

# Constructive Disagreement

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## Abstract

Attempting to avoid disputes and disagreements in all facets of day-to-day life including at work, home, and our broader community is common. This is ordinarily due to the negative and destructive stigma attached to situations of conflict, and the assumed associated damage to relationships. As early as 1925, Mary Follett (US social worker, management consultant and pioneer in the field of organisational theory and behaviour) recognised the possibilities of engaging constructively in disagreement or conflict with the potential to capitalise on the process of doing so.

Conflict is generally inevitable and it has been commonly agreed and confirmed by neurobiology, that the 'fight or flight' response to conflict is an instinctive one and allows emotions and biases in conflict situations to act as an impediment to resolution. Others argue, however, that whilst difficult, it is possible to respond calmly to disagreements and situations of conflict and benefit consequentially. The theories and practices of communication within our relationships, relationship maintenance, the practice of mindfulness, the role of a 'third side' and the practice of apology and forgiveness are seen as instrumental in determining conflict as 'constructive' rather than 'destructive'. Further, the process of a constructive disagreement indeed has the potential for benefit rather than just resolution.

This paper examines the concept of conflict and disagreements and the power to transform these situations into 'constructive disagreements'.

## Introduction

The area of Alternative Dispute Resolution (ADR) has been said to represent an 'effort to design workable and fair alternatives to our traditional justice systems',<sup>3</sup> alternatives which aim to solve the conflicts that affect our day-to-day lives. The area of ADR is vast, and just as the legal system continues to develop, so does the practice of ADR. It is necessary to continue to explore the most effective ways to engage in the practice of conflict resolution.

Often, the sturdiest barrier to success in resolving disagreements, conflicts and disputes is the negative stigma and connotations with which they are associated. Seeking to understand conflict, its sources,

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3 Harry T. Edwards, 'Alternative Dispute Resolution: Panacea or Anathema?' (1986) 99(3) *Harvard Law Review* 668, 668.

process and involvement of deep personal emotions, leads us to question whether or not its negative stigma can be eradicated. Conflict is generally inevitable, however it is our response to situations of conflict that will determine whether or not it is constructive. In 1932, Walter Cannon first described the 'fight-or-flight'<sup>4</sup> response to threatening situations or conflict, which often, when the latter course is taken, is a destructive force in the practice of conflict resolution. The 'fight-or-flight' response is a chemical reaction in the human body which responds to stress and activates a complex repertoire of behavioural and physiological responses.<sup>5</sup> This instinctive reaction engages several parts of the brain in an emotional or bias-based reaction to a conflict or threatening situation. Such involvement of emotions and biases can serve to obstruct the path to resolution.<sup>6</sup>

Whilst in an increasingly connected society conflict may seem inevitable, the question remains: can conflict be transformed to be a constructive process? In order to answer in the affirmative, it is necessary to consider both theoretical and practical approaches which suggest that conflict may be transformed in this way. Although the instinctive 'fight-or-flight' response may indicate a lack of possibility for transforming disagreements into constructive mechanisms, it is still possible to reveal the benefits of attempting this transformative process.

The first question to be answered is, of course: what is meant by a constructive disagreement? There are existing theories that suggest that a constructive disagreement is a situation of dispute which may be an encouraged method for the purpose of increasing productivity, often in professional contexts. That is to say that often a 'constructive disagreement' is seen as a deliberate act of engaging in disagreement or conflict with the potential to capitalise from the process since it is already an inevitable part of our interaction with one another.<sup>7</sup> Mary Parker Follett, in 1925, outlined the three ways conflict has traditionally been, and is arguably still dealt with: domination, compromise and integration.<sup>8</sup>

Domination refers to a conflict technique where one party attempts to get everything they want from the other side. This technique is often the approach most attempt to take towards a disagreement or conflict as they are threatening situations. *Domination* is typically viewed as a 'destructive' conflict resolution technique that is likely to strain the fabric of the relationship.<sup>9</sup> *Compromises* are often equated with 'concessions',<sup>10</sup> suggesting that one side concedes their interests to another, again with one side 'losing out', which can also be destructive. *Integration* represents the ideal of conflict resolution. It occurs where both sides meet their desires without having to compromise, integrating the needs of both sides.<sup>11</sup>

