

Negotiating the Struggle for Justice: Negotiation and Communication Practices of Selected Families of Media Killings¹

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This qualitative study inquires into the negotiation styles and counter-hegemonic communication practices employed by the families of media killings in their pursuit of justice. Anchored on the analytical concepts of Gramscian hegemony and resistance, the study reveals the dominant negotiation styles utilized by the families and how these styles, first and foremost, manifest the families' need to be recognized as victims of injustice and impunity especially by the institutions of state power, and secondly, reflect their own power to resist the prevailing state hegemony in the context of negotiation.

Keywords: negotiation, negotiation styles, media killings, Gramscian hegemony, resistance

In 2015, the National Union of Journalists of the Philippines (NUJP) claims that some 170 media workers have been killed since the supposed restoration of democracy in 1986 (Rowena Paraan, personal communication, December 30, 2015). Of these media killings, 30 took place from July 2010 to December 2015 during the current administration of President Benigno Simeon C. Aquino III. But it was the gruesome Ampatuan-Maguindanao massacre² on November 23, 2009 where at least 58 individuals, including 32 media workers, were brutally killed in Maguindanao, Mindanao, that tarnished the country's image in the international community and placed the Philippines on the list of most dangerous places for media workers.

Human Rights Watch (HRW)³ has criticized the Philippine government's slow-paced efforts in resolving human rights violations, including media killings, citing weak mechanisms in its state institutions for addressing human rights cases, such as the lack of trained judges and staff in courts, and the involvement of the police and the military in the killings (Human Rights Watch [HRW], 2012). Locally, various non-state institutions,

including the Center for Media Freedom and Responsibility (CMFR),⁴ the National Union of Journalists of the Philippines (NUJP),⁵ and the Philippine Center for Investigative Journalism (PCIJ)⁶ have conducted regular statistical documentations, data profiling, and rapid assessment studies on press freedom and media killings. And triggered by the Ampatuan-Maguindanao massacre, various media and civil society organizations launched an international campaign calling for an end to impunity.⁷ However, this researcher contends that more attention needs to be given to the communication and negotiation aspects involving the families of media killings, for they, too, perform a fundamental role in the collective struggle for justice and in the advancement of press freedom. Thus, this study investigates the means of communication and negotiation that the selected families of victims of media killings employ in their pursuit of justice and assistance from key state and non-state institutions. While the focus of this study is on their negotiation styles and practices of resistance, some communication dynamics between the families and institutions will also be discussed, based on the narratives of the families.

Negotiation as a Communication Phenomenon

Negotiation is a communication phenomenon. We negotiate in order to get the cooperation of the other party so that we can achieve certain goals such as strengthening social relationships, finding emotional comfort, receiving financial assistance, and resolving dispute (De Souza Briggs, 2003). Thus, negotiation implies a need to establish and maintain an effective means of communication to secure certain forms of assistance from the other party.

As a social process of communication, negotiation encompasses the establishment of cooperation among stakeholders, the identification of possible communication conflicts arising from the negotiation, the determination of resolutions to these conflicts, and the identification of future mechanisms to keep negotiation active. It is important to equally consider the inevitable presence of conflicts and disputes in negotiation. When a conflict or dispute arises, it is incumbent upon the negotiators to analyze and resolve such issue. De Souza Briggs (2003) asserted that “failure to resolve a dispute between two or more parties can impose huge costs on other parties or the community at large, sour relationships among the disputants, and even generate new, wider conflicts” (p. 8).

In terms of social relationship, McGinn (2006) proposed the negotiated order perspective which “depicts organizations and other social units (such as families or societies) as continuously changing via negotiations, and negotiations as continuously evolving in response to the organization or social unit in which they take place” (p. 130). In addition, he explained

that the cycle of influence between negotiation and relationship must be established in order to understand the actions made by the negotiators. Said cycle works in a manner whereby “relationships are shaped by the social and economic context (and) in return, relationships influence the occurrence as well as the process and outcome of negotiations, negotiation outcomes alter or reinforce the social and economic context” (p. 130).

Negotiation, for Zartman (2008), is anchored on the notion of justice. He argued that “fairness and justice are a major motivating force in all human decision-making and hence in negotiation” (p. 68). He highlighted the classical conception of negotiation where it serves as a “means of achieving an outcome based on a principle of justice [to] harmonize the interests of the parties” (p. 69). Lind and Taylor (as cited in Zartman, p. 71) supported this premise and proposed the concepts of distributive justice and procedural justice that govern, respectively, the outcomes and the processes involved in a supposed just negotiation.

Evidently, negotiation research and theorizing is already quite established in the West. But Pruitt (as cited in Brett & Gelfand, 2006) asserted that “*a non-Western origin would surely generate a social science that would look very different* [emphasis added], because social science theory reflects the dominant patterns of the culture in which it originates” (p. 173). Thus, it is imperative for present-day scholars to generate concepts and theories on negotiation using a non-Western perspective.

Styles, Strategies, and Social Factors in Negotiation

Negotiation strategies and styles are crucial elements in negotiation. According to Cary, Herman & Kennedy (2001), strategy refers to the conceptual model or approach employed in negotiation while style reflects the interpersonal behavior of the negotiator and is often affected by the strategy used. Cary *et al.* also provided two general negotiation strategies, namely, the adversarial and the problem-solving. The first “focuses on winning...where each side strives to get as much of the thing bargained for (usually money), and the more one side gets, the less the other side gets” (p. 152) while the other emphasizes “maximizing the parties’ joint gain...focuses on identifying the parties’ underlying interests or needs to develop a broad range of potential solutions from which an agreement can be fashioned that satisfies as many of the parties’ mutual needs as possible” (p. 154).

