Conflict and Conflict Management
Preliminary Syllabus Winter 2022

Conflict and Conflict Management is a course about the nature and sources of conflict, the conditions under which conflict escalates and de-escalates, and the circumstances under which it may be constructive or destructive. It is my hope that you will develop a greater understanding of conflict through the course so that you will better be able to manage it as individuals, as professionals, and as citizens.

Readings: The basic text is Dean G. Pruitt and Sung Hee Kim, Social Conflict: Escalation, Stalemate and Settlement (3rd ed. 2004) (hereinafter “Pruitt”). There are also supplemental readings on the course Canvas page.

Learning Outcomes: Learning Objectives and Outcomes. Students will learn:
- the nature of conflict, escalation, des-escalation, and resolution;
- how to manage conflict so that its effects are as constructive as possible;
- how to speak about conflict in a way that is civil and respectful, even when forceful; and
- how to integrate an understanding of conflict dynamics into their future roles as lawyers and leaders in their communities.

Class Attendance Policy: Per ABA accreditation policy for all law school classes, class attendance is generally required, consistent with the Law School’s general attendance policy posted on the Law School website.

I ordinarily have a permissive but meaningful attendance policy on top of the ABA standards. However, in light of the pandemic and the need for extra precaution on matters of public health, I will simply say if you don’t feel well, please don’t come to class. I will be recording the classes on Zoom, but expect that to be suboptimal for any number of possible reasons (visual quality, sound quality, etc). See also the university’s policies with respect to Covid-19.

Class Participation: I value your class participation and therefore allocate 20 percent of your grade to participation. I am looking for your engagement, insight, sophistication, and other indicia of mastery. Please note that mere attendance is not participation for purposes of the class participation component of your grade.

That said, I understand that some of you may tend toward introversion or feel uncomfortable participating in class, even when you are prepared. Unfortunately, in our chosen professional we
are often required to speak verbally, whether it is to a client, partner, or judge. Please use this class to help develop your skills, comfort, and confidence speaking like a lawyer. You will not be penalized for awkwardness, or even inaccuracy. This is a part of learning. You will only be penalized for lack of engagement. On the other hand, you will, of course, be rewarded for the quality of your participation so it is worth your effort, before and during class. I highly recommend Heidi K. Brown, *The Introverted Lawyer*, for those who may be interested.

**Class Covid Guidance:** The University’s policy is under University Disclosures below and you should be sure to monitor ongoing official announcements during the semester as the situation remains fluid.

I will follow the CDC guidelines for masking and social distancing in the classroom, as they relate to Columbia, and ask you to do the same. The rule of law depends on voluntary compliance with rules, democratic norms, and other guidance by governmental institutions, including the CDC. This principle should be honored and upheld throughout the legal profession, including by students in law school classes. See, e.g. Model Rule of Professional Conduct 8.4 (Maintaining the Integrity of the Legal Profession).

**Statement on Political Views:** This course takes place at a time of unprecedented conflict, especially political conflict. Many of you will have political views, sometimes strong ones depending on the issue. Given the intensity and polarization of present political discourse, I expect this dynamic to be especially in play in this class.

It is appropriate in a class of this nature to embrace this conflict rather than avoid it, and to use it to give life to our learning. I will frequently draw on news events around locally, nationally and internationally during the course of our class discussions, and I encourage you to do the same.

I will not hesitate to share my views from time to time, and I encourage you to share yours. From an ideological perspective, I do not care what they are. (See Statement Regarding Intellectual Pluralism below.) In fact, I very much hope that they transcend the political spectrum because it will make for a much more engaging classroom dynamic and a better learning experience for everyone.

My one caveat is that I expect you to articulate your views like a lawyer – thoughtful, reasoned, and respectful. You can expect the same of me. In my opinion, learning how to talk about issues that are intensely charged and subject to fierce disagreement is every bit as important as the substantive content of this course. Use this class as an opportunity to develop or improve your game.