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4 Shelly E. Taylor et al, 'Biobehavioral responses to stress in females: Tend-and-befriend, not fight-or-flight' (2000) 107(3) *Psychological Review* 411, 411.  
5 Constantine A. Stratakis and George P. Chrousos, 'The endocrinology of stress and stress system disorders in adolescence' (1993) 771 *Annals of the New York Academy of Sciences* 1, 1.  
6 Ibid.  
7 Mary Parker Follett, 'Constructive Conflict' in Elliot M Fox and L Urwick (eds), *Dynamic Administration: The Collected Papers of Mary Parker Follett* (Pitman, 1973) 1-20.  
8 Ibid.  
9 Jakki Mohr and Robert Spekman, 'Characteristics of partnership success: Partnership attributes, communication behavior, and conflict resolution techniques' (1994) 15(2) *Strategic Management Journals* 135, 139.  
10 Lee Ross and Constance Stillinger, 'Barriers to Conflict Resolution' (1991) 7(4) *Negotiation Journal* 389, 393.  
11 Parker Follett, above n 7.

The method of integration examined by Follett all those years ago forms the essence of ADR: where both sides are able to find a place where their needs can be met without making significant sacrifices. The benefit of integration is that it does not leave the conflict open to resurface in another form since both sides have already met their whole needs with regards to the other party. The idea of having a ‘constructive disagreement’ is potentially how we can reach this ideal.

Communication within our relationships, relationship maintenance, the practice of mindfulness, the role of a ‘third side’ and the process of apologies and forgiveness are instrumental in determining conflict as ‘constructive’ rather than ‘destructive’. The process of a constructive disagreement indeed has the potential for benefit rather than just resolution.

## The Importance of Communication and Relationships

The first facet of a constructive disagreement relates to the maintenance of relationships. Often, so much time is spent avoiding disputes and disagreements that the elements essential to transforming conflicts into constructive situations are not maintained properly.

Disputes, disagreements and conflict are generally between two or a few sides. If a situation of conflict or disagreement is seen as a competition between right and wrong, winning and losing, there are often destructive consequences. Theories about ‘irrationality in competitive strategies’<sup>12</sup> and on the ‘self-defeating logic of win-lose’<sup>13</sup> have demonstrated that ‘the illusion that increasing losses for the other side is equivalent to winning and is *the* reason that the struggles are so prolonged and the conflicting parties play the game to a lose-lose end’.<sup>14</sup>

In a situation of conflict, we must consider what factors influence a decision for a party to approach the other side with an aim to ‘conquer’. Often, emotional factors and our (sometimes stubborn) personal convictions often influence the way we approach a dispute or disagreement and these can be extraordinarily detrimental to the process of attempting to remedy our grievances. Furthermore, our biases often hinder us from understanding the perspective of the ‘other side’ and this can result in a breakdown in relationships.

When engaged in a dispute situation, often feelings of discomfort result in defensive attitudes and the desire to attack one another, straying from the real issue at hand. One suggestion is that there is a need to focus on the issues at hand, not the people involved. Thus, when relationships do breakdown, often the remedy prescribed is *communication*. Robert M. Krauss and Ezequiel Morsella (Columbia University) note that: ‘The prevailing view is that, faced with conflict, communicating is always the right thing to do: The UN Security Council encourages hostile countries to “hold talks”, and marriage counsellors advise couples to “express their feelings”’.<sup>15</sup>

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12 Oliver Ramsbotham, Hugh Miall and Tom Woodhouse, *Contemporary Conflict Resolution* (Polity, 2011) 47.