In a study on negotiation and communication dynamics, Portus (2003) revealed the various negotiation styles used by the women in prostitution (WIP) in communicating their needs and agenda with other stakeholders. These included the utilitarian style that resulted from the assistance

provided by non-government organizations (NGOs) to them; the nurturing style that described their personal relationship with their live-in partners; the dependency style that featured the interaction between the WIP and their parents and relatives; and the reinforcement style that described the dynamics among the WIP, particularly with regard to how “affection, attention, understanding, (and) care among streetwalkers” (p. 80) were being negotiated. As seen in Portus’ study, there are instances when negotiators shift strategies and styles depending on the factors that affect the negotiation process. These factors include the negotiators’ culture, gender, political and social backgrounds, language, tradition, and ideology (Garcha, 1999; Zartman, 2008).

In this study, the researcher contends that focusing on the negotiation styles and counter-hegemonic practices of the families of media killings is significant because it will reveal the distinct social-political characteristics of these families which serve as bases for the way they communicate in their pursuit of justice; the means that the families employ to either cooperate with or distance themselves from key institutions; the points of conflict within the negotiation process; the possible resolutions to these conflicts; and the strategies and mechanisms that the families adopt to keep the negotiation process functional. The shifts in the use of negotiation styles will also be explored in order to better comprehend the complex dynamics of negotiation.

Hegemony, Subalternity, and Resistance

This study is anchored on Gramscian hegemony and resistance. Hegemony does not refer simply to domination and political rule. According to Gramsci (1971), the concept of hegemony has two faces:

On the one hand it is contrasted with “domination” (and as such bound up with the opposition State/Civil Society) and on the other hand “hegemonic” is sometimes used as an opposite of “corporate” or “economic-corporate” to designate a historical phase in which a given group moves beyond a position of corporate existence and defence of its economic position and aspires to a position of leadership in political and social arena. (p. xiv)

As a process, hegemony deals with “making, maintaining, and reproducing [the] authoritative set of meanings, ideologies and practices [by the governing or ascendant]” (Barker, 2004, p. 84). Its theoretical analysis departs from the study of subalternity or the “lack of political autonomy” as

Gramsci put it (as cited in Howson & Smith, 2004), where subaltern classes and social groups such as slaves, peasants, and women are considered 'subordinate' because "their experience is the negation, redefinition, and then incorporation of their needs and desires into the activities and interests promoted by the elites" (pp. 2-3). Gramsci (1971) noted that "subaltern groups are always subject to the activity of ruling groups, even when they rebel and rise up...[and] even when they appear triumphant, the subaltern groups are merely anxious to defend themselves" (p. 55). It is based on this argument that the concept of resistance is explored.

Resistance, in this study, deals with "opposition or insubordination that issues from relationships of power and domination...it takes the form of challenges to and negotiations of the ascendant order" (Barker, 2004, p. 178). The subaltern groups struggle to counter the hegemonic rule (predominantly of the State) and to participate in the on-going hegemonic discourse, through its alliance with other groups and classes. As Gramsci (1971) put it, the history of the subaltern groups is "intertwined with that of civil society, and thereby with the history of States and groups of States" (p. 52). Therefore, to locate the concept of resistance, it is imperative to look into some of the areas of concern of studying subaltern groups:

(1) the objective formation of the subaltern social groups, by developments and transformations occurring in the sphere of economic production...(2) their active or passive affiliation to the dominant political formations...(3) the formations which the subaltern groups themselves produce...(4) those new formations which assert the autonomy of the subaltern groups. (p. 52)

Some contemporary studies on hegemony and subalternity (see for example Chandra, 2015; Shahid & Jha, 2014) traverse the field of resistance. Drawing from the arguments put forward by San Juan (2008), hegemony is construed as "not just of political leadership of an alliance of classes but also of moral and intellectual leadership of a historical bloc of forces engendered in the process of revolutionary transformation" (p. 5). The "forces" unearthed in the hegemonic discourse also contribute to the conceptualization of subalternity and hence a subaltern class. For Gramsci, subalternity is "a condition marked by the absence of a will or project on the part of a social group to achieve an integral, organic, critical self-consciousness...[and] is produced by an ideological practice of subordination" (p. 14). In the field of social work, Shahid and Jha (2014) utilized Gramsci's framework of hegemony to explain the phenomenon of

interpersonal relationships in the context of client-worker relationship. They investigated the principles observed in a client-worker relationship, such as individualization, purposeful expression of feelings, and nonjudgmental attitudes. By looking into the hegemonic discourse between the client and the worker, the study found that the presence of exclusive privileges keep the other members of the workplace excluded from the work operations, thus resulting in inequality and discrimination. Shahid and Jha also found that hegemonic expressions and usages through language and ideas must be considered as “political issues because they carry unambiguous political intent” (p. 35). Another study that operated under Gramsci’s hegemony is the assessment of the political and social forces that shaped the attitudes of protestant working-class members towards education in Northern Ireland. With reference to policy formulation, the concept of educational underachievement is incorporated with mainstream unionism. The study revealed that mainstream unions e.g., Democratic Unionist Party and Ulster Unionist Party remain reluctant in addressing the issue in education “due to a long-held fear that it could lead to new political challenges emerging that would severely weaken a hegemony carefully fostered over at least two centuries” (McManus, 2015, p. 48). In addition, it centered on the role of the Church in broadening political dominance by arguing that “the Protestant Ascendancy has used the religious and sectarian divisions to shore up its political base and to advance a conservative form of politics that espoused as “natural” social order” (p. 62). In relation to McManus, Engstrom and Valenzano (2010) probed into the perceived interrelated function of religion and mass media. They conducted a content analysis of 60 episodes of the television program *Supernatural* aired from 2005-2008 and found that religious hegemony forwards Catholicism “in the form of weapons used to fight evil, such as holy water, and depictions of priests, as the main and most powerful opponent of evil” (p. 67). On the other hand, the characters concerning non-Catholic religions were depicted as “evil distractions for the protagonists, thus contributing even more to their marginal stature” (p. 81).

