

**Laws 5700 - THEORIES OF CONFLICT RESOLUTION**

October 12,13, 14; October 20, 21 2018

**Course Outline**

<b>COURSE:</b>	<b>LAWS 5700 – Theories in Conflict Resolution</b>
<b>TERM:</b>	Fall 2018
<b>PREREQUISITES:</b>	None
<b>CLASS:</b>	<b>Day &amp; Time: October 12, 13, 14; October 20, 21</b> Classes will begin promptly at 9:00 and end at 5:00.
	<b>Room:</b> D492 Loeb Building
<b>PROFESSOR</b>	<b>Neil Sargent</b>
<b>CONTACT:</b>	Office: D594 Loeb Building Office Hrs: By appointment only Telephone: 613-520-2600 (8853) Email: <a href="mailto:Neil.sargent@carleton.ca">Neil.sargent@carleton.ca</a>

---

**Academic Accommodations**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

***Plagiarism***

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://www.carleton.ca/studentaffairs/academic-integrity/>

**Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: [carleton.ca/sexual-violence-support](http://carleton.ca/sexual-violence-support)

**Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. [https://carleton.ca/senate/wp-content/uploads/Accommodation -for-Student-Activities-1.pdf](https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf)

For more information on academic accommodation, please contact the departmental administrator or visit: [students.carleton.ca/course-outline](http://students.carleton.ca/course-outline)

***Department Policy***

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

---

**COURSE DESCRIPTION**

This course introduces students to theories of conflict and helps them to understand how different theories impact the analysis, intervention and resolution of conflict. Different frameworks will be used to examine and contrast various approaches to conflict and its resolution. The nature of conflict, conflict resolution styles, mediation approaches, as well as the influence of power, emotion, gender and culture on conflict and its resolution will be included in class discussions and required readings.

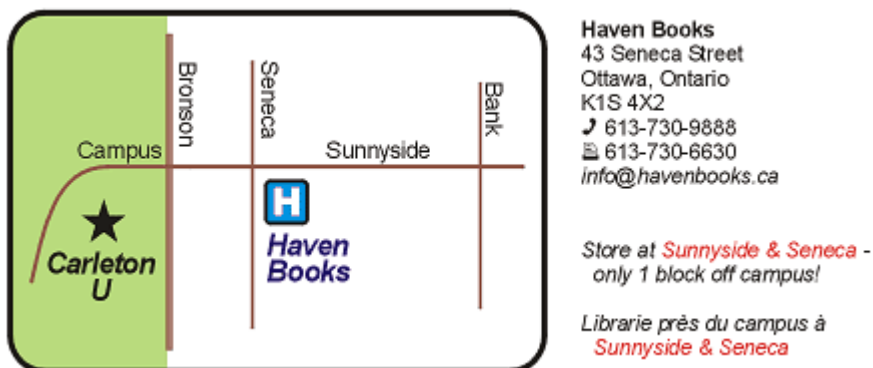
## COURSE OBJECTIVES

- 1) To introduce students to different theories of conflict and how these theories impact conflict intervention strategies and outcomes.
- 2) To introduce students to conflict resolution strategies, processes and mediation skills, with an emphasis on analyzing conflict and working with party goals.
- 3) To heighten sensitivity to the influence of justice, power, emotion, culture and gender on conflict.

## REQUIRED TEXTS

- 1) C.P. Bishop, C. Picard, R. Ramkay and N. Sargent, *The Art and Practice of Mediation*, 2d. ed. Toronto: Emond Montgomery, 2015
- 2) Coursepack, *Laws 5700, Theories of Conflict Resolution*, Winter 2018

Text books and Coursepack can be purchased in person from Haven Books



## EVALUATION

**(All components must be completed in order to get a passing grade)**

### COURSE REQUIREMENTS

- i) ***Preparation for Class, Participation, Group Presentations, and Attendance (15%)***  
 The course will involve lectures, class discussion, small group work, case studies and student presentations. Students are to have read all the required readings in advance of class and come prepared to offer informed and analytical interventions. **You will be assessed on your willingness to participate in the class activities, to ask questions that advance your own understanding and build knowledge for others, to participate in class discussions that deepen the conversation, encourage participation of others and make references to course readings and attend to group process.**
- ii) ***Critical Thinking Assignment (20%)***  
 Students will be required to submit two examples of “critical thinking.” The first is due on day 3 (February 4), and the second example of critical thinking is due on the final day of class (February 11). Examples are to be drawn from the assigned readings and should be no more than 1 to 1 1/2 pages in length. Each is worth 10 marks.