13 Ibid.

14 Ibid.

15 Robert M. Krauss and Ezequiel Morsella, ‘Communication and conflict’ in M. Deutsch and P. Coleman (eds), *The handbook of constructive conflict resolution: Theory and practice* (Jossey-Bass, 2011) 131-143.

Deteriorated relationships primarily lack cooperation. Communication may be considered the primary and most significant step in the process of a constructive disagreement. Communication is essential to the maintenance of relationships due to its power to bring together parties to cooperate and start to talk about the issues at hand, instead of focusing on the people involved in the disagreement.

The concept of 'constructive disagreement' is suited to relationships where channels for effective communication are in place, which allow effective expression of disagreements between parties, as opposed to 'conquer' and 'beat' attitudes. The difficulty in situations of disagreement is to communicate without hostility, and approach the situation with the goal of effectively seeking a solution to the conflict, instead of focusing on one's personal needs and interests.

Relationships are the foundations of situations of conflict or disagreement. The strength of those foundations will determine the course of any conflict. If the foundations are solid, a conflict or disagreement may become a positive experience where both parties are empowered to not only seek resolution but also do so in a constructive manner with thoughts and needs expressed honestly. However, when the foundations are shaky, so will be the path to resolution.

## Mindfulness

In identifying the elements essential to the realisation of a 'constructive disagreement', it is important to consider the power of 'mindfulness' and its potential to transform conflict in this way. There is no single definition of 'mindfulness' however it is mostly agreed that the practice of mindfulness finds its roots in the teachings of Buddhism.<sup>16</sup> In Buddhist traditions, mindfulness occupies a central role in the process leading to the cessation of personal suffering, focusing on maintaining a calm awareness of one's body, feelings, mind and virtues in day-to-day life.<sup>17</sup> However, in contemporary psychology, and for the purposes of conflict resolution, this translates as an ability to increase awareness and to skilfully respond to mental processes which contribute to 'emotional distress and maladaptive behaviour'.<sup>18</sup> Essentially, being aware of what we are sensing from those with whom we are communicating, as well as how we are presenting ourselves to others.

Often, a conflict or situation of disagreement or dispute can be attributed to a lack of mindfulness. This may occur through a failure to understand the behaviour of others towards us, or when we react in a negative and damaging way to others without pausing to consider the real trigger of our emotions and the best way to find resolve.

Judee Burgoon, Charles Berger and Vincent Waldron in a study of 'Mindfulness and Interpersonal Communication' observe that 'seemingly "mindless" communication occurs frequently and comes as no surprise to even the casual observer of human interaction'.<sup>19</sup> They determine that mindfulness prior

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16 Thich Nhat Hanh, *The miracle of mindfulness: A manual for meditation* (Beacon, 1976) 7.

17 U Silananda, *The four foundations of mindfulness* (Wisdom Publications, 1990).

18 Scott R. Bishop et al, 'Mindfulness: A Proposed Operational Definition' (2004) 11(3) *Clinical Psychology: Science and Practice* 230, 230.

19 Judee K. Burgoon, Charles R. Berger and Vincent R. Waldron, (2000), 'Mindfulness and Interpersonal Communication' 56(1) *Journal of Social Issues* 105, 105.

to, and during communication with others can accrue substantial benefits, especially in situations where conflict is exacerbated by processes of 'mindless blaming'.<sup>20</sup> This is often because in the process of conflict, parties are likely to fall into the negative patterns of focusing on the faults of one another, listening ineffectively to one another, and overlooking his or her own contributions to the conflict.<sup>21</sup> Conflict management tactics that promote the process of 'constructive disagreements' are those which increase mindfulness in conflict behaviour. These mindfulness tactics are outlined by Burgoon, Berger and Waldron as bringing unstated assumptions under scrutiny, making attempts to clearly articulate the position of both parties, and developing arguments that are adapted to the other side.<sup>22</sup>

For example, a situation may arise where we request that we be allowed to go home early from work. Without clear communication of the reasons for this request, perhaps because we need to be at home to look after a sick family member, it is easy to assume that those with whom we are communicating are being selfish and do not care about our circumstances which will cause us to be greatly upset. Exercising mindfulness allows us to stay in the present, without reacting to these surrounding factors and evaluating circumstances from a potentially negative perspective. Thus, mindfulness is linked with communication.