For Chandra (2015), though, the notion of subaltern resistance in hegemonic formations deals with “*negotiation rather than negation of social power* [emphasis added]” (p. 563). In an attempt to redefine resistance, Chandra (2015) maintained that “subalterns who resist the status quo may not be fully aware of *all* the implications of their actions, but, in pragmatic terms, they act as rational agents with sufficient intention and purpose” (p. 565). In the context of rural China, for example, O’Brien and Li (as cited in Chandra, 2015) put forward the concept of rightful resistance as a contention that “operates near the boundary of authorized channels, employs the

rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public” (p. 566). Following selected literature (San Juan, 2008; Chandra, 2015), this study will contextualize hegemony and resistance in relation to the negotiation styles and counter-hegemonic practices articulated by the families of media killings. In the context of this study, these families constitute a subaltern group that uses negotiation to communicate their resistance and assert their role in the hegemonic discourse for justice and press freedom.

Research Methods and Procedures

This study employed a qualitative research design through the use of focus individual and group interviews and participant observation methods. Data gathered from face-to-face interviews of selected families were transformed into a series of case documentation. The families provided the background of the killing of their family members during these interviews. The participant observation method was utilized during the *Saranggola* (Kite) Camp, a psychosocial rehabilitation workshop for the families of media killings organized by the NUJP and held in Sarangani Province on May 19-20 and in Baguio City on May 26-28, 2012. A review of pertinent documents, including policy positions and public statements from the families and selected state and non-state institutions, was also made. The data analysis procedure done was a case-oriented analysis which enabled the researcher to concentrate on each of the case documentations of the family-informants. The interview transcription was analyzed using a coding procedure patterned after axial coding in grounded theory research (Strauss & Corbin as cited in Lindlof & Taylor, 2002).

Profile of the Families of Media Killings

All 16 family-informants were female. Of these, 13 were wives of the victims of media killings,⁸ one a cousin, another a daughter, and one a sister-in-law. The age range of the family-informants was from 36 to 51 years. Ten finished college, and six only took some college courses. In terms of occupation, six were housewives, six self-employed. Two were working in government offices (Provincial Social Security System and Provincial Hospital), one was a nurse, and another one was a human rights worker.

The locations of the families were dispersed geographically. Two came from Luzon - Manila⁹ (Reyna)¹⁰ and La Union (Selina); four from the Visayas - Masbate (Corazon), Capiz (Hilda), Northern Samar (Malaya), and Aklan (Olga); and 10 from Mindanao - three from General Santos (Marikit, Pia, Sampaguita), two from South Cotabato (Ligaya, Mutya), and one each from

the following locations: Kidapawan (Amihan), Sultan Kudarat (Amparo), Davao del Sur (Carol), Tacurong (Tanya), and Agusan del Sur (Verona). While there is a limitation in terms of the families' geographical locations—14 out of 16 families come from Visayas and Mindanao—it is important to note that the data on media killings show that most of the incidents transpired in the rural and provincial areas (see for example CMFR, 2007). The HRW study (2010), for one, attributed the killings to the private military armed groups controlled by local politicians, as in the case of the Ampatuan-Maguindanao mass killing which exposed the ruling Ampatuan political clan's private army—from 2,000 to 5,000 comprising of government-supported militia, the local police, and military personnel (p. 8).

The family-informants in this study were related to 18 victims of media killings. The age range of the victims was 24 to 59 years. Sixteen of them were male. Eight were brutally murdered in the Ampatuan-Maguindanao massacre in 2009, and ten were killed in separate incidents nationwide from January 2001 to June 2009. Of the 18 media killing cases, 13 cited the direct involvement of local politicians, including members of the Ampatuan political clan in the Ampatuan-Maguindanao massacre and members of the Philippine National Police (PNP), in the killings. One case implicated the armed group Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB),¹¹ another involved unidentified private citizens, and three involved unidentified perpetrators, though these killings were believed to be politically-motivated.

State Hegemony, Impunity, and Media Killings in the Philippines

To reiterate the argument of Gramsci (1971), one aspect of hegemony deals with the opposition between the State and Civil Society. It is in this opposition that we can see the dynamics among various institutions of power from both the state and non-state parties. In this study, the State refers to the formal and established institutions of power that are mandated to safeguard fundamental rights such as press freedom. These institutions include, but are not limited to, the courts (regional and provincial), the Office of the President of the Republic, executive departments and bureaus, and local government units (LGUs). Civil Society, on the other hand, is comprised of mass-based national and regional organizations that advocate press freedom and human rights.

This section deals with the construction of power by the State over the families of media killings or what we refer to as state hegemony. The following discussions are the result of literature review and focus individual interviews with the families.

