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# *Reframing practices in moral conflict: interaction problems in the negotiation standoff at Waco*



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**ABSTRACT** This study is an analysis of several telephone conversations between FBI negotiators and David Koresh during the 51-day FBI–Branch Davidian standoff outside Waco, Texas, in 1993. The analysis shows how different reframing practices reveal interactional troubles the negotiators faced in dealing with the incompatibility of their legal frame for the situation and the Davidians’ religious one. These practices shed new light on reframing in crisis negotiation steeped in moral conflict, describing it as a problematic conversational practice rather than a prescribed path to resolution.

**KEY WORDS:** *action implicative discourse analysis, Branch Davidians, conflict discourse, crisis negotiation, framing, interactional problems, negotiation, reframing, Waco*

Negotiator: David I told you that I am not in a [position  
 Koresh: [O:h wha:t o:h so you don’t want to take up God’s [little test here huh.  
 Negotiator: [It’s not that’s not the point.  
 Koresh: Father it looks like you’re going to have to do your work.  
 Negotiator: That is not the point David.  
 Koresh: Oh it is the point where I come from.

(Day 8 of the Waco negotiations, 7 March 1993)

This exchange from the Waco standoff negotiations between the FBI and the Branch Davidians in 1993 illustrates a problem the FBI negotiators consistently faced. Just prior to the exchange, David Koresh, leader of the Davidians, challenged the negotiator to find a piece of prophetic information in the Bible pertaining to Judgment Day. The main problem this and every other negotiator faced, as the above disagreement about ‘the point’ suggests, was that Koresh had very different ideas about what was important in the standoff, and he consistently sidetracked the negotiations by invoking them. In fact, the FBI and

the Davidians were known to hold different worldviews and thus framed the standoff in drastically different ways (Docherty, 2001). This makes clear the more practical and extremely difficult problem the FBI had of convincing Koresh and his followers that coming out and surrendering was more important than their own religious convictions.

Starting with a gunfight between the Davidians and the Bureau of Alcohol, Tobacco, and Firearms (BATF) that killed nine people and ending in a fire that consumed the Davidian compound and killed 71 more people, the Waco standoff and the negotiations are widely known as a major failure for the FBI. But failure was not so much from losing the negotiations as it was from not winning. It was impasse that meant failure. Calling the siege a 'standoff' referred not only to the overall confrontation that involved hundreds of local, state, and federal law-enforcement personnel, but was also apparent in the negotiation dynamic. Further, this impasse of profound commitments to different situations was based on moral conflict. In this kind of interaction, disagreement is rooted not only in the issues, but also in deep differences in parties' assumptions about reality, and finding common methods of resolution is rare (Freeman et al., 1992).

This article is based on the assumption that failure resulted from the incommensurability of worldviews that manifested in incompatible frames between the Davidians and the FBI (Docherty, 2001). God and religion stood in direct opposition to the government and the demands of the law. Both media coverage and academic studies have sought to identify related causes of the failure in terms of its situational features such as the FBI's complex operating procedures (Edwards, 2001; Hardy and Kimball, 2001; Kopel and Blackman, 1997; Linedecker, 1993; Moore, 1995; Reavis, 1995; Robertson, 1996), current laws regarding religious freedom (Gaffney, 1995; Williams, 1995), problems in labeling the Davidians a 'cult' (Beckwith, 1994; Hicks, 1994; Lindsay, 1999; Wright, 1994, 1995), and problems stemming from the Davidians' religious beliefs (Bailey and Darden, 1993; Haus and Hamblin, 1993; Madigan, 1993). However, backgrounding them and foregrounding the negotiations themselves, I contend that it is in the interaction where the two parties' commitments and incompatible frames are found. In them, conversational practices enacted a moral conflict in a legal venue. The person-to-person interaction reveals differences in institutional identities and beliefs about God and the law, as well as attempts to work out those differences. Talk, as in any crisis situation (see Rogan and Hammer, 2006), was the only avenue the FBI had to convince rather than coerce the Davidians to give themselves up and end the standoff peacefully. This study uses the Waco standoff negotiations as a case for refocusing the problem of standoff in moral conflict from one due to different situational features to one found and shaped in the interaction of the negotiations.

Examining how different frames played against each other in the interaction can provide insight into the negotiation failure as a contributor to the overall FBI failure. Most conflict and negotiation research discusses reframing as a process by which disputes and intractabilities are resolved. But I argue here that reframing is a conversational practice that helps characterize the interplay of incompatible frames in moral conflict. In the Waco negotiations, this practice

was enacted by the Davidians as a resistant strategy that became a serious problem, contributing to the negotiators' failure by maintaining the standoff status of the negotiations.

The article begins by defining the concept of frames and reviewing past work on framing and reframing, especially in the context of negotiation. Following that, I provide some background information about the Davidians, Koresh, and the standoff, as well as an explanation of how the FBI and Davidians' incompatible frames for the standoff were reflected by their different worldviews. Then I describe the analytic method and materials used. The analysis first describes Linell's (1998) notion of recontextualizing and applies it as a conversational strategy to the Waco negotiations. Recontextualizing is shown to change the focus of the negotiations from resolving the standoff by coming out of the compound and surrendering to ending the standoff by God's hand and His eternal damnation of the US government. The analysis expands on this by describing three additional reframing practices that overwhelmed the FBI's frame, followed by a discussion of how reframing can be problematic in negotiations, especially those involving moral conflict.

### *Frames and reframing*

For Bateson (1972) and Goffman (1974), a frame is what people think they are doing, or what they think is going on, in a situation (e.g. joking, fighting, arguing, playing). A frame anchors what Goffman calls 'strips of activity' by interpreting the activity using a set of physical, biological, and social organizational principles. Having a frame involves an implicit or explicit name for the situation or interaction (e.g. 'negotiation') and a set of expectations – or 'structure of expectations' (Ross, 1975; Tannen, 1993) – that go along with that name.

As frames can differ from person to person, they can also conflict (Drake and Donohue, 1996; Katz and Block, 2000; Tracy, 1997; Watanabe, 1993). The likelihood of differing frames makes them useful as a concept in the study of conflict disputes. This, in fact, is the nature of negotiating. Putnam and Holmer (1992) describe three approaches to framing in this context (see also Drake and Donohue, 1996; Gray, 2003). One is that frames are mental structures in our memory in which parties make decisions rooted in perceptions of gains and losses (De Drue et al., 1992). Another views them as a set of categories such that a dispute can be framed in terms of the reason for the conflict, the cost involved, expectations of the other party's behavior, how the negotiation/dispute should proceed, and desired and expected outcomes. In the third approach to frames, described as an issues-development approach and by Gray (2003) as a sociolinguistic approach, the way people talk about problems influences the way they define them. Putnam and Holmer (1992) contribute to these approaches on framing by bringing in Bateson's (1972) and Goffman's (1974) perspective, which sees frames as situated in social contexts as they are created through communication. Indeed, according to Goffman, the frame is the social context, what he called the 'definition of the situation'. In conflict negotiation, then, 'each

side strives to control framing, that is, to shape how issues are keyed and what dimensions are channeled for discussion' (Putnam and Holmer, 1992: 147).

Frames and conflict framing have been especially useful in the study of intractable conflicts (Gray, 2004; Lewicki et al., 2003), which are similar to standoff situations. The relationship between conflict framing and intractability, argue Putnam and Wondelleck (2003), is a reflexive one in which conflicting frames both contribute to and are reflected by intractability. They reason that, in addition to frames triggering intractability and intractability influencing frames, changing frames – or reframing – can reduce intractability. This is also in line with Drake and Donohue (1996) who claim that as disputants' frames converge when they communicate with each other, agreement becomes more likely.

