increased social distance and result in impasse. Consistent with these arguments, Braz and Donohue (2006) demonstrated that, in mediations that ended in impasse, wives expressed more anxiety and negative emotion, and less positive emotion than their husbands. Wives may, however, also create a positive cycle. This will occur if they recognize their husbands' use of affiliative language and reciprocate it. When wives either reduce their use of low affiliative language or converge to their husbands' high affiliative language, they signal reduced social distance, and we would expect their mediation to conclude with an agreement.

H3b: Mediations that end in agreement are more likely when wives increase their use of words that signal high affiliation over time or decrease their use of words that signal low affiliation over time.

Methods

Participants

The data for our analyzes came from transcripts of 20 child custody mediations. The transcripts were from predivorce hearings conducted in the mid-1980s in Los Angeles County, California. These mediations typically focus only on issues related to child custody and visitation. No property issues are discussed (hence precluding the trading of custody for property). Given the volume of cases heard in Los Angeles each day, the court can only give disputing couples about 2 hr with a mediator to settle their cases, after which a referee or judge hears the case. The mediators were all employees of the court and none were attorneys; all mediators had some training in counseling or social work and extensive training in using a facilitation model of mediation. The mediation model used in this court system allows the mediator to ask questions about particular arrangements and steer disputants away from highly unacceptable custody arrangements; however, the mediators try to remain neutral and to facilitate agreements.

Each mediation session was recorded and transcribed; personal identification markers were removed from the transcripts. Outcome was reported to the court as settled (the couple reached an agreement acceptable to them both) or impasse (the couple failed to reach an agreement and their case was heard by the court). The sample includes 7 agreement and 13 impasse mediations. We note that other analyzes of these transcripts have been reported previously. Published studies of this data set have focused on the communications of the mediator (Donohue, 1991). An unpublished study (Braz & Donohue, 2006) did focus on the frequency of empowerment and recognition communications between husbands and wives, analyzed use of verb tense, and negative emotion, finding not surprisingly that couples who failed to reach agreement focused more on the past and communicated more negative emotion than those who reached agreement.

Identification of Linguistic Cues

We used the Linguistic Inquiry and Word Count Program (LIWC) developed by Pennebaker, Francis, and Booth (2001), Pennebaker, Mehl, and Niederhoffer (2003) to identify the frequency with which husbands and wives used words falling into our two target categories. LIWC is based on the idea that words act as markers of emotional states, social identity, and cognitive styles (Pennebaker et al., 2003). The program scans text and categorizes 2300 words into broad psychological, affective, and cognitive categories. To test our hypotheses, we focused on: pronouns (I, we, you, self, he, she, them) and emotions (positive emotion, negative emotion, anger, anxiety). The complete list of words in these categories is shown in Table 1. To test our hypotheses about time, we divided each transcript into four equal stages, based on the total number of words in the transcript. Our variable was a proportion: the frequency of each key word in a stage divided by the total number of words stage. Text analysis typically uses proportions in order to control for the length of an interaction.

Approach to Data Analysis

We used Hierarchical Linear Modeling (HLM) to fit a series of models to the data. In each model, the dependent variable was one of the word categories described above. Because LIWC expresses use of words in any given category as a percentage of total word use, we created a proportion (divide by 100) and then used a $2 \cdot \arcsin \sqrt{\quad}$ transformation to stabilize the variances, as described by Winer (1971, pp. 399–400). To capture the time component of our design, we fit a 3-level HLM model: Level 1 modeled time

Table 1
LIWC Categories and Examples of Words in These Categories

LIWC category	Examples of words in LIWC dictionary
I	I, I'sd, I'll, I'm, I've, me, mine, myself
We	Lets, let's, our, outs, ourselves, us, we, we'd, we'll, we're, we've
Self	I + we categories
You	Ya, y'all, ye, you, you'd, you'll, your*, you're, you've
Other	He, he'd, he'll, her, hers, herself, he's, him, himself, his, she, she'd, she'll, she's, their*, them, themselves, they, they'd they'll, they're, they've
Positive emotions	Accept, admir*, agree*, attachment*, care, cherish*, confident, devot*, encourag*, fond, forgiv*, glad, gratef*, happi*, happy, like, liked, likes, liking, love, loved, loves, peace, thank*, warmth
Negative emotions	Abandon*, abuse*, anguish, cry, despair, disgust*, evil, humiliat*, hurt, intimidat*, selfish, shame, shit, spite*
Anger	Abusive, angr*, bitter*, blame, cheat*, cruel, hateful, hates, hatred, insult*, offend*, outrag*
Anxiety	Afraid, anxi*, confus*, fear, insecure*, overwhelm*, stress*, terror*, uncertain, unsure, worr*

Note. LIWC, Linguistic Inquiry and Word Count Program.

