

# Emotion Bites:

## A Starter Guide to Incorporating Emotional Intelligence into the Law School Classroom

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### Introduction

This short, practical guide outlines an approach to integrating the theory and practice of emotional intelligence into the law school classroom, based on my experience doing so at the University of Edinburgh. This guide is not intended to serve as a set of best practices, but rather is shared in the spirit of supporting syllabus development by others and starting a larger conversation about how we might engage with emotions as legal educators.<sup>1</sup> As I am not professionally trained in psychology and related topics, I selected material that was accessible and easily digestible by non-experts; I found that this helped to ensure that students were able to easily grasp the assignments. Other instructors with a more specific skill set might wish to delve deeper into some of the themes discussed here, such as mindfulness meditation.

### Background

The *LLM Course in Human Rights and Conflict Resolution* at Edinburgh Law School, which was originally designed by Professor Christine Bell and is currently taught by me, examines the role of human rights law, and related bodies of humanitarian law and international criminal law, in intra-state conflict focusing on how they regulate peace processes. The course also examines the ways in which law enables, constrains or shapes the sequencing and design of peace negotiations and engages with the moral, political, legal and practical dilemmas that arise in peace processes.

In September 2020, I was teaching this course for the third time. I had two reasons for integrating emotions into the course. First, I wanted to apply the developing knowledge on different disciplinary approaches to emotion that I was gaining through my Leverhulme Trust research on emotions in humanitarian negotiation. Second, the Covid-19 pandemic was well underway,

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<sup>1</sup> I am inspired here by two contributions in particular: Gillian Calder, 'Whose Body is This? On the Role of Emotion in Teaching and Learning Law', Susan Bandes, Jody Madeira, Kathryn Temple, and Emily Kidd White, eds., *Handbook of Law and Emotion* (Edward Elgar, 2021); Senthurun Raj, 'Teaching Feeling: Bringing Emotion into the Law School', *The Law Teacher*, July 2020. <https://doi.org/10.1080/03069400.2020.1781456>

and I had the sense that this academic term would be a difficult one for the students. Rather than ask them to suppress or downplay their feelings, I thought this might be a ripe moment to put affect, emotions and feelings at the centre of the course.

To proceed, I re-designed the LLM course to weave a new theme through the syllabus: emotional intelligence and conflict resolution. Building towards the final consolidating session, which brings together all of the lessons on emotional intelligence and conflict resolution, each week of the course teaches a new practical skill. The aim is for students in the course to build their emotional intelligence skills as they learn the theory of human rights and conflict resolution.

Each week, these lessons on emotional intelligence come in the form of ‘Emotion Bites’ which include short readings or videos/audio content and a practical exercise to complete alone or in small groups. The Emotion Bites are flagged in the syllabus with tiny pizza icons 🍕 to set a fun and engaging tone – signalling that this part of the course is Outside the Box! Students are instructed to track their engagement with these skills in a *Course Journal*, which is introduced in Week 2 of the course, as a way of learning how to do reflective practice. The journal is not for credit/marks, but students are invited to share their reflections at the end of the course in an optional exercise.

To reward students who embarked on an in-depth engagement with the Emotional Intelligence material, I introduced a new final exam question (one of four options) that involved writing a memo to the UN Secretary General about how a UN-led negotiations team should approach a peace process in a fictional conflict zone. For this question, students had to lay out the legal and policy framework relevant to amnesties for international crimes, and also outline the emotional intelligence skills that members of the negotiation team should possess. In this way, students were invited to take an unconventional, law and emotions, approach to international peace-making. Recognizing that this aspect of the course might not resonate universally with all students, I also offered students the option to opt-out and select a different exam question that focused more on law and the politics of peace-making.