In general, reframing means developing a new way of interpreting a situation in terms of its conceptual understanding and/or its emotional investment; it involves creating a new frame that fits the situation's same concrete details equally well or better than the original way (Putnam and Holmer, 1992; Watzlawick et al., 1974). In light of its purpose to improve a situation, reframing is widely described as a technique in counseling, therapy, and negotiation. The goal is to remove conceptual and perceptual blinders so that new interpretations of human behaviors become possible (Coyne, 1985; Gale and Brown-Standridge, 1988). While the technique has been known to help individuals deal with death and dying (Eliason, 2000) and overcome everyday problems, such as quitting smoking (Krupan and Horvat, 1999; Romer et al., 2001; Rule, 1998), reframing has also been widely prescribed as a group technique in therapy situations (Clark, 1998; Davies, 1988; Hecker and Trepper, 2000; Jones, 1986; Soo-Hoo, 1998) and conflict disputes (Bodker and Jamison, 1997), particularly when those disputes are deemed intractable (Elliott et al., 2003; Gray, 2003; Putnam and Wondelleck, 2003). Putnam and Wondelleck (2003) identify three ways in which frames can change to reduce intractability. First, frames can change within the conflict itself when, to end a dispute, one or both parties settle for less than they expected. Second, forces outside of the conflict, such as environmental or economic crises, can alter parties' frames. Finally, drawing from Littlejohn and colleagues (Freeman et al., 1992; Littlejohn and Domenici, 2001; Pearce and Littlejohn, 1997), reframing can occur through 'transformation', where no system of adjudicating conflict exists. This involves discussing and exploring differences, acknowledging and forgiving past wrongs, and comparing and contrasting parties' value systems.

While frames have been useful in studying conflict disputes and negotiation, analysis of the Waco negotiations problematizes four conclusions that have been reached about reframing. One is that reframing is typically viewed as a positive, or at least constructive activity, an effective remedial process for deadlocked negotiations and conflict disputes, transforming win-lose into win-win situations (Bazerman, 1993; Deutsch, 2000; Elliott et al., 2003; Goodpaster, 1997; Isenhardt and Spangle, 2000; Moore, 1995; Schon and Rein, 1995; Spangle and Isenhardt, 2003; Ury, 1991). Another is that because people are known to be strongly attached to their frames and because reframing requires taking a

perspective different than one's own, reframing is a difficult process and requires conscious effort and usually the help of a mediator or neutral third party (Elliott et al., 2003; Gray, 2003). A third conclusion is that reframing is an activity in which both (or all) disputing parties must engage for the dispute to resolve itself successfully. In other words, reframing is a cooperative activity (Deutsch, 2000). Further, Donohue and Roberto (1993) have indicated that negotiators experience more difficulty in building relational consensus in competitive patterns than they do in cooperative ones. They therefore experience more difficulty in resolving the crisis.

Finally, as suggested by the earlier discussion of Putnam and Holmer's (1992) review of framing, reframing can be either a cognitive or communicative process. Turning specifically to crisis negotiation, Rogan and Hammer (2006; see also Hammer, 2001; Hammer and Rogan, 1997; Rogan and Hammer, 2002) have argued that research has focused too much on psychological and psychotherapeutic aspects of crisis negotiation and not enough on the communicative dynamic. Several communication models have emerged since Rogan and Hammer's call. One is Taylor's (2002; Taylor and Donald, 2004) cylindrical model, which maps interactional behaviors onto a three-dimensional scheme, graphically organized like a cylinder. The first dimension is conceptualized as three stacked disks, representing increasing levels of cooperation (i.e. avoidant, distributive, integrative). The second is the division of each disk into three pie-piece sections, representing behaviors that accomplish instrumental, relational, and identity goals. The third dimension, represented by distance from the center of the disk, is the intensity of those behaviors.

Other models have focused specifically on the relationship between negotiator and perpetrator. Holmes' (1992, 1997) phasic model examines the unfolding of events in crisis negotiation to draw attention to the longitudinal structure of the relationship. Donohue and colleagues' (Donohue, 1998; Donohue and Roberto, 1993; Donohue et al., 1991) relational order model shows a paradoxical relationship in which parties try to bring each other closer to gain control and negotiate for more rights and fewer obligations. But the increased closeness increases interdependence, which is repulsed by the fact that parties also presumably dislike each other (see also Womack and Walsh, 1997).

Finally, Rogan and Hammer's (2006; Rogan and Hammer, 2002) 'S.A.F.E.' model of crisis negotiation, formerly known as 'F.I.R.E.' (Hammer, 2001; Rogan, 1999), views four behavioral and affective goals as primary influences on the transformation of conflict: (S) Substantive demands; (A) Attunement to relational issues; (F) Face concerns; and (E) Emotional issues. Substantive demands refer to the objective wants or instrumental needs to resolve the situation, typically addressed in psychological models of crisis negotiation. Attunement to relational issues addresses trust and affiliation in the negotiator-perpetrator relationship. Negotiation of instrumental concerns is easier when affiliation and trust increase (Hammer, 2001). Regarding face concerns, Rogan and Hammer (1994) found that honoring the face of the perpetrator can reduce conflict escalation. Emotional concerns (E) attend to emotional arousal and stress, particularly at heightened levels, of both negotiators and perpetrators. Reducing the potential

for a perpetrator's negative and/or violent reactions will increase rationality and help move the interaction from crisis to normative negotiation (Rogan, 1997).

This direction of crisis negotiation research models interaction by coding linguistic cues for purposes of predicting future situations. While these models naturally assume that frames are in conflict, a different methodological approach is needed when questions pertain to how parties play these frames against one another in conversation. Rather than seeking to model communication for prescriptive or predictive purposes, I hope to examine the Waco negotiations for the conversational practices to ask a different sort of question – how did the troubles manifest themselves in the talk. In fact, much of the modeling research has suggested that this is a reasonable direction to take. Rogan and Hammer (1994) identified difficulties in coding facework, and Womack and Walsh (1997) argue that 'researchers might look beneath what is revealed in surface features of the discourse and move to a less quantitative, more interpretive way of understanding messages' (p. 74). Further, while practitioners indicate that models have appeal due to their simplification of ambiguous situations, they may be too limiting (Sarna, 1997), and audio- and videotapes of actual situations should be examined in ways that resemble a discourse analytic, inductive approach to arriving at conclusions about what is happening (Hare, 1997).

Since Goffman (1974) contends that conversation is only loosely tied to the frame that surrounds it, talk and frames (including alternative frames) are influential on each other. His notion of footing expands on this idea, showing that speakers and hearers can align themselves with present or non-present others or institutions in ways that represent a 'participation framework'. The nature of crisis negotiation – parties with mutually incompatible views attempting to resolve the conflict in a way that best aligns with their own point of view (Rogan and Hammer, 2006) – is such that footings will necessarily differ. Crisis negotiation should involve the interplay of different participation frames. However, missing in the research is just how these points of view play against each other in the conflict interaction. This is especially relevant in the Waco negotiations as the negotiators were part of a larger FBI frame and Koresh part of a larger religious frame. Treating reframing as a conversational practice opens up a research opportunity that may shed new light on why standoffs remain irresolvable. Background to the standoff makes the incompatibility of the FBI and the Branch Davidians' frames clearer.

### *Background: the Branch Davidians and the Waco standoff*

#### THE BRANCH DAVIDIANS AND DAVID KORESH

The Branch Davidians were a 60-year-old sect of the Seventh Day Adventist Church that lived in a community they called Mount Carmel Center, approximately ten miles southeast of Waco, Texas. The Davidians took a millennialist approach to scriptural interpretation, and in 1988 when David Koresh became the leader, the group's beliefs took on a strong apocalyptic component.



The Davidians' central concern in their interpretation of the Bible was that it predicted that the end of the world would involve a violent confrontation between God's true believers and the forces of the United Nations, led by the United States. The predictions were rooted primarily in Revelation, the last book of the Bible, where a chosen one, identified as the Lamb of God, ushers in the apocalyptic events cueing the end of time. The chosen one does so by opening the Seven Seals that secure a book held in the right hand of God. After a vision Koresh claimed to have had in 1989 on a trip to Jerusalem, he (and subsequently his followers) believed that he was the chosen one, who at the time of the standoff, was in the process of opening the Seven Seals.