*is a wildcard that allows different endings to the set word.

effects; Level 2 (individual level) modeled role (husband vs. wife) effects and allowed for an interaction between role and time; Level 3 (group level) modeled outcome effects (agreement vs. impasse) and allowed for interactions between outcome, role, and time.

Support for Hypothesis 1 would be provided by finding that our Level 3 variables (agreement vs. impasse) predicted use of pronouns and emotion words. Hypothesis 2 would be supported by a significant cross-level interaction between time (Level 1 variable) and outcome (Level 3 variable). Hypothesis 3a would be supported by a significant cross-level interaction between time (Level 1 variable) and role (Level 2 variable). And, Hypothesis 3b would be supported by a significant cross-level interaction between time (Level 1 variable), role (Level 2 variable) and outcome (Level 3 variable).

Results

Drawing on ROT, we predicted that language associated with affiliation (1st person pronouns, positive emotions) would be associated with agreements (H1). We expected that agreements would also be associated with the increasing use of language associated with affiliation (H2). Finally, drawing on role theory, we predicted that husbands would use more words associated with high affiliation, whereas wives would use more words associated with low affiliation (H3a) and finally that wives’ communication patterns of increasing affiliation would be influential in determining how mediations were resolved (H3b). We found no support for H1. All of our effects were a function of time (H2 & H3). Our findings are summarized in Table 2. The results from our HLM models are shown in Table 3 (pronouns) and Table 4 (emotion words), together with means and standard deviations for each dependent variable.

To better understand the context within which husbands and wives used specific pronouns or emotion words, we correlated the variables in our analyzes. For wives, use of “we” correlated positively with expressions of positive feelings (0.4, $p < .01$) and positive emotions (0.37, $p < .01$) whereas the use of “you” correlated positively with expressions of negative emotions (0.26, $p < .05$) and anger (0.29, $p < .01$). For husbands, the use of “I” and self-referents (I/we) correlated negatively with the expression of positive emotions (−0.26, −0.22, respectively, $p < .05$).

Pronouns

We found no support for H1, which predicted that the frequency with which pronouns were used would be a function of mediation outcomes. Hypothesis 2 was supported by

Table 2
Summary of Significant Effects

	Pronouns	Emotions
Time × outcome(H2)	2nd person (you)3rd person (he, she, them)	Negative emotionAnger
Role × outcome(H3a)	1st person, singular (I)2nd person (you)	Anxiety
Time × role × outcome(H3b)	Self-referents (I, we)	Positive emotion

Table 3
Table of HLM Results for Pronouns

Dependent variables		Self-referents (I, we)			You	He, she, they
Predictor variables	I	I, we	You	He, she, they		
Main effects	Outcome	$\gamma_{001} = .002t(18) = .19, ns$	$\gamma_{001} = .004t(18) = .40, ns$	$\gamma_{001} = .023t(18) = 1.54, ns$	$\gamma_{001} = -.02t(18) = 1.94, ns$	
	Role	$\gamma_{010} = -.005t(38) = -.63, ns$	$\gamma_{010} = -.003t(38) = -.40, ns$	$\gamma_{010} = .025t(38) = 2.45, p < .05$	$\gamma_{010} = -.013t(38) = -.96, ns$	
Interactions	Time	$\gamma_{100} = -.003t(152) = -1.03, ns$	$\gamma_{100} = -.003t(152) = -.85, ns$	$\gamma_{100} = .02t(152) = 4.72, p < .001$	$\gamma_{100} = -.013t(152) = -4.12, p < .001$	
	Outcome x time	$\gamma_{101} = -.002t(152) = -.61, ns$	$\gamma_{101} = -.002t(152) = -.52, ns$	$\gamma_{101} = -.009t(152) = -2.31, p < .05$	$\gamma_{101} = -.010t(152) = -3.13, p < .005$	
Interactions	Outcome x role	$\gamma_{011} = -.008t(38) = -.99, ns$	$\gamma_{011} = -.012t(38) = -1.34, ns$	$\gamma_{011} = .002t(38) = -.23, ns$	$\gamma_{011} = -.01t(38) = -1.01, ns$	
	Time x role	$\gamma_{110} = .005t(15) = 1.97, p = .05$	$\gamma_{110} = .004t(152) = 1.94, ns$	$\gamma_{110} = -.009t(152) = -3.29, p < .005$	$\gamma_{110} = -.0009t(152) = .28, ns$	
Mean	Outcome x time x role	$\gamma_{111} = .004t(152) = 1.62, ns$	$\gamma_{111} = .005t(152) = 2.09, p < .05$	$\gamma_{111} = .0008t(152) = .30, ns$	$\gamma_{111} = .0003t(152) = .09, ns$	
	SD	0.25	0.27	0.17	0.21	
		0.057	0.055	0.065	0.063	

Note: HLM, Hierarchical Linear Modeling.

