

An Empirical Exploration of the Structure of Equality Rights Law and Its Effects on the
Relational, Affective, and Creative Self

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Abstract

The law is something that as individuals we live every day. From paying for our groceries, drafting purchase orders, to employment policies and practices, the law structures the way we interact with each other. In so doing, it shapes our behaviours, affects our autonomy, our emotional well-being, and the ability to resolve problems in creative ways. In effect, it has the capacity to shape who we are. Equality rights law is designed to remove barriers that otherwise inhibit individuals from meaningfully participating in a democratic society. The following research applies a Relational Approach to the study of law by exploring how equality rights structures the Self and its capacity to engage in interactive creation.

The research employs an experimental design. 516 volunteer undergraduate students participated in an experiment that manipulated the structure of equality rights law. Participants were assigned to one of three conditions: the construction of the law, its interpretation, or its combined structure. Within each of the conditions, participants were asked to negotiate a cultural-religious conflict. The effect of each of these conditions was tested on the participants' Relational, Affective, and Creative Selves.

The results of this research demonstrate that equality rights law is an influential force on the Self and can be a means by which deep conflicts can be attenuated or even resolved. The results however go deeper. They suggest that just by shaping the law in particular ways, its effect can have a potentially significant impact on how we engage in constructing long-term relationships with individuals, organizations, and even the State.

Le droit est quelque chose que chaque personne vit au quotidien. Que ce soit de payer l'épicerie, de rédiger des bons de commandes, d'examiner les politiques et pratiques reliées à l'embauche, le droit structure la façon dont nous interagissons les uns avec les autres. Ce faisant, il façonne nos comportements, affecte notre autonomie, notre bien-être émotionnel, et notre capacité de résoudre les problèmes de façon créative. En effet, le droit a la capacité de façonner qui nous sommes. Le droit à l'égalité est conçu pour éliminer les obstacles qui autrement, empêcheraient des individus à participer de façon significative dans une société démocratique. La recherche suivante applique une approche relationnelle du droit en explorant comment le droit à l'égalité structure le Soi et sa capacité à inciter des interactions créatives.

La recherche utilise un modèle expérimental. 516 étudiants bénévoles au niveau du premier cycle ont participé à une expérimentation manipulant la structure du droit à l'égalité. Les participants ont été mis dans une des trois situations impliquant soit la construction du droit, son interprétation ou sa structure. Dans chacune de ces situations, les participants ont été invités à négocier un conflit d'ordre culturel et religieux. L'impact de chacune de ces situations a été testé sur l'autonomie, le bien-être émotionnel et la créativité des participants.

Les résultats de cette recherche démontrent que le droit à l'égalité est une force influente sur le Soi et peut être un moyen par lequel des conflits majeurs peuvent être atténués ou même résolus. Cependant, les résultats vont plus loin. Ils suggèrent que, tout en façonnant le droit de façon particulière, ceci peut avoir un impact potentiellement significatif sur la façon dont nous nous engageons dans la construction de relations à long terme avec des individus, des organisations, et même l'État.

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LSD - An LSD or least significant difference test is a t test that makes all possible pairwise comparisons of group means following a statistically significant omnibus F test. This test is the most liberal (i.e., it has relatively high statistical power and a greater likelihood of committing a Type I error).

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Introduction

Introduction

Canada is often presented as a “successful” multicultural society, but it is not void of cultural conflict. Over the last decade, value-based conflicts have played an influential role in shaping Canadian public discourse and policy. From faith-based funding of schools in Ontario to polygamous marriages in British Columbia, the State response has varied. In Ontario, for example, the provincial government chose not to extend public funding of schools to religious groups other than the existing Catholic system, while in British Columbia, the police was called in to investigate a polygamous community.

Governments are not the only State institutions that have been called upon to resolve value-based tensions. The courts have also struggled to resolve numerous conflicts many of which involved religious beliefs and practices. Religion, or the imposition thereof, has been used to challenge mandatory Sunday closures of businesses,¹ home schooling,² religious observance,³ the right of parents to deny blood transfusions⁴ and the age of consent to permit them,⁵ expression of religious beliefs⁶ and practices,⁷ validity of religious-based contracts,⁸ and the content of curricula set by public schools.⁹

¹ *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R., 295; *R. v. Edwards Books and Art Ltd.*, [1986] 2 S.C.R., 713

² *R. v. Jones*, [1986] 2 S.C.R., 284.

³ *Ont. Human Rights Comm. v. Simpsons-Sears*, [1985] 2 S.C.R., 536; *Central Alberta Dairy Pool v. Alberta (Human Rights Commission)*, [1990] 2 S.C.R., 489; *Commission scolaire régionale de Chambly v. Bergevin*, [1994] 2 S.C.R., 525; *R. v. N.S.*, [2012] 3 S.C.R., 726; *Reference re: Section 293 of the Criminal Code of Canada*, [2011] BCSC, 1588.

⁴ *B. (R.) v. Children's Aid Society of Metropolitan Toronto*, [1995] 1 S.C.R., 315.

⁵ *A.C. v. Manitoba (Director of Child and Family Services)*, [2009] 2 S.C.R., 181.

⁶ *Ross v. New Brunswick School District No. 15*, [1996] 1 S.C.R., 825; *Saskatchewan (Human Rights Commission) v. Whatcott*, [2013] SCC, 11.

⁷ *Syndicat Northcrest v. Amselem*, [2004] 2 S.C.R., 551; *Multani v. Commission scolaire Marguerite-Bourgeoys*, [2006] 1 S.C.R., 256; *R. v. N.S.*, *supra* note 3; *Alberta v. Hutterian Brethren of Wilson Colony*, [2009] 2 S.C.R., 567.

⁸ *Bruker v. Marcovitz*, [2007] 3 S.C.R., 607.

⁹ *S.L. v. Commission scolaire des Chênes*, [2012] 1 S.C.R., 235.

Value-based conflicts have also occurred outside of the political and judicial fora. Many conflicts occur in the workplace or at school. In some cases, the conflicts escalate to the courts or into the halls of parliament, but in many cases, they are resolved through means of creative problem solving.

Universities, for example, have created sophisticated prayer spaces; hospitals have altered uniform standards to allow hijabs; and employers have modified work schedules to allow for religious observance. Though these arrangements may appear simple, employers and service providers often struggle to deal with such requests. By offering a prayer room, not only do employers have to consider whether they have the appropriate physical facilities available, but they also have to consider how to manage effectively the use of the room by different groups; how to manage shifts and breaks to allow people to pray; whether to install ablution facilities or manage the way ablutions are done in the washrooms; whether to provide prayer mats, hijabs, and/or other material; whether to allow reading material or religious symbols in the room; and how to manage requests related to the segregation of sexes.¹⁰

As these examples attest to the capacity of resolving apparent value-based conflicts, the frequency and amplitude of such conflicts seems to have magnified. At the heart of many of these disputes are individual and collective rights tied to particular grounds of discrimination—be it religion, gender, or culture—pitted against one another. Because rights have been constructed in a way that is closely tied to the human condition and with human existence, they are deemed so fundamental, moral, and arguable even sacred. The belief in their worth is so strong that in many countries, human rights have been embedded in law,

¹⁰ Canadian Human Rights Commission, Canada, *Mapping Out the Terrain: The Accommodation of Religious Practices*, (Ottawa: Canada, 2012).

including in constitutions. It is not surprising that our increasing reliance have led some to pronounce the next age of conflict as one defined by values and culture.¹¹

This challenge has led to some to investigate the role of “sacred” values in conflict, including the effect of violating an individual’s human rights. Studies on sacred values suggest that a violation of one’s human rights, especially a human right that has a morally infinite or transcendental significance such as religion and culture, has a detrimental effect on the individual to the extent that negotiating a remedy is very difficult.¹² In the case of a conflict involving rights, where both rights are not only considered sacred but embedded in law, the likelihood of negotiating a joint solution would presumably be extremely small.

Research however suggests that most values, including individual and collective rights, can be traded-off depending on the circumstances.¹³ If people are inclined to trade-off sacred values, even their own rights, does the law prevent them from doing so? If it does, is there a reason, and are there consequences? More practically, how does the structure of human rights law, especially equality rights, affect individual values, and does this effect have an impact on the way people interact and relate to one another? Do individuals respond more to certain structures of law over others? What does this response tell us about the way people negotiate and live conflict in their daily lives? Can this response indicate or provide an explanation of why people resist the law? Do equality rights aggravate value-based conflicts?

¹¹ Samuel P Huntington, "The Clash of Civilizations?" (1993) 72:3 Foreign Affairs 22.

¹² Scott Atran & Robert Axelrod, "Reframing Sacred Values" (2008) 24:3 Negotiation Journal 221.

¹³ Ann E. Tenbrunsel, et al., "The Reality and Myth of Sacred Issues in Negotiations" (2009) 2:3 Negotiation and Conflict Management Research 263.

Overview of the study

Over the past several years in Canada, “resistance” to elements of human rights law has been largely witnessed by a variety of public controversies over the accommodation of certain cultural and religious practices. Aside from the actual practices, the legal concept of accommodation has been contested because it is simultaneously a social and legal concept. As a social concept, accommodation refers to a process of negotiation between individuals of various abilities and capacities to live and function together within a given society.¹⁴ But the framework and process have become highly contested in a variety of areas. For some, the area that has been perhaps the most affected is in relation to identity. According to Beaman, controversies around accommodation have polarized over the past two decades most notably around identity as “an essential beginning place for rights claims, and...determinations of the appropriateness of reasonable accommodation”.¹⁵ The manner in which this social controversy plays out is illustrated among others by Lefebvre,¹⁶ Eisenberg,¹⁷ Bakht,¹⁸ and Shipley.¹⁹

¹⁴ Natasha Bakht, "Veiled Objections: Facing Public Opposition to the Niquab" in Lori G. Beaman ed, *Reasonable Accommodation: Managing Religious Diversity* (Vancouver: UBC Press, 2012).

¹⁵ Lori G. Beaman, "Introduction : Exploring Reasonable Accommodation" in Lori G. Beaman ed, *Reasonable Accommodation: Managing Religious Diversity* (Vancouver: UBC Press, 2012) at 5.

¹⁶ Solange Lefebvre, "Religion in Court, Between and Objective and a Subjective Definition" in Lori G. Beaman ed, *Reasonable Accommodation: Managing Religious Diversity* (Vancouver: UBC Press, 2012); Solange Lefebvre, "Beyond Religious Accommodations in the Workplace: A Philosophy of Diversity" in Solange Lefebvre & Lori Beaman ed, *Religion in the Public Sphere. Canadian Case Studies* (Toronto: University of Toronto Press, 2014); Solange Lefebvre, "Faire de la diversité un atout. Un défi commun à plusieurs sociétés" in Marie-Claire Foblets & Jean-Louis Schreiber ed, *Les Assises de l'interculturalité* (Bruxelles: Éditions Larcier/De Boeck, 2013).

¹⁷ Avigail Eisenberg, "Identity Quietism and Political Exclusion" in Lori G. Beaman ed, *Reasonable Accommodation: Managing Religious Diversity* (Vancouver: UBC Press, 2012); Avigail Eisenberg, "The case of polygamy" in Gillian and Beaman Calder, Lori ed, *Polygamy's Rights and Wrongs* (Vancouver: UBC Press, 2014); Avigail Eisenberg, "Rights in the Age of Identity Politics" (2012) 50:Osgoode Hall LJ 609; Avigail Eisenberg, "Identity Politics and the Risks of Essentialism" in ed, *Liberal Multiculturalism and the Fair Terms of Integration* Springer, 2013); Avigail Eisenberg, "À la défense des droits culturels: Réponse à Jean Leclair" (2011) 41:1 Recherches amérindiennes au Québec 112.

¹⁸ Natasha Bakht, *supra* note 14; Natasha Bakht, "Objection, Your Honour! Accommodating Niqab-Wearing Women in Courtrooms" in Ralph Grillo et al eds ed, *Legal Practice and Cultural Diversity* (Surrey: Ashgate Publishing, 2009); Natasha Bakht, "Reinvigorating Section 27: An Intersectional Approach" (2009) 6:2 Journal

Of particular interest throughout the debate on the social concept of accommodation is the way in which the law is evoked, interpreted, and used. Though a standard legal understanding exists (see above), a debate also exists within the legal community as to its appropriateness especially in dealing with the accommodation of certain practices. Bosset, for example, presents reasonable accommodation as a legal principle that is based on a concept of equality focused on outcomes rather than sameness in treatment.²⁰ Beaman, however, argues that the concept falls short of furthering substantive equality. The concept perpetuates the division between the dominant and subordinate, preventing deep integration. Bouchard sees the duty to accommodate as a generally effective tool, though one that has limits, for the gradual integration of members within society. While Lampron argues that the accommodation of certain practices, notably religious ones, does not really exist given the status of religion as a super-right.²¹

The following research examines how the law structures relations between individuals and the law. It first examines how the law affects the Self, and the values or needs that support individual and collective development. To do so, the research employs a relational framework. A relational framework²² considers the way in which structures that support relationships, such as the law, affect human interaction. The purpose of using a relational framework is to study law from the perspective of the ordinary person, particularly

of Law & Equality 135; Natasha Bakht, "Religious arbitration in Canada: protecting women by protecting them from religion" (2007) 19:Can. J. Women & L. 119.

¹⁹ Heather Shipley, "One of These Things Is Not Like the Other: Sexual Diversity and Accommodation" in Lori G. Beaman ed, *Reasonable Accommodation: Managing Religious Diversity* 2012); Pamela Dickey Young, Shipley, Heather, & Trothen, Tracy J., *Religion and Sexuality: Diversity and the Limits of Tolerance* (Vancouver: UBC Press, 2015).

²⁰ Pierre Bosset, "Les fondements juridiques et l'évolution de l'obligation d'accommodement raisonnable" in Myriam Jézéquel ed, *Les accommodements raisonnables: quoi, comment, jusqu'où?* (Cowansville, QC: Éditions Yvon Blais, 2007).

²¹ Louis-Philippe Lampron, *La hiérarchie des droits : convictions religieuses et autres droits fondamentaux au Canada* (Bruxelles: P.I.E. Peter Lang, 2012).

²² Jennifer Nedelsky, *Law's relations: A relational theory of self, autonomy, and law* (Oxford: Oxford University Press, 2012).

how the law constructs and constrains individual actions and decisions. By examining how people interpret and use the law demonstrates that the law is not a passive but a dynamic force. Using a relational framework to the law allows us to better understand how the law affects and is shaped by the values, beliefs, and behavior of individuals, how the law is neither neutral nor passive, and how the law defines and constrains choices by giving a type of “standing” or “voice”.²³

Using a relational approach to the study of law re-embodies the law. The person becomes the centre of its concern. Rather than speaking of the law as a tool of systemic structures, the law becomes focused on the individual and its effect on how it impedes or promotes his or her developmental growth. The law becomes an object that promotes care, support, and community rather than solitude, isolation, and disaffection.

Significance of the study

This research is significant for several reasons. In terms of its substantive contribution, the results of this study provide insight into the causal relationships of how law, and specifically human rights law, affects the ordinary person’s sense of Self and his/her ability to negotiate sacred or value-based conflicts. The answers to this research have an important impact on the way we think about the law and its application on how people live and experience it on a daily basis, how the law affects individual well-being, and how the effect on well-being shapes individual voice in resolving highly charged conflicts.

The results also contribute to a gap in knowledge. To date, there is very little empirical quantitative evidence that examine the effects of the structures of law on individual well-being and its consequences in shaping human behavior. This is particularly the case in

²³ Anna-Maria Marshall & Scott Barclay, "In their own words: how ordinary people construct the legal world" (2003) 28:Law & Soc. Inquiry 617.

the field of human rights research. This research is one of few that attempts to provide empirical evidence on the capacities of human rights law to meet individual needs and needs and to shape their behaviours when confronted with conflicts that elicit deeply held individual and collective values.

At a theoretical level, the structure and applied approach used for this research allow it to empirically test and validate a relatively new way of analyzing the law. Using an experimental design builds on a growing body of applied research²⁴ that seeks to test directly the effects of various structures of the law on behaviours and outcomes. This type of interdisciplinary work is revealing new and innovative ways of understanding the effects of the law and modifying their construction and application in ways that advance public policy interests.

Outline of thesis structure

The following thesis is divided into seven chapters.

The first chapter provides a theoretical overview, and is largely inspired by Hannah Arendt's work. The approach to the study of law, however, stems from Nedelsky's writings on relationism. For Nedelsky, we are constituted by law, and as such, law that fails to foster the development and growth of the individual is inherently problematic. Nedelsky argues that the law should thus be measured, assessed, and studied by the type of impact it has on a person's ability to engage in constructive relationships examining its effects on the Relational, Affective, and Creative Self. The constructive relationship is in part defined by the extent to which individuals have the ability and capacity to seek creative means for

²⁴ Lee Epstein & Andrew D Martin, *An Introduction to Empirical Legal Research* (Oxford: Oxford University Press, 2014).

building and maintaining working relationships with others, including the structures, institutional and otherwise, that comprise the environment.

To demonstrate why this theoretical approach is appropriate, an overview of its theoretical foundations is presented, its evolution, components, as well as its criticisms. The chapter concludes with a brief discussion on how using a relational approach is an exercise in understanding vulnerability, and how the law can be a contributing factor in rendering individuals voiceless.

Chapter 2 explores the concepts used to operationalize the relational approach. It begins with an introduction to negotiation and its various facets. The purpose of examining negotiation processes is to contextualize elements of the research design used to examine the structures of law on the Relational Self.

Following this section, I introduce the methodological approach guiding the research design. Applied research is a systematic approach used to understand the environment through practical application of science. I propose to apply a relational study of the law to a simulated real life event using a controlled experiment. The chapter goes on to describe the various terms used in experimental design and the variables used.

The third chapter outlines the methodology. I present the scenario used in the experiment, the data collection process, the procedures, the tools, the measures, the conditions, the set-up, and finally the analytical procedures used.

Chapters 4, 5, 6, and 7 present the results. Chapter 4 describes the effects of the structures of law on the Relational Self; chapter 5 does so for the Affective Self; and chapter 6 presents the results of the effects on the Creative Self. Chapter 7 explores the interaction

effects between various structures of equality rights law and religion, race, generational status, and gender.

The final chapter offers a summary of key findings. It also provides some concluding remarks by tying together the results from Chapters 4, 5, and 6 on the Relational, Affective, and Creative Self. In addition to some limitations, I offer some thoughts for further research.

Conclusion

This introduction outlined the problem, provided an overview, identified the significance, and mapped out the upcoming chapters. Though all these components are important in helping the reader navigate a dissertation, what I believe important to retain is the power of our own experiences, exchanges, and relationships in inspiring us to think critically about the way we are shaped by structures such as the law, and how these structures can deeply affect our ability to grow as caring individuals.

Chapter 1: Applied Research in Law - Theoretical Considerations

1.0 Introduction

Participant A: Hello. My position is that the Christmas tree should be put up in an area that many people can see. I would also like to have the Christmas decorations as the theme of the tree, as well as name it the Christmas tree.

Participant B: I have some major concerns with that; first off would be. Whether or not to put it up. Personally I think that it would be best to avoid religious discrimination if one were not put up at all. Seeing as not everyone who attends this university would be the same religion and it would greatly offend some.

Participant A: I do not believe that putting up a Christmas tree can be classified as discrimination. We have the right to association with our values and to speak of our values in public. By putting up the Christmas tree, I am not discriminating against anyone - I am simply expressing my cultural traditions in hopes that others will appreciate this. Those who do not share the same cultural values as me do not have to participate. They also have the right to express their own traditions and may do this respectfully.

Participant B: But why should one religious symbol be over represented when another is not? If we cannot reach a mutual agreement in regards to location, then I think it would be better if it was put up in a less public area, like a hallway or classroom. That way it can still be there for those who celebrate it but not in a large gathering space to make those who do not wish to celebrate feel uncomfortable or pressured.

Participant A: I would not be happy putting it in a classroom. The best would be in a public area, however if we must, a hallway would do.

The above excerpt comes from a discussion between two students who were tasked to organize an event during the holiday season. One of the students wanted to put up a Christmas tree while the other student, for religious reasons, was opposed to the idea. Both students claimed protection under a university policy designed to prevent discrimination. They called on such notions as values, rights, and equality, yet both realized that the solution to the problem was of a practical nature. The following research is inspired by theory but seeks real or practical solutions.

Applied research is a systematic approach to understanding the environment around us involving the practical application of science. It differs from basic research in that applied research usually involves solving an existing problem using empirical methods. Basic research seeks to uncover new phenomena or new ideas of general interest; whereas, one of the objectives of applied research is to test and validate discovered phenomena.²⁵

The following research falls within the applied stream of inquiry by seeking to test the foundations of Nedelsky's relational approach to the study of law.²⁶ Though the quest is to add empirical evidence to a practical problem, the following research is nevertheless built upon a theoretical foundation. Nedelsky's approach is an extension of Arendt's political call to action.

This chapter outlines the theoretical basis for the research, which is largely inspired by the works of Arendt and Nedelsky in response to most notably Kant and even Bentham. The chapter begins with an attempt to define the law and some of the core assumptions and requisites upon which the law operates. The next definition seeks to unravel the nature of rights and equality. The final section brings it all together and introduces Nedelsky's relational approach to the study of law.

The overview is not a comprehensive theoretical discourse. It serves simply to lay out the path that has led to the development of the relational approach and the reason for its choice as the framework of this research.

²⁵ London School of Economics and Political Science, Contingency and Dissent in Science Project, *Why the distinction between basic (theoretical) and applied (practical) research is important in the politics of science* by Nils Roll-Hansen (London: London School of Economics and Political Science, Contingency and Dissent in Science Project, 2009).

²⁶ Jennifer Nedelsky, "Law, Boundaries, and the Bounded Self" in ed, *Law's relations a relational theory of self, autonomy, and law* Oxford University Press, 2012).

It is also important to note that this endeavour is one that seeks to bridge three distinct fields of study. Arendt's political call to action calls to integrate evidence from the span of human experience including knowledge. The following overview pulls on arguments, concepts, and evidence from political science, philosophy, economics, sociology, and psychology in an attempt to render the study of law an arena of democratic inquiry.

1.1 Defining the Law

Attempts at defining the law are long and well documented, but convention and common understanding require a place of departure.

For some, the law is a mechanism used to control the exercise of power. In so doing, the law, and its adherence to it or the rule of law, establishes an "empire of law, not of men."²⁷ For others, law is a necessary condition for freedom.²⁸ Though both these two approaches to the law may lessen certain forms of domination, they do not remove most forms.²⁹ Pettit argues that to achieve non-domination in all forms, a constitutional order is required.³⁰ Pettit's approach may prevent and eliminate domination against citizens, but may not necessarily be sufficient to address the domination of others or non-citizens.³¹ For these authors, law is defined by its function—as a check or balance of the sovereign.

²⁷ Harrington, as quoted by Philip Pettit, *Republicanism: A Theory of Freedom and Government: A Theory of Freedom and Government* (Oxford, UK: Oxford University Press, 1997) at 38-39.

²⁸ Filmer, as quoted by P. Pettit, *ibid* at 38.

²⁹ James Bohman, "Citizens and Persons: Legal Status and Human Rights in Hannah Arendt" in Marci Goldoni & Christopher McCorkindale, ed, *Hannah Arendt and the Law* (London: Hart Publishing, 2002).

³⁰ Philip Pettit, *supra* note 27.

³¹ James Bohman, *supra* note 29.

Another approach to the law is to understand how it operates. According to Naffine, the law is designed to regulate individual and group behaviour. To act as an effective regulator, the law needs to understand its subjects and why they matter.³²

In this vein, Bourdieu seeks to understand how the law operates through cultural schemas that are internalized into a set of dispositions. These schemas help to order the world and form the foundation of symbolic systems. Dominance is established by having control over the schemas that define culture and the schemas that imbue systems with symbolic meaning. Law is an example of a symbolic system in which those who belong to the field struggle to master control over the symbolic power that resides within naming and interpreting legal texts. By controlling law, not only does one have the symbolic capital to dominate but also to exert violence upon the dominated.³³ “Controlling the law is important to social control. This is why the struggle also takes place outside the field.”³⁴ The form of the struggle is largely shaped by the *habitus*.

The *habitus* is:

a system of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them.³⁵

More simply, the *habitus* is a set of durable predispositions, which “organize the way individuals see the world and act in it.”³⁶ The *habitus* shapes worldviews, expectations and life-paths. Though the *habitus* may appear fatalistic or even biological,

³² Ngaire Naffine, *Law's Meaning of Life: Philosophy, Religion, Darwin and the Legal Person* (London, UK: Hart Publishing, 2009).

³³ Mauricio García Villegas, "On Pierre Bourdieu's Legal Thought" (2004) 56:1 *Droit Et Société* 57.

³⁴ *Ibid* at 61.

³⁵ Pierre Bourdieu, *The logic of practice* (Palo Alto, CA: Stanford University Press, 1990) at 53.

³⁶ Anthony King, "Thinking with Bourdieu against Bourdieu: A 'practical' critique of the *habitus*" (2000) 18:3 *Sociological theory* 417 at 423.

the idea is that there exist strong social determinants that shape individual understandings of the environment and the fields in which people find themselves struggling to gain some form of cultural and symbolic dominance.

Bourdieu subsequently offers two suggestions on how to examine a *habitus*. The first method is through an ethnographic study. Matthew Desmond, for example, seeks to understand the *habitus* of wildland firefighters. He argues that a specific process of socialization during childhood and adolescence leads young men to firefighting – a profession characterized as a high-risk occupation.³⁷ The second method is to study a particular field. This may be the field of law, or a subset: administrative law, tort, or criminal law. A field may also include studying a type of legal practice, for example, alternative dispute resolution mediators in human rights or labour law.

For Bourdieu, the law is a form of symbolic violence used and defined by an invested profession.³⁸ He too sees it as mechanism to control the exercise of power, but is more interested in how the control of power shapes the struggle for power within the legal field. Thus, for Bourdieu, the law is about the individuals who shape and interpret it.

Finally, there are also those who argue about the moral content of the law. This is notable in debates over human rights law. According to Schauer, law is a reflection of human morals. It is a mechanism that can modulate morality, but the law is not morality per se. The “law turns pre-existing universal moral rights into human rights and hence...into human rights. As a result, human rights cannot pre-exist their legislation as

³⁷ Matthew Desmond, "Becoming a firefighter" (2006) 7:4 *Ethnography* 387.

³⁸ Frederick Schauer, *The force of law* (Cambridge, MA: Harvard University Press, 2015).

independent moral human rights *stricto sensu*, but only as independent universal moral rights.”³⁹

These various approaches to the law demonstrate that defining the law is a contested endeavour, and varies depending on one’s perspective and functional understanding. The approach in understanding the law and its function in this research is largely inspired by Arendt’s political writings on the role of law and her call to action.

1.1.1 From Nomos to Lex to somewhere in between

Before embarking on this genealogical account of the relational approach, it is important to recognize that Arendt’s thoughts on law and politics are not without criticism. Contemporary political philosophers such as Alain Badiou and Jacques Rancière challenge Arendt’s thoughts as emblematic of “soft-pluralism and nascent institutionalism.”⁴⁰ Badiou characterizes Arendt’s works as being axiomatic and principled rather than based on opinion and debate.⁴¹ Rancière finds Arendt’s approach as an abandonment of the citizen and order in favour of those who belong no-where and chaos.⁴² These “weaknesses” however are Arendt’s strength from an applied research perspective. Arendt seeks to theorize a political model that addresses the practical problem of disenfranchised individuals. Her approach does not abandon the citizen, but seeks to expand the notion so as to minimize political disruption.

According to Volk, Arendt’s approach to law is a direct critique of Weber. For Weber, modern law as constituted by the course of justice and the creation of laws is

³⁹ Samantha Besson, "The Right to Have Rights - From Human Rights to Citizens' Rights and Back" in M. Goldoni & C McCorkindale, ed, *Arendt and the Law* (Oxford: Hart Publishing, 2012).

⁴⁰ Charles Barbour, "Between Politics and Law: Hannah Arendt and the Subject of Rights" in Marco Goldoni & Christopher McCorkindale, ed, *Hannah Arendt and the Law* (London: Hart Publishing, 2002).

⁴¹ Alain Badiou, *Metapolitics* (London: Verso, 2005) .

⁴² Jacques Rancière, "Who is the Subject of the Rights of Man?" (2004) 103:2 *The South Atlantic Quarterly* 297.

independent of morality, religion, or politics. Modern law follows the rules of legal formalism applied and interpreted by an administrative and judicial elite. Weber thus concludes, “today the most common form of legitimacy is the belief in legality, the compliance with enactments which are formally correct and which have been made in the accustomed manner.”⁴³

Arendt refuses to accept that the law, the course of justice and the creation of law, is disconnected from public opinion and is the exclusive realm of jurists and the bureaucracy. If that were the case, the law would not serve its political purpose, which is to provide stability to public order. Instead, it would lead to the judicialization and bureaucratization of public life. This in turn would subvert those spaces in which public debate transpires. The consequences are a depolitization of the public arena, lack of democratic experience and competence, mistrust of political elites, apathy or revolution.⁴⁴

In Arendt’s construction of the law, law and politics are interrelated. They are both part of the same political project. Though they are interrelated, law and politics are not indistinct. They exist as spheres within themselves, but they each have to take the requirements of the other into consideration. Failure to do so, or emphasizing one sphere over the other, harms the durability and stability of the political system including the constitutional order.⁴⁵

The focus here is not on her notion of constitutionalism but on her vision of the law. Yet one can readily see the constant dialogue between the political and the legal in her argument. Unlike the traditional perspective that equates law with the power

⁴³ Christian Volk, "From nomos to lex: Hannah Arendt on law, politics, and order" (2010) 23:04 Leiden Journal of International Law 759.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

exercised by the State, Volk argues that Arendt's concept of the law is more akin to a game that establishes relations between people.⁴⁶ This is also the perspective that Nedelsky uses in her evocation of the relational approach. Arendt seeks to desubstantiate the law by focusing on its relationship-forming capacities. She does this by shifting the law from one that seeks to bind to one that seeks negotiating contracts. This is important if law and politics are to move beyond a dichotomous interplay toward one of democratic engagement.

The law needs to be informed by the interests of an active and engaged people. Concomitantly, politics must be aware that the stability of the political order and the community depends on the autonomy of the law and its machinations (its constitutional procedures, competences, and legal methodologies in the course of determining justice). If either the law or popular sovereignty is given primacy, the political order or system will not endure. To avoid this dichotomy, the relationship between law and politics must be thought in terms of interrelatedness and interdependence.⁴⁷

To move beyond the dichotomy between politics and law, there are certain key assumptions. When discussing politics, Arendt refers to "structured politics."⁴⁸ Structured politics relies on the ability to participate in democratic discourse through public debate and discussion, and the obligation to justify opinions with good reasons before and with a public audience. This ability is a precondition to the possibility of acting together on equal terms as individuals. Once these conditions exist, political acting can take place. Political acting however is not a free enterprise. It is both free to create new relationships but it is also constrained through an internal need to maintain a durable and stable

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

political order. Arendt's attempt to integrate the need for acting and preserving in her concept of the political de-dichotomizes the relationship between law and politics.⁴⁹

For Arendt, the law is not an expression of authority. The law is not defined by the person or sovereign who has the authority to make decisions, nor does the ability to make laws define the sovereign. The power the sovereign enjoys is the product of public consent and expresses a form of reciprocity.⁵⁰ This reciprocity is pivotal and is most notable at the moment of public disobedience and revolution. When the public turns against the sovereign and the laws in place to ensure obedience, it becomes evident that laws are more an expression of relationships, agreements, and contracts. The law is therefore relational revealing the "social relations between the people of a political community"⁵¹ rather than a demarcation of state authority.⁵²

This idea is not necessarily new but builds on such thinkers as Montesquieu who also saw law as an expression of the public will and not the substance of the sovereign will.⁵³ Though Montesquieu may have influenced Arendt's ideas, Arendt roots her arguments in the history of legal development dating as far back as the Greeks. Here, she makes a very important distinction between the Greek concept of *nomos* and the Roman concept of *lex*.

Arendt's argument begins with a distinction between two approaches to the law. The Ancient Greek approach conceived of law as a wall, border, or boundary (*nomos*) that can only be established by a sovereign entity. The Greek *nomos* expresses the idea of boundary. The Roman concept of *lex* refers to a relationship and quickly came to mean

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*

contract – be it between private citizens or sovereigns. For the Romans, the law was about something that brought individuals and parties together through shared interest, compromise, negotiation, and mutual agreement. The Roman approach considers the law as alliance, coalition, or something that arises out of political negotiation and compromise (*lex*). The former constitutes a concept of law that is conditional on a decision, while the latter stresses the law as a process. In harsher terms, the Greek notion of the law is derived through sacrifice or violence while the Roman notion focuses on words and deeds.⁵⁴ For the Greeks, *nomos* referred to the idea that law set limitations on behaviour and actions. It is this difference, according to Arendt, that allowed the Roman Empire to endure while prevented the Greeks from ever forming a durable political order.⁵⁵

The politics of law is less about the institutions that are perceived to have the authority to decide but with the ability for action—the ability and process by which individuals engage in the decision. If the nature of law is contractual, it is also political. It is political because it emphasizes acting in concert as a means of building relationships. The law therefore enables the ability to create space in which actors can coalesce to act. But like the Greeks, according to Arendt, the Romans also fell victim to their notion of the law. Their law was boundless, which led to such dreams and efforts for world domination. Arendt does not dismiss the function of law as a means of limiting relations of power. She sees value in law’s ability to constrain action, but constraining action in a limited way.⁵⁶ Put somewhat differently, the objective of law is to “preserve the syntax and grammar of democratic political acting and to maintain the rules of an active public-

⁵⁴ Charles Barbour, *supra* note 40.

⁵⁵ Christian Volk, *supra* note 43.

⁵⁶ *Ibid.*

political sphere.”⁵⁷ Thus, according to Goldoni and McCorkindale’s interpretation, “law is needed in order to secure stability: a sort of counterbalance to the constant movement of political action.”⁵⁸

According to Arendt, this approach to the law “comes into being wherever men are together in the manner of speech and action” thus predating “all formal constitution of the public realms and the various forms of government”.⁵⁹ The act of meeting and discussing however is not the law per se. It is politics. Law comes into contact as an element of politics when attempts are made to bind politics. Because politics are about action, and action can be a highly unstable and a boundless endeavour, it risks exceeding the public space it had originally created introducing with it new forms of power. That is when the law as *nomos* is applied to constrain the action from itself and from external forces. The boundary-making ability of the law as *nomos* is a stabilizing force.⁶⁰ That is why politics, or action, and law are in a symbiotic tension.

Action opens a portal between law and life. Rather than focusing on law as a decision, focusing on law as a means shifts the concept from content of the decision to the constitutive relationships that form power. By shifting law as *nomos* to law as *lex*, the focus of law becomes the actions and relationships experienced in our daily lives. The debate changes from what is included and excluded by the law, who is recognized and who is not, to one that examines means and ends, events and their duration.⁶¹

⁵⁷ *Ibid.*

⁵⁸ Marco Goldoni & Christopher McCorkindale, *Hannah Arendt and the law* (London, UK: Bloomsbury Publishing, 2012) at 6.

⁵⁹ Charles Barbour, *supra* note 40.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

To summarize, Arendt's conception of the law is relational or contractual. It is an agreement or arrangement that promotes political action to the extent that it preserves a stable and durable political order.

1.1.2 Judicial reasoning

Assuming that the law is contractual—the product of an arrangement that is subsequently formalized—it follows that the contract may break down, necessitating a decision to the dispute. The term “judicial reasoning” is commonly used to denote the principles and processes employed in rendering a decision by a member of the judiciary on a dispute that arises out of a contractual breakdown. Understanding the law also requires an understanding of how decisions shape the type of relations it creates.

Though this research is not explicitly concerned with the ways in which judges come to make decisions, it is concerned with the assumptions that underlie the process of decision-making. These assumptions are important to unravel if the relational approach is to be used as a means of operationalizing Arendt's political vision.

The thinking around Arendt's notions of the law provides an overall understanding of the law, but one must also be familiar with assumptions upon which the judicial reasoning operates. These concepts are autonomy, agency, and rationality. This next section explores each of the core concepts, and serves to provide an overview rather than a comprehensive critique.

1.1.3 Autonomy

A common critique of the law is that it largely operates on the assumption that individuals are autonomous.⁶² The concept of autonomy has had a very influential role in shaping the way the law is structured and interpreted and much of it begins with Kant.

Kant argues that an autonomous moral agent is someone who is fully independent, unconstrained by the actions of others, whose will should guide his reason. At the time, the concept was fairly radical for it challenged the religious and state order. Rather than being obedient to an external law, Kant sought individual obedience through one's own self-imposed law. This self-imposed law is not however unconstrained. It is shaped by maxims or subjective principles. If these maxims are deemed universal, they may become objective moral laws.⁶³ Our capacity to reason and determine law endows us therefore with moral agency and the ability to make law.

According to Kant, independent reason gives humanity its essential nature and invests us with human dignity. Reason and the "autonomy of the will" constitute the two criteria for a meaningful life.⁶⁴ Unlike the autonomous individual, the heteronomous being, subject to the power of others, was not a person but a slave. He who did not command reason, failed to achieve autonomy, and stood outside the moral order. He was diminished as a person in his eyes and in the eyes of others.⁶⁵

To maintain the will's self-legislative capacity, Kant dismisses emotions, feelings, and other aspects of our lives. Non-intellectual factors render the autonomous individual

⁶² Jennifer Nedelsky, *supra* note 22.

⁶³ Jane Dryden, "Autonomy" in *Internet Encyclopedia of Philosophy*, by James Fieser & Bradley Dowden online: <<http://www.iep.utm.edu/autonomy/>>.

⁶⁴ Ngaire Naffine, *supra* note 32.

⁶⁵ *Ibid.*

heteronomous, and for this reason, such factors are excluded from structures of autonomy.⁶⁶

Kant's thoughts on autonomy and will have led to the development of such theories in law as "will theory" and "choice theory". Both theories posit that those who lack rational will cannot meaningfully exercise any rights. Therefore, it can be said that they do not have any rights.⁶⁷

Kant's critics however argue is that the self is construed simultaneously of autonomy and other factors. Divorcing these other factors from autonomy—as will be discussed later on—undermines the moral project that Kant, himself, espoused.⁶⁸

The reliance on the autonomous individual as a marker of sound judicial decision-making can be argued as having itself become a type of symbolic capital.⁶⁹ Kant's approach has notably been criticized by a number of feminists. The preoccupation with the adult, rational, self-governing, rights-enforcing individual does a disservice to those who fall outside of this definition by creating boundaries between individuals of the same community.⁷⁰ Changing the value of this symbol, as proposed by Arendt and advocated by Nedelsky, risks destabilizing a profession that has a vested interest in maintaining the image of the autonomous rational individual. To assign legal responsibility, it is

⁶⁶ Jane Dryden, *supra* note 63.

⁶⁷ Ngaire Naffine, *supra* note 32.

⁶⁸ Jennifer Nedelsky, *supra* note 22.

⁶⁹ The term "symbolic capital" originates with Pierre Bourdieu. It represents the idea that all professional fields are vested with symbolic forms that provide the field with consistency and stability. These symbols include such things as authority, knowledge, prestige, reputation, academic degrees, and debts of gratitude. For more on symbolic capital and the legal *habitus*, see Pierre Bourdieu, "Force of law: Toward a sociology of the juridical field, the" (1986) 38:Hastings LJ 805.

⁷⁰ Jennifer Nedelsky, *supra* note 22; Ngaire Naffine, *supra* note 32.

necessary for the law to assume autonomy. Without autonomy, the law struggles to apportion punishment, blame, obligations, and remedies.⁷¹

1.1.4 Agency

The next concept is that of agency. Whereas autonomy is the ability to reason without the constraints of external forces, agency is the capacity of an individual to act in a given environment. Midgley suggests that all humans by nature start out with agency but that agency is shaped and determined by the environment. Nature provides the dispositions, such as instincts, that provide for a reason to choose one course of action over another.⁷² Agency in its general sense is not imbued with a moral dimension though it may possess moral dimensions. When it does, it is referred to as moral agency.⁷³ As will be shown, the conferral of rights resides on the notion of moral agency.

Moral agency is an individual's ability to discern between what is commonly considered to be right and wrong, to make a judgment on this distinction, and to be held accountable for the actions that are based on the decision.⁷⁴

Agency can occur through involuntary behaviour, or it can be goal directed or intentional. In both cases there is some general awareness of the activity and the objective of the activity.⁷⁵ The ability to act in ones environment denotes choice. Agency is therefore not only the ability to act but to act upon the decision's he or she makes.

Agency as an unconstrained concept has been challenged. Marx, for example, argues that the ruling elite shapes individual choices. Whereas Barker argues that certain

⁷¹ Jennifer Nedelsky, *supra* note 22.

⁷² Mary Midgley, *Beast and man: The roots of human nature* (London, UK: Psychology Press, 2002).

⁷³ Jane Dryden, *supra* note 63.

⁷⁴ Taylor Angus, *Animals & ethics: An overview of the philosophical debate* (Peterborough:: Broadview Press, 2003).

⁷⁵ George Wilson & Samuel Shpall, "Action" in *The Stanford Encyclopedia of Philosophy*, by Edward N. Zalta 2012) online: <<http://plato.stanford.edu/archives/sum2012/entries/action/>>.

structures such as social class, religion, gender, culture, and ethnicity can determine or limit individual choices.⁷⁶ Hewson identifies three conditions that enable agency. The first is that human beings act with intention and purpose. Secondly, resources and capital that are available determine agency. Some individuals have more resources and can therefore exercise greater agency. Finally, individuals are rational and their actions are guided by reason.⁷⁷

Hewson also identifies three properties of human beings that give rise to agency: intentionality, power, and rationality. Human beings act with intention and are goal oriented. They also have differing amounts of abilities and resources resulting in some having greater agency (power) than others. Finally, human beings use their intellect to guide their actions and predict the consequences of their actions.

The debate over agency, particularly moral agency, plays out in particular when examining individual versus collective rights. Having moral agency is seen as a fundamental precursor for being a rights-holder. According to the liberal tradition, only individuals can bear moral agency. Moral rights can only be assigned to those individuals who have certain capacities. Collectivities lack the ability of reason and the capacity for a rational assessment. They are therefore incapable of assessing courses of action.⁷⁸

The idea that only individuals carry moral agency is not without its critics. Van Dyke,⁷⁹ Taylor,⁸⁰ and Raz⁸¹ argue that groups have characteristics that exist only at a

⁷⁶ Chris Barker, *Cultural studies: Theory and practice* (London: Sage, 2003).

⁷⁷ M. Hewson, "Agency" in A. Mills, G. Durepos & E. Wiebe, ed, *Encyclopedia of case study research* (Thousand Oaks, CA: SAGE Publications, 2010).

⁷⁸ Carl Wellman, *Real rights* (New York: Oxford University Press, 1995).

⁷⁹ Vernon Van Dyke, "Human rights and the rights of groups" (1974) *American Journal of Political Science* 725.

⁸⁰ Charles Taylor, "The Politics of Recognition" in Amy Gutman ed, *Multiculturalism* (Princeton, NJ: Princeton University Press, 1994).

⁸¹ Joseph Raz, *The authority of law: essays on law and morality* (Oxford: Oxford University Press, 2009) .

group level, and these characteristics are worthy of protection. Van Dyke, for example, argues that ethnic communities in particular meet the requirements for holding both moral and legal rights akin to those held by corporations and other interest groups. A group, according to Van Dyke, is a collective entity and cannot be reduced to its constituent members without eliminating the group itself. Though the group would not exist without individual membership, it continues to exist even if the membership changes. As such, it is entitled to the same protections as other group-based interest groups.⁸² Because moral agency is connected with somebody's interests, and if the interests of the group cannot be reduced to its membership, the interests must therefore belong to the group. The group is thus endowed with moral agency.⁸³

The debate between “individualists” (those who argue that agency, in particular moral agency, can only be exercised by the individual) and “collectivists” (those who purport that agency can also apply to groups) demonstrates the central role played by agency in seeking legal recognition and protection. This debate will be revisited when defining the notion of rights.

1.1.5 Rationality

In discussing autonomy and agency, the concept of rationality keeps coming up. Autonomy, for example, is not possible if the individual cannot reason. Nor does agency or moral agency exist if the individual or group cannot rationally justify their actions. This last section explores rationality as applied to the agent—a person who has the capacity to exercise agency.

⁸² Vernon Van Dyke, *supra* note 79.

⁸³ N. Torbisco Casals, *Group rights as human rights: a liberal approach to multiculturalism* (Berlin: Springer Science & Business Media, 2006).

The rational agent is a person or body that demonstrates and acts upon clear preferences in the most optimal manner among the choices that exist. The rational agent does not refer to a moral agent. The rational agent is utilitarian. He or she takes action based on his or her preferences, information about the environment and/or past experience, existing duties or obligations, and a cost-benefit analysis of the advantages and chances of success.⁸⁴

The theory is detached from moral considerations, but builds on Kant's view of autonomy and agency as premised on reason and informed choice. Though the rational agent plays an important role in economic theory, it has also had considerable influence in shaping the structures of law.

In economics, the rational agent is the central player in game theory. Game theory builds on classical economics, which often assumes that actors, be they people or firms, act rationally. Not all economists, however, agree that rationality is a driving force in economic decision-making. Some, such as Thorstein Veblen, sees human economic decisions flowing from a variety of factors including habits, hereditary traits, past experience, traditions and conventions, and material circumstances.⁸⁵

The rational agent in law arose in the 1960s with the emergence of the study of law and economics, but the idea of using a cost-benefit analysis in decision-making processes can be traced further back.⁸⁶ One of the main assumptions in judicial reasoning is that decision-makers are rational beings employing intelligent reason to determine the

⁸⁴ Jeremy Bentham, *An introduction to the principles of morals and legislation* (Oxford: Clarendon Press, 1879).

⁸⁵ Thorstein Veblen, *The theory of the leisure class* (Oxford: Oxford University Press, 2007).

⁸⁶ Ronald Harry Coase, *The problem of social cost* (United Kingdom: Palgrave Macmillan, 1960); Guido Calabresi, "Some thoughts on risk distribution and the law of torts" (1961) 70:4 Yale Law Journal 499; Gary S. Becker, "A Theory of the Allocation of Time" (1965) 75:299 The economic journal 493; Jeremy Bentham, *supra* note 84.

best means of maximizing individual welfare. In short, individuals (including decision-makers) are motivated to maximize their happiness, utility, and/or wealth.⁸⁷

Evidence, however, suggests the contrary. Emotions, for example, have been demonstrated to affect how much people eat,⁸⁸ help,⁸⁹ trust,⁹⁰ procrastinate,⁹¹ and price different products.⁹² Such evidence presents a difficult challenge for structures of law premised on the rational agent model in the way these structures apply to judicial reasoning. The idea that emotions affect decision-making processes suggests that judicial reasoning may be subject to emotional and therefore unpredictable “contagion”.

1.2 Defining Equality

By addressing the concepts of autonomy, agency, and rationality, Arendt and Nedelsky attempt to recast the debate to address a standing problem: the ongoing exclusion and disenfranchisement of the displaced, refugees, and battered women among others. Both critics see a role for the law in bringing about the inclusion of vulnerable populations. But as autonomy, agency, and the rational agent are elusive phenomena, so is the idea of equality.

The debate over what constitutes equality is most visible in discussing individual and collective rights. As will be seen, the debate is not purely a legal one. It is a

⁸⁷ Jeremy A. Blumenthal, "Law and the Emotions: The Problems of Affective Forecasting" (2004) 80:2 *Indiana Law Journal* 155.

⁸⁸ Neil E. Grunberg & Richard O. Straub, "The role of gender and taste class in the effects of stress on eating" (1992) 11:2 *Health Psychology* 97.

⁸⁹ Gloria K. Manucia, Donald J. Baumann & Robert B. Cialdini, "Mood influences on helping: Direct effects or side effects?" (1984) 46:2 *Journal of personality and social psychology* 357.

⁹⁰ J. R. Dunn & M. E. Schweitzer, "Feeling and believing: the influence of emotion on trust" (2005) 88:5 *J. Pers. Soc. Psychol.* 736.

⁹¹ Dianne M. Tice, Ellen Bratslavsky & Roy F. Baumeister, "Emotional distress regulation takes precedence over impulse control: if you feel bad, do it!" (2001) 80:1 *Journal of personality and social psychology* 53.

⁹² J. S. Lerner, D. A. Small & G. Loewenstein, "Heart strings and purse strings: Carryover effects of emotions on economic decisions" (2004) 15:5 *Psychol. Sci.* 337.

philosophical discourse that moves between the spheres of politics and law, between *nomos* and *lex*.

1.2.1 What are rights?

Traditional liberal thought is premised on individual supremacy and freedom. It is the individual who is the rights-holder. However, over the past several decades, this traditional assumption has been increasingly challenged. A more visible pluralism has introduced new demands, among them cultural group recognition. The recognition of groups and group-based rights or collective rights has been a central part of the debate over the notion of multiculturalism.⁹³ Scholars of multiculturalism have strongly clashed in situating group or collective rights in the broader liberal construction of Western society. This clash is particularly visible in the way citizenship⁹⁴ and the State⁹⁵ are constructed and characterized.

The scholarship on the recognition of group or collective rights can be categorized into four principal groupings: liberal and civic republicans, liberal culturalists, anti-foundationalists, and interculturalists.⁹⁶ Each of these groups has a different understanding of the notion of citizenship and the State that underlies their argument on group or collective rights.

To understand how the recognition of group or collective rights changes the underlying understanding of both these notions, it is important to recognize first that all

⁹³ In Canada, multiculturalism was first introduced in 1971 as government policy. It was subsequently incorporated as an interpretive provision into the *Canadian Charter of Rights and Freedoms* in 1982, and was finally adopted into legislation as the *Canadian Multiculturalism Act* in 1985.

⁹⁴ "Citizenship" refers to the state of being vested with the rights, privileges and duties of a citizen. See *Dictionary.com Unabridged*, online: <<http://www.dictionary.com/browse/citizenship>>, *sub verbo* "citizenship".

⁹⁵ "State" refers to a body politic organized for civil rule. See *Dictionary.com Unabridged*, online: <<http://www.dictionary.com/browse/state>>, *sub verbo* "state".

⁹⁶ The four groups have been adapted from Elke Winter, *Us, Them, and Others: Pluralism and National Identities in Diverse Societies* (Toronto: University of Toronto Press, 2011) .

four groups stem from and work within the liberal tradition. As will become evident, there is no one single theory of liberalism. It is, according to Daniel Weinstock, “a family of concepts, values, institutional arrangements, and practices that do not cohere into anything quite so neat as a *theory*.”⁹⁷ It is also important to note that these groups are not necessarily internally cohesive or unified in their approach. Considerable variability exists within each.

The discourse on rights has taken the form of a dichotomous debate between “individualists” and “collectivists”. This debate serves to illustrate the importance of moral agency. The intent of the following research is not to take sides within this particular debate, but to find an alternate way of discussing and formulating approaches to the law, especially human rights law, that moves beyond this dichotomous divide. Instead of advancing a framework on understanding rights and rights claims, the “individualist” versus “collectivist” debate is instead a source of confusion. It oversimplifies the challenge group rights pose to liberal philosophy. A dichotomous understanding prevents scholars from developing a normative framework that accounts for the substantive reasons underlying claims for collective rights. Without a framework, it makes it difficult to assess the legitimacy of these claims according to the principles of justice.⁹⁸

1.2.2 Individual Rights

The normative assumptions made by liberal and civic republicans have become the standard against which the others have built their respective arguments. Liberals argue that Western democracies have gone too far in their accommodation of cultural

⁹⁷ Daniel Weinstock, “Liberalism, multiculturalism, and the problem of internal minorities” in A.S. Laden & D. Owen, ed, *Multiculturalism and Political Theory* (Cambridge: Cambridge University Press, 2007).

⁹⁸ N. Torbis Casals, *supra* note 83.

minorities. Multicultural rights, or group-based rights, are neither necessary nor desirable. They are not necessary because there is no one culture that is superior to another. They are not desirable because they undermine the principle of individual equality.⁹⁹

According to the liberal tradition, there are no group rights, only individual rights. The notion of citizenship in the liberal tradition lies vested in the individual. Individuals are the rights holder and not groups. Unlike multiculturalism that recognizes various forms of collective rights, liberalism rejects tiered citizenship: the invisible dominant majority, national minorities and ethnic-immigrant communities. What multiculturalism has done is to have created three forms of citizenship. This has led in turn to six prototypical conflicts: conflicts between individuals; between the individual and the State; between different cultural groups; between cultural groups and the State; between non-members of a cultural group and a cultural group; and finally between internal members of a cultural group against other group members.¹⁰⁰ This is not to suggest that these conflicts do not arise under traditional liberalism. They do; however, the difference is that under liberalism, everyone has the same rights and is not treated differently based on group affiliation. Traditional liberalism, therefore, assumes that all individuals are vested and have access to the same rights.

Traditional liberalism does not reject the existence of groups. It does, however, make a series of assumptions about them. Groups can yield and exercise considerable

⁹⁹ Brian Barry, *Culture and equality: An egalitarian critique of multiculturalism* (Cambridge: Harvard University Press, 2002); Yael Tamir, "Siding with the Underdogs" in J. D. Cohen, M. Howard & M.C. Nussbaum, ed, *Is Multiculturalism Bad for Women? Susan Moller Okin with Respondents* (Princeton: Princeton University Press, 1999); Susan Moller Okin, "Is Multiculturalism Bad for Women" in J. D. Cohen, M. Howard & M.C. Nussbaum, ed, *Is Multiculturalism Bad for Women? Susan Moller Okin with Respondents* (Princeton: Princeton University Press, 1999); Ayelet Shachar, "Religion, State, and the Problem of Gender: New Modes of Citizenship and Governance in Diverse Societies" (2005) 50:McGill LJ 49.

¹⁰⁰ Ayelet Shachar, "Group identity and women's rights in family law: the perils of multicultural accommodation" (1998) 6:3 *Journal of Political Philosophy* 285.

power, and as such threaten individual or personal autonomy. Groups, especially minority groups, are also subject to illiberal practices. The State's role is in part to protect the individual by managing the tensions that may arise between individual rights and freedoms and the anti-liberal practices of minority groups.¹⁰¹ Specifically, the State's role is to protect the vulnerable members of minority groups from the illiberal practices of the groups to which they belong.¹⁰² Liberal democracies must ensure the protection of rights of their members. Granting power to groups, inevitably to their elites, reinforces the dominance of the group because there are no means by which to ensure the distribution of power. Individual members of groups are therefore at risk of abuse because groups claim exemptions from laws and Charter protections.¹⁰³ States also need to be cautious of dominant sub-groups within cultural minority groups. State-multiculturalism according to these critics has provided them with certain rights that have privileged conservative interpretations of culture.¹⁰⁴ Granting cultural groups state recognition and collective rights encourages a reactive culturalism. Multiculturalism has thus provided institutional support to those groups who can sufficiently demonstrate cultural difference.¹⁰⁵ Such

¹⁰¹ Yael Tamir, *supra* note 99; Daniel Baril, "Les accommodements religieux pavent la voie à l'intégrisme" (2007) 9:1 *Éthique publique* 174; Benjamin L. Berger, "Understanding Law And Religion As Culture: Making Room For Meaning In The Public Sphere" (2006) 15:1 *Constitutional Forum* 15.

¹⁰² Brian Barry, *supra* note 99; Yael Tamir, *supra* note 99; Susan Moller Okin, *supra* note 99; Ayelet Shachar, *supra* note 99; Leslie Green, "Internal Minorities and their Rights" in Will Kymlicka ed, *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995). For some critics, this approach goes beyond just minority ethnic or religious groups. According to MacKinnon, for example, women are vulnerable in all communities where they are subjugated. This applies to majority as to minority cultures. See Catharine A MacKinnon, *Feminism unmodified: Discourses on life and law* (Harvard: Harvard University Press, 1987).

¹⁰³ Susan Moller Okin, *supra* note 99.

¹⁰⁴ Yael Tamir, *supra* note 99.

¹⁰⁵ The term "reactive culturalism" refers to the tendency of enacting orthodox interpretations of culture. See Ayelet Shachar, *Multicultural Jurisdictions* (Cambridge: Cambridge University Press, 2001).

state policies have had the effect of leaving vulnerable populations under the subjugation of abusive cultural elites.¹⁰⁶

In brief, the liberal State is there to protect the interests of the individual from the tyranny of the dominant majority. Its policies ought to be guided to shield those who are vulnerable. This position, however, assumes that group rights are the only source of illiberal practices.

Civic republicanism builds on the idea that citizenship is tied to the individual. Consequently, it rejects two arguments. First, it rejects the idea that ethnicity is a bonding agent between individuals. Secondly, it refuses to accept that liberalism is based on a collection of individual interests. Civic republicanism sees a role for the group. The group is a bond that brings individuals together. It requires active participation on behalf of every individual to create common goals, strong civic institutions, and a shared identity. A commitment to such shared values creates a durable bond between the citizen and the nation-state.¹⁰⁷ The assumption is that a society with homogenous values is not prone to conflicts, inequalities and differences in social relations.

For shared values to emerge, the State must be neutral toward all forms of ethnic- or religious-based cultural expressions.¹⁰⁸ Civic republicanism does not deny the existence of diversity, but for it to work within a liberal society, the State cannot encourage policies that enforce difference. Instead, the role of the State is to encourage

¹⁰⁶ Susan Moller Okin, "'Mistresses of Their Own Destiny': Group Rights, Gender, and Realistic Rights of Exit" (2002) 112:2 *Ethics* 205.

¹⁰⁷ Ronald Beiner, "Why citizenship constitutes a theoretical problem in the last decade of the twentieth century" (1995) *Theorizing citizenship* 1; Arthur Meier Schlesinger, *The disuniting of America: Reflections on a multicultural society* (New York: WW Norton & Company, 1998).

¹⁰⁸ Peter Jones, "Toleration, Recognition and Identity" (2006) 14:2 *Journal of Political Philosophy* 123; Timothy Macklem, "Faith as a secular value" (2000) 45:McGill LJ 1.

policies that foster tolerance.¹⁰⁹ It is through such policies that justice—the equal treatment of all individuals—is served.¹¹⁰ Even though the State is neutral, it still has an obligation to guarantee certain forms of cultural plurality (eg. religious plurality) and the expression of different worldviews. However, the individual has a responsibility to reciprocate. Individuals are provided with certain protections by the State in return for their commitment to the same protections afforded to other individuals.¹¹¹

At its core, liberalism is about the individual and individual rights.¹¹² This foundation makes it difficult to accommodate and integrate such concepts as group or collective rights.¹¹³ Wherein the locus of moral agency and consent is situated in the individual, it is consequently difficult for the individual to access and appreciate group-based protections and entitlements.¹¹⁴

The goal of liberal State is to make enjoyment of fundamental individual rights robust. The State does so by removing barriers that prevent people from enjoying their rights and to condemn those who deny others that enjoyment. States are to be designed in such a way that offsets the adverse effects of those who seek to control. Laws must be there to distribute power and provide recourse. The problem with conferring collective rights is that power is concentrated and recourse does not exist. Therefore elites wield ultimate authority.¹¹⁵

¹⁰⁹ Peter Jones, *supra* note; Lorenzo Zucca, "Tolerance or Toleration? How to Deal with Religious Conflicts in Europe" in Maksymilian Del Mar ed, *New Waves in Philosophy of Law* Springer, 2011).

¹¹⁰ Catriona McKinnon, *Toleration: A critical introduction* (London: Routledge, 2006).

¹¹¹ Jean-Marc Larouche, "L'identitaire et la laïcité" (2007) 9:1 *Éthique publique* 131.

¹¹² Daniel Weinstock, *supra* note; Michael Hartney, "Some Confusions Concerning Collective Rights" in Will Kymlicka ed, *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995).

¹¹³ Daniel Weinstock, *supra* note 97.

¹¹⁴ Monique Deveaux, *Cultural Pluralism and Dilemmas of Justice* (Cornell: Cornell University Press, 2000).

¹¹⁵ Daniel Weinstock, *supra* note 97.

The State, therefore, has two major functions. It is there to protect individuals from group control and to provide them with as much freedom as possible. The former assumes that groups are inherently abusive. The latter assumes that group rights do not provide members with freedom.

1.2.3 Group Rights

Like Arendt and Nedelsky, Young is preoccupied in the recognition of under-represented citizens. In her case, though, Young sees this under-representation as a product of the conventional liberal system failing to capture the importance of group belonging. The problem with the liberal argument is that it denies individuals' their experience with the diverse constituent elements, attachments and beliefs, that form their identities. The cause of this detachment, according to Young, is the challenge that group-based or influenced identities present to traditional liberalism. They represent external factors that hinder or impair individual autonomy.¹¹⁶

In response to the traditional liberal position of individual rights and the rising claims of cultural minorities, liberal culturalists attempt to bridge both by using ethnicity as the marker for culture in need of recognition and protection.¹¹⁷ Many of the theories emanating from this perspective argue for the recognition of groups, granting collective rights, and State non-intervention in the internal affairs of recognized groups.

According to liberal culturalism,¹¹⁸ society is a type of archipelago. It is a political society of disparate communities who happen to share the same space. The challenge for

¹¹⁶ Iris Marion Young, "Impartiality and the civic public: Some implications of feminist critiques of moral and political theory" (1985) 5:4 *Praxis International* 381.

¹¹⁷ Elke Winter, *supra* note 96.

¹¹⁸ Liberal culturalism is also the school of thought commonly associated with multiculturalism. See Daniel Weinstock, *supra* note 97.

individuals, groups and the State is to learn how to govern this common territory.¹¹⁹ In line with the liberal tradition, the first level of analysis begins with the individual. Individual or liberal autonomy does not operate in a vacuum. It can only flourish upon the recognition of individual and collective identities.¹²⁰ Freedom of choice and equality of opportunity is provided for by membership in a societal culture and its institutions. Societal group membership is key for individual autonomy, freedom and equality. Because of the bond individual's have with their ethnic and minority status, collective rights should be granted to the extent that these rights do not infringe on the individual rights of its members. Collective rights are to ensure that the institutions upon which minorities rely are not subject to the dictate of the majority.¹²¹

In this archipelago, the State is not a neutral body. It is a cultural construct, much like society, reflecting the norms of a dominant majority with the power to grant cultural recognition of others. The State, its institutions and the tools it uses are deeply informed by culture.¹²² In this sense, it is a cultural construction and consequently not neutral. Cultural minority groups should also enjoy a similar form of cultural autonomy. Cultural autonomy provides a "context of choice" so that individuals can express their autonomy through cultural or collective membership. For this reason, the State is to accord three types of rights: polyethnic rights (or accommodation rights – eg. financial support and legal protection for certain ethnic or religious groups); special representation rights (eg. guaranteed seats for ethnic or national groups within central institutions of the larger

¹¹⁹ Chandran Kukathas, *The Liberal Archipelago* (Oxford: Oxford University Press, 2012); John Gray, *Two faces of liberalism* (New York: The New Press, 2002); Jeff Spinner-Halev, "Feminism, Multiculturalism, Oppression, and the State" (2001) 112:1 Ethics 84.

¹²⁰ Charles Taylor, *supra* note 80.

¹²¹ Will Kymlicka, *Multicultural citizenship: A liberal theory of minority rights* (Oxford: Cambridge University Press, 1995).

¹²² Charles Taylor, *supra* note 80.

state); and self-government rights (eg. delegation of powers to national minorities within a federal context).¹²³ Liberal culturalism thus recognizes that there are various levels of collective rights reflective of the type of relationship different groups have with the State.

Liberal culturalism makes three broad assumptions. The first is that the notion assumes that culture is defined by ethnicity and ancestry. Groups are consequently divided along ethnic lines. Secondly, it assumes the presence of a coherent and understood majority “we” that has been successfully incorporated and has moved on to transforming individual rights into group-based collective rights. This normative “we” fails to question the legitimacy of the silent, invisible dominant majority to recognize and grant collective rights. Finally, by dividing groups along ethnic lines, liberal culturalism assumes that members of the same ethnic group share the same interest in having group rights.

To address the third assumption, liberal culturalism introduced the concept of exit rights. Exit rights are rights an individual in a group can exercise should he or she desire to leave the group. For an effective exercise of exit rights, four conditions are required: the group member seeking exist must be aware of his or her options; must have the ability to assess those options in a real way; must be free from coercion; and must have the ability to participate in other organizational practices. If these conditions exist, groups should be left to their own machinations.¹²⁴

Thus, according to liberal cutluralism, the State has a role, though limited, to play in regulating the behaviour of cultural groups. The State has therefore a dual function. It

¹²³ Will Kymlicka, *supra* note 121.

¹²⁴ William Arthur Galston, "Liberal pluralism: The implications of value pluralism for political theory and practice" in Henry S. Richardson & Melissa S. Williams, ed, *Moral Universalism and Pluralism* (New York: NYU Press, 2009); Jeff Spinner-Halev, *supra* note 119.

is there to manage the relationship between group members and the group, and it is there to guarantee individual exit rights while not intervening in the internal affairs of the group.¹²⁵ The problem arises when survival needs of one cultural group conflict with those of another. Liberal culturalism assumes a bi-directional relationship between the group and the State. It does not account for conflict that may arise between competing group rights.¹²⁶

The third group has been described as being anti-foundationalist—united against universalist, positivist and totalizing theories.¹²⁷ It is not as much a theory as it is a series of individual critiques against the totalizing tendencies of liberal culturalism theory, and in some respect, liberalism. Anti-foundationalists are particularly concerned with the impact of liberal culturalism on sub-populations in the way it is used to contain individual identities. The underlying concern is similar to that of liberal theory—recognizing that group or collective rights can threaten the most vulnerable elements of society.

Those who defend group rights do not reject Kant's concept of autonomy or moral agency. Autonomy and moral agency act as constraints on the evocation of group rights. According to Kant, every man—assuming he is autonomous—is entitled to respect by virtue of his dignity but must in turn demonstrate the same type of respect to other men. Groups, including cultural groups, who seek to undermine the agency, dignity, or humanity of their own membership or that of other members waive their protections and entitlements as granted by the State. Democratic states “must demand basic reciprocal duties of respect: it is a condition of according respect and recognition to cultural

¹²⁵ Geoff Gilbert, "Individuals, Collectivities, and Rights" in Nazila Ghanea & A. Xanthaki, ed, *Minorities, Peoples and Self-Determination* (Boston: Martinus Nijhoff, 2005).

¹²⁶ Elke Winter, *supra* note 96.