#### THE STANDOFF NEGOTIATIONS

On 28 February 1993 the BATF attempted to issue warrants to search the Davidian compound and arrest David Koresh. At the time, the Davidians were suspected of stockpiling weapons and Koresh of abusing children in the compound (US Department of Justice, 1993d; US Department of the Treasury, 1993). In a surprise-style attempt to serve the warrants, gunfire erupted. Sixteen BATF agents were wounded, and four were killed. Four Davidians, including Koresh,<sup>1</sup> were injured, and five were killed. After that, the FBI took over as the lead agency. Because the Davidians were expected to have hundreds of firearms and a lot of ammunition, a negotiation team was set up in an airplane hangar about five miles away. These negotiators talked mainly with Koresh or his main spokesman, Steve Schneider, trying to convince them to surrender peacefully.<sup>2</sup> A S.W.A.T. team – known as a Hostage Rescue Team (HRT) – was also used to create a perimeter of tanks around the compound. All of the compound's telephone lines were cut except one that was directly connected to negotiators.

The standoff became known as such on the second day of negotiations when Koresh reneged on an agreement to come out of the compound in exchange for a one-hour airing of an audiotape of his teachings about the Seven Seals on the Christian Broadcasting Network. After the airing of his message Koresh informed the negotiators that God spoke to him and told him to wait. Negotiators continued to talk to Koresh (and Schneider), but many of the conversations involved arguing whether Koresh's message from God was a justifiable excuse to go back on his agreement. While the negotiators tried to convince them to come out peacefully, Koresh and Schneider were more focused on convincing the negotiators that the Seven Seals were unfolding and that Judgment Day was upon them.

As the negotiations wore on, FBI on-scene commanders used various tactics to coax the Davidians out. They cut the electricity and flooded the area at night with bright lights, loud music, and annoying sounds to cause sleep deprivation, and the HRT maneuvered tanks back and forth close to the buildings, circling them, and destroying property. Misleading information was given at press conferences to irritate the Davidians. Negotiators told the Davidians that coming out would mean rest, peace and quiet, and an opportunity to tell the world their side of the story.



Toward the end of the standoff, Koresh promised to come out but only after he had documented on paper his understanding of each of the Seven Seals. By that time, however, then-US Attorney General Janet Reno had approved a plan to force the Davidians out by bombarding the compound with tear gas. During the tear gas raid on the morning of 19 April, the compound caught fire, and all but 9 of the 84 remaining residents of Mount Carmel died.

#### CONFLICTING FRAMES IN THE STANDOFF

Docherty (2001) argues that differences in worldviews revealed a complex layering of incompatible frames between the parties, which created the impasse in the negotiations. She draws on Weber's (1964) classification of social action into four ideal types (goal-rational action, value-rational action, affectual action, and traditionally oriented action) to describe each party's frame for how they expected the negotiations to unfold.

The negotiators in the standoff operated under a barricade situation in which surrounding the subjects is standard procedure. In this framework, negotiators answer to their commanders and help the subjects/perpetrators realize that they have no way out. It is assumed that when the subjects/perpetrators eventually realize this that they will give up (Fuselier et al., 1991; Lanceley, 2003; Pierson, 1980). To the FBI negotiators, the standoff was expected to unfold according to this standard barricade procedure; they were the primary narrator in a story whose only players were themselves and the Davidians. This law-enforcement frame included a peaceful end to the standoff that could only come through the surrender of Koresh and his followers. It viewed goal-oriented activities as the most rational, directing them to focus on specific issues such as getting the children out of the compound and to treat the compound, the people, and their beliefs as commodities open for bargaining. The barricade, goal-rational frame also led to the questioning of Koresh's mental health (as he claimed that he was the Lamb of God) and dismissal of the Davidians' biblical descriptions of the world. Religious connections to the standoff were deemed irrational and irrelevant to the goals of the negotiations.

In contrast to the FBI's law-enforcement goal-rational frame of the negotiations, the Davidians' framework viewed value-oriented activities as the most rational in their narrative of the standoff. That is, the intrinsic value they found in their religious beliefs guided their actions. Any goal they worked toward was determined not by realistic options, but by their belief in the Bible and the Seven Seals. This religious frame was one that pitted God against the US government. Specifically, this included Koresh as the Lamb and his followers against the BATE, the FBI, the US military, and the US government. The standoff was viewed as a crisis that followed God's divine plan. Resolution was the execution of God's plan for the final days as described in the Seven Seals. It involved choosing between devotion to God's will, determined by a dedication to learning the Seven Seals, and acceding to the demands of the FBI, which meant surrendering to the powers of Satan.

These two competing frames were reflective of what Freeman et al. (1992) would call a moral conflict. In this case, one party's rules of civil law were

pitted against another's rules of its religion. One side's best proof was deemed unacceptable to the other. This sort of conflict seems particularly possible – even inevitable – when worldviews differ. FBI reports indicate that their most frustrating obstacle in the negotiations was dealing with the Davidians' talk about God, religion, and the Bible as it consistently threw the negotiations off track. As Freeman et al. (1992: 313) indicate, moral conflicts 'are not just disagreements about issues, but very deep differences in opponents' assumptions about fundamental reality'.

In short, it seems clear that framing differences was a problem that involved the worldviews of two groups expressed in the negotiations. But just how that problem manifested itself in the negotiation interaction remains uninvestigated. The next section explains the method by which this investigation took place and how a focal set of material was chosen for analysis.

### *Method and materials for analysis*

The method of analysis used in this study is Action-Implicative Discourse Analysis (AIDA; Tracy, 1995, 2005), which is conducted within a meta-theoretical frame that seeks to develop grounded practical theories (Craig, 1989, 1992, 1995; Craig and Tracy, 1995). AIDA's goal is to encourage critical discussion, based on analyses grounded in interaction, to develop useful ideas about communication for important institutional situations. Examples of AIDA analyses include studies of 911 telephone calls (Tracy, 1997; Tracy and Anderson, 1999; Tracy and Tracy, 1998), school board meetings (Tracy and Ashcraft, 2001; Tracy and Muller, 2000), hospice worker meetings (Naughton, 1996), and press conferences (Agne and Tracy, 1998). In other work on the Waco negotiations, AIDA was used to show how the FBI's labeling of Koresh's talk about God and the Bible as 'Bible babble' led to the legitimization of God as the ultimate authority over the standoff and Koresh as God's main spokesperson (Agne and Tracy, 2001).

AIDA is similar to critical discourse analytic approaches (Fairclough and Wodak, 1997; Van Dijk, 1993, 1997) in its aim to develop ideas that could help improve society. However, rather than focusing on sites in which marginalized categories of persons are oppressed or exposing how routine institutional practices enact hegemony, AIDA seeks to understand interactional problems from the point of view of key institutional actors. Toward this end, AIDA's goals involve identifying and describing conversational practices that reflect, manage, or reveal interactional problems. It is well established that the negotiators experienced framing problems in dealing with the Davidians; this analysis focuses on describing the conversational practices that reflected the incompatible frames.

Tracy (1995, 2005) describes AIDA as ethnographically informed and 'rhetorical in thrust'. As an ethnographically informed method, cultural and institutional background information is useful in the interpretation of interaction. The rhetorical aspect of AIDA involves taking the view that interaction is strategic, with participants working to accomplish some end and/or avoid others.

Primary materials for analysis were the taped telephone conversations between the FBI negotiators and persons in the compound, usually David Koresh or Steve Schneider. As a first step, particulars in the 200 hours<sup>3</sup> of conversations were logged, including the date and approximate time of day, names of participants, topics of discussion, and the emotional tenor of the conversations. Supplementing the tapes and transcripts for background information about the Davidians and the events of the standoff were the four-volume, 750-page incident report issued by the FBI after the standoff (US Department of Justice, 1993a, 1993b, 1993c, 1993d), congressional hearings (Activities of the Federal Law Enforcement Agencies, Joint Hearings, 1996; Investigation into the Tragedy at Waco: New Evidence, 2000), and literature on Davidian history and theology (Newport, 2006; Pitts, 1995; Tabor and Gallagher, 1995).