Table 4
Table of HLM Results for Emotion Words

Dependent variables		Anxiety	Anger	Negative emotion	Positive emotion
Predictor variables					
Outcome	$\gamma_{001} = .006t(18) = .62, ns$	$\gamma_{001} = .005t(18) = .76, ns$	$\gamma_{001} = .009t(18) = 1.073, ns$	$\gamma_{001} = -.002t(18) = -.33, ns$	
Role	$\gamma_{010} = -.001t(38) = -.24, ns$	$\gamma_{010} = .0003t(38) = .09, ns$	$\gamma_{010} = -.009t(38) = -2.29, p < .05$	$\gamma_{010} = .002t(38) = .31, ns$	
Time	$\gamma_{100} = -.002t(152) = -.53, ns$	$\gamma_{100} = .0005t(152) = .20, ns$	$\gamma_{100} = 1.004t(152) = -1.81, ns$	$\gamma_{100} = .007t(152) = 3.90, p < .001$	
Outcome x time	$\gamma_{101} = -.01t(152) = -2.03, p < .05$	$\gamma_{101} = -.0001t(152) = -3.11, p < .005$	$\gamma_{101} = -.007t(152) = -2.95, p < .005$	$\gamma_{101} = .001t(152) = 1.04, ns$	
Outcome x role	$\gamma_{011} = .005t(38) = .76, ns$	$\gamma_{011} = .005t(38) = .76, ns$	$\gamma_{011} = -.003t(38) = -.72, ns$	$\gamma_{011} = -.021t(38) = -2.74, p = .01$	
Time x role	$\gamma_{110} = -.002t(152) = -1.16, ns$	$\gamma_{110} = -.0002t(152) = -.13, ns$	$\gamma_{110} = .001t(152) = 1.35, ns$	$\gamma_{110} = 0.0008t(152) = .34, ns$	
Outcome x time x role	$\gamma_{111} = .004t(152) = 1.66, ns$	$\gamma_{111} = .001t(152) = 1.04, ns$	$\gamma_{111} = .0003t(152) = .28, ns$	$\gamma_{111} = .005t(152) = 2.28, p < .05$	
Mean	0.02	0.05	0.09	0.13	
SD	0.034	0.040	0.048	0.047	

Note: HLM, Hierarchical Linear Modeling.