¹²⁷ *Ibid.*

minorities (illiberal and otherwise) that they themselves demonstrate respect for the basic dignity and agency of their own members and of other citizens.”¹²⁸ Raz, for example, argues that groups lose rights in cases where the group fails to foster the autonomy and well-being of its members.¹²⁹

Thus, it can be argued that groups possess moral agency by looking at group-based identities that have experienced harm. Groups who were mistreated who are unwilling to forget and forgive acquire greater moral capital for recognition. One can readily think of the Holocaust or the cultural genocide experienced by Aboriginal peoples in Canada. The role this plays across time demonstrates the role group membership plays in constructing individual and group moral agency.¹³⁰ As Waldron put it:

Each person establishes a sense of herself in terms of her ability to identify the subject or agency of her present thinking with that of certain facts and events that took place in the past...But remembrance in this sense is equally important to communities—families, tribes, nations, parties—that is, to human entities that exist often for much longer than individual men and women. To neglect the historical record is to do violence to this identity and thus the community that it sustains. And since communities help generate a deeper sense of identity for the individuals they comprise, neglecting or expunging the historical record is a way of undermining and insulting individuals as well.¹³¹

There are two broad critiques used against the recognition of group or collective rights. The first is that group recognition segregates based on ethnicity. Society is a

¹²⁸ Monique Deveaux, *supra* note 114 at 39.

¹²⁹ Joseph Raz, "Liberalism, autonomy, and the politics of neutral concern" (1982) 7:1 *Midwest Studies in Philosophy* 89.

¹³⁰ Jeremy Waldron, "Superseding Historical Injustice" (1992) 103:1 *Ethics* 4; Jürgen Habermas, *The Postnational Constellation. Political Essays* (Cambridge, M.A.: The MIT Press, 2001).

¹³¹ Jeremy Waldron, "Minority Cultures and the Cosmopolitan Alternative" in Will Kymlicka & Jeremy Waldron, ed, *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995) at 96.

confluence of individual and collective identities. These identities are fluid and comprised of numerous elements. Liberal culturalism, according to anti-foundationalists, locks identities in place. Consequently, state-sponsored multiculturalism promotes ethnicization and racialization of non-White, non-Western immigrants and Aboriginal peoples. It reinforces these groups position as subordinate citizens within the dominant social order.¹³²

A second critique is that liberal culturalism masks deeper structural relations of power. It has the tendency of reducing questions of racism, prejudice, and inequality into food and dance festivals.¹³³ Consequently, inequalities are invisibly sustained through gendered, raced and classed organizational processes and practices. Liberal culturalism thus perpetuates a racially and socio-economically stratified society and continues to exacerbate existing inequalities.

For this group of critics, citizenship must reflect and recognize the variability of individual identities. These identities can be shaped in numerous ways influenced by both individuals and groups alike. This variability, if not recognized, risks rendering individuals vulnerable to the domination of those whose identities conform to the relative norm. Recognizing group or collective rights compounds the existing power imbalances between the dominant social majority and the individual within minorities by adding additional power dynamics. The result is one in which individuals may be placed under

¹³² Himani Bannerji, *The dark side of the nation: Essays on multiculturalism, nationalism and gender* (Toronto: Canadian Scholars' Press, 2000); Scott McFarlane, "The haunt of race: Canada's Multiculturalism Act, the politics of incorporation, and writing thru race" (1995) 18:Fuse Magazine 18; Sherene Razack, *Race, space, and the law: Unmapping a white settler society* (Toronto: Between the Lines, 2002).

¹³³ Himani Bannerji, *supra* note 132.

the additional authority of cultural elites who may simply perpetuate the ethnicization of individuals' identity.

1.2.4 Bridging Individual and Collective Rights

The predominant response to this critique has been a pluralist approach to citizenship and rights recognition. Pluralism recognizes that identities, be they individual- or group-based, in a pluralistic society are perpetually negotiated. The relations within a diverse society can therefore be understood as an “ongoing tension...between granted concessions and attempted containment.”¹³⁴ Within this tension, identities are constructed in relational terms. The boundaries between the “us” and the “them” are relational and comparative. In a pluralist community, the process of building relations should therefore be seen from the perspective of a triangular configuration. Within this configuration are the exclusionary boundaries between the “us” and “them”, as well as the boundaries of conditional inclusion between the subjective “other” living next to or with “us.” Every group relies on these boundaries irrespective of their status.¹³⁵ For pluralists, citizenship is about negotiation. There is recognition of collective and individual rights, but the approach is more focused on the relationship between the two.

To this end, States employ laws to regulate the boundaries of its members. These laws are designed to help negotiate the power relations between dominant and subordinate groups. The State is but one partner, but an important one, that is involved in the negotiation of the national identity. Though the State is one party to the negotiation, as the power holder of state institutions that largely reflect dominant culture, it has

¹³⁴ Elke Winter, *supra* note 96 at 81.

¹³⁵ *Ibid.*

considerable material and symbolic power.¹³⁶ Where imbalances exist, the State is to employ and encourage deeper or deliberative democracy.¹³⁷

Part of the negotiation process is the recognition of majority and minority cultures and the context in which they exist. The pluralist model recognizes that there exists a majority culture and that culture is worth protecting. It does not negate the presence of other cultures. Instead, it recognizes that there is an “us” culture and a “their” culture and a need to integrate at minimum both in varying degrees within the larger nation-building project.¹³⁸

According to this view, individual and collective identities rely upon a dialectic negotiation of the changing Self in relation to the changing Other. The proposed model does not suggest that it can resolve the inequalities of power relations: “pluralist societies will never be free from power relations. This is because the process of ethnicization, that is, the construction of ethnic categories and eventually the emergence of ethnic groups, are deeply informed with power.”¹³⁹ What the approach emphasizes is the recognition of the value each party brings to the negotiation. Pluralism however assumes that citizenship vested in identity can be negotiated and that groups are willing to negotiate.

1.3 A Pluralist Understanding of the Law

For Nedelsky, understanding the law through a relational approach is to put nurturing care for one another at the centre. Unlike the classic liberal approach that seeks to make the individual fully autonomous, a relational approach strives to bring people

¹³⁶ *Ibid.*

¹³⁷ “deliberative democracy” refers to the idea of subjecting institutions and norms where there is a power imbalance in place to negotiation based on democratic principles. See Monique Deveau, *supra* note 114; Simone Chambers, “Theories of political justification” (2010) 5:11 *Philosophy Compass* 893; Anthony Simon Laden, *Reasonably radical: Deliberative liberalism and the politics of identity* (Cambridge: Cambridge University Press, 2001).

¹³⁸ Gérard Bouchard, “What is Interculturalism?” (2011) 56:2 *McGill Law Journal* 435.

¹³⁹ Elke Winter, *supra* note 96 at 281.

together by fostering creativity in the different ways we can support each other through law and other non-legal forms.¹⁴⁰

1.3.1 Introducing the Relational Approach

A relational study of the law was first introduced by Nedelsky over ten years ago. It has been only recently formalized in *The Relations of Law*. Nedelsky outlines a reconstituted approach to the study of law that focuses on unmasking the barriers created by law in fostering a caring society.

A relational approach is premised on three concepts. At its heart is the autonomy of the person. In this sense, the approach remains firmly embedded in the liberal tradition.

The objective of using the approach, however, is to render the autonomous individual more relational. As has been explained and will be further elaborated, the individual is not completely autonomous but functions in relation to others and the environment. Power does not reside in the individual as much as it resides in the relationships that form through community.

Applying a relational approach means examining how people, and relationships in particular, experience the law. The law is therefore a tool—a very powerful tool—because it is an expression of the values society holds as important and even sacred. As a tool, the law structures relations in a way that sometimes hides power, especially the role of the State in that power. Law is instrumental. It is used as a means to exercise control by structuring and constructing relationships of power, for example, responsibility, trust, and obligation. By so doing, the law is used to establish limits. It determines the weight given to difference by deciding which differences matter and how they matter. The ability

¹⁴⁰ Jennifer Nedelsky, *supra* note 22.

to constrain choice and how that choice is exercised demonstrates that the law not only shapes social relations but also reflects societal or collective values. For this reason, the law is more than just a tool of State authority. It is a means through which societies engage in a democratic dialogue over the type of constitutive relationships they wish to form.

A relational approach to the study of law is not about structuring the law in favour of collective dominance. It is an approach that recognizes the role of both. The collective makes decisions, establishes norms, codifies laws but should do so in a manner that fosters individual growth through such values as freedom and autonomy. Such individual values, however, cannot exist without the supporting relationships that constitute the collective.¹⁴¹

A relational approach to the study of law is about relationships. It resists the idea that autonomy is about protecting the individual from collective intrusion. If that were the case, the perfectly autonomous person would also be the perfectly isolated person. At present, the liberal Western tradition constructs a Self around the need for protection by erecting “a wall of rights around the individual”.¹⁴²

Individuals, however, do not operate in a void. Each individual is constituted by networks of relationships. Many of these relationships are personal, but they are nevertheless shaped by wider relationships. This interaction is never unidirectional, and can be comprised of relations that harm and benefit the individual. A starting premise in using the approach is to recognize that human dependence and collective interdependence

¹⁴¹ *Ibid* .

¹⁴² *Ibid* at 97.

are central features to how individuals experience the Self.¹⁴³ By accepting this premise, autonomy as complete independence becomes an illusion. This is not to suggest that autonomy is unimportant. What the relational approach suggests is a reorientation of autonomy as a construct that emerges from the unbounded or relational Self. Autonomy is therefore fluid, changing over time. It can grow as it can petrify. If autonomy varies, preventing external intrusion may deter, dampen, or even reduce autonomy. Thus, structuring the law to prevent rights violation may have the effect of perpetuating control rather than autonomy. The challenge is to structure the law in such a way that fosters autonomy.

The starting point of restructuring the law in relational terms is to look towards the collective as a source of autonomy. By shifting the point of reference, the bounded Self—the need to protect individuals from society—begins to change. It becomes less natural and essential, because it fails to “capture the complex, fertile, and tension-laden interconnection between self and others.”¹⁴⁴ The relational Self does not mean a complete abandonment of boundaries. Boundaries can help to protect individuals from certain threats. But focusing on the “separative self, clinging to the rights that affirm its separateness, can deny the interconnection that would implicate it in the surrounding pain.”¹⁴⁵

The relational self is about fostering individual development through constructive relationships. Individuals enter into constructive relationships when intrinsically motivated. Individuals may enter and work within relationships that are extrinsically

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid* at 115.

¹⁴⁵ *Ibid* at 116.

motivated, but these types of relationships are not enduring.¹⁴⁶ Such relationships can be considered bounded because the Self is constrained or controlled by a variety of external limitations.

Nedelsky begins her argument by describing the relational self, then moving to relational conceptions of values such as autonomy, and concluding with a relational approach to the study of rights and law. The following summarizes this trajectory and illustrates how each of these sections builds on Arendt's relational construction of the law, while responding to some basic concepts that have significantly shaped the structure of law.

The first few sections elaborate on the Self. The Self consists of three interdependent dimensions: the Relational, the Affective, and the Creative Self.

1.3.1.1 The Relational Self

The Relational Self denotes the relational structure of our identities. Individual identities, capacities, and desires are shaped and formed by a variety of relationships. These relationships include such intimates ones with parents and children, meso ones with teachers and employers, and macro relationships shaped by social structures such as gender, social class, and the exercise of government power.¹⁴⁷ The Relational Self rejects the “bounded self”. It offers a new image of the self that goes beyond the dichotomous debate among “individualists” and “collectivists”.¹⁴⁸ Like Arendt's move from *nomos* to *lex*, the Relational Self begins with the “bounded self.”

Nedelsky begins with a simple question. Is there something that is essentially “bounded” about human beings? If not, why does the law perpetuate the bounded image

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid* at 14.

through the need to protect these boundaries?¹⁴⁹ Nedelsky argues that liberal legalism is premised on the idea that the limits of sovereign authority are founded upon a particular image of the bounded self. These limits are defined by the notion of rights, which serve to delimit and protect the bounded self.¹⁵⁰ In other words, limits on state authority are designed to protect the individual from collective intrusion.

Through a similar historical process used by Arendt, Nedelsky traces the emergence of the use of rights as a means of protecting boundaries in the United States with the constitutionalization of property rights. Given the historical context, the idea of property rights as a means of securing freedom and ensuring protection was attractive, but this attraction poses significant problems in that it constructs a concept of rights whose focus is on securing the individual rights-holder from external invasion.¹⁵¹ The objective is to protect individual autonomy, which is in part secured through the acquisition of property in order to obtain freedom.

The Relational Self does not reject the language of invasion or intrusion. As Nedelsky points out, laws that protect individuals against unreasonable search and seizure are important for autonomy. It is not the language that is problematic. It is the effect of the language on the notion of the self that presents a challenge. The effect creates the bounded self, and consequently bases the law along a dichotomous division: me versus them, or the individual versus the collective.¹⁵² This dichotomy has shaped much of how we think of ourselves—as the “separative self.” It forms the basis of the boundaries that

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

are commonly invoked to describe selfhood including property, privacy, and discrimination.¹⁵³

The Relational Self is about and not about autonomy. It is about the type of autonomy that recognizes the interdependence of individuals. These interactions matter because not only are there shared and common interest, but they also constitute the Self. This interdependence, the relationships between individuals is constituted by networks of relationships between a plethora of micro, meso, and macro actors and forces. The Relational Self is not about the autonomy that seeks to isolate or create the “separative self” whereby we are defined by those areas protected from collective intrusion.¹⁵⁴ Of crucial importance, however, is that the Relational Self is constituted but not determined by his or her network of complex relations.¹⁵⁵

By thinking of the law and autonomy in relational terms, when interdependence is made the focus, mutual care can only then really be taken seriously. Because of the way we conceptualize the Self, the responsibilities, burdens, and benefits of caretaking in Western societies have been “grossly unequal”.¹⁵⁶ A relational approach fosters the development of the Relational Self and prevents inequality to the extent that the network of relationships that constitute the individuals involved are constructive.¹⁵⁷

Unlike Kant who argues that autonomy is a condition for humanity, Nedelsky presents autonomy as a value.¹⁵⁸ Autonomy is not a characteristic that defines the Self, but is something that Western society considers very important for the well-being of the

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

individual. As an element of well-being, autonomy does not mean complete independence and isolation. This does not serve the well-being and development of the individual or community. What it is proposed is a relational approach to the concept. In so doing, autonomy becomes an “object of substantive inquiry.”¹⁵⁹

For Nedelsky, the metaphor of independence for autonomy is problematic. It distorts what makes autonomy possible, that is constructive relationships. This is not to suggest that “independence” is not part of autonomy. The ability to make one’s own choices free from the limitations imposed by external forces is an important component of autonomy; however, the focus placed on autonomy as independence overlooks the crucial role constructive relationships play in making autonomy happen. Without relationships that foster autonomy—relationships with family, friends, employers, and state officials—the ability to exercise autonomy is seriously curtailed and diminished. Thus, when examining autonomy, it is essential to examine it as a characteristic as much as it is important to inquire into the conditions that enable autonomy to flourish. These conditions can only be understood through the relationships that form such core capacities and basic needs.¹⁶⁰

The importance of understanding the conditions is demonstrated by the change in capacity for independence or autonomy over the course of a human life and within social contexts and environments. The ability to exercise independence depends on the circumstances.¹⁶¹ Employees, for example, are less autonomous in terms of the type of decisions they can make related to a project compared to their immediate supervisors. The law also makes allowances for changes to autonomy. For example, once an

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

individual reaches the age of majority, the law assumes him or her to have sufficient autonomy that they can purchase alcohol. Though simplistic, these examples illustrate that autonomy, and the ability to exercise that autonomy, is conditional on the environment that is shaped by the relationships one has with various levels of community actors.

1.3.1.2 The Affective Self

The idea of the rational agent in law can be most readily attributed to the influence of law and economics on judicial reasoning beginning in the 1960s, but the idea of conducting a cost-benefit analysis can be traced further back.¹⁶² One of its main assumptions is that decision-makers are rational beings employing reason to determine the best means of maximizing individual welfare.

The Self however is a multidimensional being. It is comprised not only of the mind, but also of the body and emotion. Yet much of law is premised on the rational actor or agent who is completely independent, and as such, disembodied and affectless. Autonomy is a core human value. It is not simply a mediating concept between an individual's rights and their sense of the Self. Autonomy is the capacity for creative interaction. Creative interaction describes the various manners individuals enter into relationships, and their ability to develop and grow as individuals—their ability for Self-creation. The embodied and affective Self is central to this capacity—to the capacity for autonomy and reason. Without embodiment and emotion, something is lost about what defines humanness.

The present problem in structuring the law is its reliance on a concept of the

¹⁶² Ronald Harry Coase, *supra* note 86; Guido Calabresi, *supra* note 86; Gary S. Becker, *supra* note 86; Jeremy Bentham, *supra* note 84.

autonomous rational agent as a one-dimensional being void of anything other than reason. This stripped down construct is “unnecessarily and destructively narrow.” Basing the law and its related political constructs, such as equality, on a construct of the rational agent devoid of emotion obscures the reality that individuals are relational creatures. Neglecting these dimensions risks structuring laws in ways that do not resonate within the social configurations they are meant to regulate. Because the law has an impact on the way people live their daily lives, it cannot afford reducing the individual to a simplified one-dimensional construct. A relational examination of the law requires the recognition of the Self as a multidimensional being.

The problem of the affectless rational agent arises when a society commits itself to inherent equality. Inherent equality is the idea that all individuals are equal rights bearers but may be different in ability, capacity, and/or in social relations. By stripping the individual down to an exclusively rational being, liberal legalism has deprived itself of the ability to conceptualize rights in a manner that best protects people and allows them to thrive.¹⁶³ The language of rights has proven to be a very powerful mechanism for communicating and institutionalizing social core values. If limited notions of the Self shape these values, and these values are then communicated and enforced through the language of rights, the net effect may have a direct consequence on the nature of autonomy and the conditions under which creative-Self can flourish.

As Nedelsky and other feminists note,¹⁶⁴ premising equality on the basis of rational agency and the subsequent claims made there-under, has denied “the relevance of

¹⁶³ Seyla Benhabib, "Judith Shklar's dystopic liberalism" (1994) 61:2 Social Research 477; Judith Shklar, "The liberalism of fear" in Shaun P. Young ed, *Political Liberalism: Variations on a Theme* (Albany: State University of New York Press, 1989); Joel Handler, *The conditions of discretion* (New York: Russell Sage Foundation, 1986).

¹⁶⁴ Iris Marion Young, *supra* note 116.

our embodied nature, of emotion or affect and the differences and individual particularities that both our bodies and our feelings make manifest.”¹⁶⁵ By misunderstanding autonomy and reason, the law risks being structured in a way that inadequately conceives of and enforces rights. Affect is part of reason, which defines autonomy and allows for creative interaction and Self-creation.¹⁶⁶

Numerous critics have articulated that reason is informed by emotion and that emotion is part of reason. In addition to feminist legal scholars, psychologists have long been arguing that affect is an essential part of reasoning and decision-making.

Damasio’s work on somatic markers, for example, demonstrates that emotional responses are associated with certain images. When confronted with a decision, individuals imagine certain actions, which are associated with a particular outcome. This then triggers an emotional reaction. The evoked image and association can be fleeting, yet it still succeeds in triggering a gut reaction.

These somatic markers are designed to assist in filtering through the array of options present when making a decision. They help in eliminating options that are not desirable based on experience, while highlighting those that elicit positive affect. They are not responsible for making the decision as much as guiding the decision-maker to emotionally optimal options. The loss or inability to use these markers has been attributed to a loss of autonomy.¹⁶⁷

¹⁶⁵ Jennifer Nedelsky, *supra* note 22 at 162.

¹⁶⁶ Margaret Olivia Little, "Seeing and caring: The role of affect in feminist moral epistemology" (1995) 10:3 *Hypatia* 117; Martha Minow, "Feminist reason: Getting it and losing it" (1988) 38:1/2 *Journal of Legal Education* 47; Alison M Jaggar, "Love and knowledge: Emotion in feminist epistemology" (1989) 32:2 *Inquiry* 151; Jennifer Nedelsky, "Embodied diversity and the challenges to law" (1997) 42:1 *McGill Law Journal* 91; Cheryl Hall, *The trouble with passion: Political theory beyond the reign of reason* (Abingdon: Routledge, 2013); Rebecca Kingston & Leonard Ferry, *Bringing the passions back in: The emotions in political philosophy* (Vancouver: UBC Press, 2008).

¹⁶⁷ Antonio R Damasio, *Descartes' error* (New York: Random House, 1994).

In addition to the work done by Damasio, heuristics and biases have long been documented in human decision-making. The results of such decision-making have led to judgments that deviate from those predicted using a rational approach.¹⁶⁸ Group decision-making has also been observed to lead to non-optimal decisions.¹⁶⁹

1.3.1.3 The Creative Self and Creative Interaction

Nedelsky argues that the law is better served when thought of in relation to the creative self rather than the traditional rational agent. The Self as defined by the rational agent approach distorts the concept of autonomy and consequently designs and promotes a system of rights that fails to foster and protect human capacities, needs and entitlements.

The capacity for creative interactions is a core human value of which autonomy is a key constituent. Creative interaction not only requires autonomy, but also the capacity for attention, receptivity and responsiveness. The ability to act upon the ideas and reactions generated from these capacities is what forms autonomy. To engage in creative interaction therefore necessitates autonomy but autonomy is not sufficient to constitute creativity or the creative self.

¹⁶⁸ Thomas Gilovich, Dale Griffin & Daniel Kahneman, *Heuristics and biases: The psychology of intuitive judgment* Cambridge University Press, 2002); Richard H Thaler, *Quasi rational economics* (New York: Russell Sage Foundation, 1994); Cass R Sunstein, *Behavioral law and economics* (Cambridge: Cambridge University Press, 2000); Lee Ross & Donna Shestowsky, "Empirical legal realism: A new social scientific assessment of law and human behavior: Contemporary psychology's challenges to legal theory and practice" (2003) 97:Nw. UL Rev. 1081; Christine Jolls, Cass R Sunstein & Richard Thaler, "A Behavioral Approach to Law and Economics" (2003) 50:Stanford Law Review 1471; Russell B Korobkin & Thomas S Ulen, "Law and Behavioral Science: Removing the Rationality Assumption from Law and Economics" (2000) 88:4 California Law Review 1051; Donald C Langevoort, "Behavioral theories of judgment and decision making in legal scholarship: A literature review" (1998) 51:6 Vanderbilt Law Review 1499; Jeffrey J Rachlinski, "New Law and Psychology: A Reply to Critics, Skeptics, and Cautious Supporters" (2000) 85:3 Cornell Law Review 739.

¹⁶⁹ Irving Lester Janis, *Groupthink: Psychological studies of policy decisions and fiascoes* (Boston: Houghton Mifflin, 1982); Cass R Sunstein, "Deliberative trouble? Why groups go to extremes" (2000) 110:1 The Yale Law Journal 71; Jeremy A Blumenthal, "Who Decides-Privileging Public Sentiment about Justice and the Substantive Law" (2003) 72:1 UMKC L. Rev. 1.

Another way to think about creative interaction is to consider the concept as the ongoing capacity for interactive self-creation. This is in contrast to self-determination as the primary component of what defines autonomy. By shifting the focus from autonomy as self-determination to a process of self-creation, the law is better placed to respond to problems that are profoundly shaped by the different type of relationships that exist. Concomitantly, autonomy as self-creation genuinely demonstrates that people are intrinsically autonomous creatures.

To understand autonomy as self-creation, one must understand the relationships that affect creative interaction, which necessitates an exploration of the constitutive context of power relations. Without understanding context, it is not possible to assess genuine agency.

Thinking of autonomy as a constitutive capacity that enables creative interaction offers the ability to work through both theoretical and practical considerations that have paralyzed debates on justice and equality. Theoretically, creative interaction illustrates how all expressions of autonomy are essentially creative and interactive. In so doing, this focuses the analysis on the delimiting (both constraining and enabling) conditions that shape relationships and affect autonomy.

The capacity for creative interaction is not comprised of soft concepts. It has a strong meaning. It refers to the act or a series of activities that “create something new, something that...did not exist before, that was not simply determined by what preceded it, that could not have come into being but for the act of creation.”¹⁷⁰ Through the exercise of autonomy, creation is made possible.

The capacity for creativity is not boundless. It is strongly shaped by relationships that

¹⁷⁰ Jennifer Nedelsky, *supra* note 22 at 170.

encourage and discourage the act. These types of relationships are largely out of individual control; nevertheless, the capacity to interact with delimiting relationships remains with the person.

It is important to recall that when discussing creativity, or the capacity for creative interaction, this is different from self-determination, and equally different from the classic approach to autonomy as control. Autonomy is necessary for creativity but it is not sufficient. Creativity emerges from autonomous acts that are relational in nature. Thus, Nedelsky argues, “the language of control is a poor guide to establishing the kinds of relations that could actually foster autonomy for everyone.”¹⁷¹

Another way of thinking of the capacity for creative interaction is to consider it as a process rather than an end-goal. By conceptualizing it as a process, both it and the autonomy that is required to make it possible demonstrates that the self is a product of relational interactions many of which are out of the individual’s control. The crux is to understand the conditions that delimit creative capacity.

As previously mentioned, focusing on creative capacity shifts the discussion from one directly about control to one of dignity. The questions that flow from this reasoning include some of the following: How can the underlying root capacity be optimally developed? What social, legal, and political structures allow it to flourish? What forms of language, what kinds of conceptual tools, help us explore this problem? According to Nedelsky, “the concept of creative interaction can capture both the astonishing human capacity for genuine creation and the complex ways in which that capacity is always interacting with forces beyond its control.”¹⁷²

¹⁷¹ *Ibid* at 171.

¹⁷² *Ibid* at 171.

The concept of self-creation, or the capacity for creative interaction, not only demonstrates the relational nature of autonomy, but it also recognizes the embodied and affective self as necessary constituents in adequately exploring what encourages and develops autonomy.

Furthermore, by considering the embodied and affective self, human and contextual differences become central. “The realities of differences in abilities and in emotional states—as well as the relational differences of power and status —are no longer presumed to be marginal to the issues of equal rights; they appear as integral to the full particularity of the subject of those rights.”¹⁷³

The capacity for creative interaction is not a universal claim of equality. Similar to the traditional rational agency model, the concept of creative interaction seeks to empirically demonstrate human variation. The difference between the two models, however, is that the manner in which autonomy is conceptualized and the role it plays under the notion of creative interaction presents a more genuine and fuller image of human capacities.

1.3.2 Applying a relational approach

Throughout this chapter, the term “rights” has often been used. Though the structure of law and its effect on relations are of interest, the notion of rights has become a powerful vehicle through which laws find their expression.

People use “rights” to identify serious harms, to make claims from and against governments, to make claims for international intervention and assistance. The battle over the use of the term has been decisively won in its favor... The language of rights has huge rhetorical power, and the institutions of rights, such as constitutional bills of rights, are, again, a worldwide phenomenon.¹⁷⁴

¹⁷³ *Ibid* at 172.

¹⁷⁴ *Ibid* at 73.

A relational analysis therefore looks to harms committed and the rights evoked as a means of protection against those harms. The evoked rights are then analyzed from a relational perspective. To understand the interactions that result from the application of the law, a relationship must first be established between the relational Self,¹⁷⁵ the values that shape the relations that constitute the Self, the rights that protect the values at issue, and the law that facilitates the exercise of those rights.¹⁷⁶ To do this, four analytical steps exist. The first step looks at the nature of the problem. The second explores the type of relationship that is required to foster the desired values. The third step involves an assessment of the law to determine whether it facilitates the emergence of the desired values. The final step explores how competing versions of the same right structure relationships differently.¹⁷⁷

1.4 Conclusion

The law is a contested notion. For some, it is a norm to which individuals adhere. For others, the law is a form of symbolic capital that shapes a particular field. Law is also considered an expression of morality, as well as a glue that binds politics into a more rigid structure.

For Arendt, law provides stability to public order. It is separate from but concomitantly a part of politics. Law is the glue that binds politics by creating boundaries while recognizing the relational nature of those boundaries and their capacity to change. In this sense, law is contractual.

¹⁷⁵ The relational Self is constructed through the relations one enters in: “The self is relational because human beings become who they are—their identities, their capacities, their desires—through the relationships in which they participate. These include intimate relationships with parents and lovers, more distant relationships with teachers and employers, and social structural relationships, such as gender, economic relations, and forms of governmental power” (*ibid*).

¹⁷⁶ *Ibid*.

¹⁷⁷ *Ibid*.

The contractual nature of the law assumes that all parties are autonomous, capable of exercising agency, and rational in their constitution. A relational approach to the study of law proposes to alter this equation. It does not negate the role and importance of autonomy, agency, and rationality. What it proposes is to think of these constructs from a contractual or relational perspective. This means that autonomy is not about complete independence but about interdependence. It also suggests that rationality must recognize and consider that decisions are inherently affected by emotions.

When applying a relational approach to the study of rights, the dyadic or binary division of rights being either vested in the individual or collective changes. Rights take the form of a negotiation between the changing Self in relation to the changing Other.

The relational approach is designed to address the inequalities of human existence. Its goal is to create a state in which the vulnerable are included in the political project of state building. The starting point of restructuring the law in relational terms is to look towards the collective as a source of autonomy. By shifting the point of reference, the bounded Self begins to change.

A relational approach considers the Self in three forms. The Self is Relational, Affective, and Creative. It is relational because the individual is interdependent. It is affective because the individual is guided by emotion. It is creative because the individual is self-creating and creative.

The following research takes on Arendt's challenge to help shape a public order that makes room for the voice of all individuals. This challenge is operationalized by Nedelsky's approach to the study of law by focusing on the way the law affects the Self. Of particular focus are the laws that are designed to promote inclusion, such as equality

rights laws. Much has been written about the need for such laws, but how much do we know about its structure and its effect on the way we develop as relational beings?

Chapter 2: Operational Concepts

2.0 Introduction

In the previous chapter, I outlined the theoretical foundations of the relational approach and the questions that ought to be considered when thinking of using the approach as a viable analytical tool. The following chapter provides an overview of the operational concepts used to put in effect the relational approach by means of an empirical inquiry. The concepts used are borrowed from research in the field of social psychology in an interdisciplinary endeavour to push the study of law into the realm of empirical and applied research.

In her own research, Nedelsky makes occasional reference to findings in other fields as a means to inform and approach the study of law from a critical perspective. Adopting a similar multidisciplinary strategy, concepts and tools present in social psychology avail themselves readily to the analytical formula proposed by the relational approach. Three particular concepts are of interest. The first is autonomy. Autonomy in social psychology has been a key component of Self-Determination Theory. The second is affect as employed in studies on emotions. The final concept is creativity. Each of these three concepts is used to operationalize the Relational, Affective, and Creative Self. The measures employed to define these concepts also constitute the three dependent variables.¹⁷⁸

¹⁷⁸ A dependent variable is a variable—a unit of measure that varies—is what is measured in an experiment or model and what is affected during the course of the experiment. The dependent variable responds to the independent variable.

Before elaborating further on the three concepts, a couple of other things are in order. First, the independent variables need to be defined.¹⁷⁹ In line with Nedelsky's approach, I wish to examine the effects of the structures of law on the Relational, Affective, and Creative Self. Law governs vast areas of human endeavour. I am particularly interested in human rights law, specifically the way in which equality law structures relations.

Secondly, it is important to provide an overview of the negotiation paradigm. Nedelsky is largely preoccupied with the breakdown of relations that lead to inequality. What is essential to recognize, though, is that relations are constructed throughout and as a result of individual and interpersonal negotiation. Some relations are more enduring while others fleeting. Nevertheless, they emerge from a process in which all parties are consciously or unconsciously negotiating. The success of the negotiation, the ability to come to a joint-outcome, depends heavily on the supports that exist to foster constructive and supportive relationships. It is in the process of negotiation that disputes arise wherein claims are made, parties are hurt, and rights are evoked. It can be argued that the way the law affects individual development structures how people interact and negotiate their interpersonal relations.

2.1 Human rights disputes: a case of negotiation

Understanding the field of negotiation is necessary for three reasons. First, theoretically, it is the medium through which democratic discourse and engagement occur. Both Arendt and Nedelsky seek to change politics and the law by rendering it more democratic. As demonstrated in Chapter 2, this democratization occurs through

¹⁷⁹ An independent variable is a variable—a unit of measure that varies—over which there is control and the possibility of manipulation. It is the variable that is hypothesized to affect the dependent variable.

debate, discussion, and the legal structures that make up the State. To establish a stable political order, one has no choice but to engage in negotiation and compromise.

Secondly, Nedelsky's relational approach is conditional on examining the effects of the law on the relationships it structures. Relationships are outcomes of a constant process of negotiation. Thus, to measure the effects of human rights law on the Relational, Affective, and Creative Self, the context in which the measurement needs to occur is within a negotiation that challenges the creation or status of an existing relationship.

Finally, having a grasp of certain foundations within the field of negotiation research will facilitate understanding the forthcoming methodological chapter. There is a considerable amount of research on negotiation.¹⁸⁰ The results may inform negotiation research, but this would be a next step after having first established the effects of human rights law on the capacities of individuals to engage in creative interactions or supportive relationships.

This section explores negotiation as it relates in particular to equality rights conflicts. It begins by outlining the significance of negotiation, its role as a means of resolving conflict, and its capacity to deal with human rights-type conflicts that revolve around identity.

2.1.1 Negotiation and its significance

Negotiation is a process through which two or more parties strive to develop common solutions when their interests conflict with the goal of creating a new

¹⁸⁰ Michele J. Gelfand, C. Ashley Fulmer & Laura Severance, "The Psychology of Negotiation and Mediation" in Sheldon Zedeck ed, *APA Handbook of Industrial and Organizational Psychology* (Washington, D.C.: American Psychological Association, 2011).

relationship or fostering an existing one.¹⁸¹ The interests that are partially in conflict suggest the parties have motives for both cooperation and conflict. The challenge in overcoming the conflict and coming to a joint-outcome that fosters a relationship is to identify the significance of those elements that bring the parties together and those that pull them apart, and developing strategies that respond to both.¹⁸²

In the field of law, formal negotiation occurs in many forms. The most common is found in property transactions wherein contracts are put in place as a means to exchange goods. The practice of negotiation is also found in family and labour disputes as well as in the form of plea bargains in the criminal context. In the human rights domain, alternative dispute resolution or ADR is often encouraged and usually takes the form of mediation.

Mediation is a form of negotiation in which parties are expected to come to some kind of compromise should they wish to reach a joint-outcome.¹⁸³ In summarizing mediation research and what makes the process a success, Gelfand, Fulmer and Severance outline several conditions. Mediation is more effective when negotiations are moderate in conflict; when parties are motivated to reach an agreement and are committed to the process; when parties have a positive relationship; when both parties recognize responsibility; when general principles are not involved; and when parties are approximately equal in power.¹⁸⁴

Given these conditions and those present in cases of discrimination, for example, mediation should be ineffectual. Conflicts based on discriminatory practices usually

¹⁸¹ P. Miesing & E. Pavur, "Exercise: Stakeholder negotiations" (2008) 4:1 Journal of Strategic Management Education 187.

¹⁸² R. L. Daft, et al., *Understanding Management* (Toronto, Ontario: Nelson Education, 2009).

¹⁸³ Michele J. Gelfand, C. Ashley Fulmer & Laura Severance, *supra* note 180.

¹⁸⁴ *Ibid.*

involve complex issues around principles and values that are associated and closely linked with identity characteristics. The relationship between parties has broken down, responsibility has been denied, and power between the complainant (the employee, for example) and the respondent (the employer) is asymmetric.¹⁸⁵ Yet evidence suggests that parties involved in human rights disputes who undergo mediation are generally satisfied, and often achieve a joint-outcome.¹⁸⁶

The numerous examples wherein formal negotiation occurs illustrate the pervasive use of negotiation as a means of social interaction.¹⁸⁷ Its pervasiveness has made it an essential feature for resolving disagreements about relationships.¹⁸⁸

2.1.2 The Faces of negotiation

There are a variety of elements to negotiation.¹⁸⁹ Two are of particular interest. Because anti-discrimination law is based on specific characteristics such as race, sex, and religion, and these characteristics are often associated with the way people self-identify, it is important to understand how people negotiate their own identities and what happens when these identities are challenged. It is also important to explore the negotiation of identities that are closely tied to certain values. Religious identities, for example, are usually connected with worldviews that are premised on beliefs about family, life, and

¹⁸⁵ Alfred Allan, Dianne McKillop & Robyn Carroll, "Parties' Perceptions of Apologies in Resolving Equal Opportunity Complaints" (2010) 17:4 Psychiatry, Psychology and Law 538.

¹⁸⁶ Jean Poitras & Aurélie Le Tureau, "Quantifying the Quality of Mediation Agreements" (2009) 2:4 Negotiation and Conflict Management Research 363; Canadian Human Rights Commission, *A client satisfaction survey of Mediation Services at the Canadian Human Rights Commission* by Maciej Karpinski (Ottawa: Canadian Human Rights Commission, 2014); Canadian Human Rights Commission, *An Exploratory Evaluation of Mediation Services at the Canadian Human Rights Commission* by Maciej Karpinski & Charles Thérault (Ottawa, Ontario: Canadian Human Rights Commission, 2010).

¹⁸⁷ Mara Olekalns, "Negotiation as social interaction" (2002) 27:1 suppl Australian Journal of Management

¹⁸⁸ R. J. Lewicki, et al., *Negotiation* (Boston, MA: Irwin, 1994).

¹⁸⁹ Michele J. Gelfand, C. Ashley Fulmer & Laura Severance, *supra* note 180.

the goodlife. Thus, understanding how such sacred values are negotiated helps demonstrate the challenges in negotiating human rights based conflicts.

2.1.3 Negotiating identity

According to the Supreme Court of Canada, the grounds enumerated under human rights legislation are supposed to be either immutable characteristics or characteristics that can only be changed at a high cost.¹⁹⁰ These immutable characteristics are such identifiers as sex, sexual orientation, age, and disability. If these characteristics are immutable, presumably they must therefore be non-negotiable. But are these characteristics how people define themselves, and over which identity conflicts arise?

People take on many identities depending on the social context. From relations with colleagues at work to those with their kids, people negotiate their identities accordingly. In on-going relationships, this negotiation is based on a mutual, give-and-take interaction between partners. The objective is to encourage behavioural predictability. By establishing a “working consensus” that is agreeable to both parties, the relationship between disconnected individuals is changed into one of collaboration with common obligations, goals and commitments.¹⁹¹ According to Swann and Bosson, identity negotiation provides the “interpersonal glue” that bonds people together.¹⁹²

Four key principles exist that encourage predictable behavior and discourage identity-based conflict: clarity, cooperation, continuity, and compatibility.¹⁹³ Clarity of identities is required if individuals are to satisfy their need for coherence, connectedness

¹⁹⁰ *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] S.C.R., 203, at para 60.

¹⁹¹ William B. Swann & Jennifer K. Bosson, "Self and Identity" in Susan T. Fiske, Daniel T. Gilbert & Gardner Lindzey, ed, *Handbook of Social Psychology* (Hoboken, NJ: John Wiley & Sons, 2010).

¹⁹² William B. Swann Jr, Russell E. Johnson & Jennifer K. Bosson, "Identity negotiation at work" (2009) 29:1 Research in Organizational Behavior 81.

¹⁹³ *Ibid.*

and agency. Cooperation is the act of respecting and honouring each other's identities. Failing to cooperate can undermine feelings of connectedness and agency, especially if a perceiver's (a supervisor's for example) appraisal fails to verify an individual's (an employee's) job performance. Coherence can also be affected if appraisals fail to verify a individual's chronic identity. The identity negotiation process is more likely to be smooth if identities are consistent over time and reflect organizational expectations. Finally, negotiated identities ought to be compatible across bilateral and multilateral relationships. Sharply divergent identities can create confusion and undermine trust.¹⁹⁴ A violation of one or more of these principles can lead to incongruence and conflict.

Conflict is a process that emerges between interdependent individuals when one deprives the other of valued outcomes.¹⁹⁵ When expectations of a person (the perceiver) clash with the self-views of the other (the target), conflict arises. The perceiver's appraisal of the target's situated identity may conflict with the target's chronic identity. Alternatively, the appraisal will only affect the situated identity creating a conflict between it and the appraisal. Situated identities—identities negotiated in response to a specific context or situation—are more easily changed and influenced. These identities consist of relationships between supervisors and subordinates, colleagues and clients. Chronic identities—identities based on individual self-views—are much more difficult to alter and are deeply internalized. Chronic identities refer to individual, trait-like attributes (e.g. intelligence, competence, honesty).¹⁹⁶

¹⁹⁴ *Ibid.*

¹⁹⁵ Carsten KW De Dreu, "Social conflict: The emergence and consequences of struggle and negotiation" in Susan T. Fiske, Daniel T. Gilbert & Gardner Lindzey, ed, *Handbook of social psychology* (Hoboken, NJ: John Wiley & Sons, 2010); Michele J. Gelfand, C. Ashley Fulmer & Laura Severance, *supra* note 180.

¹⁹⁶ William B. Swann Jr, Russell E. Johnson & Jennifer K. Bosson, *supra* note 192; William B. Swann & Jennifer K. Bosson, *supra* note 191.

As there are asymmetric power dynamics in the workplace, there is also asymmetric identity negotiation. Given a supervisor's power and authority, the supervisor (or perceiver) can temporarily ask the subordinate (or target) to modify his or her identity in such a way that sharply departs from the subordinate's chronic self-view. Such departures can only be sustained for a limited time before it begins to have negative psychological effect on the target.¹⁹⁷ According to Swann, Johnson and Bosson such requests are undesirable because they do not foster predictable behaviour. Though a situated identity is more malleable, it still remains dependent on the target's chronic identity. Drastic requests may adversely affect an individual's ability to make connections and/or inhibit feelings of agency (competence, autonomy, self-efficiency, self-determination).¹⁹⁸

When the target perceives the appraisal as inconsistent with his or her self-views, it triggers a sense of injustice or unfair treatment. Fairness is typically gauged on three levels: distributive (the distribution of outcomes/resources), procedural (the rules and norms that guide actions) and interpersonal (the way individuals are treated). A breakdown in identity negotiations at any of these levels contributes to perceptions of unfairness. Chronic self-views may influence which of these three levels the target may emphasize.¹⁹⁹ Though any of these three levels contributes to perceptions of unfair treatment, research in negotiation and social conflict has found that procedural fairness is particularly salient. It is sufficiently strong that addressing only issues of procedural

¹⁹⁷William B. Swann Jr, Russell E. Johnson & Jennifer K. Bosson, *supra* note 192; Carsten KW De Dreu, *supra* note 195.

¹⁹⁸William B. Swann Jr, Russell E. Johnson & Jennifer K. Bosson, *supra* note 192.

¹⁹⁹*Ibid.*

fairness in a dispute can dampen the initial source of conflict.²⁰⁰ There is also some indication that procedural fairness can include elements of all three levels.²⁰¹

Thus, a human rights complaint is not simply about the effects of experiencing incongruence in negotiating one's identity. For an internal conflict to escalate into an interpersonal confrontation, the incongruence must usually be of such a nature that it results in a sense of unfair treatment linked to the target's chronic identity in which the victim has some form of legitimately perceived and uncompromised standing. Human rights conflicts, however, not only involve challenges to one's chronic self-views, but also challenges to one's values. Interviews with complainants reveal something sacred about both their identity and the experienced injustice.²⁰²

2.1.4 Negotiating sacredness

Over the past fifty years, the language of human rights has come to have sacred meaning. Its moral and normative power has inspired activists, non-governmental organizations and academics to fight for women, gays and lesbians and the disabled, among others. Its legal power has also given individuals a language to describe their identities in relation to unfair treatment and legal recourse. Because of its moral associations, legal ramifications and its link to identity, human rights have taken on sacred meaning.²⁰³

Sacred values are considered "any value that a moral community implicitly or explicitly treats as possessing infinite or transcendental significance that precludes

²⁰⁰ Carsten KW De Dreu, *supra* note 195.

²⁰¹ Jean Poitras & Aurélia Le Tureau, *supra* note 186.

²⁰² Alfred Allan, Dianne McKillop & Robyn Carroll, *supra* note 185.

²⁰³ Kimberly A. Wade-Benzoni, et al., "Barriers to Resolution in Ideologically Based Negotiations: The Role of Values and Institutions" (2002) 27:1 The Academy of Management Review 41; Canadian Human Rights Commission, *The Evolution of Human Rights in Canada* by Dominique Clément, Will Silver & Daniel Trottier (Ottawa: Canadian Human Rights Commission, 2012).

comparisons, trade-offs, or indeed any other mingling with founded or secular values.”²⁰⁴

The Sacred Value Protection Model (SVPM), developed by Tetlock,²⁰⁵ predicts that threats to sacred values are accompanied by moral outrage expressed in cognitive, affective and behavioural ways. Moral outrage from violations of sacred values results in harsh negative emotions, which in the course of negotiation can lead to fewer joint gains. Moreover, negative emotions can lead to impasse or a disruption in the negotiation process. High stress levels may impair decision-making processes and produce incomplete and defective decisions.²⁰⁶ Though some research suggests that sacred values are impervious to material trade-offs,²⁰⁷ other research suggests that most values can be traded-off depending on the circumstances.²⁰⁸

Sacred issues are sometimes pseudo-sacred in that they are traded off when necessary but treated as sacred when a person can afford to stand on principle. Pseudo-sacred issues are issues that are related to sacred values, but which individuals involved in negotiating trade off under certain circumstances.²⁰⁹

According to Baron and Leshner²¹⁰, trade-offs of sacred values will vary on the extent to which the person holding the sacred value has been unfairly treated. Trade-offs will also vary on the alternatives to negotiation. Individuals with strong alternatives to negotiation are more powerful and can walk away more easily from the negotiation if the

²⁰⁴ P. E. Tetlock, et al., "The psychology of the unthinkable: taboo trade-offs, forbidden base rates, and heretical counterfactuals" (2000) 78:5 J Pers Soc Psychol 853.

²⁰⁵ Philip E. Tetlock, "Theory-driven reasoning about plausible pasts and probable futures in world politics: are we prisoners of our preconceptions?" (1999) 43:2 American Journal of Political Science 335.

²⁰⁶ Ann E. Tenbrunsel, et al., *supra* note 13.

²⁰⁷ Scott Atran, Robert Axelrod & Richard Davis, "Sacred barriers to conflict resolution" (2007) 317:5841 Science 1039; Scott Atran & Robert Axelrod, *supra* note 12.

²⁰⁸ Ann E. Tenbrunsel, et al., *supra* note 13.

²⁰⁹ *Ibid.*

²¹⁰ Jonathan Baron & Sarah Leshner, "How serious are expressions of protected values?" (2000) 6:3 Journal of Experimental Psychology: Applied 183.

terms of the agreement are not appealing. Negotiations dealing with sacred issues have lower joint-outcomes when individuals have strong alternatives. These negotiations face more impasses, reduced joint-outcomes, reduced perceptions of compatibility, and more negative affective reactions toward their opponents. When the alternatives to negotiation are weaker, however, there are no differences between negotiations dealing with or without sacred issues. People thus uphold their values when they can afford to do so. Even when they can afford to uphold their values, when forced to choose between their values and maximizing their outcomes, individuals are more likely to trade-off their sacred values. According to the authors, the fact that people are willing to make trade-offs makes these values more pseudo than genuine. To see whether there are any differences between individuals who held moderate views and those with extremist views, the authors found that both groups exhibited similar general patterns suggesting that sacred values are even malleable for the most invested.²¹¹ The results show that sacred values do in fact affect negotiations but not as categorically as believed. When risk is low, people can afford to be unwavering resulting in lower negotiation outcomes. When risk is high, people cannot be as unwavering and are consequently more open to trading-off their sacred values.

Trade-offs of sacred values also occurs under time constraints. Harinck and De Dreu found that time had an impact on the motivation to come to an integrative agreement.²¹² They compared interest- and values-based negotiations on integrative behaviour and outcomes. Negotiations about interests arose when interdependent

²¹¹ Ann E. Tenbrunsel, et al., *supra* note 13.

²¹² Fieke Harinck & Carsten K. W. D. E. Dreu, "Negotiating interests or values and reaching integrative agreements: The importance of time pressure and temporary impasses" (2004) 34:5 *European Journal of Social Psychology* 595.

individuals held incompatible positions that were based on money, time, personal benefits or other scarce resources. Negotiations about values arose when interdependent individuals held incompatible positions on issues without a clear solution such as norms and values. Under low time pressure, negotiations tended to arrive at early impasses because the participants were less motivated to reach an agreement. Moreover, only those in interest-based negotiations were willing to increase their integrative behaviours by accepting trade-offs. Under high pressure, however, participants in both interest- and values-based conflict negotiations were motivated to quickly resolve the issue. Though they reached quick agreements, they were sub-optimal.

Values-based conflicts are closely associated with individual identities. They challenge an individual's perception of who they are, what they believe in, their worldview, what fundamental rights people have, their notions of justice, what is right and what is wrong. Values are central elements of the self and can serve one of three different mechanisms in the course of negotiation, though two are of particular interest: self-enhancement and self-identity.²¹³

When engaged in conflict over values, people may use value-based arguments in a self-serving manner. For example, feelings of unfair treatment or fairness are interpreted in such a way as to lend greater credibility to the individual's sense of injustice. Interpretations of fairness become egocentric. People justify their assessment of fairness by changing the attributes that they feel are more important to them. In values-based disputes, egocentric interpretations become more virulent. Because sacred values represent core belief systems or reflect chronic identities, people seek to advance, protect

²¹³ The third mechanism is self-perception and relates more to how one perceives his or her actions in relation to the committed offense.

and maintain their interests. These values and systems are deeply ingrained, hard to change, and associated with powerful emotions. There is therefore much at stake.²¹⁴

Values also define the self. The more the values are central to the individual's chronic identity, the more sacred the issues associated with those values becomes. As with identity negotiation theory, when conflict arises that challenges values associated with chronic identities and individual self-views, people become more emotional, less rational and less likely to consider trade-offs.²¹⁵

Given that certain chronic identities can be closely linked with sacred values such as those protected by human rights law, and that conflict over identity issues and sacred values is charged with high levels of negative emotions, irrationality and egocentric interpretations of interests, negotiating a human rights conflict should prove difficult. Evidence however suggests that sacred values can be used situationally demonstrating that perhaps human rights conflicts are not necessarily insurmountable.

2.2 Introducing applied research

Now that the context has been explained, a further introduction to applied research is warranted. Introduced in Chapter 2, this section serves to set the stage for the operational concepts employed within, and the methodology described in Chapter 4.

Applied research is a systematic approach to understanding the environment through practical application of science. Various methodologies can be used in the conduct of applied research. Case studies, archival searches, and statistical analyses are all forms of methodologies used to inform or solve practical problems.

²¹⁴ Kimberly A. Wade-Benzoni, et al., *supra* note 203.

²¹⁵ P. E. Tetlock, et al., *supra* note 204; Kimberly A. Wade-Benzoni, et al., *supra* note 203.

The following research employs an experimental approach to the study of law. It is part of an expanding movement to examine the effects of law through empirical inquiry. This study joins a movement that seeks to bring empiricism to the study of law.²¹⁶

An experiment imposes a treatment (also known as a condition or manipulation) on a group of subjects or participants with the goal of observing their response. It differs from an observational study, which collects and analyzes data without manipulating any conditions.

A treatment, condition, or manipulation is something that the research does to the subject or participant of the experiment. In this case, different constructions and interpretations of equality rights law are presented to the participants.

Because the validity of an experiment is directly affected by its construction and execution, attention to experimental design is very important. The construction of the design is outlined in the next chapter; nevertheless, there are certain terms that require an initial definition to help guide the reader through this chapter.

2.2.1 Terms in experimental design

Experimental design studies utilize some key terms. These key terms are defined below, as well as in the Glossary.

Independent variable – An independent variable is a variable—a unit of measure that varies—over which there is a degree of control and the possibility of manipulation. It

²¹⁶ Within the past decade, the Society for Empirical Legal Studies emerged at Cornell University Law School in response to a growing demand for increased empirical scholarship in the field of law. Among its objectives, the Society encourages and develops empirical and experimental scholarship on legal issues by stimulating ongoing conversations among scholars in law, economics, political science, criminology, finance, psychology, sociology, health care, and other disciplines. For more information, see <http://www.lawschool.cornell.edu/SELS/about.cfm>.

is the variable that is hypothesized to affect the dependent variable, and it often referred to as a condition or manipulation.

Dependent variable – A dependent variable is a variable that is measured in an experiment or model and what is affected during the course of the experiment. The dependent variable responds to the independent variable. Unlike the independent variable, the dependent variable is not controlled or manipulated by the experimenter.

Mediator or mediating variable – A mediator or mediating variable is a variable that describes how, rather than when, effects will occur by accounting for the variance within the relationship between the independent and dependent variables.

2.2.2 The Independent Variables

This section presents the two categories of independent variables employed within this study. Both categories explore two particular facets of the equality rights law. The first examines the construction of human rights law, particularly the way in which anti-discrimination law is constructed. The second investigates the effect of different approaches to equality or the way in which equality rights law is interpreted.

There are many ways of defining the structure of law and assessing its constituent components. Because the focus is on equality rights law, there are two elements of its structure that are of particular interest. The first element is its construction within the legislative scheme. The second is the approach to equality that is applied in its interpretation.

These two structural elements appear to be particularly problematic. The problem with the first is seen every time a “new” ground of discrimination is claimed. Advocates, parliamentarians, and the courts struggle to determine whether adding or recognizing a

“new” ground is worthy of protection. The debates that ensue are immersed in identity politics that have effects on individual well-being if the “new” ground is not recognized while reinforcing effects when it is.²¹⁷

The problem with the second structural element has been the competition between interpretations of equality.²¹⁸ As has been elucidated in the previous chapter, approaches to equality are closely tied to mainstream political philosophies, which are all lively and present in public discourse and compete for dominance.²¹⁹

The following two sections provide a brief outline of both these structural elements. These two elements also serve as the independent variables within this study. It is the construction of human rights law and how it is interpreted that will be tested to determine the type of effect it has on the three faces of the Self: the Relational, Affective, and Creative Self.

2.2.2.1 The construction of anti-discrimination law

²¹⁷ The present failure of adding gender identity to the CHRA is an example of how creating gender-neutral bathrooms has been used to heteronormative and transphobic space. For years, the struggle to add sexual orientation bared many gays and lesbians from benefit plans and access to safe work environments (Annette Nierobisz, Mark Searl & Charles Theroux, "Human rights commissions and public policy: The role of the Canadian Human Rights Commission in advancing sexual orientation equality rights in Canada" (2008) 51:2 Canadian Public Administration 239) Before pregnancy was recognized as a prohibited ground, employers were able to discriminate against employees by not providing equal compensation for missed work due to their pregnancy (*Brooks v. Canada Safeway Ltd.*, [1989] 1 S.C.R., 1219). The recognition of some of these characteristics has triggered a succession of supports and access to benefits. For gay and lesbian couples, access to each other's dental and healthcare plans was made possible, as was adoption. For women seeking to become pregnant, the possibility of having a family and working was made a real option.

²¹⁸ In *Law v Canada (Minister of Employment and Immigration)*, [1999] 1 S.C.R., 497 the Supreme Court of Canada (SCC) laid out the Law Test. The Law Test is used to determine the validity of an equality right under section 15 of the Charter of Rights and Freedom. The test was also a departure from a formalist approach to understanding equality. It introduced a substantive understanding. Though the SCC has reiterated its commitment to substantive equality, tension continues to exist in the way in which equality continues to be interpreted within equality rights discourse (Catharine A. MacKinnon, "Substantive Equality: A Perspective" (2011) 96:1 Minn.L.Rev. 1).

²¹⁹ An example of this struggle is present in Commission de consultation sur les pratiques d'accomodement reliées aux différences culturelles, *Building the Future: A Time for Reconciliation* by Gérard Bouchard & Charles Taylor (Quebec: Commission de consultation sur les pratiques d'accomodement reliées aux différences culturelles, 2008).

Under federal, provincial and territorial jurisdiction in Canada, there are a number of rights protected under constitutional and quasi-constitutional law. Such rights include the right to religion, freedom of expression, and the right to be free from discrimination. There are other rights that do not enjoy legal protection such as the right to employment or culture. There is also inconsistency between the type of rights protected in different jurisdictions.²²⁰ The fact that certain claims are not explicitly recognized as rights in law does not mean that they are not important. Their exclusion from the human rights legal framework demonstrates that the recognition of rights are contested.²²¹

The politics of recognition also plays out within certain legally protected rights. It is illegal to discriminate, for example, on the basis of national or ethnic origin, age, sex, or sexual orientation in the provision of State services or private employment. But in certain cases, two or more characteristics or prohibited grounds of discrimination come into conflict such as religion and sex. Employers, service providers, human rights commissions, tribunals and courts must then engage in an exercise to reconcile the adverse affects each ground has on the other.²²² This exercise however may run the risk of giving more weight to one ground relative to the other ground.²²³

²²⁰ Not all forms of discrimination are legally recognized and protected. In Canada, for example, protection against discrimination based on economic and social characteristics are not uniform across jurisdictions. Social condition exists as a prohibited ground of discrimination in some provincial jurisdictions: Quebec, New Brunswick, Northwest Territories, and Manitoba. Source of income and receipt of public assistance is considered different from social condition in most jurisdictions and is protected in Alberta, British Columbia, Manitoba, Nova Scotia, Newfoundland, Ontario, Prince Edward Island, Saskatchewan, Yukon, and Nunavut. It is not protected under federal legislation. (Canadian Human Rights Commission, *Adding Social Condition to the Canadian Human Rights Act* by Wayne MacKay & Natasha Kim (Ottawa: Canadian Human Rights Commission, 2009).

²²¹ *supra* note; Charles Taylor, *supra* note; Canadian Human Rights Commission, *Freedom of Expression and Freedom from Hate in the Internet Age* by Canada (Ottawa: Canadian Human Rights Commission, 2009).

²²² Ontario Human Rights Commission, *Policy on competing human rights* by Ontario (Toronto: Ontario Human Rights Commission, 2012).

²²³ Louis-Philippe Lampron, *supra* note 21.

The issue of what and who is protected under human rights law is embedded in the very structure of human rights legislation in Canada. There are two normative laws in which the State explicitly outlines what groups of people are protected and against what: the Charter of Rights and Freedoms²²⁴ and human rights legislation.²²⁵ The Charter is part of the constitution and outlines a variety of rights and freedoms, including the right to be free from discrimination (also known as equality rights). Human rights legislation is quasi-constitutional and deals exclusively with a specific set of equality rights. The purpose of the equality provisions under the Charter and human rights legislation is quite similar. Equality rights under the Charter are aimed at preventing the

violation of essential human dignity and freedom through the imposition of disadvantage, stereotyping, or political and social prejudices, and to promote a society in which all persons enjoy equal recognition at law as human beings or as members of Canadian society, equally capable and equally deserving of concern, respect and consideration.²²⁶

Human rights legislation gives all individuals the equal opportunity to live lives without discrimination.²²⁷ The objective is to foster an inclusive society free of economic, social, political and cultural barriers to full participation; to promote respect for equality and dignity; to prevent individual and systemic discrimination; and to provide a means of redress for those who have experienced discrimination.²²⁸

Numerous values underlie the Charter and human rights legislation. These are human dignity, a commitment to social justice and equality, accommodating a wide range

²²⁴ *Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK)*, 1982, c 11,

²²⁵ *Canadian Human Rights Act*, RSC 1985, c. H-6,

²²⁶ [*Law v Canada (Minister of Employment and Immigration)*], *supra* note 218.

²²⁷ *Canadian Human Rights Act*, *supra* note 225.

²²⁸ *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government Service Employees' Union*, [1999] 3 S.C.R., 3.

of beliefs and circumstances, protecting vulnerable persons and minority groups,²²⁹ and freedom.²³⁰

There is however a number of distinguishing features between the Charter and human rights legislation. First, the Charter only protects Canadians against government or government sponsored activities,²³¹ whereas human rights legislation applies to both the public and private sectors. Secondly, the grounds of discrimination enumerated under the Charter are not exhaustive. The Charter allows for analogous grounds.²³² Human rights legislation affords protection to only those grounds listed within its provisions.²³³ Finally, the Charter allows for an assessment of what constitutes a reasonable limit.²³⁴ Human rights legislation delimits specific exemptions or justifications for discrimination.²³⁵

Even though the equality provisions under the Charter and in human rights legislation are founded upon a similar set of values and are both to be interpreted in a

²²⁹ *supra* note 222; Commission des droits de la personne et de la jeunesse, *Reflexion sur la portée et les limites de l'obligation d'accommodement raisonnable en matière religieuse*, (Quebec: Commission des droits de la personne et de la jeunesse, 2005).

²³⁰ *supra* note 221.

²³¹ *Eldridge v British Columbia (AG)*, [1997] 2 S.C.R., 624.

²³² *Andrews v. Law Society of British Columbia*, [1989] 1 S.C.R., 143.

²³³ *Ibid.*

²³⁴ Section 1 “guarantees the rights and freedoms set out in is subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” It is the place in Charter analysis where limits to rights are weighed. To establish that a limit is reasonable and justified, two central criteria must be satisfied. The first criterion is for the State to demonstrate the pressing and substantial objective nature of the measure. Once a significant objective is recognized, the State must then show that the violation was reasonable and justified by means of a proportionality test. The proportionality test involves first that the State demonstrate that the measure is rationally connected with the objective. It must then demonstrate that the means used to achieve the objective of the measure have only minimally impaired the freedom or right in question. Finally, the court will engage in balancing the measure’s salutary and deleterious effects. *R. v. Oakes*, [1986] 1 S.C.R., 103.

²³⁵ Under the Quebec Charter of Human Rights and Freedoms, for example, religious organizations are exempted from discrimination if they can demonstrate that the questioned measure is in line with religious dogma: “A distinction, exclusion or preference based on the aptitudes or qualifications required for an employment, or justified by the charitable, philanthropic, religious, political or educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group, is deemed non-discriminatory.” *Charter of Human Rights and Freedoms*, CQLR 1975, c C-12, s 20.

broad and generous manner, the Charter is structurally flexible while human rights legislation is rigid. The Charter is open to groups of people who are not otherwise explicitly listed, while human rights legislation is generally closed to anyone who is unable to evoke one of the enumerated grounds. To add an additional ground, parliament must amend the act or code. Irrespective of the facility with which an analogous ground can be demonstrated under the Charter or the adding of a new ground under human rights legislation, the values that underlie both the Charter and human rights legislation are applied differently by virtue of the way the law recognizes who is entitled and not entitled to its protection.

By limiting the way people seek recognition under human rights legislation risks exclusion and marginalization. The analogous ground approach seems more in line with the values espoused by human rights law. Yet if it is difficult to demonstrate an analogous ground,²³⁶ the effect is not that much different than that under human rights legislation. Perhaps the barrier resides in the idea of explicitly delimiting who deserves protection. The enumeration of grounds may in fact be working against the values of dignity, inclusion, and equality.

The construction of human rights legislation (explicit, implicit) constitutes the first of three independent variables and represents Arendt's legal sphere.

2.2.2.2 The interpretation of equality rights

The question of "who" is protected from discrimination is shaped not only by the type of enumerated grounds in the Charter and human rights legislation, but also by the political philosophy underlying the construction of human rights legislation. This is

²³⁶ *R v Malmo-Levine*; *R v Caine*, [2003] SCC, 74; *Delisle v Canada (Deputy AG)*, [1999] 2 S.C.R., 989; *R v Turpin*, [1989] 1 S.C.R., 1296; *R v Généreux*, [1992] 1 S.C.R., 259; *Haig v Canada (Chief Electoral Officer)*, [1993] 2 S.C.R., 995; *R v Finta*, [1994] 1 S.C.R., 701.

particularly important when considering the role of the State in relation to its obligations under the law.

The law in Canada distinguishes between two approaches to equality. The first being formal equality. The latter is substantive equality.²³⁷

Formal equality is the idea that individuals are treated the same irrespective of their differences. Substantive equality is about recognizing and responding to individual differences when those differences may, for example, diminish access to some form of service.²³⁸ Both these forms of equality are rooted in three mainstream political approaches: the monist, differentialist, and pluralist. The focus here is not as much on the differences between the formal and substantive approach as defined by law, but the popular use of equality as characterized by the three political streams.

The reason for this approach is inspired by Arendt's political project and the differences and overlapping nature between the political and legal spheres. To shift the discourse from the bounded to the relational self, the law and politics must engage in a discourse and exchange of ideas. The three political philosophies that tackle the question of equality represent concomitantly the integration of formal and subjective forms within a political discourse that seeks a democratic solution. Each is also tied in various degrees to variations of liberal ideology. The following three approaches to equality represent the second independent variable, and represent Arendt's reference to the political sphere.

Monism – Monism is strongly rooted in the classic liberal tradition. Its objective is to preserve and reinforce social unity and cohesion through the creation of social and political spaces wherein differences are attenuated in favour of collegiality. In this way,

²³⁷ [Andrews v. Law Society of British Columbia], *supra* note 232.

²³⁸ *Ibid.*

differences are reduced by encouraging uniformity and homogeneity. This ensures that everyone is treated equally. Critics of monism argue that such an approach has a tendency to exclude individuals who deviate from the norm. State institutions and the pressure for cultural conformism reinforces the hegemony of the dominant group, thereby forcing individuals to assimilate into majority society.²³⁹

Differentialism – Differentialism arose to counteract relationships of domination and marginalization. It struggles against the symbolic and material oppression exercised by the majority by recognizing, protecting, and institutionalizing cultural differences. Public institutions grant special status and privileges to groups. Consequently, individual rights become subordinate to the collective. Differentialism is notably criticized for its weaker ability to integrate members of society. Cultural differences are essentialized and rendered fixed rendering social integration difficult.²⁴⁰

Pluralism – The final approach to equality is that of pluralism. Pluralism allows for individuals and communities to establish harmonious social relations irrespective of different belief and value systems. Under a pluralist system, individuals are considered to be of equal moral worth. As such, pluralist systems do not rank world views. Instead, world views and cultural practices are considered dynamic and changing. Because culture is considered dynamic, there is also recognition that it affects people in different ways. For that reason, real equality is achieved by encouraging similar outcomes through the provision of comparable opportunities. Pluralism is however criticized for minimizing

²³⁹ François Rocher, "Multi- et interculturelisme: Les cas canadien et québécois" (2015) 4:186 *le débat* 192; Elke Winter, *supra* note 96.

²⁴⁰ François Rocher, *supra* note 239; Elke Winter, *supra* note 96.

relations of power between groups. It also assumes explicitly and implicitly the preponderance of a dominant majority.²⁴¹

Within the monistic perspective, equality takes a formalist structure. Individuals are considered equal in all respects, and have a direct relationship with the State. As such, differences are attenuated, and everyone is treated the same.