A smaller set of exchanges had to be chosen to focus on moments in which negotiators experienced framing problems. Examining the negotiation logs and transcripts, I chose conversations in which the parties displayed differing ideas about the problem of the standoff, how the negotiations should proceed, and coming out of the compound. I also selected exchanges that a first hearing revealed as frustrating or troublesome for the negotiators.<sup>4</sup> Annotations in the logs typically tagged these moments, with comments such as 'it appears Koresh is turning the tables on the negotiator', 'Koresh [or Schneider] keeps changing the topic', or 'Koresh [or Schneider] keeps relating the conversation back to the Bible'. Collecting this type of episode yielded a set of 5–30-minute exchanges totaling approximately five hours. The set of exchanges involved several different negotiators, and, on the Davidians' side, involved either Koresh or Schneider.<sup>5</sup>

### *Analysis: reframing practices in the Waco negotiations*

As the negotiators became mired in the Davidians' religious talk, reframing from the FBI's law-enforcement/bargaining frame to the Davidians' religious frame can be seen four ways. The first was through strategic use of what Linell (1998) describes as recontextualizing practices. The other three add to recontextualizing as a reframing practice: cornering the other into an undesired frame, changing the contest, and appropriating the other's suggested new frame to promote one's own frame.

#### RECONTEXTUALIZING: DIVISIVE COOPERATION

If frames are, as Goffman (1974) suggests, contextually embedded, it becomes possible to liken reframing to recontextualizing. Linell (1998) defines recontextualizing as a displacing and/or altering of some part or aspect of a discourse or text from one context to another, thereby making the central focus in one context peripheral in another, and vice versa. In identifying different types of recontextualization, he attends to three 'levels' of discourse: intratextual, intertextual, and interdiscursive. Intratextual recontextualization invokes new aspects of words, new stresses on or formulations of them that occur within

the same conversation. Intertextual recontextualization involves shifts in meaning across different but related conversations, as in quoted or reported speech. Interdiscursive recontextualization occurs at a more global level, concerning relationships between discourse types or genres. This level of recontextualization takes on a Foucauldian notion of discourse which would describe a discourse as a culturally specific way of talking with a particular institution, tradition, profession, or period of time (Gee, 1999; Van Dijk, 1997).

Viewed both intra- and intertextually,<sup>6</sup> the Waco negotiations show how recontextualizing was strategically employed by the Davidians. Through transferring and/or transforming the meanings of specific words or phrases in the interaction, the Davidians reframed the situation. The following exchange between Koresh and negotiator, Henry Garcia, is an example of intratextual recontextualization. This exchange takes place on the third day of the standoff, about two hours after Koresh first decided not to come out of the compound. Garcia has been talking about Koresh's coming out as an opportunity to make an important statement to the public regarding his religious message as well as the integrity of his organization and that Koresh is a man of his word.

**Excerpt 1:** Day 3, ll. 426–39

- 426 Garcia: For God's sakes [don't let this opportunity (.) go:  
 427 Koresh: [we will be coming we alright look  
 428 Garcia: Seize it for God's sake [seize it.  
 429 Koresh: [For six thousand years I've waited for this  
 430 opportunity. Now here's what I'm trying to say. It is written aforetime  
 431 [when  
 432 Garcia: [Don't talk to me about the scriptures. Not that I don't like to listen to  
 433 you I do. Honestly I do. I like to listen to you but I have to explain to  
 434 my bosses here why you're not coming out. They didn't they you know  
 435 Jim (.) had to (.) try do some explaining? He's lost a lot of his credibility  
 436 and they feel I feel that you know [based on what I'm hearing on  
 437 Koresh: [Well, my Father exonerates Jim.  
 438 Garcia: Fr- from from from TV and radio that your credibility is being  
 439 questioned. We need to get you out. Can you come out. Yes or no.

Here, Koresh recontextualizes 'opportunity'. To Garcia, Koresh's opportunity is in his coming out and sharing his message with the public. But in ll. 429–31 ('For six thousand years I've waited for this opportunity . . . It is written aforetime when'), Koresh transforms the law-enforcement context of opportunity to a biblical one. According to Davidian theology, six thousand years is the approximate time frame of the Bible from Genesis to Revelation (Houteff, 1946).<sup>7</sup> Indicating that he has waited for six thousand years gives him a god-like quality that makes waiting that length of time possible, and it expresses an anticipation of finishing a divine plan. 'It is written aforetime' is related and sets up how that plan should finish. These two phrases give Koresh an edge as they place him in a different time frame. They help reframe the notion of opportunity from something to suddenly (and perhaps hastily) 'seize', (l. 428) to an event that is predetermined and long anticipated.

Koresh also reframes Garcia's need to account to his bosses for Koresh's not coming out, saying, 'well my Father exonerates Jim' (l. 437). Garcia suggests that he could lose credibility with his bosses because Jim (i.e. Jim Cavanaugh, another negotiator from the BATF) had to account for the same problem earlier in the negotiations and actually did lose credibility with his bosses. Koresh's 'well' implicitly acknowledges Garcia's boss but also argues that God, as an alternative one, is the one to whom Garcia and Jim are ultimately accountable. Thus, the activity is not so much a recontextualizing of 'boss' as it is an argument for God as the legitimate one. But career trouble Jim might have been in is still rendered unproblematic because his wrong is simultaneously re-defined as a spiritual one and forgiven by the ultimate spiritual authority. Koresh saying to Garcia that his Father exonerates Jim implies that exoneration transfers to Garcia. This renders Garcia's predicament also unproblematic and thus a non-issue, making room for Koresh's frame for the standoff to stand up as more important.

### *Divisive cooperation*

Divisive cooperation is a term that reflects a strategic variation on recontextualizing as well as participants' incompatible goals of cooperation and competition that characterize crisis negotiation (Donohue and Roberto, 1993). Particular to divisive cooperation is that responses to requests or directives play on words and word phrases so as to demonstrate compliance but within a different frame, which also demonstrates dissent. Many of Koresh's responses to the FBI can be described in this way. Notice, for instance, the following excerpt from the third day of the negotiations, a few hours after Koresh decided not to come out of the compound as planned.

#### **Excerpt 2:** Day 3, ll. 387–94

- 387 Garcia: Okay. I need to know are you going to live up to your promise. What  
 388 are you planning to do. [Please tell me that.  
 389 Koresh: [Well? See verse. Look. Let me explain. See in  
 390 verse two?  
 391 Garcia: Yes or no. Please tell me what you're going to do. [Please  
 392 Koresh: [I am trying. Please  
 393 look at verse two of Nahum. [In it  
 394 Garcia: [Let's not talk in those terms please.

Directives in this exchange pertain to what Koresh is saying he plans to do. Garcia's questions are both yes/no questions as well as open-ended questions. 'I need to know are you going to live up to your promise' (l. 387) is a yes/no question, but 'what are you going to do' (ll. 387–8) could be viewed as requiring a hashing out of more complex intentions. Garcia's 'Yes or no' (l. 391) could be seen as highlighting the first question ('are you going to live up to your promise') and clarifying that there are only two appropriate answers. 'What are you planning to do' (ll. 387–8) and 'please tell me what you're going to do' (l. 391) also give Koresh the opportunity to cooperatively answer Garcia's questions, but these questions invite more elaborate answers than the former yes/no question.