Our relationships are also essential factors in the exercise of mindfulness. If we have a history with the person we are interacting with, there is a tendency to assume their reaction. Making assumptions does not connect with mindfulness and these assumptions can often lead a disagreement into a downwards spiral. For example, you may have been refused permission to leave work early in the past, but in those circumstances you did not have a sick family member to get home to and did not complain and were not upset.

Waldron and Applegate examined this connection between mindfulness and relationships by examining conflict management tactics of individuals who were well liked by the people with whom they were dealing and who had greater success in changing their point of view.<sup>23</sup> They found that these people, with successful relationships and mindfulness of the other person, had a greater chance of success in situations of conflict through their ability to integrate the objectives of the other party.<sup>24</sup> Individuals displaying these characteristics were also more likely to have the ability to alter their behaviour as well as anticipate the response of the other party, with 'fallback' positions in place.<sup>25</sup> This common ground is a typical method in conflict resolution, however without the exercise of mindfulness, it is rarely found effectively or in a swift manner. There is an evident link here not only to relationships but also effective communication, as it has been found when differences between parties are made explicit, parties have a tendency to be more mindful and accommodating of one another.<sup>26</sup>

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20 Ibid 119.

21 Sillars and Wilmot (1994) cited in Judee K. Burgoon, Charles R. Berger and Vincent R. Waldron, '*Mindfulness and Interpersonal Communication*' (2000) 56(1) *Journal of Social Issues* 105, 119.

22 Burgoon, Berger and Waldron, above n 19, 119.

23 V Waldron and J Applegate, 'Interpersonal construct differentiation and conversational planning: An examination of two cognitive accounts for the productions of competent verbal disagreement tactics' (1994) 21 *Human Communication Research* 3-35.

24 Ibid.

25 Ibid.

26 Ibid 120.

It is evident that these elements of ‘constructive disagreements’ are inextricably linked.

## The Role of a Third Side

As a disagreement escalates into a conflict and then into a dispute, often the emotional responses of the parties become too heavily engaged and enter into overdrive. When driving, in the case of an accident becoming likely, it is the expectation that the driver of the car will apply the brakes. It is a truth universally acknowledged that it is the responsibility of the driver to avoid accidents. When considering this scenario in relation to the process of conflict resolution, it is not perhaps as clear which party bears the responsibility to stop or avoid a conflict.

Although it is sometimes concluded that in maintaining relationships it becomes the responsibility of either party to prevent conflict with each other, conflict is ultimately ‘essential to, ineradicable from, and inevitable in human life’.<sup>27</sup> Therefore, as has been mentioned, it is incredibly likely that from time to time parties will become engaged in a conflict and if it is highly emotional, it may become difficult for an individual to take upon themselves the responsibility to avoid escalating conflict with peers, friends or family. David Augsburger believes that this difficulty can be overcome using help from a ‘third side’:

*‘In any dispute, rarely can the two opposing parties design a constructive way out or a creative way through. A third party becomes essential, an outsider who does not contrive to think in an either-or manner or to apply conflict to resolve the conflict’.*<sup>28</sup>

Perhaps this is due to the fact that the inherent biases of an individual will affect the way in which they respond to the opinions being voiced by an opposing party and sometimes this becomes distressing or frustrating for each member of the conflict. The task of preventing conflict and seeking to enhance the experience of the individual at home, in the work place or any other place where conflict may arise is a task which is often considered important and hence the responsibility of all those surrounding any conflict.