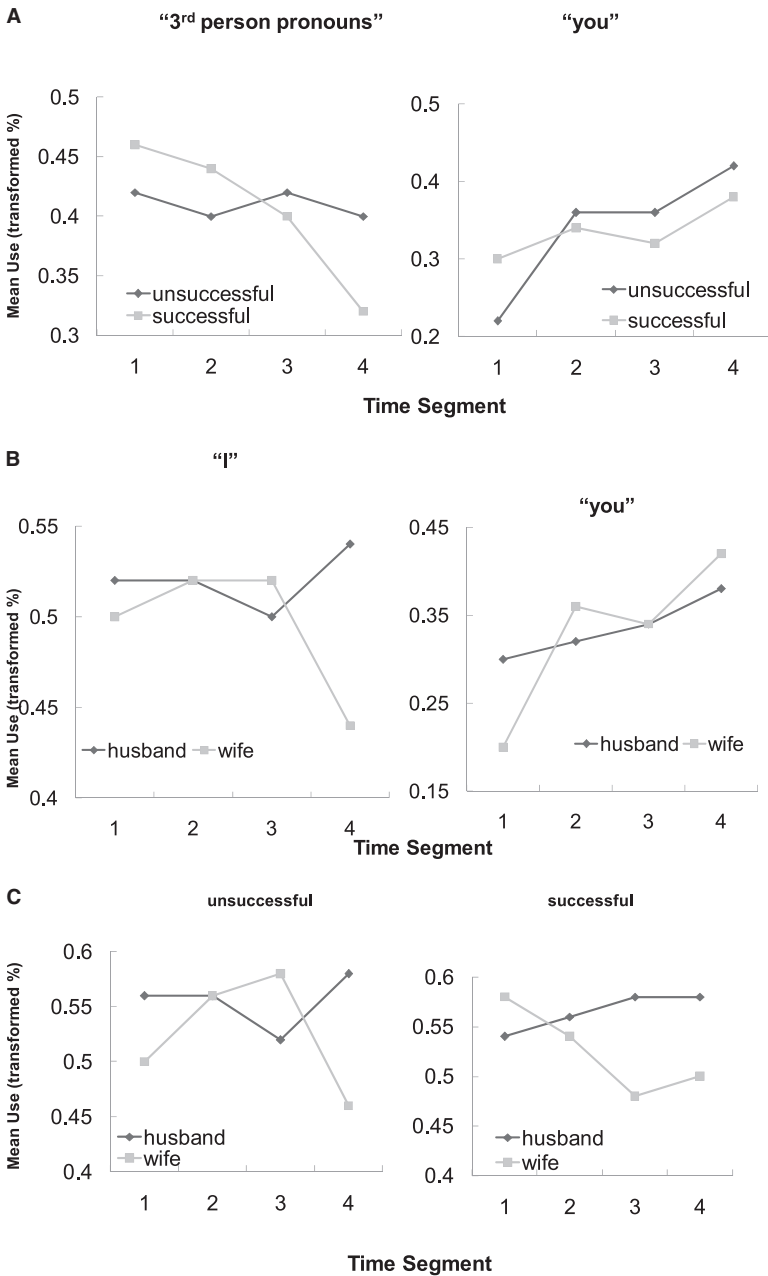


Figure 1. (A) Use of pronouns as a function of outcome and time. (B) Use of pronouns as a function of role and time. (C) Use of 1st person pronouns (“I” or “we”) as a function of outcome, role and time.

the finding that the use of *3rd person pronouns* varied as a function of time and outcome ($\gamma_{101} = -.01$, $t(152) = -3.13$, $p < .005$; see Figure 1A, left). Our analysis showed that whereas the words *he*, *she*, *they* were used less frequently over time in agreement mediations, their use was stable in impasse mediations. Also consistent with Hypothesis 2, we found that although there were no differences in the use of *you* in the first quarter, the use of *you* increased over time in impasse mediations but remained stable in agreement mediations ($\gamma_{101} = -.01$, $t(152) = -2.31$, $p < .05$; Figure 1A, right).

Supporting H3a, our analysis showed that the use of *you* was also affected by interactions between time and role ($\gamma_{110} = -.01$, $t(152) = 3.29$, $p < .005$). Wives used *you* substantially less than husbands in the first quarter, but their use of *you* had overtaken the use of *you* by their husbands by the final quarter of the mediation. Also supporting H3a, we found that time and role interacted to influence the use of the first-person pronoun, *I* ($\gamma_{110} = -.01$, $t(152) = -1.97$, $p = .05$). This effect occurred in the fourth quarter of the mediation: husbands increased their use of *I* in the final quarter of the mediation. Wives diverged from this trend, decreasing their use of *I* over time. Figure 1B (left) shows that the pattern of the use of *I* was similar to the pattern of the use *you* (Figure 1B, right).

Consistent with H3b, we found that *self-referents* (*I*, *we*) were affected by an interaction between time, role, and outcome ($\gamma_{111} = .005$, $t(152) = 2.09$, $p < .05$). As shown in Figure 1C, in both impasse and agreement mediations, the use of *self-referents* by husbands was relatively high and stable. Consistent with our prediction that agreement would hinge on what wives said, there was considerably more variation in the use of *self-referents* by wives. In agreement mediations, although wives used *self-referents* more than husbands in the first quarter, their use of *self-referents* declined steadily thereafter. In comparison, in impasse mediations, the wives use of *self-referents* was low in the first quarter and escalated markedly in the second and third quarters before decreasing again.

Emotion

We found no support for Hypothesis H1, which predicted that the frequency with which emotion words were used would be associated with mediation outcomes. Hypothesis 2, which predicted that successful and unsuccessful mediations would be associated with different patterns of emotion words over time received mixed support. Contrary to H2, which stated that impasse would be characterized by an increasing use of low affiliation words, our results show the opposite pattern. Figure 2A shows that language indicating *anxiety* varied as a function of time and outcome ($\gamma_{011} = -.01$, $t(38) = -2.03$, $p < .05$).