The differentialist approach presents a similar argument, though priority is given to the group. In this case, individuals have an indirect relationship with the State. Individual rights are subordinate to group rights. Individuals enjoy certain rights, but these rights are conditional on the way their group is treated in comparison to other groups. Thus, equality applies at the group level, and is similar in form to the monistic approach. To preserve group differences, all groups must be treated similarly. Yet similar, equality as applied under a differentialist approach is slightly rendered more complicated as it applies to the individual but shaped by the group.

The pluralist approach focuses on equality of opportunity and outcome. Like the monist approach, individuals are the rights bearers; however, group differences are accounted for in the way they shape the individual's experience and consequently affect societal opportunities and participation. The pluralist approach thus remains committed in protecting the individual but makes allowances for the effect of group-based differences. The idea is such that all individuals should be accorded with similar opportunities in order to achieve equivalent outcomes. This approach is commonly referred to as substantive equality.²⁴²

2.2.2.3 The structures of law

²⁴¹ François Rocher, *supra* note 239; Elke Winter, *supra* note 96.

²⁴² Catharine A. MacKinnon, *supra* note 218.

The construction (explicit, implicit) and interpretation (monist, differentialist, pluralist) of the law can be characterized as two separate units of measure of its overall structure. Though important to know how the various units affect relations, it is equally important to see how these measures interact with each other in the way they effect the Self. The structures of law therefore refer to the additive combination of the construction of the law (explicit, implicit) and its interpretation (monist, differentialist, pluralist) forming a 2 by 3 factorial design. This approach creates six experimental groups. They are,

1. An implicit recognition of prohibited grounds of discrimination interpreted within a monistic approach to equality;
2. An implicit recognition of prohibited grounds of discrimination interpreted within a differentialist approach to equality;
3. An implicit recognition of prohibited grounds of discrimination interpreted within a pluralist approach to equality;
4. An explicit recognition of prohibited grounds of discrimination interpreted within a monistic approach to equality;
5. An explicit recognition of prohibited grounds of discrimination interpreted within a differentialist approach to equality; and
6. An explicit recognition of prohibited grounds of discrimination interpreted within a pluralist approach to equality.

Given that both implicit and explicit forms of equality rights law exist, and these forms are interpreted using monistic, differentialist, and pluralist approaches, all six experimental combinations play out in daily value-based conflicts involving human rights. One of these experimental interactions may thus be more optimal in resolving certain types of conflicts in ways that reinforce individual development and constructive relationships.

2.2.3 The Dependent Variables: Self-Determination, Affect, and Creativity

Nedelsky's approach to the study of law examines the relational effects of its structures on the Relational (or autonomous), Affective, and Creative Self in its capacity to engage in creative interactions. The structures of law have already been defined. They consist of the manner in which human rights law is structured through the treatment of the enumerated grounds and the political interpretation of equality used to put the law into effect. The three dependent variables, those of autonomy, affect, and creativity are addressed in the following section. Each subsection concludes with a hypothesis. These hypotheses are subsequently tested and discussed in the following chapters.

2.2.3.1 Self-Determination

Law and Self-Determination Theory (SDT) share a certain commonality. Both recognize the central and important role of autonomy as a basic human need in personal development and motivation. In this respect, Nedelsky and Deci²⁴³ agree that autonomy is central.

Autonomy, however, is not the only need. In the past few years, social psychologists have uncovered two additional needs: competence and relatedness. These three needs, autonomy, competence, and relatedness, have come to be considered as minimally the three most fundamental or basic psychological needs. These needs are essential for the optimal development and functioning of human beings. For this reason, competence and relatedness are examined with autonomy. Though not as well developed as autonomy, competence and relatedness have nevertheless been demonstrated to play

²⁴³ E.L. Deci is the founder of Self-Determination Theory in which autonomy plays a central role as a basic psychological need in motivation.

essentials roles. These three needs are the foundation blocks of self-determination theory.²⁴⁴

Self-determination theory is an umbrella theory of motivation. It assumes that people are “inherently active, intrinsically motivated, and oriented toward developing naturally through integrative process.”²⁴⁵ Though these qualities are inherent, they do develop and change over time, and are affected by social environments.²⁴⁶

Three sub-theories are of particular interest. The Cognitive Evaluation Theory (CET) explains the relationship between the effects of extrinsic factors (such as the law) on intrinsic motivation (such as the response of individuals to the law in negotiating a conflict). There are two processes through which intrinsic motivation can be affected. The first relates to the role played by such factors as rewards. Events such as rewards that are perceived to be linked with an external locus of causality that thwart autonomy will undermine intrinsic motivation. Events such as choice, for example, that are perceived as coming from within the person and that support autonomy will enhance intrinsic motivation.²⁴⁷

The second process posits that events such as positive feedback that are perceived as supporting individual competence enhance intrinsic motivation, while negative feedback seen as undermining a sense of competence lead to diminished motivation. The event must however support an autonomously motivated activity or be within an autonomy-supportive context.²⁴⁸

²⁴⁴ Edward L. Deci & Richard M. Ryan, "Self-determination theory" in P. A. M. Van Lange, A. W. Kruglanski & E. T. Higgins, ed, *Handbook of Theories of Social Psychology* (Thousands Oaks, CA: Sage, 2012).

²⁴⁵ *Ibid.*

²⁴⁶ *Ibid.*

²⁴⁷ *Ibid.*

²⁴⁸ *Ibid.*

The next theory is the Organismic Integration Theory (OIT). OIT assumes that individuals have an inherent integrative tendency. This tendency is a fundamental developmental process, and is encouraged when basic psychological needs are supported. The process of internalization depends on the need for relatedness—“the need to be close to, trusting of, caring for, and cared for by others.”²⁴⁹

There are three forms of internalization. An unstable form is referred to as introjection. Introjection occurs when an individual adopts and maintains a value or practice for self-approval or to avoid guilt. Qualitatively, introjection is correlated with external control. The second form of internalization is identification. Identification occurs when people identify with a value of a behaviour and accept it as their own. The final type is integration. Integration builds on identification whereby individuals identify with values and integrate these values with other core elements of their selves. Both identification and integration are correlated with intrinsic as well as autonomous forms of extrinsic motivation.²⁵⁰

Combined, CET and OIT provide five ways in which individuals regulate their behaviour. People engage in activities namely for external, introjected, identified, integrated, or intrinsic reasons. Thus, the principle distinction in SDT is between autonomous and controlled motivation. Autonomous motivation is comprised of intrinsic and identified/integrated extrinsic motivation. Controlled motivation encompasses external control and introjected regulation.²⁵¹

Autonomous forms of motivation have been regularly demonstrated to support such outcomes as wellness, work engagement, perceived competence, and deeper

²⁴⁹ *Ibid.*

²⁵⁰ *Ibid.*

²⁵¹ *Ibid.*

conceptual learning. Though the focus of much of the research is on autonomy support, it has been also shown that often times those who support autonomy also support competence and relatedness.²⁵²

As previously mentioned, social context plays a role in shaping motivation. Environments that support the three basic needs enable fuller internalization. Specifically, contexts that are accepting, inclusive, promoting competence and autonomy, tend to have a higher number of individuals who more fully internalize the ambient social values and norms. Environments that promote a system of rewards and punishments encourage only introjection accompanied by indicators of ill-being.²⁵³

The final theory is that of Basic Psychological Needs (BPNT). BPNT was designed to examine the well-being effects of meeting autonomy, competence, and relatedness needs. The theory has shown the necessity of basic need satisfaction for well-being and the extent to which basic needs act as mediators of social contexts on wellness.²⁵⁴ For example, need satisfaction has demonstrated better performance and increased psychological health in the workplace.²⁵⁵ Over time, increases in need satisfaction have mediated the relationship between autonomy support of law school professors and the well-being of law students.²⁵⁶ On a personal level, increased need

²⁵² W. S. Grolnick & R. M. Ryan, "Autonomy in children's learning: an experimental and individual difference investigation" (1987) 52:5 J Pers Soc Psychol 890; Richard M Ryan & James P Connell, "Perceived locus of causality and internalization: examining reasons for acting in two domains" (1989) 57:5 Journal of personality and social psychology 749; Robert J. Vallerand, "Toward a hierarchical model of intrinsic and extrinsic motivation." in Mark P. Zanna ed, *Advances in experimental social psychology* (San Diego, CA: Academic Press, 1997).

²⁵³ Edward L. Deci & Richard M. Ryan, *supra* note 244.

²⁵⁴ *Ibid.*

²⁵⁵ Paul P Baard, Edward L Deci & Richard M Ryan, "Intrinsic Need Satisfaction: A Motivational Basis of Performance and Well-Being in Two Work Settings" (2004) 34:10 Journal of applied social psychology 2045.

²⁵⁶ Kennon M Sheldon & Lawrence S Krieger, "Understanding the negative effects of legal education on law students: A longitudinal test of self-determination theory" (2007) 33:6 Personality and Social Psychology Bulletin 883.

satisfaction was associated with greater psychological health, and led to greater positive affect on those days when people had their needs met.²⁵⁷

Studies on the direct or indirect effect of the law on the needs that promote self-determination are largely non-existent. The concept of self-determination however is not unknown in the field of law. It is at its heart, for modern law is designed around the principle of autonomy. As demonstrated in the preceding chapter, autonomy plays a central role as a normative assumption underlying much of how the law has evolved and the rights that flow there from. Rights are a prime example of how autonomy is measured by the extent to which the law regulates individual and group-based actions.

Though law assumes that it strives to enable or facilitate individual autonomy, there is no empirical or quantitative evidence to suggest that it in fact does. The assumption is that the more restrictions on individual freedoms, the less autonomous the individual.

Yet, in the courtroom, considerable amount of time is dedicated to the assessment and determination of an individual's ability to exercise agency, the competence of witnesses on certain issues, and the relationship between disputant parties. Law's ability to foster autonomy is therefore not only premised on what it allows or does not allow, but also on the way it shapes individual development by responding to our inherent needs of autonomy, competence, and relatedness.

In this sense, Kant, Arendt, and Nedelsky tap into the constituent components of the human psychological make-up. Arendt and Nedelsky specifically recognize that the

²⁵⁷ Harry T Reis, et al., "Daily well-being: The role of autonomy, competence, and relatedness" (2000) 26:4 Personality and social psychology bulletin 419; Richard M Ryan, et al., "Motivation and Autonomy in Counseling, Psychotherapy, and Behavior Change: A Look at Theory and Practice" (2011) 39:2 The Counseling Psychologist 193.

ability to be autonomous is interdependent both in one's needs to be competent and to be supported by family, friends, organizations, and the state apparatus. Though each of these needs demonstrates individual effects, they are nevertheless highly correlated and operate in tandem.

To the extent that the law is seen to recognize only certain forms of discrimination, thereby imposing limits on what individuals can claim, explicit recognition of characteristics under anti-discrimination provisions may render the law as being perceived as imposing and perceived more as an external locus of causality thereby resulting in lower levels of autonomy; whereas a more implicit recognition of characteristics may be more in line with self-views therefore supporting intrinsic motivation resulting in higher levels of autonomy. Moreover, unlike a monist or differentialist approach, a pluralist approach to equality law should increase intrinsic motivation as it gives individuals the flexibility to focus on a variety of elements of the relationship/dispute that are deemed important to the individual(s) resulting in higher levels of autonomy. It is therefore hypothesized that,

H1: equality rights law that is more implicit in design and pluralistically interpreted will most likely result in higher levels of autonomy, competence, and relatedness, and will subsequently increase the likelihood of reaching a joint-outcome in value-based disputes.

2.2.3.2 Affect

Human interest with emotions has been the subject of scientific inquiry from Plato, the Romantic movement of the 1800s, the writings of Rousseau and the social contract, to modern day research on hedonism.²⁵⁸ Emotions underlie many age-old

²⁵⁸ Keith Oatley, Dacher Keltner & Jennifer M Jenkins, *Understanding emotions* (Hoboken: Blackwell publishing, 2006); R.C. Solomon, *The passions: The myth and nature of human emotions* (Notre Dame, IN: University of Notre Dame Press, 1976).

questions. According to Keltner and Lerner, conceptions “of human nature derive from beliefs about human emotion.”²⁵⁹ For example, what is the nature of human rationality? How does one lead a good life? Kant asked these questions because he was particularly concerned with the power and force of emotion, and sought to reduce its influence in moral judgment.

The following section explores affect as the second dependent variable in this experiment. One of the objectives of this research is to see how people respond emotionally to certain measures of the law, and what can this tell us about their affective relationship with the law.

In the past 30 years, the scientific study around emotions has significantly grown. It is even argued that emerging research on the notion represents a paradigm shift in the way people think about human nature.²⁶⁰ From developmental,²⁶¹ neurological,²⁶² ethological,²⁶³ cognitive,²⁶⁴ to social psychologists,²⁶⁵ the study of emotions has yielded

²⁵⁹ D Keltner & JS Lerner, "Emotion" in DT Gilbert, ST Fiske & G Lindzey, ed, *The Handbook of Social Psychology* (Hoboken, NJ: John Wiley & Sons, 2010)

²⁶⁰ Antonio R Damasio, *supra* note 167; Richard J Davidson, Klaus R Scherer & Hill Goldsmith, *Handbook of affective sciences* (Oxford: Oxford University Press, 2003); Robert H Frank, *Passions within reason: the strategic role of the emotions* (New York: WW Norton & Co, 1988); Joseph LeDoux, "Emotional networks and motor control: a fearful view" (1996) 107:4 *Progress in brain research* 437; D Keltner & JS Lerner, *supra* note 260.

²⁶¹ Karen Caplovitz Barrett & Joseph J Campos, "Perspectives on emotional development II: A functionalist approach to emotions" in Joy Doniger Osofsky ed, *Handbook of infant development* (Oxford: John Wiley & Sons, 1987); Joseph J Campos, Rosemary G Campos & Karen C Barrett, "Emergent themes in the study of emotional development and emotion regulation" (1989) 25:3 *Developmental Psychology* 394; Jeffrey F Cohn & Edward Z Tronick, "Three-month-old infants' reaction to simulated maternal depression" (1983) 54:1 *Child development* 185.

²⁶² Michael S Gazzaniga, "The social brain" (1985) 19:11 *Psychology Today* 28.

²⁶³ Melvin Konner, *The tangled wing: Biological constraints on the human spirit* (New York: Henry Holt and Co. Times Books, 2003).

²⁶⁴ Gordon H Bower, "Mood and memory" (1981) 36:2 *American psychologist* 129; Alice M Isen, Kimberly A Daubman & Gary P Nowicki, "Positive affect facilitates creative problem solving" (1987) 52:6 *Journal of personality and social psychology* 1122; Norbert Schwarz & Gerald L Clore, "Mood, misattribution, and judgments of well-being: informative and directive functions of affective states" (1983) 45:3 *Journal of personality and social psychology* 513.

considerable new insight. It has been well studied in the field of social psychology,²⁶⁶ and is considered one of the three classic domains of psychological inquiry along with cognition and behaviour.²⁶⁷ Though a lot has been explored from a variety of perspectives, emotion and what constitutes its definition has been elusive.²⁶⁸ Across the number of definitions that exist,²⁶⁹ most scholars “assume that emotions orient people to respond to ongoing events in their environment and that in this sense, emotions are ‘relational’.”²⁷⁰ Attempts to define the concept have found five elements to its definition:

- 1) appraisals of situations,
- 2) physiological changes,
- 3) gestures that express these emotions to others,
- 4) linguistic labels that name the combination of physiological changes and expressive gestures, and
- 5) a “refractory state” during which time individuals cognitively focus on how to resolve or continue the emotional state.²⁷¹

The study of emotions has also seen its share of disagreements. Scholars have argued over which emotions are basic (elemental, evolved, and encoded into the nervous system) and which are secondary (constructed from other emotions).²⁷² Other

²⁶⁵ Larissa Z Tiedens & Colin Wayne Leach, *The social life of emotions* (Cambridge: Cambridge University Press, 2004); Robert B Zajonc, "Emotions" in Daniel T. Gilbert, Susan T. Fiske & Gardner Lindzey, ed, *The handbook of social psychology* (New York: McGraw-Hill, 1998).

²⁶⁶ D Keltner & JS Lerner, *supra* note 260; Robert B Zajonc, *supra* note 265.

²⁶⁷ D Keltner & JS Lerner, *supra* note 260.

²⁶⁸ *Ibid.*

²⁶⁹ For a summary of different definitions, see *ibid.*

²⁷⁰ *Ibid.*

²⁷¹ Paul Ekman & Wallace V Friesen, *Unmasking the face: A guide to recognizing emotions from facial clues* (Los Altos: Malor Books, 2003); Peggy A Thoits, "The Sociology of Emotions" (1989) 15:1 Annual Review of Sociology 317; Robert B Zajonc, *supra* note 265.

²⁷² Paul Ekman, "An argument for basic emotions" (1992) 6:3-4 Cognition & emotion 169; Andrew Ortony & Terence J Turner, "What's basic about basic emotions?" (1990) 97:3 Psychological review 315.

controversies have arisen around the extent to which emotions are discrete.²⁷³ A growing consensus, however, of both good and bad feelings can be analyzed along four levels.²⁷⁴ The first level is the broadest, and refers to emotions as general responses that persist across context and time.²⁷⁵ At the second level, there is the study of moods. Moods are considered to be longer lasting, less focused, and less context specific.²⁷⁶ Emotions, considered to be at the third level of analysis, are seen as briefer, more context specific, and more focused on a particular cause or circumstance than mood.²⁷⁷ Finally, affect can also be studied by examining the sensory experiences of pleasure and pain.²⁷⁸ Thus, there are many ways of studying affect. The present research studies affect at the third level, while recognizing the importance of all four.

The benefits of studying affect are also present at a societal level. Relationships created between individuals are reinforced by its associated emotional experience.²⁷⁹ These relationships or bonds are usually the building blocks of various social institutions including marriage, religion, and democracy. Emotions therefore provide additional

²⁷³ Lisa Feldman Barrett, "Are emotions natural kinds?" (2006) 1:1 Perspectives on psychological science 28; Paul Ed Ekman & Richard J Davidson, *The nature of emotion: Fundamental questions* (Oxford: Oxford University Press, 1994); Dacher Keltner, et al., "Facial expression of emotion" in Richard J. Davidson, Klaus R. Scherer & H. Hill Goldsmith, ed, *Handbook of affective sciences* (New York: Oxford University Press, 2003); Jaak Panksepp, *Affective neuroscience: The foundations of human and animal emotions* (New York: Oxford university press, 1998).

²⁷⁴ Daniel Kahneman, Edward Diener & Norbert Schwarz, *Well-Being: Foundations of Hedonic Psychology: Foundations of Hedonic Psychology* Russell Sage Foundation, 1999).

²⁷⁵ Randy J Larsen & Timothy Ketelaar, "Extraversion, neuroticism and susceptibility to positive and negative mood induction procedures" (1989) 10:12 Personality and individual Differences 1221; Michelle N Shiota, Dacher Keltner & Oliver P John, "Positive emotion dispositions differentially associated with Big Five personality and attachment style" (2006) 1:2 The Journal of Positive Psychology 61.

²⁷⁶ David Watson & Auke Tellegen, "Toward a consensual structure of mood" (1985) 98:2 Psychological bulletin 219.

²⁷⁷ Paul Ekman, *supra* note 272; Norbert Schwarz, *Feelings as information: informational and motivational functions of affective states* (New York: Guilford Press, 1990).

²⁷⁸ Daniel Kahneman, Edward Diener & Norbert Schwarz, *supra* note 274.

²⁷⁹ W Andrew Collins & Brett Laursen, "Parent-adolescent relationships and influences" in R.M. Lerner & L. Steinberg, ed, *Handbook of adolescent psychology* (Hoboken, NJ: John Wiley & Sons, Inc., 2004); Jonathan H Turner & Jan E Stets, *The sociology of emotions* (Cambridge: Cambridge University Press, 2005).

insight into the types of relations that foster or support institutional phenomena.²⁸⁰ The study of emotions can also help inform the rise and dynamics of social movements²⁸¹ including wars,²⁸² national conflicts,²⁸³ and social stratification.²⁸⁴

The role of affect in law is gaining salience irrespective of the strong tendency to treat the individual as an autonomous and rational agent. This is notably seen with the introduction of victim impact statements, but is also seen in the type of response elicited in the face of perceived “unjust” laws and judicial decisions. The debate around the Charter of Values²⁸⁵ introduced in Quebec is an example that elicited considerable emotional response. Similarly, the decision in *Multani v. Commission scolaire Marguerite-Bourgeoys*²⁸⁶ in which a boy was allowed to carry a kirpan to school—albeit concealed and sewn into his jacket—sparked an outcry that led to the year-long public inquiry on the accommodation of cultural practices.²⁸⁷

Over the past fifteen years, the study of law and emotion has grown. There has been a rise in interdisciplinary scholarship bringing together law, psychology, philosophy, and neuroscience.²⁸⁸ The extent of the scholarship has been sufficiently rich

²⁸⁰ Jonathan H Turner & Jan E Stets, *supra* note 279; Robert B Zajonc, *supra* note 265.

²⁸¹ Jeff Goodwin, James M Jasper & Francesca Polletta, *Passionate Politics. Emotions and Social Movements* (Chicago: University of Chicago Press, 2001).

²⁸² Thomas J Scheff, *Microsociology: Discourse, emotion, and social structure* (Chicago: University of Chicago Press, 1994).

²⁸³ *Ibid.*

²⁸⁴ Massey, 2007 / Douglas S Massey, *Categorically Unequal: The American Stratification System: The American Stratification System* (New York: Russell Sage Foundation, 2007).

²⁸⁵ Bill 60, *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*, 1st Sess, 40th Leg, Quebec, 2014.

²⁸⁶ [*Multani v. Commission scolaire Marguerite-Bourgeoys*], *supra* note 7.

²⁸⁷ *supra* note 219.

²⁸⁸ Susan Bandes, "Patterns of Injustice: Police Brutality in the Courts" (1999) 47:3 Buff.L.Rev. 1275; Richard H Pildes, "Conceptions of Value in Legal Thought" (1992) 90:1 Mich L Rev 1520; Eric A Posner, "Fear and the regulatory model of counterterrorism" (2001) 25:2 Harv. JL & Pub. Pol'y 681.

that in 2006 a taxonomy was created.²⁸⁹ Research has covered numerous aspects including emotion, cognition, and legal reasoning, to the importance of emotional bonds between lawyers and their clients.²⁹⁰

Because the law has an impact on the way people live their daily lives, it cannot afford reducing the individual to a simplified one-dimensional construct. A relational examination of the law requires the recognition of the Self as a multidimensional being, one that is not only autonomous but also embodied with emotion.²⁹¹

The problem of the affectless rational agent arises when a society commits itself to inherent equality. Inherent equality is the idea that all individuals are equal rights bearers but may be different in ability, capacity, and/or in social relations. By stripping the individual down to an exclusively rational being, liberal legalism has deprived itself of the ability to conceptualize rights in a manner that best protects people and allows them to thrive.²⁹² The language of rights has proven to be a very powerful mechanism for communicating and institutionalizing social core values. If limited notions of the Self shape these values, and these values are then communicated and enforced through the language of rights, the net effect may have a direct consequence on the nature of

²⁸⁹ T. A. Maroney, "Law and emotion: a proposed taxonomy of an emerging field" (2006) 30:2 Law Hum Behav 119.

²⁹⁰ Richard S Lazarus, "Progress on a cognitive-motivational-relational theory of emotion" (1991) 46:8 American psychologist 819; Gerald Clore, Allan Collins & A Ortony, *The cognitive structure of emotions* (Cambridge: Cambridge University Press, 1988); Robert Plutchik & Henry Kellerman, *Emotion: Theory, research and experience. Vol. 1, Theories of emotion* (Cambridge: Academic Press, 1980); Klaus R Scherer, "On the nature and function of emotion: A component process approach" in Klaus R Scherer & Paul Ekman, ed, *Approaches to emotion* (New York: Psychology Press, 1984); Jeffrey A Gray, "Framework for a taxonomy of psychiatric disorder" in SHM van Goozen, NE Van de Poll & JA Sergeant, ed, *Emotions: Essays on emotion theory* (Hillsdale, NJ: Lawrence Erlbaum Associates, 1994); Rom Harré, *The social construction of emotions* (Hoboken, NJ: Blackwell, 1986); Martha C Nussbaum, *Women and human development: The capabilities approach* (Cambridge: Cambridge University Press, 2001).

²⁹¹ Jennifer Nedelsky, *supra* note 22.

²⁹² Seyla Benhabib, *supra* note 163; Judith Shklar, *supra* note 163; Joel Handler, *supra* note 163.

autonomy and the conditions under which the Self can flourish.²⁹³

As Nedelsky and other feminists note,²⁹⁴ premising equality on the basis of rational agency and the subsequent claims made there-under, has denied “the relevance of our embodied nature, of emotion or affect and the differences and individual particularities that both our bodies and our feelings make manifest.”²⁹⁵ By misunderstanding autonomy and reason, the law risks being structured in a way that inadequately conceives of and enforces rights. Affect is part of reason, which defines autonomy and allows for creative interaction and Self-creation.²⁹⁶

As Nedelsky demonstrates by pulling on Damasio’s work on somatic markers, emotions are part of who we are. When confronted with a decision, individuals imagine certain actions, which are associated with a particular outcome. This then triggers an emotional reaction. The evoked image and association can be fleeting, yet it still succeeds in triggering a gut reaction.

These somatic markers are designed to assist in filtering through the array of options present when making a decision. They help in eliminating options that are not desirable based on experience, while highlighting those that elicit positive affect. They are not responsible for making the decision as much as guiding the decision-maker to emotionally optimal options. The loss or inability to use these markers has been attributed to a loss of autonomy.²⁹⁷

In addition to the work done by Damasio, heuristics and biases have long been

²⁹³ Jennifer Nedelsky, *supra* note 22.

²⁹⁴ Iris Marion Young, *supra* note 116.

²⁹⁵ Jennifer Nedelsky, *supra* note 22 at 162.

²⁹⁶ Margaret Olivia Little, *supra* note 166; Martha Minow, *supra* note 166; Alison M Jaggar, *supra* note 166; Jennifer Nedelsky, *supra* note 166; Cheryl Hall, *supra* note 166; Rebecca Kingston & Leonard Ferry, *supra* note 166.

²⁹⁷ Antonio R Damasio, *supra* note 167.

documented in human decision-making. The results of such decision-making have led to judgments that deviate from those predicted using a rational approach.²⁹⁸ Group decision-making has also been observed to lead to non-optimal decisions.²⁹⁹ Based on such evidence, the Self is not only rational but also an emotional being whose decisions are very much influenced by affect.

Since increased autonomy is associated with higher levels of well-being, implicit forms of the law, which should be associated with higher levels of autonomy, are predicted to foster increased positive affect; whereas, more explicit forms of the law are expected to generate higher levels of negative affect. It is therefore hypothesized that,

H2: equality rights law that is more implicit in design and pluralistic in interpretation will most likely result in higher levels of positive affect and lower levels of negative. Higher levels of positive affect and lower levels of negative affect are also predicted to have a mediating effect on the likelihood of reaching joint-outcomes, increasing one's chances of reaching a settlement.

2.2.3.3 Creativity

The third hypothesis explores the way equality rights law affects the capacity to come to creative solutions and how this contributes to arriving at joint-outcomes.

Creativity is one of the three elements that constitute the Relational Self. Laws that prevent individuals from fostering creative capacities are considered functionally binding

²⁹⁸ Amos Tversky & Daniel Kahneman, "Judgment under uncertainty: Heuristics and biases" in P Moser ed, *Rationality in action: Contemporary approaches* (Cambridge: Cambridge University Press, 1990); Thomas Gilovich, Dale Griffin & Daniel Kahneman, *supra* note 168; Richard H Thaler, *supra* note 168. For general discussions of the application of this literature to the law, see, among others, Cass R Sunstein, *supra* note 168; Lee Ross & Donna Shestowsky, *supra* note 168; Christine Jolls, Cass R Sunstein & Richard Thaler, *supra* note 168; Russell B Korobkin & Thomas S Ulen, *supra* note 168; Donald C Langevoort, *supra* note 168; Jeffrey J Rachlinski, *supra* note 168.

²⁹⁹ Daniel J Isenberg, "Group polarization: A critical review and meta-analysis" (1986) 50:6 Journal of personality and social psychology 1141; Irving Lester Janis, *supra* note 169; Cass R Sunstein, *supra* note 168. For additional citations and examples, see Jeremy A Blumenthal, *supra* note 87.

depriving the individual and society from building constructive and mutually supporting relationships.³⁰⁰

Creativity is a very broad concept and takes on different definitions and plays a variety of roles in the arts, social sciences, and sciences.³⁰¹ Generally, creativity refers “to the production of new and useful ideas concerning products, services, processes, and procedures.”³⁰² Within the workplace, creativity needs to meet two additional conditions: novelty and usefulness. If the idea, for example, were novel but not useful, it would not be considered as creative. The first quality—the creation of something new—is a psychological process; the second quality—the utility of the new idea—is a socio-cultural assessment.³⁰³

Creativity in law has received some attention in the past few years most notably in the domain of intellectual property law. For example, the concept of novelty is similar to the novelty requirement in patent law as well as the originality requirement under copyright law. Reproducing past work, according to established standards under patent and copyright law, does not constitute novelty and is not considered creative.³⁰⁴

There are various ways in which usefulness or appropriateness can be assessed. It can be based on a variety of characteristics including utility, merit, importance, uniqueness, or desirability. Which characteristics are used is also dependent on the

³⁰⁰ Jennifer Nedelsky, *supra* note 22.

³⁰¹ Roni Reiter-Palmon & Jody J Illies, "Leadership and creativity: Understanding leadership from a creative problem-solving perspective" (2004) 15:1 *The Leadership Quarterly* 55.

³⁰² Jing Zhou & Christina E. Shalley, "Deepening our understanding of creativity in the workplace: A review of different approaches to creativity research" in Sheldon Zedeck ed, *APA handbook of industrial and organizational psychology* (Washington, DC: American Psychological Association, 2011).

³⁰³ Christopher Buccafusco, et al., "Experimental Tests of Intellectual Property Laws' Creativity Thresholds" (2014) 93:7 *Texas Law Review* 1921.

³⁰⁴ Gregory N. Mandel, "To promote the creative process: Intellectual property law and the psychology of creativity" (2011) 86:5 *Notre Dame L.Rev.* 1999.

field.³⁰⁵ In software design, functionality may be a necessity; whereas in opera, the ability to move the audience or elicit affect may be more appropriate.³⁰⁶

A third specification of creativity has recently been considered. For something to be creative, it must be heuristic rather than algorithmic. Heuristic tasks lack clear and identifiable paths to a solution. Algorithmic tasks consist of solution paths that are evident and simple to accomplish.³⁰⁷

Creativity should not be confused with innovation. Creativity is about the introduction of new and useful ideas; whereas, innovation is the implementation of those ideas throughout the organization.³⁰⁸

The act of creating utilizes multiple cognitive processes that operate in tandem. Novelty normally requires divergent thought processes, while usefulness employs convergent evaluation. Divergent thinking can involve problem-finding and/or problem-solving abilities. Most people are inclined to one form of thought process over the other. That is why creating something new and useful is not always a simple effort.³⁰⁹

What motivates people to create has also been a preoccupation, particularly for organizations whose competitive edge is premised on the development of new and marketable products. The motivational approach to the study of creativity at work has garnered the most attention.³¹⁰ These studies have found that intrinsic motivation is

³⁰⁵ *Ibid.*

³⁰⁶ *Ibid.*

³⁰⁷ *Ibid.*

³⁰⁸ Jing Zhou & Christina E. Shalley, *supra* note 302.

³⁰⁹ Gregory N. Mandel, *supra* note 304.

³¹⁰ C. E. Shalley, L. L. Gilson & T. C. Blum, "Interactive Effects of Growth Need Strength, Work Context, and Job Complexity On Self-Reported Creative Performance" (2009) 52:3 *Academy of Management Journal* 489; Jing Zhou & Christina E. Shalley, *supra* note 302.

essential for the creative process. Regardless of ability and knowledge, if individuals are not intrinsically motivated to engage in the creative process, creativity will not emerge.³¹¹

Intrinsic motivation stems from a person's pure enjoyment of or interest in a particular activity. Extrinsic motivation refers to motivation that originates from a source external to the individual. External sources may include incentives, third party evaluations, or punishments. There is evidence to suggest that certain types of incentives can have the expected outcome of increasing creativity; however, other research suggests that monetary incentives, for example, can thwart and dampen the motivation to create. There is also the risk that the focus shifts from being creative to achieving the incentive thereby "choking" the creative process.³¹²

General findings demonstrate that extrinsic incentives enhance performance on algorithmic tasks, but the inverse is true for creative tasks. Yet extrinsic rewards do not always have an adverse effect on creativity. Providing individuals with incentives that target a particular creative aspect that will be subsequently judged increases creative performance.³¹³ A meta-analysis of these findings suggests that extrinsic rewards enhance creativity where subjects are specifically given instructions to perform creatively on a given task. In the absence of such instructions, extrinsic incentives decrease creativity. However, when the provision of instructions is controlled, as is the reward, performance metrics appear to explain the effect. These results suggest that in the absence of instructions, people become risk averse and demonstrate little creative insight. When provided the metric upon which they will be judged, people then strive to do well on that

³¹¹ Jing Zhou & Christina E. Shalley, *supra* note 302.

³¹² Christopher Buccafusco, et al., *supra* note 303.

³¹³ Dan Ariely, et al., "Large stakes and big mistakes" (2009) 76:2 *The Review of Economic Studies* 451.

metric especially when a reward is put in place.³¹⁴ Rewards contingent on task performance do not undermine intrinsic task interest; whereas, rewards provided for task completion do.³¹⁵ Effective use of extrinsic rewards increases the individual sense of competence without generating feelings of control, while incentives that are perceived as controlling have the opposite effect and consequently reduce levels of creativity.³¹⁶

It is also important to recall that there are five different ways in which people experience extrinsic regulation. As individuals move from external regulation (behaviour that is induced by extrinsic demands) to integrated regulation (behaviour that is promoted by a desired outcome aligned with internal values but is not intrinsically self-determined), their performance and output become increasingly creative.³¹⁷

External incentives, rewards, regulations come in a variety of forms. A common form is the law. The way the law is structured can add additional extrinsic constraints on individual behaviour. The relationship between the law, self-determination, and creativity has been of particular interest in the domain of intellectual property law (IP law), especially in the United States.³¹⁸

Gregory Mandel, for example, attempts to map legal concepts like originality, novelty, and non-obviousness on property law to determine whether IP law promotes or thwarts creativity. What he found was that IP law is generally unconcerned with or inconsistent with the psychological literature. Mandel set out to explore how creativity was shaped by both copyright and patent law. He found that patent law was more

³¹⁴ Robert Eisenberger & Linda Shanock, "Rewards, intrinsic motivation, and creativity: A case study of conceptual and methodological isolation" (2003) 15:2-3 Creativity Research Journal 121.

³¹⁵ *Ibid.*

³¹⁶ Gregory N. Mandel, *supra* note 304.

³¹⁷ *Ibid.*

³¹⁸ Christopher Buccafusco, et al., *supra* note 303; Gregory N. Mandel, *supra* note 304.

conducive in enhancing creative efforts, while copyright law appeared to have an adverse effect.³¹⁹ Based on these observations, it is hypothesized that,

H3: equality rights law that is more explicit in design and monist or differentialist in interpretation will most likely result in higher levels of overall self-perceived creativity. Higher levels of creativity are also predicted to positively affect the relationship between the structure of law and reaching joint-outcomes in valued-based disputes.

2.2.4 Other considerations: Religion, Race, Generational Status, & Gender

The law does not operate in a vacuum. It interacts with other characteristics that proximate certain life experiences. In many ways, this interaction often plays out in requests for accommodation.

In the past several years, much has been written on the subject of reasonable accommodation. It is simultaneously a social and legal concept. As a social concept, reasonable accommodation refers to a process of negotiation between individuals of various abilities and capacities to live and function together within a given society.³²⁰ But the framework and process have become highly contested in a variety of areas. For some, the area that has been perhaps the most affected is in relation to identity. According to Beaman, controversies around accommodation have polarized over the past two decades most notably around identity as “an essential beginning place for rights claims, and...determinations of the appropriateness of reasonable accommodation”.³²¹ The manner in which this social controversy plays out is illustrated among others by Lefebvre,³²² Eisenberg,³²³ Bakht,³²⁴ and Shipley.³²⁵

³¹⁹ Gregory N. Mandel, *supra* note 304.

³²⁰ Natasha Bakht, *supra* note 14.

³²¹ Lori G. Beaman, *supra* note 15 at 5.

³²² Solange Lefebvre, *supra* note 16; Solange Lefebvre, *supra* note 16; Solange Lefebvre, *supra* note 16.

³²³ Avigail Eisenberg, *supra* note 17; Avigail Eisenberg, *supra* note 17; Avigail Eisenberg, *supra* note 17; Avigail Eisenberg, *supra* note 17.

According to Beaman, though the process of accommodation is designed to redress prima-facie cases of discrimination based on a variety of prohibited grounds, criticisms of the process are largely focused on the role of identity.³²⁶ For example, as witnessed in Quebec, the debate focused on accommodation focused on religion, race, immigration, and gender.³²⁷

The effect of religion, race, one's generational status, and gender on negotiation is not the primary focus of the research. However, given the disproportionate weight given to these four characteristics during the debate on reasonable accommodation, there is interest to explore how these characteristics interact with the law in shaping the way people experience the structures of law and their ability to engage in creative interactions.

2.2.4.1 Religion

Religion in law has long played a role. At a constitutional level, religion is protected in two different ways. It is protected as a freedom under section 2(a)³²⁸ of the Charter and section 3³²⁹, for example, of the Quebec Charter. It is also protected as an equality right under section 15(1)³³⁰ of the Charter and under federal, provincial, and

³²⁴ Natasha Bakht, *supra* note 14; Natasha Bakht, "Entering the religious thicket: principle or precedent?" in ed, *Cultural Diversity and the Law* 2010); Natasha Bakht, *supra* note 18; Natasha Bakht, *supra* note 18.

³²⁵ Pamela Dickey Young, Shipley, Heather, & Trothen, Tracy J., *supra* note 19; Heather Shipley, *supra* note 19.

³²⁶ Lori G. Beaman, *Reasonable accommodation: managing religious diversity* (Vancouver: UBC Press, 2012).

³²⁷ *supra* note 219.

³²⁸ Section 2(a) of the Canadian Charter of Rights and Freedoms states that: "Everyone has the following fundamental freedoms: (a) freedom of conscience and religion."

³²⁹ Section 3 of the Quebec Charter of Human Rights and Freedoms states that: "Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association."

³³⁰ Section 15(1) of the Canadian Charter of Rights and Freedoms states that: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

territorial human rights legislation.^{331,332} Religion is therefore protected under two sections of the Charter and at least one section in human rights legislation.³³³ It is protected from interference or intrusion by the State while concomitantly placing positive obligations on the public and private sectors to ensure that environments and behaviour do not discriminate.

Under the law, religion is a very broad concept. Though the Supreme Court has been asked on a couple of occasions to provide a precise definition of religion,³³⁴ it has largely resisted. Instead, the court articulated an understanding that is individual in nature revolving around personal choice and individual autonomy:

While it is perhaps not possible to define religion precisely, some outer definition is useful since only beliefs, convictions and practices rooted in religion, as opposed to those that are secular, socially based or conscientiously held, are protected by the guarantee of freedom of religion. Defined broadly, religion typically involves a particular and comprehensive system of faith and worship. Religion also tends to involve the belief in a divine, superhuman or controlling power. In essence, religion is about freely and deeply held personal convictions or beliefs connected to an individual's spiritual faith and integrally linked to one's self-definition and spiritual fulfillment, the practices of which allow individuals to foster a connection with the divine or with the subject or object of that spiritual faith.³³⁵

Religious freedom is therefore a three-fold concept. It is the right to believe in whatever one chooses; to declare those beliefs openly without the fear of retaliation or

³³¹ Section 10 of the Quebec Charter of Human Rights and Freedoms states that: "Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap."

³³² The section of human rights legislation protecting religion will vary depending on federal, provincial or territorial legislation. The word "religion" may also vary. In Ontario, for example, the Human Rights Code refers to "creed" (ss.1,2,3,5 and 6) rather than "religion".

³³³ Other than the Quebec Charter of Human Rights and Freedoms, which also protects religion as a freedom, the federal, provincial and territorial human rights acts protects religion or creed as an equality right.

³³⁴ [R. v. Big M Drug Mart Ltd.], *supra* note 1; [Syndicat Northcrest v. Amselem], *supra* note 7.

³³⁵ [Syndicat Northcrest v. Amselem], *supra* note 7 at para 39-40.

reprisal; and to manifest religious belief through worship and practice or teaching and dissemination without being forced to act differently.³³⁶

Section 2(a) of the Charter not only refers to religious freedom. It also refers to the freedom of conscience. The difference between these two concepts, however, remains obscure.³³⁷ As a consequence, according to critics, the definition of religion has been broadened to include conscience and the lack of a supreme being as a constituent component of a belief system.³³⁸

A practice or belief falls under the scope of Charter protection if it passes a two-part test. The first part of the test is to establish the individual's personal conviction. Religion is essentially a collection of profound beliefs linked to a spiritual faith of an individual and the manner in which he or she defines their spiritual identity. Its associated practices allow an individual to communicate with the divine or with the subject or object of that spirituality. The second part of the test is to establish whether the person who is alleging a violation of their religious freedom is sincere in his or her belief. Sincerely held beliefs are beliefs whose objectives are to sincerely communicate with the divine or reinforce one's faith independent of any obligations, expectations or precepts of a religious nature.³³⁹ An individual must therefore

show that he or she sincerely believes that a certain belief or practice is required by his or her religion. The religious belief must be asserted in good faith and must not be fictitious, capricious or an artifice... In assessing the sincerity of the belief, a court must take into account, *inter alia*, the credibility of the testimony of the person asserting the particular belief and the consistency of the belief with his or her other current religious practices.³⁴⁰

³³⁶ [R. v. *Big M Drug Mart Ltd.*], *supra* note 1.

³³⁷ [R. v. *Edwards Books and Art Ltd.*], *supra* note 1.

³³⁸ Louis-Philippe Lampron, *supra* note 21 at 145.

³³⁹ *Ibid* at 83.

³⁴⁰ [*Syndicat Northcrest v. Amselem*], *supra* note 7 at para 52-3.

However, the State as represented by the court, is not in a position to arbitrate religious doctrine, related practices, or whether the belief or practice is in accordance with official authority.³⁴¹ The court can only concern itself with the credibility or honesty of a person's belief:

the State is in no position to be, nor should it become, the arbiter of religious dogma. Accordingly, courts should avoid judicially interpreting and thus determining, either explicitly or implicitly, the content of a subjective understanding of religious requirement, "obligation", precept, "commandment", custom or ritual. Secular judicial determinations of theological or religious disputes, or of contentious matters of religious doctrine, unjustifiably entangle the court in the affairs of religion.

That said, while a court is not qualified to rule on the validity or veracity of any given religious practice or belief, or to choose among various interpretations of belief, it is qualified to inquire into the sincerity of a claimant's belief...It is important to emphasize, however, that sincerity of belief simply implies an honesty of belief.³⁴²

The court cannot rely on proof, experts or the conduct of a thorough analysis of other practices.³⁴³ Though in *Multani v. Commission scolaire Marguerite -Bourgeoys* (*Multani*),³⁴⁴ the court enunciated a difference between obligatory or optional practices, the differentiation, according to the critics, is mute since the court cannot objectively test this difference.³⁴⁵

After having established the freedom or ground of discrimination as one falling under the protection of the Charter, the court must then determine the extent of the violation. The violation to one's religious freedom must have more than a minimal

³⁴¹ [R. v. Jones], *supra* note 2; R. v. Ross, [1989] 1 S.C.R., 3.

³⁴² [Syndicat Northcrest v. Amselem], *supra* note 7 at para 50-51.

³⁴³ Louis-Philippe Lampron, *supra* note 21 at 89.

³⁴⁴ [Multani v. Commission scolaire Marguerite-Bourgeoys], *supra* note 7 at 35.

³⁴⁵ Louis-Philippe Lampron, *supra* note 21 at 92.

impairment on the individual.³⁴⁶ Other than some light administrative and financial restrictions,³⁴⁷ no decision to date has dismissed a claim based on personal conviction, sincerity of belief or minimal impairment.³⁴⁸

In addition to section 2(a), section 15(1) provides protection against discrimination based on religion. Unlike section 2(a), which is relevant only to religion, religion as a protected ground of discrimination under section 15(1) is one of several. The legal analysis under this provision applies to all enumerated grounds. The purpose of protecting equality rights is to ensure the recognition of the equal worth of all human beings in Canadian society. The objective is to eliminate any legal measures that impose or perpetuate substantial inequality.³⁴⁹ At the heart of section 15(1) is the concept of human dignity, or alternatively personal autonomy to which self-worth, self-confidence and self-respect are tied.³⁵⁰

The principle of personal autonomy means the recognition of each individual's right to make decisions regarding his or her own person, to control his or her bodily integrity and to pursue his or her own conception of a full and rewarding life free from government interference with fundamental personal choices.³⁵¹

The underlying inspirational principle between section 2(a) and section 15(1) is not that different. Though each section serves a different function, both recognize the centrality of personal autonomy. The emphasis on personal autonomy underscores the individuated construction of religion not only as a freedom but also as a right.

³⁴⁶ [R. v. Jones], *supra* note 2.

³⁴⁷ [Commission scolaire régionale de Chambly v. Bergevin], *supra* note 3.

³⁴⁸ Louis-Philippe Lampron, *supra* note 21.

³⁴⁹ Withler v. Canada (Attorney General), [2011] SCC, 12.

³⁵⁰ Quebec (Attorney General) v. A, [2013] SCC, 5.

³⁵¹ *Ibid* at para 139.

The application of section 15 requires an evaluation and examination of the alleged discriminatory treatment based on an enumerated or analogous personal characteristic or ground. The Supreme Court established a three-stage analytical framework to determine whether a law is discriminatory. The first stage asks whether differential treatment exists in purpose or effect by the way the law treats the individual claiming a violation. The second stage seeks to establish a link between the differential treatment and one of the enumerated or analogous grounds listed under section 15(1). The third stage is where the court determines whether the law in question has a purpose or effect that is discriminatory within the meaning of the equality guarantee.³⁵²

At the third stage, the court must conduct a full contextual inquiry from the perspective of a reasonable person in circumstances similar to those of the claimant. Determining the effect of the treatment on the prohibited ground of discrimination involves a contextual inquiry. The purpose of the inquiry is to determine whether the differential treatment gives rise to questions of stereotyping, historical disadvantage or prejudice. A determination of discrimination will be found if it is demonstrated that the treatment is contrary to the protection of human dignity.³⁵³

Four factors are relevant to the contextual analysis: a) pre-existing disadvantage, stereotyping, prejudice or vulnerability; b) the correspondence between the ground or grounds on which the claim is based and actual need, capacity, or circumstances; c) ameliorative purpose or effects of the impugned law on a more disadvantaged person or group in society; and d) the nature and scope of the interest affected.³⁵⁴

³⁵² *Ibid.*

³⁵³ *Ibid.*

³⁵⁴ *Ibid.*

The three-stage analytic framework was subsequently reworked into a two-part test. The first stage of the test is to determine whether the law creates a distinction based on an enumerated ground. Factors to assess this component of the test may include but are not limited to pre-existing disadvantage and/or the perpetuation of prejudice. The second part of the test seeks to establish whether the distinction creates a disadvantage by either perpetuating prejudice or stereotyping. For assessing the perpetuation of prejudice, factors include the promotion of views that suggest the individual is inferior in some sense as a human being or as a member of society. For assessing stereotyping, factors may include an analysis of the law to see if it is premised upon personal traits or circumstances that do not relate to individual needs, capacities or merits. It may also include establishing the correspondence between the ground and the actual circumstances of the claimant.³⁵⁵

The Charter contains an explicit provision that allows the court to limit such rights. Section 1

guarantees the rights and freedoms set out in is subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

It is here where limits to rights are weighed.³⁵⁶ To establish that a limit is reasonable and justified, two central criteria must be satisfied. The first criterion is for the State to demonstrate the pressing and substantial objective nature of the measure. Once a significant objective is recognized, the State must then show that the violation was reasonable and justified by means of a proportionality test. The proportionality test involves first that the State demonstrate that the measure is rationally connected with the

³⁵⁵ *Ibid.*

³⁵⁶ [*Multani v. Commission scolaire Marguerite-Bourgeoys*], *supra* note 7; [*Ross v. New Brunswick School District No. 15*], *supra* note 6; *Trinity Western University v. British Columbia College of Teachers*, [2001] SCC, 31.

objective. It must then demonstrate that the means used to achieve the objective of the measure have only minimally impaired the freedom or right in question.³⁵⁷ Finally, the court will engage in balancing the measure's salutary and deleterious effects.³⁵⁸

Religion is a difficult construct to define, not only for the courts but also for academics. Unlike the courts that struggle to establish domestic parameters for the practice of religion, a considerable amount of scholarship on religion and conflict is focused on international disputes.³⁵⁹ Though the research presented here does not purport to advance religious studies nor is it concerned with international religious conflict, observations from within this body of literature help to contextualize the difficulty in managing religious expression.

What makes religion particularly challenging is that people generally have a worldview that is coherent, over-arching, and articulated that draws on values, reference points, and perspectives often rooted in religious traditions.³⁶⁰ Moreover, religion addresses such profound existential questions such as "freedom/inevitability, fear/security, right/wrong, sacred/profane."³⁶¹ Religion is "a powerful constituent of cultural norms and values...[and]...embodies and elaborates upon its highest morals, ethical principles and ideals of social harmony."³⁶² The meaning derived from religious

³⁵⁷ [R. v. Oakes], *supra* note 234 at 137-140. This test is also commonly known as the Oakes Test.

³⁵⁸ [Alberta v. Hutterian Brethren of Wilson Colony], *supra* note 7. In this case, the Court rephrased the objective of the third part of the proportionality test.

³⁵⁹ Jacob Bercovitch, Victor Kremenyuk & I. William Zartman, *The SAGE Handbook of Conflict Resolution Ethno-Religious Conflicts* (Los Angeles: SAGE, 2009).

³⁶⁰ Rodney Stark & William Sims Bainbridge, *The future of religion: Secularization, revival, and cult formation* (Oakland: Univ of California Press, 1985).

³⁶¹ Abdul Aziz Said & Nathan C. Funk, "The role of faith in cross-cultural conflict resolution" (2002) 9:1 Peace and Conflict Studies 37.

³⁶² *Ibid.*

inspiration often becomes a core constituent of individual identities and relationships with the Self, family, neighbours, strangers, the environment, and the metaphysical.³⁶³

Given the growing appreciation of religion as a formative experience in individual lives, religious actors are playing an increasingly active role as educators, advocates, intermediaries, observers, and pursuers of transnational justice. They have been found effective in changing behaviour, attitudes, and negative stereotypes; educating the parties; healing trauma and injuries; disseminating ideas such as democracy and human rights; drafting committed people to do peace work; challenging traditional structures that perpetuate structural violence; mediating between conflicting parties; reaching out to governments to incorporate elements of peace building in their policies; encouraging disarmament and reintegration of soldiers; and developing a sustained interfaith dialogue.³⁶⁴

In the past few years, several studies have emerged examining the relationship between religion, conflict, and mediation,³⁶⁵ as well as studies on interfaith dialogue as a peace-building tool.³⁶⁶ Concomitantly, scholarship on the role of religion in the daily

³⁶³ Jeffrey R. Seul, "Ours is the way of god: Religion, identity, and intergroup conflict" (1999) 36:5 Journal of Peace Research 553; R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (Lanham, MD: Rowman & Littlefield Publishers, 2000); Mark Juergensmeyer, *The new Cold War?: religious nationalism confronts the secular state* (Oakland: Univ of California Press, 1993).

³⁶⁴ Tsjerd Bouta, S. Ayse Kadayifci-Orellana & Mohammed Abu-Nimer, *Faith-based peace-building: Mapping and analysis of Christian, Muslim and multi-faith actors* (Hague: Netherlands institute of international relations' Clingendael', 2005).

³⁶⁵ *Ibid*; Marc Gopin, *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacemaking: The Future of World Religions, Violence, and Peacemaking* (Oxford: Oxford University Press, 2000); Marc Gopin, *Holy war, holy peace: How religion can bring peace to the Middle East* (Oxford: Oxford University Press, 2002); John Paul Lederach, *Building peace* (Washington, DC: Institute of Peace Press, 1997); David Little & Scott Appleby, "A moment of opportunity" in Harold G. Coward & Gordon S. Smith, ed, *Religion and peacebuilding* (Albany: State University of New York Press, 2004); Mark Juergensmeyer, *Gandhi's Way: A Handbook of Conflict Resolution, Updated with a New Preface and New Case Study* (Oakland: Univ of California Press, 2005).

³⁶⁶ Mohammed Abu-Nimer, Amal Khoury & Emily Welty, *Unity in diversity: interfaith dialogue in the Middle East* (Washington, DC: US Institute of Peace Press, 2007); S. Ayse Kadayifci-Orellana, *Standing on an Isthmus: Islamic Approaches to War and Peace in Palestine* (Lanham, MD: Lexington Books, 2007).

lives of individuals has also seen a rise. For example, much has been written on the role of religion in managing stress,³⁶⁷ and increasingly more is being written on spiritual revival in the workplace.³⁶⁸ A recent trend has been to focus on the influence of religion on organizational management and leadership.³⁶⁹ The difference between spirituality and religion, however, is hotly debated. For some, spirituality is independent of religion and religious contexts.³⁷⁰ Giacalone and Jurkiewicz define spirituality as "...a framework of organizational values evidenced in the culture that promotes employees' experience of transcendence through the work process, facilitating their sense of being connected to others in a way that provides feelings of completeness and joy."³⁷¹ According to its critics, this definition does not necessarily capture the depth and richness of the concept.³⁷² Yet others root spirituality in the context of religious practice. These critics argue that religion provides the means and values through which spirituality is interpreted; thus, religion cannot be so easily excluded from a deeper understanding of the role of spirituality.³⁷³ A 2005 meta-analysis concluded that defining spirituality without considering religious context did not significantly advance knowledge in the

³⁶⁷ Eugene J. Kutcher, et al., "The Role of Religiosity in Stress, Job Attitudes, and Organizational Citizenship Behavior" (2010) 95:2 *Journal of Business Ethics* 319.

³⁶⁸ R. Giacalone, C. Jurkiewicz & L. Fry, "From advocacy to science" in Raymond F. Paloutzian & Crystal L. Park, ed, *Handbook of The Psychology of Religion and Spirituality* (New York: Guilford Press, 2005).

³⁶⁹ Eric B. Dent, M. Eileen Higgins & Deborah M. Wharff, "Spirituality and leadership: An empirical review of definitions, distinctions, and embedded assumptions" (2005) 16:5 *The leadership quarterly* 625; Mark Kriger & Yvonne Seng, "Leadership with inner meaning: A contingency theory of leadership based on the worldviews of five religions" (2005) 16:5 *The Leadership Quarterly* 771; J. Lee Whittington, et al., "Legacy leadership: The leadership wisdom of the Apostle Paul" (2005) 16:5 *The Leadership Quarterly* 749.

³⁷⁰ R. Giacalone, C. Jurkiewicz & L. Fry, *supra* note 368.

³⁷¹ Robert A. Giacalone & Carole L. Jurkiewicz, *Handbook of workplace spirituality and organizational performance* (Armonk, NY: Me Sharpe, 2003).

³⁷² Eric B. Dent, M. Eileen Higgins & Deborah M. Wharff, *supra* note 369; Mark Kriger & Yvonne Seng, *supra* note 369.

³⁷³ Mark P. Kriger & Bruce J. Hanson, "A value-based paradigm for creating truly healthy organizations" (1999) 12:4 *Journal of Organizational Change Management* 302; Nada Korac-Kakabadse, Alexander Kouzmin & Andrew Kakabadse, "Spirituality and leadership praxis" (2002) 17:3 *Journal of Managerial Psychology* 165.

field.³⁷⁴ Though this ongoing discussion continues between the ways religion is defined, the following research employs the latter perspective rooting spirituality in religiousness as practiced by faith-based traditions.

Whether overt religious expression is encouraged or discouraged in the workplace, religious beliefs play a significant role in workplace. Where there exists a dominant or highly visible religious presence in the workplace, there is evidence that suggests that religious practice and orientation may lead to coercion and favouritism, and can result in divisive environments.³⁷⁵ Other risks include encouraging zealotry, decreasing employee morale and well-being.³⁷⁶ Because the decision-making process is affected by individual personal characteristics such as values, beliefs, needs and proficiency,³⁷⁷ and these characteristics can exercise influence over decision outcomes,³⁷⁸ it has been suggested that an individual's religious orientation can play a role in making decisions.

Longenecker, McKinney and Moore, for example, found a significant presence of religious elements in the ethical decision-making process of over 1000 American business leaders.³⁷⁹ Hunt and Vitell found that religious beliefs influenced marketers' ethical judgments.³⁸⁰ Singhapakdi et al. found that religious individuals had higher moral

³⁷⁴ Eric B. Dent, M. Eileen Higgins & Deborah M. Wharff, *supra* note 369.

³⁷⁵ Douglas A. Hicks, "Spiritual and religious diversity in the workplace: Implications for leadership" (2002) 13:4 *The leadership quarterly* 379.

³⁷⁶ Robert A. Giacalone & Carole L. Jurkiewicz, *supra* note 371.

³⁷⁷ David J. Fritzsche, "A model of decision-making incorporating ethical values" (1991) 10:11 *Journal of Business Ethics* 841.

³⁷⁸ John H. Barnett & Marvin J. Karson, "Personal values and business decisions: An exploratory investigation" (1987) 6:5 *Journal of Business Ethics* 371.

³⁷⁹ Justin G. Longenecker, Joseph A. McKinney & Carlos W. Moore, "Religious intensity, evangelical Christianity, and business ethics: An empirical study" (2004) 55:4 *Journal of Business Ethics* 371.

³⁸⁰ Shelby D. Hunt & Scott J. Vitell, "The General Theory of Marketing Ethics: A Retrospective and Revision" in N. C. Smith & J. A. Quelch, ed, *Ethics and Marketing* (Homewood, IL: Irwin, 1993).

standards than less religious persons. These standards, however, were often compromised in the context of organizational and environmental pressures.³⁸¹

The evidence on the role of religion in the workplace and in the decision-making process suggests that religiousness affects law in the way individuals engage in building relationships. Though the primary purpose of this research is not the study of spirituality or religion in the workplace, given the recent Canadian context, its role cannot be ignored in the way it shapes conflict. Moreover, it is often stated that human rights (which includes religion) and religion on its own are sacred in the way they are negotiated. If both human rights and religiousness are sacred, there may be an effect between the way individuals experience religion as a freedom and a ground of discrimination and their capacity to engage in constructive relationships. It is therefore hypothesized that

H4: persons self-identifying as Christian will exhibit higher levels of autonomy, competence, relatedness, positive affect, and creativity and lower levels of negative affect when exposed to an implicit and monist structure of law compared to non-Christians.

2.2.4.2 Race

Race and the law have a very strong relationship in most countries. This relationship is evident in a variety of ways. Citizenship laws, for example, are usually premised on the doctrine of *jus sanguini* – citizenship through blood – and/or *jus solis* – citizenship by place of birth. The first notion restricts citizenship to all those who are born of parents belonging to a bloodline nation; whereas, the second notion founds citizenship not on one's lineage but on the place of birth. Both doctrines create a specific space for a kind or type of people.

³⁸¹ Anusorn Singhapakdi, et al., "Toward an understanding of religiousness and marketing ethics: An empirical study" (2000) 27:4 Journal of Business Ethics 305.

The use of space in shaping racial relations has been well documented. For example, in *Race, Place and the Law*, Delaney maps out the doctrine of changed conditions.³⁸² He begins constructing the spatial effects of the doctrine by tracing its historical development. Having done so, he defines the doctrine and provides the mechanics of its application. Delaney then proceeds to demonstrate how the doctrine was used to construct space and place through judicial decisions in creating and reinforcing racial segregation.

Razack proceeds in a slightly different way. Rather than showing how space is constructed, she deconstructs it instead. Her objective is to demonstrate how inequalities can be embedded into the construction of space that then render it as oppressive. She calls this a process of unmapping or de-neutralization. By uncovering the presuppositions underlying the construction of an 'objective' map, she is able to demonstrate how Aboriginal women have been deprived of their rights and even their identities.³⁸³

Both Delaney and Razack demonstrate how the law shapes and affects individuals from different racialized groups. A more evident example of how law can have a disproportionate effect on racialized communities is to examine incarceration rates, for example.³⁸⁴

³⁸² The doctrine of changed conditions, according to Delaney, "is a set of principles that allows a court in equity...to decline to enforce a contract if, in the judge's opinion, conditions have changed in such a way that enforcing the terms of the contract would do more harm than good *to the parties involved in the contract*." See David Delaney, "Restrictive Space and the Doctrine of Changed Conditions" in David Delaney ed, *Race, Place & the Law, 1836-1948* (Austin: University of Texas Press, 1998) at 156.

³⁸³ Sherene H. Razack, "Gendered racial violence and spatialized justice: The murder of Pamela George" (2000) 15:2 Can.JL & Soc. 91.

³⁸⁴ Jim Rankin & Patty Winsa, "Unequal justice: Aboriginal and black inmates disproportionately fill Ontario jails", *Toronto Star* (3 March 2013), online: <http://www.thestar.com/news/insight/2013/03/01/unequal_justice_aboriginal_and_black_inmates_disproportionately_fill_ontario_jails.html>.

There has also been significant psychological research on different types of racism and their effects. From old-fashioned prejudice characterized by innate superiority of a particular race, modern-symbolic prejudice characterized by racialized traditional values, to aversive prejudice whereby an individual sees him/herself unaffected yet demonstrates discomfort when interacting with other racial groups, racism continues to shape the way people interact. Behaviours stemming from these interactions can include exclusion of racialized minorities, active opposition to forms of accommodation, and general avoidance.³⁸⁵

To reduce these effects, measures were taken in this research to control for racial identities and perceptions of the participants. Nevertheless, given the context that inspired this research, and evidence that illustrates how racialized individuals experience the law, I wanted to examine whether the structures of anti-discrimination law in particular interacted with racialized experiences in the way individuals felt supported and able to engage in creative interactions. It is therefore hypothesized that

H5: Caucasians will demonstrate higher levels of autonomy, competence, relatedness, positive affect, and creativity and lower levels of negative affect when exposed to an explicit and monist structure of law compared to non-Caucasians.

2.2.4.3 Generational Status

In addition to racialized experiences of the law, there is also the experience of first- and second-generation immigrants. There is some literature that explores how different cultures perceive the law. Within comparative law, scholars have examined the

³⁸⁵ Bernard E. Jr. Whitley & Mary E. Kite, *The Psychology of Prejudice and Discrimination* (Belmont, CA: Wadsworth Cengage Learning, 2010); Kimberly Holt Barrett & William H George, "Psychology, Justice, and Diversity: Five Challenges for Culturally Competent Professionals" in Karen C Barrett & William H George, ed, *Race, culture, psychology, & law* (Thousands Oaks, CA: SAGE Publications, Inc., 2005).

similarities and differences of modern legal systems across various national cultures.³⁸⁶

For example, in comparing two collectivist cultures (Kurds and Arabs) with an individualist culture (Germans), Bierbrauer found that collectivist cultures demonstrated lower tolerance for state intervention in family matters, as it was believed that this damaged relations. Collectivist cultures also assigned greater legitimacy to tradition and religion to deal with disputes, demonstrated preference for informal settlements, desired apologies to a greater degree, preferred to involve family members in third-party dispute resolution, valued harmony and compliance over formality, and expected greater allowances from the decision-maker on issues of gender and social status.³⁸⁷ Lauchli reported similar results on Confucian values in dispute resolution in China.³⁸⁸ It can therefore be assumed that immigrants will most likely have different experiences of the law depending on their previous relationship in their country of origin.

What does not appear as well documented is how immigrants experience the law outside of an immigration context. In other words, how does the immigrant interact with structures of law that do not affect specifically their immigrant status? Is this experience substantively different from someone whose family has been settled in Canada for multiple generations?

Whether the immigrant experience specifically makes a difference in negotiation is also not well explored. Negotiation research that investigates cultural differences

³⁸⁶ For a summary, see Lynn Imai & Michele J. Gelfand, "Interdisciplinary perspectives on culture, conflict, and negotiation" in Rabi S. Bhagat & Richard M. Steers, ed, *Handbook of culture, organizations, and work* (Cambridge: Cambridge University Press, 2009).

³⁸⁷ Günter Bierbrauer, "Toward an Understanding of Legal Culture: Variations in Individualism and Collectivism between Kurds, Lebanese, and Germans" (1994) 28:2 *Law & Society Review* 243.

³⁸⁸ Urs Martin Lauchli, "Cross-cultural Negotiations, with a Special Focus on ADR with the Chinese" (2000) 26:4 *Wm. Mitchell L. Rev.* 1045.

explores largely differences between nation cultures,³⁸⁹ though studies examining intercultural conflict are increasing.³⁹⁰ In a study comparing Japanese and American students, Gelfand et al. found differences in cognitive interpretations of the same conflict. American students were predominantly concerned with individual rights and autonomy compared to Japanese students who were preoccupied with violations of duties and obligations. American students also construed the conflict as one based on competition, whereas, Japanese students perceived the conflict about restoring cooperation.³⁹¹

Small groups literature on managing challenges in multicultural teams also demonstrates differences in the way individuals deal with inter-cultural conflict. Studies examining the dynamics of multicultural teams have found increased levels of process losses and conflict.³⁹² The results however are mixed.³⁹³ Workplace diversity increases the likelihood of solving problems by pulling on a variety of experiences and perspectives.³⁹⁴ Concomitantly, establishing effective group process in multicultural teams is more difficult.³⁹⁵ These groups are also more prone to conflict.³⁹⁶

³⁸⁹ Anne Marie Bülow & Rajesh Kumar, "Culture and Negotiation" (2011) 16:3 International Negotiation 349.

