

FOREWORD: BRIDGING POLARISED DISCOURSE

Dispute is an unavoidable form of social engagement. This special issue contributes contemporary experiences and perspectives on conflict and on dispute resolution from an anthropological perspective. The authors acknowledge existing discourses among scholars and practitioners in disciplines including law, negotiation, mediation, psychology, and communication (not to the exclusion of others), and it is to these conversations that we contribute. Like our colleagues in other disciplines, anthropologists tend to champion effective management to prevent dispute from developing into long-term harm, damage, or resentful entanglements. However, as this special issue shows, sometimes even our own community of practice can find itself in seemingly unresolvable dispute situations. Active contestation of ideas may foster new insights and improve outcomes or ways of working together.

The existing dispute management discourses offer frameworks to help individuals, groups, corporations, and countries move beyond positional arguments to more principled, empathetic and constructive resolution. We bring our insights into bridging polarised discourses, drawing from anthropological research methods such as participant observation (in the field) and ethnography (synthesising observed social behaviours and cultural framings through the lens of theory). That is not to say that anthropology is the 'magic wand' to arrive at peaceful conclusions; but we suggest that it provides methodological and analytical tools with which the roots of conflicting values may be understood—no matter how difficult. This understanding opens the way for meaningful, respectful engagement, increasing the potential for contesting parties to find common ground and potentially common ground, between contesting parties. The authors each contribute important methods and insights arising from their different settings. Their grounded research provides real contexts to theoretical discussion of principles of negotiation.

The authors in this volume are not the first in our discipline to contribute to this dialogue. Eminent anthropologist William Ury helped to establish the International Negotiation Network with former US President Jimmy Carter. He also co-founded the Harvard Program on Negotiation with law professors Roger Fisher and Bruce Patton.

Fisher, Ury and Patton's (1981) seminal work *Getting to Yes* is one of the most well-known and widely used texts on negotiation. Fisher *et al.* advocate for principled negotiation methods that focus on separating people from problems. They aim for interests rather than positions, thus generating several options that may lead to finding agreement. These steps to agreement making are predicated on the disputing parties agreeing to use objective criteria, such

as fair standards, external benchmarks, or legitimate procedures rather than power or pressure. Fisher *et al.* also discuss dealing with situations where there is unequal power between the disputing parties, refusal to play by the rules, or underhanded behaviour. While their work has been criticised for describing the world “as it should be, and not as it is” (Steinberg 1982), many contexts in which applied anthropologists work (such as courts, government, or business negotiations) require structured negotiation—with limited, if any, acceptance of any other form of dialogue.

William Ury’s (1991) *Getting Past No* goes some way to addressing Steinberg’s criticism by presenting negotiation strategies for dealing with uncooperative parties—including those who have no desire to negotiate. Some of Ury’s strategies include: managing one’s own emotional state; “going to the balcony” (seeing the process from a distance to calm oneself); “stepping to their side” (listening and understanding their viewpoint); reframing the dispute; using power to educate; and “building them a golden bridge” (helping them save face and move toward your proposal in ways that feel comfortable to them). These strategies of positioning oneself are straight from an anthropologist’s toolbox. The anthropological method of ‘participant-observation’ requires practitioners to understand the worldviews of people with whom we work without necessarily developing or committing to those views ourselves.

Negotiation coach Jim Camp’s (2002) *Start with No* similarly emphasises the importance of setting clear boundaries and using “no” as a tool rather than seeing it as failure. He provides advice on controlling negotiation processes, warning to avoid the emotional or psychological trap of needing the other side to say “yes.” Camp encourages rigorous engagement, ensuring that negotiators are not compromising their core interests in pursuit of agreement.

Similarly, Myrna Lewis and Jennifer Woodhull’s (2018) self-published guide *Inside the NO: Five steps to decisions that last* advances the method of “Deep Democracy” (DD), which was inspired by the late Jungian psychologist, Arnold Mindell (1992), describes ways of opening up space for deeper conversation within tense interactions. The International Association of Process Work Practitioners describes DD as “an attitude that focuses on the awareness of voices that are both central and marginal”. The DD method was applied by Lewis and her late husband, Greg, in large group conflict settings in South Africa during the Apartheid regime. The types of conflict settings in which Lewis worked were often starkly different from the controlled spaces presided over in Fisher and Patton’s courts of law. Yet in Australia, anthropologists may find themselves working in both types of settings—from controlled courtrooms and to scenes of civic rebellion (see Trigger 2025).

In contrast with the preceding authors, Chris Voss draws on his work as an FBI hostage negotiator to present tactics that are more adversarial and psychological, often under high stakes (Voss and Raz 2017). These are not ordinarily situations in which anthropologists work, but applied anthropologists require high levels of emotional intelligence in settings where

they encounter conflict. For example, some of Voss and Raz's key techniques include "tactical empathy", actively listening but also labelling the counterpart's emotions, mirroring, letting them feel heard. This is similar to the mirroring and reflection methods that anthropologists use in 'concept checking' during fieldwork. Like Camp, Voss and Raz see "no" as a tool, rather than as a rejection - providing a means through which to uncover the latent sensitivities underlying the other side's position. It enables both parties to preserve boundaries while considering alternative resolutions. Negotiators begin questions with words such as "how" or "what" to force the counterpart to think, to reveal information, and potentially to arrive at solutions. They use mirroring, effective pauses, and voice tone to defuse tension. These techniques are used assertively but in carefully attuned ways—including the subtle application of pressure but always paying attention to emotions, fear, and perception.

