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## APPROACHES TO CONFLICT, ALTERNATE DISPUTE RESOLUTION

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### Approaches to conflict

People often have very different ideas about *conflict*, including what constitutes a conflict, the relative positive or negative value of conflict, and the lens (individual vs. collective, emotional vs. thinking, etc.) through which it is seen. For example, in some cultures conflict is seen as a normal part of each individual's life with the potential to be either positive or negative in its consequences ... and in others, conflict is a negative anomaly, something which disrupts community harmony. In another example, in some cultures conflict is perceived as resulting from emotions (however they may be expressed), and in other cultures, conflict is perceived as arising from conflicting thoughts or ideas.

Similarly, *approaches to conflict* vary in different cultural contexts, with cultural norms defining who should be involved in a conflict, the role and qualifications of any third parties, the degree to which conflicts should be outwardly acknowledged or talked about, and the ways in which particular behaviors are acceptable or not during a conflict.

Researchers like Geert Hofstede identify mainstream U.S. culture as being individualistic and relatively egalitarian ("low power distance"), with a competitive and fairly short-term focus. Those cultural assumptions are reflected in the most common approaches to conflict found in the United States. Researchers Kenneth Thomas and Ralph Kilmann have identified five general approaches:

- Avoidance (no engagement, no "win" for either party)
- Accommodation (one party gives up all they need in the spirit of cooperativeness, "lose/win" outcome)
- Aggression/competing (one party gets all they need in the spirit of assertiveness, "win/lose" outcome)
- Compromise (each party gets some of what they need; limited "win/win" outcome)
- Collaboration (each party gets "all" they need; "win/win" outcome)

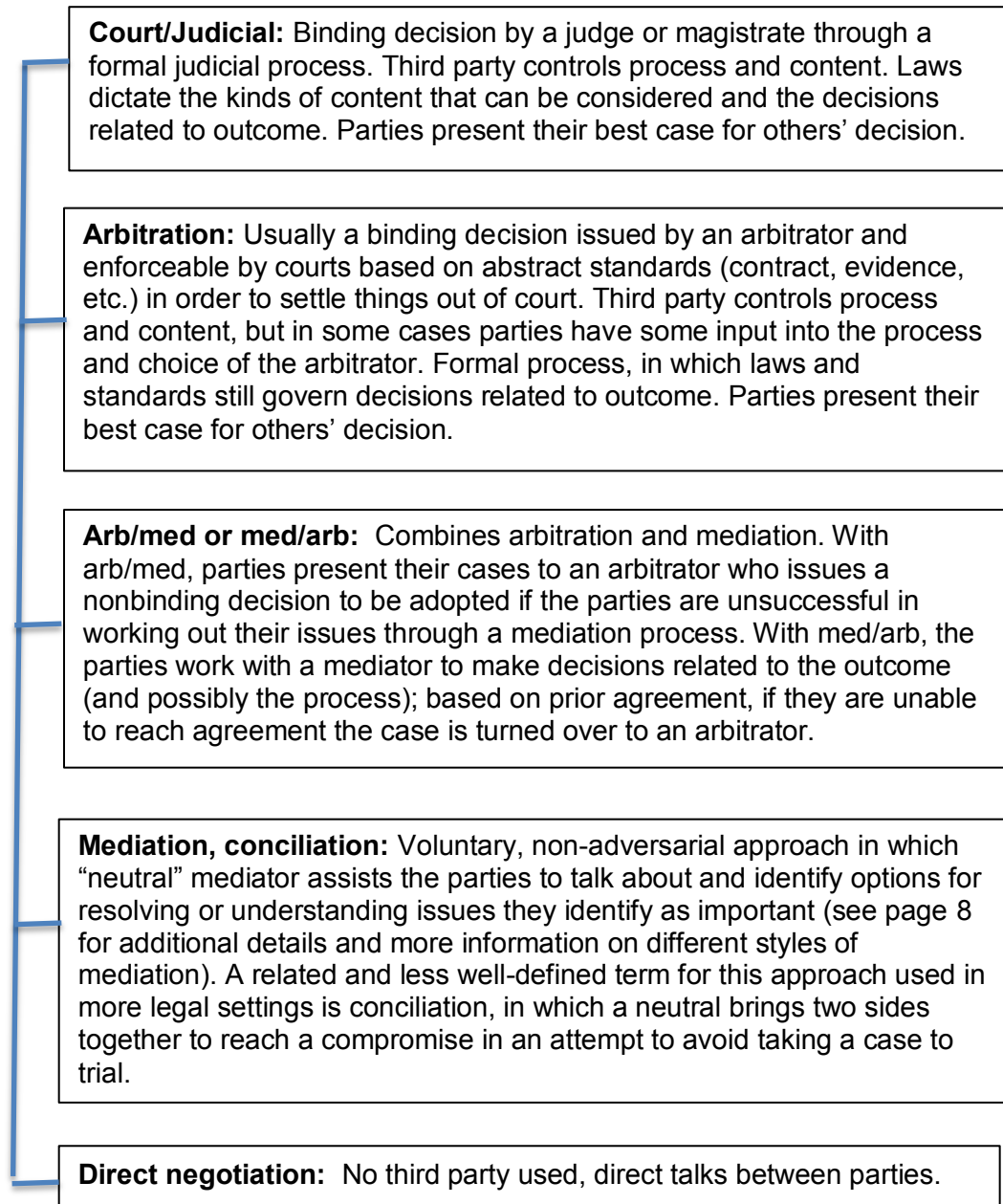
For most of us, there is a default approach which we may turn to when in most stress; however, we use different approaches depending on the context of the situation. When this list of approaches is discussed there is often a tendency to emphasize "win/win" approaches, which are the basis for mediation and related practices and which are probably not our cultural defaults – to engage in compromise or collaboration often requires a significant shift in our perspective and attitude.