³⁹⁰ Ronald Fisher, "Where is Culture in Cross Cultural Research? An outline of a multilevel research process for measuring culture as a shared meaning system" (2009) 9:1 International Journal of Cross Cultural Management 25; Kwok Leung, et al., "Beyond National Culture and Culture-centricism: A reply to Gould and Grein (2009)" (2011) 42:1 Journal of International Business Studies 177; Peter B. Smith & Mark F. Peterson, "Demographic Effects on the Use of Vertical Sources of Guidance by Managers in Widely Differing Cultural Contexts" (2005) 5:1 International Journal of Cross Cultural Management 5

³⁹¹ Michele J Gelfand, et al., "Cultural influences on cognitive representations of conflict: Interpretations of conflict episodes in the United States and Japan" (2001) 86:6 Journal of Applied Psychology 1059

³⁹² Kenneth Bettenhausen & J Keith Murnighan, "The Emergence of Norms in Competitive Decision-Making Groups" (1985) 30:3 Administrative Science Quarterly 350; Karen A Jehn, Gregory B Northcraft & Margaret A Neale, "Why differences make a difference: A field study of diversity, conflict and performance in workgroups" (1999) 44:4 Administrative science quarterly 741; Ivan D Steiner, "Whatever happened to the group in social psychology?" (1974) 10:1 Journal of Experimental Social Psychology 94.

³⁹³ Robin J Ely & David A Thomas, "Cultural diversity at work: The effects of diversity perspectives on work group processes and outcomes" (2001) 46:2 Administrative science quarterly 229.

³⁹⁴ Deborah G Ancona & David F Caldwell, "Bridging the boundary: External activity and performance in" (1992) 37:4 Administrative Science Quarterly 634; Karen A Jehn, Gregory B Northcraft & Margaret A Neale, *supra* note 392.

³⁹⁵ Kenneth Bettenhausen & J Keith Murnighan, *supra* note 392.

Similar to the results found by Bierbauer and Lauchli, members of different cultural backgrounds on the same team also exhibit varied levels of tolerance for uncertainty, cooperation, and confrontation of conflict. Adair et al. found that people from individualistic and low-context cultures preferred direct confrontation of conflict, while those with a collectivist orientation preferred indirect confrontation.³⁹⁷ Team members with a collectivist orientation were also more cooperative, productive, and empowered in self-managing work environments.³⁹⁸

In 2002, Jackson and Trochim conducted a concept mapping exercise to identify the most common barriers experienced in same-culture teams compared to multicultural teams. Same-culture teams typically faced five main barriers:

1. personality and communication conflict
2. differences of opinion
3. differences in working styles
4. issues with time management and scheduling
5. problems with contribution and distribution.

Multicultural teams faced nine challenges:

1. confrontation styles
2. problem solving approaches
3. timeline expectations
4. acceptable workplace behaviour

³⁹⁶ Karen A Jehn & Elizabeth A Mannix, "The dynamic nature of conflict: A longitudinal study of intragroup conflict and group performance" (2001) 44:2 Academy of management journal 238; Karen A Jehn, Gregory B Northcraft & Margaret A Neale, *supra* note 392.

³⁹⁷ Wendi L Adair, Tetsushi Okumura & Jeanne M Brett, "Negotiation behavior when cultures collide: the United States and Japan" (2001) 86:3 Journal of Applied Psychology 371.

³⁹⁸ Bradley L Kirkman & Debra L Shapiro, "The impact of cultural values on job satisfaction and organizational commitment in self-managing work teams: The mediating role of employee resistance" (2001) 44:3 Academy of Management journal 557.

5. reporting structures
6. pre-existing prejudice along gender, religion, and ethnicity
7. work coordination
8. perceived competency based on linguistic fluency
9. level of commitment behind agreement³⁹⁹

Jackson and Trochim's concept mapping exercise demonstrate that changing workplace realities requires increased sensitivity to cultural differences that may translate into workplace disputes. The research also suggests that rules, including laws and legal structures, common to a culturally dominant group may not necessarily be received or understood in the same manner by individuals of a different culture especially in situations where they have recently immigrated. These observations demonstrate that immigrant status tied to cultural diversity may be related to different ways in which individuals experience structures of law. The debate on reasonable accommodation often referenced this difference in experience and identified it as source of conflict.⁴⁰⁰ It is therefore hypothesized that

H6: multi-generational Canadians will experience higher levels of autonomy, competence, relatedness, positive affect and creativity and lower levels of negative affect in a system that is based on an implicit and monist structure of law compared to new-Canadians.

2.2.4.4 Gender

Like issues of race, the effect of the law on women has been widely studied. Legal and political feminist scholarship has well established the adverse effect that

³⁹⁹ Kristin Behfar, Mary Kern & Jeanne Brett, "Managing challenges in multicultural teams" in Ya-Ru Chen ed, *National Culture and Groups* (Bingley, UK: Emerald Group Publishing Limited, 2006).

⁴⁰⁰ Micheline Labelle, "L'enjeu de la laïcité à la lumière du débat sur l'identité et le pluralisme culturel" (2012) 19:65 *Vivre ensemble* 1; Micheline Labelle & Jean-Claude Icart, "Tolérance, racisme et sondages" (2007) 9:1 *Éthique publique* 181.

existing structures of law have on women.⁴⁰¹ These effects have led to significant shifts in the way the law is discussed, approached, and conceptualized in liberal societies.⁴⁰²

Perhaps one of the most influential shifts has been to move legal discourse from understanding the law in its formal sense to a substantive approach. In one of her seminal critiques of the American and arguable common law system, MacKinnon introduced a substantive approach to equality in response to the way the law purposefully excluded women from a variety of protections. Substantive equality not only looks at how the law is structured but also examines its actual effect.⁴⁰³ Theoretically, Canada adopted this approach in 1989 with *Andrews v. Law Society of British Columbia*, which, according to MacKinnon, “repudiated the Aristotelian —likes alike, unlikes unlike—approach for the first time in history and replaced it with a substantive test of historical disadvantage on enumerated and akin concrete grounds.”⁴⁰⁴ Substantive equality

alters the circumstances that are identified as giving rise to equality questions in the first place. It begins by asking, what is the substance of this particular inequality, and are these facts an instance of that substance? Its core insight is that inequality, substantively speaking, is always a social relation of rank ordering, typically on a group or categorical basis—higher and lower, more and less, top and bottom, better and worse, clean and dirty, served and serving, appropriately rich and appropriately poor, superior and inferior, dominant and subordinate, justly forceful and rightly violated or victimized, commanding and obeying—that precedes the legal one. It is actualized concretely in specific domains for each inequality, often intersecting and overlapping. What is wrong with unequal treatment in this approach is that it is harmfully predicated on a ranking of one’s group that positions some as inferior to others when they are not—for example, based on their group membership, as the appropriate targets of violence or violation, or as inappropriate to be paid as much as others. It is thus fundamentally factually false. When a society decides that a particular ground is a prohibited basis for discrimination, the question whether the group(s) defined by that ground are appropriately placed in caste-like

⁴⁰¹ Sherene H. Razack, *supra* note 383.

⁴⁰² Jennifer Nedelsky, *supra* note 22.

⁴⁰³ Catharine A MacKinnon, *supra* note 102.

⁴⁰⁴ Catharine A. MacKinnon, *supra* note 218 at 10.

arrangements, some being treated and considered better than others, is no longer open for discussion.⁴⁰⁵

Gender effects have also been extensively studied in the domain of negotiation, but the outcomes are considerably more mixed.⁴⁰⁶ Though initially it appears that women may be placed at a systematic disadvantage,⁴⁰⁷ recent studies have demonstrated that these disadvantages can be reversed under certain conditions.⁴⁰⁸

Initial results demonstrated that women were less likely to initiate negotiations,⁴⁰⁹ were less competitive,⁴¹⁰ and achieved worse economic outcomes.⁴¹¹ According to Stuhlmacher and Linnabery, many of these results can be explained by social role theories. For example, behaviour typically considered essential for negotiation in Western culture are not congruent with female gender roles.⁴¹² This incongruence in appropriate gender roles may lead to behaviour that reduce or decrease economic outcomes.⁴¹³

⁴⁰⁵ *Ibid* at 11-12.

⁴⁰⁶ Laura J Kray, Leigh Thompson & E Allan Lind, "It's a bet! A problem-solving approach promotes the construction of contingent agreements" (2005) 31:8 *Personality and Social Psychology Bulletin* 1039; Kenneth H Rubin & Ian DR Brown, "A life-span look at person perception and its relationship to communicative interaction" (1975) 30:4 *Journal of Gerontology* 461.

⁴⁰⁷ Carol T Kulik & Mara Olekalns, "Negotiating the gender divide lessons from the negotiation and organizational behavior literatures" (2012) 38:4 *Journal of Management* 1387.

⁴⁰⁸ Hannah Riley Bowles, Linda Babcock & Kathleen L McGinn, "Constraints and triggers: situational mechanics of gender in negotiation" (2005) 89:6 *Journal of personality and social psychology* 951; Laura J Kray, Leigh Thompson & Adam Galinsky, "Battle of the sexes: gender stereotype confirmation and reactance in negotiations" (2001) 80:6 *Journal of personality and social psychology* 942.

⁴⁰⁹ Hannah Riley Bowles, Linda Babcock & Lei Lai, "Social incentives for gender differences in the propensity to initiate negotiations: Sometimes it does hurt to ask" (2007) 103:1 *Organizational Behavior and Human Decision Processes* 84; Deborah A Small, et al., "Who goes to the bargaining table? The influence of gender and framing on the initiation of negotiation" (2007) 93:4 *Journal of personality and social psychology* 600.

⁴¹⁰ Amy E Walters, Alice F Stuhlmacher & Lia L Meyer, "Gender and negotiator competitiveness: A meta-analysis" (1998) 76:1 *Organizational behavior and human decision processes* 1.

⁴¹¹ Alice F. Stuhlmacher & Amy E. Walters, "Gender differences in negotiation outcome: a meta-analysis" (1999) 52:3 *Personnel Psychology* 653.

⁴¹² Emily T. Amanatullah & Catherine H. Tinsley, "Punishing female negotiators for asserting too much... or not enough: Exploring why advocacy moderates backlash against assertive female negotiators" (2013) 120:1 *Organizational behavior and human decision processes* 110; Alice F. Stuhlmacher & Eileen Linnabery, "Gender and negotiation: A social role analysis" in Mara Olekalns & Wendi L. Adair, ed, *Handbook of research on negotiation* (Cheltenham: Edward Elgar Publishing, 2013).

⁴¹³ Emily T Amanatullah & Michael W Morris, "Negotiating gender roles: Gender differences in assertive negotiating are mediated by women's fear of backlash and attenuated when negotiating on behalf of others"

Women are perceived as exhibiting communal characteristics such as being accommodating, caring, and relationship-oriented,⁴¹⁴ while men are considered to be more competitive, assertive, and profit-oriented.⁴¹⁵ Not only have both men and women internalized these perceptions, but this behaviour is also expected from each gender.⁴¹⁶

Because agentic-type qualities such as behaving assertively or competitively increase negotiated economic outcomes, men have been found to be more successful.⁴¹⁷ There is indication though that making both men and women aware of the range of issues and bargaining preferences reduces economic outcomes favouring men.⁴¹⁸ The type of person involved in the negotiation also mitigates differences between men and women.⁴¹⁹

Modern interpretation of human rights law has been largely structured to respond to the realities and the effects of laws on marginalized populations, especially women. This substantive move may in fact have an effect on negotiation outcomes. In other words, the interaction effect between the way the law is structured and gender may mitigate the type of negotiation outcomes often observed due to gender differences. Since my interest is to understand how people respond to various structures of the law, and

(2010) 98:2 Journal of personality and social psychology 256; Alice F. Stuhlmacher & Eileen Linnabery, *supra* note 412.

⁴¹⁴ David Bakan, *The duality of human existence: An essay on psychology and religion* (Oxford, England: Rand McNally, 1966); Wendy Wood & Alice H Eagly, "Biosocial Construction of Sex Differences and Similarities in Behavior" in James M. Olson & Mark P. Zanna, ed, *Advances in experimental social psychology* (Burlington: Academic Press, 2012).

⁴¹⁵ Alice H Eagly & Steven J Karau, "Role congruity theory of prejudice toward female leaders" (2002) 109:3 Psychological review 573.

⁴¹⁶ Alice H Eagly, "Reporting sex differences" (1987) 42:7 American Psychologist 756.

⁴¹⁷ Laura J Kray, Leigh Thompson & E Allan Lind, *supra* note; Carol T Kulik & Mara Olekalns, *supra* note; Jared R Curhan, et al., "Relational accommodation in negotiation: Effects of egalitarianism and gender on economic efficiency and relational capital" (2008) 107:2 Organizational Behavior and Human Decision Processes 192; J Freund Hüffmeier, et al., "Being tough or being nice? A meta-analysis on hard- and softline strategies in distributive negotiations" (2014) 40:3 Journal of Management 866

⁴¹⁸ Alice F. Stuhlmacher & Eileen Linnabery, *supra* note 412.

⁴¹⁹ Jens Mazei, et al., "A meta-analysis on gender differences in negotiation outcomes and their moderators" (2015) 141:1 Psychological bulletin 85.

specifically why certain groups appear to resist the law, given the above, it is hypothesized that

H7: men will experience higher levels of autonomy, competence, relatedness, positive affect and creativity as well as lower levels of negative affect when exposed to an explicit and monist structure of equality rights law compared to women.

2.3 Conclusion

This chapter has outlined the operational concepts used to put into effect Nedelsky's relational approach as applied to the study of equality rights law. It began by making a case that all forms of relationships are negotiations. Thus examining the relational approach in a specifically formulated negotiation offers insight into how people experience the structures of law in their daily lives.

We negotiate our relationships (our individual and interpersonal relationships) at work, at home, and even walking down the sidewalk. Some negotiations are relatively simple such as making space for another grocery shopper and their cart. Other negotiations are more meaningful and can lead to serious conflict between workplace colleagues or with one's manager. Whether at home, in public, or at the office, law through its various institutions, policies, regulations, and norms structures the way we interact.

To understand how equality rights law structures value-based conflicts, this research proposes to deconstruct the law into its constituent components. A relational approach to the study of law seeks to examine the effect of the law on individual well-being. The construction (explicit, implicit) and interpretation (monist, differentialist, pluralist) of the law is therefore assessed against three elements: the Relational, Affective, and Creative Self.

Nedelsky argues that creative interaction will only arise if the law considers the whole person—the autonomous, affective, and creative individual. The capacity for creative interactions is a core human value of which autonomy is a key constituent. The capacity for creative interaction is not comprised of soft concepts. It has a strong meaning. It refers to the act or a series of activities that “create something new, something that...did not exist before, that was not simply determined by what preceded it, that could not have come into being but for the act of creation.”⁴²⁰ Through the exercise of autonomy, creation is made possible.

Another way of thinking of the capacity for creative interaction is to consider it as a process rather than an end-goal. By conceptualizing it as a process, and the autonomy, affect, and ability to create that is required to make it possible, demonstrates that the self is a product of relational interactions many of which are out of the individual’s control.

Creative interaction is not boundless. It is strongly shaped by relationships that encourage and discourage the act. These types of relationships are largely out of individual control; nevertheless, the capacity to interact with delimiting relationships remains with the person. It can be argued that the ability to arrive at joint-outcomes embodies this notion of creative interaction. A joint-outcome is the culmination of a process that leaves disputing parties better off than where they were at in the beginning. To see how equality rights law affects well-being which in turn impacts the outcome of value-based disputes, the research is being conducted in the context of a negotiation.

As sterile this approach may appear, the law does not operate in a vacuum. For marginalized and minority groups, the law tends to be more salient given their interaction with and dependence on the law. Laws interact with religion, race, generational status,

⁴²⁰ Jennifer Nedelsky, *supra* note 22.

and gender in a variety of ways. It can have a detrimental effect on individual development, but it can also support marginalized and minority groups.

The relational approach to the study of law is a call to action. Its objective is to bring those with no voice in the democratic discourse including its institutions. This study attempts to see whether the laws that are designed to remove barriers to democratic participation are in fact achieving their objective or have the effect of creating divisions that exclude everyone. The effect of the law is measured by its impact on the relational, affective, and creative self in its capacity to engage in creative interactions.

Chapter 3: Methodology

3.0 Introduction

In the previous two chapters, I outlined the theoretical underpinning of the following research, and the operational constructs used to apply the theory to a real-world problem. This chapter elaborates on the methodology used to render the research into an experiment.

This research is an interdisciplinary endeavour. Though the primary objective is to answer a legal question, it does so by burrowing from various fields, most notably from political science and social psychology. Such projects are intellectually stimulating and conducive to innovation, but they are fraught with their own challenges, particularly in adapting a methodology that best answers the research question. Such is the challenge here.

This chapter introduces and describes the process used to implement an experimental design methodology to the study of law. The tools used in the design may not be perfect, but they are grounded in evidence and backed by theory as demonstrated in the previous chapters. The objective of this chapter is to outline the procedures and explain the analysis.

The chapter begins by describing the design of the experiment, including the scenario, participants, tools, measures, manipulations, and set-up. It concludes with an explanation in basic terms of the types of analyses used and the reasons for their use.

3.1 Research design

A fairly simple experiment was developed for the purpose of this research. Two individuals were escorted into a room and asked to negotiate a dispute. Though simple,

the standards used maintained a fairly strict adherence to the concepts and principles of experimental design. This section describes some of those concepts and demonstrates how they were used throughout the process.

3.1.1 Difference between correlational and experimental studies

Correlational studies explore the relationship between variables outside of a controlled environment. Experimental studies are able to isolate certain variables and manipulate them in various similar conditions so as to measure the causal relationship. Both types of studies have their strengths and weaknesses. Unlike correlational studies, experimental designs greatly benefit from the ability to randomly assign participants in a given condition. Random selection gives everyone an equal opportunity or chance of being in either of the conditions. This ability equalized pre-existing conditions such as personalities, prejudices, and biases.⁴²¹

Students who participated in this research were largely first year students from a variety of programs. Participation was exclusively voluntary. Students made their choice to participate by reading a description of the study. Though those who chose to participate self-selected the study, the real purpose of the research was hidden from them. Upon signing up, students were automatically and randomly assigned to a given role in the negotiation and to a condition.

3.1.2 Internal and external validity

Because experimental studies are constructed in which variables are manipulated, questions of internal, external and construct validity become very important.

⁴²¹ Timothy D. Wilson, Elliot Aronson & Kevin Carlsmith, "The art of laboratory design" in ed, *Handbook of Social Psychology* (Hoboken, NJ: John Wiley & Sons, 2010).

Internal validity refers to the ability to draw cause-and-effect conclusions from the research. This is done by ensuring that the independent variable is truly the sole source or cause of the variation observed in the dependent variable. Threats to internal validity occur when other conditions generate systematic variance that is not being controlled by the researcher. Random assignments of participants, for example, help to strengthen internal validity.

External validity refers to the ability of generalizing the results of the study to a larger population. It measures the robustness of the phenomenon being observed. Threats to external validity can occur in the presence of interaction effects between the treatment or condition being manipulated and the environment in which it is being manipulated or the type of participant population recruited for the study. The repetition of an experiment on a large group of participants reduces variability in the results and increases the significance and confidence level of the results generalizability. This is attained both by achieving large sample sizes as well as by confirmatory replication of the results by other researchers.

Construct validity refers to the extent to which the independent and dependent variables are actually measuring the constructs upon which the study is based. Are the operational variables actually measuring the posited theoretical constructs? Threats to construct validity often arise when the independent and/or dependent variables are not measuring the actual constructs under examination.⁴²²

Much effort was expended to achieve as much internal, external, and construct validity as possible within this research. Participants were randomly recruited and randomly assigned. As will be illustrated further on, participants were escorted into

⁴²² *Ibid.*

separate rooms, where their environment was cleared of distractions. Given the nature of the experiment, participants were asked to turn off their phones and remain focused on their roles.

Once the data was collected, a strict data cleaning protocol was put in effect. Responses to the surveys were scanned for extreme values, outliers, and any other abnormalities. They were standardized where necessary in order to render the responses as normal and representative as possible.

3.1.3 Realism

Realism is another element of validity. Two forms of realism are of particular interest: mundane and experimental realism. Mundane realism refers to the extent to which the experiment deals with issues that would normally occur in the participant's real life. Experimental realism occurs when the experiment is involving, treated seriously by the participant, and has an impact on their experience.⁴²³

Mundane and experimental realism are not polar opposites. An experiment can be high on one or the other or on both. This experimental design was created to be realistic both in its real life application as well as to make it an interesting experience for the participant. As will be demonstrated, not only was the subject matter of the experiment modeled on real life scenarios, but the experiment itself was designed in such a way that kept participants focused on the task and largely engaged in the negotiation exercise. The scenario replicated a common conflict that occurs in various offices on an annual basis: the role of the Christmas tree in public space. Each participant was assigned a role, given their preferences, and asked to resolve the conflict.

3.1.4 Bias

⁴²³ *Ibid.*

Bias is of particular concern in experimental research. One way to reduce the risk of bias is to assign participants at random to a given treatment or condition. This is done so that any differences between and within groups are not systematic at the outset of the experiment.

Another means of reducing bias is to “blind” the participant. Blinding is the process of keeping information about the purpose of the study from the participant until after its completion. This is done to ensure that the participant is not biased by the treatment or condition at the outset of the experiment.

The experimenter may also be blinded as to the treatment or condition assigned to the participants. This is done to reduce any intentional or unconscious experimenter biases. Experimenter bias may arise when he or she interacts with the participant. If the experimenter is privy to the hypotheses of the study, he or she may treat participants in different ways depending on the condition to which they are assigned.

A study in which both the participants and experimenter are blinded is considered a double-blind experiment and regarded as having achieved a higher standard of scientific rigour.⁴²⁴

Participants in this research were blinded through deception. They were told that the study examined inter-personal conflict. The purpose and hypotheses were only revealed at the end of the study.

Experimenters were blinded by removing their capacity to assign random roles and conditions, limiting their interactions with the participants through scripted text, and not being informed of the hypotheses or preliminary outcomes of the results. Random

⁴²⁴ *Ibid.*

checks were also put in place to ensure that experimenters were not deviating from their script and following proper protocol in their limited interaction.

3.2 Scenario

In preparation for the negotiation, a scenario and roles were devised. The scenario was developed based on the following criteria:

- Believability – it has to be believable,
- Regularity – it is something that occurs regularly,
- Ordinary – it occurs in regular, daily life
- Sacred – it involves sacred values, and
- Familiar – it is familiar to the ordinary person.

After considerable consultation and some testing, the conflict that fit the above parameters was a conflict over the presence of a Christmas tree at an organizational event.

Two students from two campuses were tasked to organize a holiday gathering for their shared faculty. Because of the distance between campuses and conflicting class schedules, the students were to coordinate most of the initial planning via email and online chat.

In the first email exchanges, one of the students proposed putting up a “Christmas tree.” This proposal triggered a conflict with the other student. The other student refused to participate in the event for religious reasons if the tree were to go up. The second student refused to participate in the event for cultural reasons if the tree were not to be put up. Both students sought the assistance of the student advisor, who encouraged them to resolve the issue on their own.

Each participant was assigned one of the two roles: the student who wanted the Christmas tree, or the student who could not accept the presence of it at the event. The participants were able to negotiate up to four items: whether to have the tree, its location, the decorative theme, and name. Each participant was also provided with his or her preferences in relation to each of the four items (see Appendix A).

In consideration of the diverse ethnic makeup of the university population as well as its bilingual instruction, the scenario was written at a Flesch-Kincaid Grade 8 Level in English. Students were given the permission to negotiate the conflict in the official language of their choice (English or French), but were told that this may depend on the other participant.

The scenario for Participant A was the following:

The Christmas tree is a very important symbol for you. The evergreen represents life, rebirth, and stamina needed to endure the winter months. It is a symbol of the tree of life – the life that endures even in the harshest and coldest of times.

The Christmas tree has been a part of your cultural heritage for a very long time. Though its origins are not entirely known, the ancient Egyptians, Chinese, Hebrews, and Europeans have used evergreen trees to symbolize eternal life for hundreds of years. For some in your cultural community, it represents the tree of paradise, for others the holy Trinity, and yet for others it is a sign of hope in the midst of winter.

You come from a community where tradition and family are very important. Every year, the family gets together on the second weekend of December, and puts up the tree. You sing Christmas carols, play in the snow, and sit next to the tree with some hot chocolate just before going to bed. The Christmas tree captures this sacred time with your family. It represents the memories of family, community, and the hope of love of all those around. It embodies the cultural values you cherish: values related to giving and sharing, building community, charity, forgiveness, truce, celebration, and joy.

Putting up the Christmas tree is also the only time that you openly celebrate your culture. It is the time of the year where you have nothing to worry about. The time you spend around the Christmas tree reminds you of your home, of who you are, of what you value. It reminds you of your parents, brothers and sisters,

grandparents, aunts and uncles, and cousins. Putting up a Christmas tree is simply plain-old fun!

This is the first year that you are unable to make it back home for the holidays due to exams. You are really unhappy about it. Rather than missing out, this proposed holiday event is the only opportunity you have to celebrate the spirit of the holidays and your cultural heritage. In a way, the university community has become an extension of your family. You have made some really good friends, and gotten to know some of the professors quite well. Putting up a Christmas tree would make the university feel more like “home”. Many of your friends and professors support your idea, because they too see it as an important symbol of their cultural tradition.

Not being able to put up the Christmas tree would be akin to rejecting and marginalizing your cultural identity. It would suggest that family is not important, that your community is not worth celebrating, that culture is dispensable. By not having a tree would be like removing all hope that it represents during a time when you are all alone.

For these reasons, you really want to put up a Christmas tree.

The scenario for Participant B was the following:

Religion is a very important part of your life. It gives you guidance and direction, and most importantly, it provides you with faith.

You and your family are part of a religious minority in Canada. You know what it means to be persecuted for your beliefs. History has not always been kind to religious minorities. For example, Jesus Christ was crucified for his beliefs. The Spanish Inquisition targeted Jews. Women who were not Puritans were hung, drown, crushed, or burned at the stake for being “witches”. The Holocaust witnessed the murder of millions of Jews. Post 9/11 has seen a rise of Islamophobia throughout the West. Majority society is not always kind to its religious minorities.

You do not feel that your life is threatened by putting up a Christmas tree, but it does reinforce your minority status and perpetuates a sense of marginalization.

You consider yourself fairly religious. You pray several times a day and attend service on a weekly basis. Your connection with God is very important to you. It helps you be a better person.

Your faith, however, does not celebrate the Christmas tree. Even if the tree does not have Christian origins, it was always used in religious practice. It is a religious symbol that is not approved by God. Your religion forbids you to participate in any celebration where religious symbols are used for the purpose of celebration.

Participating in such an event would violate the covenant you made with God, and would shun you from your religious brothers and sisters. Your family would also be negatively affected.

Normally, it does not bother you that people put up Christmas trees in their own homes. But it greatly hurts you when public space, such as the university, is used to reinforce the religious practices of the majority. When that happens, the Christmas tree becomes an oppressive symbol—a symbol that has the effect of excluding you from a university community that you otherwise consider to be a second “home”. By putting up a Christmas tree, you would no longer be able to participate in the holiday event. You would feel unfairly treated and marginalized. It would be like the university telling you that it did not care about your religious views because you are a minority. In other words, the university is not your “home”. You are simply an outsider.

For these reasons, you would strongly prefer not to have a Christmas tree. Without a Christmas tree, you would be able to participate in an event that brings your friends and professors together.

3.3 Participants

Participants were recruited from a campus subject pool and received course credit in exchange for their participation. They were recruited in three phases. The following table summarizes the three phases of data collection, the conditions being tested, and the measures employed.

Table 1: Data collection phases

Data Collection Phase	Condition Tested	Measures
December 2013 – May 2014	Construction of Law (implicit, explicit)	Basic Psychological Needs Positive and Negative Affect Self-perceived Creativity Joint-outcome
May – October 2014	Interpretation of Law (monist, differentialist, pluralist)	Basic Psychological Needs Positive and Negative Affect Self-perceived Creativity Joint-outcome
November – April 2015	Structure of Law (interaction effect between construction and interpretation of law)	Basic Psychological Needs Positive and Negative Affect Self-perceived Creativity Joint-outcome

3.4 Procedure

Participants randomly selected to participate in this study. Once signed up, each participant was randomly paired with a negotiation partner to form a dyad, and randomly assigned a role and experimental condition. Based on their role, they were assigned to wait in two separate waiting rooms before proceeding with the experiment. The two study participants were then escorted into two different rooms with separate computer terminals. Measures were taken to prevent participants from meeting to avoid potential racial and gender bias.⁴²⁵

Once in their room and seated at the computer terminal, each participant was assigned an anonymous email and chat user account. They were then asked a series of baseline questions, and subsequently presented with the scenario, the position they were to assume, and their negotiation preferences.

Upon familiarizing themselves with their respective positions, they were exposed to one of a total of 12 experimental groups. To reinforce the experimental manipulation, participants were asked to write a short essay to demonstrate how the manipulation was to inform their negotiation strategy. A manipulation check was subsequently administered.⁴²⁶

Participants were told that there was no consequence or penalty for failing to reach a joint-outcome. Participants who were unable to reach a joint-outcome were told

⁴²⁵ Bernard E. Jr. Whitley & Mary E. Kite, *supra* note 385; Kimberly Holt Barrett & William H George, *supra* note 385; Laura J Kray, Leigh Thompson & E Allan Lind, *supra* note 406; Carol T Kulik & Mara Olekalns, *supra* note 407; Jared R Curhan, et al., *supra* note 417; J Freund Hüffmeier, et al., *supra* note 417

⁴²⁶ Ann E. Tenbrunsel, et al., *supra* note 13.

that other students within the scenario were available to organize the event. This was done to neutralize the effects of the best alternative to a negotiated agreement.⁴²⁷

Though the study lasted only 75 minutes, participants were also told that they had as much time as needed. This was done to avoid pressuring participants into a joint outcome, which has been demonstrated to affect the negotiation of sacred values.⁴²⁸

After completing the essay, the participants engaged in negotiating up to four items. They were given 30 minutes to come to a joint outcome. Pilot studies demonstrated that 30 minutes allotted sufficient time to negotiate the four items. Once the time was up, participants were instructed to move on to the next part of the study, which consisted of a series of post-hoc questions.

Participants were subsequently debriefed.

3.5 Tools

The negotiation preferences for the participants was developed using a similar procedure as employed by Tenbrunsel et al.⁴²⁹ For those asked to defend the Christmas tree, the best outcome was to have the tree, to have the tree in the Main room, decorated with Christmas ornaments, and referred to as a Christmas tree. For those asked to defend their religious beliefs, their best solution was not to have the tree, but if it was to be present, it would have to be in a classroom, without any decorations, and no name. Each category was weighted, and each preference was assigned a score. The spread between the best and the worst outcomes for each party was then calculated to be equal. It was

⁴²⁷ Roger Fisher & William L. Ury, *Getting to yes: Negotiating agreement without giving in* (New York: Penguin, 1981).

⁴²⁸ Fieke Harinck & Carsten K. W. D. E. Dreu, *supra* note 212.

⁴²⁹ Ann E. Tenbrunsel, et al., *supra* note 13.

necessary to establish a linear relationship to ensure that trade-offs were of equal value.⁴³⁰
(see Appendix A)

3.6 Measures

Three dependent variables were examined: the relational, affective, and creative Self. The Basic Needs Scale assessed the relational self. The Positive and Negative Affect Scale measured the affective Self. Finally, Carmeli and Shaubroeck's scale of creativity at work was used to determine levels of self-reported creativity during the negotiation process.

3.6.1 Basic Needs Scale

Basic needs were assessed with a modified situational version of the 21-item Basic Needs Scale at work (BNSatW).⁴³¹ This particular scale has been previously modified by other researchers for various situationally-based experiments.⁴³² The three basic needs are each represented by three subscales. Autonomy consists of 7-items; competence of 6-items; and relatedness of 8-items. Respondents rated the extent to which each item (e.g. "I felt like I could make a lot of inputs to deciding the negotiated

⁴³⁰ *Ibid*; Dana R Clyman, "Measures of joint performance in dyadic mixed-motive negotiations" (1995) 64:1 *Organizational Behavior and Human Decision Processes* 38; Thomas M Tripp & Harris Sondak, "An evaluation of dependent variables in experimental negotiation studies: Impasse rates and Pareto efficiency" (1992) 51:2 *Organizational Behavior and Human Decision Processes* 273.

⁴³¹ E. L. Deci, et al., "Need Satisfaction, Motivation, and Well-Being in the Work Organizations of a Former Eastern Bloc Country: A Cross-Cultural Study of Self-Determination" (2001) 27:8 *Personality and Social Psychology Bulletin* 930.

⁴³² Paul P Baard, Edward L Deci & Richard M Ryan, *supra* note 255; E. L. Deci, et al., *supra* note 431; Barbara C Ilardi, et al., "Employee and Supervisor Ratings of Motivation: Main Effects and Discrepancies Associated with Job Satisfaction and Adjustment in a Factory Setting" (1993) 23:21 *Journal of Applied Social Psychology* 1789; Tim Kasser, Jack Davey & Richard M Ryan, "Motivation and employee-supervisor discrepancies in a psychiatric vocational rehabilitation setting" (1992) 37:3 *Rehabilitation Psychology* 175; Jennifer G La Guardia, et al., "Within-person variation in security of attachment: a self-determination theory perspective on attachment, need fulfillment, and well-being" (2000) 79:3 *Journal of personality and social psychology* 367; Marylene Gagné, "Autonomy support and need satisfaction in the motivation and well-being of gymnasts" (2003) 15:4 *Journal of Applied Sport Psychology* 372; Todd B Kashdan, et al., "Social anxiety and posttraumatic stress in combat veterans: Relations to well-being and character strengths" (2006) 44:4 *Behaviour Research and Therapy* 561; Nikos Ntoumanis, "A prospective study of participation in optional school physical education using a self-determination theory framework" (2005) 97:3 *Journal of educational psychology* 444.

outcome” and “I got along with the person with whom I negotiated”) was true on a scale of 1 (not at all true) to 6 (strongly true).

To calculate each sub-scale, certain questions require reverse coding. The scores for each of the questions are then averaged to create each of the three sub-scales (autonomy, competence, and relatedness).

3.6.2 Positive and Negative Affect Scale

Positive and negative affect was measured using the Positive and Negative Affect Scale (PANAS).⁴³³ PANAS is a 20-item six-point scale (1 = not at all to 6 = strongly). The items divide into two sub-scales: positive and negative affect.

Positive affect is measured by the sum of scores on the following emotions: interested, excited, strong, enthusiastic, proud, alert, inspired, determined, attentive, and active.

Negative affect is measured by the sum of scores on the following emotions: distressed, upset, guilty, scared, hostile, irritable, ashamed, nervous, jittery, and afraid.

3.6.3 Creativity in Negotiation Scale

Creativity was measured using the creative work involvement scale developed by Carmeli and Schaubroeck.⁴³⁴ The Creative Work Involvement Scale is a nine-item scale (1=strongly disagree to 6=strongly agree). The items are summed to provide a single index score. The items were however slightly adapted to the experimental context within this study.

3.6.4 Joint-Outcome

⁴³³ David Watson, Lee A Clark & Auke Tellegen, "Development and validation of brief measures of positive and negative affect: the PANAS scales" (1988) 54:6 Journal of personality and social psychology 1063.

⁴³⁴ Abraham Carmeli & John Schaubroeck, "The influence of leaders' and other referents' normative expectations on individual involvement in creative work" (2007) 18:1 The Leadership Quarterly 35.

Outcome was measured by asking participants to indicate following their negotiation whether they reached an agreement or not. Their response was validated by two other questions used to determine whether their negotiation was interrupted and whether they needed more time to come to a joint-outcome. The outcomes were also manually verified between their self-rating response and the written record of their actual negotiation.

3.7 Experimental Conditions

There were two primary conditions employed in this study. The first condition, manipulated the construction of the law. The second condition tested the different approaches to equality. The third condition sought to investigate the combined effect of the construction and interpretation of the law, also referred to as the structure of the law. The fourth condition consisted of the control group.

In experimental studies, there is usually a control group. The control group allows the researcher to determine whether the effects observed in the treatment groups are the result of the treatment. The control group is exposed to the same study parameters except for the actual experimental treatment. Control groups therefore neutralize experimental bias ensuring that the effects observed are the results of the treatment and not due to another unaccounted variable.

3.7.1 Construction of law (implicit, explicit)

Participants were exposed to one of two constructions of the law. Experimental groups A and B exposed participants to variants in the construction of human rights law: implicit and explicit. Both types of constructions were confirmed through a short survey of faculty and graduate students at the Faculty of Law at the University of Ottawa and the

Université du Québec à Montreal (UQAM), as well as legal practitioners in the field of human rights law.

Explicit and implicit constructions of the law (implicit, explicit) were presented to participants in the form of a university policy on discrimination. The manipulation was found in the definition of discrimination. Participants were then required to write a brief essay demonstrating how they would use the university policy in their negotiation strategy.

In experimental group A, the effects of the implicit recognition of religion and culture as prohibited grounds of discrimination were examined. Implicit recognition of non-enumerated grounds is a feature that is exclusive to the Canadian Charter of Rights and Freedoms (the Charter).

Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a characteristic or a set of characteristics* (implicit).

In experimental group B, the effects of the explicit recognition of religion and culture as prohibited grounds of discrimination were examined. This is normally the manner in which federal, provincial and territorial human rights legislation is designed.

Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a culture, religion, race, sex, sexual orientation, and age* (explicit).

3.7.2 Interpretation of the Law (monist, differentialist, pluralist)

To test the effect of the interpretation of the law, participants were exposed to one of three experimental manipulations: monist (Group A), differentialist (Group B), and pluralist (Group C) interpretations. They were developed in accordance with the literature

on citizenship regimes and the management of ethnocultural diversity as they relate to individual and collective rights. The nomenclature was derived from a synthesis conducted by François Rocher (University of Ottawa). Similar categories have been used in other studies examining the effects of equality, most notably in the works of Plaut.⁴³⁵

Participants in experimental groups A, B, and C were presented with a statement (an interpretive provision). They were then required to write a brief essay demonstrating how they would use the interpretive provision in their negotiation strategy.

Participants in group A were presented with a monist interpretation to equality.

Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal irrespective of their differences and should be treated the same. Regardless of one's cultural or religious background, everyone should be treated equally without preferential treatment.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can (monist).

Participants in group B were exposed to a differentialist view of equality typical of a collectivist approach.

Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal regardless of their differences and these differences should be protected. Everyone belongs to a cultural or religious community. These communities are different from one another. None of them is better or worse, and each community should be preserved and protected.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can (differentialist).

⁴³⁵ Victoria C Plaut, Sapna Cheryan & Flannery G Stevens, "New frontiers in diversity research: Conceptions of diversity and their theoretical and practical implications" in Mario Mikulincer, et al., ed, *APA handbook of personality and social psychology* (Washington, D.C.: American Psychological Association, 2015); V. C. Plaut, et al., ""What about me?" Perceptions of exclusion and whites' reactions to multiculturalism" (2011) 101:2 *J Pers Soc Psychol* 337; Victoria C Plaut & Jodi Treadway, "Multiculturalism and Diversity: A Social Psychological Perspective" (2011) 35:2 *Psychology of Women Quarterly* 335; Victoria C. Plaut, "Diversity Science: Why and How Difference Makes a Difference" (2010) 21:2 *Psychological Inquiry* 77.

Participants in group C experienced a more nuanced approach to equality that is reflective of pluralist ideology.

Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone should be provided with an equal opportunity to participate. In a given community, not everyone is equal. Due to culture or religion, some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can (pluralist).

3.7.3 Structures of Law

Finally, to test the combined or interaction effect of the construction and interpretation of the law (also known as the structures of law), participants were placed in one of six experimental groups. Each group was presented with a variant of a policy statement on discrimination. The statement included a definition of discrimination in which the construction of human rights law was embedded. It also provided an interpretive provision.

Group A participants experienced an implicitly constructed and monistically interpreted structure of law:

Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone is equal and should be treated the same* (implicit-monist).

In group B, participants were given an implicitly constructed policy with differentialist interpretive provision:

Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone is equal and differences should be preserved and protected* (implicit-differentialist).

Group C was tested using an implicit and a pluralist structure of the law:

Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone should be provided with an equal opportunity to participate. Some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so* (implicit-pluralist).

In group D, participants were exposed to an explicit and monist structure of law:

Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone is equal and should be treated the same* (explicit-monist).

Group E participants were manipulated with a structure of the law along explicit and differentialist terms:

Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone should be provided with an equal opportunity to participate. Some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so* (explicit-differentialist).

Finally, group F participants were manipulated by an explicit and pluralist approach to the law:

Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone is equal and differences should be preserved and protected* (explicit-pluralist).

3.8 Additional Predictor Variables

Given the reasons outlined in the previous chapter, four variables have been selected as additional predictor variables. These are religious affiliation, ethnicity (race), generation status, and gender.

Religious affiliation, ethnicity, and generation status consisted of numerous categories. Due to the sample size and distribution, each variable was reduced into two groups or dummy coded. Participants were either identified as Christian or non-Christian, Caucasian or non-Caucasian, and as a new Canadian or multi-generational Canadian. A new Canadian is someone who is either a first or second generation Canadian. A multi-generational Canadian is someone who is a third generation Canadian or more.⁴³⁶

Participants were also grouped by sex (male and female).

These binary divisions may not necessarily be inclusive. For example, not everyone self-identifies as male or female. Many from the trans community find this categorization problematic and unrepresentative of their lived experience. However, due to sample size, and the primary overall focus of the research, greater differentiation of the categories was not possible. Categories were thus developed based on standard practice in the literature as outlined in the previous chapter.

3.9 Covariates

Two control variables were also used. Since participants were placed involuntarily into one of two scenarios, differences resulting from the assignment were controlled post-hoc. Because participants were also required to defend a position that they did not necessarily agree with, the degree to which they shared similar beliefs was controlled.

⁴³⁶ Statistics Canada, "Generation status", (Ottawa: Statistics Canada, 2011), online: <<http://www12.statcan.gc.ca/nhs-enm/2011/ref/dict/pop036-eng.cfm>>.

3.10 Set-up

Upon signing up to participate in the study, each student was instructed to present themselves in a one of two waiting rooms. This was done to ensure that participants did not meet so as not to be potentially influenced by each other's sex or race.

Once in the waiting rooms, the experimenter escorted each participant in turn into two separate laboratories that were controlled from the same central computer.

Participants were asked to sit down at a computer terminal where they were provided a pen, paper, and a code. The pen and paper were provided so that the participant could take notes during a video that outlined the scenario. The participant was not initially told that the text of the scenario would be provided later on. This ensured that participants paid attention to the video, and reinforced the scenario by encouraging them to commit those elements they deemed important to paper. The code was presented as an access code to the survey. The code was the same for each dyad. By entering the code, each participant triggered the randomized manipulation/condition for that experiment.

In addition to the material provided, participants were also given short instructions. Particularly, participants were asked to turn off their phones. Because one of the participants could finish the pre-negotiation tests prior to the second participant, there was a risk of a real-time delay between the pre-negotiation tests and the beginning of the negotiation. This had the effect of diminishing the strength of the manipulation on the individual. During pilot sessions, it was found that participants often distracted themselves by using their phones rather than focusing on the scene and familiarizing themselves with their negotiation preferences. When instructed to turn off their phones,

participants were more akin to reading and re-reading their scenario and preferences thereby reinforcing the sacred nature of the dispute and the manipulation.

After providing the instructions, the experimenter left the laboratory and proceeded to the monitoring room. From there, s/he was able to begin the experiment. The experiment was largely automated so as to reduce the risk of experimenter bias. Once the experiment began, the experimenter was primarily responsible for ensuring that the negotiation between the participants began at the same time, and dealing with any technical difficulties that may have arisen.

The participants started the experiment with a series of pre-negotiation tests. They were required to watch a captioned video that described each of their scenarios. Once exposed to the manipulation, participants were required to write a short essay on how they intended to use the principles described in the manipulation in their negotiation strategy. They were then provided with a brief overview of how to use Gmail Chat.

As the participants waited for the negotiation to begin, they were provided the scenario and manipulation as well as their preferences on a separate screen. They were asked to familiarize themselves with the information. This screen remained available for their reference throughout the negotiation.

Once both participants finished the pre-negotiation tests, the experimenter unblocked the Gmail Chat function enabling the participants to commence their negotiation. The negotiation lasted approximately 30 minutes though they were told they had as much time as required. This was done to remove the effects of time pressure on arriving at a joint-outcome.

The negotiation was free flowing. There was no pre-assigned structure. Participants were simply provided the items to negotiate and their level of importance, but were given the freedom to negotiate the items in any order or manner they thought was advantageous to their position. Each participant was assigned an anonymous email and username, and was specifically told not to share any personal information other than the roles they were asked to play as part of the scenario. Each negotiation was saved for validation purposes and further analysis.

If the participants had not finished after approximately 30 minutes, they were interrupted. They were given an additional five minutes, but told that the experiment had to come to an end, as there was a mix-up in scheduling the laboratory. Participants were then asked to proceed to a series of post-negotiation tests. Once done with the posttests, the experimenter debriefed each participant. When the participant left, the experimenter reset the experiment for the next dyad.

3.10.1 Stage 1: Pre-negotiation tests

Prior to the actual negotiation, participants were asked to respond to a series of questionnaires. They were first asked to respond to the Positive and Negative Affect Scale (PANAS), and then to the Basic Needs scale. These scales were asked prior to the manipulation to ascertain an initial level.

They were then asked to watch a video that described the scenario. Following the video, one of the multiple conditions was presented. They were then asked to describe in writing how the content of the manipulation text was to govern their approach in the negotiation. Participants were asked to be as passionate as possible.

Once complete, participants were provided instructions on how to use the Gmail chat function.

3.10.2 Stage 2: Negotiation

Participants were provided approximately 30 minutes to reach a joint-outcome, even though they were instructed that they had as much time as needed. Based on a series of pilot experiments, 30 minutes was determined to be sufficient time to come to an agreement.

Participants were also provided with instructions on what to negotiate. They were to negotiate whether there was to be a tree, the name of the tree, its location, and the decorative theme. Each participant was given their preferences but was blind to the preferences of the other.

Preferences for Participant A (in defense of his/her cultural rights) were the following:

Whether to put up the tree (extremely important)

Ideally, you would love to have a Christmas tree. You would be very upset if there was to be no tree at all. Your ultimate preference would be to have the tree in the main-event room for everyone to enjoy. You would still be happy if the tree was in the hallway on the way to the main-event room. You are not too thrilled with the idea of putting up a Christmas tree in an empty classroom. No one would see it, and it would defeat the point of celebrating the holiday as a family.

The name of the tree (very important)

Your ultimate preference would be to call this tree a Christmas tree. You have always called it that. So have your family and your community. Your hometown puts up the Christmas tree in the community square every year. Calling the tree a “Holiday” tree is not your preference. You would be sad. It would feel like you are somehow ashamed of your cultural heritage. The idea of not having a name for the tree is something that makes you angry.

The decorative theme of the tree (important)

You really like the idea of having a Christmas theme on the tree. Christmas balls, lights, Santas, snowflakes, and other related ornaments remind you so much of the colours and smiles it puts on peoples faces. Having a multicultural theme does not excite you much. You would be sad to see such a theme on the tree because you find that it would have the effect of diluting your cultural identity. Having no decorations of any kind on the tree is not something you would be happy about at all. It would make you angry.

Preferences for Participant B (in defense of his/her religious rights) were the following:

Whether to put up the tree (extremely important)

Ideally, you prefer that a Christmas tree not be put up at all. If it was to be put up, you do not want to have it in the main-event room. You are not very keen on having it in the hallway leading to the main-event room either, because it will associate the event with the Christmas tree preventing you from participating. Your preference, should you have to agree on something, would be to have the tree in an empty classroom or boardroom at a reasonable distance from the main-event room.

The name of the tree (very important)

Assuming there is a tree, you strongly disagree with it being called a Christmas tree. Though not as opposed, you still do not like the name of a Holiday tree either. Your preference would ideally be to not name the tree. That way, it is not identified with any religious practice or related celebration.

The decorative theme of the tree (important)

For you, it is important that the tree not be identified as a religious symbol. For this reason, you are strongly opposed to it being decorated with balls, lights, angels, etc. You would still be sad if it was a multicultural theme but at least then it might include symbols of a non-religious nature. Ideally, you would prefer not to have any decorations on it at all.

For a graphical representation of each set of preferences, see Appendix A.

There was no order in which the items were to be negotiated and no explicit restrictions on alternative solutions to the options for each negotiation item. Though participants were made aware of the importance of each negotiation item, the participants determined the style, formality, order and speed of the negotiation.

An important feature of Gmail Chat was its ability to show Participant A that Participant B was typing. This ensured that both participants remained generally attentive and engaged in the process.

3.10.3 Stage 3: Post-Negotiation tests

Two of the post-negotiation tests were similar to those used in the pre-negotiation. To measure affect, the Positive and Negative Affect Scale was administered. The Basic Needs scale was slightly modified and made relevant to the negotiation exercise undergone by the participants. This test was followed by the Creativity at Work Scale designed by Carmeli and Shaubroeck. A couple of additional questions were also asked to determine whether participants came to a joint-outcome and the degree to which the views they represented in the negotiation were similar to their own.

3.11 Analysis Procedure

The empirical study of law is a relatively new and growing approach in the field of legal scholarship. The following section outlines the types of analyses employed within this research in terms that are relatively accessible. For an introduction to statistical analysis in the field of law, Epstein and Martin's book provides a basic understanding.⁴³⁷

3.11.1 Analysis of Variance (ANOVA)

To determine the effect of the law, participants were assigned to different groups. These groups were pre-determined as expressing different forms of the law. An analysis of variance (ANOVA) examines or tests the difference in participants' mean scores on the relational, affective, and creative Self variables after having been exposed to the experimental manipulation (the different forms of the law). The difference in scores is

⁴³⁷ Lee Epstein & Andrew D Martin, *supra* note 24.

then tested to determine whether they are significant. A statistically significant difference suggests that the variance between mean scores of groups is not likely random but the effect of the manipulation.

For example, the next Chapter demonstrates the significant difference in levels of autonomy between those participants exposed to human rights law that is explicit in recognizing personal characteristics as prohibited grounds of discrimination versus those participants exposed to a more implicit construction of the law where personal characteristics are not necessarily stated. This approach is used to compare the mean scores of all dependent variables against the three independent variables: the construction, interpretation, and structure of the law.

3.11.2 Interaction effects

Interaction effects emerge when an independent variable interacts with another independent variable in its effect on the dependent variable.⁴³⁸ For example, in Chapter 3, I outlined four variables that I wish to examine to determine if they interact with the structure of the law in its effect on the relational, affective, and creative Self. These four variables are religious affiliation, ethnicity, generation status, and gender. All four variables have demonstrated to have an important effect on the lived experience of individuals when interfacing with legal structures.

3.11.3 Regression analysis

3.11.3.1 Linear regression analysis

Linear regression analysis is another common statistical technique, and is considered a classic when the goal is to predict or forecast. It is used to model or predict

⁴³⁸ Lawrence S Meyers, Glenn Gamst & AJ Guarino, *Applied Multivariate Research: Design and Interpretation* (Thousand Oaks, CA: Sage Publications Inc., 2006) at 289.

the outcome of the dependent variable (or variables) based on the variation of an independent variable (or variables) in relation to a straight-line function. In graphical terms, regression analysis attempts to plot a linear line through a series of varied points along the X- and Y-axis. By fitting a line of best fit through a series of data points, we are able to predict the outcome of the dependent variable in relation to the independent variable.⁴³⁹

3.11.3.2 Logistic regression

Logistic regression is principally similar to linear regression in that it too attempts to create a predictive model. Unlike linear regression, logistic regression is designed to work with categorical dichotomous dependent variables. This is an important distinction. Unlike continuous variables, categorical variables are limited and usually fixed to a given set of possible values. Logistic regression attempts to predict the likelihood of an event occurring or membership of a group based the parameters of the independent variables. “The ultimate objective of logistic regression is to predict a case’s group membership on the dependent variable by calculating the probability that a case will belong to the...event occurring...category.”⁴⁴⁰

In this research, creative interaction is measured by the ability of two individuals to come to a joint-outcome in a dispute based on sacred-values. There are two possible outcomes: an agreement or no agreement. By using logistic regression, I am able to examine whether there is an increased likelihood of a joint-outcome depending on the structure of law.

3.11.3.3 Mediation analysis

⁴³⁹ *Ibid* at 107-136.

⁴⁴⁰ *Ibid* at 223.

This research is not only designed to study the effects of the structures of law on the relational, affective, and creative Self, but also on the ability of the law to structure certain types of outcomes.

Knowing whether the law directly affects a certain outcome is a central concern for many legal scholars and organizations. Does the law have an impact? Does it truly affect the way people live their lives? In some cases, it is self-evident. Criminal law is a perfect example. A person commits a crime and is caught. The law is applied. Should the person be found guilty, he or she is then sentenced. The consequences of his/her sentence can remain with him/her for the rest of their lives. Where it is more difficult to determine the effects of the law is on the way the law shapes and structures our lives on a daily basis, and not just when a person is found in contravention of it.

A relational approach seeks to understand how the law affects the individual in relation to certain outcomes. A mediation analysis is a statistical technique used to help understand how an independent variable affects a dependent variable. “A simple mediation model is any causal system in which at least one causal antecedent X variable is proposed as influence an outcome Y through a single intervening variable M .”⁴⁴¹ In this case, I am interested in exploring how the relational, affective, and creative Self mediates the relationship between the construction, interpretation, and overall structure of the law on achieving joint-outcomes.

3.11.3.4 Simple mediation model

⁴⁴¹ Andrew F Hayes, *Introduction to mediation, moderation, and conditional process analysis: A regression-based approach* (New York: Guilford Press, 2013) at 86.

A mediation model attempts to identify and explain a mechanism or process that underlies a relationship between an independent and a dependent variable through a third explanatory variable. This third variable is known as a mediator (see Figure 1).

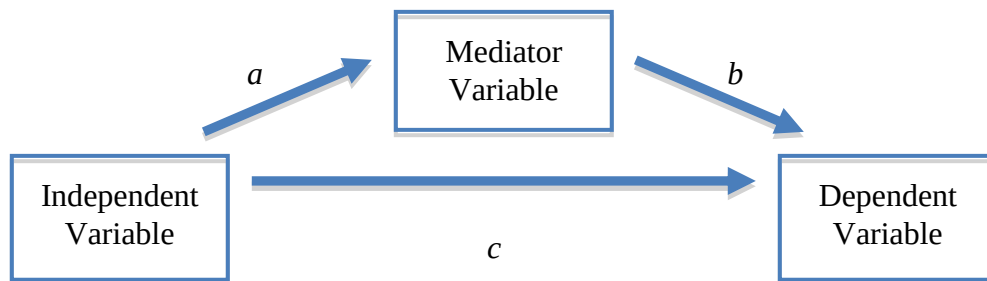


Figure 1: Simple Mediation Model

There are three pathways in a simple mediation model. Pathway c is the direct path between the independent (X) and dependent (Y) variable. This path illustrates the direct effect of X on Y. The second pathway is $a+b$. This pathway illustrates the indirect effect of the independent (X) variable on the dependent (Y) variable through a mediator (M) variable. A mediation may exist in the presence or absence of a direct effect between X and Y.

In the following mediation model, three categories of independent variables are examined: the construction of the law, the interpretation of the law, and the structure of the law. There is only one dependent variable: whether there is a joint-outcome or not. There are three types of mediator variables: the Relational Self (as measured by the Basic Needs scale); the Affective Self (as measured by the Positive and Negative Affect Scale); and the Creative Self (as measured by the Creativity at Work Scale).

Figure 2 illustrates the conceptual use of the variables employed in this study within the simple mediation model:

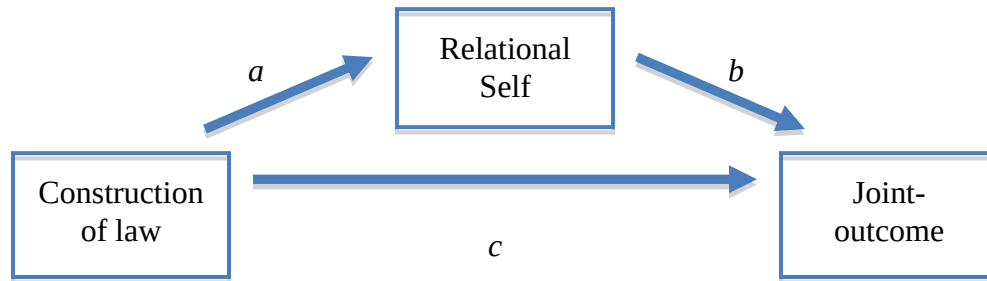


Figure 2: Effect of the Relational Self on the relationship between the construction of the law and the likelihood of coming to a joint-outcome

Because the independent variables (the construction of the law, the interpretation of the law, and the structure of the law) are categorical in nature, a slight adjustment needs to be made. In using categorical independent variables, each of the three had to be dummy coded and subsequently assessed against the mediator and the dependent variable. Figure 3 illustrates the analysis. Each category within the independent variable thus generates three relational coefficients a , b , and c' . The number of categories will dictate the number of coefficients generated between X and M and X and Y .

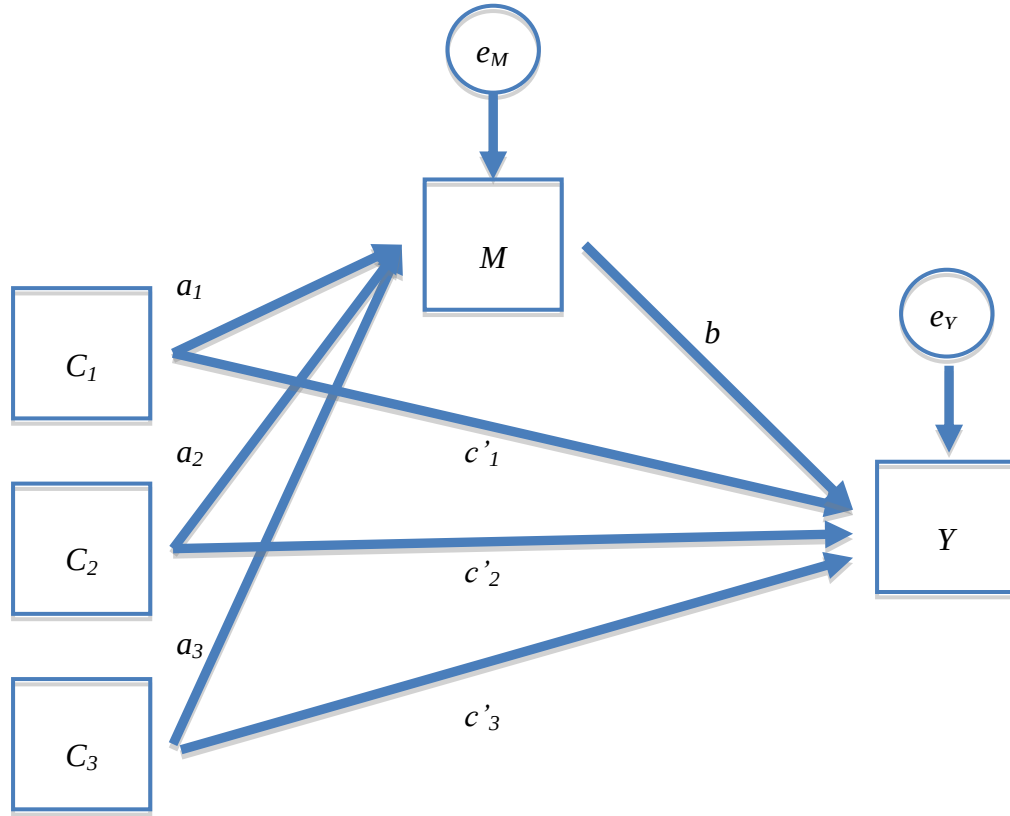


Figure 3: Mediation model using a categorical independent variable

Figure 4 illustrates how the independent variable (construction of the law) was used in relation to the above model. $C_{control}$, $C_{Implicit}$, and $C_{Explicit}$ refer to the three categories used to measure the construction of the law. $M_{Relational_Self}$ refers to the scales used to measure autonomy, competence, and/or relatedness. $Y_{Joint_Outcome}$ denotes whether the disputant parties did or did not come to an agreement. $a_{control}$, $a_{Implicit}$, and $a_{Explicit}$ represent the relationship between each of the categories and the mediation ($M_{Relational_Self}$). $c'_{control}$, $c'_{Implicit}$, and $c'_{Explicit}$ represent the relationship between each of the categories and the dependent variable ($Y_{Joint_Outcome}$). b is the relationship between the mediator (in this case the Relational Self) and the dependent variable (joint outcome).

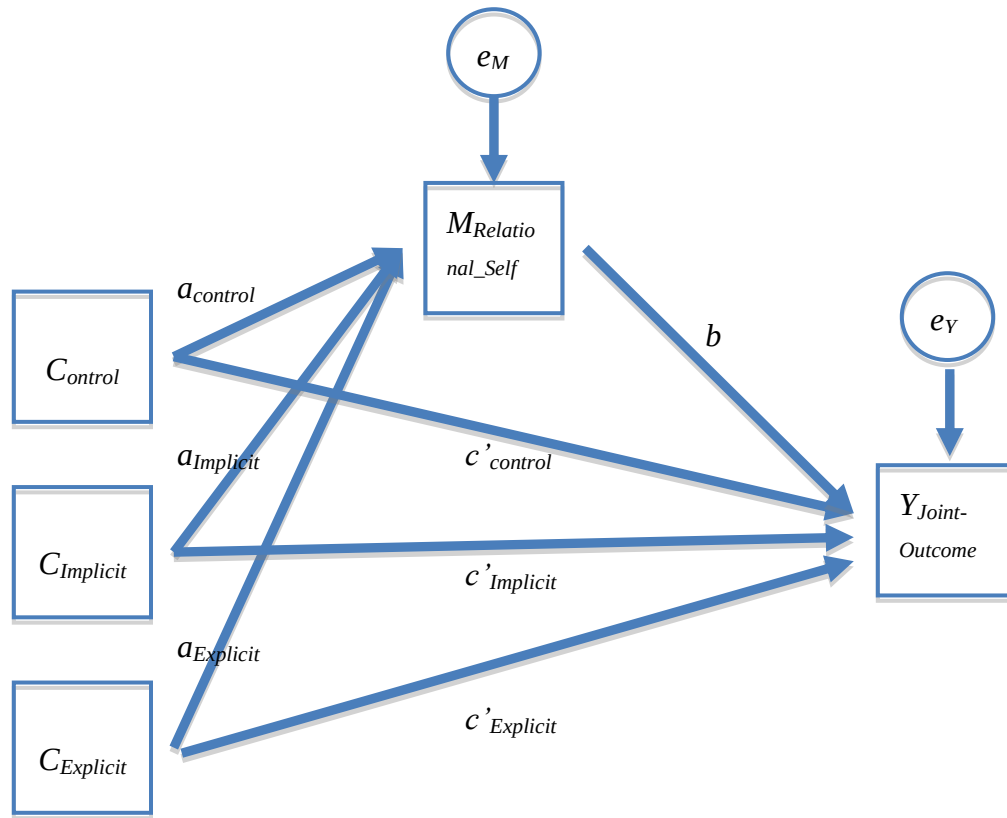


Figure 4: An example of the mediation model using a categorical independent variable (construction of the law)

3.12 Conclusion

This chapter has introduced the mechanics or the methodology used to render the theory in its applied form. It briefly outlined some basic principles of experimental design. After which, the negotiation experiment was introduced by outlining the scenario. Once the scenario was described, the procedure, including the tools, measures, manipulations (or conditions), covariates, and controls were summarized.

The following a description of the procedure, the set-up was outlined including the pre-negotiation, and post-negotiation tests.

The final section provided a short and simplified introduction to the types of analyses proposed to provide insight into the hypotheses as outline in the previous

chapter. What is important to retain is that the law is being artificially manipulated in a controlled environment to determine the individual and combined effects. Though measures have been taken to simulate a real-life conflict, the stakes involved are naturally less salient than if the conflict was to occur in reality. The controlled context, however, permits for a precise analysis of the way parts of the law operate.

In the present study, I am interested in the construction and interpretation of equality rights law and its combined effect on the Relational, Affective, and Creative Self. I am also interested in seeing whether the Self subsequently affects the relationship between the way the law is structured and reaching a joint-outcome in a values-based dispute.

To do this, I asked participants to negotiate a cultural-religious conflict. Prior to the negotiation, participants were exposed to a structure of the law. They were then grouped with others who were exposed to the same structure. These groups were subsequently compared to determine whether a particular structure of the law had an effect on the Self.

Not only is it important to understand how the law affects the individual, but it is also equally important to know whether the way the law affects the individual has an effect of justiciable conflicts. To determine the effect of the Self on the relationship between the structure of law and reaching an agreement in a values-based conflict, a mediation analysis was used.

The next chapter describes the results by taking up each hypothesis in turn. Not all hypotheses proved to have significant results. Though statistically insignificant results can be illuminating, given the exploratory nature of this research, the focus will be on

reporting significant results. For it is these results that indicate whether the law actually has an effect on the Relational, Affective, and Creative Self.

Chapter 4: The Relational Self

4.0 Introduction

This Chapter presents the effects of the structure of law on the Relational Self. The Relational Self denotes the relational structure of our identities at the micro, meso, and macro levels. Though not exclusively, it is largely characterised by the notion of autonomy, but not the autonomy that seeks to isolate or create the “separative self”.⁴⁴² It is the type of autonomy that recognizes interdependence through self-determination. Self-determination refers to the idea that all individuals seek three minimal needs: autonomy, competence, and relatedness. These needs are essential for individuals to engage in constructive relations at all three levels.⁴⁴³

This chapter is divided into three sections. The first section explores the effects of the construction of the law. The second section explores how the interpretation affects the Relational Self. Finally, the third section examines the interaction effect between the construction and interpretation of equality rights law.

For each section, a brief demographic description of the participants is provided. The measures are described, and some descriptive statistics are presented. I then report in detail on those elements of the hypothesis that proved to be statistically significant. The results are presented by type of analysis used as described in Chapter 4. In each section, the first set of results presented is those that compare the different groups using an analysis of variance. The second set of results stem from a mediation analysis.

Though “surgical” in approach, applied research seeks to isolate those elements or units under study that have the potential of affecting change. Understanding how various

⁴⁴² Jennifer Nedelsky, *supra* note 22.

⁴⁴³ Edward L. Deci & Richard M. Ryan, *supra* note 244.

elements affect the question under investigation leads to a more sophisticated understanding of the building blocks that, in this case, constitute equality rights law. This then enables researchers, judges, lawyers, mediators, and policy makers the ability to shape the law in ways that support the Self.

Data for this chapter were collected in three waves. Each wave was defined by the independent variable under examination (the construction of the law, the approach to or interpretation of the law, and the structure of the law). Consequently, sample demographics vary depending on the independent variable used.

