

Dispute Resolution Institute
January Term 2014

Theories of Conflict

Jan. 2, 6, 7, 8 & 9: 5:30 – 9:15pm
Jan.4: 9:00am – 5:00pm

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“There are no data independent of theory, no observations not made from a perspective. Data alone do not tell us anything; they do not speak, but are interpreted by people.”

- Carol Gilligan (1993) Reply to critics. In M.J. Larrabee, An ethic of care: Feminist and interdisciplinary perspectives, 207-214. New York, NY: Routledge.

About this course: This interdisciplinary course introduces students to important theoretical perspectives on our understanding of conflict, which has a profound impact on how we view conflict response. This class provides the necessary foundation and context for understanding and evaluating the dynamics of conflict interactions, and the assumptions underlying specific approaches to intervention.

After a general introduction to the concept of perspectivism and the connection between theories and perspectives, students will survey various perspectives on conflict and attendant theories. Specifically, students will explore the biological/physiological, social psychological, communication and sociological/political perspectives on conflict by reading and discussing major theoretical works within each perspective. Emphasis will be on comparing and distinguishing key dimensions of these theories, such as the nature and sources of conflict, conflict escalation, conflict resolution, and the nature of the third party role.

The class will follow an interactive format, using exercises and group discussion to draw upon personal experience and demonstrate the usefulness of each theory to understanding the experience of conflict, whether in the context of interpersonal, inter-ethnic, domestic or international disputes. Class participation is essential, which means that class *preparation* is essential.

Readings: Because this is a theory (as opposed to a primarily skills) course, there is a significant amount of reading, some of which is different than standard law texts. To the extent

possible, I have distilled down the readings to accommodate the intensive schedule of this course. All readings are either in the book or the course reader that have been distributed to you in advance of the course. **Because of the intensive schedule, I strongly recommend you complete all readings in advance of the course. In particular, the readings for Saturday, January 4, are on the heavy side.** At a minimum, I will expect and assume you have read and understood each reading assignment *before* the class in which it is covered.

Reading Worksheet: In order to assist with course readings, I have developed a “Reading Worksheet” which is for your use as you complete the various readings. A copy has been sent to you with the syllabus. I suggest you make copies for each reading. You will not turn the Worksheets in, but they can help you in three ways: First, it will assure that you are prepared for class, and have focused your efforts on understanding those portions of the readings that are most relevant (i.e., it supports selective skimming if you really, really must!). Second, it will help you remember things that you read before class, and save you the trouble of rereading. Third, it will help you organize your thoughts for the final paper as you go along at each class meeting, so it is not too large a project at the end.

Attendance and expectations: Timely attendance at all class sessions is mandatory. I hold high confidence in, and expectations of, you. I expect you will have completed all required readings and have given them serious, thoughtful and critical reflection in preparation for the class for which they are assigned. I further expect that you will come to class ready to use those readings in discussion and other activities designed to expand on, and challenge, the ideas contained in them. Your preparation will support both your own, and your fellow classmates’ learning.

Grading: Your grade will be based on the following criteria:

- 20% Class participation and evidence of completed readings
- 20% Reflective journal
- 60% Final analytical paper of 12-15 pages

Class participation. This is not a lecture class where you can be a passive receptacle of information. It is designed to be interactive. You will learn best by becoming a fully engaged and participating member of the learning community. Understanding that each person contributes in their own ways (some are more expressive while others are more introspective and deliberate before contributing), we will have a variety of ways for you to contribute to our classroom learning. You will share responsibility for rating your level of preparation and participation. At the end of each class session you will rate yourself, using the guidelines on a daily “Participation Worksheet” (a sample of which has been sent to you with the syllabus). I believe this approach accomplishes a couple of things. First, it makes you responsible for your own learning. And second, it also accommodates (to some extent) the uniqueness of each person’s learning and interaction styles, including the fact that what is very active participation for someone who is quite introverted may be relatively low participation for someone who is quite extroverted. Nonetheless, honesty is the best policy, and I reserve the right to override any rating that does not reasonably comport with my observations of reality (whether too lenient or too harsh). Your Participation Worksheets will be collected at the end of each class day.

