Working with Emotions in Conflict and Dispute Resolution

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The “Affective Turn” in the Human Sciences and Philosophy

- Re-discovery and re-evaluation of emotions in Western society (Adam Smith and *The Theory of Moral Sentiments*)

- Historical re-appraisal of the role of emotions in shaping Western history (emotional regimes and emotional communities)

- Renewed attention to the influence of emotions on society – political and economic (passions in public life and behavioral economics)

- Neuroscience research on emotion and empathy
Useful Functions of Emotions

**Communication**
- involuntary
- obvious
- transparent

**Motivation**
- compelling
- immediate
- powerful
The Manufacture of Emotions

- “Universal” emotions?
- Psycho-cultural influences
- Labelling and forms of expression
- Power seeks emotional support
Influences on Emotions

- Physiological (endocrine and exocrine)
- Psychological (self-image and personality)
- Cultural (vocabulary and norms of social expression)
- Political (power through emotional support or suppression)
Insights and Research Findings

- Sympathy aids persuasion
- Anticipated emotion also motivates action
- Positive feelings promote open minds
- Anger and disgust promote confidence in conclusions and closed minds (moral outrage)
- Expression and description of emotion is culturally shaped (including suppression and transmutation)
- Emotion has a cognitive element and cognition an emotive one (no thought without emotion)
- Legal decision making is emotional
The Emotional Construction of Morality

- Three major “families” of morality:
  - moralities of responsibility (consequentialism)
  - moralities of duty (social expectations)
  - moralities of purity (divine order)
- Three groups of corresponding supporting emotions:
  - compassion and shame (attending to consequences)
  - pride and contempt (shouldering or shirking duty)
  - reverence and disgust (avoiding disorder)
## Emotions and Moral Systems

<table>
<thead>
<tr>
<th>Moral emotions</th>
<th>Moral/Ethical principles</th>
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<tbody>
<tr>
<td>Pride and contempt</td>
<td>Duty and solidarity</td>
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<tr>
<td>Compassion and shame</td>
<td>Responsibility and sociality</td>
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<tr>
<td>Reverence and disgust</td>
<td>Purity and unity</td>
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Parallel Normative Systems

Law
• discursive
• objective
• determining

Morality
• affective
• subjective
• deliberating
Morality in Participatory Justice

- Morality shapes perceptions of justice
- Law is not co-extensive with justice
- Moral justifications may be explored in alternative processes
- ADR therefore requires attention to moral positions and their emotional underpinnings
- Moral imperatives and their corresponding emotions are therefore real interests within mediation
Escalation of Emotions

(Subjectively) Justified **Indignation**

- **Time**
  - Suspicion
  - Distrust
  - Hostility
  - Anger
  - **Hate** (Objective Threat)

- **Response**
Moral and Emotional Conundrums

- Misperception and mislabeling of emotions (emotional illiteracy)
- Dissimilar emotions associated with differing moralities
- Cross-cultural mistranslation of emotional expression
- Manipulation of emotions and psychological power
Embodied Cognition and Emotion

- Cognition, emotion, and perception (sensation) interact
- There is no thought without emotion and no emotion without thought
- Perception of motion, posture, touch and sound can influence emotion and cognition
- Emotion and cognition can influence perception, motion, posture, touch and voice
Embodied Interventions

- Handshake
- Shared voice ("prayer")
- Shared meal
- Stretching
- Changing places
- Walking together
- Dancing together?
A Secular Prayer (join hands in a circle and repeat after the mediator)

We are gathered together in peace and hope
To find a way forward that respects the past and embraces the future
Let us dedicate ourselves in mind, body and spirit
To work together with goodwill
For the benefit of past, present, and future generations
Sources and Further Reading

- Law and Human Behavior (journal)
- Behavioural Sciences and the Law (journal)
- Cognition & Emotion (journal)
- Twelve Angry Men (1957) (movie)
- The Choreography of Resolution: Conflict, Movement, and Neuroscience (2013) (book)
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Questions?