All variables were screened for possible code and statistical assumption violations, as well as for missing values and outliers using a variety of frequency and explore plots, missing value analysis, and regression procedures. Multivariate outliers were screened by computing Mahalanobis distance for each case on all continuous variables.

Because the independent variables are categorical in nature, a modified mediation analysis was used. The analysis required dummy coding each of the categories of the independent variable and assessing the mediator against each of these categories in relation to the dependent variable.⁴⁴⁴ The SPSS macro PROCESS was used to conduct the analysis, but had to be modified. Due to the complexity of the output and difficulty in interpretation, the analysis was kept as simple as possible as per the recommendation outlined by Hayes.⁴⁴⁵

⁴⁴⁴ For a tutorial on conducting mediation analysis with a multicategorical independent variable, see Andrew F Hayes & Kristopher J Preacher, "Statistical mediation analysis with a multicategorical independent variable" (2014) 67:3 British Journal of Mathematical and Statistical Psychology 451.

⁴⁴⁵ *Ibid* at 463.

4.1 Law and the Relational Self

The law can be described as a composite of at least two qualities. The first is its construction in the way the law is written. The second is the interpretation or approaches used to understand the written law. Combined, the construction and interpretation form the structure of law. This Chapter specifically focuses on the way equality rights law affects the Relational Self. The Relational Self for the purposes of this research burrows from Self-Determination Theory (SDT) and is defined by three psychological needs: autonomy, competence, and relatedness. SDT is also concerned with motivation.

To the extent that the law is seen to recognize only certain forms of discrimination, thereby imposing limits on what individuals can claim, explicit recognition of characteristics under anti-discrimination provisions may render the law as being perceived as imposing and perceived more as an external locus of causality thereby resulting in lower levels of autonomy; whereas a more implicit recognition of characteristics may be more in line with self-views therefore supporting intrinsic motivation resulting in higher levels of autonomy. Moreover, unlike a monist or differentialist approach, a pluralist approach to equality law should increase intrinsic motivation as it gives individuals the flexibility to focus on a variety of elements of the relationship/dispute that are deemed important to the individual(s) resulting in higher levels of autonomy.

It is hypothesized that

H1: equality rights law that is more implicit in design and pluralistically interpreted will most likely result in higher levels of autonomy, competence, and relatedness, and will subsequently increase the likelihood of reaching a joint-outcome in value-based disputes.

4.2 Construction of the law on autonomy, competence, and relatedness

The construction of equality rights law takes two forms. It is either explicit, whereby the grounds of discrimination are specifically enumerated (as is done in human rights legislation), or it is implicit. An implicit construction of the law makes a general reference to grounds of discrimination but does not state any characteristics per se (as is done in the Charter).

4.2.1 Participants

For this first section, a sample of 92 undergraduate students voluntarily took part. The sample consisted largely of women (n=66). The largest age range was 18-20 (n=66). The students were mostly of non-Caucasian descent (n=51), new Canadians (n=63), non-Christian (n=51), and spoke English as their first language (n=50). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 2: Demographic composition of participants (study on construction of law)

	Mean	SD	N
Religious affiliation	.45	.500	92
Ethnicity	.37	.486	91
Generation status	.72	.454	88
Gender	.27	.449	91

4.2.2 Measures

The construction of the law was measured using one the following textual primes:

A) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a characteristic or a set of characteristics* (implicit).

B) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in

the university community *based on a culture, religion, race, sex, sexual orientation, and age* (explicit).

Each participant was placed into one of two experimental groups. One group (Group A) was exposed to an implicit construction of the law, while the other group was primed with an explicit construction (Group B). A third group of participants was not exposed to any form of the law. This was the control group.

Three basic psychological needs were used as proxy measures for the Relational Self: autonomy, competence, and relatedness. Each of these needs was comprised of a number of questions. Autonomy consisted of seven questions, competence was six questions, and relatedness was created from eight questions. The questions used to measure autonomy, competence, and relatedness were then aggregated and averaged to form a scale. When a scale is created, it is then checked for internal consistency or reliability. Reliability is the extent to which the questions that comprise the scale are measuring the same concept. This is measured through a Cronbach alpha score. The Cronbach alpha in this sample ranged from .725 for autonomy, .606 for competence, to .815 for relatedness. A higher alpha (an alpha score close to 1.0) means a stronger internal consistency between the questions used to compose the scale. The Basic Needs scale was administered following the negotiation.

In addition to autonomy, competence, and relatedness, the outcome of the negotiation was measured by whether the parties came to an agreement. This was a self-reported measure, but was validated by examining the recorded negotiation. Participants either came to a joint-outcome or did not within the allotted time.

4.2.3 Descriptive statistics

Descriptive statistics are reported in Table 3. Participants felt quite autonomous with a mean score of 5.12 out of 6, fairly competent with a mean score of 4.25 out of 6, and felt a reasonable degree of relatedness with a mean score of 4.13 out of 6. All three needs were significantly correlated.

Table 3: Correlations for autonomy, competence, relatedness, and outcome (study on construction of law)

Construct	N	M	SD	1	2	3
Autonomy	92	5.12	1.013	-		
Competence	92	4.25	.897	.711**	-	
Relatedness	92	4.13	1.220	.582**	.483**	-
Outcome	92	.58	.497	.133	.226*	.326**

*p<.05

**p<.01

4.2.4 ANOVA Analysis

To determine whether different constructions of the law had any effects on the Relational Self as defined by three basic needs (autonomy, competence, and relatedness) an analysis of variance was used. There were no statistically significant main effects of the construction of the law on needs related to autonomy, competence and relatedness.

4.2.5 Mediation analysis

The analysis also examined whether the three basic psychological needs had a mediating effect on the relationship between the way equality rights law is constructed and the likelihood of negotiating a joint-outcome.

A mediation analysis was done to determine, first, whether individually autonomy, competence, and relatedness had each a separate mediating effect on the relationship between the way equality rights law is designed and the likelihood of reaching a joint-outcome. All three needs were then assessed together in the same model. Both the implicit (C_I) and explicit (C_E) construction of the law was compared to the control group (C). The two experimental groups (the implicit and explicit constructions

of the law) were subsequently compared to see if there were any significant differences between them.

The hypothesized mediating role of autonomy, competence, and relatedness in the relationship between the way in which equality rights law is constructed and outcome was tested using the SPSS macro, PROCESS.⁴⁴⁶ The macro relies on the re-sampling method of bootstrapping; a procedure that provides an estimate of the indirect effect in the population by re-sampling the dataset k times in order to obtain the indirect effect's sampling distribution and confidence intervals (CI). An estimate is considered statistically significant if its 95% CI does not include zero. This approach was used for all mediation analyses.

The results can be found in Table 48 through Table 65. Neither autonomy, competence, nor relatedness as separate elements of the Relational Self had a mediating effect on the relationship between the construction of the law and the likelihood of reaching a joint-outcome.

The three variables were then tested simultaneously to see if, when considered together, a mediating indirect effect emerged. Table 66 through Table 71 show the results.

Autonomy, competence, and relatedness did not have any mediating effect on the manner in which the construction of the law affects the likelihood of reaching a solution to a dispute.

⁴⁴⁶ K. J. Preacher & A. F. Hayes, "Asymptotic and resampling strategies for assessing and comparing indirect effects in multiple mediator models" (2008) 40:3 Behav Res Methods 879.

4.3 Interpretation of equality on autonomy, competence, and relatedness

The approaches or interpretations of equality were presented in three different ways. A monist interpretation considered the individual as the source of equality. A differentialist approach recognized the individual but placed primary emphasis on the collective. A pluralist understanding attempted to balance both the individual and the collective.

4.3.1 Participants

A sample of 152 volunteer undergraduate students was used for this section. The sample consisted largely of women (n=106). The largest age range was 18-20 (n=99). The students were mostly of non-Caucasian descent (n=93), new Canadians (n=95), non-Christian (n=78), and spoke a language other than English as their first language (n=70). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 4: Demographic composition of participants (study on interpretation of law)

	Mean	SD	N
Religious affiliation	.44	.498	152
Ethnicity	.34	.476	141
Generation status	.69	.465	138
Gender	.24	.427	139

4.3.2 Measures

The independent variable (interpretation of the law) was manipulated by creating three experimental groups. Each group was exposed to one of the following passages:

A) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal irrespective of their differences and should be treated the same. Regardless of one's cultural or religious background, everyone should be treated equally without preferential treatment.* In the space below, describe how this principle

will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (monist);

B) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal regardless of their differences and these differences should be protected. Everyone belongs to a cultural or religious community. These communities are different from one another. None of them is better or worse, and each community should be preserved and protected.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (differentialist); or

C) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone should be provided with an equal opportunity to participate. In a given community, not everyone is equal. Due to culture or religion, some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (pluralist).

A forth group was not exposed to any interpretation of the law and constituted the control group.

The same three basic needs (autonomy, competence, and relatedness) measures were used as in the previous section on the construction of the law, and were administered following the negotiation. Internal consistency, or the Cronbach alpha, ranged from .741 for autonomy, .648 for competence, to .778 for relatedness.

Outcome was measured by whether the participants came to a solution in the allotted time.

4.3.3 Descriptive statistics

Descriptive statistics are reported in Table 4. Unlike in the previous section, participants generally reported lower levels of autonomy (M=4.67), competence (M=3.94), and relatedness (M=4.01). All three needs were also significantly correlated.

Table 5: Correlations for autonomy, competence, relatedness, and outcome (study on interpretation of law)

Construct	N	M	SD	1	2	3
Autonomy	150	4.6743	.93335	-		
Competence	147	3.9433	.84456	.712**	-	
Relatedness	150	4.0108	.96183	.523**	.473**	-
Outcome	152	.64	.480	.002	.159	.278**

**p<.01

4.3.4 ANOVA Analysis

A one-way between-subjects ANOVA was used to compare the effects of the three experimental groups on the psychological needs associated with the Self: autonomy, competence, and relatedness. The manipulation consisted of three interpretations of equality (monism, differentialism, and pluralism) and a control group (the absence of an interpretative provision).

Two main-effects emerged. The first was the way in which the interpretation of the law affected the individual sense of autonomy. There was a statistically significant main effect, $F(3, 146)=5.185$, $p<0.01$, partial $\eta^2=.096$. A LSD test ($p<.05$)⁴⁴⁷ indicated that each of the approaches were significantly different from the control group but not different from each other. Participants who were not presented with an interpretative provision felt a greater sense of overall autonomy than those exposed to a particular approach. The means are given in Table 6.⁴⁴⁸

Table 6: Main effects of autonomy, competence, relatedness by interpretation of law type

	Interpretation of the Law											
	Control			Monism		Differentialism			Pluralism			
	M	SD	N	M	SD	N	M	SD	N	M	SD	N
Autonomy	5.2045a	1.14900	33	4.6071a	.76969	44	4.4286a	.92164	38	4.5265a	.73071	35
Competence	4.2727b	1.04733	33	3.9735b	.74270	44	3.7613b	.68554	38	3.7778b	.84128	35

⁴⁴⁷ An LSD or least significant difference test is a *t* test that makes “all possible pairwise comparisons of group means following a statistically significant omnibus *F* test. This test is the most liberal (i.e., it has relatively high statistical power and a greater likelihood of committing a Type I error)” (see Lawrence S Meyers, Glenn Gamst & AJ Guarino, *supra* note 438 at 427). For exploratory research such as this, where statistical power is of primary concern, the LSD test is recommended (*ibid* at 430).

⁴⁴⁸ The results remained statistically significant even when the variance in homogeneity was unequal.

Relatedness	4.1875	1.13059	32	4.0199	1.00288	44	3.7895	.89674	38	4.0764	.79635	36
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a,b significant at CI 95%, bootstrapped at 10000

Even after controlling for the position the participant was asked to defend and whether the participant shared similar views as those expressed in the position, the relationship remained statistically significant, $F(3, 144)=5.374$, $p<.01$, partial $\eta^2=.101$. A LSD test ($p<.05$) indicated that each of the approaches to equality was significantly different from the control group but not different from one another. Participants who were not presented with an interpretive provision felt a greater sense of overall autonomy than those exposed to one. Irrespective of the approach to equality, the interpretive provision had the effect of lowering an individual's sense of autonomy.

The second main-effect emerged in relation to levels of self-reported competence. There was a statistically significant main effect, $F(3, 143)=2.787$, $p<0.05$, partial $\eta^2=.06$. A LSD test ($p<.05$) indicated a statistically significant difference between those exposed to a pluralist and differentialist interpretation of equality with those not exposed to any interpretation. Those exposed to a pluralist or differentialist understanding of equality felt less competent than those who were not exposed to any form of interpretation.

The results changed slightly upon controlling for the position participants were asked to defend and whether they shared similar beliefs as those they were representing. Once these two variables were controlled, there was a significant difference between all three interpretive provisions and the control group, $F(3, 141)=2.741$, $p<0.05$, partial $\eta^2=.06$. A monist interpretation demonstrated a significant effect on levels of competence when compared to the control group but not to the other two forms of interpretation. All three interpretations to equality, however, had the effect of decreasing an individual's sense of competence.

4.3.5 Mediation analysis

The analysis also examined the mediating role of the Relational Self on the direct relationship between the way in which equality is interpreted and the likelihood of reaching a negotiated joint-outcome.

To determine whether autonomy, competence, and relatedness had a mediating effect on the likelihood of reaching a joint-outcome based on the type of interpretation given to equality rights law, a mediation analysis using the macro PROCESS was used for each of the three basic needs. The categories that form the independent variable, consisting of the control group (C), monist (C_M), differentialist (C_D), and pluralist (C_P) groups, were compared for any significant differences. Results can be found in Table 75 through Table 95.

There were no significant indirect effects for autonomy and relatedness; however, levels of competence did have a mediating effect on the relationship between the likelihood of reaching a joint-outcome based on the type of interpretation given to equality rights law. Relative to the control group (those who were not exposed to any interpretive provision), participants assigned to a differentialist or pluralist interpretation to equality had an overall lower chance of reaching a joint-outcome. This was due to the negative effect of the differentialist and pluralist interpretations on levels of competence, even though competence increased the probability of a settlement.

The three needs were then incorporated into the same model. Both one's level of autonomy and competence emerged to have mediating effects on the likelihood of reaching a joint-outcome based on the way in which equality rights was interpreted.

In terms of autonomy, those exposed to a monist, differentialist, and pluralist interpretation of equality rights law when compared to those in the control group had a greater chance of reaching a joint-outcome as a result of the negative effect of each type of interpretation on a person's level of autonomy. Lower levels of autonomy increased the likelihood of negotiating a settlement. None of the three different interpretations of equality differed significantly from one another.

Those exposed to a differentialist or pluralist approach to equality had a decreased chance of reaching an agreement as a result of the negative effect of the differentialist and pluralist approach to equality on levels of competence. Even though higher levels of competence increased the likelihood of a settlement, the overall indirect effect was offset by the negative relationship between the differentialist and pluralist approach on levels of competence.

4.4 Structure of Law on autonomy, competence, and relatedness

The structure of law can be examined in numerous ways, from the institutions that create laws, the way laws are interpreted, to the way in which the law is put into effect. This research considers the structure of law as the interaction between the construction and interpretation of equality rights law. Whereas the previous sections examined these two aspects of the law separately, the following sections explore how the combined effect of the two—how the structure of equality rights law—affects the Relational Self.

4.4.1 Participants

For this section, a sample of 272 volunteer undergraduate students was used. The sample consisted largely of women (n=205). The largest age range was 18-20 (n=194). The students were mostly of non-Caucasian descent (n=164), new Canadians (n=181),

non-Christian (n=152), and spoke English as their first language (n=151). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 7: Demographic composition of participants (study on structure of law)

	Mean	SD	N
Religious affiliation	.44	.497	272
Ethnicity	.37	.485	262
Generation status	.68	.468	267
Gender	.24	.425	268

4.4.2 Measures

To measure the structure of law, participants were exposed to either an implicit or explicit construction of equality rights law and either a monist, differentialist, or pluralist approach to equality. In total, there were six different experimental groups. Each group was primed with one of the following passages:

A) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone is equal and should be treated the same.* (implicit-monist);

B) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone is equal and differences should be preserved and protected.* (implicit-differentialist);

C) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone should be provided with an equal opportunity to participate. Some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* (implicit-pluralist);

D) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone is equal and should be treated the same.* (explicit-monist);

E) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person’s culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone is equal and differences should be preserved and protected.* (explicit-differentialist); or

F) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person’s culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone should be provided with an equal opportunity to participate. Some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* (explicit-pluralist).

Some participants were placed in a control group. This group was not exposed to any structure of law.

The dependent variable, the Relational Self (as defined by the three basic psychological needs of autonomy, competence, and relatedness) was measured in the same manner as in the previous two other sections. All three subscales were administered following the negotiation. Internal consistency, or the Cronbach alpha, ranged from .718 for autonomy, .606 for competence, to .770 for relatedness.

The outcome of the negotiation was measured by whether the participants achieved an agreement within the allotted time.

4.4.3 Descriptive Statistics

Descriptive statistics are reported in Table 8. On a scale of 1 to 6, participants generally reported above moderate levels of autonomy (M=4.44), competence (M=4.32), and relatedness (M=4.01). The three basic needs were also significantly correlated.

Table 8: Correlations for autonomy, competence, relatedness, and outcome (study on structure of law)

Construct	N	M	SD	1	2	3
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Autonomy	271	4.4489	.89501	-		
Competence	271	4.3244	.81655	.620**	-	
Relatedness	270	4.0144	.93042	.534**	.496**	-
Outcome	272	.38	.485	.225**	.286**	.277**

**p<.01

4.4.4 ANOVA Analysis

A one-way between-subjects ANOVA was used to compare the effects of the manipulation (the structure of law) on the three psychological needs associated with the Self: autonomy, competence, and relatedness. The manipulation consisted of six categories. These categories are an implicit construction and monist interpretation (implicit-monist); implicit construction and differentialist interpretation (implicit-differentialist); implicit construction and pluralist interpretation (implicit-pluralist); explicit construction and monist interpretation (explicit-monist); explicit construction and differentialist interpretation (explicit-differentialist); and explicit construction and pluralist interpretation (explicit-pluralist). A seventh category consisted of those assigned to the control group.

One main effect was found. Participants' level of competence was significantly affected by the structure of law, $F(6, 264)=3.361$, $p=.003$, $\eta^2=.071$. Specifically, all three explicit conditions as well as the implicit-monist condition differed significantly from the control group. Participants in all four of these conditions felt a greater sense of competence than those in the control group. In addition to this difference, there also existed one between the explicit-pluralist and implicit-pluralist condition. Those exposed to an explicit-pluralist structure of law felt a greater sense of competence than those exposed to the implicit variety. The mean differences are presented in Table 9.

Table 9: Mean differences of competence by structure of law type

Structure of Law	Competence
Control	3.830a

Implicit-Monist	4.513a
Implicit-Differentialist	4.237
Implicit-Pluralist	4.207b
Explicit-Monist	4.372a
Explicit-Differentialist	4.367a
Explicit-Pluralist	4.570a,b

a,b significant at CI 95%, bootstrapped at 10000

Even after controlling for the scenarios to which the participants were assigned and whether they shared the same beliefs as those in the scenarios, the original significant differences remained between the control group and the four conditions of explicit-monism, pluralism, and differentialism as well as the implicit-monist group. Similarly, the difference between the explicit- and implicit-pluralist groups remained (Table 10).

There were some additional differences that emerged albeit marginal. The explicit-pluralist and implicit-differentialist groups appeared to be different. Participants in the former felt significantly more competent than those in the latter. There was also a difference between the implicit-monist and pluralist groups. Participants in the implicit-monist group demonstrated higher levels of competence than those in the pluralist group.

Table 10: Mean differences of competence by structure of law type with controls

Structure of Law	Competence
Control	3.830a
Implicit-Monist	4.513a,d
Implicit-Differentialist	4.237c
Implicit-Pluralist	4.207b,d
Explicit-Monist	4.372a
Explicit-Differentialist	4.367a
Explicit-Pluralist	4.570a,b,c

a,b, c, d significant at CI 95%, bootstrapped at 10000

4.4.5 Mediation Analysis

To determine whether the Relational Self had a mediating effect on the odds of coming to an agreement based on the structure of law, a mediation analysis was conducted.

The mediation model employed a categorical independent variable (the structure of the law), a mediator (autonomy, competence, and/or relatedness), and a dependent variable (negotiated outcome). Because a categorical independent variable was used, it was dummy coded in two different ways.

The first manner in which the variable was dummy coded examined significant differences between each experimental group and the control group (*C*). The manipulations consisted of the implicit-monist (*C_{IM}*), implicit-differentialist (*C_{ID}*), implicit-pluralist (*C_{IP}*), explicit-monist (*C_{EM}*), explicit-differentialist (*C_{ED}*), and the explicit-pluralist (*C_{EP}*) groups. The second way in which the variable was dummy coded was to explore significant differences between each of the experimental groups.

Each of the three basic needs of the Relational Self was first independently assessed as mediators. They were then considered together.

Results for the extent to which individual levels of autonomy mediated the relationship between the structure of equality rights law and the likelihood of reaching a joint-outcome are presented in Table 104 through Table 117.

The only significant effect to emerge was in relation to an implicit-monist approach in structuring the law. Relative to the implicit-monist group, those assigned to the control group had greater odds of reaching a joint-outcome as a result of the positive effect of the absence of the law on individual levels of autonomy, which in turn increased the likelihood of a joint-outcome.

Results examining the effects of competence as a mediator can be found in Table 118 through Table 131.

Competence levels had a greater mediating effect on the structure of law and reaching a joint-outcome than levels of autonomy. Relative to the control group (the absence of any legal structure), those assigned to the implicit-monist, explicit-monist, explicit-differentialist, and explicit-pluralist groups had greater odds of reaching a joint-outcome as a result of the positive effect of the structure of law on levels of competence. The positive effect of the structure of law on competence subsequently increased the likelihood of a negotiated joint-outcome.

Though competence levels affected all these different structures of the law in a positive way in relation to the absence of the law, there was only one significant difference among the manipulations. Relative to the implicit-pluralist group, those assigned to the explicit-pluralist condition had a greater chance of reaching a joint-outcome as a result of the positive effect of explicit recognition of prohibited grounds of discrimination as interpreted in a pluralist manner on levels of competence, which in turn increased the likelihood of negotiating a solution.

Results assessing the effects of relatedness on the relationship between the structure of law and the likelihood of negotiating a joint-outcome are presented in Table 132 through Table 145.

There were no significant differences between the presence and absence of the law. However, relative to the implicit-differentialist structure of the law, those assigned to the implicit-pluralist, explicit-differentialist, and explicit-pluralist groups had greater chances of reaching a joint-outcome as a result of the positive effect of the structure of law on levels of relatedness, which in turn augmented one's chances of reaching a negotiated settlement.

There were no significant effects of relatedness between the implicit-pluralist, explicit-differentialist, and explicit-pluralist groups.

Overall, there were no mediating effects of relatedness on the presence or absence of the law in relation to reaching negotiated joint-outcomes. But if a law were in place, the least effective form would be to structure it along an implicit-differentialist manner.

The final set of results look at the mediation effect of all three needs considered simultaneously in the relationship between the structure of law and the likelihood of reaching a joint-outcome. The results can be found in Table 146 through Table 159.

There were no significant indirect effects between the levels of autonomy, competence, and relatedness among the experimental groups in relation to the control group. Significant differences, however, emerged when examining differences between the experimental groups.

Relative to the implicit-differentialist structure of the law, those assigned to the implicit-pluralist, explicit-differentialist, and explicit-pluralist groups had a greater likelihood of reaching a joint-outcome as a result of the positive effect of the structure of law on levels of relatedness, which in turn augmented one's chances of reaching a negotiated settlement. This result echoes that of the disaggregated analysis of the three basic psychological needs. What is interesting to note is that autonomy and competence disappear as mediating variables when factored together with relatedness.

There were no significant differences in levels of relatedness between the implicit-pluralist, explicit-differentialist, and explicit-pluralist groups.

4.5 Discussion

One of the central themes in the study of equality rights law has been the law's ability to encourage, foster, and protect individual autonomy. This assumes that the structure of equality rights law is in no way restrictive. But what if the way the law is designed has the opposite effect?

The law is something that is lived and experienced every day by every individual. Its capacity to structure our relations is considerable, especially in societies that place great value on the Rule of Law. From this perspective, the law should make as much sense to the ordinary Canadian as it does to a judge of the Supreme Court. So how does the structure of equality rights law shape the relationships, specifically the Self, on a daily basis?

As a daily lived experience, the law's construction does not appear to have any significant effect on the Relational Self. Explicitly listing a prohibited ground of discrimination did not make individuals feel less or more autonomous, competent, or able to engage in relationships. Whether the law explicitly or implicitly protected certain characteristics, this alone had no bearing on whether people come to resolve value-based disputes.

The ideological or philosophical underpinning of equality rights law had more of an effect than its construction. The presence of an interpretative provision, regardless of its nature (be it monist, differentialist, or pluralist), lowered levels of individual autonomy. Initially, this result seems alarming. However, with lower levels of autonomy, individuals were more likely to reach a joint-outcome.

All three interpretations, moreover, had the effect of lowering individual levels of competence. Lower levels of competence had the indirect effect of decreasing the chances for a settlement.

The law however is experienced as a structure (the combined effect of its construction and interpretation). What was found was that explicit forms of the law increased feelings of competence. By explicitly listing grounds of discrimination, for example, people have greater certitude in their position. Other than that, the structure of equality rights law demonstrated no significant effects on levels of autonomy or relatedness.

When examining the effects of the Relational Self as a mediating factor, the Relational Self demonstrated no significant effects between the various structures of law and its absence. However, relatedness—how participants perceived their ability to engage in constructive relationships—did have a mediating effect. Those exposed to an implicit-pluralist, explicit-pluralist, and an explicit-differentialist structure were more likely to come to a settlement because of higher levels of relatedness than those exposed to an implicit-differentialist structure.

So what does all this mean? If insignificant effects are considered—and this should be done with caution—the results may suggest that overall individuals are unmoved by the construction and interpretation of the law in resolving conflicts. The significant results, nevertheless, provide some interesting insight in how the law shapes the Relational Self. The most striking result, given the emphasis that is placed on autonomy in the study of law, is how equality rights law has the capacity to diminish individual autonomy. Though lower levels of autonomy increase the chances of reaching

a settlement, is a settlement premised on reducing autonomy the type of settlement that is desired? Does this type of settlement render the individual whole? Or are lower effects of autonomy simply a natural part of having to come to a compromise?

The immediate concern is for organizations whose mandate is to resolve human rights conflicts. The processes and procedures these organizations put in place in addition to the legislative mandate they are required to implement may be further rendering the complainant dependent on a system and diminishing that individual's capacity to grow.

Chapter 5: The Affective Self

5.0 Introduction

Over the past fifteen years, the study of law and emotion has considerably grown. There has been a rise in interdisciplinary scholarship bringing together law, psychology, philosophy, and neuroscience.⁴⁴⁹ The extent of the scholarship has been sufficiently rich that in 2006 a taxonomy was created.⁴⁵⁰ The research has covered numerous aspects including emotion, cognition, and legal reasoning to the importance of emotional bonds between lawyers and their clients.⁴⁵¹

The relationship between the study of law and emotion, however, has not been an easy one. A fundamental assumption in law is that reason and emotion are completely distinct dimensions. Law is rational, and is to keep emotion checked and contained.⁴⁵² This is not to suggest that the law ignores emotion. Damages for emotional harm under human rights legislation is often granted, but is perhaps the only place in the investigatory process that emotion is permitted in a generally rational approach.

The following chapter explores the Affected Self. The Affected Self is measured by the way in which the structures of law affect the positive and negative emotional states of participants. The chapter is divided into three sections. The first explores the effects of the construction of the law; the second investigates the effect of different interpretations of equality; and the third part looks at the combined effect (or the interaction) of the construction and interpretation of the law.

⁴⁴⁹ Susan Bandes, *supra* note 288; Richard H Pildes, *supra* note 288; Eric A Posner, *supra* note 288

⁴⁵⁰ T. A. Maroney, *supra* note 289.

⁴⁵¹ Richard S Lazarus, *supra* note 290; Gerald Clore, Allan Collins & A Ortony, *supra* note 290; Robert Plutchik & Henry Kellerman, *supra* note 290; Klaus R Scherer, *supra* note 290; Jeffrey A Gray, *supra* note 290; Rom Harré, *supra* note 290; Martha C Nussbaum, *supra* note 290.

⁴⁵² T. A. Maroney, *supra* note 289; Jennifer Nedelsky, *supra* note 22.

Each section provides a brief demographic description of the participants,⁴⁵³ the measures, and some descriptive statistics. Results comparing the mean results of each group are first presented followed by the mediation analysis.

All variables were screened for possible code and statistical assumption violations, as well as for missing values and outliers using a variety of frequency and explore plots, missing value analysis, and regression procedures. Multivariate outliers were screened by computing Mahalanobis distance for each case on all continuous variables.

Finally, because the independent variables are categorical in nature, a modified mediation analysis was used.⁴⁵⁴

5.1 Law and the Affective Self

The law can be studied from a variety of perspectives. My focus is to reduce equality rights law into those constituent components that appear to resonate with people when it is seen as unfair. This chapter examines the way in which the construction and interpretation of the law affects people's emotional state. People's emotional reaction (or affect) to the law is measured by their positive or negative response.

Heuristics and biases have long been documented in human decision-making. The results of such decision-making have led to judgments that deviate from those predicted

⁴⁵³ It is important to note that the data were collected in three waves. Each wave was defined by the independent variable under examination (the construction of the law, the approach to or interpretation of the law, and the structure of the law). Consequently, sample demographics vary depending on the independent variable used in each section.

⁴⁵⁴ The analysis required dummy coding each of the categories of the independent variable and assessing the mediator against each of these categories in relation to the dependent variable. The SPSS macro PROCESS was used to conduct the analysis, but had to be modified. Due to the complexity of the output and difficulty in interpretation, the analysis was kept as simple as possible as per the recommendation outlined by Hayes. For a tutorial on conducting mediation analysis with a multicategorical independent variable, see Andrew F Hayes & Kristopher J Preacher, *supra* note 444.

using a rational approach.⁴⁵⁵ Group decision-making has also been observed to lead to non-optimal decisions.⁴⁵⁶ Based on such evidence, the Self is not only rational but also an emotional being whose decisions are very much influenced by affect.

As described in the previous chapter, increased autonomy is associated with higher levels of well-being. Higher levels of autonomy are assumed to coincide with higher levels of positive affect. Therefore, implicit forms of the law, which should be associated with higher levels of autonomy, are predicted to foster increased positive affect; whereas, more explicit forms of the law are expected to generate higher levels of negative affect.

It is hypothesized that

H2: equality rights law that is more implicit in design and pluralistic in interpretation will most likely result in higher levels of positive affect and lower levels of negative. Higher levels of positive affect and lower levels of negative affect are also predicted to have a mediating effect on the likelihood of reaching joint-outcomes, increasing one's chances of reaching a settlement.

5.2 Construction of the law on positive and negative affect

The construction of equality rights law takes two forms. It is either explicit, whereby the grounds of discrimination are specifically enumerated, or it is implicit. An implicit construction of the law makes a general reference to grounds of discrimination but does not state any characteristics per se.

5.2.1 Participants

⁴⁵⁵ Amos Tversky & Daniel Kahneman, *supra* note 298; Thomas Gilovich, Dale Griffin & Daniel Kahneman, *supra* note 168; Richard H Thaler, *supra* note 168. For general discussions of the application of this literature to the law, see, among others, Cass R Sunstein, *supra* note 168; Lee Ross & Donna Shestowsky, *supra* note 168; Christine Jolls, Cass R Sunstein & Richard Thaler, *supra* note 168; Russell B Korobkin & Thomas S Ulen, *supra* note 168; Donald C Langevoort, *supra* note 168; Jeffrey J Rachlinski, *supra* note 168.

⁴⁵⁶ Daniel J Isenberg, *supra* note 299; Irving Lester Janis, *supra* note 169. For additional citations and examples, see, for example, Jeremy A Blumenthal, *supra* note 87.

For this first section, a sample of 92 volunteer undergraduate students was used. The sample consisted largely of women (n=66). The largest age range was 18-20 (n=66). The students were mostly of non-Caucasian descent (n=51), new Canadians (n=63), non-Christian (n=51), and spoke English as their first language (n=50). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 11: Demographic composition of participants (study on construction of law)

	Mean	SD	N
Religious affiliation	.45	.500	92
Ethnicity	.37	.486	91
Generation status	.72	.454	88
Gender	.27	.449	91

5.2.2 Measures

The construction of the law was measured using one the following textual primes:

A) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a characteristic or a set of characteristics* (implicit).

B) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a culture, religion, race, sex, sexual orientation, and age* (explicit).

Each participant was placed into one of two experimental groups. One group (Group A) was exposed to an implicit construction of the law, while the other group was primed with an explicit construction (Group B). A third group of participants was not exposed to any form of the law. This was the control group.

Affect was measured using two subscales: one measuring positive emotions while the other measuring negative ones. Both scales were administered following the

negotiation. Positive affect had an internal consistency Cronbach alpha of .901. Negative affect had an alpha of .649. A higher alpha means a stronger internal consistency between the questions used to compose the scale. Both scores were deemed acceptable.

In addition to positive and negative affect, the outcome of the negotiation was measured by whether the parties came to an agreement. This was a self-reported measure, but was validated by examining the recorded negotiation. Participants either came to a joint-outcome or did not within the allotted time.

5.2.3 Descriptive statistics

Participants experienced on average positive affect (M=38.67 out of a maximum score of 60), and a fairly low level of negative affect (M=17.16 out of 60). Negative affect was only correlated with outcome.

Table 12: Correlations for positive and negative affect and outcome (study on construction of law)

Construct	N	M	SD	1	2	3
Positive Affect	92	38.67	9.897	-		
Negative Affect	92	17.16	5.255	.009	-	
Outcome	92	.58	.497	-.035	-.229*	-

*p<.05

5.2.4 ANOVA Analysis

An analysis of variance (ANOVA) was used to determine whether there were any group differences between the construction of the law (explicit and implicit) and affect.

Differences in positive and negative affect between the two experimental groups (the implicit and explicit delimitation of prohibited grounds of discrimination) and the control group following negotiation revealed no statistically significant main effects.

5.2.5 Mediation Analysis

To determine whether positive and negative affect mediated the relationship between the construction of equality rights law and the likelihood of reaching a joint-

outcome, a mediation analysis was conducted. Each group (the control, implicit, and explicit groups) was compared. The results are presented in Table 160 through Table 171. Positive and negative affect did not indirectly affect the manner in which the construction of the law relates to the likelihood of reaching a joint-outcome.

5.3 Interpretations of equality on positive and negative affect

This section examines the effects of the way in which equality is interpreted on the Affective Self. The approaches or interpretations of equality were presented in three different ways. A monist interpretation considered the individual as the source of equality. A differentialist approach recognized the individual but placed primary emphasis on the collective. A pluralist understanding attempted to balance both the individual and the collective.

5.3.1 Participants

A sample of 152 volunteer undergraduate students was used for this section. The sample consisted largely of women (n=106). The largest age range was 18-20 (n=99). The students were more of non-Caucasian descent (n=93), new Canadians (n=95), non-Christian (n=78), and spoke a language other than English as their first language (n=70). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 13: Demographic composition of participants (study on interpretation of law)

	Mean	SD	N
Religious affiliation	.45	.499	141
Ethnicity	.34	.476	141
Generation status	.69	.465	138
Gender	.24	.427	139

5.3.2 Measures

The interpretation of the law was constructed using three experimental categories.

Each group was primed with one the following passages:

A) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal irrespective of their differences and should be treated the same. Regardless of one's cultural or religious background, everyone should be treated equally without preferential treatment.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (monist);

B) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal regardless of their differences and these differences should be protected. Everyone belongs to a cultural or religious community. These communities are different from one another. None of them is better or worse, and each community should be preserved and protected.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (differentialist); or

C) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone should be provided with an equal opportunity to participate. In a given community, not everyone is equal. Due to culture or religion, some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (pluralist).

A forth group was not exposed to any interpretation of the law and constituted the control group.

Positive and negative affect as well as outcome were measured and administered in the same manner as in the previous section on the construction of the law. Positive affect had an internal consistency Cronbach alpha of .907. Negative affect had an alpha of .769. A higher alpha means a stronger internal consistency between the questions used to compose the scale.

Outcome was measured by whether the participants came to a solution in the allotted time.

5.3.3 Descriptive statistics

Participants generally experienced positive affect (M=38.67 out of 60), and little negative affect (M=16.87 out of 60). None of the measures were correlated.

Table 14: Correlations for positive and negative affect and outcome (study on interpretation of law)

Construct	N	M	SD	1	2	3
Positive Affect	148	38.6689	10.3703	-		
Negative Affect	148	16.8716	5.6040	.020	-	
Outcome	152	.64	.480	-.054	-.055	-

5.3.4 ANOVA Analysis

To determine whether there were any differences between the type of interpretation used on positive and negative affect, an analysis of variance was employed. Differences in positive and negative affect between the three experimental groups (monist, differentialist, and pluralist interpretations of equality) as well as the control group following negotiation revealed no statistically significant main effects.

5.3.5 Mediation Analysis

To determine whether positive and negative affect mediated the relationship between interpretations of equality rights law and the likelihood of reaching a joint-outcome, a mediation analysis was used. Each group (the control, monist, differentialist, and pluralist groups) was compared. The results are presented in Table 172 through Table 187. Positive and negative affect did not indirectly affect the manner in which equality rights law is interpreted in relation to the likelihood of reaching a joint-outcome.

5.4 Structure of Law on positive and negative affect

This research considers the structure of law as the interaction between the construction and interpretation of equality rights law. Whereas the previous sections examined these two aspects of the law separately, the following section explores how the combined effect of the two—how the structure of equality rights law—affects the Affective Self.

5.4.1 Participants

A sample of 272 volunteer undergraduate students were used for this section. The sample consisted largely of women (n=205). The largest age range was 18-20 (n=194). The students were mostly of non-Caucasian descent (n=164), new Canadians (n=181), non-Christian (n=152), and spoke English as their first language (n=151). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 15: Demographic composition of participants (study on structure of law)

	Mean	SD	N
Religious affiliation	.44	.497	272
Ethnicity	.37	.485	262
Generation status	.68	.468	267
Gender	.24	.425	268

5.4.2 Measures

To measure the structure of law, participants were exposed to either an implicit or explicit construction of equality rights law and either a monist, differentialist, or pluralist approach to equality. In total, there were six different experimental groups. Each group was primed with one of the following passages:

A) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is*

committed to the principle that everyone is equal and should be treated the same. (implicit-monist);

B) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone is equal and differences should be preserved and protected.* (implicit-differentialist);

C) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone should be provided with an equal opportunity to participate. Some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* (implicit-pluralist);

D) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone is equal and should be treated the same.* (explicit-monist);

E) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone is equal and differences should be preserved and protected.* (explicit-differentialist);
or

F) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone should be provided with an equal opportunity to participate. Some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* (explicit-pluralist).

Some participants were placed in a control group. This group was not exposed to any structure of law.

Positive Affect was measured using a 10-item self-assessment scale. The same was done with Negative Affect. Both scales were administered following the negotiation.

Internal consistency, or the Cronbach Alpha, for Positive Affect was .930, and .810 for Negative Affect. Both scales were considered strongly reliable.

The outcome of the negotiation was measured by whether the participants achieved an agreement within the allotted time.

5.4.3 Descriptive statistics

Participants generally experienced positive affect (M=35.08 out of 60), and little negative affect (M=15.04 out of 60). Positive and negative affect were statistically correlated, as was negative affect and outcome.

Table 16: Correlations for positive and negative affect and outcome (study on structure of law)

Construct	N	M	SD	1	2	3
Positive Affect	271	35.0812	12.18472	-		
Negative Affect	258	15.0426	5.02466	.144*	-	
Outcome	272	.38	.485	-.018	-.201**	-

*p<.05

**p<.01

5.4.4 ANOVA analysis

The effects of the structure of law on affect were measured using a one-way ANOVA. The independent variable consisted of seven categories: implicit-monist, implicit-differentialist, implicit-pluralist, explicit-monist, explicit-differentialist, explicit-pluralist, and a control group. There were no main-effects for positive affect even when controlling for the position the participant was asked to defend and whether the participant shared similar beliefs as those outlined in the position.

There were however significant differences between groups when looking at levels of negative affect [$F(6, 251)=2.548, p<.021$]. Because the equal variance assumption was violated [Levene $F(6, 251)=5.830, p<.05$], an adjusted Welch and Brown-Forsythe test was used instead. Both adjustments, the Welch [$F(6,$

105.924)=3.106, $p<.008$] and the Brown-Forsythe [$F(6, 200.365)=2.574$, $p<.02$], were significant. A post-hoc Games-Howell test demonstrated significant differences in negative affect between the control group and those assigned to the implicit-monist, explicit-differentialist, and explicit-pluralist groups. In all three cases, those in the control group demonstrated higher levels of negative affect. The results are presented in Table 17.

There were also differences among some of the experimental groups. Those exposed to an implicit-monist structure of law experienced lower levels of negative affect compared to those in the explicit-monist group. The explicit-monist group was also significantly different in terms of levels of negative affect from the explicit-pluralist group. Those in the explicit-pluralist group had lower levels of negative affect than those in the explicit-monist group.

Table 17: Significant mean differences of negative affect (study on structure of law)

Structure of Law	Negative Affect
Control	16.7742a
Implicit-Monist	13.6000a,b,c,d
Implicit-Differentialist	15.3571
Implicit-Pluralist	15.6970
Explicit-Monist	16.3478b,d
Explicit-Differentialist	14.2326a
Explicit-Pluralist	13.7217a,b,c

a,b,c,d significant at CI 95%, bootstrapped at 10000

Even after controlling for the position the participant was being asked to defend and whether the participant shared similar beliefs as those outlined in the position, the same significant differences remained.

5.4.5 Mediation analysis

A mediation analysis was done to determine whether positive and/or negative affect had an effect on the relationship between the structure of law and the likelihood of reaching a joint-outcome.

The mediation model employed a categorical independent variable (the structure of the law), a mediator (positive or negative affect), and a dependent variable (negotiated outcome). Because a categorical independent variable was used, the categories constituting the structure of law were dummy coded. The categories were the following: implicit-monist (C_{IM}), implicit-differentialist (C_{ID}), implicit-pluralist (C_{IP}), explicit-monist (C_{EM}), explicit-differentialist (C_{ED}), and explicit-pluralist (C_{EP}). Affect was then assessed against each of these categories in relation to the control group (C) and subsequently in relation to each of the experimental groups.

The results of positive affect as a mediator are found in Table 188 through Table 201.

Positive affect had no significant mediation effects on the relationship between the structure of law and the likelihood of reaching a joint-outcome.

The results of negative affect as a mediator on the relationship between the structure of law and the likelihood of coming to an agreement are found in Table 202 through Table 215.

There were three significant indirect effects relative to the control group. Those assigned to the implicit-monist, explicit-differentialist, and explicit-pluralist groups had a greater chance of reaching a joint-outcome as a result of the decrease in negative affect experienced by those in the implicit-monist, explicit-differentialist, and explicit-pluralist groups, which in turn contributed to a higher likelihood of reaching an agreement.

In comparing each experimental category, the effects of negative affect in relation to the implicit-monist, explicit-differentialist, and explicit-pluralist groups did not differ significantly. The only significant difference was between the implicit- and explicit-monist categories. Relative to the implicit-monist group, those exposed to the explicit-monist structure of law had a decreased chance of reaching a joint-outcome as a result of the increase in negative affect experienced by participants.

5.5 Discussion

Given the type of emotional responses elicited by individuals who experience injustice,⁴⁵⁷ it is unusual to find that the construction and interpretation of the law have very little effect on the Affective Self.

Alone, the construction and interpretation of equality rights law did not appear to have an effect on whether individuals experienced positive or negative affect. However, the combined interaction—the structure of law—did demonstrate significant differences. This effect, however, depended on the experimental group. In reference to the control group, the presence of the law (implicit-monist, explicit-differentialist, and explicit-pluralist forms of the law) appeared to attenuate levels of negative affect. Moreover, negative affect also appeared to mediate the likelihood of reaching a joint-outcome in the presence of an implicit-monist, explicit-differentialist, or explicit-pluralist structure of the law.

In the presence of conflict, especially in disputes involving sacred values, negative emotions are part of the dynamic. The law, specifically certain structures of the law, appear to diminish the negative affect that is experienced thereby increasing the

⁴⁵⁷ Jenny M. Hoobler & Jia Hu, "A model of injustice, abusive supervision, and negative affect" (2013) 24:1 *The Leadership Quarterly* 256.

likelihood of reaching an agreement. Because the law has an effect on the Affective Self, the way the Affective Self is manipulated subsequently mediates the ability of the law to regulate conflict.

Of the three structures, the implicit-monist group experienced the lowest level of negative affect. This group is characterized by an implicit set of prohibited grounds interpreted in an individualist liberal tradition. Meaning that the grounds of discrimination can be negotiated, but they can only be interpreted in relation to the individual and not in relation to the group.

The second group in which participants demonstrated the lowest level of negative affect was the explicit-pluralist group. Unlike the implicit-monist structure, the explicit-pluralist structure enumerates each ground of discrimination and allows these grounds to be interpreted in a manner that can protect the individual or the group depending on the circumstances.

Both these structures are notably different; yet, their similar effect on negative affect may be explained by an element of flexibility imbedded within each. The implicit construction of the implicit-monist structure and the pluralist interpretation of the explicit-pluralist form may be contributing to the reduction of negative affect experienced. That being said, an individual assessment of the construction and interpretation of the law did not demonstrate any effect.

Chapter 6: The Creative Self

6.0 Introduction

The following chapter examines the effect of the structure of law on the Creative Self. The capacity for creative interactions is a core human value. It makes autonomy possible. Creativity also requires the capacity for attention, receptivity, and responsiveness. To engage in creative interaction therefore necessitates autonomy but autonomy is not sufficient to constitute creativity or the Creative Self. Human beings desire more than just autonomy. They desire the ability to create—the ability to create goods as well as the ongoing capacity for interactive self-creation.

By shifting the focus from autonomy as self-determination to a process of self-creation, the law is better placed to respond to problems that are profoundly shaped by the different type of relationships that exist. The capacity for creative interaction is not comprised of soft concepts. It has a strong meaning. It refers to the act or a series of activities that “create something new, something that...did not exist before, that was not simply determined by what preceded it, that could not have come into being but for the act of creation.”⁴⁵⁸ Through the exercise of autonomy, creation is made possible. The capacity for creativity is not boundless. It is strongly shaped by relationships that encourage and discourage the act. These types of relationships are largely out of individual control; nevertheless, the capacity to interact with delimiting relationships remains with the person.

This chapter explores the Creative Self to the extent that it seeks to examine how individuals perceive their ability to interact with problems in a creative manner. Whether individuals are coming up with creative solutions is less important than their own

⁴⁵⁸ Jennifer Nedelsky, *supra* note 22.

perception of doing so as it indicates their own desires to engage in creative interaction.

The Creative Self for the purposes of this research is the perception individuals have of their capacity and ability to be attentive, receptive, and responsive in solving a problem with other people.

Since the data were collected in three waves,⁴⁵⁹ a brief demographic description is provided for each section, as are the measures, and some descriptive statistics. The results are then presented. The first set of results compare mean differences between the different structures of the law and its effect on the Creative Self. The second set of results are those from the mediation analysis⁴⁶⁰ where we examine the effect of the Creative Self on the relationship between the different structures of law and the likelihood of reaching a negotiated settlement.

All variables were screened for possible code and statistical assumption violations, as well as for missing values and outliers using a variety of frequency and explore plots, missing value analysis, and regression procedures. Multivariate outliers were screened by computing Mahalanobis distance for each case on all continuous variables.

6.1 Law and the Creative Self

Creativity is one of the three elements that constitute the Relational Self. Laws that prevent individuals from fostering creative capacities are considered functionally

⁴⁵⁹ Each wave was defined by the independent variable under examination (the construction of the law, the approach to or interpretation of the law, and the structure of the law). Consequently, sample demographics vary depending on the independent variable used.

⁴⁶⁰ Because the independent variables are categorical in nature, a modified mediation analysis was used. The analysis required dummy coding each of the categories of the independent variable and assessing the mediator against each of these categories in relation to the dependent variable. The SPSS macro PROCESS was used to conduct the analysis, but had to be modified. Due to the complexity of the output and difficulty in interpretation, the analysis was kept as simple as possible as per the recommendation outlined by Hayes. For a tutorial on conducting mediation analysis with a multicategorical independent variable, see Andrew F Hayes & Kristopher J Preacher, *supra* note 444.

binding depriving the individual and society from building constructive and mutually supporting relationships.⁴⁶¹ The motivational approach to the study of creativity has found that intrinsic motivation is essential for the creative process. Regardless of ability and knowledge, if individuals are not intrinsically motivated to engage in the creative process, creativity will not emerge.⁴⁶²

Extrinsic rewards, however, do not always have an adverse effect on creativity. Providing individuals with incentives that target a particular creative aspect that will be subsequently judged increases creative performance.⁴⁶³ A meta-analysis of these findings suggests that extrinsic rewards enhance creativity where subjects are specifically given instructions to perform creatively on a given task. In the absence of such instructions, extrinsic incentives decrease creativity. However, when the provision of instructions is controlled, as is the reward, performance metrics appear to explain the effect. These results suggest that in the absence of instructions, people become risk averse and demonstrate little creative insight. When provided the metric upon which they will be judged, people then strive to do well on that metric especially when a reward is put in place.⁴⁶⁴ Rewards contingent on task performance do not undermine intrinsic task interest; whereas, rewards provided for task completion do.⁴⁶⁵ Effective use of extrinsic rewards increases the individual sense of competence without generating feelings of control, while incentives that are perceived as controlling have the opposite effect and consequently reduce levels of creativity.⁴⁶⁶ It is therefore hypothesized that

⁴⁶¹ Jennifer Nedelsky, *supra* note 22.

⁴⁶² Jing Zhou & Christina E. Shalley, *supra* note 302.

⁴⁶³ Christopher Buccafusco, et al., *supra* note 303.

⁴⁶⁴ Robert Eisenberger & Linda Shanock, *supra* note 314.

⁴⁶⁵ *Ibid.*

⁴⁶⁶ Gregory N. Mandel, *supra* note 304.

H3: equality rights law that is more explicit in design and monist or differentialist in interpretation will most likely result in higher levels of overall self-perceived creativity. Higher levels of creativity are also predicted to positively affect the relationship between the structure of law and reaching joint-outcomes in valued-based disputes.

6.2 Construction of the law on creativity

The construction of equality rights law takes two forms. It is either explicit, whereby the grounds of discrimination are specifically enumerated, or it is implicit. An implicit construction of the law makes a general reference to grounds of discrimination but does not state any characteristics per se.

6.2.1 Participants

For this first section, a sample of 92 undergraduate volunteer students was used. The sample consisted largely of women (n=66). The largest age range was 18-20 (n=66). The students were mostly of non-Caucasian descent (n=51), new Canadians (n=63), non-Christian (n=51), and spoke English as their first language (n=50). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 18: Demographic composition of participants (study on construction of law)

	Mean	SD	N
Religious affiliation	.45	.500	92
Ethnicity	.37	.486	91
Generation status	.72	.454	88
Gender	.27	.449	91

6.2.2 Measures

The construction of the law was measured using one the following textual primes:

A) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a characteristic or a set of characteristics* (implicit).

B) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a culture, religion, race, sex, sexual orientation, and age* (explicit).

Each participant was placed into one of two experimental groups. One group (Group A) was exposed to an implicit construction of the law, while the other group was primed with an explicit construction (Group B). A third group of participants was not exposed to any form of the law. This was the control group.

The creativity scale was comprised of nine items added together to provide a global score. The higher the score, the more the participant felt creative. The highest possible score was 54. The scale demonstrated strong internal consistency with a Cronbach alpha of .923. It was administered following the negotiation.

In addition to the measure of self-perceived creativity, the outcome of the negotiation was measured by examining whether the parties came to an agreement. This was a self-reported measure, but was validated by examining the recorded negotiation. Participants either came to a joint-outcome or did not within the allotted time.

6.2.3 Descriptive statistics

Table 19 provides some general descriptive statistics on the variables used. Participants felt generally creative in the way they dealt with the conflict with an overall mean of 37.34 (SD=11.837) of a possible mean score of 54. Creativity and outcome were found to be significantly related.

Table 19: Correlations for creativity and outcome (study on construction of law)

Construct	N	M	SD	1	2
Creativity	92	37.34	11.837	-	
Outcome	92	.58	.497	.282**	-

**p<.01

6.2.4 ANOVA Analysis

To test whether an implicit construction of the law (as it allows individuals to self-identify) encourages higher levels of creativity in resolving conflict, reported levels of creativity following negotiation were analyzed by means of a one-way ANOVA with two structures of anti-discrimination law (implicit and explicit recognition of prohibited grounds of discrimination) and a control group. No main-effects were found.

6.2.5 Mediation Analysis

Creativity as a mediator was examined using the SPSS macro PROCESS. Each of the experimental groups was dummy coded and compared against the control group (C). The implicit (C_I) and explicit (C_E) groups were then compared against each other. The results are presented in Table 216 through Table 221.

No significant effects were found to suggest that creativity mediated the relationship between the likelihood of reaching a joint-outcome based on the way the law is constructed.

6.3 Interpretation of equality on creativity

The following section explores the way the interpretation of the law affects self-perceived creativity. In law, equality rights have been interpreted in predominantly three different ways. The first is the monist approach, which considers the rights of the individual at its core. The second is the differentialist approach. Differentialism recognizes the individual but places the collective at the forefront. Finally, there is the pluralist approach. Pluralism is rooted primarily in the individual rights tradition but recognizes collective rights in an attempt to balance the two.

6.3.1 Participants

A sample of 152 volunteer undergraduate students was used for this section in exchange for course credit. The sample consisted largely of women (n=106). The largest age range was 18-20 (n=99). The students were more of non-Caucasian descent (n=93), new Canadians (n=95), non-Christian (n=78), and spoke a language other than English as their first language (n=70).

Table 20: Demographic composition of participants (study on interpretation of law)

	Mean	SD	N
Religious affiliation	.45	.499	141
Ethnicity	.34	.476	141
Generation status	.69	.465	138
Gender	.24	.427	139

6.3.2 Measures

The interpretation of the law was constructed using three experimental categories.

Each group was primed with one the following passages:

A) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal irrespective of their differences and should be treated the same. Regardless of one's cultural or religious background, everyone should be treated equally without preferential treatment.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (monist);

B) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal regardless of their differences and these differences should be protected. Everyone belongs to a cultural or religious community. These communities are different from one another. None of them is better or worse, and each community should be preserved and protected.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (differentialist); or

C) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone should be provided with an equal opportunity to participate. In a given community, not everyone is equal. Due to culture or religion, some people may find it more difficult to participate in society. Those who find it more difficult to participate*

should be given additional support in order to do so. In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (pluralist).

A forth group was not exposed to any interpretation of the law and constituted the control group.

The nine items forming the creativity scale demonstrated strong internal consistency with a Cronbach alpha of .901. Like in the previous section, it was administered following the negotiation.

Outcome was measured by whether the participants came to a solution in the allotted time.

6.3.3 Descriptive statistics

Similarly to the previous sections, participants generally considered their efforts in resolving the conflict creative with an overall mean of 36.99 (SD=9.174). Creativity and outcome were also found to be significantly related.

Table 21: Correlations for creativity and outcome (study on interpretation of law)

Construct	N	M	SD	1	2
Creativity	147	36.9864	9.1741	-	
Outcome	152	.64	.480	.279**	-

**p<.01

6.3.4 ANOVA Analysis

To test group differences between the effects of the interpretive approach to equality rights law on creativity, a one-way analysis of variance was used. Three interpretations of equality rights law (a monist, differentialist, and pluralist approach) and a control group were compared. No significant effects were found.

6.3.5 Mediation Analysis

Creativity as a mediator was examined using a mediation analysis. Each category of the independent variable was dummy coded and compared against the control group (C). The monist (C_M), differentialist (C_D), and pluralist (C_P) groups were then compared against each other. The results can be found in Table 222 through Table 229. No significant effect was found to suggest that creativity mediated the relationship between the likelihood of reaching a joint-outcome based on how equality rights law was interpreted.

6.4 Structure of Law on creativity

This section explores the combined affect of the construction and interpretation of law (the structure of law) on individual assessments of creativity.

6.4.1 Participants

A sample of 272 volunteer undergraduate students were used in this section. The sample consisted largely of women (n=205). The largest age range was 18-20 (n=194). The students were mostly of non-Caucasian descent (n=164), new Canadians (n=181), non-Christian (n=152), and spoke English as their first language (n=151). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 22: Demographic composition of participants (study on structure of law)

	Mean	SD	N
Religious affiliation	.44	.497	272
Ethnicity	.37	.485	262
Generation status	.68	.468	267
Gender	.24	.425	268

6.4.2 Measures

To measure the structure of law, participants were exposed to either an implicit or explicit construction of equality rights law and either a monist, differentialist, or pluralist approach to equality. In total, there were six different experimental groups. Each group was primed with one of the following passages:

A) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone is equal and should be treated the same.* (implicit-monist);

B) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone is equal and differences should be preserved and protected.* (implicit-differentialist);

C) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a characteristic or set of characteristics...The University is committed to the principle that everyone should be provided with an equal opportunity to participate. Some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* (implicit-pluralist);

D) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone is equal and should be treated the same.* (explicit-monist);

E) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone is equal and differences should be preserved and protected.* (explicit-differentialist);
or

F) Discrimination means a distinction—intentional or unintentional, direct or indirect—*because of a person's culture, religion, race, ethnic origin, place of origin, colour, sex, sexual orientation, gender identity, age, marital status, family status, or disability...The University is committed to the principle that everyone should be provided with an equal opportunity to participate. Some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* (explicit-pluralist).

Some participants were placed in a control group. This group was not exposed to any structure of law.

The nine items forming the creativity scale was administered following the negotiation. It demonstrated strong internal consistency with a Cronbach alpha of .917.

The outcome of the negotiation was measured by whether the participants achieved an agreement within the allotted time.

6.4.3 Descriptive statistics

Table 23 provides some general descriptive statistics on the variables used. Participants felt generally creative in the way they dealt with the conflict with an overall mean of 37.08 out of 54 (SD=9.19).

Table 23: Correlations for creativity and outcome (study on structure of law)

Construct	N	M	SD	1	2
Creativity	269	37.0818	9.18715	-	
Outcome	272	.38	.485	.174**	-

**p<.01

6.4.4 ANOVA analysis

To test the effect of the structures of law on levels of creativity, a one-way analysis of variance was employed. Six structures of law (an implicit-monist, implicit-differentialist, implicit-pluralist, explicit-monist, explicit-differentialist, and explicit-pluralist structure) and a control group were compared. No significant effects were found.

6.4.5 Mediation analysis

A mediation analysis was used to determine whether levels of creativity mediated the relationship between different structures of law and the likelihood of reaching a joint-outcome. The mediation model employed a categorical independent variable (the structure of the law), a mediator (self-perceived creativity), and a dependent variable

(negotiated outcome). Because a categorical independent variable was used, each category was dummy coded. The categories used were the following: implicit-monist (C_{IM}), implicit-differentialist (C_{ID}), implicit-pluralist (C_{IP}), explicit-monist (C_{EM}), explicit-differentialist (C_{ED}), and explicit-pluralist (C_{EP}). Creativity was then assessed against each of these categories in relation to the control group (C) and subsequently in relation to each of the experimental groups.

The results of creativity as a mediator are found in Table 230 through Table 243.

Relative to the control group (those assigned to a group not exposed to any form of law), participants in the implicit-pluralist group had a reduced chance of reaching a joint-outcome as a result of lower levels of creativity, which in turn increased the likelihood of failing to reach a negotiated settlement.

There was also a significant difference between the implicit- and explicit-pluralist groups. Relative to those assigned to the implicit-pluralist group, those assigned to the explicit-pluralist group had an increased chance of reaching a joint-outcome as a result of higher levels of creativity, which in turn increased the probability of successfully negotiating an agreement.

6.5 Discussion

Over the past several years, there has been increasing interest in how the law affects creativity. Most of this research has focused on intellectual property rights.⁴⁶⁷ Creativity, however, is experienced in a variety of ways and not just for the purpose of protecting business advantage and profits. Creativity is in part a cognitive process by which individuals attempt to develop solutions to problems. It is also the expression of a solution that meets certain characteristics that make it novel and innovative. Thus, not

⁴⁶⁷ Christopher Buccafusco, et al., *supra* note 303; Gregory N. Mandel, *supra* note 304.

every solution is creative.

This study somewhat deviates from the norm in creativity research. Rather than examining whether the solution is in fact creative, or the effects of the law as an incentive in promoting creativity, it seeks to understand whether the structure of law foster creative interaction. Irrespective of whether the outcome was judged to be creative, the interest was to see whether participants saw themselves engaged in creative thinking. Without feeling creative, an individual may be restricted in his or her ability to grow as autonomous beings. This is particularly important in disputes over sacred matters such as in human rights conflicts.

There is little evidence to suggest that equality rights law in part and in combination has much effect on creativity. No differences between various constructions or interpretations of the law were found to have an effect on levels of perceived creativity. Nevertheless, creativity was found to have a mediating effect. Participants exposed to an implicit-pluralist structure exhibited lower levels of creativity than those in the control group, which consequently reduced their chance of coming to a joint-solution.

It is perhaps important to recall that there are numerous ways in which people experience extrinsic regulation. As individuals move from external regulation (behaviour that is induced by extrinsic demands) to integrated regulation (behaviour that is promoted by a desired outcome aligned with internal values but is not intrinsically self-determined), their performance and output become increasingly creative.⁴⁶⁸

An implicit-pluralist structure of the law, in this case, may initially seem to encourage internal values thereby moving participants toward an integrated regulatory form of motivation. Evidently there was something about this structure of law that

⁴⁶⁸ Gregory N. Mandel, *supra* note 304.

dampened perceived creativity resulting in lower chances of reaching a solution. Perhaps the structure was too vague, and did not offer sufficient guidance in resolving the dispute. Extrinsic rewards enhance creativity where subjects are specifically given instructions to perform creatively on a given task.⁴⁶⁹ If that was the case, those not exposed to any structure of law should have demonstrated even lower levels than those exposed to an implicit-pluralist structure.

The results remain ambiguous. This could stem from the artificial disaggregation of creativity from autonomy. As Nedelsky suggests, creative interaction requires autonomy rendering autonomy as an expression of self-creation. Since the law has an effect on autonomy, the law should also demonstrate a more pronounced effect on creativity. The link between autonomy and creativity is known.⁴⁷⁰ How this link is affected by such extrinsic factors such as the law may help better understand the law's relationship with the Creative Self.

For now, what is instructive about these results is that of all the structures, self-perceived creativity appears to affect the relationship between the law and the likelihood of reaching an agreement when the law is structured in a highly flexible manner—a manner that allows for inclusion and contextual interpretation. If this is a desirable structure, then what is it about the structure that affects creativity in a manner that reduces the chances of resolving problems? It may be the interaction between autonomy and creativity.

⁴⁶⁹ Robert Eisenberger & Linda Shanock, *supra* note 314.

⁴⁷⁰ Mark d'Inverno & Michael Luck, "Creativity Through Autonomy and Interaction" (2012) 4:3 Cognitive Computation 332.

Chapter 7: The Role of Religion, Race, Generation, and Gender

7.0 Introduction

The interaction between religion, race, generational differences, gender and law has been well studied and documented over the past several years. Seminal works⁴⁷¹ have demonstrated the need to employ an intersectional analysis as a result of the layered nature of power in the relations that structure the law. This chapter explores the interaction effects of religion, race, generational status, and gender on law from a quantitative perspective. In brief, these four variables are added to the structure of law to see whether the combined effect interacts in a particular way as to affect the Relational, Affective, and Creative Self.

The following chapter is divided into four sections. Each section explores the interaction effects of one of the four variables in relational to the construction and interpretation of the law on the Relational, Affective, and Creative Self. Only those results that are significant have been reported.

A two-way analysis of variance (ANOVA) was used to test the interaction effects of religious affiliation, race, generational status, and gender and the structure of law on the Relational, Affective, and Creative Self.

Data were collected in three waves. Each wave was defined by the independent variable under examination (the construction of the law, the approach to or interpretation of the law, and the structure of the law). Consequently, sample demographics vary depending on the independent variable used.

All variables were screened for possible code and statistical assumption violations, as well as for missing values and outliers using a variety of frequency and

⁴⁷¹ Catharine A MacKinnon, *supra* note 102; Sherene H. Razack, *supra* note 383.

explore plots, missing value analysis, and regression procedures. Multivariate outliers were screened by computing Mahalanobis distance for each case on all continuous variables.

7.1 Religious Affiliation and...

Religion has presented a unique challenge in the interpretation of the Charter and equality rights law.⁴⁷² Lampron for example argues that the way in which the Charter has been interpreted provides a certain status to religion as a prohibited ground of discrimination that sets it apart from all the other equality rights. Part of the rationale is that religion is so fundamental in shaping our worldview that it goes deeper than any personal characteristic.⁴⁷³ If religion has such a profound effect on the way in which individuals shape their lives, it must thus interact with the way we understand the law. Much of Western law also originates in the Christian tradition. Its focus on individual autonomy, for example, stems from a cultural tradition of interpreting the origins of law within a context dominated by norms shaped by Christian institutions and cultural practices.⁴⁷⁴ Those most likely to identify as Christian are also probably more likely to respond positively to a structure of law that is attuned with an interpretation consistent with their cultural habitus. Based on this tradition – a tradition that is highly codified, explicit, and premised on a formalist approach to equality – it is hypothesized that:

H4: persons self-identifying as Christian will exhibit higher levels of autonomy, competence, relatedness, positive affect, and creativity and lower levels of negative affect when exposed to an implicit and monist structure of law compared to non-Christians.

7.1.1 ...the construction of the law on the Relational Self

⁴⁷² Louis-Philippe Lampron, *supra* note 21.

⁴⁷³ *Ibid.*

⁴⁷⁴ Immanuel Kant & Paul Guyer, *Critique of pure reason* (Cambridge: Cambridge University Press, 1998).

Religious affiliation, which indicates identification more than how a person experiences that identification, demonstrates a variety of interactions. The following section describes how religious affiliation was found to interact with both the construction and interpretation of the law on the Relational and Creative Selves.