Consistent with H2, the expression of negative emotions including anger decreased over time in agreement mediations ($\gamma_{101} = -.007$, $t(152) = -2.95$, $p < .005$; see Figure 2B, left). Disputants in the impasse mediations expressed more *negative emotion* beginning in the second quarter and lasting throughout the mediation than disputants in the agreement mediations. Also consistent with H2, *anger*, a subcategory of negative emotion, shows a very similar pattern to negative emotion words ($\gamma_{101} = -.007$,

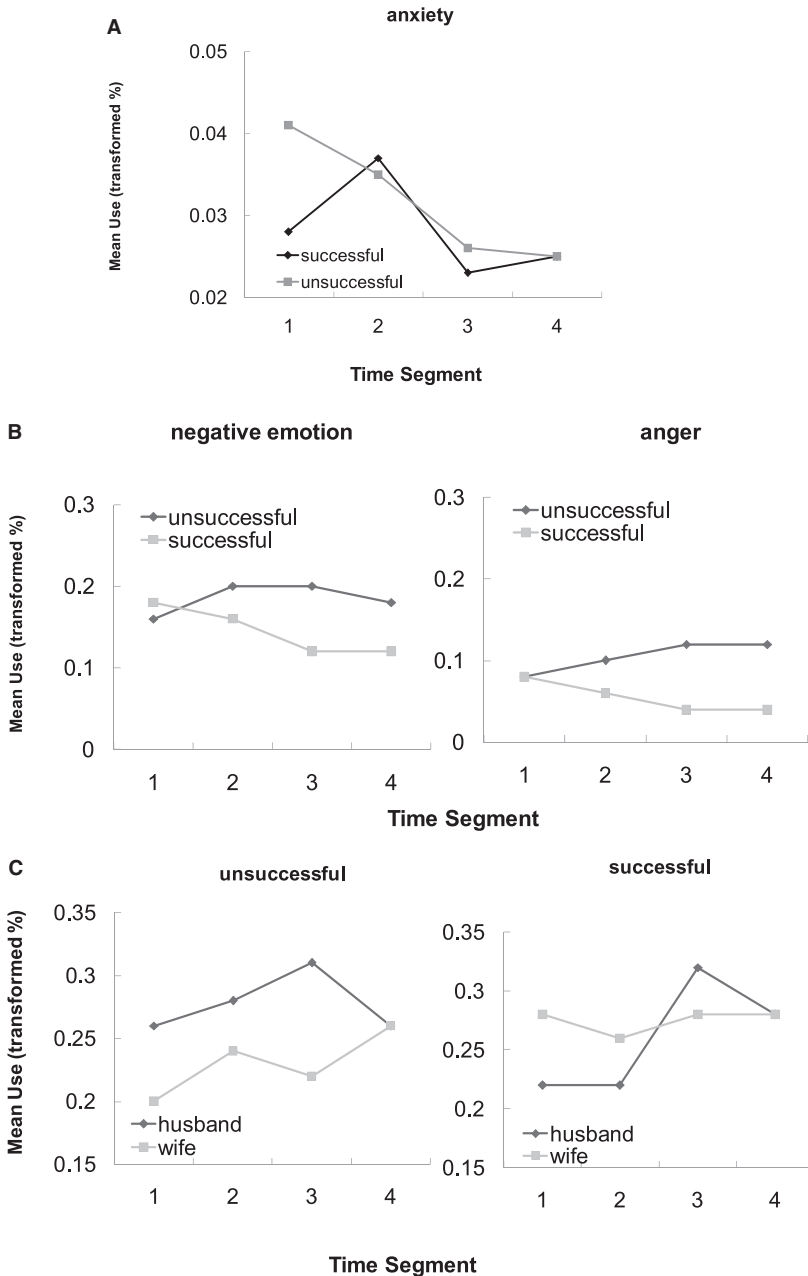


Figure 2. (A) Expressions of anxiety as a function of outcome and time. (B) Expressions of negative emotion as a function of outcome and time. (C) Expressions of positive emotion as a function of role, outcome and time.

$t(152) = -3.11, p < .005$; Figure 2B, right). By the second quarter of the agreement mediations, the expression of *anger* was on a downward trajectory.

Finally, consistent with H3b, we found a 3-way interaction between time, role, and outcome ($\gamma_{111} = .005, t(152) = 2.28, p < .05$; Figure 2C). By the end of both agreement and impasse mediations, husbands and wives were expressing similar levels of positive emotion. However, in the impasse mediations husbands expressed more positive emotion than their wives from the beginning, and in the agreement mediations the opposite was observed; wives expressed more positive emotions from the beginning than their husbands.