Koresh's 'Look. Let me explain. See in verse two' (ll. 389–90) begins that elaboration, though he does not answer 'yes' or 'no' to Garcia's question, 'are you going to live up to your promise' (l. 387). 'I am trying. Please look at verse two of Nahum' (ll. 392–3) is particularly telling of divisive cooperation. 'I am trying' expresses an effort to comply to what Garcia has asked of him, which is to tell Garcia what he is going to do. Saying 'I am' instead of 'I'm' and emphasizing 'try' in 'trying' displays his effort as concerted. But it is also dissenting. While Garcia has clearly indicated in l. 391 that he requires a yes or no response; 'I am trying. Please look at verse two of Nahum' does not comply. More importantly, explanation of 'verse two of Nahum'<sup>8</sup> redirects the topic from his coming out of the compound to biblical matters (specifically apocalyptic),<sup>9</sup> thus maintaining the clash – even emphasizing it by stressing 'Nahum' – between the two most dissenting topics in the standoff.

Later in the conversation, other forms of divisive cooperation occur. In the next example we see it in shorter, more direct responses.

**Excerpt 3:** Day 3, ll. 476–91

- 476 Garcia: You need to come out. You need to gather all s- the strength that you  
 477 can because you cannot pass out. You need to understand that once you  
 478 start going down once you start going down you're going to go down  
 479 real hard. Right now you're up. I want you this is your chance. This is  
 480 your big chance because everybody is waiting. You can spread your  
 481 word and come out a winner not just for yourself but for a lot of  
 482 Christian people. You need to come out. Everybody is watching? and  
 483 waiting. (3 sec.) [We can make a difference.  
 484 Koresh: [We tried [We t-  
 485 Garcia: [You can make a great great difference but  
 486 you can't do it within there. You need to come out strong.  
 487 Koresh: I will. I [promise.  
 488 Garcia: [Are you ready to do it now.  
 489 Koresh: I cannot go beyond the commandment of my Father.  
 490 Garcia: Can you do the right thing (.) [now.  
 491 Koresh: [I am doing the right thing (.) now.

Garcia is clear about what he believes Koresh should be doing. 'Need' is mentioned five times and emphasized three times between ll. 476 and 484. The third time he says this, he includes that he needs to come out 'strong', which provides the opening for divisive cooperation. Koresh's 'I will. I promise' is a short, direct response that contrasts with Garcia's relatively long and drawn out plea. Following 'I will' with 'I promise' gives his commitment to coming out a dramatic quality worth noting because he subsequently says in l. 489, 'I cannot go beyond the commandment of my Father'. Koresh's word from his 'Father' (i.e. God) was not to come out, but to wait, indicating that Koresh intends to come out and come out 'strong' but in God's terms, not the FBI's. Thus, 'coming out' and 'strong' take on different, likely spiritual, meanings. Even as Garcia stipulates specifically when to come out, Koresh divisively cooperates. 'I am doing the right thing (.) now' (l. 491) affirmatively answers Garcia's question 'Can you do the right thing (.) now'. Since it has already been established in l. 489 that Koresh



does not plan on physically coming out (yet), Koresh's noncompliance is quite clear despite his equally clear affirmative response to Garcia's question with vocal emphasis and mimicry of cadence and wording.

As a type of recontextualizing, divisive cooperation uses words and phrases to show compliance (or at least a willingness to comply) but maintain dissent. Other reframing practices described next, rely less on wordplay and go beyond recontextualizing.

### *Cornering (frame-trapping)*

Another reframing practice is being cornered in the other's frame, finding oneself unwittingly stuck in it. Akin to this is Goffman's (1974) notion of being trapped in a frame, which is finding that the more a person tries to correct a misread frame, the more the frame is misread. Cornering is one way in which the process of becoming trapped in a frame can take place in conversation. This can be found in the following excerpt, where Koresh misreads and overwhelms the negotiator's frame. In it the negotiator has asked Koresh to send out just the women and children instead of everyone coming out.

**Excerpt 4:** Day 7, ll. 348–60

- 348 Wren: David help me out. I've been trying to represent you.  
 349 Koresh: Dick I would love to but you're not representing me. God's gonna  
 350 repre[sent me.  
 351 Wren: [I know but you can help me out okay as a [personal favor to me.  
 352 Koresh: [Dick I okay look.  
 353 Wren: As a [personal favor to me.  
 354 Koresh: [Here's how I could help you out. Would you like to know the  
 355 Seven Seals?  
 356 Wren: Certainly. I'll be happy to learn about the Seven Seals [but I need to go  
 357 to my bosses  
 358 Koresh: [(Well how bout  
 359 then) you got do you got your Bible?  
 360 Wren: I'll be happy to go with it but please let's do this first

The making of a frame trap is found in the accounting sequence between ll. 349 and 355. Koresh's utterance in ll. 349–50 resembles the form of what Morris et al. (1994) describe as an 'account for a problematic event'. They show that accounts such as Koresh's attend to the rejection of a request, proposal, invitation, and the like, by cushioning it with the description of a problem that prevents compliance to the request, acceptance of the proposal, etc. The formula Morris et al. (1994) propose is 'well, ordinarily I would, but . . . [there's a problem]'. 'Well' forecasts the rejection and acts as a preface to the pre-rejection, 'ordinarily I would, but'. 'Ordinarily I would, but' cushions the coming rejection by indicating that the rejection is not a routine occurrence. Finally, the report of the non-routine trouble or problematic event, the account itself, is offered. Morris et al. (1994) also note, referring to Drew (1984), that the report is often composed in such a way that the actual rejection is implied.

Koresh's 'Dick I would love to but you're not representing me. God's gonna represent me' (ll. 349–350) is similar in form and function to 'Well, ordinarily



I would, but . . .'. After Wren's request for help (l. 348, 'David help me out'), Koresh's 'Dick' in 'Dick I would love to . . .' (l. 349) functions like 'well' in 'well, ordinarily I would, but'. Morris et al. (1994) also suggest that 'well' functions as the speaker's attempt to maintain the flow of the conversation and not reject the request outright. 'Dick' does this nicely as it parallels Wren's 'David' (l. 348) just before his request for help. 'I would love to but' (l. 349) cushions an upcoming rejection by indicating that helping others is something he values. Koresh's reported trouble, 'but you're not representing me. God's gonna represent me', gives the account and implies that he cannot help Wren. It renders moot Wren's attempted representation of Koresh (l. 348, 'I've been trying to represent you') and therefore any need for Koresh's help at all.

As the rest of the excerpt shows, Koresh does offer help after all, but it is on his religious terms. As Morris et al. (1994) indicate, the cushioning ('well, ordinarily I would') allows for the requestor to revise the initial invitation, proposal, etc. Wren does so by describing his request as a 'personal favor' (ll. 351, 353). Koresh complies by saying, 'Here's how I could help you out' (l. 354) and follows up with a question, 'Would you like to know the Seven Seals' (ll. 354–5). Wren is cornered by this question because answering it hinges on his original request for help. Saying 'yes' invites the kind of help Wren presumably does not want (i.e. bible study on the Seals). Saying 'no' would invite Koresh to respond with something like, 'then I can't help you'.

The second part of Wren's answer, 'but I need to go to my bosses' (ll. 356–7), offers an account for an implied refusal to learn the Seven Seals by reporting a trouble as in the last part of the formula, 'well, ordinarily I would, but . . . [there's a problem]'. However, the first part of Wren's answer, 'Certainly. I'll be happy to learn about the Seven Seals' (l. 356), does not so clearly forecast an account or rejection. This is a problem for Wren because Koresh's timing at the start of his second question, 'well how bout then you got do you got your bible?' (ll. 358–9), is such that he cuts off Wren's report of the poorly forecasted trouble (i.e. 'but I need to go to my bosses'). This treats Wren's 'Certainly. I'll be happy to . . .' as a preferred response to Koresh's question ('Would you like to know the Seven Seals') (Pomerantz, 1984) with no expectation of any account. As a result, Wren is stuck with some discussion of the Seven Seals. This is particularly so because Koresh's second question, which cuts off Wren with 'do you got your bible?' (l. 359) repeats the function of 'Would you like to know the Seven Seals'. Further, Wren has asked for help twice (ll. 348 and 351). By the time he says, 'I'll be happy to go with it, but please let's do this first' (l. 360), his account for his dispreferred response loses its effectiveness, and Wren is cornered into Koresh's framing of the standoff.