Our ability to tap into "win/win" energy depends in part on our ability to de-escalate a situation. Physiologically, we have to move from the flight-fight-freeze portions of our brain if we want to engage the cognitive portions of our brain in talk-negotiate-collaborate activities. Given the degree of trauma which is often associated with conflict, conflict interveners usually need to cultivate a sense of safety so that the people in the conflict can calm themselves and engage with the "thinking" part of the brain.

## Alternative dispute resolution (ADR)

Interest in “win/win” approaches in the U.S. grew in the 1960s and the 1970s, partially as an alternative to dealing with disputes through the judicial system and courts, and partially as a means of empowering community members to make their own decisions about issues that affect them.

The alternative dispute resolution (ADR) field includes a range of non-judicial methods of dealing with conflict. These methods can be broadly categorized based on the presence and role of third parties, and the power of the parties to direct the process and/or outcomes. The following diagram outlines some of the most common ADR practices, ranging from the broadest role for the third party and least for the parties (top) to the least intervention by the third party and most for the parties (bottom)\*:



*Note: These definitions and notes are generalizations; there are variations in definition and use of these approaches. Also, we have included judicial outcomes and direct negotiation (without a third party) for comparative purposes, even though they are not ADR processes.*

Lists of ADR processes often include practices designed to provide information about potential judicial outcomes in an effort to facilitate out-of-court settlements. For example, with **mini-trials** a neutral party conducts a hearing at which lawyers and experts present their case to high-level representatives of each party (usually corporate management). With **evaluation (or early neutral evaluation – ENE)**, a neutral (usually an attorney) provides advice on the relative strength of parties' legal cases. With a **summary jury trial**, parties present abbreviated versions of their case to a group of jurors who issue an advisory opinion related to the case. With all of these approaches, the goal is to develop increased understanding of the strengths and weaknesses of each party's positions, so that parties may re-enter negotiations with additional information and willingness to compromise.