One way to look into the culture of impunity and its effects on press freedom is by reviewing the status of the cases of media killing in the country. Impunity—significantly comprised of weak state mechanisms hence failure to curb media killings in general—has to be situated in relation to the government’s policies and attitude towards media killings and press freedom. In the Ampatuan-Maguindanao massacre trial which started on January 5, 2010, only 105 out of 197 accused had been arrested. Most of the accused that are still at large are surnamed Ampatuans and are members of their civilian volunteer organizations or CVOs (CMFR, 2013). These CVOs are civilian forces under the management and supervision of the Philippine National Police (PNP). They became part of the state-backed paramilitaries, like the private armed groups of the Ampatuan political clan, and were implicated in a number of human rights violations including media killings (HRW, 2012). And unfortunately, according to HRW (2012), “alleged abuses by paramilitary force members are rarely investigated or prosecuted, creating a climate of impunity that encourages further violations.” Furthermore, the attitude of state officials towards free expression and issues like impunity is a critical consideration in press freedom:

On the one hand it can find expression in terms of the passage of repressive laws, and on the other, it can create an atmosphere in which law enforcers and security officials interpret existing laws from a restrictive rather than liberal perspective. (CMFR, 2007, pp. 9-10)

With regards to the 2009 massacre, the administrations of Presidents Arroyo and Aquino III notably verbalized the same line of arguments concerning media killings. Two days after the Ampatuan-Maguindanao massacre, then-President Arroyo’s Executive Secretary Eduardo R. Ermita responded to media questioning as to why the administration could not stop the killings of journalists and media workers, “We don’t have full control of the situation on the ground, mortals as we are” (Teodoro, 2012, p. 294). Teodoro immediately dismissed the contention of Ermita:

It’s an attempt at explanation straight out of the culture of evasion, and the hoary and near-universal assumption that to be human is to be powerless—and to be stupid as well as brutal, to be criminal as well as violent. Being “only human” is also among the most convenient of excuses for the commission of the most egregious offenses, often against humanity itself. (p. 296)

On November 22, 2013, a day before the 4th year commemoration of the mass killing, Aquino III's Presidential Communications Operations Office (PCOO) Secretary Herminio B. Coloma Jr. responded to some media questioning about the ceaseless killings of media workers in the country:

Mayroon isang entity nagsabi na tayo daw iyong pinakadelikadong lugar para sa journalists. Pero iyong kanilang batayan, parang index of journalism or media-related crimes kasama iyong Maguindanao na napakarami talagang napaslang doon. Na kung ihihiwalay naman iyong Maguindanao figures hindi naman talaga tayo iyong lalabas na—hindi naman ganung kaseryoso o kalala iyong problemang iyon.

[A certain entity said that the Philippines is the most dangerous place for journalists. But their basis was a certain index of journalism or media-related crimes where they included the high number of victims in the Ampatuan-Maguindanao massacre. If we are to exclude the figures of the Ampatuan-Maguindanao massacre, we would not appear to be [the most dangerous place for journalists]—the problem is not that serious.] (PCOO, 2013)

Beyond state policies and pronouncements, the families of media killings also experience first-hand manifestations of state hegemony through opposition and state domination the moment they approached some state institutions like the courts and executive departments. Consider the case of Selina of La Union. Court cases can only progress when the families fulfill the documentary requirements and submit these to the courts and other government agencies. But despite her submission of all required documents, Selina felt dismayed over the government agencies' inaction on her case:

Nagbigay kami ng mga papeles sa DOJ, DND, lahat ng sangay na may, may kuwan sa human rights. Nagbigay kami, Pero hanggang ngayon, wala paring nangyayari. Naandyan na yung... Identified na ng ano yung perpetrator. Wala pa rin."

[We submitted pertinent documents to the Department of Justice (DOJ), Department of National Defense (DND) and all government agencies that concern human rights. We submitted the requirements. But until now, nothing

is happening. The perpetrator has already been identified. Still [there remains] no progress [from the side of the government.]. (personal communication, May 20, 2012)

Adding more pain to the injustice already experienced by the families are the court tactics in the form of court petitions normally used by the lawyers of the accused to postpone hearings in favor of his/her party. The families perceive the use of these tactics as directly oppositional to their struggle for legal justice because they may be overused by the powers that be, including the lawyers of the accused, to prolong or delay the hearing of the case until the families lose their determination and resources to pursue the case. Moreover, the killing of witnesses and the economic power (including monetary resources to pay for court petitions and a number of lawyers) of the accused party also alarm the families. Tanya of Tacurong recalled:

Nawawala ang mga witness namin... nawawala ng parang bula... Kasi ang galing nitong kabila e. Marami silang paraan, delaying tactics, Malaki pa ang kalaban. Ma-pera. Alam natin pag ma-pera, money talk, money work.” [Our witnesses are missing...they suddenly disappear...Because the side of the accused is crafty. They have various means, they use delaying tactics. We have a very powerful enemy and they have the money. We all know that if you have money, money talks, money works.] (personal communication, May 20, 2012)

Indeed, the wheels of justice grind ever so slowly as evidenced in the media killing cases. Since 1986, 161 media workers have been murdered, but only 15 media killing cases are on gone to trial, and no mastermind has ever been convicted (NUJP, 2013).

The Subaltern’s Resistance: Various Negotiation Styles

The families of media killings constitute a subaltern group. While they are often subject to the policies and activities of the State, they employ mechanisms to resist the condition of subalternity and to fortify their position in the hegemonic discourse. These families have already developed negotiation styles and counter-hegemonic practices to communicate their resistance against various forms of injustice. This section examines these negotiation styles and the factors that trigger shifts in their styles.