### *Changing the contest*

Typically, in a barricade situation, part of the goal of the negotiators is to move the subject from the barricaded area to a more appropriate venue in which the subject's issues can be addressed (e.g. a mental health center, the courts). In the negotiations, the negotiators presented Koresh's coming out as a challenge, or contest, to face his fears, face the courts, set the media straight, and give up his

children for the sake of their safety. Koresh, however, reframed the negotiations by presenting his own contest to the negotiators regarding his biblical knowledge. He repeatedly argued (usually with biblical evidence) that he was the only one (the Lamb of God) who could reveal the secrets of the Seven Seals and their connection to the prophetic writings of the Old Testament. With this argument came his frequent challenge to bring in religious ministers and scholars so he could prove he was right. If the scholars could prove him wrong, he submitted, then he would willingly come out.<sup>10</sup> Though Koresh usually told negotiators that this challenge applied to anyone they wished to bring in, in the following excerpt his challenge is directed at the negotiator.

**Excerpt 5:** Day 8, ll. 331–63

- 331 Wren: You're not the only one that believes in God or [a God all right?  
 332 Koresh: [N- n- n- no. I'm the  
 333 only one that has the proper understanding of God and the light of the  
 334 Seven Seals. Now contend with me on that. What's the third Seal.  
 335 Where is it found. Tell me. Come on. You got the prophecies there in  
 336 front of you. You got the Bible. Where's it at?  
 337 Wren: I'm not going to argue about the Seals with you  
 338 Koresh: Okay. Okay. Now look. You're I'll give you an honest opportunity  
 339 before God blows your rear-end away. You get on the phone. You call  
 340 Vatican. You call everywhere you want to in the world. You find a  
 341 priest. You find a teacher. And you tell him to tell you and show you  
 342 where the third Seal is.  
 343 Wren: David  
 344 Koresh: Then I'll send you out another child.  
 345 Wren: The Seals are all well and good and we [will deal with th-  
 346 Koresh: [You don't know what they are.  
 347 They're they're evil against you though.  
 348 Wren: David [you can tell me about that  
 349 Koresh: [They're going to destroy you and punish you with immense  
 350 torments. They're good for us. Bad for you though.  
 351 Wren: David let's. Get those innocent children. [Out of there.  
 352 Koresh: [Okay. Call me up and show  
 353 me where the third Seal is and then I'm going to send you more  
 children  
 354 out.  
 355 Wren: David I told you that I am not in a [position  
 356 Koresh: [O:h what: o:h so you don't want to  
 357 take up God's [little test here huh.  
 358 Wren: [It's not that's not the point.  
 359 Koresh: Father it looks like you're going to have to do your work.  
 360 Wren: That is not the point David.  
 361 Koresh: Oh it is the point where I come from. You may not fear God. You may  
 362 not fear his judiciary. You may laugh and scoff at his judgment.  
 363 Wren: David, I have never done that in all the conversations we had

It is well known that, aside from the main goal of getting Koresh to come out, the FBI wanted the children to be released. Koresh shows that he is willing to do

that (at least send out one child) from l. 344 ('then I'll send out another child') but only under the condition that Wren take on Koresh's challenge to show him where the third Seal is (see ll. 352–3).<sup>11</sup> So the FBI's needs are addressed, but they are addressed in terms of the Davidians' religious beliefs.

More importantly, the challenge is dramatically presented, which helps reframe the FBI law-enforcement frame to a religious one. Koresh establishes clear sides of good and evil in this challenge by playing on Wren's depiction of the Seals as 'well and good'. Instead of allowing Wren to pass off the Seals in this way as less important than another issue (i.e. getting the children out, see l. 351), Koresh makes the Seals central, placing those who do not know the Seals on the side of evil (ll. 346–7) slotted for eternal punishment (ll. 349–50). He describes the challenge as one with grave consequences if not taken on ('I'll give you an honest opportunity before God blows your rear-end away', ll. 338–9). Koresh even gives Wren an advantage by allowing him to consult with a teacher, a priest, even the Vatican, implying a confidence in his side. Finally, Koresh initiates the challenge in a way that sounds like taunting. Six consecutive times in six different ways he presents the challenge in ll. 334–6: (1) 'Now contend with me on that'; (2) 'What's the third Seal'; (3) 'Where's it found'; (4) 'Tell me'; (5) 'Come on'; and (6) 'You got the prophecies there in front of you. You got the Bible. Where's it at'. After presenting the challenge with such force, Koresh says, 'O:h wha:t o:h so you don't want to take up God's little test here huh' (ll. 356–7). The drawn out 'o:h wha:t o:h' sounds like more taunting and takes on the flavor of a fighter challenging a reluctant opponent, saying, 'what, are ya, chicken?' And l. 359 implies that Wren has lost the contest before it has begun because 'Father it looks like you're going to have to do your work' is Koresh talking to God in a way that recognizes the time has come to initiate the apocalypse and punish the evil. Together, these reshape the negotiations into a new contest as Koresh has metaphorically 'laid down the gauntlet'.

Changing the contest in this way puts Koresh in control of the discourse. This is particularly visible when Koresh says, 'Okay. Call me up and show me where the third Seal is and then I'm going to send you more children out' (ll. 352–4). In line with another argument about the Waco negotiations (Agne and Tracy, 2001), Koresh brings God into the negotiations as both participant and authority. Line 359 ('Father it looks like you're going to have to do your work') further makes God someone to whom Koresh has access.

#### APPROPRIATING THE OTHER'S SUGGESTED NEW FRAME

The last reframing strategy is one found as a response to the FBI's demonstrating affiliation and common ground. In crisis negotiation, it is not uncommon for law-enforcement negotiators to make this kind of effort in order to develop rapport with the subject/perpetrator (Lancely, 2003; McMains, 1996). Similarly, in other negotiation situations, this show of commonality can be seen as an integrative negotiation strategy by way of demonstrating an attitude of understanding or a trade of value interests (Spangle and Isenhardt, 2003) or even putting oneself in the other's shoes (Nyerges, 1993). During the Waco negotiations, the FBI negotiators often employed this technique by invoking a universal God with

the Davidians. That is, as their own reframing strategy, the negotiators often drew on religion and God in their bargaining to convince Koresh to rethink his message from God and decide to come out. In a move that could be called a reframing of a reframe, Koresh appropriated these invocations by adjusting, correcting, or adding to claims the negotiators made regarding religion, God, and the Bible.

For instance, as the next excerpt shows, religious arguments by the negotiators displayed an assumption that the concept of God is universal and that anyone has access to Him. Prior to the exchange, the negotiator, Dick Wren, proposed a plan to Koresh that had been approved by his superiors. The proposal was that Koresh would first send out four children, and that following this action the tanks would back away from the compound. Once the tanks backed away, Koresh and the rest of his followers would come out of the compound. Just before this excerpt begins, Koresh explained that he cannot agree to Wren's plan.

**Excerpt 6:** Day 7, ll. 387–409

- 387 Wren: David did you see did you see uh Bob Ricks on television today?  
 388 Koresh: uh I didn't see much of anything today. [I was  
 389 Wren: [All right. Well Mr. Ricks is a  
 390 very devout Christian and he prays to God as we all do. And it took him  
 391 a lot to make these concessions. And I believe the reason he did that is  
 392 because he prayed? He prayed at length and he came back and he said  
 393 Dick this is this is reasonable. I've given a lot of thought, I've prayed  
 394 about it, and this is reasonable. And we're we're willing to concede  
 395 we're willing to work because we know that he's sincere in his belief.  
 396 We want to show him we're equally sincere. And this is this is what it's  
 397 going to take this kind of effort, prayer, and those kinds of things. And  
 398 Mr. Ricks did that [a:nd  
 399 Koresh: [Well did God talk to him?  
 400 Wren: He told me that he prayed to God and he came back with this with this  
 401 answer.  
 402 Koresh: Okay. So God spoke to him then.  
 403 Wren: That's that's correct.  
 404 Koresh: Well why would God tell him one thing and me another.  
 405 Wren: I have no idea but what uh what he's [telling you  
 406 Koresh: [Maybe God's trying to get us to  
 407 fight or something.  
 408 Wren: [No that's not it at all.  
 409 Koresh: [You know you've got to watch this God.