**Grading:** There will be three components of your final grade: two short papers, a final paper, and class participation. The final paper will constitute 50 percent of your grade, the short papers will each count 15 percent of your grade, and class participation 20 percent. There is not a final examination for this course.

1. **Short Paper 1: A Personal Dispute.** Please write a 2-3 page reflection paper on a personal dispute and turn it in on Canvas before the first class. It doesn’t have to be
about the worst dispute you’ve ever had, but something that was at least meaningful to you for whatever reason rather than something frivolous. See further instructions below.

b. Short Paper 2: Civility in Public Discourse. Please write a 2-3 page paper discussing the questions in the Revive Civility excerpt on Canvas.

c. Final Paper: You will be required to do a paper of approximately 15 pages analyzing a dispute in which you have been involved, other than as a lawyer. It is due by 11:59 p.m. on May 2, Stop Day, but may be turned in anytime after the last class session this semester.

Schedule Adjustment: Canceled Make Up
None at this time

Assignment for First Class: Choose any meaningful personal dispute in which you are or have been involved (other than as a lawyer). Write a short description of the dispute (two or three pages) to turn in at the beginning of the first class. Be sure to provide the basic facts, why you think it's important, what made the conflict get better or worse, and if applicable, the way in which it was resolved. Be prepared to make a three-minute presentation about it to the class. Also, please read the assigned readings if you have already purchased the book.

Schedule of Classes

Dates for topics are approximate and may vary depending upon the pace of class.

Pruitt: Chapter 1, Pages 1-9
Canvas: Felstiner, Naming, Blaming and Claiming
• Short Paper on a Personal Dispute Due

Pruitt: Chapter 1, Pages 9-14, and Chapter 2
Canvas: Opotow, Aggression and Violence (Pages 403-414)
Sandy et al., Personality and Conflict (Pages 289-306)
Goldstein, The Four Noble Truths
Chamallas, Architecture of Bias
Flinn et al, Ecological Dominance (Optional)

Topic 3 (Feb. 8-10). Constructive vs. Destructive Conflict.
Canvas: Deutsch, Cooperation and Competition
**Topic 4 (Feb. 15-17). Perceptions, Judgment & the Development of Conflict.**
*Canvas: Siegel, Memory, Trauma, and Recovery
Allred, Anger and Retaliation in Conflict: The Role of Attribution
Neale & Bazerman, Perspectives for Understanding Negotiation*

**Topic 5. (Feb. 22-24). Civil Discourse Module 1: Listening and Questioning**
*Canvas: Riskin et al, Questioning and Listening
Civil Discourse: ABA Resolution 108
Rosenberg, Non-Violent Communication
Comoly, 5 Tips for Civil Discourse in an Age of Polarization*

**Topic 6 (March 1-3): Tactical Choices in Conflict.**
*Pruitt: Chapters 3 and 4, Chapter 10 (skim)*

**Topic 7 (March 8-10): Moderators of Conflict**
*Pruitt: Chapter 7 (Pages 126-151)
Canvas: Coleman, Power and Conflict
Lewicki & Wiethoff, Trust ... [and] ...Trust Repair
Tyler, Public Mistrust of the Law*

**Topic 8 (March 15-17): Civil Discourse Module 2: Difficult Conversations**
*Canvas: Patton et al, Difficult Conversations*

**Topic 9 (March 22-24): Stability and the Escalation of Conflict**
*Pruitt: Chapters 5 and 6 (pages 101-113)*

**March 29-31: Spring Break! No Class!!**

**Topic 10 (April 5-7): Why Conflict Endures**
*Pruitt: Chapter 8*

**Topic 11 (April 12-14): Stalemate and De-Escalation.**
*Pruitt: Chapter 9
Canvas: Zartman, The Hurting Stalemate and Beyond
Kriesberg, De-Escalating Conflict
Volcan, Sadat Goes to Jerusalem*

**Topic 12 (April 19-21). Intergroup Conflict**
*Pruitt: Chapter 6 (113-120)
Canvas: Fisher, Intergroup Conflict
Janis, GroupThink
Harvey, The Abilene Paradox*

**Topic 13 (April 26-28). Civil Discourse Module 3**
*TBA*
University Disclosures

Decreasing the Risk of COVID-19 in Classrooms and Labs
If you have tested positive for COVID-19 or have been identified as someone who needs to quarantine, do not attend class in person until the mandated period for isolation or quarantine has passed. Your instructor will work with you on arrangements to access class material while you are in isolation or quarantine.

