

Hamline University School of Law • Dispute Resolution Institute

Neuroscience, Social Sciences and Conflict

Syllabus, Summer 2011

- Professor** Dr. Timothy Hedeem, tkhedeem@yahoo.com or 770-423-6879
- Meetings** May 21st, 9am-5pm; May 23rd, 24th, 25th, 26th, 4:30pm-9:15pm
- Description** Our understanding of conflict has expanded greatly in recent years through developments in the field of neuroscience—specifically, how the brain functions, perceives events, processes emotions, and formulates decisions. This course will integrate readings, exercises, and discussions to provide participants greater insight about the causes and effects of conflict behavior drawing on research in neuroscience, biology, psychology, sociology, social psychology, and behavioral economics. With particular emphasis on decision-making, this course should be valuable to scholars and practitioners interested in conflict in legal, organizational, or interpersonal contexts.
- Materials**
1. Course reader of articles, book chapters
 2. Barry Goldman, *The Science of Settlement: Ideas for Negotiators* (“SOS”)
- Assignments**
1. Attend all class meetings. Students must complete ‘equity’ writing assignments to demonstrate mastery of material covered during any absence. [10% of course grade]
 2. Student grades will be based on a written assignment of 3,300-3,900 words [90% of course grade]. Develop an advisory memo from the position of a trusted adviser to an appropriate third-party neutral. Please select a dispute that has received sufficient coverage to allow you to examine the parties’ strategies, tactics, and other conflict behaviors. The memo will consist of three distinct sections (*indicate the word count for each section*):
 - a. Overview (600-900 words): provide your advisee an overview of the dispute, with specific attention to the parties’ relationship and relevant actions, as well as the broader context.
 - b. Analysis (1,800-2,700 words): apply neuroscience and social science lessons and theories to understand—and predict—parties’ behaviors related to this dispute. Employ no fewer than three but no more than five concepts grounded in social science and neuroscience—these may come from course readings or your own research. Presume your advisee has no familiarity with these concepts, so you’ll want to introduce and summarize these accessibly before presenting your analysis; citing your sources is important!
 - c. Recommended interventions (600-900 words): propose a course of action for the advisee/neutral; for the purpose of this assignment, inaction or non-intervention are

not fitting recommendations. Justify the recommended action/s with clear reference to course materials or related literatures.

Provide appropriate citations in a recognized format (Chicago, APA, Bluebook, e.g.) for any and all works referenced in your analysis.

All final papers must be submitted no later than 4:00 p.m. on Monday, June 13, at the Office of the Registrar. Please keep a copy of your paper and obtain a time-stamped receipt. Students not residing in the Twin Cities may mail their paper to Debra Berghoff, Dispute Resolution Institute, 1536 Hewitt Ave, MS-D2004, St. Paul MN 55104. Submissions must be sent via two-day priority mail and postmarked no later than June 13 (it is recommended that you obtain a receipt from the post office in case you need to verify that the paper was mailed on time).

Grading is anonymous and consequently you should only include your final exam number on your their final paper.

Agenda Please complete readings *prior* to the date for which they're listed.

Sat. (21st) **Introductions (of the course, the fields, and each other) (55pp)**

- Wang & Aamodt, "Your Brain Lies to You," June 27, 2008, *NYTimes* (www.nytimes.com/2008/06/27/opinion/27aamodt.html) (1p)
- Goldman, *SOS*, Ch. 1: Introduction (8pp)
- Greely, "Law and the Revolution in Neuroscience," 2009, 42 *Akron L R* 687 (28pp; or 45min at www.uakron.edu/law/video/neuroscience/keynote.dot)
- Burns & Bechara, "Decision Making and Free Will: A Neuroscience Perspective," 2007, 25 *Behavioral Sci & Law* 263 (18pp)

Mon. (23rd) **Neuroscience (neuroethics, social neuroscience, neuroeconomics) (96pp)**

- Birke, "Neuroscience and Settlement," 2010, 25 *Ohio St U J on Disp Resol* 477 (53pp)
- Pfaff, "The Urge to Harm," Ch. 8 of *The Neuroscience of Fair Play*, 2007 (24pp)
- Yarn & Jones, "A Biological Approach to Understanding Resistance to Apology, Forgiveness, and Reconciliation in Group Conflict," 2009, 72 *Law & Contemp Prob* 63 (19pp)

Tues. (24th) **Social psychology, behavioral economics (136pp)**

- Jolls, Sunstein & Thaler, "A Behavioral Approach to Law and Economics," 1998, 50 *Stanford L R* 1471 (78pp)
- Goldman, *SOS*, Ch. 2: Preparation (58pp)

Wed. (25th) **Further inquiry and application (120pp)**

- Loewenstein & O'Donoghue, "We Can Do This the Easy Way or the Hard Way," 2006, 73 *U Chicago LR* 183 (24pp)
- Leach, "Envy, Inferiority, and Injustice: Three Bases of Anger about Inequality," Ch. 6 of Smith, ed., *Envy: Theory and Research*, 2008 (20pp)
- Goldman, *SOS*, Ch. 3: Bargaining (76pp)

Thu. (26th) **Application, application, application (66pp)**

- Goldman, *SOS*, Chs. 4, 5, 6 (25pp)
- Kiser, Asher & McShane "Let's Not Make a Deal," 2008, 5 *J of Empirical Legal Stud* 551 (41pp) (online at www.blakemcshane.com/Papers/jels_settlement.pdf)