After conducting a literature review on the emotional skills that are relevant to the wider field of conflict resolution and drawing on my own past professional experience as a humanitarian practitioner, I identified 8 areas for growth that I believe future international lawyers—especially, but not exclusively, those working in the fields of peace-making and international conflict resolution—could benefit from. The practical skills are as follows:

- 1 🍕 Active Listening
- 2 🍕 Self-awareness
- 3 🍕 Mindfulness
- 4 🍕 Empathy
- 5 🍕 Confronting Power and Privilege
- 6 🍕 Inclusivity
- 7 🍕 Curiosity
- 8 🍕 Creativity

These eight skills, or ways of thinking about emotional intelligence in conflict resolution, were introduced in the syllabus in the same format each week: (i) brief overview comments explaining the rationale for learning this particular skill; (ii) a short reading/listening/watching assignment to be completed before the group seminar; (iii) a homework activity to be completed alone or in small groups. The latter activity was adapted for online learning partway through the course, in light of the pandemic. The guide shared below does not include the main syllabus content for the *LLM Human Rights and Conflict Resolution* Course; it solely includes the Emotion Bites that were inserted into the main course.

## **Week 1: Active Listening**

One of the ways in which we can build trust and understanding with others—including with conflicting parties—is by honing the skill of active listening. Each one of us probably thinks that we are a good listener, but are we, really? How might we cultivate this skill and use it in the conflict resolution context?

**Reading:** Thomas Buus Madsen, ‘Active Listening: The Most Undervalued Skill in Conflict Situations’, Huffington Post, 8 March 2017. Available at: <https://tinyurl.com/y94xsh24>

**Homework: Practice Active Listening.** This week, as the course begins, grab a friend, family member, or housemate, and ask them to have a conversation with you for 10 minutes - on any topic. Try out your listening skills, and then go and read the Emotional Bite article for this week by Madsen. What listening level did you get to? Your other task for this week is to find a simple notebook and a pen (ideally you will do this by hand, but phone is ok too), that you can use as a Course Journal for reflections throughout the course. We will start using the journal in Week 2.

## **Week 2: Self-awareness**

If we are going to play a role in resolving conflicts, then the place to start is with ourselves – developing a better understanding of ourselves as individual lawyers, negotiators, or mediators. Daniel Goleman, credited with popularizing the term ‘emotional intelligence’ identifies self-awareness as one of the core components of emotional intelligence (along with self-regulation, motivation, empathy and social skills). This journey of self-discovery involves improving our emotional awareness and identifying our strengths and weaknesses. This week, we will focus on identifying our character strengths. The field of positive psychology suggests that we can be more effective in our lives and in our work if we focus on using our strengths.

**Reading:** ‘The Positivity Project: Character Strengths’, available at: <https://posproject.org/character-strengths/>

**Homework: Identifying Your Own Character Strengths.** One way to develop self-awareness is to start, and keep, a regular journal, which we will begin this week. This week’s homework assignment is to identify your character strengths using this ‘Daily Strengths Awareness Tool’ from the field of positive psychology. Pick 3 days this week and set an alarm to go off 2 times on each day, at any convenient time (6 times total in the week). When the alarm goes off, follow

these instructions and write the results in your Course Journal. A list of strengths is included below.

1. Note the day and time.
2. Briefly describe the activity you were engaged in. Note the activities you performed or accomplished and avoid writing about experiences you had due to the actions of someone else.
3. Write down the emotions and feelings you experienced during the activity, being as specific as possible (e.g., "I felt happy and accomplished after presenting my new marketing campaign without stuttering.").
4. Note the extent to which you enjoyed the activity on a scale from 1 to 10.
5. Note the amount of energy that you gained from this activity on a scale from 1 to 10.
6. Take note of any strength(s) that you used during the activity

Here is the list of character strengths, organized under the relevant virtue (by Peterson and Seligman, 2004)