There are a few studies on negotiation styles and strategies (see for example Portus, 2003; Cary, Herman & Kennedy, 2001). The styles

portrayed by the families emerge from their social realities and have been constructed based on the life narratives of the families and their actual actions taken during the *Saranggola* workshops. The points of reference in determining the use of styles are the immediate aftermath of the killings and actual negotiation situations. The killing aftermath situation describes the characteristics, including the initial reaction of the families the moment they first approached and/or were approached by the assisting organizations. The actual negotiation situation, on the other hand, describes the characteristics and attitude of the families toward the assisting organizations during the actual negotiation process, which includes the presence of requests from the families and responses from the organizations.

The negotiation styles are family-specific, meaning each style manifests the prevalent and/or distinct socio-political characteristics of a certain family during negotiations with the assisting organizations. To better understand each style, the families that exhibit its general characteristics are also presented.

Dependency Style

This style describes how the family-negotiator becomes solely dependent on the available forms of assistance that the assisting organizations provide. The primary reason behind the use of this style is the family's lack of economic resources to sustain what is expected to be a long legal battle. Also, this economically-challenged condition resulted in the families' difficulty to provide for the daily needs of their children especially the schooling aspect. Secondly, some of the families are not aware of all forms of assistance offered by various organizations; thus, they deem it more strategic and practical to secure just one or two organizations that could provide sustainable aid to them instead of approaching a number of organizations that could only provide assistance for a short period of time.

Olga of Aklan and Amihan of Kidapawan City are exemplars of this negotiation style. Because her case is moving and is being heard in Cebu, Olga mostly relies on the legal assistance provided by the lawyers of Freedom Fund for Filipino Journalists (FFFJ).¹² This is because FFFJ assistance is *pro bono*, and she appreciates how her lawyers consistently educate her regarding the court proceedings. Amihan, on the other hand, just started negotiating for a scholarship from the NUJP in 2012. While she is aware that other organizations have assisted her in her Father's case, her primary objective in her negotiations with NUJP is to convince the organization to extend the current assistance provided her.

Among the negotiation styles employed by the families, the Dependency is the most prevalent and appropriate, considering the families' poor

economic condition and lack of physical access to the vast majority of organizations that provide assistance to the victims/families of media killings. However, the challenge for this style is to prevent the possible overuse of an organization's resources for the benefit of one or two negotiators only. There has to be a reiteration of equal distribution of resources based on the immediate needs of the families.

Right-to-Demand Style

This style is characterized by the loud clamour for the speedy resolution of the case. The family that negotiates this way is aware of its basic and fundamental rights and asserts these in their quest for justice, especially if they feel that their demands are not addressed by state institutions of power. The family that uses this style may even resort to other forms of public information drives such as public campaigns.

Sampaguita and Ligaya of the Ampatuan-Maguindanao massacre and Selina of La Union best illustrate this style. Sampaguita has been spearheading campaign activities calling for justice. Once while being interviewed, she even addressed her call for justice to President Benigno Aquino III and to then-Supreme Court Chief Justice Renato Corona, hopeful that these key leaders would fulfill their mandate in putting a resolve to media killings. Selina also uses this negotiation style during press conferences and interviews after attending the 2012 *Saranggola* Camp in Baguio City.

The use of this style is beneficial especially when efforts from the state move in a slow pace. In effect, the families are not only pushed to mobilize on their own and act as one. They also become the face of the campaign to raise public awareness about the media killings. Negotiation using this style, though, takes longer because it usually takes time for all families to realize the importance of a unified voice. This can be attributed to the varying political backgrounds of the families since only a minimal number of these families would have previous and/or current affiliations with political organizations such as civil society organizations and progressive people's groups.

Adversarial Style

This style highlights how distant the family is from the assisting organization due to the former's lack of trust and confidence in the latter. The families, at certain points, lose confidence in a state institution whenever they feel that the killing of their family members and their request for assistance are not addressed.

The distant characteristic of this style is most evident during the immediate aftermath of the killing, especially when local politicians or state forces like the military and the police are implicated in the crime. A case in point is the Ampatuan-Maguindanao massacre where no less than

influential members of the Ampatuan political clan in Maguindanao were believed to be the masterminds of the 2009 mass killing. Mutya and Ligaya were initially skeptical about the efficient and fair handling of the case. This skepticism stems from the political power and economic resources that the alleged perpetrators are capable of using against the families. In the case of Mutya, for instance, she initially did not see the political will of the police to resolve the case because some of the police personnel were directly implicated in the massacre. Moreover, she believed that the whole Maguindanao police was under the command of then-Governor Ampatuan, who was tagged as one of the masterminds of the killing. Hence, Mutya's trust in the local government unit and state forces was missing.

Corazon of Masbate and Selina of La Union also used this negotiation style. Corazon believed that her husband Cesar, being a confidant of the governor and some mayors, was exposed to some "confidential" transactions such as the alleged illegal hiring of "young and to-be-trained" killers. A few days after Cesar decided to leave the governor's group, he was silenced by unidentified shooters. Corazon argued that it was no less than the governor of their province who was behind the killing of her husband. As a result, she did not approach any state or non-state institutions for assistance for fear for her own security.

With the adversarial style, the family is more cautious and vigilant as to which organization to trust for assistance. But it becomes impractical and unproductive for the family if it stays adversarial during the whole process of negotiation. Just like in other dynamics in communication, the negotiation process, to be successful, sometimes entails cooperation between the negotiating parties.