Additionally, if you are experiencing any COVID-related symptoms, or are otherwise feeling unwell, do not attend in-person classes and contact your health care provider and/or student health immediately. COVID symptoms include: fever greater than 100.4 or chills; cough, shortness of breath or difficulty breathing; fatigue; unexplained muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; diarrhea. Instructors or students with concerns about how a student is following any University-mandated COVID-19 policies and protocols should report those concerns to the Office of the Dean of Students. Concerns can be documented on a COVID Safety Measures Reporting Form.

Please note that sub-groups of students may have specific needs during COVID or online learning. One group is international students, who may be participating in class from their home countries and in different time zones. The instructor may be able to make reasonable accommodations to support the success of international students currently living in time zones that differ significantly from that of Columbia, MO. International students are expected to consult with their instructor about possible accommodations as soon as possible after the start of the course.

Please consult Show Me Renewal for further guidelines. This statement will be updated as information changes.

Statement Regarding Academic Integrity
Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor or the Office of Academic Integrity.

Students are expected to adhere to this honor pledge on all graded work whether or not they are explicitly asked in advance to do so: “I strive to uphold the University values of respect, responsibility, discovery, and excellence. On my honor, I pledge that I have neither given nor received unauthorized assistance on this work.”

Statement Regarding Students with Disabilities
The goal of the University of Missouri is to ensure an inclusive learning environment for all students. The University of Missouri Disability Center provides services and accommodations for students to participate fully in the learning experience and to experience equitable evaluation of their performance. Students (including online students) with a documented disability can contact the Disability Center to establish an Accommodation Plan. Documented disabilities include hearing, vision, mobility, learning and attention, psychological health, and physical health. Students’ accommodations are implemented with the input of students to maximize the learning experiences. The MU Disability Center keeps information about a student’s disability confidential.

Please notify me of your eligibility for accommodations as soon as possible. Additionally, if there are aspects of the course that present as barriers, such as inaccessible course content (e.g., learning assessments, PowerPoints, non-captioned videos, images, tables, PDFs) or if you need an immediate accommodation due to an injury, please contact me or the Disability Center as soon as possible.

Statement Regarding Academic Dishonesty
Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

Statement Regarding Intellectual Pluralism
The University community welcomes intellectual diversity and respects student rights. Students who have questions or concerns regarding the atmosphere in this class (including respect for diverse opinions) may contact the departmental chair or divisional director, the Office of Academic Integrity, or the MU Equity Office.

Statement Regarding Academic Inquiry, Course Discussion and Privacy
When students record something that happens in a course (a lecture, class discussions, meetings, etc.) it has an impact on the rights of the people captured in that recording. For example, the instructor and the University may have rights to the intellectual property contained in that recording. At the same time, another student who may have been recorded has the right to privacy. In order to protect these rights, MU employs a policy (called “Executive Order No. 38”) to govern both situations you may encounter while taking a course – when an instructor allows recordings and when they do not. Instructors should inform students which applies to their course:

- In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under section 240.040 of the Collected Rules.
In this class, students may make audio or video recordings of course activity unless specifically prohibited by the faculty member. However, the redistribution of audio or video recordings of statements or comments from the course to individuals who are not students in the course is prohibited without the express permission of the faculty member and of any students who are recorded.

If the instructor doesn’t specifically prohibit recording course activity, then the students are allowed to record and the same prohibitions regarding distribution apply.

Students who violate this policy are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.