In terms of the Relational Self, religious affiliation only interacted with the construction of the law on levels of competence. The construction of equality rights law comes in two forms. The first is explicit, whereby the grounds of discrimination are specifically enumerated. The second type of construction is one that takes implicit form. An implicit construction of the law makes a general reference to grounds of discrimination but does not explicitly state any characteristic.

7.1.1.1 Participants

A sample of 92 volunteer undergraduate students were used for this analysis. The sample consisted largely of women (n=66). The largest age range was 18-20 (n=66). The students were mostly of non-Caucasian descent (n=51), new Canadians (n=63), non-Christian (n=51), and spoke English as their first language (n=50). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 24: Demographic composition of participants (study on construction of law)

	Mean	SD	N
Religious affiliation	.45	.500	92
Ethnicity	.37	.486	91
Generation status	.72	.454	88
Gender	.27	.449	91

7.1.1.2 Measures

At the beginning of the experiment, participants were asked to identify their religion. They had numerous options to choose from, as well as the option of inserting a religion not listed.⁴⁷⁵ Religious affiliation was subsequently derived by examining the distribution, and collapsing religions into two principal categories: Christian and non-Christian. The non-Christian group included those who identified not having any religion.

The construction of the law was measured using one the following textual primes:

A) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a characteristic or a set of characteristics* (implicit).

B) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a culture, religion, race, sex, sexual orientation, and age* (explicit).

Each participant was placed into one of two experimental groups. One group (Group A) was exposed to an implicit construction of the law, while the other group was primed with an explicit construction (Group B). A third group of participants was not exposed to any form of the law. This was the control group.

Three basic psychological needs were used as proxy measures for the Relational Self: autonomy, competence, and relatedness. Each of these needs was comprised of a number of questions. Autonomy consisted of seven questions, competence was six questions, and relatedness was created from eight questions.⁴⁷⁶ When a scale is created, it is then checked for internal consistency or reliability. Reliability is the extent to which the questions that comprise the scale are measuring the same concept. This is measured through a Cronbach alpha score. The Cronbach alpha in this sample ranged from .725 for

⁴⁷⁵ Religions listed were taken from the 2011 Census used by Statistics Canada.

⁴⁷⁶ See Appendix B.

autonomy, .606 for competence, to .815 for relatedness. A higher alpha (an alpha score close to 1.0) means a stronger internal consistency between the questions used to compose the scale.

7.1.1.3 ANOVA Analysis

To determine whether different constructions of the law had any effects on the Relational Self as defined by three basic needs (autonomy, competence, and relatedness) an analysis of variance was used. There were no statistically significant interaction effects of the construction of the law and religious affiliation on needs related to autonomy and relatedness. There did however exist an interaction effect between the construction of the law and religious affiliation on levels of competence.

Reported levels of competence following negotiation were analyzed by means of a two-way between subjects ANOVA with two structures of equality rights law (implicit and explicit recognition of prohibited grounds of discrimination) and a control group (the absence of any law) and two levels of religious affiliation (Christian and non-Christian). The relevant means are found in Table 25 and Table 26, as well as depicted in Figure 5.

The interaction effect, $F(2, 86)=3.621$, $p<0.05$, partial $\eta^2=.078$, was analyzed using simple effects analysis and the LSD test.⁴⁷⁷ The statistically significant interaction is not explained by differences among Christians or non-Christians, but rather between the two groups. The statistically significant difference found was between Christians and non-Christians in response to an implicit construction of the law. Non-Christians reported statistically significant higher levels of competence than Christians.

⁴⁷⁷ An LSD or least significant difference test is a *t* test that makes “all possible pairwise comparisons of group means following a statistically significant omnibus *F* test. This test is the most liberal (i.e., it has relatively high statistical power and a greater likelihood of committing a Type I error)” (see Lawrence S Meyers, Glenn Gamst & AJ Guarino, *supra* note 438 at 427). For exploratory research such as this, where statistical power is of primary concern, the LSD test is recommended (*ibid* at 430).

Table 25: Differences between construction of law by religious affiliation on competence

Religion	Construction of the Law								
	Absence			Implicit			Explicit		
	M	SD	N	M	SD	N	M	SD	N
Christian	4.65	.911	12	3.99	.740	12	4.31	.761	17
Non-Christian	4.06	1.078	21	4.58	.702	16	3.98	.949	14

Note: bootstrapped at 10000

Table 26: Simple Effects of interaction effect of construction of the law and religious affiliation on competence

Construction of law	Religious Affiliation							
	Christian				Non-Christian			
	M	SD	N		M	SD	N	
Control group	4.65	0.911	12		4.06	1.078	21	
Implicit presence of law	3.99*	0.740	12		4.58*	0.702	16	
Explicit presence of law	4.31	0.761	17		3.98	0.949	14	

*p<.05, significant at CI 95%, bootstrapped at 10000

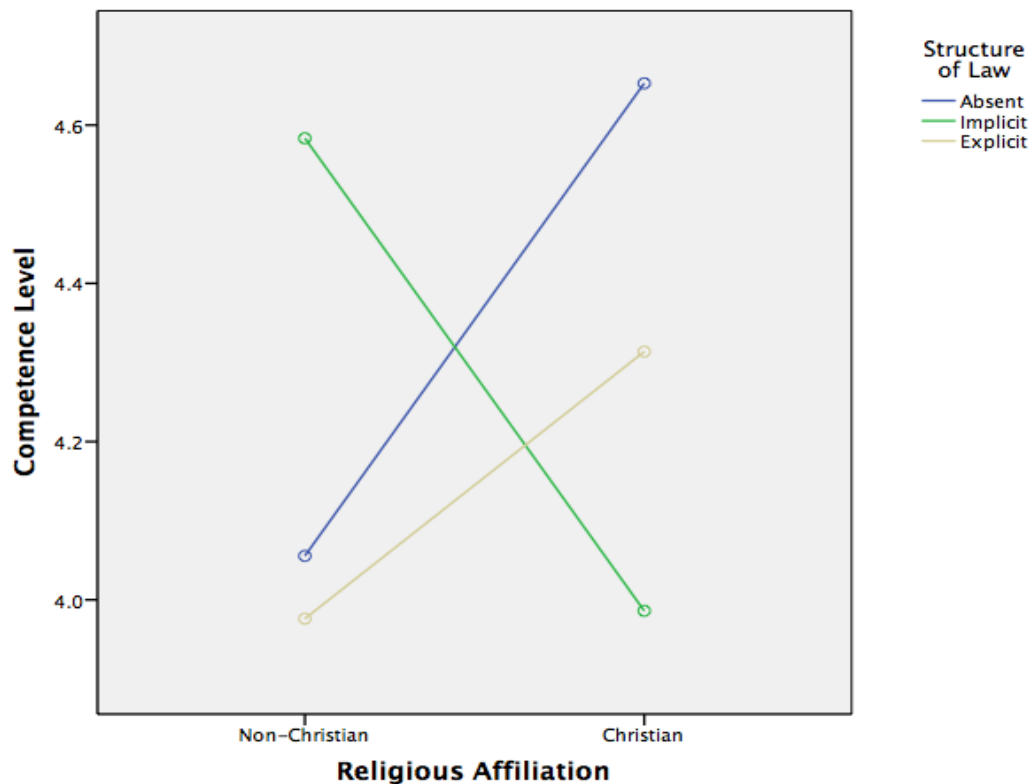


Figure 5: Interaction effect between construction of law and religious affiliation on competence

The interaction $F(2, 84)=3.682$, $p<.05$, partial $\eta^2=.081$, between the construction of the law and religious affiliation remained even after controlling for the scenario imposed on the participants and the degree to which the participants shared the beliefs they were being asked to defend. Non-Christians reported higher levels of competence compared to Christians when the law did not explicitly refer to various grounds of discrimination.

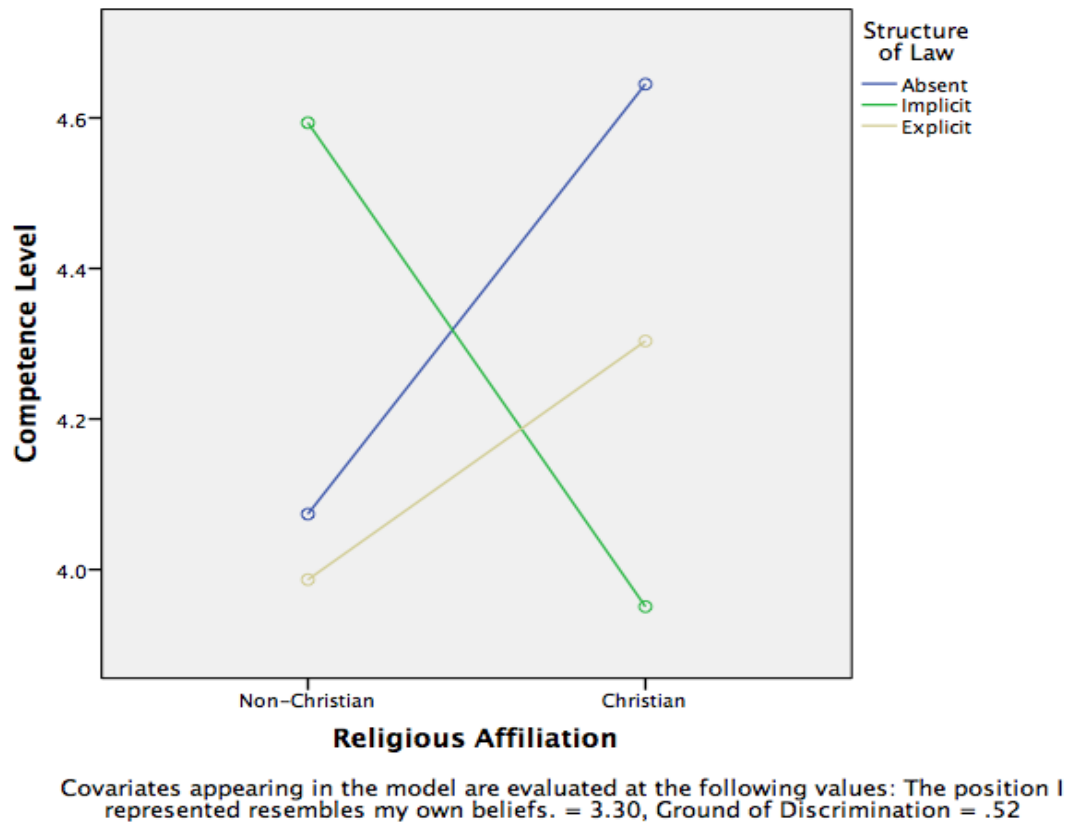


Figure 6: Interaction effects of law's construction and religious affiliation on competence with controls

7.1.2 ...the construction of the law on the Creative Self

The Creative Self was also affected by an interaction effect between religious affiliation and the construction of the law.

7.1.2.1 Measures

Religious affiliation was measured in the same manner as in the previous section. Participants were asked to self-identify their religion. They were then divided into two groups: Christian and non-Christian.

Creativity was measured using a nine items scale that was added together to provide a global score.⁴⁷⁸ The higher the score, the more the participant felt creative. The highest possible score was 54. The scale demonstrated strong internal consistency with a Cronbach alpha of .923.

7.1.2.2 ANOVA Analysis

To test whether religious affiliation interacted with the construction of the law on levels of self-perceived creativity in resolving conflict, reported levels of creativity following negotiation were analyzed by means of a one-way ANOVA with two structures of anti-discrimination law (implicit and explicit recognition of prohibited grounds of discrimination), a control group, and two levels of religious affiliation (Christian and non-Christian).

An interaction effect emerged between the law's construction and religious affiliation on levels of creativity. The interaction effect, $F(2, 86)=3.814$, $p<.026$, partial $\eta^2=.081$, was analyzed using simple effects analysis and the LSD test. The relevant means can be seen in Table 27 and Table 28 and illustrated in Figure 7. The statistically significant interaction was a function of significant differences between Christians and non-Christians in the control group, and marginal differences in the explicit group. Christians reported higher levels of creativity compared to non-Christians in both the control and explicit groups.

⁴⁷⁸ See Appendix B.

Table 27: Simple effects of levels of creativity by religious affiliation and the construction of the law

Religious affiliation	Structure of law								
	Control			Implicit presence of law			Explicit presence of law		
	M	SD	N	M	SD	N	M	SD	N
Christian	44.67	10.982	12	34.42	11.689	12	39.06	11.945	17
Non-Christian	35.00	12.763	21	40.25	9.176	16	31.64	11.147	14

Note: bootstrapped at 10000

Table 28: Simple effects of levels of creativity by the construction of law and religious affiliation

Structure of law	Religious affiliation					
	Christian			Non-Christian		
	M	SD	N	M	SD	N
Control	44.67a	10.982	12	35.00a	12.763	21
Implicit presence of law	34.42	11.689	12	40.25	9.176	16
Explicit presence of law	39.06b	11.945	17	31.64b	11.147	14

a= $p < .05$, significant at CI 95%, bootstrapped at 10000

b= $p < .1$, significant at CI 95%, bootstrapped at 10000

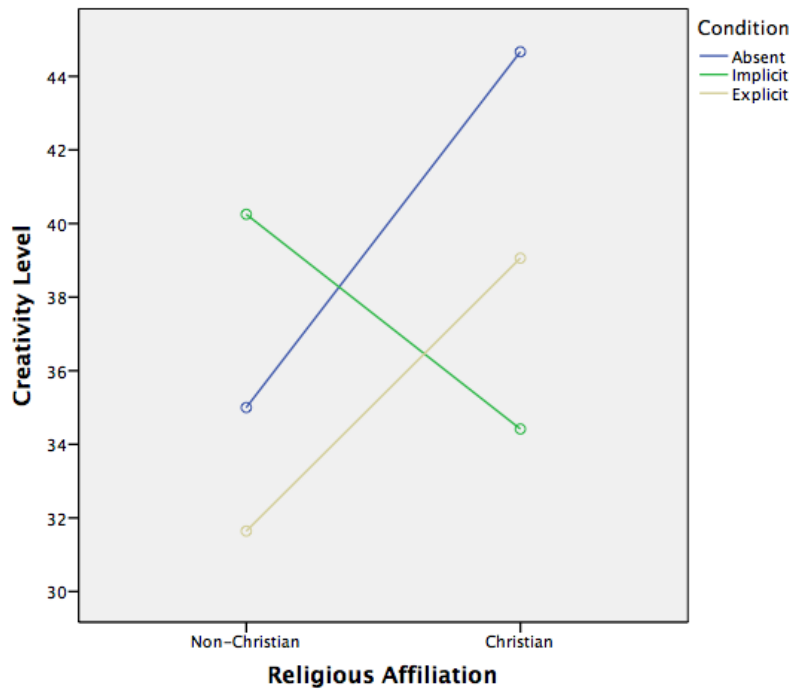


Figure 7: Interaction effects of law's construction and religious affiliation on creativity

The interaction $F(2, 84) = 4.488$, $p = .014$, partial $\eta^2 = .097$, between the manner in which the law recognizes protected characteristics and religious affiliation remained

though slightly changed after controlling for the position participants were asked to defend and whether they actually shared the same beliefs as those expressed in the scenario.

The interaction effect was a function of Christians having reported higher levels of creativity in the absence of the law compared to the implicit presence of the law.

The interaction can also be explained by marginal significant differences between Christians and non-Christians within the control and implicit groups. Christians reported significantly higher levels of creativity in the absence of the law than non-Christians. Whereas, non-Christians reported higher levels of creativity when human rights grounds were presented in an implicit manner compared to Christians (as presented in Table 29 and Table 30 and shown in Figure 8).

Table 29: Simple effects of levels of creativity by religious affiliation and construction of law controlling for position and beliefs

Religious affiliation	Structure of law								
	Control			Implicit presence of law			Explicit presence of law		
	M	SD	N	M	SD	N	M	SD	N
Christian	44.67*	10.982	12	34.42*	11.689	12	39.06	11.945	17
Non-Christian	35.00	12.763	21	40.25	9.176	16	31.64	11.147	14

*p<.05 (.040), significant at CI 95%, bootstrapped at 10000

Table 30: Simple effects of levels of creativity by construction of law and religious affiliation controlling for position and beliefs

Structure of law	Religious affiliation					
	Christian			Non-Christian		
	M	SD	N	M	SD	N
Control	44.67a	10.982	12	35.00a	12.763	21
Implicit	34.42b	11.689	12	40.25b	9.176	16
Explicit	39.06b	11.945	17	31.64b	11.147	14

a=p<.1 (.052), significant at CI 95%, bootstrapped at 10000

b=p<.1 (.051), significant at CI 95%, bootstrapped at 10000

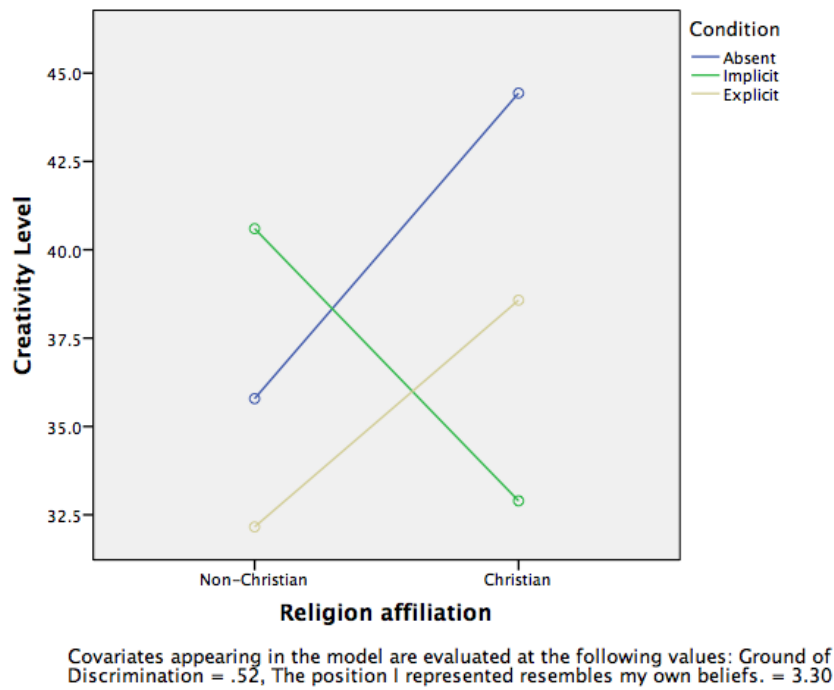


Figure 8: Interaction effects of law's construction and religious affiliation on creativity

7.1.3 ...the interpretation of the law on the Creative Self

Religious affiliation did not only interact with the way equality rights law is constructed, but also with the way in which the law is interpreted. This interaction was notable on the Creative Self.

7.1.3.1 Participants

A sample of 152 volunteer undergraduate students was used for this analysis. The sample consisted largely of women (n=106). The largest age range was 18-20 (n=99). The students were more of non-Caucasian descent (n=93), new Canadians (n=95), non-Christian (n=78), and spoke a language other than English as their first language (n=70).

Table 31: Demographic composition of participants (study on interpretation of law)

	Mean	SD	N
Religious affiliation	.45	.499	141
Ethnicity	.34	.476	141
Generation status	.69	.465	138

Gender	.24	.427	139
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7.1.3.2 Measures

Religious affiliation was measured as in the previous section by grouping participants into two categories (Christian and non-Christian) based on how they self-identified.

The interpretation of the law was constructed using three experimental categories. Each group was primed with one the following passages:

A) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal irrespective of their differences and should be treated the same. Regardless of one's cultural or religious background, everyone should be treated equally without preferential treatment.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (monist);

B) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal regardless of their differences and these differences should be protected. Everyone belongs to a cultural or religious community. These communities are different from one another. None of them is better or worse, and each community should be preserved and protected.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (differentialist); or

C) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone should be provided with an equal opportunity to participate. In a given community, not everyone is equal. Due to culture or religion, some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (pluralist).

A forth group was not exposed to any interpretation of the law and constituted the control group.

Creativity was measured using a nine items scale that was added together to provide a global score.⁴⁷⁹ The higher the score, the more the participant felt creative. The highest possible score was 54. The scale demonstrated strong internal consistency with a Cronbach alpha of .901.

7.1.3.3 ANOVA Analysis

To test group differences between the interaction effects of the interpretive approach to equality rights law and religious affiliation on creativity, a one-way analysis of variance was used. Three interpretations of equality rights law (a monist, differentialist, and pluralist approach) and a control group were compared with two categories of religious affiliation (Christian and non-Christian) on levels of creativity.

Based on this analysis, there was a significant interaction effect. The interaction effect, $F(3, 139) = 2.849$, $p = .04$, partial $\eta^2 = .058$, was analyzed using simple effects analysis and the LSD test. The relevant means are presented in Table 32 and Table 33 and depicted in Figure 9. The interaction effect marginally failed the test of equality of error variances $F(7, 139) = 2.738$, $p = .011$, but was corrected using a Welch and Brown-Forsythe test.

The interaction effect was a function of differences among the Christian group. Christians in the control group felt a greater sense of creativity in resolving the conflict than those exposed to a monist or differentialist understanding of equality (see Table 32).

Table 32: Simple effects of levels of creativity by religious affiliation and law's interpretation

Religious affiliation	Interpretation of law											
	Control			Monism			Differentialism			Pluralism		
	M	SD	N	M	SD	N	M	SD	N	M	SD	N
Christian	44.667a,b	10.982	12	36.381a	8.028	21	35.927b	5.225	14	39.353	8.881	17
Non-Christian	35.000	12.7632	21	37.714	8.125	21	36.238	5.804	21	33.850	9.388	20

⁴⁷⁹ See Appendix B.

a,b=p<.05, significant at CI 95%, bootstrapped at 10000

The interaction can also be explained by a marginal statistical difference (p=.077) within those exposed to a pluralist approach to equality. Christians perceived themselves as being more creative than non-Christians. Similarly, Christians in the control group perceived themselves as being more creative than non-Christians (see Table 33).

Table 33: Simple effects of levels of creativity by notions of equality and law

Interpretation of law	Religious affiliation					
	Christian			Non-Christian		
	M	SD	N	M	SD	N
Control	44.668a	10.982	12	35.000a	12.763	21
Monism	36.381	8.028	21	37.714	8.125	21
Differentialism	35.929	5.225	14	36.238	5.804	21
Pluralism	39.353b	8.881	17	33.850b	9.388	20

a=p<.05, significant at CI 95%, bootstrapped at 10000

b=p<.1, significant at CI 95%, bootstrapped at 10000

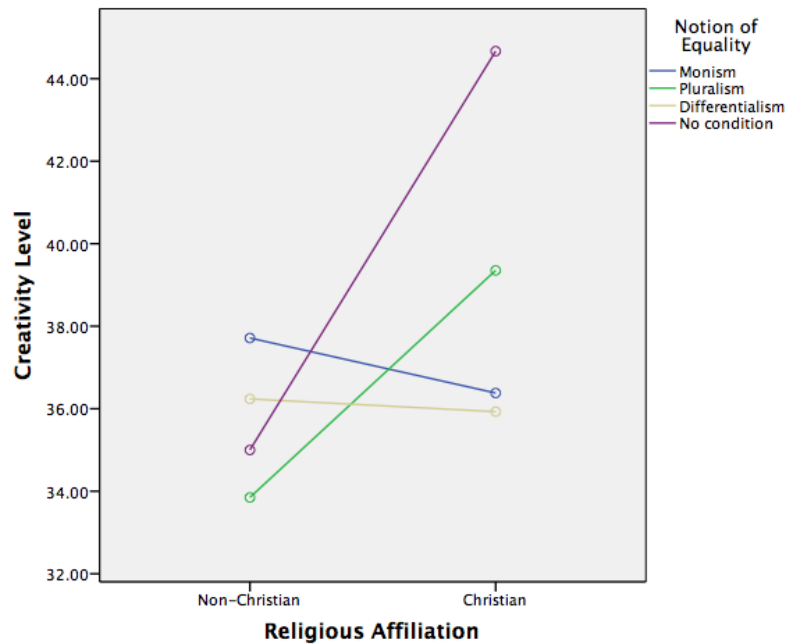


Figure 9: Interaction effect between law's interpretation and religious affiliation on creativity

The interaction $F(3, 137)=2.535$, $p=.059$, partial $\eta^2=.053$ between the different approaches to equality and religious affiliation marginally remained even after

controlling for the perspective the participants were asked to defend and whether they actually shared the same position/beliefs as those stated in the scenario (see Table 34 and Table 35, as well as Figure 10).

The interaction effect remained as a function of differences among Christians in the control group and those exposed to either a monist or differentialist approach. In both cases, those not subject to any manipulation reported significantly higher levels of perceived creativity than the other two groups.

Table 34: Simple effects of levels of creativity by religious affiliation and notions of equality controlling for perspective and beliefs

Religious affiliation	Interpretation of law											
	Control			Monism			Differentialism			Pluralism		
	M	SD	N	M	SD	N	M	SD	N	M	SD	N
Christian	44.667a,b	10.982	12	36.381a	8.028	21	35.927b	5.225	14	39.353	8.881	17
Non-Christian	35.000	12.7632	21	37.714	8.125	21	36.238	5.804	21	33.850	9.388	20

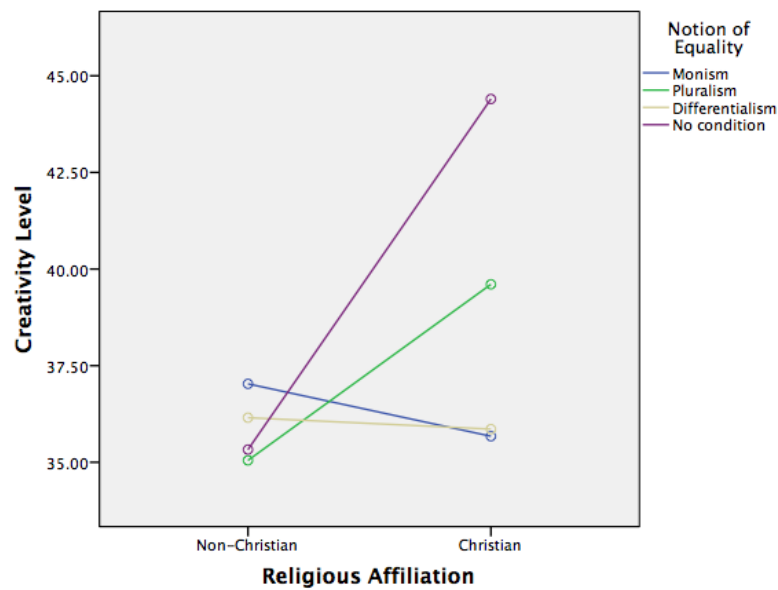
a,b=p<.05, significant at CI 95%, bootstrapped at 10000

Differences among those exposed to a pluralist approach disappeared; whereas, marginal differences among those not exposed to any form of equality approach remained. In the latter, Christians considered themselves as having been more creative than non-Christians.

Table 35: Simple effects of levels of creativity by notions of equality and religious affiliation controlling for perspective and beliefs

Interpretation of law	Religious affiliation					
	Christian			Non-Christian		
	M	SD	N	M	SD	N
Control	44.668a	10.982	12	35.000a	12.763	21
Monism	36.381	8.028	21	37.714	8.125	21
Differentialism	35.929	5.225	14	36.238	5.804	21
Pluralism	39.353	8.881	17	33.850	9.388	20

a=p<.1 (.052), significant at CI 95%, bootstrapped at 10000



Covariates appearing in the model are evaluated at the following values: Ground = .50, The position I represented resembles my own beliefs. = 3.16

Figure 10: Interaction effect between law's interpretation and religious affiliation on creativity with controls

7.2 Race or ethnic belonging...

Studies examining the intersectionality between the law and race have time and again demonstrated various adverse effects.⁴⁸⁰ These studies have shown that different racial groups experience the law in different ways. For example, the interpretation and application of the law has demonstrated more favourable outcomes for Caucasians than Indigenous peoples.⁴⁸¹ The lived experience of those who interact with the law is very different between whites and blacks. Blacks perceive the law as an external measure of control compared to whites that perceive it more as a source of protection. Their interaction with the law has had different outcomes in terms of their autonomy,

⁴⁸⁰ Sherene H. Razack, *supra* note 383; Tara L Mitchell, et al., "Racial bias in mock juror decision-making: a meta-analytic review of defendant treatment" (2005) 29:6 Law and Human Behavior 612.

⁴⁸¹ Sherene H. Razack, *supra* note 383; Sherene Razack, *supra* note 132.

competence, relatedness, and affect.⁴⁸² Based on these long standing observations, its is hypothesized that:

H5: Caucasians will demonstrate higher levels of autonomy, competence, relatedness, positive affect, and creativity and lower levels of negative affect when exposed to an explicit and monist structure of law compared to non-Caucasians.

The analysis employed an analysis of variance to test the hypothesis. There were no interaction effects between race and the construction or interpretation of equality rights law on the Relational, Affective, or Creative Self.

7.3 Generational status and...

Unlike race, generational status has not been as well studied in the context of its interaction with the law. It has been studied heavily in the context of adaptation and acculturation in new host environments.⁴⁸³ Given its prominent role in the political discourse of the accommodation of religious and cultural practices in Quebec,⁴⁸⁴ and anti-immigrant sentiment in the 2015 federal election,⁴⁸⁵ it is worth considering. As new

⁴⁸² Sherene H. Razack, *supra* note 383; Sherene Razack, *supra* note 132; David Delaney, *Race, Place, & the Law, 1836-1948* (Austin: University of Texas Press, 1998); Elizabeth L. Macdowell, "Law on the Street: Legal Narrative and the Street Law Classroom" (2007) 9:2 Rutgers Race & L.Rev. 285.

⁴⁸³ Brian Barry, *supra* note 99; John W Berry, "Immigration, acculturation, and adaptation" (1997) 46:1 Applied psychology 5; S. X. Chen, V. Benet-Martinez & M. Harris Bond, "Bicultural identity, bilingualism, and psychological adjustment in multicultural societies: immigration-based and globalization-based acculturation" (2008) 76:4 J Pers 803; A. M. D. Nguyen & V. Benet-Martinez, "Biculturalism and Adjustment: A Meta-Analysis" (2012) 44:1 Journal of Cross-Cultural Psychology 122; Colleen Ward, "The A, B, Cs of Acculturation" in David Matsumoto ed, *The handbook of culture & psychology* (Oxford: Oxford University Press, 2001).

⁴⁸⁴ Micheline Labelle, "L'instrumentalisation des valeurs dans le débat sur la diversité, l'indentité et la citoyenneté au Québec" in Micheline Labelle, Jocelyne Couture & Frank W. Remiggi, ed, *La communauté politique en question* (Montreal: Presses de l'Université du Québec, 2012); Micheline Labelle, *supra* note; Jocelyn Maclure, "Convictions de conscience, responsabilité individuelle et équité: l'obligation d'accommodement est-elle équitable?" in Paul Eid, Pierre Bosset & Sébastien Lebel-Grenier, ed, *Appartenances religieuses, appartenance citoyenne* (Québec: Les Presses de l'Université Laval, 2009).

⁴⁸⁵ For example, see report on the use of immigrant messaging in D. M. Saunders, "How Tories win immigrant votes using anti-immigrant messages", *Globe and Mail* (October 9, 2015), online: <<http://www.theglobeandmail.com/opinion/tories-gain-from-anti-immigrant-messaging-among-immigrants-what-gives/article26749675/>>.

Canadians establish themselves in Canada, part of the acculturation process managed by the law combined with the results of studies on race, it is hypothesized that:

H6: multi-generational Canadians will experience higher levels of autonomy, competence, relatedness, positive affect and creativity and lower levels of negative affect in a system that is based on an implicit and monist structure of law compared to new-Canadians.

7.3.1 ...the construction of the law on the Affective Self

Only one interaction effect was found. Generational status was found to interact with the construction of the law on the Affective Self.

The construction of equality rights law consists of two forms. The first is explicit, whereby the grounds of discrimination are specifically enumerated, or it is implicit. An implicit construction of the law makes a general reference to grounds of discrimination but does not state any characteristics.

7.3.1.1 Participants

A sample of 92 volunteer undergraduate students were used for this section. The sample consisted largely of women (n=66). The largest age range was 18-20 (n=66). The students were mostly of non-Caucasian descent (n=51), new Canadians (n=63), non-Christian (n=51), and spoke English as their first language (n=50). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 36: Demographic composition of participants (study on construction of law)

	Mean	SD	N
Religious affiliation	.45	.500	92
Ethnicity	.37	.486	91
Generation status	.72	.454	88
Gender	.27	.449	91

7.3.1.2 Measures

Generational status was measured by grouping participants in one of two categories: new or multi-generational Canadian. New Canadians consisted of individuals who were either born outside of Canada with at least one parent born outside of Canada or who were born in Canada with at least one parent born outside of Canada. Multi-generational Canadians were those participants who were born in Canada and had both parents born in Canada, or who were born outside of Canada with both parents born in Canada.

The construction of the law was measured using the following textual primes:

A) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a characteristic or a set of characteristics* (implicit).

B) Discrimination occurs when barriers or obligations result in disadvantages or situations of unequal treatment that withhold or limit access to participation in the university community *based on a culture, religion, race, sex, sexual orientation, and age* (explicit).

Each participant was placed into one of two experimental groups. One group (Group A) was exposed to an implicit construction of the law, while the other group was primed with an explicit construction (Group B). A third group of participants was not exposed to any form of the law. This was the control group.

Affect was measured using two subscales: positive and negative affect. Positive affect had an internal consistency Cronbach alpha of .901. Negative affect had an alpha of .649. A higher alpha means a stronger internal consistency between the questions used to compose the scale. Both scores were deemed acceptable.

7.3.1.3 ANOVA Analysis

An analysis of variance (ANOVA) was used to determine whether there were any

interaction effects between the construction of the law (explicit and implicit) and generational status (new and multi-generational Canadian) on affect.

There was an interaction effect between the construction of the law (explicit and implicit) and generational status (new and multi-generational Canadian) on positive affect. The interaction effect, $F(2, 82)=3.355$, $p<.05$, partial $\eta^2=.076$, was analyzed using simple effects analysis and the LSD test. The relevant means can be seen in Table 37 and Table 38 and illustrated in Figure 11.

The statistically significant interaction was initially a function of multi-generational Canadians having reported higher levels of positive affect in the absence of the law compared to those exposed to an implicit and explicit structure.

Table 37: Differences between law's construction and generational status on positive affect

Generation Status	Construction of the law								
	Absence of law			Implicit presence of law			Explicit presence of law		
	M	SD	N	M	SD	N	M	SD	N
Multi-Generational	46.80a,b	12.377	5	37.13a	6.312	8	34.58b	8.051	12
New Canadian	37.60	10.540	25	38.35	10.033	20	40.94	9.831	18

a,b= $p<.05$, significant at CI 95%, bootstrapped from 9590 to 10000

The interaction can also be explained by two other marginally significant differences. Multi-generational Canadians reported higher levels of positive affect when compared to new Canadians in the absence of the law; whereas new Canadians reported higher levels when the law was explicitly clear.

Table 38: Differences between generational status groups and law's construction on positive affect

Construction of the law	Generation status					
	Multi-generational Canadian			New Canadian		
	M	SD	N	M	SD	N
Absence of law	46.80a	12.377	5	37.6a	10.540	25
Implicit presence of law	37.13	6.312	8	38.35	10.033	20
Explicit presence of law	34.58b	8.051	12	40.94b	9.831	18

a= $p<.1$, significant at CI 95%, bootstrapped at 10000

b= $p<.1$, significant at CI 95%, bootstrapped at 10000

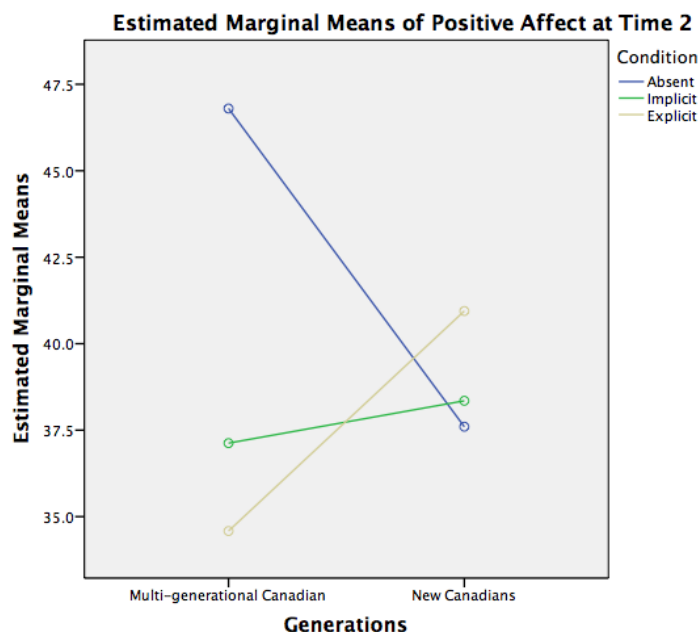


Figure 11: Interaction effects of the law's construction and generational status on positive affect

The interaction $F(2, 80)=2.930$, $p<.1$, partial $\eta^2=.068$, between the construction of the law and generation status marginally ($p=.059$) remained even after controlling for the assigned scenario and whether participants actually shared the same position/beliefs as those expressed in each scenario. It can be explained by higher levels of positive affect experienced by multi-generational Canadians in the control group compared to new Canadians. All other differences disappeared (see Table 39, Table 40 and Figure 12).

Table 39: Differences between the law's construction and generational status on positive affect with controls

Generation Status	Construction of the law								
	Absence of law			Implicit presence of law			Explicit presence of law		
	M	SD	N	M	SD	N	M	SD	N
Multi-Generational	46.80	12.377	5	37.13	6.312	8	34.58	8.051	12
New Canadian	37.60	10.540	25	38.35	10.033	20	40.94	9.831	18

Note: bootstrapped at 10000

Table 40: Differences between generational status and law's construction on positive affect with controls

Construction of the law	Generation status					
	Multi-generational Canadian			New Canadian		
	M	SD	N	M	SD	N

Absence of law	46.80a	12.377	5	37.60a	10.540	25
Implicit presence of law	37.13	6.312	8	38.35	10.033	20
Explicit presence of law	34.58	8.051	12	40.94	9.831	18

a=p<.1, significant at CI 95%, bootstrapped at 10000

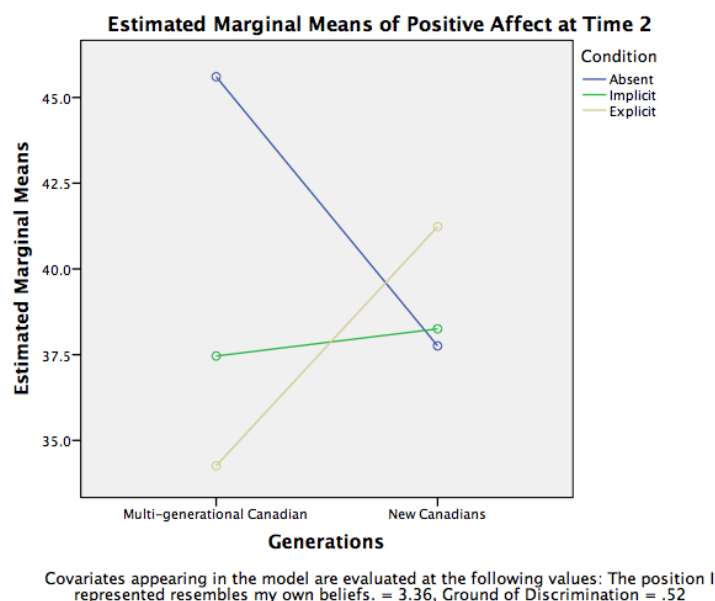


Figure 12: Interaction effects of the law's construction and generational status on positive affect with controls

7.4 Gender and...

Similar to race, the study of gender and the law has led to considerable changes in equality rights law. Under the feminist of the 1980s and 1990s, Canadian equality rights witnessed a shift from a formalist (akin to a monist understanding) to a substantive (or a pluralist) interpretation.⁴⁸⁶ The move away from a formalist to a substantive notion of equality was a reflection of the lived inequality women experienced under a formalist system when compared to men. If women are assumed to experience higher levels of the Relational Self under a substantive approach to equality, it is hypothesized that:

H7: men will experience higher levels of autonomy, competence, relatedness, positive affect and creativity as well as lower levels of negative affect when exposed to an explicit and monist structure of equality rights law compared to women.

⁴⁸⁶ Catharine A MacKinnon, *supra* note 102.

7.4.1 ...the interpretation of the law on the Affective Self

Gender demonstrated only one interaction effect though marginal. It interacted with the way that equality rights law is interpreted on the Affective Self. Caution should be exercised in interpreting these results because the sample of men and women was quite disproportionate.

7.4.1.1 Participants

A sample of 152 volunteer undergraduate students were used for this analysis. The sample consisted largely of women (n=106). The largest age range was 18-20 (n=99). The students were more of non-Caucasian descent (n=93), new Canadians (n=95), non-Christian (n=78), and spoke a language other than English as their first language (n=70). Participants were recruited from a campus subject pool and received course credit in exchange for their participation.

Table 41: Demographic composition of participants (study on interpretation of law)

	Mean	SD	N
Religious affiliation	.45	.499	141
Ethnicity	.34	.476	141
Generation status	.69	.465	138
Gender	.24	.427	139

7.4.1.2 Measures

Gender was measured using a self-identification question. For the purposes of this study, gender refers to the sex (male or female) as identified by the participant. No third option was possible.⁴⁸⁷

The interpretation of the law was constructed using three experimental categories.

⁴⁸⁷ Gender is a concept that is broader than the biological sex of the individual. However, for this study, gender and sex are used interchangeably denoting whatever preference the participants chose to self-identify between male and female.

Each group was primed with one the following passages:

A) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal irrespective of their differences and should be treated the same. Regardless of one's cultural or religious background, everyone should be treated equally without preferential treatment.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (monist);

B) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone is equal regardless of their differences and these differences should be protected. Everyone belongs to a cultural or religious community. These communities are different from one another. None of them is better or worse, and each community should be preserved and protected.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (differentialist); or

C) Many conflicts are rooted in a negotiation over principles and values. In thinking about this negotiation, reflect on the principle that *everyone should be provided with an equal opportunity to participate. In a given community, not everyone is equal. Due to culture or religion, some people may find it more difficult to participate in society. Those who find it more difficult to participate should be given additional support in order to do so.* In the space below, describe how this principle will govern your approach based on your scenario in the actual negotiation. Be as passionate as you can. (pluralist).

A forth group was not exposed to any interpretation of the law and constituted the control group.

Positive and negative affect was measured using a 20-item scale.⁴⁸⁸ The scale consisted of ten words associated with positive affect and ten words associated with negative affect. Positive affect had an internal consistency Cronbach alpha of .907. Negative affect had an alpha of .769. A higher alpha means a stronger internal consistency between the questions used to compose the scale.

7.4.1.3 ANOVA Analysis

Reported levels of positive and negative affect following negotiation were also

⁴⁸⁸ See Appendix B.

analyzed by means of a two-way between subjects ANOVA with three interpretations of equality (monist, differentialist, pluralist,) and gender (male, female).

The analysis revealed an interaction effect between the interpretation of law (monist, differentialist, and pluralist) and gender (male, female) on negative affect. The effect, $F(3, 128)=4.194$, $p<.05$, partial $\eta^2=.09$, was analyzed using simple effects analysis and an LSD test. The relevant means can be seen in Table 42, Table 43, as well as Figure 13. The statistically significant interaction was a function of differences in the way the interpretation of the law made men feel. Men exposed to a monist interpretation of the law experienced lower levels of negative affect when compared to those who were exposed to a differentialist or pluralist interpretation as well as the control group. Women experienced less negative affect in the absence of any interpretation compared to those assigned to a monist or differentialist interpretation of the law.

Table 42: Differences between type of interpretation and gender on negative affect

	Interpretation of law											
	Control			Monism			Differentialism			Pluralism		
Gender	M	SD	N	M	SD	N	M	SD	N	M	SD	N
Male	18.9091a	5.1469	11	12.3333a	2.6458	9	18.5000a	5.2057	6	17.6667a	6.7131	6
Female	15.3000b	4.0013	20	18.0323b	5.1863	31	15.8152	5.6639	27	18.0000	6.8469	26

a=significant at CI 95%, bootstrapped at 9694 to 10000

b=significant at CI 95%, bootstrapped at 10000

The interaction can also be explained by differences between men and women who were exposed to a monist interpretation of equality and those not exposed to any form of interpretation. Among those exposed to a monist interpretation of the law, women felt a greater sense of negative affect than men. Men, however, felt significantly more negative affect in the absence of an interpretive provision.

Table 43: Differences between gender and interpretation type on negative affect

Gender	
Male	Female

Interpretation of law	M	SD	N	M	SD	N
Control	18.9091a	5.1469	11	15.3000a	4.0013	20
Monism	12.3333b	2.6458	9	18.0323b	5.1864	31
Differentialism	18.5000	5.2057	6	15.8152	5.6639	27
Pluralism	17.6667	6.7131	6	18.0000	6.8469	26

a= $p < .05$, significant at CI 95%, bootstrapped at 10000

b= $p < .05$, significant at CI 95%, bootstrapped at 10000

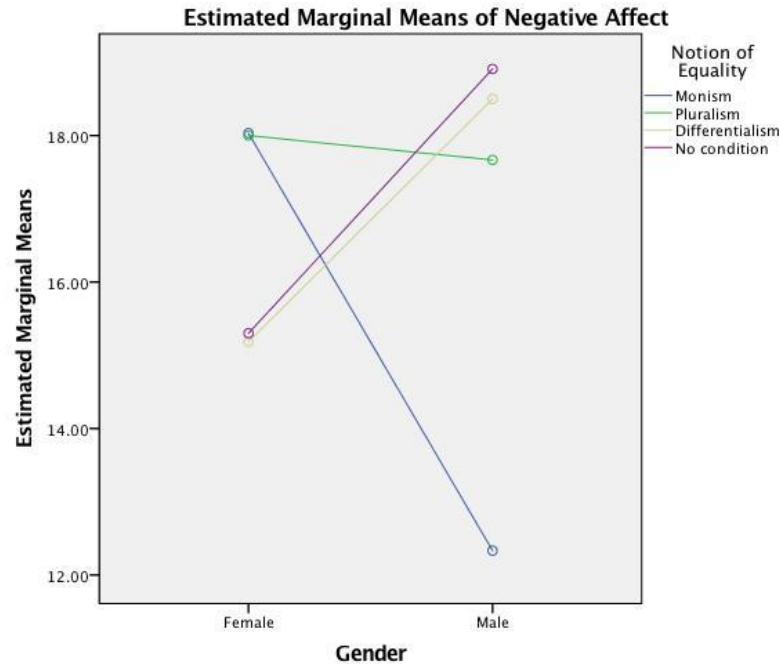


Figure 13: Interaction effects between law's interpretation and gender on negative affect

The interaction $F(3, 126)=4.296$, $p < .05$, partial $\eta^2=.093$, between the manner in which the law is interpreted and gender remained even after controlling for the position participants were asked to defend and whether they shared the same beliefs as those held in each position.

The interaction effect remained significant among men. Men exposed to a monist conceptualization of equality demonstrated the lowest levels of negative affect when compared to a differentialist conceptualization or to the control group. Men exposed to a monist approach to equality demonstrated marginally statistically significant lower

negative affect levels compared to those exposed to a pluralist understanding of equality (Table 44).

The differences were also significant between men and women exposed to a monist approach in which women demonstrated the highest levels of negative affect. Significant differences were additionally evident among men and women within the control group. In this case, men demonstrated higher levels of negative affect (

Interpretation of law												
Gender	Control			Monism			Differentialism			Pluralism		
	M	SE	N	M	SE	N	M	SE	N	M	SE	N
Male	19.320b	1.541	11	12.192a,b,c	1.714	9	18.010a	2.099	6	17.615c	2.124	6
Female	15.206	1.258	20	18.163	1.018	31	15.180	1.080	27	17.921	1.110	26

a,b=p<.05, significant at CI 95%, bootstrapped at 10000

c=p<.1, significant at CI 95%, bootstrapped at 10000

Table 45).

Even after controlling for the particular conditions of the experiment, participants remained negatively affected by the different approaches to understanding equality.

Table 44: Differences between type of interpretation and gender on negative affect with controls

Interpretation of law												
Gender	Control			Monism			Differentialism			Pluralism		
	M	SE	N	M	SE	N	M	SE	N	M	SE	N
Male	19.320b	1.541	11	12.192a,b,c	1.714	9	18.010a	2.099	6	17.615c	2.124	6
Female	15.206	1.258	20	18.163	1.018	31	15.180	1.080	27	17.921	1.110	26

a,b=p<.05, significant at CI 95%, bootstrapped at 10000

c=p<.1, significant at CI 95%, bootstrapped at 10000

Table 45: Differences between gender and interpretation type on negative affect with controls

Gender						
Interpretation of law	Male			Female		
	M	SE	N	M	SE	N
Control	19.094b	1.307	11	15.198b	.967	20
Monism	12.107a	1.657	9	18.098a	.879	31
Differentialism	18.120	2.472	6	15.270	1.119	27
Pluralism	17.323	2.969	6	18.079	1.391	26

a,b=p<.05, significant at CI 95%, bootstrapped at 10000

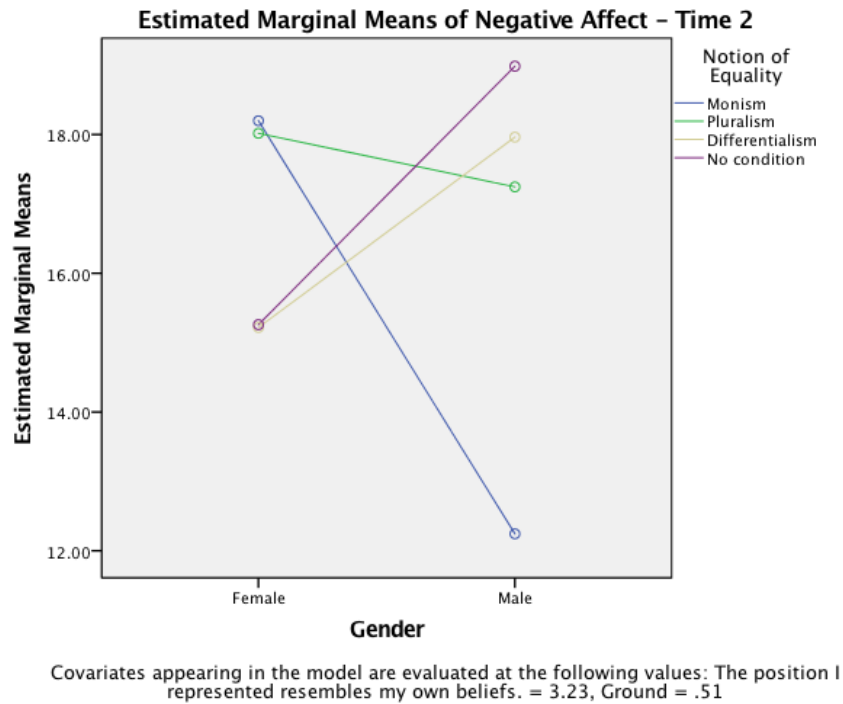


Figure 14: Interaction effects between law's interpretation and gender on negative affect

7.5 Discussion

The results demonstrate that individual characteristics interact with the law in a variety of ways. That interaction subsequently has an effect on the Relational, Affective, and Creative Self, but not necessarily in the intended manner. For example, non-Christians exhibited higher levels of competence and creativity than Christians when grounds of discrimination were made implicit rather than explicit. Christians, however, appeared to demonstrate higher levels of creativity in the absence of any law. Even among those who identified themselves as Christian, those in the control group demonstrated higher levels of creativity than those in the other experimental groups (both in terms of the construction and interpretation of the law). These were the only effects.

Generational status also interacted with the law (or the absence thereof), but again, not entirely in the manner that was predicted. The only differences found were

among multi-generational and new-Canadians in the absence of the law. Multi-generational Canadians, those born and whose parents were born in Canada, exhibited higher levels of positive affect than new-Canadians. In the presence of the law, irrespective of its structure, there was no interaction effect.

The forth variable, gender, also demonstrated few interaction effects. There were no interaction effects between gender and the law's construction (explicit and implicit), but there were differences when it came to interpreting the law (monist, differentialist, and pluralist interpretations). Men, for example, demonstrated lower levels of negative affect than women when exposed to a monist interpretation of the law; whereas, women demonstrated lower levels of negative affect in the absence of any law. Of the three approaches in interpreting equality rights in Canada, men were the least emotionally vexed under a monistic system compared to a differentialist or pluralist one. These results should be approached with caution. Given the sample distribution, there were more women than men who participated in the study. This potentially skewed distribution may represent a skewed result.

What was statistically insignificant is important note. Given other research that clearly demonstrates a relationship between race and the law, this study did not demonstrate such a link. This does not necessarily suggest that previous observations are inaccurate. What it might suggest is that given the age and educational demographic of participants in this study, the interaction between race and the structure of law on the Relational, Affective, and Creative Self may be much more nuanced and difficult to ascertain.

Another important observation is that religious affiliation, race, generational status, and even gender did not have the overall predicted effects. Nevertheless, effects did arise and should be factored in future analyses when trying to isolate those structures of law that can be specifically manipulated to alter the sense of Self.

Discussion

Introduction

Canada is generally presented as a successful multicultural nation-state with a healthy respect for the rule of law. Often, people point to the Charter and the various rights within it as an expression of the country's commitment to an egalitarian society. Yet, as I embarked on this scholarly journey, I found that Canadians of various backgrounds expressed certain reservations with the way in which they perceived equality rights were being applied in advancing the egalitarian project.

These reservations were noticeably expressed in two types of experiences I had with how people interact or relate to equality rights law. The first was in 2008, at the peak of the debate on reasonable accommodation in Quebec. I had an interesting exchange with someone I knew. The person believed in the protections afforded by the Charter. He believed it wrong to discriminate against individuals, and he believed overall in giving people equal opportunity. However, he construed the Quebec debate around special treatment, advantage, and favouritism of minority and special interest groups. In listening to his perspective, I witnessed an internal struggle in reconciling his beliefs in support of equality rights with what he perceived as an injustice against him. His internal struggle was not far off from that underlying the debate in *Andrews v. Law Society of British Columbia* (1989) between formal and substantive equality – between a “libertarian and egalitarian”⁴⁸⁹ view of the law.

My second experience stems from the numerous years that I have worked for an agency responsible for the promotion and protection of human rights. As part of the organization, I witnessed and participated in hours of advocacy (both internal and

⁴⁸⁹ This debate will be elaborated further on.

external) arguing for adding “new” grounds of discrimination under human rights legislation. The more we sought to add grounds, the more resistance we experienced in the form of public criticisms, the more evident it became that the way the law was defined was not necessarily responding to those with whom we were interacting.

I came to observe a conflict over deeply held values exacerbated by a structure of law that was somehow failing to resonate. What I saw was “a sense that the law had become unreasonably intrusive, interfering in relationships that would be perfectly fine, or at least better, without it.”⁴⁹⁰ The hesitation or resistance I witnessed and experienced in both my personal and professional life in relation to the application of equality rights legislation made me wonder. Was there something structurally wrong with the law? Was it failing to resonate with the people it was designed to protect? If so, why? What was it about the construction (or definition) and interpretation of equality rights law that made people react in certain ways?

Since the 1970s, Canada has come a long way in engendering human rights including equality rights into its legislative and constitutional ethos. For example, at the federal level, the government introduced an official multiculturalism policy followed by the passing of the *Canadian Human Rights Act* (1978), the repatriation of the Constitution and the introduction of the *Charter of Rights and Freedoms* (1982), the *Employment Equity Act* (1986), and the *Multiculturalism Act* (1988). All of this was a product of a concerted move toward implementing an egalitarian project characterized by a substantively equal distribution of resources. Recent events, however, have raised questions as to whether this is a durable ethos.

⁴⁹⁰ Jennifer Nedelsky, *supra* note 22 at 72.

As early as 1989, with the fall of the Soviet Empire and the end of the Cold War, have critics have raised concern that there is a growing potential threat to the values that were encouraged and fostered in the previous two decades.⁴⁹¹ Though dismissed (or at least attenuated) by others,⁴⁹² Huntington's "clash of civilizations" appeared to come to life in part with the terrorist attacks on the World Trade Centre in the United States on September 11, 2001. It was at this point that in the United States, as well as in Canada and in many Western countries, the policies of the 1970s and 1980s were openly and politically questioned and challenged. In Canada, for example, measures were taken in the name of national security that saw violations of the Charter,⁴⁹³ and raised questions of discriminatory treatment under the *Canadian Human Rights Act*.⁴⁹⁴

Whether such State actions contribute to a perceived increase in public fears of cultural practices is debateable. Nevertheless, public discourse has become a lot more reactive and sensitive to a variety of value-based conflicts, especially where religion is involved. For example, the debate of faith-based funding of schools as well as faith-based arbitration of family disputes in Ontario and the accommodation of religious and cultural practices in Quebec questioned the relevance of certain laws in relation to changing views. As the law was being used to reinforce a certain set of values in the 1970s and 1980s, a new set of laws were now being used to challenge those values in post 2001 era.

⁴⁹¹ Samuel P Huntington, *supra* note 11.

⁴⁹² Ronald Inglehart, *Modernization and postmodernization: Cultural, economic, and political change in 43 societies* (Cambridge: Cambridge University Press, 1997).

⁴⁹³ Jules Lobel, "Extraordinary rendition and the constitution: The case of Maher Arar" (2008) 28:2 Rev. Litig. 479.

⁴⁹⁴ Douglas Quan, "Second woman files human rights complaint in fight to have face covered during citizenship ceremony", *National Post* (September 4, 2015), online: <<http://news.nationalpost.com/news/canada/second-woman-fights-to-have-face-covered-during-citizenship-ceremony>>; Glen McGregor, "Almalki's brother takes rights commission to court over no-fly list ruling", *Ottawa Citizen* (January 20, 2016), online: <<http://ottawacitizen.com/news/politics/almalkis-brother-takes-rights-commission-to-court-over-no-fly-list-ruling>>.

What emerged—and continues to persist—was a conflict of values at the heart of certain fundamental laws around which Canadian society has constructed its identity during the last three decades of the 20th Century. Gradually, this conflict started to shape the way people experienced the law on a daily basis, especially in the way the law was being interpreted and applied. New laws and interpretations appeared to be structuring relations in ways that fostered isolation, ostracism, and vulnerability for some, while empowerment, agency, and strength for others. Laws designed to protect individuals and groups from the abusive force or power of the State were being revisited in daily disputes over education, health services, entry and exit in and out of employment, and even citizenship requirements.

Among the laws presenting an apparent difficulty was how people perceived and interacted with the equality rights provisions under the Charter and human rights legislation. The purpose of equality rights law is to make space for those who lack voice by giving them the opportunity to make for themselves the lives they wish to have free of discrimination. But with the rise in public uncertainty over practices that did not entirely appear to conform to mainstream norms, there was something about equality rights law that did not seem to resonate any longer. Was equality rights law failing to provide access to opportunity? Were people feeling that opportunities were being provided based on an unjust sense of preferential treatment? Or had social values changed in that offering opportunity by accommodating marginalized individuals was no longer the right approach? What were people contesting? Was the contested space over access to opportunity, the distribution of resources, procedural justice, or a sense of recognition before and under the law? What was this space that was being created by the structure of

equality rights law? How was it affecting individuals as they attempted to navigate the law? How was it shaping individual capacities to enter into and manage relationships of a conflicting nature?

This research attempted to answer these two last questions. Using a relational approach, I wanted to understand how equality rights law shaped the type of interaction people had with the law in the face of value-based conflicts, and whether this interaction was indicative of any structural barriers stemming from the law itself. What was it about the construction (or definition), interpretation, structure of equality rights law that made people resist its application?

I wanted to find a better way of thinking about the law that did not have the apparent effect of triggering adverse or negative reactions, conflicts, or resistance. I wanted to find a way of thinking about rights that bridged differences, that allowed people to feel included and empathetic, that promoted relationships that fostered values that support individual well-being.

“The values that people experiences as central to their selfhood, to the possibility of their flourishing, are made possible through relationships....law, including rights, is one of the chief mechanisms...for shaping the relationships that foster or undermine values.”⁴⁹⁵ As a “chief mechanism”, the law has the power to affect the values upon which we build constructive, healthy, and supportive relationships. The law, however, can also be made up of values, meaning that values come to shape the laws that then shape our relationships. These values become part of the law, and the law can thus become part of us. That is perhaps why such values of autonomy are both central to law and the self.

⁴⁹⁵ Jennifer Nedelsky, *supra* note 22.

It is important to note that laws are not always shaped by societal values. In failed democracies, the law can be shaped by the privileged at the expense of the majority, minority and/or marginalized. In democracies, however, with an established rule of law, I suggest that many laws, especially equality rights law, tap into deeply held values that affect all. These values are more than just those negotiated through public discourse. They tap into those needs that we all have as cognitive beings that enable us to engage in the world around us.

Because certain laws affect our core psychological needs for developmental growth, they have the capacity of being internalized. They have the capacity to shape our ability and motivation to enter into and manage relationships. By affecting our core needs responsible for motivation, structures of law become powerful mechanisms in shaping our ability for inter-personal growth as well as our ability to seize opportunity and make for ourselves the lives we wish to have free from discrimination.

Given its ability to shape our daily relationships, in particular conflictual relationships, this research sought to examine how structures of equality rights law affect the Self—the Self that enables us to engage in relationships that then shape our ability to interact—as measured by three dimensions central to the individual’s capacity to enter into and sustain relationships: the Relational, Affective, and Creative selves. Understanding how the structures of law, especially the structure of equality rights law, affect the ability to engage in relationships is very important.

Equality rights law has two principle purposes. One is to regulate relationships that have broken down. From this perspective, the legislation is largely remedial, and seeks to restore individual dignity. Not all conflicts where individual dignity needs to be

restored are heard by the courts. The courts are only one place of many where equality rights law is interpreted. Increasingly, employers and service providers, arbiters, mediators, employees and service recipients are being asked to apply human rights principles to their conflicts. Consequently, the way in which the law is understood by the courts may be quite different from the way it is interpreted by individuals who are asked to resolve the conflict on their own. Different structures may lead to different interpretations, understandings, and outcomes. Understanding the effect of the different ways in which we can structure equality rights law on how people manage relationships can inform policy makers, drafters, and mediators on the best or “optimal” course of action in facilitating positive resolutions.

Secondly, equality rights law (the legislation in particular) is aspirational and seeks to remove barriers to opportunity. If the objective of human rights law is to help remove barriers, build bridges, and create a society that is inclusive wherein everyone has an equal opportunity, the structure of law should inspire intrinsic motivation and creative interaction. Individual members of society should be able to internalize readily the law, encouraging the type of behaviour the law seeks to inspire. If the vast majority of people understand equality rights as a means of meeting their needs and the needs of others to encourage mutual understanding and support, then such public conflicts as those experienced in Quebec over reasonable accommodation may have been quickly attenuated. If one accepts the premise that human rights are universal, that they speak to all our needs, then they must belong to all of us. They can only belong to all of us if we see their application not only to our own circumstances but to the circumstances of our family, friends, neighbours, and strangers. In this context, certain structures of equality

rights law may be more conducive to this type of reflection, empathy, and decision-making. Rather than seeing the law as privileging the Other, if structured in relational terms, the law can promote constructive relationships and positive outcomes without the need for judicial intervention.

For these two reasons, I hypothesized that equality rights law needed to be opened up and rendered more agile to difference in order to support those values of well-being such as autonomy, affect, and creativity that help navigate and negotiate conflict.

The following sections discuss the results of the effect of the construction, interpretation, and structure of equality rights law on the Relational, Affective, and Creative selves. The final section attempts to translate the results onto the Canadian context to see whether there is practical application. Presumably, if we are a society founded on the principle of the Rule of Law but the law does not reflect the fundamental values upon which we construct our inter-personal relationships, what does this indicate about Canada's egalitarian project?

The Relational Analysis

At this point, it may help to revisit what is involved in conducting a relational analysis. Relational analysis is a methodological approach to decision making that “makes explicit the judgments about the effect of relational structures on values and the equally uncertain judgments about the effect of law on those structures...It brings them to the surface and, in making them conscious, improves the chances of good judgment.”⁴⁹⁶ The analysis per se does not predict a certain outcome. It is not a theory but a process that guides the decision maker in exploring the structure of law as it affects the values upon which people build their lives, identities, and social interactions. The objective of

⁴⁹⁶ *Ibid.*

relational analysis is to address inequalities by creating a space for the voiceless. By creating space, those who find themselves on the periphery can start to exercise their agency in seeking opportunity.

Relational analysis is grounded in the liberal tradition recognizing the “infinite and equal worth of every individual.”⁴⁹⁷ To honour the individual, “it is relationships that enable individuals to flourish and develop the capacities that liberalism has long highlighted—reason, autonomy, liberty—as well as the capacities for love, play, and emotion that make life valuable.”⁴⁹⁸

A relational approach fosters the development of the Self and prevents inequality to the extent that the networks of relationships that constitute the individuals involved are constructive, mutually supportive, and personally developmental.⁴⁹⁹ Applying a relational approach to the study of law examines how structures of law fail to support the Relational Self. It helps to uncover those laws or legal barriers that restrict or bind the individual in ways that prevent them from growing as persons, which includes the capacity to enter into and manage daily relationships. When, for example, human rights legislation limits its protections against discrimination to only those enumerated grounds (or groups or characteristics) listed therein, it binds our identities and relationships by parceling out our lived experience into legitimate and illegitimate claims. This fragmented recognition at most prevents and at least resists an intersectional understanding of how people truly live and experience discrimination. By recognizing that identity is partly shaped by interdependent relationships, the analysis moves away from remedying individual harm to reconciliation and mutual care.

⁴⁹⁷ *Ibid.*

⁴⁹⁸ *Ibid.*

⁴⁹⁹ *Ibid.*

The Structure of Equality Rights Law

Engaging in a relational analysis consists of four steps or questions:

- How did existing definitions of rights generate the conflict or debate at hand?
- What values are at stake in the particular conflict?
- What structures of relations foster those values (is there a shift in the existing structure that will better foster the value at stake)?
- Which approach to the right in question will best (or better) foster that structure of relations?

As part of the first step of the analysis, I broke down the structure of equality rights into two dimensions. The first dimension was the construction (or definition) as illustrated by the way in which equality rights in Canada either implicitly or explicitly enumerates grounds of discrimination. The second dimension examined the interpretation. There are three ways in which equality rights have been interpreted over the past several decades. The monist tradition takes a formal approach to equality. Everyone is equal irrespective of their differences and circumstances. The differentialist approach recognizes the individual but places greater emphasis on group rights, and the equality between these groups. Finally, the pluralist school attempts to balance both individual and collective interests through a substantive approach to equality.