iii) ***Independent Learning Initiative (5%) and Learning Journal (10%)***

Students will be asked to formulate a statement of their goals and objectives in studying the field of conflict resolution, along with a list of their strengths and weaknesses as potential conflict interveners at this point in time. This statement will become a “template” by which students can track their progress throughout the program; it is to be handed in the last day of class (February 11). Students are also required to keep a “Learning Journal” (see guideline for doing journals on GDCR webpages under *Independent Learning Initiative*). Journals are to be handed in with the final assignment.

iv) ***Take-Home Written Assignment (50%)***

Students will be required to complete a take-home written assignment (no more than 12-15 typed, double-spaced pages). You will be given a series of questions from which you will be asked to choose 4 questions to discuss. For each question, you are to take into account theoretical perspectives from your readings and the debates taken up in class. You will be graded on how well you understand the issue, your identification of critical issues and your ability to relate the issue to the field of conflict resolution. Proper in-text referencing and a bibliography is required.

**Written assignments are due by 4:00 p.m. November 12, 2018.**

**No extensions will be granted unless under very extenuating circumstances.** Final assignments are to be submitted to the drop box outside of D498 Loeb Building on or before the due date. Emailed assignments are NOT acceptable. Exceptions can be made that allow the emailing assignments if a student lives outside the Ottawa area. If assignments are emailed they must be in Word format; and include a title page for each document submitted. Students are strongly advised to keep a copy of all assignments until marks have been posted.

**Please Note:** If you would like your assignments returned to you rather than picking them up at Carleton, you must submit a pre-stamped, self-addressed envelope. (Do not put your assignment in that envelope and seal it!) Canada Post sells fixed-rate pre-paid envelopes. They guarantee postage will be covered regardless of weight, as long as the documents fit in the envelope.

## **SCHEDULE**




---

### **DAY ONE (9:00-1:00) *BECOMING A CRITICAL THINKER***

---

9:00-10:30 **AN INTRODUCTION TO THE GDCR PROGRAM AND THIS COURSE**

- LAWS 5700 Course objectives and expectations; class participation and assigned readings
- Assignments: Journal, Critical thinking, Goals and Expectations, Take-Home
- Small Group Activity:

10:30-10:45 **BREAK**

10:45-12:30 **AN INTRODUCTION TO CONFLICT THEORY (Competency 1.1)**

- What is conflict theory and why is it important to practitioners?
- Levels of conflict and causes of conflict
- Conflict escalation and de-escalation
- A bit of history: From game theory to insight theory

- ✚ Cooperative behavior and the theory of mutual gains
- ✚ Does cooperative behavior require trust?
- ✚ Frequently encountered obstacles to cooperative behaviour

12:30-1:30      **LUNCH**

- 1) Avery, et al., "Critical Reading," *Thinking it through: a Practical Guide to Academic Essay Writing*. Trent University Academic Skills Centre, 1989:61-66
- 2) Littlejohn, Stephen W., and Kathy Domenici, "Constructing Conflict," in *Engaging Communication in Conflict*. Thousand Oaks: Sage, 2001:3-24
- 3) Pruitt, Dean G. and Sung Hee Kim, "Conditions that Encourage and Discourage Escalation" in *Social Conflict. Escalation, Stalemate and Settlement*, 3<sup>rd</sup>. ed. Boston: McGraw Hill, 2004, pp. 121-128, 133-139.

---

**DAY ONE (1:30-5:00) "THE NATURE OF CONFLICT"**

---

1:30-2:00 **ANALYZING CONFLICT THROUGH CASE STUDY**

- ✚ The use of case studies to learn about conflict (Handout Case Study Guide)

2:00-3:15 **DEVELOPMENT OF A CASE STUDY** Two groups. Group 1 is to choose a "real-life" INTERPERSONAL or SMALL GROUP conflict; Group 2 will do the same for an INTERGROUP conflict. Using the Case Study Guide handed out in class: 1) identify the various elements of analysis, 2) on flipchart paper, "map" your case study; and 3) write one critical thinking example about your analysis. Each group will make a 25 minute presentation.

