

COURSE IMPLEMENTATION DATE: September 1998  
 COURSE REVISED IMPLEMENTATION DATE:  
 COURSE TO BE REVIEWED: September 2002  
 (Four years after implementation date) (MONTH YEAR format)

**OFFICIAL COURSE OUTLINE INFORMATION**

Students are advised to keep course outlines in personal files for future use.  
 Shaded headings are subject to change at the discretion of the department and the material will vary - see course syllabus available from instructor

FACULTY/DEPARTMENT:	<b>PHILOSOPHY &amp; POLITICS</b>	
<b>PHIL 305</b>		<b>3</b>
COURSE NAME/NUMBER	FORMER COURSE NUMBER	UCFV CREDITS
<b>Philosophy of Decision Making and Dispute Resolution</b>		
COURSE DESCRIPTIVE TITLE		

**CALENDAR DESCRIPTION:**

Complex decisions and dispute resolution tax our reasoning skills to the limit. They also challenge our philosophies about the adequacy of reason and the morality of making decisions with and for others. Do we believe that individual reasoning is sufficient to produce sound decisions? Do we have a right to make decisions independently? When should we be part of a group decision-making process, or defer to authority? This course is an opportunity to reflect critically on the underlying philosophies of different models of decision making and dispute resolution currently in use in the law, business, and social settings. What is the relative importance of reason, emotion and independence in each model? What assumptions does each model make about objectivity, the importance of establishing truth, the need for expertise, or about the equality and rights of participants? How applicable are any of the models to cross-cultural disputes or decisions? Students who complete this course will be better able to make informed judgments about dispute resolution and decision making strategies in their own professional and personal contexts.

**PREREQUISITES:** 60 credits of university-level course work.  
**Note:** Students will find it helpful to take either or both of Phil 100 or Phil 110 in preparation for this course.

**COREQUISITES:**

<b>SYNONYMOUS COURSE(S)</b>	<b>SERVICE COURSE TO:</b>
(a) Replaces: _____ (Course #)	_____
(b) Cannot take: _____ for further credit. (Course #)	_____

<b>TOTAL HOURS PER TERM:</b> <b>45</b>	<b>TRAINING DAY-BASED INSTRUCTION</b>
<b>STRUCTURE OF HOURS:</b>	<b>LENGTH OF COURSE:</b> _____
Lectures: _____ Hrs	<b>HOURS PER DAY:</b> _____
Seminar: <b>45</b> Hrs	
Laboratory: _____ Hrs	
Field Experience: _____ Hrs	
Student Directed Learning: _____ Hrs	
Other (Specify): _____ Hrs	

**MAXIMUM ENROLLMENT:** \_\_\_\_\_

**EXPECTED FREQUENCY OF COURSE OFFERINGS:** \_\_\_\_\_

**WILL TRANSFER CREDIT BE REQUESTED? (lower-level courses only)**  Yes  No

**WILL TRANSFER CREDIT BE REQUESTED? (upper-level requested by department)**  Yes  No

**TRANSFER CREDIT EXISTS IN BCCAT TRANSFER GUIDE:**  Yes  No

**AUTHORIZATION SIGNATURES:**

Course Designer(s): \_\_\_\_\_ Chairperson: \_\_\_\_\_  
 Moira Gutteridge (Curriculum Committee)

Department Head: \_\_\_\_\_ Dean: \_\_\_\_\_  
 Moira Gutteridge J.D. Tunstall Ph.D.

PAC Approval in Principle Date: \_\_\_\_\_ PAC Final Approval Date: November 26, 1997

**COURSE NAME/NUMBER****LEARNING OBJECTIVES / GOALS / OUTCOMES / LEARNING OUTCOMES:**

1. To examine some central controversies about dispute-resolution and decision-making methods, and to recognize how these controversies can be traced to philosophical disagreements about nature and objectivity of reasoning, the concept and importance of equality, the relative value of independence or co-operation, and competing views about the ethics of dispute resolution and decision making processes.
2. To examine the philosophical assumptions of 2-5 current models of dispute resolution, including analysis of their concepts of power, equality, competence, and community. Models will include adversarial models such as the legal system, authority-based models such as top-down management in businesses, peer mediation/negotiation models such as ADR, and consensual models such as sentencing circles.
3. To examine the philosophical presuppositions of at least two methods of complex decision making, including the relative importance of truth, reason, emotion, and independent judgment by the individual reasoner. Models may include quantitative methods, reliance on experts or expert systems, and consensus methods such as the Delphi method.
4. To examine critically how well the philosophical assumptions of these models fit with the contexts in which they are actually used and recommended.
5. To consider the implications of this critical examination for dispute resolution or decision making practices within the students' own careers, fields of study, and social contexts.

