

**Dispute Resolution Institute
Hamline University School of Law**

January Term 2009

January 2, 3, 5, 6 from 9am– 4:30pm

Theories of Conflict

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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 fair 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 course compendium or books 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.** At a minimum, I will 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 included a "Reading Worksheet" which is for your use as you complete the various readings. The worksheet 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, 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 research 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.

You will share responsibility for rating your level of preparation and participation. At the end of each class you will rate yourself, using the guidelines on the attached Participation Worksheet. 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 active participation for someone who is quite introverted may be merely average engagement from someone else. Nonetheless, honesty is the best policy, and I reserve the right to override any rating that does not reasonably comport with my perception of reality (whether too lenient or too harsh)! Your Participation Worksheets will be collected at the end of each class.

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 four (4) class sessions together, what are the most important insights or lessons you have *learned about yourself* as someone who will work with conflict and lessons you have learned *about the nature of conflict* itself? You may refer to specific readings and/or exercises to respond to this question, but I do not want you to fill space describing the facts of any reading or exercise; and
- 2) How do these insights and lessons shape or inform your understanding of the law and your role as a lawyer (or other profession with which you identify)?

I am not looking for an essay that you wrote off the top of your head; 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 will probably take more time to write than you initially think.

Final research paper (12-15 pages, excluding cover page and bibliography):

With this part of your final written assignment, you may choose between two options:

Option A – Research Paper: I have several objectives in assigning you this final paper. At the most general level, I want to encourage your critical thinking and ability to synthesize the material we covered. Second, I want you to identify a topic that you find personally interesting (but related to the course material) that you can explore in some depth. Finally, I want you to be able to demonstrate a cohesive treatment of a topic related to the analysis of (as opposed to response to) conflict. You may choose any topic you like related to the material we will cover. As a research paper, you will be graded on your analysis and critical treatment of the material (as opposed to your personal opinion). You should *make appropriate specific reference (including quotes) to course readings, using proper citation format, and to relevant class discussion (giving proper attribution)*. Include a bibliography. You may, but are not required to, research and cite additional outside sources. We will discuss possible topics in class, and I encourage you to discuss your own ideas with me.

Option B – Case Analysis: As an alternative to the research paper described above, you may instead elect to do a thorough and in-depth analysis of the film *12 Angry Men*. This analysis must include, at a minimum, the following elements:

Section one: You must select a minimum of three different perspectives that we have studied in class from which to analyze the film. In section one, provide a complete description of each perspective you will use, demonstrating your clear understanding of the perspective and citing from readings and other authority (including appropriate quotes with proper citation) as appropriate.

Section 2: Select one or more scenes or interactions to analyze from the film. Give me a brief description of the scene or interaction so I will know what you are focusing on in the film (I'm pretty familiar with the movie, so a brief description will be sufficient). Analyze this scene or set of interactions using all three perspectives you chose, identifying what insights are revealed about the conflict or the parties by each perspective. Be careful here

NOT to speculate or draw conclusions that go beyond the data present in the movie. If you find yourself making assumptions about the film, instead, identify what further inquiry you would want to make (and how that inquiry is consistent with the theoretical perspective you are using).

Section 3: Discuss the *usefulness and the limitations* of each of the perspectives you used in giving you a deeper understanding into the conflict you are analyzing. Draw any appropriate conclusions about the use of theory to understand conflict.

Technical Information for journal and paper: The reflective journal and final research paper should both be double-spaced, 12-point New Times Roman type face with one inch margins all around. Please indent new paragraphs. Identify yourself with your student number (which will be distributed to you on the first day of class) rather than name on your final paper and other submissions. If you want your paper and journal returned to you, you must also provide a pre-addressed large manila envelope (which will be separated from the papers before the professors receive the papers for grading).

When and Where Due: Both the reflective journal and final paper are due no later than **4:30pm, Tuesday, January 20, 2009** in the Hamline University School of Law Registrar's Office (fourteen (14) days after the end of the course). You must keep a copy of both papers and obtain a time-stamped receipt for each when you turn them in. Students not residing in the Twin Cities may mail their papers to Debra Bergoff, Dispute Resolution Institute, 1536 Hewitt Ave., Ps. Paul, MN 55104. These papers must be post-marked no later than January 20, 2009. I strongly suggest you obtain a receipt from the post office in case you need to verify that the paper was mailed on time.

This syllabus is the result of an evolution in thinking over nine years, including important contributions of others besides Professor Fox. Ken wishes to acknowledge the important contributions of Professor Jack Schaffer, with whom Ken originally developed this course in 1997 and with whom he teaches the course in the Hamline University Graduate School of Management.

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

FRIDAY, JANUARY 2

(9:00am -- 4:30 pm)

Course overview and introductions

Introduction to Perspectivism

Perspectivism and Conflict Theory

Key questions in analyzing conflict theories for understanding perspective.

Required reading:

Tab 1 Lisa Bingham, “When We Hold No Truths to be Self-Evident: Truth, Belief, Trust and the Decline in Trials”, *2006 Journal of Dispute Resolution, No. 1 (Spring, 2006)*

Tab 2 Ruth C. Smith and Eric M. Eisenberg, “Conflict at Disneyland: A Root-Metaphor Analysis”, *54 Communication Monographs, 367-380 (1987)*

Tab 3 Jeffrey Nealon, “Ideology” in *Theory Toolbox: Critical concepts for the Humanities, Arts and Social Sciences* (Rowman and Littlefield 2003)

Individual, Social Identities and other Cognitive perspective (who we are in relation to conflict)

Biological Perspective

Required reading:

Tab 4 Robert A. Baron, “Biological Bases of Aggressive Behavior” in *Human Aggression* (Plenum 1994)

Additional Request for today:

We will be starting class with a discussion of the question “what is conflict?” To prepare for this discussion, I invite you to think about an important conflict in your own life that has had an impact on you, and that you would be willing to discuss (at least in general terms) with other class members (whether it is current or from the past). As a preliminary matter, we will talk about how to be respectful of such discussions and how to protect classroom safety and confidentiality. I will *not* ask anyone to discuss any matter they would prefer not to disclose.

SATURDAY, JANUARY 3
(9:00a.m. to 4:30p.m.)

Cognitive and Social Psychological Perspective

Required Reading:

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

Tab 5 Marilyn 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 5
(9:00am – 4:30pm)

Social Constructionist and Relational Perspective

Introduction to social constructionist and relational worldviews
Application of worldviews to conflict analysis

Required Readings

Tab 6 Kenneth J. Gergen, “Toward Relational Selves” in *An Invitation to Social
Construction* (Sage Publications, 1999)

Text *Moral Conflict: When Social Worlds Collide* (Sage Publications, 1997)
Chapters 1, 2, 3, and 5. I also recommend chapters 7 and 9

TUESDAY, JANUARY 6
(9:00am – 4:30pm)

Relational perspective, continued

Relational theory
Communication theories

Required Readings

Tab 7 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)

Tab 8 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 Dimensions in Mediation: Communication Research and Perspectives* (Sage Press, 1994)

Social Structural perspective

systems theories

social domination theory

Required reading

Tab 9 James C. Scott, “Behind the Official Story,” in *Domination and the Arts of Resistance: Hidden Transcripts* (Yale University Press)

Summary and Application