3:15-4:05 **GROUP PRESENTATIONS OF CASE STUDY**

- ✚ Each group has 25 minutes to present case study

4:05-5:00 **CLASS DISCUSSION AND WRAP UP**

- ✚ Large group discussion and questions
  - ✚ Wrap up and preparing for tomorrow
- 

**DAY TWO (9:00-12:45)**

***"THEORIES OF CONFLICT"***

---

9:00-9:15 **CHECK-IN AND REFLECTIONS**

9:15-12:00 **CONFLICT STYLES – HOW PEOPLE RESPOND TO CONFLICT**

What is my Style Activity: "Beliefs about Conflict"

- ✚ A Conflict Styles Framework
- ✚ Accommodate, compete, avoid, compromise, collaborate
- ✚ Cooperation as learned behaviour: The theory of mutual gains
- ✚ Obstacles to cooperation
- ✚ Small group exercise: Is conflict style learned or inherent? Does conflict style change with situational changes? How far is conflict style influenced by culture and gender?

12:00-1:00	<b>LUNCH</b>
1:00-2:00	<b>CLASS PRESENTATIONS OF MORNING WORK AND DISCUSSION</b>
2:00-2:30	<b>BREAK</b>

- 1) Deutsch, Morton, "Cooperation and Competition," in Deutsch, Coleman and Marcus, *The Handbook of Conflict Resolution*. San Francisco: Jossey Bass, 2006:23-42
- 2) Jones, T. and Brinkert, "Stage Four: The Conflict Styles Opportunity," in *Conflict Coaching*. Sage:2008:187-201.
- 3) P. Bishop, C. Picard, R. Ramkay, and N. Sargent, Chapter 4, Understanding Conflict Behaviour, and chapter 9, 254-262.

---

### **DAY TWO (2:30-5:00) "RESPONDING TO CONFLICT"**

#### 2:30-3:45 **THE DISPUTE RESOLUTION CONTINUUM**

- ✚ The Dispute Resolution Spectrum: ADR – from negotiation to adjudication
- ✚ Factors that might influence selection of dispute resolution process
- ✚ Relation of mediation to other DR processes

3:45-5:00

#### **USING DIFFERENT DISPUTE RESOLUTION PROCESSES TO RESPOND TO CONFLICT**

(Competency 1.2.)

- ✚ Group Activity: Break into 2 groups. Each group will 1) discuss and summarize the key elements of the range of dispute resolution processes then list them on flipchart paper; 2) select a case study from Day 1 and analyze the conflict from the perspective of these different DR processes; 3) identify both the benefits and limits of using these different DR processes for your case; 4) present your analysis to the class.

- 4) P. Bishop, C. Picard, R. Ramkay and N. Sargent, Chapter 2, "Dispute Resolution Processes," *The Art and Practice of Mediation*. Toronto: Emond Montgomery, 2d. ed., 2015.
- 5) Rioux, J. F. and Vern N. Redekop, "Process for Dealing with Conflict," *Introduction to Conflict Studies*. 2013:236-270

---

**DAY THREE (9:00-1:30) “APPROACHES TO MEDIATION”**  
**(Critical Thinking Example #1 due 9:00 a.m., based on any of Day One or Two Readings)**

---








9:00-9:15 **CHECK-IN AND REFLECTIONS**

9:10-10:30 **MEDIATION AS FACILITATED DIALOGUE**

Understanding mediation as a form of facilitated dialogue  
 Consensual nature of the process  
 Relation of mediation to other DR processes  
 Court connected versus voluntary mediation approaches  
 What counts as success in mediation?

10:30-10:45 **BREAK**

10:45-12:30 **THE MEDIATION PROCESS**

-  Getting parties to the table
-  Building trust in the process
-  Exploring the parties' conflict narratives
-  Testing parties' assumptions about the conflict
-  How mediators influence the communication process between the parties
-  Dealing with the parties' emotions
-  Moving the parties from a focus on their positions to the exploration of their interests

12:30-1:30 **LUNCH**



- 1) Peter Bishop, Cheryl Picard, Rena Ramkay and Neil Sargent, Chapter 3, “Mediation as a Dispute Resolution Process”, *The Art and Practice of Mediation*, 2d. ed. Emond Montgomery, 2015.
- 2) P. Bishop, C. Picard, R. Ramkay and N. Sargent, Chapter 7, and chapter 9, “The Art and Practice of Mediation”, 2d. ed., Emond Montgomery, 2015.
- 3) Roger Fisher and William Ury, *Getting to Yes*, 2d.ed., New York: Penguin Books, 3-14, 1991.