The idea that it may not always be the sole responsibility of the parties engaged in conflicts to prevent and resolve them is not a new one. William Ury also raises ideas about the ‘third side’. Ury suggests that in order to resolve or prevent conflict, it is helpful to understand it as ‘three-sided’.<sup>29</sup> The ‘third side’ is described by Ury as people who are the outsiders and insiders to the conflict. Insiders such as friends, family, co-workers and others with whom a relationship already exists, are supported by outsiders such as neutral third parties, neighbours and bystanders who have the potential to help transform a disagreement from destructive conflict into constructive change. Ury argues that ‘no dispute takes place in a vacuum’<sup>30</sup> since there are always other people who are around or aware of the conflict. This surrounding community to the conflict actually act as a ‘container’ for the escalating conflict.<sup>31</sup>

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27 David W. Augsburger, *Conflict Mediation Across Cultures: Pathways and Patterns* (Westminster John Knox Press, 1992).

28 Ibid.

29 William Ury, *The Third Side: Why We Fight and How We Can Stop* (Penguin Books, 2000) 7.

30 Ibid.

31 Ibid.

Ury notes that there is no single third party in a conflict, there is often more than one external party with the power to step in and say 'no' to the continuation of conflict and 'yes' to opening up dialogue between parties. The ultimate benefit from the involvement of the 'third side' is the power to be reminded of the shared interests between the parties and the ability to appreciate each competing point of view, as opposed to the focus between the parties being centred on their personal differences.

A powerful fable is used by Ury to explain the role of the third side and the potential positive impact such involvement may have in a conflict:

*'In one of Aesop's fables, the North Wind and the Sun were arguing about who was more powerful. They finally agreed to a contest: whoever could strip a wandering shepherd boy of his cloak would win the argument. The North Wind went first, blowing with all his might, but the harder he blew, the more tightly the boy held on to his cloak. It was the Sun's turn next; she warmed the boy with her rays. In no time at all, the boy had decided to take off his cloak and bathe in the sun'.<sup>32</sup>*

While it may appear that one side merely prevails over the other with the Sun winning the original contest, Ury suggests that the North Wind and Sun represent different approaches to conflict. If the North Wind represents the approach often used in conflict in attempting to prevail over an opponent, now the boy, by the use of superior force, then the Sun represents the approach of the third side.<sup>33</sup> In using the power of persuasion the Sun influences the boy to remove his cloak through an appeal to his interests, that is to say it is in the boy's best interest to remove the cloak as he will become more comfortable and enjoy the warm weather. Ury argues that in this way, the third side 'possesses the power of peer pressure and the force of public opinion'.<sup>34</sup>

The 'third side' is an important element of the process of 'constructive disagreements'. Instead of allowing the conflict to go down a path with the use of force and coercion being the means by which parties attempt to get what they want, the 'third side' has the power to intervene in order to help both parties meet their needs. In the fable, the Sun wants the boy to remove his cloak but also finds a way to enable the boy to want the same thing.

This element is critical to the notion of constructive conflict as often parties in situations of conflict feel uncomfortable and can easily resort to attacking one another rather than the issue at hand. When this occurs, as has been discussed, the third side is able to remind each party what is important to the conflict and where there has been a breakdown in a relationship, to help in opening the channels of dialogue between the parties in order to begin working towards a solution.

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32 Ibid 15.

33 Ibid.

34 Ibid.

## Forgiveness

The culmination of a successful 'constructive disagreement' is forgiveness and apology. The importance of these actions are reflected by Joseph Montville (a former diplomat with posts in the Middle East and Africa) that in many deep-rooted conflicts, apology and forgiveness are essential for reconciliation and conflict resolution. Continued blame prevents resolution and relationships of trust cannot be formed or restored.<sup>35</sup>

As has been suggested, conflict is not always just the dispute visible on the surface. There are often several underlying factors involved in disagreements. It is often the case that a party engaged in conflict is seeking redress of more than just the issue on the surface which cause the conflict. Sometimes the thing desired the most is an apology or forgiveness.