Participative Style

This negotiation style is characterized by the family's active involvement in group activities organized by the assisting organizations. In this study, the researcher is referring to the 2012 *Saranggola* Camp facilitated by the NUJP. During the said activity, the researcher observed that some families actively participated in group discussions. Some of them even suggested sharp measures on how to elevate their campaign for justice to national and international levels, which the rest immediately agreed to due to the strategic importance of the suggestion.

This style is best portrayed by Marikit and Mutya of the Ampatuan-Maguindanao massacre and Selina of La Union. Marikit and Mutya suggested some actions on how to better mobilize the families given their varying socio-political backgrounds. Selina, on the other hand, continuously encouraged and challenged her fellow families to sustain their efforts to demand for justice.

The participative style is crucial in successful negotiations between the families and institutions. Uniting together and acting in unison for a cause, these families could exert pressure on those who are involved in the resolution of the cases. The organization's campaign for press freedom can be best attained if the concerned families would also stand firm in their call for justice.

Political-Relational Style

This style develops out of previous and/or current political affiliations of the families. Usually, the victim and/or family-informant has had existing linkages with civil society organizations like progressive partylist groups and mass-based people's organizations.

This negotiation style is best exemplified by Ligaya of South Cotabato and Selina of La Union. Ligaya was a previous human rights worker for the rights watchdog KARAPATAN (Rights) in Mindanao while Selina and her husband Romeo were previous officers of the human rights group Cordillera Human Rights Alliance (CHRA)¹³ in Baguio City, and the progressive groups of peasants, farmers, and fisherfolks, Bayan (Nation) in La Union and Bayan Muna (Nation First)¹⁴ in Baguio City.

The Political-Relational style proves advantageous to the families due to the support system that the assisting organizations provide for them. These forms of assistance range from financial, legal, and referral to state and non-state institutions. The only challenge for the family that employs this style is how to persuade fellow families to stand firm in their call for justice. For instance, Selina needed to constantly remind some of her fellow families to institute a family-organization that will collaborate in crafting the demands of the families. Since other families have no sufficient background about the context of the killings, families like Selina and Ligaya needed to persist in educating their fellow families as to the manner by which they can effectively elevate their call for a speedy justice system through public campaigns.

Submissive-Silent Style

This style is best characterized by the families that refrain from publicly expressing their views. This is the opposite of the Right-to-Demand Style because this is a silent manner of negotiating and is usually employed when a family's case has been dismissed or there is insufficient evidence and/or witnesses to move the case forward. In effect, the family who utilizes this style tends to communicate with the assisting organizations privately to avoid possible public confrontations. During negotiation, the family would immediately agree with the forms of assistance offered by the assisting organizations.

Olga of Aklan and Amihan of Kidapawan best exemplify this style. As much as possible, they avoid arguing with the assisting organizations and instead, immediately subscribe to the forms of assistance offered to them, whether it be financial or legal or in the form of a scholarship for the children,.

In Amihan's case, she was first approached by the NUJP in 2012 and was offered scholarships for her nephews. Originally, it was her mother who requested for aid from the NUJP. During her first encounter with the assisting organization and with other families, she chose to just listen to the discussions between other families requesting for scholarship assistance and the organization because she was still familiarizing herself with how the system worked.

This negotiation style is often expected during the first encounter with the organization because the families are still familiarizing themselves with the existing communication dynamics. This style can shift to a participative style once the negotiating parties reach an agreement on how they will approach the campaign for justice to avoid possible conflicts.

The Shift in Negotiation Style

The styles used sometimes change in the course of negotiation. In the study, some factors that triggered the shift include the nature of the organization (whether state or non-state), the socio-political background of the family, the forms of assistance rendered by the institution, and the level of immersion of the family with fellow families and assisting institutions. One of the families that manifested shifts in negotiation styles was Ligaya's.

Ligaya is 49 years old. She is a former human rights worker based in Mindanao. Her cousin, Lauro, was one of the victims of the Ampatuan-Maguindanao massacre. For more than 17 years, Lauro stayed in Ligaya's place because of its proximity to the former's media office. Lauro's death was a huge loss especially to Ligaya's children and nieces because he served as an older brother and guardian to them. Also, a significant portion of Lauro's income went to the daily transportation allowance of the children from 1992 until his tragic death in 2009. After the killing, Lauro's siblings entrusted Ligaya to the assisting institutions.

In the immediate aftermath of the Lauro's killing, several organizations approached Ligaya and offered assistance to her family. The Public Interest Law Center (PILC)¹⁵ extended legal assistance to her through the referral of another non-state legal advocacy organization, the National Union of Peoples Lawyers (NUPL) in Mindanao, while the NUJP and FFFJ offered scholarship assistance to Ligaya's children as well as financial aid especially during the case hearings in Manila. Ligaya exhibited the Dependency style of

negotiating when dealing with these non-state institutions. But she utilized an Adversarial style when it came to approaching state institutions such as the local government unit. For her, it was initially impractical to approach and negotiate with them because the suspected leaders and agents of Lauro's inhumane killing came from the same institutions:

Parang wala pa 'kong tiwala sa government na dun lumapit o humingi ng tulong. Kasi unang-una ung mga suspek po eh nasa gobyerno, nasa militar kaya yun sabi ko, bat' ako lalapit dun na yung mga gumawa nun eh nasa gobyerno din.