---

**DAY THREE: (1:30 – 5:00) “Understanding Mediation Process”**

---

1:30-5:00 **THE MEDIATION PROCESS CONTINUED:**

-  Generating options for resolving the conflict
-  Evaluating options and seeking to avoid negative feedback loops

- ✚ Reaching a final decision or resolution
- ✚ Determining whether any decision arrived at needs further ratification or consultation before it is finalized
- ✚ To what extent are mediators responsible for the outcome of a mediation?

## MEDIATOR STYLES AND THEORETICAL ORIENTATIONS

- ✚ Personal qualities of a mediator
- ✚ Situational factors involving choice of mediators
- ✚ Social network versus independent mediators
- ✚ The role of neutrality in mediation?
- ✚ Summary of different theoretical models of mediation, interest-based, transformative, narrative and insight models

**Group Activity:** Break into two groups. Each group will discuss various issues in mediation by reference to some of the case studies developed in day one. Issues to be discussed include, how far is neutrality possible in mediation? What roles does a mediator play in influencing the parties in reaching a negotiated settlement (if any such outcome is reached)?; and what options are available for a mediator to address apparent power imbalances within a mediation? How far does the model of mediation used by the mediator have an impact on the mediation process?

- 1) Bowling, Daniel, and David A. Hoffman, “The Personal Qualities of the Mediator”, in Bowling and Hoffman, eds., *Bringing Peace into the Room*. San Francisco: Jossey-Bass, 2003: 13-29, 39-45.
- 2) Brian Jarrett, “Moving Beyond Brands: Integrating Approaches to Mediation” *Alaska Justice Forum*, vol. 29, No.3-4, pp. 1-8 (2013).

---

### DAY FOUR (9:00- 1:30)

### *“FOCUSING ON CULTURE AND CONFLICT”*

---

9:00-9:15 **CHECK-IN AND REFLECTIONS**

9:15-10:30 **CONFLICT BETWEEN AND WITHIN GROUPS**

- ✚ Levels of conflict: conflict between individuals and conflict between groups
- ✚ In-group conflict and out-group conflict
- ✚ Do groups think or act differently than individuals?
- ✚ Social Identity Theory
- ✚ The Black Sheep Effect and Intragroup Conflict

10:30-10:45 **BREAK**



## 10:45-12:00 MEDIATING MULTI-PARTY AND MULTI-STAKEHOLDER CONFLICTS

- ✚ Who needs to be at the table?
- ✚ Designing a multi-stakeholder or multi-party process
- ✚ Negotiating at the two-tables
- ✚ Face-to face negotiations or caucusing?
- ✚ Interactive conflict resolution processes

- 1) Ronald J. Fisher, "Intergroup Conflict", in M.Deutsch, and P. Coleman, eds., *The Handbook of Conflict Resolution: Theory and Practice*. San Francisco: Jossey-Bass, 2000: 166-184.
- 2) Lewis Coser, *The Functions of Social Conflict*. New York: Free Press, 1956, 67-71, 104-107, 139-140, 143-144, 147-149.

---

**DAY FOUR (1:00-5:00) "ISSUES OF GENDER AND CULTURE IN MEDIATION"**


---

**1:00-3:00 THINKING ABOUT THE IMPACT OF GENDER AND CULTURE IN CONFLICT**  
 (Competency 2.2)

- ✚ What the literature says about differences between men and women in communication
- ✚ Are men more outcome oriented and women more relational? Or is this a myth?
- ✚ Defining culture
- ✚ How culture influences communication and expectations of mediation
- ✚ How does the gender or the culture of a mediator impact the negotiation process?

**3:00-3:15 BREAK**

3:15-5:00 Small group discussion. Reflecting on your own experience or what others have told you, discuss the questions below. Keep in mind the point of the exercise is to generate discussion, not to stereotype others. Different views are expected – there is no need to reach agreement or consensus on the questions.