**METHODS:**

The method of the course is for students to research different dispute resolution and decision making methods, and share the outcome of their research with one another in seminars. They may use observation or role plays to experience some of the differences between methods. Through seminar discussion, essays, and projects, they will analyse the underlying philosophy of each method and critically reflect on the compatibility between the philosophy of the method and the context in which it is used.

**PRIOR LEARNING ASSESSMENT RECOGNITION (PLAR):**

Credit can be awarded for this course through PLAR (Please check :)  Yes  No

**METHODS OF OBTAINING PLAR:****TEXTBOOKS, REFERENCES, MATERIALS:**

[Textbook selection varies by instructor. An example of texts for this course might be:]

No established text covers precisely this range of content, though James Schellenberg, *Conflict Resolution Theory Research and Practice* comes close and would serve as a useful overview and starting point.

Two texts offer detailed comparisons of the principles behind different approaches to dispute resolution:

Robert Baruch Bush and Joseph Folger, *The Promise of Mediation* (Jossey Bass, 1994) – contrasts the “problem-solving” approach to mediation with the “transformative” approach, including a discussion of the moral philosophy underpinning each one.

Ruper Ross, *Dancing with a Ghost* (Octopus Publishing, 1992) – contrasts the Canadian legal system with northern Ontario native systems, discussing their different belief systems and approaches to truth.

These initial readings will be supplemented by readings on the theory and principles of dispute resolution and decision making, and by readings on reasoning theory and moral philosophy. Excerpts will be chosen from sources such as:

- Dennis Sandole & H. Van Der Merwe, eds, *Conflict Resolution Theory and Practice: Integration and Application* (Manchester University Press, 1993)
- Jonathan Baron, *Thinking and Deciding*, (Cambridge University Press, 1988)
- Harvey Siegel, *Rationality Redeemed?* (Routledge, 1997)
- Michele Duryea, *Conflict and Culture* (University of Victoria Centre for Conflict Resolution, 1995)
- Christopher Hood and D. Jones, eds., *Accident and Design: Contemporary Debates in Risk Management* (UCL Press, 1996)

- Alasdair MacIntyre, *After Virtue*, 2<sup>nd</sup> ed. (University of Notre Dame Press, 1984)

**SUPPLIES / MATERIALS:**

**STUDENT EVALUATION:**

[An example of student evaluation for this course might be:]

Evaluation procedures will vary, but students are always evaluated on a variety of performances that may include essays, contributions to class, presentation of reports, papers and projects. A typical distribution of work would assign 20% to in-class presentations and contributions, 20% to research assignments, 30% to essays and 30% to projects which connect the work of this course to areas of interest in the students' career, major field of study, or social context.

**COURSE CONTENT:**

[Course content varies by instructor. An example of course content might be:]

1 week	Comparing various concepts of dispute, dispute resolution, decision making, and problem solving.
1 week	Controversies about human competence in logical reasoning: results in cognitive science and their implications for our ability to reach sound decisions. Is establishing objective truth essential to satisfactory decision-making?
1-2 weeks	Competing views of the importance of independence and equality in dispute resolution and decision making. What rights might we have to be involved in decisions that affect us?
5 weeks	Critical analysis of the philosophies (implicit or explicit) in selected current models of dispute resolution and their philosophies
2-3 weeks	Critical analysis of selected current models of complex decision making and their expectations of participants, processes and outcomes
1-2 weeks	Examination of the applicability of various models in different professional and personal contexts

**Appendix: Reading Resources**

Materials on individual and group decision making, negotiation, problem solving, mediation, and legal argument, for example:

Hamill, J.F., *Ethno-Logic: The Anthropology of Human Reasoning* (University of Illinois Press, 1990)

Greenawalt, Kent *Law and Objectivity* (Oxford University Press, 1992)

Lewicki, Roy, Alexander Hiam, and Karen Olander, *Think Before You Speak* (Wiley & Sons, 1996)

Nelken, David, *Comparing Legal Cultures* (Dartmouth Press, 1996)

Raiffa, Howard, *The Art and Science of Negotiation* (Harvard University Press, 1982)

Russo, J.E., and P.J.H. Schoemaker, *Decision Traps: The Ten Barriers to Brilliant Decision-making and How to Overcome Them* (Simon & Schuster, 1989)

Singer, Linda R., *Settling Disputes* (Westview Press, 1990)