Reflective journal (4-6 pages, excluding cover page): One of the more important outcomes of this class is your increased level of self-awareness as a conflict responder. I want you to address two questions in this journal (at least two pages on each question):

- 1) From our six (6) class sessions together, what are the most important insights or lessons you have learned **about yourself** as a person who will work with conflict and lessons you have learned **about the nature of conflict** itself? You should refer to specific readings and/or exercises to respond to this question (including quotes where appropriate), but I am primarily interested in the degree to which you seriously and deeply reflect on your own growth and learning; and
- 2) How do these insights and lessons shape or inform your understanding of the law and your role as a lawyer (or the profession with which you identify)?

I am not looking for an essay that you wrote off the top of your head (like a quick daily reflection). Rather, I will be grading you primarily on the degree to which you have **challenged** yourself to **think deeply and critically** about what we have studied. This reflective paper may take more time to write than you initially expect.

Final paper (12-15 pages, excluding cover page and bibliography): Film-based case analysis: an in-depth analysis of the film *12 Angry Men*, which we will watch in class. This analysis must include, at a minimum, the following sections (please organize and number your paper accordingly):

Section 1: Select three different **theories** that we have studied in class (and for which there were assigned readings) with which to analyze the film (one individualist, one constructionist and one of your own choosing). In section one, provide a **complete** description of each theory you will use (not a brief summary), demonstrating your understanding of the theory with some level of depth and sophistication and citing from readings as appropriate, including direct quotes using correct citation format.

Section 2: Select two scenes or interactions to analyze. Give me a very brief description of the scenes or interactions so I will know what you are focusing on in the film (I'm very familiar with the movie, so a very brief description will be sufficient). **Carefully** and **closely** analyze this scene or set of interactions by applying each of the three theories you chose, identifying what insights are revealed about the conflict or the parties by each theory. Be careful here NOT to speculate or draw conclusions that go beyond the actual data present in the movie. If you find that you need to make assumptions about the film, name your assumptions. Then, identify what specific questions or further inquiry you would want to make to verify your assumptions (and how that inquiry is consistent with the particular theory you are using).

Section 3: Discuss the **usefulness and limitations** of each of the theories you employed. Focus on whether and how each theory gives you a different and deeper understanding of the conflict you are analyzing. Draw any appropriate conclusions about the use of theory to understand conflict.

When and Where Due: Both the reflective journal and final paper are due no later than 4:30pm on **Thursday, January 23, 2014** (fourteen (14) days after the end of the course). Specific submission instructions will be distributed in class.

Technical Information for journal and paper: The reflective journal and the final analytical papers should both be double-spaced, 12-point Times New Roman type face with one inch margins all around. Please indent new paragraphs. Where indicated in the instructions, you must follow the correct format (such as inclusion of section headings).

On the reflective journal and the final paper, identify yourself **only** with your student exam number (no names). **NOTE: PAPERS SUBMITTED WITHOUT EXAM NUMBERS PRINTED ON THEM WILL NOT BE GRADED.**

NOTE ACADEMIC RULE AR-105(B)(8): A student who does not take a scheduled examination will receive a grade of "F" for that examination, unless properly excused. In addition, any student who does not turn in a required paper on the scheduled date will receive a grade of "F" for that paper, unless properly excused. Failure to meet any course requirement can be the basis for a final grade of "F" in the class, unless properly excused.

This syllabus is the result of an evolution in thinking about the place of perspective in conflict analysis, including important contributions of others besides Professor Fox. Ken wishes to acknowledge the important influence and contributions of Professor Jack Schaffer, with whom Ken originally developed this course in 1997 and with whom he has taught the course in the Hamline University School of Business and School of Liberal Studies. Ken further acknowledges the role Professor Dorothy J. Della Noce played in the more recent development of this course. In turn, Dorothy would like to acknowledge her gratitude to Professors Joseph P. Folger and Randall K. Stutman, whose courses on Conflict Theory and Communication Theory at Temple University have had a profound influence on her work in the development of her teaching.