Discussion

Drawing on ROT, we hypothesized that language associated with collaboration (high affiliation, high interdependence) would be associated with forging agreements in child custody mediations whereas language associated with competition (low affiliation, high interdependence) would be associated with impasses. We found that mediation outcomes were predicted by how words were used over time. As we predicted, mediations were successfully resolved when pronouns and emotions associated with low affiliation were used less over time. Language also varied as a function of speaker. As we predicted, husbands increased their use of words associated with high affiliation over time whereas wives increased their use of words associated with low affiliation. Finally, we found that successful resolution was more strongly associated with what wives said over time than with what husbands said over time. An important finding was that all of our effects emerged over time, suggesting that how disputants react to each other is the critical variable in whether or not disputes are successfully resolved.

Consistent with stage models of negotiation and mediation, the use of pronouns and emotion words varied over time. We argued that the use of 2nd and 3rd person pronouns as well as the expression of negative emotions places the speaker in the *competing* quadrant of ROT (Donohue & Roberto, 1993), signaling dislike and distrust. Based on ROT, we further argued that successful mediations required a reduction in the use of this low affiliation language (H2). Changes in the use of 3rd person pronouns (*he, she, they*) and the expression of negative emotions supported this hypothesis. In unsuccessful mediations, words associated with low affiliation remained stable or increased over time whereas in successful mediations both parties used these words less frequently as the mediation progressed. Our findings in relation to negative emotion are consistent with past research showing that expressions of anger can delay or prevent settlement in disputes (Brett et al., 2007; Friedman et al., 2004).

Because husbands and wives have different goals, we hypothesized that husbands would be more focused than wives on decreasing social distance (H3a). We predicted that whereas husbands would increase their use of words associated with high affiliation, wives would increase their use of words associated with low affiliation. We found mixed support for this hypothesis. Looking at pronouns, our results showed that husbands' use of both 1st and 2nd person pronouns was relatively stable over time. In this sample, wives showed greater variability in their use of pronouns, increasing their use of *you*

and decreasing their use of *I* over time suggesting that they were more concerned with protecting their interests and therefore maintaining or increasing social distance. Supporting this interpretation is our finding that the use of *you* is positively correlated with expressions of anger. Our findings suggest that husbands send a more consistent message than wives about their perceptions of the relationship.

Implications for Theory

Relational Order Theory focuses on how individuals engaged in disputes or negotiations cycle through four relational frames. Disputants' language reflects their representation of their relationship with the other person on two dimensions, affiliation and interdependence. Our findings have three implications for ROT theory that we now consider: the interpretive baseline created by opening language, the role of critical events in bringing about rapid frame transitions and the impact of speaker power in shaping patterns of convergence.

Interpretive Baseline

To understand how language is used as a function of time and role, we need to understand where the conversation started. This starting point establishes a threshold against which subsequent communication is assessed. It pinpoints which of the four relational quadrants described in ROT characterizes the initial relationship, providing the baseline against which to measure and interpret subsequent changes. Our findings highlight the power of the opening moments of mediation.

We observed this baseline effect in the differential impact of 2nd and 3rd person pronouns on outcomes. We hypothesized that, because both 2nd and 3rd person pronouns are associated with low affiliation in the context of highly interdependent relationships (compete quadrant), a decrease in their use would be associated with agreement in mediation. While this was the case with 3rd person pronouns, we found that the use of *you* remained stable over time in successful mediations but increased over time in unsuccessful mediations. Our results suggest that the two groups of pronouns place disputants in different ROT quadrants because they convey information about perceived interdependence. *He, she* and *they*, because they are impersonal, may imply low interdependence whereas *you*, because it engages the other person directly implies high interdependence. Decreases in the use of 3rd person pronouns thus signal a shift in perceived interdependence moving disputants from the co-existence to the compete quadrants of ROT. Disputants who start and remain in the *compete* quadrant or who transition into it are able to reach agreement. However, disputants who start in the *co-existence* quadrant or move into it (increasing use of *you*) jeopardize their ability to reach agreement.