<p><b>Wisdom and Knowledge</b></p> <ul style="list-style-type: none"> <li>○ Creativity</li> <li>○ Curiosity</li> <li>○ Open-mindedness</li> <li>○ Love of learning</li> <li>○ Perspective</li> </ul>	<p><b>Courage</b></p> <ul style="list-style-type: none"> <li>○ Bravery</li> <li>○ Persistence</li> <li>○ Integrity</li> <li>○ Vitality</li> </ul>	<p><b>Humanity</b></p> <ul style="list-style-type: none"> <li>○ Love</li> <li>○ Kindness</li> <li>○ Social intelligence</li> </ul>
<p><b>Justice</b></p> <ul style="list-style-type: none"> <li>○ Citizenship</li> <li>○ Fairness</li> <li>○ Leadership</li> </ul>	<p><b>Moderation/Temperance</b></p> <ul style="list-style-type: none"> <li>○ Forgiveness and mercy</li> <li>○ Humility/Modesty</li> <li>○ Prudence</li> <li>○ Self-regulation</li> </ul>	<p><b>Transcendence</b></p> <ul style="list-style-type: none"> <li>○ Appreciation of beauty and excellence</li> <li>○ Gratitude</li> <li>○ Hope/Optimism</li> <li>○ Humour</li> <li>○ Spirituality</li> </ul>

### **Week 3: Mindfulness**

Building on last week’s introduction to self-awareness, we move on this week to consider mindfulness, which is one method for enhancing our capacity to be self-aware. There is growing interest in the field of legal education to consider how mindfulness training might equip lawyers, and this skill seems especially useful in the context of conflict resolution. According to Riskin, honing skills of mindfulness can help lawyers ‘observe thoughts, intentions, and feelings-which can lead to a more reflective attitude toward a variety of ego needs and to the development of compassion, empathy and feelings of connection with others, and a

commitment to service'. He argues that the 'contemplative lawyer' brings a special skillset to the negotiating table.

**Reading:** Leonard Riskin, 'The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers and their Clients', *University of Florida Levin College of Law*, Spring 2002. (Read pages 45-59). Available at: <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1436&context=facultypub>

**Homework: Mindfulness Meditation.** To practice the skill of mindfulness, your homework this week is to dip a toe in the world of mindfulness meditation. First, watch this (17 min) TEDx talk 'How Can Mindfulness Help Us' by Yale Professor Hedy Kober: <https://www.youtube.com/watch?v=4hKfXyZGeJY>. Next, try one, 15-minute session of loving-kindness meditation, which is designed to make us feel more socially connected. This guided meditation is created by Emma Seppala, from Stanford's Centre for Compassion and Altruism Research and Education. Audio available here: [https://ggia.berkeley.edu/practice/loving\\_kindness\\_meditation](https://ggia.berkeley.edu/practice/loving_kindness_meditation).

After completing these steps, spend 5 minutes writing in your Course Journal. Some questions to guide you are: How did it feel? What challenges did you face, what surprises did you discover?

## 🚩 Week 4: Empathy

The neuroscientist Shamay-Tsoory defines empathy as follows: Empathy is the ability to recognize other people's thoughts and feelings ("cognitive empathy") and respond to these with an appropriate emotion ("affective empathy"). Molenberghs adds a third dimension, "emotional regulation", which refers to our ability to control our own emotions. He notes that empathy also has downsides, such as when one's empathy for an in-group leads one to be in conflict with those not in the in-group. As students of peacebuilding and conflict resolution, we are interested in empathy in the group context and how it might play a positive role in ensuring peaceful relations. Research on conflict and inter-group relations establishes that increased interaction between groups that are in conflict with one another—assuming that the groups have equal status, work towards a common goal, and that their contact is sanctioned by an authority—can reduce fear of others, and help to avoid demonization (Allport, 1979; Pettigrew and Tropp, 2006; MacInnis and Page-Gould, 2015 (see *Empathy for Peace* resource from this week's readings). There is also an important link between power sharing and empathy: one of the ways in which empathy can be fostered in post-conflict settings is by identifying areas or domains where power can be shared by different groups.

**Reading:** (1) Pascal Molenberghs, 'Understanding Others' Feelings: What is Empathy and Why Do We Need It?', *The Conversation*, January 2017, available at: <https://theconversation.com/understanding-others-feelings-what-is-empathy-and-why-do-we-need-it-68494>. (2) *Empathy for Peace*, 'Empathy: An Invaluable Natural Resource for Peace', September 2019 (read pp. 4-6), available at: <http://www.empathy-for-peace.org/wp-content/uploads/2019/09/Empathy-4.pdf>.