[At first, I personally did not trust to approach the government nor ask for their assistance. Because in the first place, the suspects are in the government, they are in the military, so why else would I approach them when the ones who committed the crime came from the government.] (personal communication, May 19, 2012)

As a former human rights worker, Ligaya would also employ a Political-Relational style when dealing with civil society organizations that could strengthen the families' campaign for justice. This style, alongside the Right-to-Demand style, was also utilized by Ligaya when dealing with fellow families. She served as one of the officers of the family-organization Justice Now! Movement (JN!M)¹⁶ where she would often reiterate to fellow families the need to sustain public campaign activities and to assert their role in the eventual attainment of justice. She commented:

"Dapat din naming isipin kung ano din dapat ang i-contribute namin para mas maganda yung relasyon namin sabi kasi yung kalaban malalakas e paano tayo kung hindi tayo magtutulungan yun." [We should also think of our contributions so we can have a better relationship, because our opponents [referring to the accused party] are strong, and so what else can we achieve if we do not help each other.] (personal communication, May 19, 2012)

Context of Negotiation

Context plays a huge part in the choice of negotiation style. The physical or geographical location of the negotiation process determines the mood of the negotiators. In the aftermath of the massacre in Maguindanao, for

example, the atmosphere could be aptly described as “perilous” especially for the families of the victims. In this situation, the tendency was for the families to either be adversarial or dependent when approached by state or civil society institutions.

The nature of the institutions engaged in negotiation and related factors present during the negotiation process also affect negotiation styles. These factors include the forms of assistance offered and provided by various institutions and the state institutions’ policies such as documentary requirements in courts. For instance, some families expressed a sense of dismay over the long processing of requirements in filing a case before the courts. Considering the torment that the families have been enduring since the killing, they would still have to undergo the tedious processing of documents in the judicial bureaucracy. And despite the submission of complete documentary requirements, there would still be instances where the police and assigned investigators would act on their cases belatedly, resulting in the failure to capture the perpetrator of the killing. Such condition often compels the family to become adversarial against state institutions.

The third thing to consider is the context of the families. This refers to the condition of the families during negotiation. Since most of the victims are the sole providers for their families, the family-informants expressed an alarming concern for the family’s source of income, the children’s education, among others. After the killings, some families needed to look for and, on their own, initially negotiate with institutions that could provide assistance, especially for the monetary aspect. But this move, as the families soon realized, was not practical, especially for the families of the Ampatuan-Maguindanao massacre. During the actual phase of negotiation, they realized that, when united, their voice was heard, and they were given more attention due to their strength in number. By forming the family-organizations JN!M and *Samahan ng mga Pamilya ng Pinaslang ng Mamamahayag* [Organization of the Families of Slain Journalists-Media Workers] or SPPM,¹⁷ they found that they have a stronger support system and commitment to advance the call for justice. Collectively, the families can systematically articulate their demands both to the state and non-state institutions. For one, the families need not to go to a certain organization on their own to raise a legal/case-related concern. Instead, the elected officers of the family-organizations can negotiate in behalf of all the families.

The last context to consider is the frequency of negotiations. This refers to how often the negotiation process takes place. In the immediate aftermath of the killings. Negotiations between the families and the institutions are more frequent. Most of the families negotiate for their most immediate

concerns—financial and legal assistance. Once the relationship between the two parties has been established, though, more meetings ensue but this time covering more aspects—usually the details of the case, case updates, future actions, even the security of the families. The *Saranggola* Camp, held during April or May of the year, has become a venue for other negotiations. Though only held annually, both the families and NUJP are able to directly communicate regarding the families' concerns such as scholarship assistance, the possible actions of the family-organizations (JN!M and SPPM), and even the pending demands of the families, such as livelihood assistance, from the organization.

Collective Contestation against State Hegemony

Aside from employing individual means of resistance, the families as a subaltern group confront the ruling hegemonic discourse through collaborative negotiation. They adopt certain counter-hegemonic practices to strengthen their support system by establishing political alliances with fellow families and assisting institutions and by engaging the public in their struggle for justice.

The yearly conduct of *Saranggola* Camp has become a practice of empowerment and resistance for the families. During the event, families get the chance to strengthen alliances, political or otherwise with their fellow families through JN!M and SPPM, and assisting organizations such as the FFFJ, NUJP and CMFR. Group activities that they participate in during the Camp teach them to better communicate with their fellow families. Assisting organizations, spearheaded by NUJP, also discuss some statistical data on media killing cases, the involvement of state forces such as politicians and the police, recent development on media killing cases, motives behind the killings, among others, for the families to better comprehend the political nature of these killings. As a result, the families would have a background on why media killings persist and on how they could better address their demands for justice through the family-organizations. Proof of how effective these kinds of gathering are: immediately after the *Saranggola* Camp in Baguio City on May 28, 2012, 24 families of victims of media killings nationwide formed SPPM and held a press conference. The objectives of the press conference were to introduce the organization and its officers and members and to present the families' demand for justice to the public. SPPM also drafted and presented a demand letter addressed to President Aquino III, calling for the government to: put an end to the killing of journalists and media workers, review how the investigation and prosecution of media killing cases is being done, pass the Freedom of Information Act (for Congress), and provide livelihood assistance to the families.