These two disaggregated dimensions generate six possible structures of law: an implicit-monist, implicit-differentialist, implicit-pluralist, explicit-monist, explicit-differentialist, and explicit-pluralist structure (Table 46).

Table 46: Structural Model of Equality Rights Law

		Interpretation		
		Monist (M)	Differentialist (D)	Pluralist (P)
Construction	Implicit (I)	IM	ID	IP
	Explicit (E)	EM	ED	EP

In accordance with the second step in conducting a relational analysis, the next challenge was to identify the values at stake. Because relational analysis is grounded in the theory of judgment, values that foster good decision-making and agency, as well as personal and inter-relational well-being were chosen.

The Relational Self

The first value identified consists of the needs that shape the Relational Self. Central to the Relational Self is the notion of autonomy. A relational approach to autonomy construes the concept as interdependency. Autonomy supports the capacity to enter into relationships, through constructive autonomous interaction. Because it is considered so important to individual well-being, autonomy has become an important value in Western society, and underlies much of our legal system. A relational approach does not seek to diminish the concept of autonomy by making it relational. Rather, it seeks to reinforce the notion by looking at it as a value that emerges and enables social interaction.

Self-Determination Theory (SDT) identifies three psychological needs that enable relational autonomy. The first is the need to have autonomous agency, the second is the need to feel competent, and the final is the need to feel close to another person.

Interactions that meet all three of these needs enable the type of relational autonomy that supports constructive relationships sought out by using the relational approach. These three measures examine how individual needs are shaped by the environment, which then helps to determine the level of intrinsic or extrinsic motivation for entering into and/or managing relationships. For this reason, autonomy, competence, and relatedness as defined by SDT were chosen to measure the Relational Self.

The Relational Self challenges the “bounded self”. The Relational Self implies that people are born relational—they are defined by their ability and capacity to enter into relationships. People can be bounded, for example, by the implications flowing from such equality rights debates between “individualists” and “collectivists”.⁵⁰⁰ But, as Nedelsky asks, is there something that is essentially “bounded” about human beings? If not, why does the law perpetuate the bounded image through the need to protect these boundaries?⁵⁰¹ Liberal legalism is premised on the idea that the limits of sovereign authority are founded upon a particular image of the bounded self. These limits are defined by the notion of rights, which serve to delimit and protect the bounded self.⁵⁰² In other words, limits on state authority are designed to protect the individual from collective intrusion.

The Relational Self does not reject the language of invasion or intrusion. It rejects the effect that it creates. In law, for example, it creates a dichotomous division between the me versus them, or the individual versus the collective.⁵⁰³ This dichotomy has shaped much of how we think of ourselves—as the “separative self.” It forms the basis of the

⁵⁰⁰ *Ibid.*

⁵⁰¹ *Ibid.*

⁵⁰² *Ibid.*

⁵⁰³ *Ibid.*

boundaries that are commonly invoked to describe selfhood including property, privacy, and discrimination.⁵⁰⁴

The Affective Self

In addition to the Relational Self, the second value at stake is joy or happiness. Society places considerable emphasis on achieving a happy or good life. A good life is not only defined by our capacity for rational thought, but also by our emotional well-being. The Self is a multidimensional being. It is comprised of the mind, as well as of the heart. Yet much of law is premised on the rational actor or agent who is disembodied and affectless. The embodied and affective Self is central for autonomy and reason. Without embodiment and emotion, something is lost about what defines humanness. Many decisions are initially made following visceral emotional (and physiological) responses to stimuli.

Neglecting these dimensions risks structuring laws in ways that do not resonate with the emotional values tied to feelings of justice and injustice.⁵⁰⁵ Because the law has an impact on the way people live their daily lives, it cannot afford reducing the individual to a simplified uni-dimensional construct. A relational examination of the law requires the recognition of the Self as a multidimensional being—one that is vested with emotion whose decision making capacities are at times shaped and determined by emotional responses.

The Creative Self

The third value examined the ability of the structure of law to foster creativity specifically self-perceived creativity. The conceptualization and operationalization of this

⁵⁰⁴ *Ibid.*

⁵⁰⁵ Jenny M. Hoobler & Jia Hu, *supra* note 457.

value is somewhat different than that proposed by Nedelsky.

Nedelsky employs the term “capacity for creative interaction” in an attempt to redefine autonomy. The capacity for creative interactions is, according to Nedelsky, a core human value of which autonomy is a key constituent. Creative interaction not only requires autonomy, but also the capacity for attention, receptivity and responsiveness—all aspects of creative engagement. The ability to act upon the ideas and reactions generated from these capacities is what forms autonomy.

Another way to think about creative interaction is to consider the concept as the ongoing capacity for interactive self-creation. This is in contrast to the rational-agent as the primary component of what defines autonomy. By shifting the focus from autonomy as defined by the rational-agent to a process of self-creation, the law becomes better placed to respond to problems that are profoundly shaped by the different type of relationships that exist. Concomitantly, autonomy as self-creation genuinely demonstrates that people are intrinsically autonomous creatures.

The link between creativity and autonomy is well established;⁵⁰⁶ nevertheless, they have been studied as two distinct constructs in the field of psychology. For the purposes of this research, a decision was made to first examine creativity (the act of creating something new), or at least the perception of one’s capacity for creating something new (in this case engaging in new relationships in a constructive manner for the purposes of resolving a problem). Though attention, receptivity, and responsiveness are all important aspects to the creative process, I wanted to focus on the extent to which the law facilitated the development of “new” ways of engaging in a relationship. In the

⁵⁰⁶ Kennon M Sheldon, "Creativity and self-determination in personality" (1995) 8:1 Creativity Research Journal 25.

context of this study, I was particularly interested in whether individuals perceived themselves as being able to come up with creative solutions to troubleshoot a value-based conflict. By understanding first how creativity is affected (how one's perception of one's ability for self-creation is affected), it is then possible to explore the linkages between autonomy and creativity in the process of redefining autonomy within legal discourse.

Modeling the Structure of Equality Rights Law

The third step in using a relational approach is to examine, in this case, the effect of the different structures of equality rights law on those values outlined above. The law is experienced as a structure that minimally includes the way it is constructed (or defined) and interpreted. To simplify the results and to tell a story that is rooted in the values that have shaped Canadian society over the past several decades, it may help to refer back to a long-standing rights conflict—the conflict between libertarians and egalitarians. The results from testing the different structures of equality rights law can perhaps be mapped onto this general characterization and rights debate.

A definition that implicitly recognizes the potential for various grounds of discrimination can be said to be “open” in structure. A definition that requires enumerating the grounds, thereby, requiring opening up legislation (or the Charter) every time a new ground is proposed can be said as being “closed” in structure because the legislation is closed unless forcefully opened. An interpretation of equality rights law that is monist in approach can be said to be libertarian; whereas, an interpretation that seeks to redistribute equality in consideration of group differences (such as the differentialist and pluralist approaches) can be said to be egalitarian.

This classification results in a 2 by 2 model or four unique structures of equality rights law: open-libertarian, closed-libertarian, open-egalitarian, and closed-egalitarian (Table 47).

Table 47: Structures of Equality

		Orientation	
		Libertarian	Egalitarian
Type	Open	Implicit Monist (IM)	Implicit Pluralist (IP) / Implicit Differentialist (ID)
	Closed	Explicit Monist (EM)	Explicit Pluralist (EP) / Explicit Differentialist (ED)

Which structures of law can be said to promote or foster the Self—the Self that is engaged in an ongoing alignment of the relational, affective, and creative aspects of one’s being as fostered by the relationships that one enters into? Which structures of law are aligned with those structures of the Self that promote individual and inter-relational growth? The results show us two stories. The first relates to how the Self is affected by the surrounding environment in particular by the law—how the law affects people’s ability to enter into inter-personal relationships. The second story tells us about the Self in relation to others—how the law affects the way people interact in socially regulated environments when faced with conflict. By affecting those needs and values that motivate decision-making, the law structures daily experiences. It structures the capacity of people to engage and maintain relationships to the extent that it affects their inter-personal interactions and their ability to resolve value-based conflicts.

A relational approach to the study of law begins by recognizing that all individuals are inherently relational—shaped by the relationships in which they enter or

within which they find themselves. Sometimes these relationships are positive, and at other times negative on individual well-being. The objective of applying a relational analysis to the law is to see how the law shapes these relationships, whether it does so in a constructive or binding way. At one end of this “spectrum”, the law can be said to adversely affect relationships (it encourages the bounded self). At the other end, the law can be said to foster relationships (it encourages the relational self). This spectrum situates the effectiveness of the law based on the law’s effect on three measureable dimensions. These three dimensions are those values that motivate decision making and are also those at stake: autonomy (self-determination), affect, and creativity. Using this “relational spectrum”, what was found was that sometimes equality rights law reinforces bounded relationships, and in other instances, it fosters relational relationships.

The Law’s Effect on Relational Ability

The first story is that of the law’s ability to affect our capacity to enter into relationships. It is largely assumed that the way we have structured equality rights law in Canada protects the vulnerable and fosters their capacity to overcome discrimination by encouraging constructive relationships through which individuals can take advantage of opportunities. But what if this assumption is wrong? What if the present structure has the opposite effect? What if there is a better way of structuring the law—structuring it in a way that motivates individuals to internalize the values that underlie human rights.

In the first study—a study on the effects of the law on the Relational Self—I sought to demonstrate that a certain structure of equality rights law fostered particular motivational needs required for the development of inter-personal relationships.

Specifically, I hypothesized that equality rights law that is open-egalitarian in structure would most likely result in higher levels of autonomy, competence, and relatedness.

The results, however, were not entirely as predicted. Imposing prohibited grounds of discrimination did not make individuals feel less or more autonomous, competent, or related. It can therefore be said that the construction of the law has no influence on our capacity to engage in relationships with others.

The ideological or philosophical underpinning of equality rights law had more of an effect than its construction. The presence of an interpretative provision (regardless which one) lowered individual levels of individual autonomy. The three interpretive provisions also had the effect of lowering a person's sense of competence.

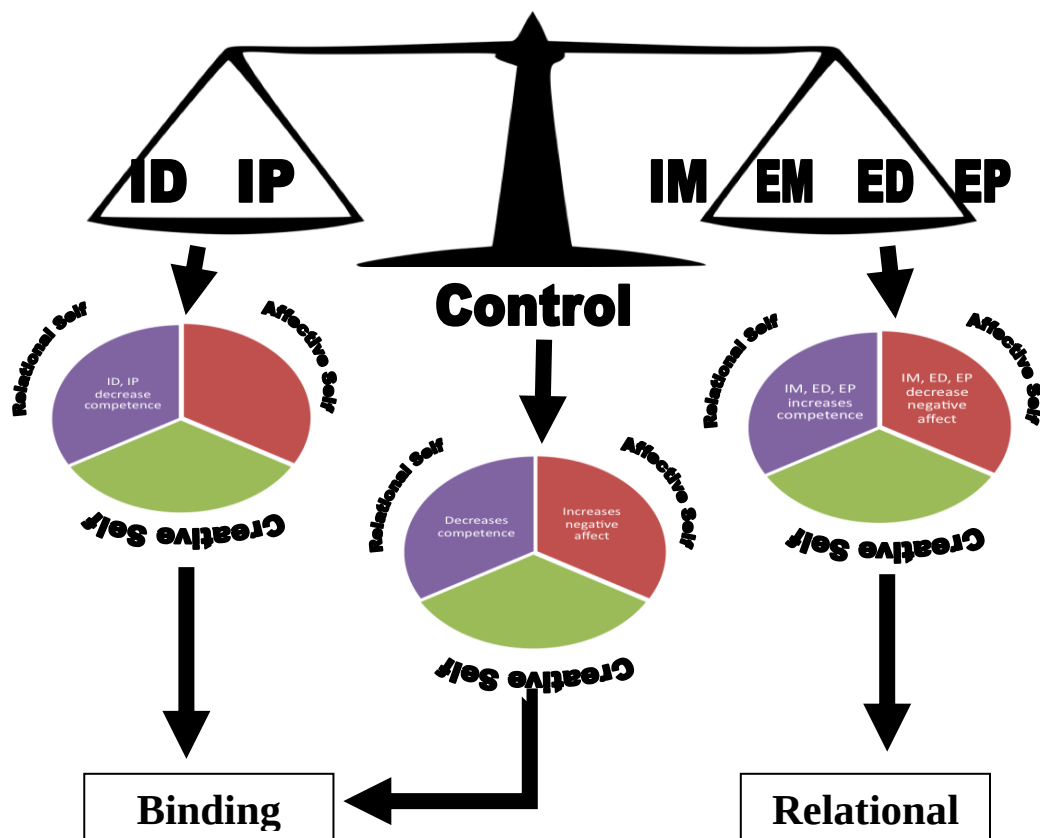


Figure 15: The Self in relation to the absence of law

At a structural level, the open-egalitarian model decreased participants' sense of competence in relation to the control group (a group that was not exposed to any structure of equality rights law); whereas, the closed-egalitarian and the closed- and open-libertarian models fostered competence (Figure 15).

When comparing only the four models, the open-egalitarian model in relation to the closed-egalitarian model decreased competence (Figure 16).

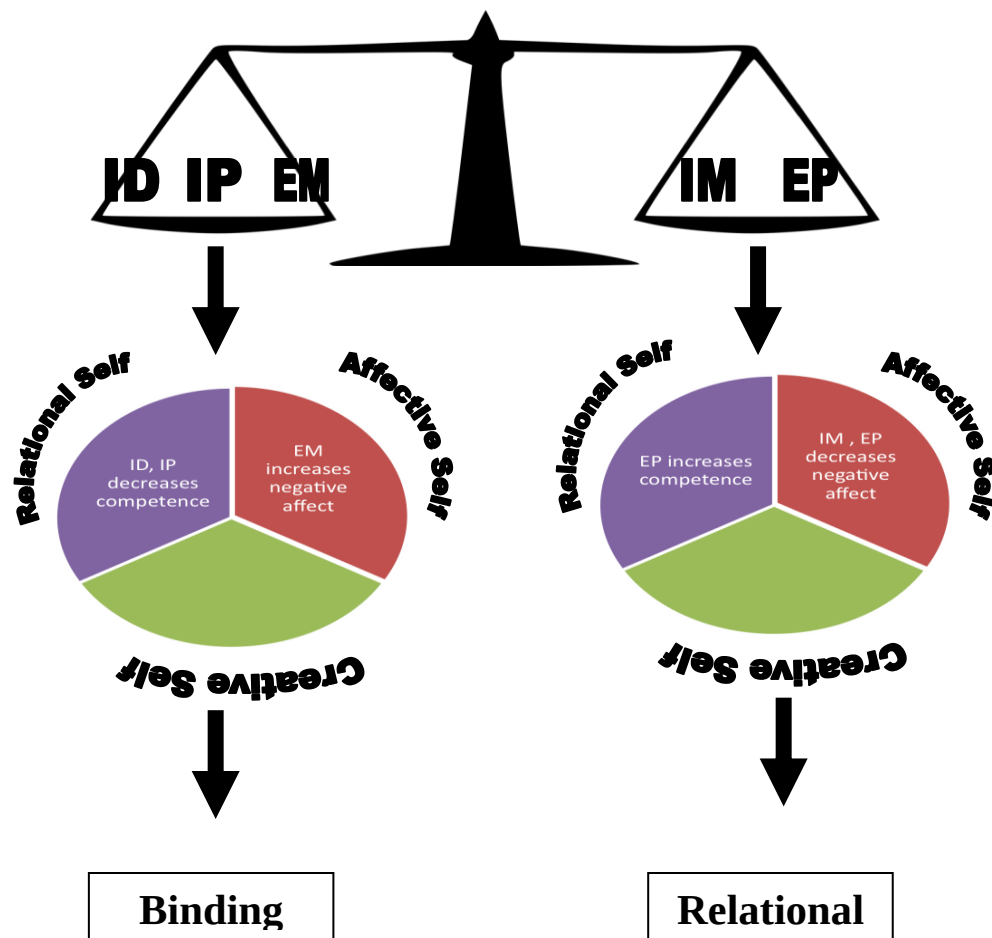


Figure 16: The Self in relation to the structures of law

The results suggest that an open-egalitarian model does not encourage or foster the type of needs conducive to entering into constructive relationships. This model

appears to bind the self by increasing doubt as to the individual's ability to resolve interpersonal conflict.

On an affectual level, I hypothesized that different structures of law would affect one's emotional state and consequently an individual's capacity to engage in constructive relationships. Specifically, I argued that equality rights law that is open-egalitarian in design would most likely result in higher levels of positive affect and lower levels of negative affect.

Disaggregated, the construction and interpretation of equality rights law did not have an effect on whether individuals experienced positive or negative affect. However, when combined, when examining the construction and interpretation together as a structure, there was an effect on how people felt. The way the law was structured shaped how people related to it at an emotional level. This effect was evident when the different structures of equality rights law were compared to the group of participants who were not exposed to any manipulation (or structure). Of the four models, two demonstrated an effect. The open-libertarian and the closed-egalitarian models appeared to attenuate levels of negative affect. In other words, an open-libertarian and closed-egalitarian structure decreased the negative affect experienced by the participants.

In comparing the four models, the closed-egalitarian and the open-libertarian models continued to attenuate levels of negative affect but in comparison to the closed-libertarian model. This suggests that the closed-libertarian model was particularly problematic for the participants. Under this model, they felt the highest degree of frustration, anxiety, and anger.

How did participants fair in terms of their capacity for creative engagement?

Because evidence suggests that a degree of clarity facilitates the creative process, I hypothesized that equality rights law that is closed-egalitarian or libertarian in structure would most likely result in higher levels of overall self-perceived creativity. There was no evidence to suggest that equality rights law in part mitigated individual self-perceptions of creativity. No differences between various forms of construction or interpretation of the law were found to have an effect on levels of perceived creativity. In terms of an individual's capacity for self-perceived creativity as a condition for entering into constructive relationships, the law did not appear to have an effect.

What we see emerge from the first story is largely a division between three models of equality rights. On the one hand, there are the closed-egalitarian and open-libertarian models that appear to foster the kind of needs conducive to forming constructive relationships. On the other hand, the open-egalitarian model was more inclined to lower an individual's sense of competence, which would make it more difficult for someone operating within this context to resolve value-based conflicts especially if their sense of competence for dealing with conflict is diminished.

Certain structures of law, therefore, foster needs, feelings, and perceptions that encourage relational behaviour, while others have an opposite effect. Those that foster relational behaviours, whether it is by reducing negative affect or increasing the need for competence, can be seen as relational in some form. The results show that in the face of value-based disputes, the law helps foster the relational, affective, and creative selves. For example, when compared to the control group, the open-libertarian and closed-egalitarian models decreased negative affect. By lowering levels of negative affect, the open-libertarian and closed-egalitarian models facilitated the individual's ability to

engage in conflictual relationships facilitating the ability to problem solve. These two structures can also be considered more relational.

The Law's Effect on Managing Relational Behaviour

Now that we have seen that the law has the power to affect our capacity to enter into relationships by shaping our needs, emotions, and perceptions of creativity, how does it affect the way we manage these relationships?

Building on the hypotheses outlined in the previous section, I argued that an open-egalitarian model of equality rights should not only increase aspects of the

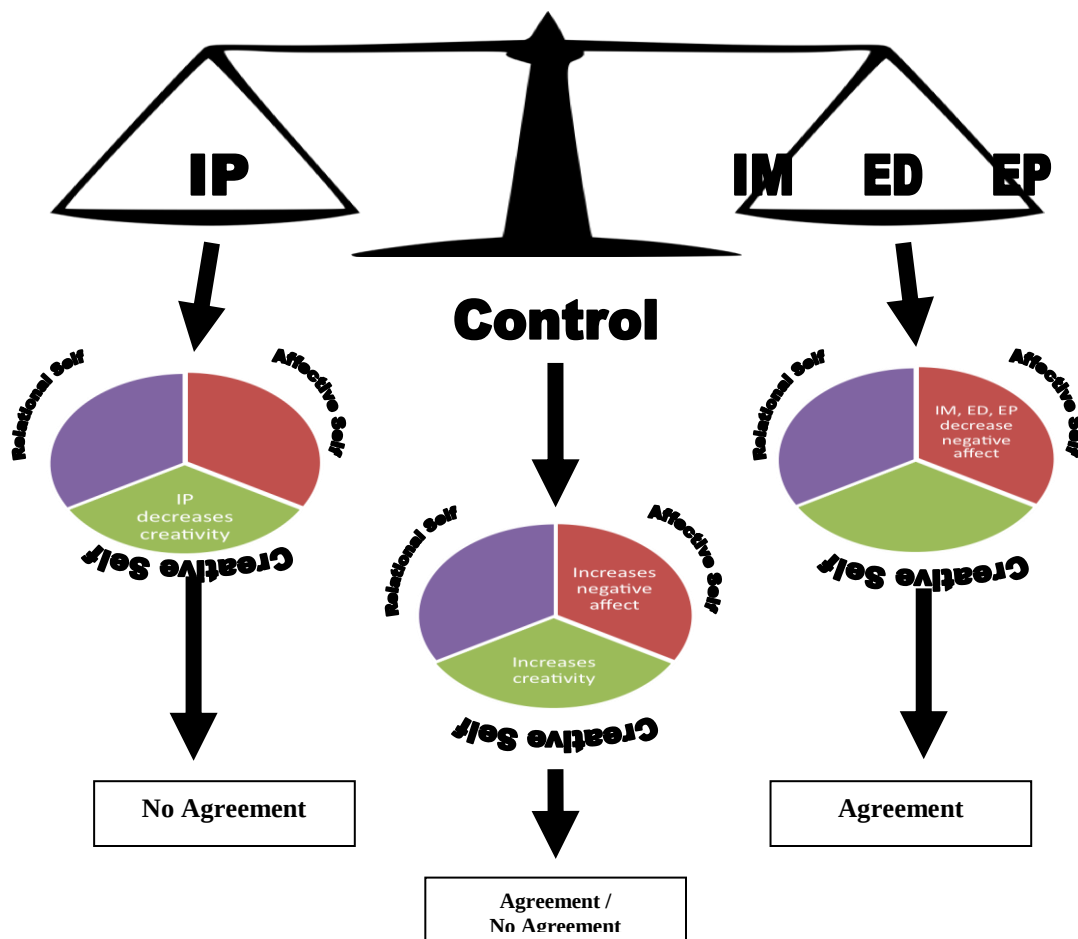


Figure 17: The Effect of the Structures of Law Compared to Control Group on Capacity to Manage Relations

Relational, Affect, and Creative selves, but by doing so, an open-egalitarian model should promote constructive management of conflictual relationships by increasing cooperation and the likelihood of reaching joint-outcomes. What was found was that in relation to the control group, there were no significant differences (Figure 17). Whether participants operated within the constraints of a legal model or not, it did not appear to have an effect on the Relational Self and subsequently the ability to manage relationships.

In real life, we find ourselves in constant contact with the law. When comparing

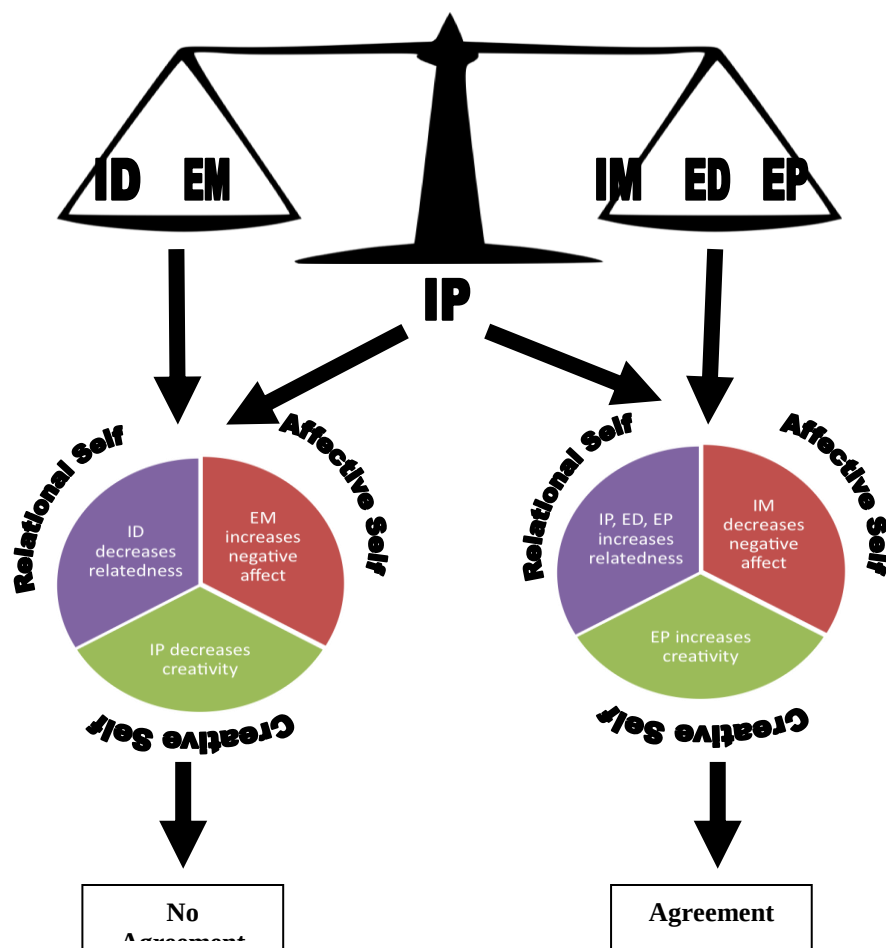


Figure 18: The Effect of the Structures of Law on Capacity to Manage Relations

models, significant differences did emerge. The differences found were between the open and closed egalitarian models. The implicit-differentialist (ID) variant lowered levels of relatedness compared to the implicit- and explicit-pluralist (IP and EP respectively) and the explicit-differentialist (ED) (Figure 18).

How the law affected individual emotional states had an effect on how people managed conflict given a particular legal model. Lower levels of negative affect mediated the relationship between two specific structures resulting in an increased likelihood of reaching a joint-outcome. The lower levels of negative affect experienced by those individuals exposed to an open-libertarian or explicit-egalitarian model increased their likelihood of reaching an agreement with the other party.

Higher levels of creativity were also predicted to be associated with an egalitarian model. It was thought that higher levels of creativity associated with an egalitarian model would foster or encourage joint-outcomes. The results demonstrate that when compared to those participants who were not exposed to any structure of law, those exposed to an open-egalitarian model experienced lower levels of creativity. This in turn decreased their chances of reaching a settlement. The results held even when compared to other models. Compared to the closed-egalitarian model, the open-egalitarian model resulted in lower levels of creativity. These lower levels consequently decreased the likelihood of reaching an agreement. Participants felt somehow less able to engage in creative problem solving when the structure of law was designed to be open (in which the law did not enumerate grounds of discrimination) and egalitarian. Research demonstrates that creativity is fostered when certain parameters are clear and explicit. What these results

may suggest is that the open-egalitarian model generates more confusion possibly paralysing (or at least limiting) the ability for creative engagement.

Figure 18 illustrates which of the four structures are more optimal. Similar to the effects of the law on our capacity to enter into relationships, our ability to manage conflictual relationships does not happen in a void. Conflictual relationships are generally regulated in some form by the law. In terms of those conflicts regulated by equality rights provisions, there are some structures of law that are better at fostering relational behaviour than others.

The open-libertarian structure, for example, had the effect of lowering negative affect, thereby increasing the likelihood of reaching a joint outcome. The closed-egalitarian model did not decrease negative affect, but did encourage the participants to relate to one another. This in turn resulted in a greater likelihood of reaching an agreement. The closed-egalitarian model (the EP variant) also had the effect of facilitating a sense of increased creativity among disputing parties.

The initial hypothesis predicted that an open-egalitarian model would be the most conducive to fostering relationships within a conflictual environment. The results demonstrate that the model in terms of managing relationships had both binding and relational aspects. Under an open-egalitarian structure, participants felt closer to one another, which had the effect of encouraging joint-outcomes. Yet, under the same model, participants experienced lower levels of creativity. The lower levels of creativity consequently lowered the chances of coming to an agreement.

Other considerations (Religion, Race, Generations, Gender)

How people experience the law is shaped and affected by their experiences as members of various communities. Though we are predominantly concerned with the isolated effects of the structures of law on the capacity to enter into and manage relationships, it was important to examine whether other reported interactions also exerted influence. The four additional factors examined were religious affiliation, race, generational status in Canada, and gender.

Because of the certitude or greater direction on moral questions that is provided through religious upbringing as proximated by religious affiliation, the greater direction on moral questions offered through religious instruction may be reflected in the law itself. In Canada, laws continue to reinforce a Christian heritage, as demonstrated by the statutory holidays within each province. Christians enjoy a privileged position as the dominant group. Because their collective interests continue to be enshrined in law, there would be less appetite for Christians to respond to structures of law that challenged or risked destabilizing the status quo. An open-libertarian model would allow sufficient flexibility to accommodate certain difference (given the variety of Christian practices) while ensuring the dominance of the Christian majority. I thus hypothesized that persons who self-identified as Christians would exhibit higher levels of autonomy, competence, relatedness, positive affect, and creativity and lower levels of negative affect when exposed to an implicit and monist structure of law compared to non-Christians.

I also predicted that Caucasians would experience an easier time in developing constructive relationships within a closed-libertarian structure of the law because of their privileged status within society. Race is a stronger visible marker in contemporary

society than many other identity characteristics. A closed-libertarian model is the product of Western civilization wherein equality is interpreted along formalist notions. This approach has traditionally privileged the dominant group. Though substantive equality is becoming the norm, reference to formal equality continues to reverberate in each subsequent s.15 decision. I thus hypothesized that Caucasians would demonstrate higher levels of autonomy, competence, relatedness, positive affect, and creativity and lower levels of negative affect when exposed to a closed-libertarian structure of law compared to non-Caucasians.

Similar to the assumptions provided in the previous two hypotheses, I predicted that multi-generational Canadians would be more resistant to structures of law that challenged their dominant and privileged status in society. I hypothesized that multi-generational Canadians would experience higher levels of autonomy, competence, relatedness, positive affect and creativity and lower levels of negative affect in a system that is based on an implicit and monist structure of law compared to new-Canadians.

Given the evidence of how law affects women and men differently, I also wanted to explore whether gender played a role in the way individuals understood the law in their attempt to resolve a conflictual relationship. As Christians, Caucasians, and multi-generational Canadians, men have been privileged in shaping, interpreting, and applying the law. It has been under the ownership or stewardship of men that Western law has been greatly influenced by a formalistic approach. This approach has been demonstrated to have benefited men more so than women. It was not until the 1980s and 1990s, under the feminist movement, that a substantive approach to equality emerged and consequently challenged the status quo. I thus hypothesized that men would experience

higher levels of autonomy, competence, relatedness, positive affect and creativity as well as lower levels of negative affect when exposed to a closed-libertarian structure of equality rights law compared to women.

The results demonstrate that not enumerating grounds of discrimination had a greater effect on certain religious groups over others. Non-Christians exhibited higher levels of competence and creativity than Christians when grounds of discrimination were made implicit rather than explicit. Christians, however, appeared to demonstrate higher levels of creativity in the absence of any law. Even among those who identified themselves as Christian, participants in the control group demonstrated higher levels of creativity than those in the other experimental groups (both in terms of the construction and interpretation of the law).

Generational status also interacted with the law, but again, not entirely in the manner that was predicted. Multi-generational Canadians, those born and whose parents were born in Canada, exhibited higher levels of positive affect than new-Canadians in the absence of the law. New-Canadians demonstrated higher positive affect when exposed to an explicit construction.

Gender demonstrated a number of interaction effects as well, but these should be interpreted with considerable caution. Men demonstrated lower levels of negative affect than women when exposed to a libertarian interpretation of the law; whereas, women demonstrated lower levels of negative affect in the absence of any law. Of the three approaches in interpreting equality rights in Canada, men were the least emotionally vexed under a libertarian system compared to an egalitarian one.

Conclusion

This study was premised on a belief that an open-egalitarian model would be the most optimal model in terms of fostering those needs that encourage self-determination, positive affect, and creativity. By supporting these three dimensions of the Self, the individual would have both the capacity and ability to enter and manage constructive relationships. The results demonstrate a slightly different picture. Those exposed to an open-egalitarian structure (IP) demonstrated lower levels of creativity but higher levels of relatedness. This group was also as likely to come to an agreement as they were to come to an apparent impasse. Perhaps being confronted with an open-egalitarian model requires more listening, reflection, and time. The open-egalitarian model is not a simple construct. It challenges the individual to think about discrimination, what constitutes such an act, and how best to approach it within the context of the problem.

Given that the Canadian context largely operates on a closed-egalitarian model—as evidenced by the way in which the Charter and equality rights law in Canada has been structured, interpreted, and largely applied—it is not surprising that a system in which grounds are not enumerated yet context and the parameters that define the context are required to determine the nature of the discrimination, people require more time to figure things out. How can we then move toward a more open-egalitarian forms of equality? Perhaps by examining why it is that an open-ended form decrease creativity. What is it that makes people feel like it limits their ability to engage in creativity? What is it that makes people feel like it limits their ability to engage in creative problem solving? How is it tied with their sense of autonomy and is it?

There may be something about the structure that affects a person's autonomy, which in turn affects their ability for creative engagement. The link between autonomy and creativity has been established.⁵⁰⁷ The relationship between these two constructs in this research is not as evident without further exploration. It can be assumed that the decreased levels of creativity experienced under an open-egalitarian structure are affected by lower levels of autonomy. If that is the case, we would have to examine the model further to determine what exact elements render the individual to feel less autonomous. We know that participants already feel less autonomous when exposed to the law. To foster creativity, we may have to focus on autonomy. If there is a relationship between these two constructs, then perhaps adding additional criteria would render the structure more transparent and perhaps conducive to relational behavior.

One not need to look far to see how such an open-egalitarian model poses challenges even for the most astute students of equality rights. When asked to consider analogous grounds, for example, under s.15 of the Charter, the Supreme Court believed it necessary to confine the construct. They thus established strict parameters. For an analogous ground to be established, it must be "immutable". It cannot be changed or it can be changed but at excessive cost (also known as constructively immutable).⁵⁰⁸

To date, very few grounds have been recognized as analogous. In addition to those enumerated, pregnancy,⁵⁰⁹ sexual orientation,⁵¹⁰ marital status,⁵¹¹ off-reserve

⁵⁰⁷ *Ibid.*

⁵⁰⁸ [*Corbiere v. Canada (Minister of Indian and Northern Affairs)*], *supra* note 190.

⁵⁰⁹ [*Brooks v. Canada Safeway Ltd.*], *supra* note 217.

⁵¹⁰ [*Andrews v. Law Society of British Columbia*], *supra* note 232; *Vriend v. Alberta*, [1998] 1 S.C.R., 493; *M. v. H.*, [1999] 2 S.C.R., 3; *Little Sisters Book and Art Emporium v. Canada (Minister of Justice)*, [2000] 2 S.C.R., 1120

⁵¹¹ *Miron v. Trudel*, [1995] 2 S.C.R., 418; *Nova Scotia (Attorney General) v. Walsh*, [2002] 4 S.C.R., 325

Aboriginal status,⁵¹² and citizenship⁵¹³ have been recognized. Do the criteria used to establish an analogous ground foster the type of desired relations from an equality rights perspective? Would these criteria generate the type of autonomy that would support creativity? This is an avenue for further research.

As to the conflicts that we are witness to, perhaps they are the result of a more subtle difference--a structural struggle between an open- and closed-egalitarian model of equality rights. Both parties are committed to a fair distribution of resources, but the problem resides in the limits that we place around that distribution as defined by in- and out-groups, and the extent to which the limitations are permeable (or should be permeable).

The immediate concern is for organizations mediators, arbiters, and even judges whose mandate is to resolve human rights disputes. The processes and procedures these organizations put in place in addition to the legislative mandate they are required to implement may box people in schemes that are partially responsive to their needs. For example, filing a complaint at a human rights commission triggers a bureaucratic procedural system that is heavily legalized and delineated. Hundreds of rules, policies, practices dictate the path to justice, some of which may be silencing the vulnerable because they affect the Relational, Affective, and Creative selves. These processes reinforce in part a closed-egalitarian system by parsing out identities without fully grasping the extent of the values at play, and the relationships at stake. One way of rendering the process perhaps more holistic would be to remove the enumerated grounds and leave commission's with the discretion to establish criteria for the recognition of

⁵¹² [*Corbiere v. Canada (Minister of Indian and Northern Affairs)*], *supra* note 190.

⁵¹³ [*Andrews v. Law Society of British Columbia*], *supra* note 232; *Lavoie v. Canada*, [2002] 1 S.C.R., 769.

discrimination. This could force such institutions to turn their minds to an intersectional and relational analysis of the lived discrimination.

This research has demonstrated that the law is in fact a shaping force on the Self and a means by which deep conflicts can be attenuated or even resolved. The results also suggest that just by shaping the law in particular ways, its effect can have a potentially significant impact on how we engage in constructing relationships. Though it may be more urgent for groups of people who lack a voice, the way the law is shaped can affect everyone, and thus shapes society in particular ways.

Using a Relational Approach—an approach that seeks to include all voices—demonstrates that the law is not neutral. It has the power to shape relations by affecting the Self. The question is what kind of Self do we want the law to foster? The Relational Approach illustrates that the law be used to foster a Self that has the capacity and ability to enter and manage relationships in a constructive way.

As with any study, there are certain limitations that should be noted. Some of these limitations are technical, while others are more conceptual.

On the technical side, in reference to the procedure used, the time it took participants to get through the pre-negotiation phase may have presented a limitation. Depending on their facility with the questions and the language, some participants finished the pre-negotiation phase faster than others. If students were negotiating with a confederate or a simulation program, this would not have been a problem. Because participants were negotiating with other participants in real-time, it was often not possible to have the students finish the pre-negotiation phase at the same time. Consequently, one participant usually had to wait for the other participant. To ensure engagement and to

minimize the loss of the manipulation's effect, participants who had to wait were asked to re-read the scenario and the manipulation and familiarize themselves with their negotiating preferences until told to proceed.

In reference to the tools used for this study, since human rights law has not been studied in the manner above, attempts were made to ensure construct validity. The independent variables were tested among experts to make sure that the construct being measured was accurately being captured. Yet experts may have sometimes a different understanding of the constructs than lay persons. Thus, a limitation of this study may in fact be the accuracy of the measure in relation to the constructs used.

On an analytical level, because the categorical variable consisted of seven groups, there was a relative risk of Type I to Type II errors.⁵¹⁴ To correct this type of error, a statistical correction could have been applied by adjusting the threshold of what is considered a statistically significant observation (*p*-value) from .05 to .025.⁵¹⁵ Given the exploratory nature of the research, a standard *p*-value of .05 was used instead, and in some cases a *p*-value of .10. Because of this choice, this research has a higher tolerance for claiming a significant relationship when in fact there is none.

Due to the complex nature of interpreting categorical independent variables in mediation analyses, at this time, none of the mediation analyses controlled for whether the participants shared similar beliefs as those presented in the scenarios or the positions

⁵¹⁴ Type I errors occur “when you incorrectly reject the null hypothesis, claiming that you have a significant group difference or a significant correlation...A Type II error...occurs when you fail to find an effect that truly exists.” (Lawrence S Meyers, Glenn Gamst & AJ Guarino, *supra* note 438).

⁵¹⁵ A *p*-value of .05 was used throughout the studies to consider an observation statistically significant. For more information about the use of a Bonferroni correction, see Andrew F Hayes & Kristopher J Preacher, *supra* note 444.

participants were asked to defend. This is something that should be considered in future analyses.

Limitations at the conceptual level relate largely to the surgical approach used to isolate the various elements that form the Self. The Self is a multidimensional being. The Relational, Affective, and Creative Selves are all interdependent. I have previously argued that autonomy is a core human value. It is not simply a mediating concept between an individual's rights and their sense of the Self. As Nedelsky illustrates, autonomy is a condition for creative interaction. Creative interaction describes the various manners individuals enter into relationships, and their ability to develop and grow as individuals—their ability for Self-creation. The embodied and affective Self is part of this condition. Without embodiment and emotion, something is lost about what defines humanness.

Thus, future research could examine the link between autonomy and creativity and its effect on the relationship between the structure of law and its ability to foster constructive relations. Evidence demonstrates a strong relationship between autonomy and creativity,⁵¹⁶ which supports Nedelsky's argument of redefining autonomy as creative interaction.

Other venues for research can consider controlling for those elements that demonstrated some form of interaction effect. Controlling for religious affiliation, generational status, and gender would deepen our understanding of the effects of the law. It would also be worth conducting further analyses on the way in which gender interacted with the way the law is structured, and whether there is a gendered difference in how

⁵¹⁶ Teresa M Amabile, "The social psychology of creativity: A componential conceptualization" (1983) 45:2 *Journal of personality and social psychology* 357; Christopher H Utman, "Performance effects of motivational state: A meta-analysis" (1997) 1:2 *Personality and Social Psychology Review* 170.

individuals understand formal and substantive equality.

The struggle to make room for the vulnerable in our legal system is ongoing. Strong structural forces continue to shape laws in ways that exclude people from participation, but there is hope. Equality rights law in Canada is changing the landscape. At present, human rights law in Canada, at least in law, is structured in a mixed open-closed form and interpreted in a largely egalitarian fashion. Though the effect has resulted in considerable confusion over the years, the Supreme Court of Canada in *Attorney General v. A* has attempted to reset the analysis. Hope also exists with such structures as the analogous ground construct. Perhaps by exploring this aspect of equality rights law, a different type of analysis may emerge. All is not bad however. Equality rights law is helping to bring people together by encouraging relational behaviour, but perhaps there are more optimal structures that can be developed that would provide everyone a voice and not just the privileged. What I have tried to demonstrate in this research is that through regulating relationships, the law affects our inner core, our ability to psychologically develop as relational beings. It is therefore not enough to un-bind the law, but to structure it in a way that allows the individual to develop their Self so that they can enter into relationships through which they can meaningfully participate in society.

Appendix A

Preferences in Favour and Not-in-favour of the Christmas Tree

Issue to Negotiate in order of importance	Your Preferences
1. Whether to have a tree (extremely important)	
No tree	
A tree in a classroom	
A tree in the hallway	
A tree in the main-event room	
2. The name of the tree (very important)	
Christmas tree	
Holiday tree	
No name given	
3. Decorative theme of the tree (important)	
Christmas theme	
Multicultural theme	
No decorations	

Figure 19: Preferences in favour of the Christmas Tree

Issue to Negotiate in order of importance	Your Preferences
1. Whether to put up a tree (extremely important)	
No tree	
A tree in a classroom	
A tree in the hallway	
A tree in the main-event room	
2. The name of the tree (very important)	
Christmas tree	
Holiday tree	
No name given	
3. Decorative theme of the tree (important)	
Christmas theme	
Multicultural theme	
No decorations	

Figure 20: Preference not in favour of the Christmas tree

Appendix B

Situational Basic Needs Scale at School⁵¹⁷

7-point Likert scale (with values ranging from 1=not at all true to 7=very true)

1. I feel like I can make a lot of inputs to deciding how my schoolwork gets done.
2. I really like the people I go to school with.
3. I do not feel very competent when I am at school.
4. People at school tell me I am good at what I do.
5. I feel pressured at school.
6. I get along with people at school.
7. I pretty much keep to myself when I am at school.
8. I am free to express my ideas and opinions when at school.
9. I consider the people I go to school with to be my friends.
10. I have been able to learn interesting new skills at my school.
11. When I am at school, I have to do what I am told.
12. Most days I feel a sense of accomplishment from the schoolwork I do.
13. My feelings are taken into consideration at school.
14. At school I do not get much of a chance to show how capable I am.
15. People at school care about me.
16. There are not many people at school that I am close to.
17. I feel like I can pretty much be myself at school.
18. The people I go to school with do not seem to like me much.
19. When I am doing my schoolwork I often do not feel very capable.
20. There is not much opportunity for me to decide for myself how to go about my schoolwork.
21. People at school are pretty friendly towards me.

Note: The scale has been modified to reflect language familiar to a school environment.

Scoring Instructions:

Form three subscale scores by averaging item responses for each subscale after reverse scoring the items that were worded in the negative direction. Specifically, any item that has (R) after it in the code below should be reverse scored by subtracting the person's response from 8.

The subscales are:

Autonomy: 1, 5(R), 8, 11(R), 13, 17, 20(R)

Competence: 3(R), 4, 10, 12, 14(R), 19(R)

Relatedness: 2, 6, 7(R), 9, 15, 16(R), 18(R), 21

⁵¹⁷ As adapted from E. L. Deci, et al., *supra* note 431

Positive and Negative Affect Scale⁵¹⁸

6-point Liker Scale (with values ranging from 1=strongly to 6=not at all)

Indicate to what extent you felt this way while completing the task:

1. Interested
2. Disinterested
3. Excited
4. Upset
5. Strong
6. Guilty
7. Scared
8. Hostile
9. Enthusiastic
10. Proud
11. Irritable
12. Alert
13. Ashamed
14. Inspired
15. Nervous
16. Determined
17. Attentive
18. Jittery
19. Active
20. Afraid

Scoring Instructions:

Positive Affect Score: Add the scores on items 1, 3, 5, 9, 10, 12, 14, 16, 17, and 19.
Scores can range from 10 – 50, with higher scores representing higher levels of positive affect.

Negative Affect Score: Add the scores on items 2, 4, 6, 7, 8, 11, 13, 15, 18, and 20.
Scores can range from 10 – 50, with lower scores representing lower levels of negative affect.

⁵¹⁸ As adapted from David Watson, Lee A Clark & Auke Tellegen, *supra* note 433

Creative Negotiation Involvement Scale⁵¹⁹

7-point Likert scale (with values ranging from 1=strongly disagree to 7=strongly agree)

1. I demonstrated originality in the negotiation
2. I took risks in terms of producing new ideas to resolve the issue
3. I found new uses for existing methods or equipment
4. I solved problems that had caused others difficulty
5. I tried out new ideas and approaches to problems
6. I identified opportunities for new resolutions
7. I generated novel, but operable solutions
8. I generated ideas revolutionary to the problem
9. I served as a good role model for creativity

Note: The scale was modified to reflect language familiar within a negotiation environment.

Scoring Instructions:

Add scores together. The higher the score, the greater level of perceived creativity

⁵¹⁹ As adapted from Abraham Carmeli & John Schaubroeck, *supra* note 434

Appendix C

Table 48: Coefficient table for mediation analysis of autonomy on control group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	5.2035** (.1779)	i_3	.1823 (.3496)	i_2	-1.2988 (1.1632)
C_I	a_1	-.0912 (.2625)	c_1	-.1823 (.5149)	c'_1	-.1603 (.5210)
C_E	a_2	-.1574 (.2556)	c_2	.5596 (.5195)	c'_2	.6104 (.5261)
M					b	.2853 (.2138)

**Statistically significant at no more than the .05 level.

Table 49: Total, direct, and indirect effects of autonomy on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_I	-.1823	.5149	-1.1914	.8268
C_E	.5596	.5195	-.4585	1.5777
Direct effects				
C_I	-.1603	.5210	-1.1815	.8609
C_E	.6104	.5261	-.4206	1.6415
Indirect effects				
C_I	-.0260	.1092	-.3783	.1210
C_E	-.0449	.1037	-.3741	.0801

Table 50: Coefficient table for mediation analysis of autonomy on implicit group (construction of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	5.1122** (.1931)	i_3	.0000 (.3780)	i_2	-1.4591 (1.1588)
C	a_1	.0912 (.2625)	c_1	.1823 (.5149)	c'_1	.1603 (.5210)
C_E	a_2	-.0662 (.2664)	c_2	.7419 (.5390)	c'_2	.7708 (.5443)
M					b	.2853 (.2138)

**Statistically significant at no more than the .05 level.

Table 51: Total, direct, and indirect effects of autonomy on implicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1823	.5149	-.8268	1.1914

C_E	.7419	.5390	-.3144	1.7983
Direct effects				
C	.1603	.5210	-.8609	1.1815
C_E	.7708	.5443	-.2960	1.8375
Indirect effects				
C	.0260	.1092	-.1210	.3706
C_E	-.0189	.0957	-.3103	.1232

Table 52: Coefficient table for mediation analysis of autonomy on explicit group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	5.0461**	i_3	.7419	i_2	-.6884
		(.1835)		(.3842)		(1.1330)
C	a_1	.1574	c_1	-.5596	c'_1	-.6104
		(.2556)		(.5195)		(.5261)
C_I	a_2	.0662	c_2	-.7419	c'_2	-.7708
		(.2664)		(.5390)		(.5443)
M					b	.2853
						(.2138)

**Statistically significant at no more than the .05 level.

Table 53: Total, direct, and indirect effects of autonomy on explicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5596	.5195	-1.5777	.4585
C_I	-.7419	.5390	-1.7983	.3144
Direct effects				
C	-.6104	.5261	-1.6415	.4206
C_I	-.7708	.5443	-1.8375	.2960
Indirect effects				
C	.0449	.1037	-.0802	.3741
C_I	.0189	.0957	-.1233	.3093

Table 54: Coefficient table for mediation analysis of competence on control group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.2727**	i_3	.1823	i_2	-2.2862**
		(.1575)		(.3496)		(1.1536)
C_I	a_1	.0547	c_1	-.1823	c'_1	-.2302
		(.2324)		(.5149)		(.5318)
C_E	a_2	-.1114	c_2	.5596	c'_2	.6498
		(.2262)		(.5196)		(.5388)
M					b	.5813**
						(.2592)

**Statistically significant at no more than the .05 level.

Table 55: Total, direct, and indirect effects of competence on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_I	-.1823	.5149	-1.1914	.8268
C_E	.5596	.5195	-.4585	1.5777
Direct effects				
C_I	-.2302	.5318	-1.2726	.8121
C_E	.6498	.5388	-.4062	1.7058
Indirect effects				
C_I	.01318	.1591	-.2529	.4079
C_E	-.0648	.1692	-.4949	.1908

Table 56: Coefficient table for mediation analysis of competence on implicit group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.3274** (.1709)	i_3	.0000 (.3780)	i_2	-2.5164** (1.1874)
C	a_1	-.0547 (.2324)	c_1	.1824 (.5149)	c'_1	.2302 (.5318)
C_E	a_2	-.1661 (.2358)	c_2	.7419 (.5390)	c'_2	.8800 (.5578)
M					b	.5813** (.2592)

**Statistically significant at no more than the .05 level.

Table 57: Total, direct, and indirect effects of competence on implicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1823	.5149	-.8268	1.1914
C_E	.7419	.5390	-.3144	1.7983
Direct effects				
C	.2302	.5318	-.8121	1.2726
C_E	.8800	.5578	-.2132	1.9733
Indirect effects				
C	-.0318	.1591	-.4079	.2528
C_E	-.0966	.1544	-.5224	.1233

Table 58: Coefficient table for mediation analysis of competence on explicit group (construction of the law) and outcome

Outcome:		M		Y	
		Coefficient (SE)		Coefficient (SE)	Coefficient (SE)

Constant	i_1	4.1613** (.1625)	i_3	.7419 (.3842)	i_2	-1.6364 (1.1152)
C	a_1	.1114 (.2262)	c_1	-.5596 (.5195)	c'_1	-.6498 (.5388)
C_I	a_2	.1661 (.2358)	c_2	-.7419 (.5390)	c'_2	-.8800 (.5578)
M					b	.5813** (.2592)

**Statistically significant at no more than the .05 level.

Table 59: Total, direct, and indirect effects of competence on explicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5596	.5195	-1.5777	.4585
C_I	-.7419	.5390	-1.7983	.3144
Direct effects				
C	-.6498	.5388	-1.7058	.4062
C_I	-.8800	.5578	-1.9733	.2132
Indirect effects				
C	.0648	.1692	-.1908	.4948
C_I	.0966	.1544	-.1234	.5214

Table 60: Coefficient table for mediation analysis of relatedness on control group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.1136** (.2145)	i_3	.1823 (.3496)	i_2	-2.2172** (.8865)
C_I	a_1	-.0511 (.3166)	c_1	-.1823 (.5149)	c'_1	-.1622 (.5484)
C_E	a_2	.0960 (.3082)	c_2	.5596 (.5195)	c'_2	.5539 (.5447)
M					b	.5883** (.1992)

**Statistically significant at no more than the .05 level.

Table 61: Total, direct, and indirect effects of relatedness on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_I	-.1823	.5149	-1.1914	.8268
C_E	.5596	.5195	-.4585	1.5777
Direct effects				
C_I	-.1622	.5484	-1.2370	.9126
C_E	.5539	.5447	-.5137	1.6215
Indirect effects				

C_I	-.0301	.2184	-.4947	.4057
C_E	.0565	.1931	-.3071	.5047

Table 62: Coefficient table for mediation analysis of relatedness on implicit group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.0625**	i_3	.0000	i_2	-2.3794**
		(.2328)		(.3780)		(.8963)
C	a_1	.0511	c_1	.1823	c'_1	.1622
		(.3166)		(.5149)		(.5484)
C_E	a_2	.1472	c_2	.7419	c'_2	.7161
		(.3212)		(.5390)		(.5703)
M					b	.5883**
						(.1992)

**Statistically significant at no more than the .05 level.

Table 63: Total, direct, and indirect effects of relatedness on implicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1823	.5149	-.8268	1.1914
C_E	.7419	.5390	-.3144	1.7983
Direct effects				
C	.1622	.5484	-.9126	1.2370
C_E	.7161	.5703	-.4016	1.8338
Indirect effects				
C	.0301	.2184	-.4073	.4940
C_E	.0866	.2208	-.3167	.5890

Table 64: Coefficient table for mediation analysis of relatedness on explicit group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.2097**	i_3	.7419	i_2	-1.6633**
		(.2213)		(.3842)		(.8883)
C	a_1	-.0960	c_1	-.5596	c'_1	-.5539
		(.3082)		(.5195)		(.5447)
C_I	a_2	-.1472	c_2	-.7419	c'_2	-.7161
		(.3212)		(.5390)		(.5703)
M					b	.5883**
						(.1992)

**Statistically significant at no more than the .05 level.

Table 65: Total, direct, and indirect effects of relatedness on explicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				

<i>C</i>	-.5596	.5195	-1.5777	.4585
<i>C_I</i>	-.7419	.5390	-1.7983	.3144
Direct effects				
<i>C</i>	-.5539	.5447	-1.6215	.5137
<i>C_I</i>	-.7161	.5703	-1.8338	.4016
Indirect effects				
<i>C</i>	-.0565	.1931	-.5055	.3065
<i>C_I</i>	-.0866	.2208	-.5890	.3166

Table 66: Coefficient table for mediation analysis of autonomy, competence, and relatedness on control group (construction of the law) and outcome

Outcome:		M			Y			
		Autonomy	Competence	Relatedness				
		Coefficient (SE)	Coefficient (SE)	Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	5.2035** (.1779)	4.2727** (.1575)	4.1136** (.2145)	i_3	.1823 (.2496)	i_2	-2.4677 (1.3361)
C_I	a_1	-.0912 (.2625)	.0547 (.2324)	-.0511 (.3166)	c_1	-.1823 (.5149)	c'_1	-.2615 (.5592)
C_E	a_2	-.1574 (.2556)	-.1114 (.2262)	.0960 (.3082)	c_2	.5596 (.5195)	c'_2	.5803 (.5615)
M						Autonomy	b	-.5552 (.3640)
						Competence		.6741 (.3862)
						Relatedness		.6571** (.2482)

**Statistically significant at no more than the .05 level.

Table 67: Total, direct, and indirect effects of autonomy, competence, relatedness on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C_I</i>	-.1823	.5149	-1.1914	.8268
<i>C_E</i>	.5596	.5195	-.4585	1.5777
Direct effects				
<i>C_I</i>	-.2615	.5592	-1.3575	.8345
<i>C_E</i>	.5803	.5615	-.5202	1.6809
Indirect effects				
<i>C_I Total</i>	.0539	.2814	-.5012	.6490
Autonomy	.0506	.2030	-.2665	.6155
Competence	.0368	.2015	-.2927	.5732
Relatedness	-.0336	.2532	-.5687	.4690
<i>C_E Total</i>	.0754	.2965	-.5063	.6933
Autonomy	.0874	.2026	-.1678	.6938
Competence	-.0751	.2193	-.7165	.2348
Relatedness	.0631	.2275	-.3449	.5913

Table 68: Coefficient table for mediation analysis of autonomy, competence, and relatedness on implicit group (construction of the law) and outcome

Outcome:		M			Y		
		Autonomy	Competence	Relatedness			
		Coefficient (SE)	Coefficient (SE)	Coefficient (SE)		Coefficient (SE)	Coefficient (SE)
Constant	i_1	5.1122** (.1931)	4.3274** (.1709)	4.0625** (.2328)	i_3	.0000 (.3780)	i_2 -2.7292** (1.3554)
C	a_1	.0912 (.2625)	-.0547 (.2324)	.0511 (.3166)	c_1	.1823 (.5149)	c'_1 .2515 (.5592)
C_E	a_2	-.0662 (.2664)	-.1661 (.2358)	.1472 (.3212)	c_2	.7419 (.5390)	c'_2 .8418 (.5869)
M					Autonomy	b	-.5552 (.3640)
					Competence		.6741 (.3862)
					Relatedness		.6571** (.2482)

**Statistically significant at no more than the .05 level.

Table 69: Total, direct, and indirect effects of autonomy, competence, relatedness on implicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1823	.5149	-.8268	1.1914
C_E	.7419	.5390	-.3144	1.7983
Direct effects				
C	.2615	.5592	-.8345	1.3575
C_E	.8418	.5869	-.3085	1.9922
Indirect effects				
C Total	-.0539	.2814	-.6490	.5012
Autonomy	-.0506	.2030	-.6162	.2655
Competence	-.0368	.2015	-.5734	.2926
Relatedness	.0336	.2532	-.4703	.5685
C_E Total	.0215	.2933	-.5715	.6110
Autonomy	.0367	.1833	-.2501	.5376
Competence	-.1120	.2010	-.7244	.1446
Relatedness	.0967	.2584	-.3620	.6974

Table 70: Coefficient table for mediation analysis of autonomy, competence, and relatedness on explicit group (construction of the law) and outcome

Outcome:		M			Y		
		Autonomy	Competence	Relatedness			
		Coefficient (SE)	Coefficient (SE)	Coefficient (SE)		Coefficient (SE)	Coefficient (SE)
Constant	i_1	5.0461** (.1835)	4.1613** (.1625)	4.2097 (.2213)	i_3	.7419 (.3842)	i_2 -1.8874 (1.2984)
C	a_1	.1574 (.2556)	.1114 (.2262)	-.0960 (.3082)	c_1	-.5596 (.5195)	c'_1 -.5803 (.5615)
C_I	a_2	.0662 (.2664)	.1661 (.2358)	-.1472 (.3212)	c_2	-.7419 (.5390)	c'_2 -.8418 (.5869)

<i>M</i>	Autonomy	<i>b</i>	-.5552 (.3640)
	Competence		.6741 (.3862)
	Relatedness		.6571 (.2482)**

**Statistically significant at no more than the .05 level.

Table 71: Total, direct, and indirect effects of autonomy, competence, relatedness on explicit group (construction of law) and outcome

		Product of coefficients		Bootstrapping BCa 95% CI	
		Point estimate	SE	LL	UL
Total effects					
<i>C</i>		-.5596	.5192	-1.5777	.4585
<i>C_I</i>		-.7419	.5390	-1.7983	.3144
Direct effects					
<i>C</i>		-.5803	.5615	-1.6809	.5202
<i>C_I</i>		-.8414	.5869	-1.9922	.3085
Indirect effects					
<i>C Total</i>		-.0754	.2965	-.6933	.5063
<i>Autonomy</i>		-.0874	.2026	-.6938	.1678
<i>Competence</i>		.0751	.2193	-.2350	.7165
<i>Relatedness</i>		-.0631	.2275	-.5917	.3445
<i>C_I Total</i>		-.0215	.2933	-.6117	.5715
<i>Autonomy</i>		-.0367	.1833	-.5376	.2501
<i>Competence</i>		.1120	.21010	-.1446	.7244
<i>Relatedness</i>		-.0967	.2584	-.6974	.3618

Table 72: Coefficient table for mediation analysis of autonomy on control group (interpretation of the law) and outcome

Outcome:		<i>M</i>					<i>Y</i>	
		Coefficient (SE)			Coefficient (SE)			Coefficient (SE)
Constant	<i>i₁</i>	5.2035**		<i>i₃</i>	.1823		<i>i₂</i>	-.3410 (1.0614)
<i>C_M</i>	<i>a₁</i>	-.5963**		<i>c₁</i>	.3773		<i>c' ₁</i>	.4376 (.4843)
<i>C_D</i>	<i>a₂</i>	-.7749**		<i>c₂</i>	.7156		<i>c' ₂</i>	.7948 (.5240)
<i>C_P</i>	<i>a₃</i>	-.6769**		<i>c₃</i>	.5978		<i>c' ₃</i>	.6664 (.5224)
<i>M</i>							<i>b</i>	.1007 (.1929)

**Statistically significant at no more than the .05 level.

Table 73: Total, direct, and indirect effects of autonomy on control group (interpretation of the law) and outcome

		Product of coefficients		Bootstrapping BCa 95% CI	
		Point estimate	SE	LL	UL
Total effects					
<i>C_M</i>		.3773	.4695	-.5429	1.2975
<i>C_D</i>		.7156	.5002	-.2647	1.6959
<i>C_P</i>		.5978	.5048	-.3915	1.5872

	Direct effects			
C_M	.4376	.4842	-.5114	1.3866
C_D	.7948	.5240	-.2321	1.8218
C_P	.6664	.5224	-.3574	1.6902
	Indirect effects			
C_M	-.0600	.1284	-.3834	.1512
C_D	-.0780	.1589	-.4379	.2159
C_P	-.0682	.1450	-.4304	.1747

Table 74: Coefficient table for mediation analysis of autonomy on monist group (interpretation of the law) and outcome

Outcome:	<i>M</i>			<i>Y</i>		
		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)
Constant	<i>i</i> ₁	4.6071** (.1351)	<i>i</i> ₃	.5596 (.3134)	<i>i</i> ₂	.0966 (.9398)
<i>C</i>	<i>a</i> ₁	.5963** (.2064)	<i>c</i> ₁	-.3773 (.4695)	<i>c</i> ₁ '	-.4376 (.4842)
<i>C</i> _{<i>D</i>}	<i>a</i> ₂	-.1786 (.1985)	<i>c</i> ₂	.3383 (.4756)	<i>c</i> ₂ '	.3573 (.4775)
<i>C</i> _{<i>P</i>}	<i>a</i> ₃	-.0806 (.2030)	<i>c</i> ₃	.2205 (.4804)	<i>c</i> ₃ '	.2288 (.4810)
<i>M</i>					<i>b</i>	.1007 (.1929)

**Statistically significant at no more than the .05 level.

Table 75: Total, direct, and indirect effects of autonomy on monist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.3773	.4695	-1.2975	.5429
C_D	.3383	.4756	-.5938	1.2704
C_P	.2205	.4804	-.7210	1.1621
Direct effects				
C	-.4376	.4842	-1.3866	.5114
C_D	.3573	.4775	-.5786	1.2931
C_P	.2288	.4810	-.7139	1.1715
Indirect effects				
C	.0600	.1284	-.1512	.3834
C_D	-.0180	.0528	-.2071	.0407
C_P	-.0081	.0413	-.1572	.0391

Table 76: Coefficient table for mediation analysis of autonomy on differentialist group (interpretation of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.4286** (.1454)	i_3	.8979** (.3577)	i_2	.4538 (.9203)

C	a_1	.7749** (.2133)	c_1	-.7156 (.5002)	c'_1	-.7948 (.5240)
C_M	a_2	.1786 (.1985)	c_2	-.3383 (.4756)	c'_2	-.3573 (.4775)
C_P	a_3	.0980 (.2100)	c_3	-.1178 (.5104)	c'_3	-.1284 (.5112)
M					b	.1007 (.1929)

**Statistically significant at no more than the .05 level.

Table 77: Total, direct, and indirect effects of autonomy on differentialist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7156	.5002	-1.6959	.2647
C_M	-.3383	.4756	-1.2704	.5938
C_P	-.1178	.5104	-1.1182	.8826
Direct effects				
C	-.7948	.5240	-1.8218	.2321
C_M	-.3573	.4775	-1.2931	.5786
C_P	-.1284	.5112	-1.1304	.8736
Indirect effects				
C	.0780	.1589	-.2163	.4378
C_M	.0180	.0528	-.0407	.2068
C_P	.0099	.0456	-.0419	.1723

Table 78: Coefficient table for mediation analysis of autonomy on pluralist group (interpretation of the law) and outcome

Outcome:		M				Y	
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)	
Constant	i_1	4.5265** (.1515)		i_3	.7802** (.3641)	i_2	.3254 (.9428)
C	a_1	.6769** (.2175)		c_1	-.5978 (.5048)	c'_1	-.6664 (.5224)
C_M	a_2	.0806 (.2030)		c_2	-.2205 (.4804)	c'_2	-.2288 (.4810)
C_D	a_3	-.0980 (.2100)		c_3	.1178 (.5104)	c'_3	.1284 (.5112)
M						b	.1007 (.1929)

**Statistically significant at no more than the .05 level.

Table 79: Total, direct, and indirect effects of autonomy on pluralist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5978	.5048	-1.5872	.3915
C_M	-.2205	.4804	-1.1621	.7210
C_D	.1178	.5104	-.8826	1.1182

	Direct effects			
C	-.6664	.5224	-1.6902	.3574
C_M	-.2288	.4810	-1.1715	.7139
C_D	.1284	.5112	-.8736	1.1304
	Indirect effects			
C	.0682	.1450	-.1748	.4304
C_M	.0081	.0413	-.0391	.1570
C_D	-.0099	.0456	-.1723	.0419

Table 80: Coefficient table for mediation analysis of competence on control group (interpretation of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.2727** (.1444)	i_3	.1823 (.3496)	i_2	-2.0165** (1.0161)
C_M	a_1	-.2992 (.1910)	c_1	.3773 (.4695)	c'_1	.5399 (.4872)
C_D	a_2	-.5115** (.1986)	c_2	.6779 (.5016)	c'_2	.9551 (.5280)
C_P	a_3	-.4949** (.2042)	c_3	.6506 (.5155)	c'_3	.9281 (.5441)
M					b	.5175** (.2246)