**Homework: Reading Facial Expressions.** This exercise is loosely based on the ‘Let’s Face It’ exercise from the Big Book of Conflict Resolution Games. One tool for cultivating empathy as individuals is to develop our ability to read the emotions of others. Form groups of 4 (to meet in person or virtually) to do this 20-minute exercise.

First, each person in the group should review this handout of facial expressions and associated emotions: what do expressions of sadness, guilt, joy, worry, look like? (Handout: <http://archive.brookespublishing.com/documents/strong-kids-3-5-supplement-4-2.pdf>).

Next, gather in your groups and select one person to facilitate. This person keeps the discussion moving and leads the discussion in the small group. Each member of the group will select one emotion to ‘perform’ for the other group members, who have to guess which emotion it is based on facial expression. Do two rounds of this, and then discuss the following questions in your small group:

1. How significant are facial expressions in conveying our emotions?
2. What are some situations in which facial expressions are crucial in communication and comprehension?
3. What emotions are the easiest to comprehend? Why?
4. What emotions are not easy to interpret? Why?
5. What facial expressions are easiest to misinterpret?
6. What effect do facial expressions have on our interactions with others?
7. How aware are we of our facial expressions?
8. How do facial expressions consciously or unconsciously impact our ability to resolve conflict?
9. Given what we learned here, is it possible to better manage our nonverbal communication? How?

## **Week 5: Confronting Power and Privilege**

At the individual level, power can be generally defined as one’s ability to cause an outcome or to influence an outcome. In the institutional context, power refers to one’s ability or authority to make decisions about what is best and to exercise some degree of control over others. Power can be a good thing; in the context of conflict resolution, the pressing question is how the conflicting parties wield their power, and how we, as individuals who are interested in resolving conflict, wield our own power. An issue connected to this, which is increasingly gaining attention through movements such as Black Lives Matter, is privilege. In her work on ‘Everyday Feminism’, Sian Ferguson defines privilege as follows: “a set of unearned benefits given to people who fit into a specific social group. Society grants privilege to people because of certain aspects of their identity. Aspects of a person’s identity can include race, class, gender, sexual orientation, language, geographical location, ability, and religion, to name a few.” This week we will focus on ourselves, as future mediators and conflict resolvers: how do we think about our own power and privilege? This builds towards our future lesson on inclusivity, where we will think about how to empower those who are less privileged or powerful.



**Reading:** Listen to BBC Presenter Claire Amfo's short 4 minute speech in response to George Floyd's death in the U.S, 2 June 2020, available at: <https://www.bbc.co.uk/news/entertainment-arts-52890690>

**Homework: Reflections on Power and Privilege.** After listening to Claire Amfo's discussion of racism, reflect on the content of her comments and the power of her emotions as she delivers them. What is Amfo asking for, what kind of emotional appeal is she making? How might we 'do the work' that Amfo talks about, and what would it mean to be anti-racist in the context of conflict resolution? Write your answers in your Course Journal.

Next, you will complete the 'Social Identity Wheel' exercise developed at the University Michigan, which will allow you to critically reflect on your own identity. The Social Identity Wheel can be found on p.3 of this handout: <https://sites.lsa.umich.edu/inclusive-teaching/wp-content/uploads/sites/732/2018/12/Social-Identity-Wheel-3-2.pdf>. Record your responses in your Course Journal. Then, gather in groups of 4 (virtually, if necessary), to discuss.

## Week 6: Inclusivity

Who is at the negotiating table, and who is left out? Who is physically present at the negotiation table, yet is not being listened to or valued? This week, we will think about diversity and the importance of inclusivity in conflict resolution processes. Focusing on ourselves as individuals who might play a role in peace-making, we will consider the issue of unconscious bias and the obstacles it could present to an inclusive peace process.