While not emerging from the same intense places as Lewis' or Voss's guides, Douglas Stone, Bruce Patton and Sheila Heen's (1999) book also advocate for emotional intelligence and psychological approaches. *Difficult Conversations: How to Discuss what Matters Most* provides a framework for navigating challenging conversations and disputes. It helps readers understand the underlying dynamics of difficult conversations and offers practical strategies for engaging in them productively. They posit that every difficult conversation has three underlying conversations:

The "What Happened?" conversation—to understand each side's interpretations and intents;

The feelings conversation—whose and what feelings are involved; and

The identity conversation—what does this dispute or conversation say about me as a person, my self-view, my competence, my standing.

Like each of the preceding guides, Stone *et al.* stipulate that the development of trust and empathy are cornerstones. Techniques include: listening to the other's story without negating your own; speaking about your views in a way that invites the other's views; and exploring multiple plausible truths rather than insisting on one single "objective" truth.

In practice, anthropologists find themselves working within a range of settings—formal, informal, and amalgams of the two. We may often find ourselves in situations where conflict is vitriolic and not open to negotiation—where the researcher is among others seeking shelter from violence behind barricades or by leaving the field. Conversely, we may learn new ways of effective negotiation from the people with whom we work. And we may also find ourselves beset by conflict among our anthropological or other peers.

In the more than 40 years since *Getting to Yes* was published, the world has changed and so too have the contexts in which anthropologists work and encounter dispute. Since at least the 1960s, our discipline has been at the forefront of advocating and negotiating for change in legislation, industry and society – such as for Indigenous peoples' land and sea rights, for the rights of migrants and refugees, for gender equality, for climate change negotiations, and for world peace. However, we are now living in the age of Internet and

Communication Technologies (ICTs). Just as the invention of the Gutenberg Press was a catalyst for the spread of witch-hunting literature, like the *Malleus Maleficarum* (Monter 1976), ICTs provide forums through which everybody who has access to devices and software can express opinions, engage in disputes, and inspire civil disobedience.

In the age of ICTs, the spread, speed, and potential fall-out of such dispute extends further and faster than ever before. The Editors of this special issue, Tim Pilbrow and Pascale Taplin, contribute an anthropological interpretation of the unsuccessful campaign to introduce an Indigenous Voice to the Australian Parliament. The matter went to federal referendum in 2023, but the Yes campaign was promptly defeated. Pilbrow and Taplin consider the role of social media in delivering “tailored news”, “online echo chambers”, and “epistemic bubbles” that negated any real chance of informed public debate. They draw on examples to suggest how anthropologists can contribute to improved communication, bridging “divergent discourses”.

This volume therefore presents a diverse range of contemporary contexts in which anthropologists encounter disputes. Some settings, like those encountered by Elizabeth Fewster, are also informed by the digital age. Fewster shares insights from her research during the height of the COVID-19 pandemic into Australian parents’ decisions on whether or not to allow their children to be vaccinated. Fewster’s findings render problematic the dichotomous pro-vax/anti-vax divide, finding common ground between these two, and other, demographics. She considers the role of medicine’s epistemological foundations and “the illusion of certainty” in creating an illusion of paradoxical views. Fewster also reflects on the roles that agency, embodied knowledge, autonomy, and control play in parents’ decision-making on immunisation.

Louise Allwood, drawing from her early applied anthropological career, presents a raw account of how she expectedly encountered intense anger and abuse while delivering unwelcome news to a native title claimant group in Queensland for whom she was working. A similar experience occurred again many years later. Allwood draws on the work of Kapferer and Leder to describe “emotionally charged intentionality” that can “penetrate into the body of ‘an other’”. The resultant experience of acute self-awareness can immobilise the body and have social consequences. But rather than abandon the profession, Allwood remains determined to learn from such tumultuous encounters, and considers how emotional intentionality can both divide and create working relationships.

Alex Fearnside presents an interesting and inspiring study of an inner-Melbourne co-housing development. Dispute avoidance is written into the management framework from inception, emphasising “strong relationships, shared vision, and effective communication”. Training programs on communication and non-violent conflict resolution are integral, along with informal gatherings aimed at relationship building.

Myrna Lewis herself contributes an article on Lewis Deep Democracy, and looks at how LDD is applied in South Africa and in Germany, promoting

dialogue on Jewish-German relations. Lewis argues that dynamic dialogue gives rise to emotional breakthroughs on which resolution and closure can be established. Her case studies provide intimate insights into how skilled facilitators can nurture oppositional parties to dialogue—and maybe even acknowledgement of common ground.

Each of these authors provide grounded examples and practical theoretical perspectives that either directly describe or evoke ways in which anthropology may contribute to current discourses on conflict resolution. Like earlier scholars from other disciplines, they suggest that empathy, emotional competence, and tactical strategies are necessary. Sensitivity must be alert to contexts such as culture, language, power, task, stakes, and relationships. Sometimes, agreement may not be a possible outcome – or even the objective. It may be more functional that relationships are preserved, trust is maintained, the possibility of future cooperation is real, and there is no residual emotional animosity or hurt.

Dispute resolution is not a one-size-fits-all proposition. The authors in this special issue, like others before, each contribute valuable insights and tools: principled negotiation, emotional intelligence, identity awareness, tactical empathy, and managing power and resistance. In addition, the authors add contemporary case studies from which we may learn. Fearnside and Lewis provide integrated frameworks and strategic tools that offer potential for meaningful and sustainable outcomes.

Dispute, when handled well, is not merely something to endure, but something to learn from—a doorway to deeper understanding, renewed relationships, and more creative solutions.

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