A common God is initially invoked when Wren says, 'he prays to God as we all do' (l. 390). Then he describes his proposal as one essentially sanctioned by God. He does this by identifying Ricks as both religious and a key decision-maker in the scenario. In fact, Wren describes Ricks as a 'very devout Christian' (l. 390), which marks him as a special kind of Christian, one who takes Christianity more seriously than the 'average' Christian. Further, Wren indicates five times that Ricks consulted with God through prayer (ll. 390, 392, 393, 397, and 400). God comes across as an important and necessary part of the FBI's decision-making process. This works to claim a religious membership status for Ricks perhaps on par with Koresh.

Sacks (1992) takes up the notion of claiming membership, and responding to membership claims. He states that claiming membership ‘is challengeable by somebody who figures that they for sure are such a one, and who is then going to stand as guard to whether anybody else who claims to be such a one is such a one’ (p. 118). Correction, Sacks suggests, is one way a member uses expertise and experience to show that another speaker who is claiming membership may not be a real or adequate member.

A variation on correction that similarly works to question a person’s membership occurs after Wren claims a religious status for Ricks. Koresh’s response positions himself as having the right to ‘stand guard’ over who can rightly hear the words of God and make crucial decisions based on those words. Prayer and what it means is at first unclear in Wren’s utterance between lines 389 and 398. It is uncertain whether Ricks’s praying means that he only spoke to God and came up with the decision himself, or that God also spoke back to Ricks and told him what to do. Between lines 399 and 403, Koresh establishes that praying by definition would include God talking to Ricks. However, the rest of the excerpt shows that this was a setup to problematize Wren’s implication that God is universally accessible and that the FBI consults God the way Koresh does. On the face of it, Koresh’s statement, ‘Well why would God tell him one thing and me another’ (l. 404), questions the consistency of information from God to others. But Koresh’s belief that God provides inconsistent information seems unlikely because of his self-proclaimed identity as the Lamb of God which implies a certainty of God’s will and leaves little to no room for others’ interpretive variation. The more likely purpose of the statement is to question the spiritual foundation of Ricks’s decision to approve the plan. This makes sense in light of Koresh’s following statements, ‘maybe God’s trying to get us to fight or something’ (ll. 406–7) and ‘you gotta watch this God’ (l. 409), both of which are hard to see as anything other than sarcastic.

Another attempt at invoking a common God has a slightly more striking response in the following excerpt where negotiator Byron Sage and Koresh are talking about a Bible passage from John 8:32, ‘And ye shall know the truth, and the truth shall make you free’. Here, Sage has been explaining to Koresh that coming out will be in his best interest, in part because he can tell his side of the story about the BATF raid on 28 February 28.

**Excerpt 7:** Day 18, ll. 125–38

125 Sage: And th- there’s another famous quote that I think you and I both live by  
 126 and that is that the truth will set you free.  
 127 Koresh: Exactly if you con[tinue you said now  
 128 Sage: [let it set you free David [let it set you free  
 129 Koresh: [You said if you contin if you  
 130 continue in my doctrine then you shall know the truth [and the truth  
 131 shall set you free]  
 132 Sage: [and the truth  
 133 shall set you free] that’s exactly right  
 134 Koresh: And the Seven Seals is what he was referring to I know I was there  
 135 Sage: w- it (.) okay then it’s time to be here now

136 Koresh: Okay uh another another reminder that as Christ did before Pilot? Pilot  
 137 also made the statement that he had power to uh destroy Christ or set  
 138 him free remember?

Sage renders the quote as common knowledge by marking it as 'famous' (l. 125) and suggesting that it is one both he and Koresh live by. While Sage is playing up the notion of 'setting you free' in l. 128, Koresh focuses on the 'truth', relating it to the Seven Seals in l. 134 ('and the Seven Seals is what he was referring to I know I was there'). If 'he' refers to Jesus who reportedly said those words as they were written in John 8:32, then 'I know I was there' has the extraordinary implication that Koresh was present two thousand years ago, listening to him. Regardless of whether Koresh meant what he said or whether it puts his mental stability in question, he has successfully appropriated the religious adage Sage brings up. Sage's 'w- it (.) okay then it's time to be here now' (l. 135) seems to indicate that he is at a loss for words. 'W- it (.) okay' could be seen as taking Koresh's, 'I know I was there' as both unexpected and rather absurd, and saying, 'then it's time to be here now' does not follow 'I know I was there'.

This reframing practice of appropriating the FBI's suggested frame was, perhaps, the most disastrous of the three described in this analysis. By drawing on a universal God, the FBI did not manage to create a commonality with Koresh. It only reinforced Koresh's position as the maker of the only relevant frame. While Koresh may have appropriated these strategies unfairly, the FBI negotiators created the means for him to do so and take over the negotiations.

In sum, it should be noted that each of these reframing practices – recontextualizing to create divisive cooperation, cornering, changing the contest, and appropriating a suggested new frame – do more than simply argue for one party's point of view over another's. Koresh's reframing strategies subsumed the FBI's frame. Divisive cooperation still recognized the language and abided by the negotiation process but focused on the Davidians' religious purpose. Cornering actually employed the law-enforcement frame, even though it was misread, to conversationally force the new religious frame. Changing the contest maintained the interaction as a contest, which is an important aspect of the law enforcement's bargaining frame, but the new contest was one based on the rules of Koresh's frame. Finally, appropriating a new frame suggested by the FBI negotiators treated reframing as an open-ended activity in which the new frame can be built upon others.

### *Reframing as problematic communication practices*

Each of the reframing practices described in this study reveals a dark side of reframing that by no means contributes to an idealized way of managing a conflict or negotiation situation. On the contrary, this study's purpose has been to reveal otherwise unnoticed problems that can arise when frames between disputing parties are at fundamental odds. One problem is that while reframing, by definition, creates a new frame that does fit the same concrete details of an old one equally well or in a better way, it may not be advantageous for both disputing parties. In fact, Putnam and Holmer (1992) point to one of Goffman's (1974)



characteristics of reframing as involving fabrication. 'One team may define the situation deceitfully to shape the way the other side perceives it' (Goffman, 1974: 147). The point is not that Koresh was deceptive, but rather that reframing can be practiced for self-serving purposes, changing a lose-win to a win-lose situation.

Another problem is that reframing may not necessarily be the cooperative activity it is typically taken to be, particularly if we question its positive, constructive purpose. Made famous by Fisher and Ury's (1981) *Getting to Yes* and Ury's (1991) *Getting Past No*, a specific strategy in a typology of techniques is a reframing strategy they call 'changing the game'. In this step, the negotiator does not reject the opponent's point of view but recasts it in a way that directs attention back to solving the problem in a way that satisfies both sides. Spangle and Isenhardt (2003) refer to this as 'making the problem *our* problem'. The key in changing the game is to act *as if* the opponent were trying to solve the problem, thus drawing him or her into a problem-solving frame. The Davidians could be seen as employing this strategy by recasting the standoff in a way that made God the ultimate authority. Further, as this study shows, cooperative patterns may not be so simply identified and may create unanticipated additional problems for those seeking cooperation.

Divisive cooperation, for instance, adheres loosely to the rules of one frame but strongly to the rules of another, which then becomes the dominant frame. Also, the possibility of being cornered into the opponent's frame shows that cooperating can mean losing hold of one's own frame. Finally, suggesting a new frame common to both parties could backfire as the opponent appropriates and integrates it into his or her own frame. In this sense, reframing is less about cooperation and more about reinforcing one's own position as the only relevant frame.