Beyond the Camp, the families and media-civil society institutions continue to spearhead the commemoration of media killing cases to sustain the call for justice and increasing the awareness of the public regarding the state of press freedom in the country. Some families of the 2009 mass killing have joined the annual commemoration held in Metro Manila and General Santos City. The NUJP, in coordination with its partner organizations like the CMFR, FFFJ, and PCIJ, have held photo exhibits on the mass killing in Baclaran Church and in selected colleges and universities in Metro Manila to remind the public of the brutal killing of media workers.

These types of public campaigns, participated in mostly by media advocacy and civil society institutions and some families, have become common practice. Aside from handling the legal aspect of the killing cases, organizations like the NUJP, CMFR and KARAPATAN continue to lead the call for justice through mass indignation protests, signature campaigns, public fora on the new developments in the court cases, and new media campaigns through Facebook and video blog sites.

Conclusion

This study reaffirms the pivotal role of negotiation in the field of communication. Viewed as a communication phenomenon, negotiation empowers the families of media killings as they seek justice and assistance from various state and non-state institutions. Drawing from Gramscian hegemony and resistance, the study shows how the families need to endure the hegemonic discourse for power that is dominated by State institutions which include the courts and security forces. Despite their lack of political power and economic machineries, the families employ resistance to contest the condition of subalternity. Such resistance operates in both the individual and communal levels.

As individual negotiator, the families utilize negotiation styles such as Dependency, Political-Relational, and Adversarial styles to communicate resistance against state hegemony. The shift in the use of negotiation styles is equally crucial in negotiation because it unearths the factors that trigger such shift including the socio-political background of the families, the nature and forms of assistance provided by the institutions, and the other contexts of negotiation. As a group, the families make use of counter-hegemonic practices through mass commemorations and public campaigns which are manifestations of resistance and a recognition of the critical role that collective struggle plays against impunity. As can be seen from the dynamics between the families and key institutions, the former establish (political) alliances with fellow families and some organizations to further their pursuit of justice. At the same time, the families have institutionalized

the family-organizations such as the Justice Now! Movement and *Samahan ng mga Pamilya ng Pinaslang na Mamamahayag* (Organization of the Families of Slain Journalists-Media Workers) to engage the public in their contestation against state hegemony. As a result, the families are able to gradually broaden the space for negotiation and assert their presence in the struggle for justice and press freedom.

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Endnotes

¹This study is excerpt from an MA thesis (Negotiating Justice: The Struggle of Selected Families of Victims of Media Killings, Ragragio, J. L. D.).

²This election-related massacre has implicated key members of the Ampatuan political clan and their private military armed groups who opened fire at the convoy of their rival political clan—the Mangudadatus—in order to stop them from filing any candidacy for gubernatorial post. The convoy also carried media workers covering the local elections.

³HRW is an international monitoring agency on the state of human rights. Full profile at <http://www.hrw.org/about>.

⁴CMFR is an independent organization that aims to strengthen press freedom, promote responsible journalism, and encourage journalistic excellence for Philippine democracy." Full profile at <http://www.cmfr-phil.org/about/>.

⁵NUJP is a lateral guild committed to securing the interests of the Filipino working press." Full profile at <http://www.nujp.org/about/>.

⁶PCIJ is an independent, nonprofit media agency that specializes in investigative reporting." Full profile at <http://pcij.org/about/>.

⁷Impunity persists when threats, abuses, and killings remain unpunished. The International Day to End Impunity, triggered by the Ampatuan-Maguindanao massacre, is a global campaign to "demand accountability for the journalists, media workers, activists, lawyers and many others who have been targeted for exercising their right to freedom of expression." Full description at <http://daytoendimpunity.org/about/>.

⁸Of the 13 wives, one also has a sister who was killed.

⁹For security reasons, only the general location of the family-informant was identified.

¹⁰For security reasons, the name of the family-informant and relative were given pseudonyms in this study.

¹¹RPA-ABB is a breakaway group from the New People's Army, the armed wing of the Communist Party of the Philippines... They have been integrated into the Armed Forces of the Philippines as force multiplier and member of the special Citizen Armed Force Geographical Unit." Full description and

related news at <http://bulatlat.com/main/2012/05/24/negros-farmers-suffer-atrocities-from-landlord-hired-bandit-group/>.

¹²The FFFJ is an alliance formed by the CMFR, Philippine Press Institute, Center for Community Journalism and Development, *Kapisanan ng mga Brodkaster ng Pilipinas* (Association of Broadcasters of the Philippines), and PCIJ. "It was founded in 2003 to assist in the prosecution of the killers of journalists and to provide humanitarian assistance to the families of slain journalists and media workers." Full profile at <https://www.facebook.com/pages/Freedom-Fund-for-Filipino-JournalistsInc/140489509361297>.

¹³CHRA is a "broad alliance of individuals and human rights organizations committed for the defense and assertion of human rights" that is based in the Cordillera Administrative Region, Philippines. Full profile at <http://www.cpaphils.org/campaigns/Dec11%20CHRA%202013%20HR%20report.pdf>.

¹⁴A party-list organization advocating the welfare of the "most oppressed and the least heard, the *"common tao"*—workers, peasants, fisherfolk, indigenous peoples, urban poor and other downtrodden." Full profile at <http://www.bayanmuna.net/?q=content/our-commitment-and-vision>.

¹⁵The PILC renders legal services mainly to organized sectors of Philippine society on legal issues that have a direct or indirect impact on the lives of numerous classes." Full profile at <http://www.publicinterestlawcenter.org/>

¹⁶The organization formed in 2011 by the families of media workers killed in the Ampatuan-Maguindanao massacre.

¹⁷The organization founded in 2012 by 24 families of media killings nationwide.

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