These two actions are powerful and are essential to the process of reconciliation, the final step in a 'constructive disagreement'. However, sometimes this process is difficult to achieve. Primarily the issue arises from an apology essentially requiring one party to admit fault for their role in the dispute. Often in an attempt to resolve conflict with others, the focus of each party on 'winning' or achieving their own objectives is so strong that admitting fault or guilt becomes the most difficult task of all.

The formal termination of a conflict coincides with reconciliation between parties. The power of an apology in conflict hence is that it acts as a signpost of regret and a willingness to change behaviour and rebuild the relationship. Indeed forgiveness in response to an apology from the other side acts in a similar way, letting the other side know that instead of prolonging the conflict, they are also ready to rebuild.

However, as each conflict or dispute is unique and based on a vast range of divergent factors, no two conflicts are the same and some might be more complex and serious than others. The implication of this being – the deeper the wound, the harder it may be to heal. Parties to a disagreement must be willing to forgive and hence can explore the benefits of forgiveness. Waldman and Luskin have identified that simply remembering a hurtful experience, such as conflict with others, actually triggers a biochemical stress response.<sup>36</sup> This suggests that being able to move forward from a disagreement or conflict might actually reap emotional health benefits. Furthermore, the Program on Negotiation (Harvard Law School) concludes that 'in the context of negotiation, the forgiveness inspired by a sincere, well-timed apology can improve the odds of settlement and repair relationships'.<sup>37</sup>

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35 Joseph V. Montville, 'The Healing Function in Political Conflict Resolution' in Dennis J. D. Sandole and Hugo Van der Merwe (eds), *Conflict Resolution Theory and Practice Integration and Application* (Manchester University Press, 1993) 112.

36 Ellen Waldman and Frederic Luskin, 'Unforgiven: Anger and Forgiveness' in Andrea Kupfer Schneider and Christopher Honeyman, *The Negotiator's Fieldbook* (American Bar Association, 2006).

37 PON Staff, 2012, 'Trying to Forgive and Move Forward', *Program on Negotiation: Harvard Law School: Daily Blog, weblog*, Harvard Law School, Boston, viewed 2 August 2013, <<http://www.pon.harvard.edu/daily/conflict-resolution/trying-to-forgive-and-move-forward/>>.



Being unwilling to forgive another party may not indicate a weakness, however there may be ways in which individuals can increase their capacity to forgive. The Program on Negotiation examined an experiment conducted by Michael P. Haselhuhn, Maurice E. Schweitzer and Alison M. Wood in 2010. The experiment involved a situation where participants faced an opponent in a computerised negotiation who repeatedly violated their trust. The results of that experiment revealed that the willingness to forgive a party who may have hurt our feelings, or whether or not we chose to engage in a conflict situation at all, might actually be dependent on an individual's personal beliefs about human nature and the potential for others to change. The implication from that study was that participants who believed that their opponent had the potential to change their moral character over time were more likely to accept the apology and forgive their opponent, as opposed to wary participants who tended to believe that our moral characters are fixed. This suggests that it may be possible to increase our capacity for forgiveness by considering the possibility that those offering us an apology are capable of changing their behaviour. The potential of this would aid the implementation of the process of apologising and forgiving as the penultimate component in the process of a 'constructive disagreement'.

## Conclusion

It has been demonstrated that the escalation of a disagreement into dispute and conflict is a complex and multi-faceted process involving individuals' interests, positions and emotions being played against one another. While conflict may indeed be inevitable in all facets of life, it does not necessarily have to become a negative process which causes relationships to disintegrate.

Certainly, conflict is a highly emotional engagement between two parties which is often riddled with hurdles to resolution. It does appear however, at least theoretically, that it is possible to find a way to benefit from the conflict through the process of resolution. In the same way conflict is inherently complex and multi-faceted, so too is the process of a 'constructive disagreement' on the path to resolution. The elements of a 'constructive disagreement' are the practice of communication within our relationships and relationship maintenance, the practice of mindfulness, the role of a 'third side', and the practice of apology and forgiveness. Each of these elements represents a pivotal process which must be completed in order to transform the conflict from 'destructive' to 'constructive'.