**Reading:** Emotional Intelligence and Diversity Institute, 'What Does Emotional Intelligence and Diversity Have to Do with Unconscious Bias?', 16 November 2016, available at: <https://www.eidi-results.org/blog/2016/11/16/what-does-emotional-intelligence-and-diversity-have-to-do-with-unconscious-bias>

**Homework:** An important skill relating to cultivating inclusivity is to understand our own conscious and unconscious biases. This week, your homework is to partner with another member of the class (virtually or in-person) and to select a set of questions from the *EIDI* reading assigned this week (*on Emotional Intelligence and Diversity*). The options are: 'affirmative introspection', 'self-governance', 'intercultural literacy', and 'social architecting'. Discuss the relevant questions and note down your findings in your Course Journal. If you need some more information on the EIDI model, check out this short overview here: <https://www.eidi-results.org/what-is-eid>.

## Week 7: Curiosity

In our daily lives, when we are trying to manage conflicts, persuade others, or negotiate for something that we want, we need to build relationships and foster trust with others. One skill that we can cultivate, that might help with this, is to develop what lawyer and negotiator Kwame Christian calls 'compassionate curiosity'. This technique offers a way of engaging with

others, staying open, strengthening and preserving relationships. Building on our previous conversations about cultivating empathy, this week we will consider how we might become more compassionately curious.

**Reading:** Emotion Bite: Listen to TedX talk by Kwame Christian of the American Negotiation Institute, 'Finding Confidence in Conflict', 11 December 2017 (11 minutes), <https://www.youtube.com/watch?v=F6Zg65eK9XU>.

**Homework: Compassionate Curiosity Exercise:** Reflect on Kwame Christian's 'Compassionate Curiosity' framework, as outlined in his TEDx talk assigned for this week. Recall that his framework has three parts: (1) Acknowledging and Validating Emotions; (2) Getting Curious with Compassion, (3) Engaging in Joint Problem Solving. Think back to an interpersonal conflict you had with a friend, partner, colleague, or stranger in the past. If you had followed the three-step framework, what might have happened? Why is this sometimes so hard to do, in practice? Write your findings in your Course Journal.

If you are interested in learning more about this framework, see this other short article by the American Negotiation Institute, 'How to Build Trust and Use it in Negotiations and Conflicts', <https://americannegotiationinstitute.com/how-to-build-trust-and-use-it-in-negotiations-conflicts/>

## Week 8: Creativity

When some of you did the 'character strengths' exercise at the beginning of the course (see Week 2), you might have identified 'creativity' as a strength. Conflict resolution processes clearly demand some level of creativity on the part of those who are overseeing or participating in the talks, and yet we do not often have explicit discussions (especially in law school settings) about what creativity looks like and how it might be fostered. Other disciplines, of course, are well aware of the importance of creativity and celebrate its potential to shape peace processes for the better. This week, we will think about how we, as lawyers or students of politics and international relations, might get creative about fostering peace.

**Reading:** Listen to episode 6 of the *Music and Peacebuilding* podcast, featuring Dr. Mary Cohen's singing work with prisoners in Iowa, 'Singing Connected Relationships in Prison Contexts with Dr. Mary Cohen', (it is 47 minutes long, so just listen to the 15-20 minutes of it that interest you – there is a full transcript on the website, so you can identify what parts you want to hear), available at: <https://www.musicpeacebuilding.com/singinginprisoncontexts>.

**Homework: Identifying Creative Approaches:** After listening to the Music and Peacebuilding podcast with Dr. Mary Cohen, reflect on the value of creative approaches to peacebuilding and specifically on the role of imagination. Also note her careful use of language: Dr. Cohen uses the terms 'insiders' and 'outsiders', instead of categorizing those in prison as 'offenders'. What is achieved through this re-labelling?



Doing a simple internet search, check out the ways in which peace actors have used music, painting, drawing, dance, and other artistic or creative approaches to build peace in the contexts they are working in. Select one example that stands out to you and bring it to our class discussion (in person or virtual). In your Course Journal, write about what you find exciting in this approach, and reflect on the following question: could we, and should we, be creative with *law* when we are building peace?