A parallel effect was observed for expressions of anxiety. Contrary to our hypothesis (H3), a steady reduction in the expression of anxiety over time resulted in impasse. Impasse and agreement mediations were differentiated by the amount of anxiety expressed in the first quarter of the mediation. Our results suggest that disputants are anchored by the emotions expressed in the first quadrant of mediation. In the case of low initial anxiety, which places the relationship in ROT's cooperate quadrant, the

relationship appears to be buffered from subsequent spikes in anxiety. However, when initial expressions of anxiety are high, placing disputants in ROT's compete quadrant, disputants appear insensitive to subsequent shifts in the level of anxiety.

Critical Events

The relationship between the use of *you* over time and outcomes suggests that ROT needs to incorporate the impact of critical events in bringing about rapid frame shifts. Disputants' use of 2nd person pronouns suggests that critical events may trigger a rapid reframing of the relationship early in the mediation, leading to impasse. In these mediations, impasse was associated with a large increase in the use of *you* from the first to the second quarters of unsuccessful mediations, suggesting that these mediations quickly escalated to an attack-defend cycle and it was this abrupt increase in attacks that triggered the impasse. The critical difference between agreement and no-agreement mediations was that in no-agreement mediations, *you* was used infrequently in the first quarter of the mediation but the use of *you* abruptly increased in the second quarter of the mediation (reaching levels similar to those in agreement mediations). This pattern is consistent with the interpretation that a critical event occurring in the first quarter of the mediation triggered a rapid reframing of the dispute.

Role Dominance

We argued that the behavior of wives will be more predictive of settlement than behavior of husbands because courts tend to defer to wives in child custody disputes. Our results support this argument and suggest a communication pattern in which one party leads the other in terms of defining the nature of the underlying relationship. Communication Accommodation Theory builds upon this idea by demonstrating how individuals coordinate their language to create a common underlying framework for defining their relationships (Giles, Coupland, & Coupland, 1991). Our findings suggest that, to understand how disputants cycle through the relational frames described by ROT, we also need to understand the power relationships between the parties.

Agreement in child custody mediations is associated with how wives position the opening stages of the dispute, through their use of *self-referents* (I, we). Whereas the opening stages of unsuccessful mediations are associated with the infrequent use of self-referents, the opening stages of successful mediations are associated with more frequent use of self-referents. In both successful and unsuccessful child custody mediations, the use of self-referents by husbands and wives diverges in the final quarter of mediation. This divergence can be attributed to what wives say, consistent with the view that they emphasize social distance. However, because this divergence occurs in both successful and unsuccessful mediations, we conclude that the social distance that is established in the opening stages of mediation is critical to how mediations are resolved (Curhan & Pentland, 2007) The infrequent use of self-referents in the final quarter of the mediation needs to be assessed against the frequency with which self-referents are used in the opening stages of mediation as well as the consistency of the implicit message sent over time. When affiliation is initially high, wives place the opening conversation in the collaborate quadrant identified by ROT. Moves out of this quadrant then do not impede

settlement. However, when wives place the opening conversation in the compete quadrant of ROT, moves out of this quadrant, even though they converge to the husbands frame, are ultimately unsuccessful.

Agreement is also associated with the emotional tone established by wives. Successful mediations were associated with a more frequent expression of positive emotions by wives than unsuccessful mediations. By the end of both successful and unsuccessful mediations, husbands have converged to their wives levels of positive emotions: they appeared to “catch” their wives positive emotions. Couples converged to the level of positive emotions initially expressed by wives, expressing less positive emotion over time in impasse mediations and more positive emotion over time in agreement mediations. Expressions of positive affect are associated with high affiliation and low interdependence. Donohue and Roberto (1993) argue that under these relational conditions, individuals “cooperate” with each other. Individuals adopt a “business-like” orientation to their interaction, focusing on substantive issues and avoiding controversial topics.

In both cases, the success of mediations turns on where one party (the wife) positions the relationship in the opening quarter of the mediation. This finding suggests that ROT should be extended to incorporate role and role dominance.

Implications for Mediators and Researchers

The fascinating question for practice that these results raise is whether mediators can and should encourage certain verbal expression, e.g., for wives encourage the expression of positive emotions, discourage emphasis on self, and for everyone suppress the expression of negative emotions. Past research shows that mediators who generate settlements intervene frequently to frame issues in positive language (Donohue, 1991). Our findings identify specific points at which such interventions will be most effective, both in terms of the words that are used and when they are used.

A key practical implication of the results of this study is that when couples establish a positive communication climate early in the mediation process, settlement is more likely. Mediators might be able to facilitate this by keeping couples away from the negative emotions and references to self that tend to emerge in the constant rehashing of prior disputes. This research shows that such linguistic references are a key warning sign of impending impasse. If these linguistic references are emerging, then mediators might become more actively involved in trying to redirect the couple toward positive communication and to process the relational issues that typically accompany these references. Such redirections may help to keep the couple on task and avoid the kinds of unproductive discussions that are common in custody fights when couples are left to their own devices.