PLAN OF STUDY

THURSDAY JANUARY 2
(5:30 – 9:15pm)

Course Overview and Introductions Introduction to “Perspectivism”

Perspectivism and Conflict Theory

Key questions in analyzing conflict theories for an understanding of perspective

Reading:

Ruth C. Smith and Eric M. Eisenberg, “Conflict at Disneyland: A Root-Metaphor Analysis”, *54 Communication Monographs*, 367-380 (1987)

Jeffrey Nealon, “Ideology” in *Theory Toolbox: Critical concepts for the Humanities, Arts and Social Sciences* (Rowman and Littlefield 2003)

Goleman, D. Know Thyself. In *Emotional Intelligence*. Bantam Books

Lisa Bingham, “When We Hold No Truths to be Self-Evident: Truth, Belief, Trust and the Decline in Trials” *2006 Journal of Dispute Resolution*, 131 (2006)

SATURDAY, JANUARY 4
(9:00a.m. – 5:00p.m.)

Individual, Social Identities and other Cognitive perspectives (Who we are in relation to conflict)

Biological Theories

Reading:

“Taming a Dangerous Urge: Czechs Defend Castration of Pedophiles”
International Herald Tribune (March 11, 2009)

Steven R. Quartz and Terrence J. Sejnowski, “Our Brains, Ourselves” in *Liars, Lovers and Heroes: What the New Brain Science Reveals About How We Become Who We Are* (Morrow, 2002)

Psychodynamic Theories

Reading:

“What Does It Mean to be Irish?” *Newsweek* (March 30, 2009)

Marilynn B. Brewer, “Ingroup Identification and Intergroup Conflict: When Does Ingroup Love Become Outgroup Hate?” in Richard D. Ashmore, Lee Jussim and David Wilder (Eds.), *Social Identity, Intergroup Conflict, and Conflict Reduction*, (Oxford Press, 2001)

MONDAY, JANUARY 6
(5:30 – 9:15pm)

Cognitive and Behavioral Psychological Theories
Communication theories

Reading:

Social Conflict: Escalation, Stalemate, and Settlement, Third Edition Chapters 1, 2, 3, 4, and 5. I also recommend chapters 9, 10 and 11.

TUESDAY, JANUARY 7
(5:30 – 9:15pm)

Social Constructionist and Relational Perspectives

Introduction to social constructionist and relational worldviews

Reading:

Carl R. Rogers, *On Becoming a Person: A Therapist's View of Psychotherapy*.
Mariner Books (1989), Chapters 2 and 3.

"What's In a Word?" *Newsweek.com*

Kenneth J. Gergen, "Toward Relational Selves" in *An Invitation to Social Construction* (Sage Publications, 1999)

W. Barnett Pearce and Stephen W. Littlejohn. *Moral Conflict: When Social Worlds Collide* (Sage Publications, 1997)
Chapters 1, 2, and 5

WEDNESDAY, JANUARY 8
(5:30am – 9:15pm)

Social constructionist and relational worldviews
Application of worldviews to conflict analysis

Reading:

John M. Conley and William M. O-Barr, "The Language of Mediation", in *Just Words: Law Language and Power*. (Chicago: University of Chicago Press, 1998).

Joseph P. Folger and Robert A. Baruch Bush, "Ideology, Orientations to Conflict, and Mediation Discourse" in Joseph P. Folger and Tricia S. Jones (Eds.), *New Directions in Mediation: Communication Research and Perspectives* (Sage, 1994)

THURSDAY, JANUARY 9
(5:30 – 9:15pm)

Social Structural perspective
Summary and Application

Social structural and systems theories
Social Domination Theory

Reading:

Schellenberg, J. (1996). *Social Structural Theories*. In *Conflict Resolution: Theory, Research and Practice*. New York: SUNY Press.

James C. Scott, "Behind the Official Story," in *Domination and the Arts of Resistance: Hidden Transcripts* (Yale University Press).

Reading Worksheet
Theories of Conflict

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Use these questions to help guide your readings related to specific conflict theories in this course. The readings may not always provide answers to all the questions listed below. Nevertheless, this guide can help you stay organized. By the end of the course, all of your notes (along with your class notes) will assist you in completing the final paper. **I recommend you make multiple copies of this worksheet and use a separate worksheet for each reading.**

Theory:

Article or Book:

1. How does this author define and explain:
 - a. Assumptions about the basis of human behavior/interaction:

 - b. The definition, nature and/or sources of “conflict”

 - c. What are appropriate strategies for conflict response

 - d. The nature of the third party role

2. What was your own reaction to this reading? Why?

3. What particular insights into the nature of conflict does this theory provide you?

4. What weaknesses / inadequacies / limitations (if any) do you see in this theory?