A third problem is that a win-win situation may be unrealistic, particularly if parties have differing views of what 'winning' or 'losing' means. In a law-enforcement context where police are negotiating with subjects/perpetrators, a win-win situation is a definitional – and perhaps in this case, ethical – gray area if it is assumed that law enforcement should clearly prevail and the alleged perpetrators be apprehended but fairly given their day in court. In the Waco negotiations, it is also unclear what a win-win resolution would look like. If the FBI had their way and the Davidians (or at least Koresh) surrendered, the Davidians could also be viewed as winning since they presumably would have been treated fairly and would have their voice in court. In light of the fire that actually ended the standoff, keeping them alive would also have been a winning end. But from the Davidians' point of view, winning would have looked very different. The siege and the fire were part of the divine course of prophetic events that Koresh argued was being fulfilled as the standoff progressed. 'Dying' for Koresh was not the same as 'dying' for the negotiators. Further, practically speaking, the Davidians simply wanted to be left alone. The only way for them to lose was to surrender. Reframing practices made that option unnecessary and maintained the siege's standoff status. In this state, Koresh could not lose because the negotiations were on his own terms and his religious frame



reinforced. The congressional hearings concluded that raiding the compound with tear gas was premature and the FBI should have still pursued a negotiated end (Activities of the Federal Law Enforcement Agencies, Joint Hearings, 1996; Investigation into the Tragedy at Waco: New Evidence, 2000). This study questions that conclusion and asks, is negotiation *always* the best way to go when the opposing party's frame is implicitly agreed on as the only valid one? Is negotiation *always* the best way to go when the other party holds all the cards?

Finally, reframing practices in this study reveal problems with the sender–receiver model of communication upon which advice for negotiators is based. Crisis negotiation models assume that negotiators can achieve their goals by following certain guidelines for what to say (or not say) (McMains, 1996). Saying the right things to the subject/perpetrator/opponent will have a desired effect on the other's behavior, thereby achieving the larger goal of apprehending the subject/perpetrator without (further) loss of life. In fact, most advice for any negotiator is based on a step-by-step kind of process (Ury, 1991; Walker and Harris, 1995). This does not allow for considering the possibility that similar tactics may be employed by the opponent (i.e. the receiver) and does not account for how strategies are enacted in talk. A negotiator cannot successfully reframe a situation in one direction and sustain it if the other person reframes it back to its original frame (or any other frame).

If reframing is viewed as a conversational practice, as something that naturally occurs in interaction, it seems less appropriate to treat it as a task deemed 'difficult', usually requiring the aid of a neutral third party (see Gray, 2003). Reframing is a strategy to be sure, but it is not necessarily a conscious one. People defend and surrender their frames in interaction naturally, whether or not a mediator is present. Further, there may be situations where a mediator is either unrealistic to employ or unavailable, as in law enforcement negotiations.

## *Conclusion*

It should be noted that the reframing practices discussed in this article are strategies ascribed specifically to Koresh. This is, no doubt, a limitation of the study. Certainly, the FBI's practices – reframing or otherwise – can be examined for their (in)effectiveness. This study, however, focused on the Davidians' (Koresh's) reframing practices since they were seen as an obstacle for the negotiators. In the grand scheme of the standoff, the FBI initiated the siege. Their charge was that Koresh was abusing children and illegally stockpiling weapons. On the smaller scale of the negotiations, relying on talk meant relying on argument to convince Koresh to surrender. In line with the FBI initiating the siege, in terms of argument, the FBI negotiators had the burden of proof in making their claim that Koresh should surrender. Reframing the situation to one that renders burden of proof unsuccessful maintains the status quo. As a result, the confrontation can continue only if those with burden of proof are persistent, and the standoff status of the confrontation remains until one party resorts to physical or violent measures. Because all the Davidians needed was to maintain the status quo, reframing in the talks was an easy and effective strategy for doing so.

Understanding the FBI's and the Davidians' position in this way can be helpful when finding oneself in other negotiation situations. Determining the sides of the argument – who has burden of proof and who has presumption – could give some idea of the extent to which reframing could become problematic. This is not to suggest that reframing practices as they are currently discussed in academic and popular literature should be abandoned, but problematizing reframing makes one recognize that cooperation could be minimal or nonexistent in some conflict negotiation situations. In that case, a negotiator is faced with a problem of showing good faith in order to make the negotiations productive but not in such a way that invites the other party to take advantage of that good faith in order to dominate.

#### NOTES

1. Koresh was shot in the wrist and in the left hip.
2. Of the Davidians, Koresh spoke on the phone with the negotiators about 40 percent of the negotiation time. Steve Schneider spoke about 50 percent of telephone time. Other Davidians, such as Schneider's wife, Judy, and Koresh's first wife, Rachel, spoke on the phone for about 10 percent of the time.
3. Tapes and transcripts are available through the US Freedom of Information and Privacy Act (FOIPA). The entire set is close to but not a complete recording of the entire negotiations. Approximately 13 hours of conversation were withheld from the FBI under FOIPA, Title 5, Section 552, subsection b.7.c, which states that records for law-enforcement purposes are withheld if they 'could reasonably be expected to constitute an unwarranted invasion of personal privacy'. Also, several times negotiators experienced technical difficulties with the telephone, so they may have been unable to record conversations or inadvertently not recorded others.
4. Admittedly, exchanges revealing frustration on the Davidians' part could also have been chosen, thus exposing FBI negotiators' strategies, but were not. The concluding section of this article explains this one-sided view.
5. Transcripts that accompanied tapes of the Waco negotiations included very little vocal detail. After excerpts were chosen for this study, they were re-transcribed to include more detail using a simplified version of the Jeffersonian system (Atkinson and Heritage, 1984; Psathas, 1995). Transcription symbols include:

.	Falling intonation
?	Rising intonation, not always a question
,	Continuing intonation
-	An abrupt cut-off
::	Prolonging of sound
<u>never</u>	Stressed syllable or work
>word<	Quicker speech
hh	Aspiration or laughter
.hh	Inhalation
[	Simultaneous or overlapping speech
=	Contiguous utterances
(.)	Micro-pause, 2/10 second or less
( )	Nontranscribable segment of talk
(( ))	Transcriber's comment or description

6. An inter-discursive approach would also be appropriate for this analysis, but it goes beyond the scope of this study. Theoretical and methodological frameworks would require shifting from a focus on instances of talk and conversational practices to one on ideologies reflected in complex social practices. The differences between these two are described by Gee (1999) as a distinction between 'little d' discourse and 'big D' Discourse and by Conley and O'Barr (1998) as one between 'micro-discourse' and 'macro-discourse'.
7. It says in Genesis 1 that God created the world in six days. After Adam and Eve ate the fruit of knowledge of good and evil, God began the re-creation the world. The Davidians believed that in this time of re-creation, a day to God was equal to a thousand years. Re-creation would also take six days, but from our point of view, six thousand years.
8. It is unclear which chapter of Nahum 'verse two' Koresh means, though it is likely he is referring to either chapter 1 or chapter 2 since just prior to this excerpt he finished reciting the last two verses of the first chapter. Both of these chapters follow a similar theme.
9. The apocalyptic prophecy of Nahum is based on his account of the fall of Nineveh in 612 AD. The book of Nahum is important in Davidian theology since Nahum's prophecy relates directly to the apocalypse and Judgment Day discussed in the book of Revelation and, as Koresh claimed, to the occurring events of the standoff.
10. If the scholars could prove him wrong, then his claim to be the Lamb was false, thereby giving him no religious reason to stand his ground to stay in the compound.
11. This challenge of showing where the Seals are located in the Bible involves more than just identifying them in the Book of Revelation, specifically, Rev 6. Davidian theology is based on a harmonizing of Old and New Testament prophecy and present-day events (Newport, 2006; Tabor and Gallagher, 1995). Earlier in the negotiations, for example, Koresh used Ezekiel 27–28, Psalms 83, and Zechariah 14:1 to explain the third Seal this way.

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