A second implication of our findings for practicing mediators is that they need to be alert to changes in emotional tone over the course of mediation. Our analyzes suggest that dramatic increases in expressions of anxiety early in the mediation are associated ultimately with impasse. We attributed such increases in anxiety to critical events that reframed the negotiation. This suggests that mediators should take direct action to intervene when events worsen the emotional tone of the negotiation. Our results also suggest that mediators should be alert to emotional contagion, especially the transfer of

emotion from wives to husbands. Because husbands converge to their wives positive emotions when these custody battles end up in agreement, our findings suggest a two-pronged approach for mediators: to encourage wives to express more positive emotion and, if this is not possible, to deflect or redirect husbands from decreasing their expression of positive emotions. This is most likely to occur if husbands are redirected from focusing on themselves.

Turning to future research, the first question is to confirm causality. Our results do not allow for direct causal explanation since linguistic behavior was not manipulated. Our results do reveal that certain language choices were associated with certain mediation outcomes. The second question for future consideration is philosophical. If mediators can influence the expression and suppression of emotion (Donohue, 1991) should they do so? This engages a philosophical discussion of the role of the mediator. The mediators in this study were all trained to use a facilitative model and to try to represent the best interests of the child. They could not allow parties to make decisions that were not in the child's best interests since they were employed by the court to insure child welfare as their first mission. As a result, they were not strictly neutral in the sense that they could not allow disputants to form any agreement regardless of the impact on the child. They were also not supposed to use mediation to perform any counseling tasks. Nevertheless, they certainly were free to adopt any style within that framework capable of formulating a broadly acceptable custody arrangement. And, that would seem to include encouraging or discouraging certainly kinds of linguistic styles if, in their professional judgment, these styles would facilitate an acceptable settlement.

However, it must be noted that this study only serves to isolate some linguistic markers that may influence the outcome of child custody mediations. We certainly do not have definitive information about the ability of these markers to drive outcomes. So it is premature to develop elaborate interventions around the promotion or suppression of these linguistic behaviors. Yet, in combination with other analyzes, it does appear that these markers reflect a linguistic context that may facilitate the development of more positive relationships that in turn allow for the productive exchange of information and constructive proposals. While we observed these effects in a very specific domain, our discussion suggests that our recommendations may generalize to conflicts that are characterized by high levels of emotion and blame as well as power imbalances.

Finally, the child custody mediations we studied occurred in the mind-1980s. At this time the norm was to grant custody to mothers and limit the custody of fathers. This context provides the setting in which we generated role-based hypotheses. We suggest that our theorizing and findings generalize to the situation when one party has control over access to a resource and the other party is seeking greater access to that resource. In today's child custody mediations it is certainly possible that role responsibilities leading up to the mediation are reversed: the father has custody and the wife is seeking greater access to the children. In this case, we would predict that our theorizing would continue to describe the dynamics of the child custody mediation but that the roles would be reversed.

Conclusion

There are predictable differences in how language use unfolds over time to affect outcomes of dispute resolution negotiations. Our analyzes show that mediations that reach agreement can be characterized by a pattern of the decreasing use of words that express *negative emotion* or *anger*, or are *other* focused. They are associated with a more gradual increase in the use of *you*. Interventions that help disputants alleviate feelings of anger and shift the focus away from the other person are likely to assist the resolution process. We also identified predictable differences in how husbands and wives used language over time: whereas wives increased their use of *you*, husbands increased their use of *1st person pronouns* (*I, we*). This pattern suggests that the two parties bring different concerns to the dispute and that, as the resolution process unfolds, those concerns may be exacerbated (increasing other focus) or alleviated (increasing focus on the parties to the dispute). Focusing on, and alleviating, role specific concerns is likely to further assist the resolution process. Finally, we were able to differentiate agreement from impasse mediations on the basis of how husbands and wives used language over time. Overall, our analyzes suggest that language use in impasse mediations was more volatile than language use in agreement mediations. The expression of *positive emotion* (wives) and *you* (husbands) was stable in agreement mediations but varied over time in impasse mediations. Not only is this pattern consistent with Donohue's (1989) finding that *agreement mediators* use strategies more evenly over time, it implies that mediators ought to work to develop a process that empowers parties to control their choices as they interact.

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