**IN YOUR EXPERIENCE:**

- 1) Do men and women negotiate differently? If so, how?
- 2) Are men and women treated differently in negotiations? If so, how?
- 3) Would you expect that men and women might mediate differently? If so, how?
- 4) How does culture affect gendered expectations?
- 5) How should cultural differences be addressed in mediation?
- 6) To what extent are gendered or cultural behaviors or expectations embedded or situational?

Large Group Discussion

- 3) Dindia, Kathryn, "Men are from North Dakota, Women are from South Dakota," in K. Dindia and D. Canary, eds., *Sex Differences and Similarities in Communication*, 2d. edition. London: Lawrence Erlbaum Assoc., 2006: 3-20.
- 4) Maxwell, David, Gender Differences in Mediator Style and their Impact on Mediator effectiveness," *Conflict Resolution Quarterly*, Vol. 9 No. 4, 1992:353-364. (on CuLearn)
- 5) Ellis, D, and D. Anderson, "Culture", *Conflict Resolution: An Introductory Text*. 2005:168-198
- 6) LeBaron, Michelle, "Bridging Cultures: Uncovering Paths That Connect Us," *Bridging Cultural Conflicts*. San Francisco: Jossey-Bass, 2003:1-31

---

**DAY FIVE (9:00-1:30) "RESOLVING CONFLICT"**  
**(Critical Thinking Example #2 due 9:00 a.m., based on days three, four or five readings)**

---

9:00-9:15 **CHECK-IN AND REFLECTIONS**

9:15-10:30 **ISSUES OF JUSTICE, POWER AND EMOTION IN CONFLICT** (Competencies 2.2, 2.8, 4.1.)

- ✚ Different forms of power
- ✚ The role of a mediator in addressing power imbalances in mediation
- ✚ Screening for power-imbalances
- ✚ The feeling of injustice as a strong motivator for conflict behavior
- ✚ Different forms of justice
- ✚ Procedural justice, distributive justice, restorative or reparative justice
- ✚ How restorative processes differ from other forms of mediation

10:30-10:45 **BREAK**

10:45-11:30 **EMOTION AND CONFLICT** (Competencies 2.2, 2.8, 4.1.)

- ✚ The interaction between emotion and conflict
- ✚ Are our emotions influenced by gender and culture?
- ✚ Recognizing and managing emotions in mediation
- ✚ Understanding the concept – "Feelings as Carriers of Values"
- ✚ Emotional intelligence of the mediator

11:30-12:30 **Small group activity:** to discuss:

- ✚ In what ways are power and emotion linked to the past, present and future of the conflict?
- ✚ How far is it possible to leave the past behind in order to address the needs of the future?
- ✚ How might power and emotion help parties through the conflict resolution process?

12:30-1:30 **LUNCH**

- 1) Deutsch, Morton, "Justice and Conflict", in M. Deutsch, and P. Coleman, eds., *The Handbook of Conflict Resolution: Theory and Practice*. San Francisco: Jossey-Bass, 2000: 41-64.
- 2) Fromm, Delee, "Emotion in Negotiation," in C. Hanyecz, T. Farrow and F. Zemans (eds.), *Theory and Practice of Representative Negotiation*. Toronto: Emond Montgomery, 2008:219-244.
- 3) Jones, T. and R. Brinkert, "Stage Two: The Emotion Perspective," in *Conflict Coaching*. Sage, 2008:91-106.

---

**DAY FIVE (1:30-5:00)****"COURSE REVIEW"**

---

**1:30-2:15 COURSE OVERVIEW**

- ✚ Review of case studies
- ✚ Parking Lot
- ✚ Further questions
- ✚ Mediation as a profession or field of practice

**3:00-3:15 BREAK****3:15-5:00 COURSE WRAP UP****COURSE EVALUATION**

- ✚ Discussion of final written assignment
- ✚ Competencies / ILI / Skills Assessment
- ✚ The Importance of Reflective Practice

- 4) Lang, M. and A. Taylor, "Mapping Your Constellation of Theories," in *The Making of a Mediator*. San Francisco: Jossey-Bass, 2000:93-118.
- 5) Mayer, S. Bernard, "Redefining Conflict Resolution," in *Beyond Neutrality*. San Francisco: Jossey Bass, 2004:280-296.