**Statistically significant at no more than the .05 level.

Table 81: Total, direct, and indirect effects of competence on control group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_M	.3773	.4695	-.5429	1.2975
C_D	.6779	.5016	-.3052	1.6610
C_P	.6506	.5155	-.3597	1.6609
Direct effects				
C_M	.5399	.4872	-.4150	1.4948
C_D	.9551	.5380	-.0798	1.9899
C_P	.9281	.5441	-.1384	1.9946
Indirect effects				
C_M	-.1549	.1363	-.5204	.0416
C_D	-.2647	.1623	-.7081	-.0369
C_P	-.2561	.1723	-.7265	-.0235

Table 82: Coefficient table for mediation analysis of competence on monist group (interpretation of the law) and outcome

Outcome:	<i>M</i>		<i>Y</i>			
		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)	Coefficient (<i>SE</i>)	
Constant	<i>i</i> ₁	3.9735** (.1250)	<i>i</i> ₃	.5596 (.3134)	<i>i</i> ₂	-1.4767 (.9314)

C	a_1	.2992 (.1910)	c_1	-.3773 (.4695)	c'_1	-.5399 (.4872)
C_D	a_2	-.2122 (.1850)	c_2	.3006 (.4771)	c'_2	.4152 (.4863)
C_P	a_3	-.1957 (.1910)	c_3	.2733 (.4916)	c'_3	.3883 (.5034)
M					b	.5175** (.2246)

**Statistically significant at no more than the .05 level.

Table 83: Total, direct, and indirect effects of competence on monist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.3773	.4695	-1.2975	.5429
C_D	.3006	.4771	-.6344	1.2356
C_P	.2733	.4916	-.6903	1.2369
Direct effects				
C	-.5399	.4872	-1.4948	.4150
C_D	.4152	.4863	-.5380	1.3684
C_P	.3883	.5034	-.5984	1.3750
Indirect effects				
C	.1549	.1363	-.0419	.5204
C_D	-.1098	.1035	-.3836	.0344
C_P	-.1013	.1186	-.4250	.0637

Table 84: Coefficient table for mediation analysis of competence on differentialist group (interpretation of the law) and outcome

Outcome:	M		Y			
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	3.7613** (.1364)	i_3	.8602** (.3597)	i_2	-1.0615 (.9005)
C	a_1	.5115** (.1986)	c_1	-.6779 (.5016)	c'_1	-.9551 (.5280)
C_M	a_2	.2122 (.1850)	c_2	-.3006 (.4771)	c'_2	-.4152 (.4863)
C_P	a_3	.0165 (.1986)	c_3	-.0273 (.5223)	c'_3	-.0269 (.5306)
M					b	.5175** (.2246)

**Statistically significant at no more than the .05 level.

Table 85: Total, direct, and indirect effects of competence on differentialist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.6779	.5016	-1.6610	.3052
C_M	-.3006	.4771	-1.2356	.6344
C_P	-.0273	.5223	-1.0511	.9965

	Direct effects			
C	-.9551	.5280	-1.9899	.0798
C_M	-.4152	.4863	-1.3684	.5380
C_P	-.0269	.5306	-1.0670	1.0131
	Indirect effects			
C	.2647	.1623	.0365	.7073
C_M	.1098	.1035	-.0344	.3835
C_P	.0085	.1080	-.2229	.2259

Table 86: Coefficient table for mediation analysis of competence on pluralist group (interpretation of the law) and outcome

Outcome:	<i>M</i>			<i>Y</i>		
		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)
Constant	<i>i</i> ₁	3.7778** (.1444)	<i>i</i> ₃	.8329** (.3788)	<i>i</i> ₂	-1.0884 (.9073)
<i>C</i>	<i>a</i> ₁	.4949** (.2042)	<i>c</i> ₁	-.6506 (.5155)	<i>c</i> ₁ '	-.9281 (.5441)
<i>C_M</i>	<i>a</i> ₂	.1957 (.1910)	<i>c</i> ₂	-.2733 (.4916)	<i>c</i> ₂ '	-.3883 (.5034)
<i>C_D</i>	<i>a</i> ₃	-.0165 (.1986)	<i>c</i> ₃	.0273 (.5223)	<i>c</i> ₃ '	.0269 (.5306)
<i>M</i>					<i>b</i>	.5175** (.2246)

**Statistically significant at no more than the .05 level.

Table 87: Total, direct, and indirect effects of competence on pluralist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.6506	.5155	-1.6609	.3597
C_M	-.2733	.4916	-1.2369	.6903
C_D	.0273	.5223	-.9965	1.0511
Direct effects				
C	-.9281	.5441	-1.9946	.1384
C_M	-.3883	.5034	-1.3750	.5984
C_D	.0269	.5306	-1.0131	1.0670
Indirect effects				
C	.2561	.1723	.0235	.7259
C_M	.1013	.1186	-.0637	.4250
C_D	-.0085	.1080	-.2259	.2227

Table 88: Coefficient table for mediation analysis of relatedness on control group (interpretation of the law) and outcome

Outcome:	M		Y			
		Coefficient (SE)		Coefficient (SE)	Coefficient (SE)	
Constant	i_1	4.1875** (.1699)	i_3	.1252 (.3542)	i_2	-2.8439** (.9246)

C_M	a_1	-.1676 (.2233)	c_1	.4345 (.4730)	c'_1	.6013 (.5065)
C_D	a_2	-.3980 (.2306)	c_2	.7728 (.5034)	c'_2	1.1125** (.5424)
C_P	a_3	-.1111 (.2335)	c_3	.6958 (.5064)	c'_3	.8121 (.5343)
M					b	.7143** (.2044)

**Statistically significant at no more than the .05 level.

Table 89: Total, direct, and indirect effects of relatedness on control group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_M	.4345	.4730	-.4926	1.3615
C_D	.7728	.5034	-.2139	1.7595
C_P	.6958	.5064	-.2966	1.6883
Direct effects				
C_M	.6013	.5065	-.3914	1.5941
C_D	1.1125	.5424	.0494	2.1755
C_P	.8121	.5343	-.2352	1.8594
Indirect effects				
C_M	-.1197	.1973	-.5373	.2575
C_D	-.2843	.1981	-.7346	.0604
C_P	-.0794	.1863	-.4710	.2757

Table 90: Coefficient table for mediation analysis of relatedness on monist group (interpretation of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.0199** (.1449)	i_3	.5596 (.3134)	i_2	-2.2426** (.8493)
C	a_1	.1676 (.2233)	c_1	-.4345 (.4730)	c'_1	-.6013 (.5065)
C_D	a_2	-.2304 (.2128)	c_2	.3383 (.4756)	c'_2	.5111 (.4992)
C_P	a_3	.0565 (.2160)	c_3	.2614 (.4787)	c'_3	.2108 (.4986)
M					b	.7143** (.2044)

**Statistically significant at no more than the .05 level.

Table 91: Total, direct, and indirect effects of relatedness on monist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.4345	.4730	-1.3615	.4926
C_D	.3383	.4756	-.5938	1.2704
C_P	.2614	.4787	-.6768	1.1995

	Direct effects			
C	-.6013	.5065	-1.5941	.3914
C_D	.5111	.4992	-.4672	1.4895
C_P	.2108	.4986	-.7664	1.1880
	Indirect effects			
C	.1197	.1973	-.2575	.5372
C_D	-.1646	.1664	-.5212	.1402
C_P	.0404	.1550	-.2661	.3604

Table 92: Coefficient table for mediation analysis of relatedness on differentialist group (interpretation of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	3.7895** (.1559)	i_3	.8979** (.3577)	i_2	-1.7315** (.8223)
C	a_1	.3980 (.2306)	c_1	-.7728 (.5034)	c'_1	-1.1125** (.5424)
C_M	a_2	.2304 (.2128)	c_2	-.3383 (.4756)	c'_2	-.5111 (.4992)
C_P	a_3	.2869 (.2235)	c_3	-.0770 (.5088)	c'_3	-.3004 (.5311)
M					b	.7143** (.2044)

**Statistically significant at no more than the .05 level.

Table 93: Total, direct, and indirect effects of relatedness on differentialist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7728	.5034	-1.7595	.2139
C_M	-.3383	.4756	-1.2704	.5938
C_P	-.0770	.5088	-1.0741	.9202
Direct effects				
C	-1.1125	.5424	-2.1755	-.0494
C_M	-.5111	.4992	-1.4895	.4672
C_P	-.3004	.5311	-1.3413	.7405
Indirect effects				
C	.2843	.1981	-.0605	.7346
C_M	.1646	.1664	-.1402	.5212
C_P	.2049	.1573	-.0698	.5577

Table 94: Coefficient table for mediation analysis of relatedness on pluralist group (interpretation of the law) and outcome

Outcome:	<i>M</i>		<i>Y</i>			
		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)	Coefficient (<i>SE</i>)	
Constant	<i>i</i> ₁	4.0764** (.1602)	<i>i</i> ₃	.8210** (.3618)	<i>i</i> ₂	-2.0318** (.8834)

C	a_1	.1111 (.2335)	c_1	-.6958 (.5064)	c'_1	-.8121 (.5343)
C_M	a_2	-.0565 (.2160)	c_2	-.2614 (.4787)	c'_2	-.2108 (.4986)
C_D	a_3	-.2869 (.2235)	c_3	.0770 (.5088)	c'_3	.3004 (.5311)
M					b	.7143** (.2044)

**Statistically significant at no more than the .05 level.

Table 95: Total, direct, and indirect effects of relatedness on pluralist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.6958	.5064	-1.6883	.2966
C_M	-.2614	.4787	-1.1995	.6768
C_D	.0770	.5088	-.9202	1.0741
Direct effects				
C	-.8121	.5343	-1.8594	.2352
C_M	-.2108	.2986	-1.1880	.7664
C_D	.3004	.5311	-.7405	1.3413
Indirect effects				
C	.0794	.1863	-.2763	.4708
C_M	-.0404	.1550	-.3610	.2661
C_D	-.2049	.1573	-.5577	.0695

Table 96: Coefficient table for mediation analysis of autonomy, competence, and relatedness on control group (interpretation of the law) and outcome

		M			Y		
Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)	Coefficient (SE)		Coefficient (SE)
Constant	i_1	5.2589** (.1578)	4.3073** (.1462)	4.1875** (.1686)	i_3	.1252 (.3542)	i_2 -2.7714** (1.2864)
C_M	a_1	-.6518** (.2074)	-.3338 (.1922)	-.1676 (.2216)	c_1	.4345 (.4730)	c'_1 .4039 (.5434)
C_D	a_2	-.7995** (.2155)	-.5460** (.1997)	-.3598 (.2303)	c_2	.7350 (.7350)	c'_2 .8907 (.5743)
C_P	a_3	-.7054** (.2232)	-.5052** (.2068)	.0117 (.2385)	c_3	.6633 (.5048)	c'_3 .5641 (.5906)
M					Autonomy	b	-.8704** (.3288)
					Competence	b	.8041** (.3469)
					Relatedness	b	.9669** (.2677)

**Statistically significant at no more than the .05 level.

Table 97: Total, direct, and indirect effects of autonomy, competence, relatedness on control group (interpretation of the law) and outcome

	Product of coefficients	Bootstrapping BCa 95% CI
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	Point estimate	SE	LL	UL
Total effects				
C_M	.4345	.4730	-.4926	1.3615
C_D	.7350	.5048	-.2544	1.7345
C_P	.6633	.5205	-.3569	1.6835
Direct effects				
C_M	.4039	.5434	-.6610	1.4689
C_D	.8907	.5743	-.2349	2.0163
C_P	.5641	.5906	-.5934	1.7216
Indirect effects				
C_M Total	.1368	.3399	-.5101	.8338
Autonomy	.1573	.3488	.0933	1.4466
Competence	-.2684	.2218	-.8683	.0432
Relatedness	-.1621	.2726	-.7427	.3566
C_D Total	-.0911	.3460	-.7770	.5943
Autonomy	.6959	.4187	.1196	1.7312
Competence	-.4391	.2662	-1.1320	-.0605
Relatedness	-.3479	.2757	-1.0124	.1111
C_P Total	.2191	.3711	-.4932	.9763
Autonomy	.6140	.3726	.1068	1.5405
Competence	-.4062	.2774	-1.1582	-.0322
Relatedness	.0113	.2586	-.5082	.5475

Table 98: Coefficient table for mediation analysis of autonomy, competence, and relatedness on monist group (interpretation of the law) and outcome

		<i>M</i>			<i>Y</i>		
Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)		Coefficient (SE)	Coefficient (SE)
Constant	i_1	4.6071** (.1346)	3.9735 (.1247)	4.0199 (.1438)	i_3	.5596 (.3134)	i_2 -2.3674** (1.1607)
C	a_1	.6518** (.2074)	.3338 (.1922)	.1676 (.2216)	c_1	-.4345 (.4730)	c'_1 -.4039 (.5434)
C_D	a_2	-.1477 (.1991)	-.2122 (.1845)	-.1922 (.2128)	c_2	.3006 (.4771)	c'_2 .4867 (.5147)
C_P	a_3	-.0536 (.2074)	-.1714 (.1922)	.1793 (.2216)	c_3	.2288 (.4936)	c'_3 .1601 (.5402)
M					Autonomy	b	-.8704** (.3288)
					Competence	b	.8041** (.3469)
					Relatedness	b	.9669** (.2677)

**Statistically significant at no more than the .05 level.

Table 99: Total, direct, and indirect effects of autonomy, competence, relatedness on monist group (interpretation of the law) and outcome

		Product of coefficients		Bootstrapping BCa 95% CI	
		Point estimate	SE	LL	UL
Total effects					
C		-.4345	.4730	-1.3615	.4926
C_D		.3006	.4771	-.6344	1.2356
C_P		.2288	.4936	-.7387	1.1963

	Direct effects			
<i>C</i>	-.4039	.5434	-1.4689	.6610
<i>C_D</i>	.4867	.5147	-.5220	1.4955
<i>C_P</i>	.1601	.5402	-.8987	1.2190
	Indirect effects			
<i>C Total</i>	-.1368	.3399	-.8340	.5095
<i>Autonomy</i>	-.5673	.3488	-1.4466	-.0943
<i>Competence</i>	.2684	.2218	-.0432	.8677
<i>Relatedness</i>	.1621	.2726	-.3595	.7427
<i>C_D Total</i>	-.2279	.2423	-.7507	.2095
<i>Autonomy</i>	.1286	.2062	-.1623	.6869
<i>Competence</i>	-.1707	.1675	-.6191	.0596
<i>Relatedness</i>	-.1858	.2253	-.6771	.2221
<i>C_P Total</i>	.0822	.2681	-.4670	.6146
<i>Autonomy</i>	.0466	.1798	-.2846	.4588
<i>Competence</i>	-.1378	.1904	-.6524	.1292
<i>Relatedness</i>	.1734	.2168	-.2328	.6396

Table 100: Coefficient table for mediation analysis of autonomy, competence, and relatedness on differentialist group (interpretation of the law) and outcome

		M			Y			
Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)		Coefficient (SE)	Coefficient (SE)	
Constant	i_1	4.4595** (.1467)	3.7613** (.1360)	3.8277** (.1568)	i_3	.8602** (.3597)	i_2	-1.8807** (1.1395)
C	a_1	.7995** (.2155)	.5460** (.1997)	.3598 (.2303)	c_1	-.7350 (.5048)	c'_1	-.8907 (.5743)
C_M	a_2	.1477 (.1991)	.2122 (.1845)	.1922 (.2128)	c_2	-.3006 (.4771)	c'_2	-.4867 (.5147)
C_P	a_3	.0941 (.2155)	.0408 (.1997)	.3715 (.2303)	c_3	-.0717 (.5242)	c'_3	-.3266 (.5655)
M						Autonomy	b	-.8704** (.3288)
						Competence	b	.8041** (.3469)
						Relatedness	b	.9669** (.2677)

**Statistically significant at no more than the .05 level.

Table 101: Total, direct, and indirect effects of autonomy, competence, relatedness on differentialist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	-.7350	.5048	-1.7245	.2544
<i>C_M</i>	-.3006	.4771	-1.2356	.6344
<i>C_P</i>	-.0717	.5343	-1.0992	.9557
Direct effects				
<i>C</i>	-.8907	.5743	-1.7245	.2544
<i>C_M</i>	-.4867	.5147	-1.4955	.5220
<i>C_P</i>	-.3266	.5655	-1.4349	.7817

	Indirect effects			
<i>C Total</i>	.0911	.3460	-.5944	.7756
<i>Autonomy</i>	-.6959	.4187	-1.7312	-.1207
<i>Competence</i>	.4391	.2662	.0604	1.1319
<i>Relatedness</i>	.3479	.2757	-.1111	1.0120
<i>C_M Total</i>	.2279	.2423	-.2095	.7501
<i>Autonomy</i>	-.1286	.2062	-.6875	.1623
<i>Competence</i>	.1707	.1675	-.0596	.6188
<i>Relatedness</i>	.1858	.2253	-.2222	.6771
<i>C_P Total</i>	.3101	.2517	-.1351	.8720
<i>Autonomy</i>	-.0819	.2082	-.6010	.2504
<i>Competence</i>	.0328	.1758	-.3171	.4103
<i>Relatedness</i>	.3592	.2237	-.0212	.8635

Table 102: Coefficient table for mediation analysis of autonomy, competence, and relatedness on pluralist group (interpretation of the law) and outcome

		M			Y		
Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)	Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.5536** (.1578)	3.8021** (.1462)	4.1992** (.1686)	i_3	.7885** (.3814)	i_2 -2.2073** (1.1846)
<i>C</i>	a_1	.7054** (.2232)	.5052** (.2068)	-.0117 (.2385)	c_1	-.6633 (.5205)	c'_1 -.5641 (.5906)
<i>C_M</i>	a_2	.0536 (.2074)	.1714 (.1922)	-.1793 (.2216)	c_2	-.2288 (.4936)	c'_2 -.1601 (.5402)
<i>C_D</i>	a_3	-.0941 (.2155)	-.0408 (.1997)	-.3715 (.2303)	c_3	.0717 (.5242)	c'_3 .3266 (.5655)
<i>M</i>					Autonomy	b	-.8704** (.3288)
					Competence	b	.8041** (.3469)
					Relatedness	b	.9669** (.2677)

**Statistically significant at no more than the .05 level.

Table 103: Total, direct, and indirect effects of autonomy, competence, relatedness on pluralist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	-.6633	.5205	-1.6835	.3569
<i>C_M</i>	-.2288	.4936	-1.1963	.7387
<i>C_D</i>	.0717	.5242	-.9557	1.0992
Direct effects				
<i>C</i>	-.5641	.5906	-1.7216	.3569
<i>C_M</i>	-.1601	.5402	-1.2190	.8987
<i>C_D</i>	.3266	.5655	-.7817	1.4349
Indirect effects				
<i>C Total</i>	-.2191	.3711	-.9767	.4924
<i>Autonomy</i>	-.6140	.3726	-1.5411	-.1068
<i>Competence</i>	.4062	.2774	.0322	1.1582

<i>Relatedness</i>	-.0133	.2586	-.5481	.5082
<i>C_M Total</i>	-.0822	.2681	-.6149	.4669
<i>Autonomy</i>	-.0466	.1798	-.4588	.2846
<i>Competence</i>	.1378	.1904	-.1292	.6524
<i>Relatedness</i>	-.1734	.2168	-.6409	.2320
<i>C_D Total</i>	-.3101	.2517	-.8720	.1351
<i>Autonomy</i>	.0819	.2082	-.2504	.6000
<i>Competence</i>	-.0328	.1758	-.4116	.3163
<i>Relatedness</i>	-.3592	.2237	-.8635	.0208

Table 104: Coefficient table for mediation analysis of autonomy on control group (structures of law) and outcome

Outcome:		<i>M</i>		<i>Y</i>		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.7746** (.1582)	i_3	-.7885** (.3814)	i_2	-3.9334** (.9096)
C_{IM}	a_1	-.4588** (.2147)	c_1	1.3275** (.5085)	c'_1	1.7531** (.5485)
C_{ID}	a_2	-.4381 (.2255)	c_2	-.4437 (.5744)	c'_2	-.1407 (.5987)
C_{IP}	a_3	-.3763 (.2220)	c_3	.7278 (.5165)	c'_3	1.0532 (.5479)
C_{EM}	a_4	-.4019 (.2059)	c_4	-.1431 (.5027)	c'_4	.1526 (.5285)
C_{ED}	a_5	-.3087 (.2059)	c_5	-.0382 (.4981)	c'_5	.1838 (.5215)
C_{EP}	a_6	-.2697 (.2059)	c_6	.3830 (.4879)	c'_6	.6201 (.5127)
<i>M</i>					b	.6393** (.1615)

**Statistically significant at no more than the .05 level.

Table 105: Total, direct, and indirect effect tables for autonomy on control group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_{IM}	1.3275**	.5085	.3309	2.3241
C_{ID}	-.4437	.5744	-1.5696	.6822
C_{IP}	.7278	.5165	-.2845	1.7402
C_{EM}	-.1431	.5027	-1.1283	.8421
C_{ED}	-.0382	.4981	-1.0145	.9381
C_{EP}	.3830	.4879	-.5733	1.3393
Direct effects				
C_{IM}	1.7531**	.5485	.6781	2.8282
C_{ID}	-.1407	.5987	-1.3141	1.0328
C_{IP}	1.0532	.5479	-.0207	2.1271
C_{EM}	.1526	.5285	-.8832	1.1883
C_{ED}	.1838	.5215	-.8383	1.2060
C_{EP}	.6201	.5127	-.3847	1.6249
Indirect effects				
C_{IM}	-.2933	.1796	-.7169	.0046

C_{ID}	-.2801	.1795	-.6948	.0189
C_{IP}	-.2406	.1799	-.6647	.0508
C_{EM}	-.2569	.1718	-.6707	.0160
C_{ED}	-.1974	.1702	-.5925	.0944
C_{EP}	-.1725	.1632	-.5394	.1158

Table 106: Coefficient table for mediation analysis of autonomy on implicit-monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.2896**	i_3	.4964	i_2	-2.2158**
		(.1470)		(.3390)		(.7626)
C	a_1	.4850**	c_1	-1.2849**	c'_1	-1.7256**
		(.2159)		(.5103)		(.5511)
C_{ID}	a_2	.0468	c_2	-1.7286**	c'_2	-1.8655**
		(.2177)		(.5472)		(.5660)
C_{IP}	a_3	.1348	c_3	-.4964	c'_3	-.6236
		(.2124)		(.4822)		(.5029)
C_{EM}	a_4	.0831	c_4	-1.4280**	c'_4	-1.5722**
		(.1975)		(.4713)		(.4905)
C_{ED}	a_5	.1763	c_5	-1.3231**	c'_5	-1.5412**
		(.1975)		(.4665)		(.4896)
C_{EP}	a_6	.2152	c_6	-.9019**	c'_6	-1.1047**
		(.1985)		(.4555)		(.4763)
M					b	.6409**
						(.1616)

**Statistically significant at no more than the .05 level.

Table 107: Total, direct, and indirect effect tables for autonomy on implicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-1.2849	.5103	-2.2850	-.2848
C_{ID}	-1.7286	.5472	-2.8011	-.6561
C_{IP}	-.4964	.4822	-1.4416	.4487
C_{EM}	-1.4280	.4713	-2.3517	-.5042
C_{ED}	-1.3231	.4665	-2.2374	-.4089
C_{EP}	-.9019	.4555	-1.7947	-.0091
Direct effects				
C	-1.7256	.5511	-2.8058	-.6454
C_{ID}	-1.8655	.5660	-2.9748	-.7561
C_{IP}	-.6236	.5029	-1.6092	.3621
C_{EM}	-1.5722	.4905	-2.5336	-.6108
C_{ED}	-1.5412	.4896	-2.5008	-.5816
C_{EP}	-1.1047	.4763	-2.0383	-.1712
Indirect effects				
C	.3108	.1824	.0129	.7366
C_{ID}	.0300	.1468	-.2590	.3299
C_{IP}	.0864	.1487	-.1942	.3996
C_{EM}	.0533	.1313	-.2042	.3248
C_{ED}	.1130	.1420	-.1466	.4249

C_{EP}	.1379	.1343	-.0992	.4353
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Table 108: Coefficient table for mediation analysis of autonomy on implicit-differentialist group (structures of law) and outcome

Outcome:		<i>M</i>		<i>Y</i>		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.3364** (.1607)	i_3	-1.2321** (.4296)	i_2	-4.0741 (.8555)
C	a_1	.4381 (.2255)	c_1	.4437 (.5744)	c'_1	.1407 (.5987)
C_{IM}	a_2	-.0206 (.2165)	c_2	1.7711** (.5455)	c'_2	1.8938** (.5639)
C_{IP}	a_3	.0619 (.2238)	c_3	1.1715** (.5530)	c'_3	1.1939** (.5687)
C_{EM}	a_4	.0363 (.2079)	c_4	.3006 (.5401)	c'_4	.2932 (.5526)
C_{ED}	a_5	.1294 (.2079)	c_5	.4055 (.5359)	c'_5	.3245 (.5494)
C_{EP}	a_6	.1684 (.2088)	c_6	.8267 (.5264)	c'_6	.7608 (.5390)
M					b	.6393** (.1615)

*Statistically significant at no more than the .05 level.

Table 109: Total, direct, and indirect effect tables for autonomy on implicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.4437	.5744	-.6822	1.5696
C_{IM}	1.7711	.5455	.7019	2.8404
C_{IP}	1.1715	.5530	.0876	2.2554
C_{EM}	.3006	.5401	-.7581	1.3592
C_{ED}	.4055	.5359	-.6449	1.4558
C_{EP}	.8267	.5264	-.2051	1.8584
Direct effects				
C	.1407	.5987	-1.0328	1.3141
C_{IM}	1.8938	.5639	.7886	2.9990
C_{IP}	1.1939	.5687	.0793	2.3085
C_{EM}	.2932	.5526	-.7898	1.3763
C_{ED}	.3245	.5494	-.7522	1.4012
C_{EP}	.7608	.5390	-.2955	1.8171
Indirect effects				
C	.2801	.1795	-.0195	.6946
C_{IM}	-.0132	.1454	-.3015	.2810
C_{IP}	.0395	.1456	-.2436	.3440
C_{EM}	.0232	.1292	-.2418	.2821
C_{ED}	.0827	.1381	-.1731	.3854
C_{EP}	.1076	.1318	-.1265	.3989

Table 110: Coefficient table for mediation analysis of autonomy on implicit-pluralist group (structures of law) and outcome

Outcome:	M		Y			
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.3983** (.1557)	i_3	-.0606 (.3483)	i_2	-2.8802** (.8012)
C	a_1	.3763 (.2220)	c_1	-.7278 (.5165)	c'_1	-1.0532* (.5479)
C_{IM}	a_2	-.0825 (.2129)	c_2	.5996 (.4842)	c'_2	.6999 (.5044)
C_{ID}	a_3	-.0619 (.2238)	c_3	-1.1715** (.5530)	c'_3	-1.1939** (.5687)
C_{EM}	a_4	-.0256 (.2141)	c_4	-.8709* (.4781)	c'_4	-.9006* (.4938)
C_{ED}	a_5	.0676 (.2041)	c_5	-.7661 (.4733)	c'_5	-.8694* (.4911)
C_{EP}	a_6	.1065 (.2050)	c_6	-.3448 (.4625)	c'_6	-.4331 (.4789)
M					b	.6393** (.1615)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 111: Total, direct, and indirect effect tables for autonomy on implicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7278	.5165	-1.7402	.2845
C_{IM}	.5996	.4842	-.3493	1.5486
C_{ID}	-1.1715	.5530	-2.2554	-.0876
C_{EM}	-.8709	.4781	-1.8079	.0661
C_{ED}	-.7661	.4733	-1.6937	.1616
C_{EP}	-.3448	.4625	-1.2513	.5617
Direct effects				
C	-1.0532	.5479	-2.1271	.0207
C_{IM}	.6999	.5044	-.2886	1.6885
C_{ID}	-1.1939	.5687	-2.3085	-.0793
C_{EM}	-.9006	.4938	-1.8685	.0672
C_{ED}	-.8694	.4911	-1.8318	.0931
C_{EP}	-.4331	.4789	-1.3717	.5055
Indirect effects				
C	.2406	.1799	-.0508	.6647
C_{IM}	-.0527	.1471	-.3633	.2309
C_{ID}	-.0395	.1456	-.3440	.2435
C_{EM}	-.0164	.1352	-.2978	.2554
C_{ED}	.0432	.1422	-.2358	.3371
C_{EP}	.0681	.1359	-.1818	.3619

Table 112: Coefficient table for mediation analysis of autonomy on explicit-monist group (structures of law) and outcome

Outcome:	M		Y			
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		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.3727** (.1319)	i_3	-.9316** (.3275)	i_2	-3.7808** (.8060)
C	a_1	.4019* (.2059)	c_1	.1431 (.5027)	c'_1	-.1526 (.5285)
C_{IM}	a_2	-.0569 (.1961)	c_2	1.4706** (.4694)	c'_2	1.6006** (.4881)
C_{ID}	a_3	-.0363 (.2079)	c_3	-.3006 (.5401)	c'_3	-.2932 (.5526)
C_{IP}	a_4	.0256 (.2041)	c_4	.8709* (.4781)	c'_4	.9006* (.4938)
C_{ED}	a_5	.0932 (.1866)	c_5	.1049 (.4582)	c'_5	.0313 (.4716)
C_{EP}	a_6	.1321 (.1876)	c_6	.5261 (.4470)	c'_6	.4676 (.4594)
M					b	.6393** (.1615)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 113: Total, direct, and indirect effect tables for autonomy on explicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1431	.5027	-.8421	1.1283
C_{IM}	1.4706	.4694	.5506	2.3905
C_{ID}	-.3006	.5401	-1.3592	.7581
C_{IP}	.8709	.4781	-.0661	1.8079
C_{ED}	.1049	.4582	-.7931	1.0028
C_{EP}	.5261	.4470	-.3500	1.4022
Direct effects				
C	-.1526	.5285	-1.1883	.8832
C_{IM}	1.6006	.4881	.6438	2.5573
C_{ID}	-.2932	.5526	-1.3763	.7898
C_{IP}	.9006	.4938	-.0672	1.8685
C_{ED}	.0313	.4716	-.8930	.9555
C_{EP}	.4676	.4594	-.4328	1.3679
Indirect effects				
C	.2569	.1718	-.0166	.6707
C_{IM}	-.0364	.1300	-.3024	.2251
C_{ID}	-.0232	.1292	-.2821	.2418
C_{IP}	.0164	.1352	-.2554	.2978
C_{ED}	.0596	.1251	-.1764	.3280
C_{EP}	.0844	.1192	-.1283	.3527

Table 114: Coefficient table for mediation analysis of autonomy on explicit-differentialist group (structures of law) and outcome

Outcome:	M		Y	
		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.4658	i_3	-.8267**
			i_2	-3.7496**

		(.1319)		(.3204)		(.8241)
C	a_1	.3087	c_1	.0382**	c'_1	-.1838
		(.2059)		(.4981)		(.5215)
C_{IM}	a_2	-.1500	c_2	1.3657	c'_2	1.5693**
		(.1961)		(.4645)		(.4871)
C_{ID}	a_3	-.1294	c_3	-.4055	c'_3	-.3245
		(.2079)		(.5359)		(.5494)
C_{IP}	a_4	-.0676	c_4	.7661	c'_4	.8694*
		(.2041)		(.4733)		(.4911)
C_{EM}	a_5	-.0932	c_5	-.1049	c'_5	-.0313
		(.1866)		(.4582)		(.4716)
C_{EP}	a_6	.0389	c_6	.4212	c'_6	.4363
		(.1876)		(.4419)		(.4551)
M					b	.6393**
						(.1615)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 115: Total, direct, and indirect effect tables for autonomy on explicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.0382	.4981	-.9381	1.0145
C_{IM}	1.3657	.4645	.4552	2.2761
C_{ID}	-.4055	.5359	-1.4558	.6449
C_{IP}	.7661	.4733	-.1616	1.6937
C_{EM}	-.1049	.4582	-1.0028	.7931
C_{EP}	.4212	.4419	-.4449	1.2873
Direct effects				
C	-.1838	.5215	-1.2060	.8383
C_{IM}	1.5693	.4871	.6147	2.5239
C_{ID}	-.3245	.5494	-1.4012	.7522
C_{IP}	.8694	.4911	-.0931	1.8318
C_{EM}	-.0313	.4716	-.9555	.8930
C_{EP}	.4363	.4551	-.4556	1.3283
Indirect effects				
C	.1974	.1702	-.0944	.5925
C_{IM}	-.0959	.1402	-.4024	.1611
C_{ID}	-.0827	.1381	-.3854	.1731
C_{IP}	-.0432	.1422	-.3371	.2346
C_{EM}	-.0596	.1251	-.3280	.1762
C_{EP}	.0249	.1249	-.2152	.2916

Table 116: Coefficient table for mediation analysis of autonomy on explicit-pluralist group (structures of law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.5048** (.1334)	i_3	-.4055 (.3043)	i_2	-3.3133** (.8054)
C	a_1	.2698 (.2069)	c_1	-.3830 (.4879)	c'_1	-.6201 (.5127)

C_{IM}	a_2	-.1890 (.1971)	c_2	.9445** (.4535)	c'_2	1.1330** (.4738)
C_{ID}	a_3	-.1684 (.2088)	c_3	-.8267 (.5264)	c'_3	-.7608 (.5390)
C_{IP}	a_4	-.1065 (.2050)	c_4	.3448 (.4625)	c'_4	.4331 (.4789)
C_{EM}	a_5	-.1321 (.1876)	c_5	-.5261 (.4470)	c'_5	-.4676 (.4594)
C_{ED}	a_6	-.0389 (.1876)	c_6	-.4212 (.4419)	c'_6	-.4363 (.4551)
M					b	.6393** (.1615)

**Statistically significant at no more than the .05 level.

Table 117: Total, direct, and indirect effect tables for autonomy on explicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.3830	.4879	-1.3393	.5733
C_{IM}	.9445**	.4535	.0556	1.8334
C_{ID}	-.8267	.5264	-1.8584	.2051
C_{IP}	.3448	.4625	-.5617	1.2513
C_{EM}	-.5261	.4470	-1.4022	.3500
C_{ED}	-.4212	.4419	-1.2873	.4449
Direct effects				
C	-.6201	.5127	-1.6249	.3847
C_{IM}	1.1330**	.4738	.2044	2.0616
C_{ID}	-.7608	.5390	-1.8171	.2955
C_{IP}	.4331	.4789	-.5055	1.3717
C_{EM}	-.4676	.4594	-1.3679	.4328
C_{ED}	-.4363	.4551	-1.3283	.4556
Indirect effects				
C	.1725	.1632	-.1158	.5393
C_{IM}	-.1208	.1321	-.4134	.1144
C_{ID}	-.1076	.1318	-.3989	.1265
C_{IP}	-.0681	.1359	-.3617	.1818
C_{EM}	-.0844	.1192	-.3528	.1282
C_{ED}	-.0249	.1249	-.2916	.2152

Table 118: Coefficient table for mediation analysis of competence on control group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	3.8302** (.1407)	i_3	-.7885** (.3814)	i_2	-4.1896** (.8868)
C_{IM}	a_1	.6829** (.1910)	c_1	1.3275** (.5085)	c'_1	.9002 (.5398)
C_{ID}	a_2	.4064** (.2006)	c_2	-.4437 (.5744)	c'_2	-.7841 (.6074)
C_{IP}	a_3	.3769 (.1979)	c_3	.7278 (.5165)	c'_3	.5067 (.5496)

C_{EM}	a_4	.5421** (.1824)	c_4	-.1730 (.5018)	c'_4	-.5969 (.5377)
C_{ED}	a_5	.5365** (.1841)	c_5	-.1123 (.5036)	c'_5	-.5418 (.5406)
C_{EP}	a_6	.7402** (.1841)	c_6	.3830 (.4879)	c'_6	-.1740 (.5297)
M					b	.8554** (.1923)

**Statistically significant at no more than the .05 level.

Table 119: Total, direct, and indirect effect tables for competence on control group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_{IM}	1.3275	.5085	.3309	2.3241
C_{ID}	-.4437	.5744	-1.5696	.6822
C_{IP}	.7278	.5165	-.2845	1.7402
C_{EM}	-.1730	.5018	-1.1564	.8105
C_{ED}	-.1123	.5036	-1.0994	.8747
C_{EP}	.3830	.4879	-.5733	1.3393
Direct effects				
C_{IM}	.9002	.5398	-.1578	1.9582
C_{ID}	-.7841	.6074	-1.9747	.4064
C_{IP}	.5067	.5496	-.5705	1.5838
C_{EM}	-.5969	.5377	-1.6508	.4570
C_{ED}	-.5418	.5406	-1.6015	.5178
C_{EP}	-.1740	.5297	-1.2122	.8641
Indirect effects				
C_{IM}	.5842	.2526	.1889	1.1681
C_{ID}	.3476	.2429	-.0425	.9097
C_{IP}	.3224	.2367	-.0554	.8872
C_{EM}	.4638	.2367	.0911	1.0121
C_{ED}	.4589	.2437	.0763	1.0219
C_{EP}	.6332	.2616	.2229	1.2246

Table 120: Coefficient table for mediation analysis of competence on implicit-monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.4775** (.1312)	i_3	.4964 (.3390)	i_2	-3.3258** (.9182)
C	a_1	-.6473** (.1926)	c_1	-1.2849** (.5103)	c'_1	-.8800 (.5408)
C_{ID}	a_2	-.2409 (.1942)	c_2	-1.7286** (.5472)	c'_2	-1.6658** (.5564)
C_{IP}	a_3	-.2226 (.1895)	c_3	-.4964 (.4822)	c'_3	-.3462 (.5039)
C_{EM}	a_4	-.1051 (.1753)	c_4	-1.5478** (.4704)	c'_4	-1.4788** (.4869)
C_{ED}	a_5	-.1108 (.1770)	c_5	-1.3972** (.4723)	c'_5	-1.4238** (.4898)

C_{EP}	a_6	.0929 (.1770)	c_6	-.9019** (.4555)	c'_6	-1.0564** (.4749)
M					b	.8594** (.1920)

**Statistically significant at no more than the .05 level.

Table 121: Total, direct, and indirect effect tables for competence on implicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-1.2849	.5103	-2.2850	-.2848
C_{ID}	-1.7286	.5472	-2.8011	-.6561
C_{IP}	-.4964	.4822	-1.4416	.4487
C_{EM}	-1.4578	.4704	-2.3797	-.5360
C_{ED}	-1.3972	.4723	-2.3229	-.4715
C_{EP}	-.9019	.4555	-1.7947	-.0091
Direct effects				
C	-.8800	.5408	-1.9401	.1800
C_{ID}	-1.6658	.5644	-2.7720	-.5595
C_{IP}	-.3462	.5039	-1.3339	.6415
C_{EM}	-1.4788	.4869	-2.4332	-.5244
C_{ED}	-1.4238	.4898	-2.3838	-.4637
C_{EP}	-1.0564	.4749	-1.9872	-.1256
Indirect effects				
C	-.5563	.2467	-1.1324	-.1741
C_{ID}	-.2070	.1626	-.5753	.0776
C_{IP}	-.1913	.1676	-.5665	.0974
C_{EM}	-.0904	.1353	-.3858	.1561
C_{ED}	-.0952	.1458	-.4064	.1772
C_{EP}	.0798	.1372	-.1798	.3627

Table 122: Coefficient table for mediation analysis of competence on implicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.2366** (.1430)	i_3	-1.2321** (.4296)	i_2	-4.9738 (.9722)
C	a_1	-.4064** (.2006)	c_1	.4437 (.5744)	c'_1	.7841 (.6074)
C_{IM}	a_2	.2766 (.1926)	c_2	1.7711** (.5455)	c'_2	1.6843** (.5630)
C_{IP}	a_3	-.0295 (.1991)	c_3	1.1715** (.5530)	c'_3	1.2908** (.5767)
C_{EM}	a_4	.1358 (.1842)	c_4	.2707 (.5393)	c'_4	.1872 (.5577)
C_{ED}	a_5	.1301 (.1858)	c_5	.3314 (.5410)	c'_5	.2423 (.5601)
C_{EP}	a_6	.3338* (.1858)	c_6	.8267 (.5264)	c'_6	.6101 (.5466)
M					b	.8554 (.1923)

**Statistically significant at no more than the .05 level.

Table 123: Total, direct, and indirect effect tables for competence on implicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	.4437	.5744	-.6822	1.5696
<i>C_{IM}</i>	1.7711	.5455	.7019	2.8404
<i>C_{IP}</i>	1.1715	.5530	.0876	2.2554
<i>C_{EM}</i>	.2707	.5393	-.7863	1.3278
<i>C_{ED}</i>	.3314	.5410	-.7290	1.3917
<i>C_{EP}</i>	.8267	.5264	-.2051	1.8584
Direct effects				
<i>C</i>	.7841	.6074	-.4064	1.9747
<i>C_{IM}</i>	1.6843	.5630	.5809	2.7877
<i>C_{IP}</i>	1.2908	.5767	.1604	2.4212
<i>C_{EM}</i>	.1872	.5577	-.9058	1.2803
<i>C_{ED}</i>	.2423	.5601	-.8556	1.3402
<i>C_{EP}</i>	.6101	.5466	-.4612	1.6815
Indirect effects				
<i>C</i>	-.3476	.2429	-.9097	.0425
<i>C_{IM}</i>	.2366	.1663	-.0472	.6232
<i>C_{IP}</i>	-.0252	.1856	-.4233	.3256
<i>C_{EM}</i>	.1162	.1630	-.1946	.4581
<i>C_{ED}</i>	.1113	.1730	-.2251	.4769
<i>C_{EP}</i>	.2856	.1714	-.0100	.6734

Table 124: Coefficient table for mediation analysis of competence on implicit-pluralist group (structures of law) and outcome

Outcome:		<i>M</i>		<i>Y</i>		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	4.2071**	<i>i₃</i>	-.0606	<i>i₂</i>	-3.6829**
		(.1386)		(.3483)		(.9002)
<i>C</i>	<i>a₁</i>	-.3769*	<i>c₁</i>	-.7278	<i>c' ₁</i>	-.5067
		(.1975)		(.5165)		(.5496)
<i>C_{IM}</i>	<i>a₂</i>	.3061	<i>c₂</i>	.5996	<i>c' ₂</i>	.3935
		(.1894)		(.4842)		(.5058)
<i>C_{ID}</i>	<i>a₃</i>	.0295	<i>c₃</i>	-1.1715**	<i>c' ₃</i>	-1.2908**
		(.1991)		(.5530)		(.5767)
<i>C_{EM}</i>	<i>a₄</i>	.1653	<i>c₄</i>	-.9008*	<i>c' ₄</i>	-1.1036**
		(.1808)		(.4771)		(.5019)
<i>C_{ED}</i>	<i>a₅</i>	.1596	<i>c₅</i>	-.8402*	<i>c' ₅</i>	-1.0485**
		(.1824)		(.4791)		(.5049)
<i>C_{EP}</i>	<i>a₆</i>	.3633**	<i>c₆</i>	-.3448	<i>c' ₆</i>	-.6807
		(.1824)		(.4625)		(.4916)
<i>M</i>					<i>b</i>	.8554**
						(.1923)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 125: Total, direct, and indirect effect tables for competence on implicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	-.7278	.5165	-1.7402	.2845
<i>C_{IM}</i>	.5996	.4842	-.3493	1.5486
<i>C_{ID}</i>	-1.1715	.5530	-2.2554	-.0876
<i>C_{EM}</i>	-.9008	.4771	-1.8360	.0344
<i>C_{ED}</i>	-.8402	.4791	-1.7791	.0988
<i>C_{EP}</i>	-.3448	.4625	-1.2513	.5617
Direct effects				
<i>C</i>	-.5067	.5496	-1.5838	.5705
<i>C_{IM}</i>	.3935	.5058	-.5978	1.3848
<i>C_{ID}</i>	-1.2908	.5767	-2.4212	-.1604
<i>C_{EM}</i>	-1.1036	.5019	-2.0873	-.1198
<i>C_{ED}</i>	-1.0485	.5049	-2.0380	-.0590
<i>C_{EP}</i>	-.6807	.4916	-1.6443	.2829
Indirect effects				
<i>C</i>	-.3224	.2367	-.8872	.0554
<i>C_{IM}</i>	.2618	.1705	-.0133	.6699
<i>C_{ID}</i>	.0252	.1856	-.3257	.4229
<i>C_{EM}</i>	.1414	.1672	-.1573	.5093
<i>C_{ED}</i>	.1365	.1784	-.1803	.5342
<i>C_{EP}</i>	.3108	.1777	.0181	.7331

Table 126: Coefficient table for mediation analysis of competence on explicit-monist group (structures of law) and outcome

Outcome:		<i>M</i>		<i>Y</i>		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i</i> ₁	4.3723**	(.1161)	<i>i</i> ₃	-.9614**	(.3261)
<i>C</i>	<i>a</i> ₁	-.5421**	(.1824)	<i>c</i> ₁	.1730	(.5018)
<i>C_{IM}</i>	<i>a</i> ₂	.1408	(.1736)	<i>c</i> ₂	1.5004**	(.4684)
<i>C_{ID}</i>	<i>a</i> ₃	-.1358	(.1842)	<i>c</i> ₃	-.2707	(.5393)
<i>C_{IP}</i>	<i>a</i> ₄	-.1653	(.1808)	<i>c</i> ₄	.9008*	(.4771)
<i>C_{ED}</i>	<i>a</i> ₅	-.0057	(.1660)	<i>c</i> ₅	.0606	(.4631)
<i>C_{EP}</i>	<i>a</i> ₆	.1980	(.1660)	<i>c</i> ₆	.5559	(.4460)
<i>M</i>					<i>b</i>	.8554** (.1923)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 127: Total, direct, and indirect effect tables for competence on explicit-monist group (structures of law) and outcome

	Product of coefficients	Bootstrapping BCa 95% CI
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	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	.1730	.5018	-.8105	1.1564
<i>C_{IM}</i>	1.5004	.4684	.5823	2.4185
<i>C_{ID}</i>	-.2707	.5393	-1.3278	.7863
<i>C_{IP}</i>	.9008	.4771	-.0344	1.8360
<i>C_{ED}</i>	.0606	.4631	-.8471	.9684
<i>C_{EP}</i>	.5559	.4460	-.3182	1.4301
Direct effects				
<i>C</i>	.5969	.5377	-.4570	1.6508
<i>C_{IM}</i>	1.4971	.4852	.5462	2.4480
<i>C_{ID}</i>	-.1872	.5577	-1.2803	.9058
<i>C_{IP}</i>	1.1036	.5019	.1198	2.0873
<i>C_{ED}</i>	.0551	.4812	-.8881	.9982
<i>C_{EP}</i>	.4229	.4648	-.4881	1.3338
Indirect effects				
<i>C</i>	-.4638	.2367	-1.0121	-.0911
<i>C_{IM}</i>	.1205	.1390	-.1229	.4288
<i>C_{ID}</i>	-.1162	.1630	-.4584	.1940
<i>C_{IP}</i>	-.1414	.1672	-.5094	.1573
<i>C_{ED}</i>	-.0049	.1487	-.3032	.2955
<i>C_{EP}</i>	.1694	.1485	-.0901	.5086

Table 128: Coefficient table for mediation analysis of competence on explicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.3667**	i_3	-.9008**	i_2	-4.7315**
		(.1187)		(.3289)		(.9449)
<i>C</i>	a_1	-.5365**	c_1	.1123	c'_1	.5418
		(.1841)		(.5036)		(.5406)
<i>C_{IM}</i>	a_2	.1465	c_2	1.4398**	c'_2	1.4420**
		(.1754)		(.4704)		(.4880)
<i>C_{ID}</i>	a_3	-.1301	c_3	-.3314	c'_3	-.2423
		(.1858)		(.5410)		(.5601)
<i>C_{IP}</i>	a_4	-.1596	c_4	.8402*	c'_4	1.0485**
		(.1824)		(.4791)		(.5049)
<i>C_{EM}</i>	a_5	.0057	c_5	-.0606	c'_5	-.0551
		(.1660)		(.4631)		(.4812)
<i>C_{EP}</i>	a_6	.2037	c_6	.4953	c'_6	.3578
		(.1678)		(.4481)		(.4675)
<i>M</i>					b	.8554**
						(.1923)

**Statistically significant at no more than the .05 level.

Table 129: Total, direct, and indirect effect tables for competence on explicit-differentialist group (structures of law) and outcome

Product of coefficients			Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	.1123	.5036	-.8747	1.0994
<i>C_{IM}</i>	1.4398	.4704	.5178	2.3617

C_{ID}	-.3314	.5410	-1.3917	.7290
C_{IP}	.8402	.4791	-.0988	1.7791
C_{EM}	-.0606	.4631	-.9684	.8471
C_{EP}	.4953	.4481	-.3829	1.3735
Direct effects				
C	.5418	.5406	-.5178	1.6015
C_{IM}	1.4420	.4880	.4855	2.3985
C_{ID}	-.2423	.5601	-1.3402	.8556
C_{IP}	1.0485	.5049	.0590	2.0380
C_{EM}	-.0551	.4812	-.9982	.8881
C_{EP}	.3678	.4675	-.5486	1.2842
Indirect effects				
C	-.4589	.2437	-1.0223	-.0766
C_{IM}	.1253	.1489	-.1405	.4503
C_{ID}	-.1113	.1730	-.4769	.2249
C_{IP}	-.1365	.1748	-.5342	.1802
C_{EM}	.0049	.1487	-.2955	.3027
C_{EP}	.1743	.1565	-.1010	.5193

Table 130: Coefficient table for mediation analysis of competence on explicit-pluralist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.5704**	i_3	-.4055	i_2	-4.3636**
		(.1187)		(.3043)		(.9560)
C	a_1	-.7402**	c_1	-.3830	c'_1	.1740
		(.1841)		(.4879)		(.5297)
C_{IM}	a_2	-.0572	c_2	.9445**	c'_2	1.0742**
		(.1754)		(.4535)		(.4729)
C_{ID}	a_3	-.3338*	c_3	-.8267	c'_3	-.6101
		(.1858)		(.5264)		(.5466)
C_{IP}	a_4	-.3633**	c_4	.3448	c'_4	.6807
		(.1824)		(.4625)		(.4916)
C_{EM}	a_5	-.1980	c_5	-.5559	c'_5	-.4229
		(.1660)		(.4460)		(.4648)
C_{ED}	a_6	-.2037	c_6	-.4953	c'_6	-.3678
		(.1678)		(.4481)		(.4675)
M					b	.8554**
						(.1923)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 131: Total, direct, and indirect effect tables for competence on explicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.3830	.4879	-1.3393	.5733
C_{IM}	.9445	.4535	.0556	1.8334
C_{ID}	-.8267	.5264	-1.8584	.2051
C_{IP}	.3448	.4625	-.5617	1.2513
C_{EM}	-.5559	.4460	-1.4301	.3182

C_{ED}	-.4953	.4481	-1.3735	.3829
Direct effects				
C	.1740	.5297	-.8641	1.2122
C_{IM}	1.0742	.4729	.1473	2.0011
C_{ID}	-.6101	.5466	-1.6815	.4612
C_{IP}	.6807	.4916	-.2829	1.6443
C_{EM}	-.4229	.4648	-1.3338	.4881
C_{ED}	-.3678	.4675	-1.2842	.5486
Indirect effects				
C	-.6332	.2626	-1.2246	-.2229
C_{IM}	-.0489	.1378	-.3324	.2179
C_{ID}	-.2856	.1714	-.6743	.0100
C_{IP}	-.3108	.1777	-.7331	-.0181
C_{EM}	-.1694	.1485	-.5086	.0895
C_{ED}	-.1743	.1565	-.5198	.1010

Table 132: Coefficient table for mediation analysis of relatedness on control group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	3.9148**	i_3	-.7885**	i_2	-3.7900**
		(.1622)		(.3814)		(.8170)
C_{IM}	a_1	-.0069	c_1	1.3275**	c'_1	1.5231**
		(.2202)		(.5085)		(.5488)
C_{ID}	a_2	-.2898	c_2	-.4437	c'_2	-.2225
		(.2313)		(.5744)		(.6089)
C_{IP}	a_3	.2670	c_3	.7278	c'_3	.6470
		(.2277)		(.5165)		(.5463)
C_{EM}	a_4	-.0212	c_4	-.1730	c'_4	-.1543
		(.2103)		(.5018)		(.5345)
C_{ED}	a_5	.3026	c_5	-.0382	c'_5	-.1861
		(.2113)		(.4981)		(.5271)
C_{EP}	a_6	.3352	c_6	.4600	c'_6	.3048
		(.2143)		(.4909)		(.5216)
M					b	.7348**
						(.1671)

**Statistically significant at no more than the .05 level.

Table 133: Total, direct, and indirect effect tables for relatedness on control group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_{IM}	1.3275	.5085	.3309	2.3241
C_{ID}	-.4437	.5744	-1.5696	.6822
C_{IP}	.7278	.5165	-.2845	1.7402
C_{EM}	-.1730	.5018	-1.1564	.8105
C_{ED}	-.0382	.4981	-1.0145	.9381
C_{EP}	.4600	.4909	-.5022	1.4222
Direct effects				
C_{IM}	1.5231	.5488	.4475	2.5986
C_{ID}	-.2225	.6089	-1.4159	.9709

C_{IP}	.6470	.5463	-.4237	1.7177
C_{EM}	-.1543	.5345	-1.2018	.8933
C_{ED}	-.1861	.5271	-1.2192	.8469
C_{EP}	.3048	.5216	-.7176	1.3271
Indirect effects				
C_{IM}	-.0051	.2089	-.4275	.4086
C_{ID}	-.2129	.2166	-.6932	.1738
C_{IP}	.1962	.2039	-.1667	.6607
C_{EM}	-.0156	.2059	-.4552	.3855
C_{ED}	.2223	.1969	-.1090	.6688
C_{EP}	.2463	.2064	-.1008	.7158

Table 134: Coefficient table for mediation analysis of relatedness on implicit-monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	3.8514**	i_3	.4964	i_2	-2.2951**
		(.1504)		(.3390)		(.7149)
C	a_1	.0635	c_1	-1.2849**	c'_1	-1.5119**
		(.2209)		(.5103)		(.5508)
C_{ID}	a_2	-.2264	c_2	-1.7286**	c'_2	-1.7331**
		(.2228)		(.5472)		(.5716)
C_{IP}	a_3	.3839*	c_3	-.4964	c'_3	-.8371
		(.2174)		(.4822)		(.5107)
C_{EM}	a_4	.0423	c_4	-1.4578**	c'_4	-1.6661**
		(.2011)		(.4704)		(.4998)
C_{ED}	a_5	.3660*	c_5	-1.3231**	c'_5	-1.6985**
		(.2021)		(.4665)		(.4960)
C_{EP}	a_6	.3986*	c_6	-.8249*	c'_6	-1.2076**
		(.2052)		(.4588)		(.4901)
M					b	.7388**
						(.1671)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 135: Total, direct, and indirect effect tables for relatedness on implicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-1.2849	.5103	-2.2850	-.2848
C_{ID}	-1.7286	.5472	-2.8011	-.6561
C_{IP}	-.4964	.4822	-1.4416	.4487
C_{EM}	-1.4578	.4704	-2.3797	-.5360
C_{ED}	-1.3231	.4665	-2.2374	-.4089
C_{EP}	-.8249	.4588	-1.7241	.0742
Direct effects				
C	-1.5119	.5508	-2.5914	-.4323
C_{ID}	-1.7331	.5716	-2.8535	-.6128
C_{IP}	-.8371	.5107	-1.8380	.1638
C_{EM}	-1.6661	.4998	-2.6457	-.6864
C_{ED}	-1.6985	.4960	-2.6706	-.7264

C_{EP}	-1.2076	.4901	-2.1680	-.2471
Indirect effects				
C	.0469	.2080	-.3580	.4750
C_{ID}	-.1672	.1783	-.5521	.1632
C_{IP}	.2837	.1752	-.0125	.6832
C_{EM}	.0312	.1659	-.3077	.3566
C_{ED}	.2704	.1605	.0088	.6406
C_{EP}	.2945	.1711	.0105	.6820

Table 136: Coefficient table for mediation analysis of relatedness on implicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	3.6250** (.1648)	i_3	-1.2321** (.4296)	i_2	-4.0124** (.7931)
C	a_1	.2898 (.2313)	c_1	.4437 (.5744)	c'_1	.2225 (.6089)
C_{IM}	a_2	.2829 (.2221)	c_2	1.7711** (.5455)	c'_2	1.7456** (.5701)
C_{IP}	a_3	.5568** (.2296)	c_3	1.1715** (.5530)	c'_3	.8695 (.5747)
C_{EM}	a_4	.2686 (.2124)	c_4	.2707 (.5393)	c'_4	.0682 (.5635)
C_{ED}	a_5	.5924** (.2133)	c_5	.4055 (.5359)	c'_5	.0363 (.5586)
C_{EP}	a_6	.6250** (.2162)	c_6	.9036* (.5292)	c'_6	.5273 (.5534)
M					b	.7348** (.1671)

**Statistically significant at no more than the .05 level.

Table 137: Total, direct, and indirect effect tables for relatedness on implicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.4437	.5744	-.6822	1.5696
C_{IM}	1.7711	.5455	.7019	2.8404
C_{IP}	1.1715	.5530	.0876	2.2554
C_{EM}	.2707	.5393	-.7863	1.3278
C_{ED}	.4055	.5359	-.6449	1.4558
C_{EP}	.9036	.5292	-.1336	1.9409
Direct effects				
C	.2225	.6089	-.9709	1.4159
C_{IM}	1.7456	.5701	.6281	2.8630
C_{IP}	.8695	.5747	-.2569	1.9959
C_{EM}	.0682	.5635	-1.0361	1.1726
C_{ED}	.0363	.5586	-1.0585	1.1311
C_{EP}	.5273	.5534	-.5573	1.6119
Indirect effects				
C	.2129	.2166	-.1738	.6925

C_{IM}	.2079	.1829	-.1303	.6038
C_{IP}	.4091	.1841	.1067	.8279
C_{EM}	.1974	.1770	-.1322	.5822
C_{ED}	.4353	.1822	.1455	.8562
C_{EP}	.4592	.1935	.1486	.9021

Table 138: Coefficient table for mediation analysis of relatedness on implicit-pluralist group (structures of law) and outcome

Outcome:		<i>M</i>		<i>Y</i>		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.1818**	i_3	-.0606	i_2	-3.1429**
		(.1598)		(.3483)		(.7902)
C	a_1	-.2670	c_1	-.7278	c'_1	-.6470
		(.2277)		(.5165)		(.5463)
C_{IM}	a_2	-.2739	c_2	.5996	c'_2	.8760*
		(.2184)		(.4842)		(.5105)
C_{ID}	a_3	-.5568**	c_3	-1.1715**	c'_3	-.8695
		(.2296)		(.5530)		(.5747)
C_{EM}	a_4	-.2882	c_4	-.9008*	c'_4	-.8013
		(.2084)		(.4771)		(.4954)
C_{ED}	a_5	.0356	c_5	-.7661	c'_5	-.8332*
		(.2094)		(.4733)		(.4875)
C_{EP}	a_6	.0682	c_6	-.2679	c'_6	-.3422
		(.2124)		(.4657)		(.4816)
M					b	.7348**
						(.1671)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 139: Total, direct, and indirect effect tables for relatedness on implicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7278	.5165	-1.7402	.2845
C_{IM}	.5996	.4842	-.3493	1.5486
C_{ID}	-1.1715	.5530	-2.2554	-.0876
C_{EM}	-.9008	.4771	-1.8360	.0344
C_{ED}	-.7661	.4733	-1.6937	.1616
C_{EP}	-.2679	.4657	-1.1806	.6449
Direct effects				
C	-.6470	.5463	-1.7177	.4237
C_{IM}	.8760	.5105	-.1245	1.8765
C_{ID}	-.8695	.5747	-1.9959	.2569
C_{EM}	-.8013	.4954	-1.7722	.1697
C_{ED}	-.8332	.4875	-1.7887	.1224
C_{EP}	-.3422	.4816	-1.2862	.6017
Indirect effects				
C	-.1962	.2039	-.6619	.1664
C_{IM}	-.2013	.1669	-.5659	.0946
C_{ID}	-.4091	.1841	-.8279	-.1071
C_{EM}	-.2118	.1665	-.6090	.0561

C_{ED}	.0261	.1319	-.2309	.3020
C_{EP}	.0501	.1393	-.2126	.3535

Table 140: Coefficient table for mediation analysis of relatedness on explicit-monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	3.8936**	i_3	-.9614**	i_2	-3.9442**
		(.1339)		(.3261)		(.7817)
C	a_1	.0212	c_1	.1730	c'_1	.1543
		(.2103)		(.5018)		(.5345)
C_{IM}	a_2	.0143	c_2	1.5004**	c'_2	1.6773**
		(.2002)		(.4684)		(.4977)
C_{ID}	a_3	-.2686	c_3	-.2707	c'_3	-.0682
		(.2124)		(.5393)		(.5635)
C_{IP}	a_4	.2882	c_4	.9008*	c'_4	.8013
		(.2084)		(.4771)		(.4954)
C_{ED}	a_5	.3238*	c_5	.1347	c'_5	-.0319
		(.1903)		(.4572)		(.4743)
C_{EP}	a_6	.3564*	c_6	.6329	c'_6	.4590
		(.1937)		(.4493)		(.4682)
M					b	.7348**
						(.1671)

**Statistically significant at no more than the .05 level.

Table 141: Total, direct, and indirect effect tables for relatedness on explicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1730	.5018	-.8105	1.1564
C_{IM}	1.5004	.4684	.5823	2.4185
C_{ID}	-.2707	.5393	-1.3278	.7863
C_{IP}	.9008	.4771	-.0344	1.8630
C_{ED}	.1347	.4572	-.7613	1.0308
C_{EP}	.6329	.4493	-.2477	1.5136
Direct effects				
C	.1543	.5345	-.8933	1.2018
C_{IM}	1.6773	.4977	.7018	2.6529
C_{ID}	-.0682	.5635	-1.1726	1.0361
C_{IP}	.8013	.4954	-.1697	1.7722
C_{ED}	-.0319	.4743	-.9614	.8976
C_{EP}	.4590	.4682	-.4585	1.3766
Indirect effects				
C	.0156	.2059	-.3855	.4552
C_{IM}	.0105	.1690	-.3105	.3641
C_{ID}	-.1974	.1770	-.5822	.1321
C_{IP}	.2118	.1665	-.0561	.6086
C_{ED}	.2379	.1583	-.0120	.6183
C_{EP}	.2619	.1695	-.0045	.6664

Table 142: Coefficient table for mediation analysis of relatedness on explicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.2174**	i_3	-.8267**	i_2	-3.9761**
		(.1353)		(.3204)		(.7979)
C	a_1	-.3026	c_1	.0382	c'_1	.1861
		(.2113)		(.4981)		(.5271)
C_{IM}	a_2	-.3095	c_2	1.3657**	c'_2	1.7092**
		(.2012)		(.4645)		(.4937)
C_{ID}	a_3	-.5924**	c_3	-.4055	c'_3	-.0363
		(.2133)		(.5359)		(.5586)
C_{IP}	a_4	-.0356	c_4	.7661	c'_4	.8332*
		(.2094)		(.4733)		(.4875)
C_{EM}	a_5	-.3238*	c_5	-.1347	c'_5	.0319
		(.1903)		(.4572)		(.4743)
C_{EP}	a_6	.0326	c_6	.4982	c'_6	.4909
		(.1947)		(.4452)		(.4587)
M					b	.7348**
						(.1671)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 143: Total, direct, and indirect effect tables for relatedness on explicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.0382	.4981	-.9381	1.0145
C_{IM}	1.3657	.4645	.4552	2.2761
C_{ID}	-.4055	.5359	-1.4558	.6449
C_{IP}	.7661	.4733	-.1616	1.6937
C_{EM}	-.1347	.4572	-1.0308	.7613
C_{EP}	.4982	.4452	-.3745	1.3708
Direct effects				
C	.1861	.5271	-.8469	1.2192
C_{IM}	1.7092	.4937	.7415	2.6769
C_{ID}	-.0363	.5586	-1.1311	1.0585
C_{IP}	.8332	.4875	-.1224	1.7887
C_{EM}	.0319	.4743	-.8976	.9614
C_{EP}	.4909	.4587	-.4080	1.3899
Indirect effects				
C	-.2223	.1969	-.6695	.1088
C_{IM}	-.2274	.1599	-.5917	.0436
C_{ID}	-.4353	.1822	-.8573	-.1456
C_{IP}	-.0261	.1319	-.3020	.2309
C_{EM}	-.2379	.1583	-.6186	.0120
C_{EP}	.0240	.1269	-.2296	.2858

Table 144: Coefficient table for mediation analysis of relatedness on explicit-pluralist group (structures of law) and outcome

Outcome:	M		Y	
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		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	.42500** (.1400)	i_3	-.3285 (.3091)	i_2	-3.4852** (.7937)
C	a_1	-.3352 (.2143)	c_1	-.4600 (.4909)	c'_1	-.3048 (.5216)
C_{IM}	a_2	-.3421* (.2043)	c_2	.8675* (.4568)	c'_2	1.2183** (.4878)
C_{ID}	a_3	-.6250** (.2162)	c_3	-.9036* (.5292)	c'_3	-.5273 (.5534)
C_{IP}	a_4	-.0682 (.2124)	c_4	.2679 (.4657)	c'_4	.3422 (.4816)
C_{EM}	a_5	-.3564* (.1937)	c_5	-.6329 (.4493)	c'_5	-.4590 (.4682)
C_{ED}	a_6	-.0326 (.1947)	c_6	-.4982 (.4452)	c'_6	-.4909 (.4587)
M					b	.7348** (.1671)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 145: Total, direct, and indirect effect tables for relatedness on explicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.4600	.4909	-1.4222	.5022
C_{IM}	.8675	.4568	-.0278	1.7628
C_{ID}	-.9036	.5292	-1.9409	.1336
C_{IP}	.2679	.4657	-.6449	1.1806
C_{EM}	-.6329	.4493	-1.5136	.2477
C_{ED}	-.4982	.4452	-1.3708	.3745
Direct effects				
C	-.3048	.5216	-1.3271	.7176
C_{IM}	1.2183	.4878	.2623	2.1743
C_{ID}	-.5273	.5534	-1.6119	.5573
C_{IP}	.3422	.4816	-.6017	1.2862
C_{EM}	-.4590	.4682	-1.3766	.4585
C_{ED}	-.4909	.4587	-1.3899	.4080
Indirect effects				
C	-.2463	.2064	-.7159	.1008
C_{IM}	-.2514	.1688	-.6336	.0381
C_{ID}	-.4592	.1935	-.9022	-.1491
C_{IP}	-.0501	.1393	-.3535	.2126
C_{EM}	-.2619	.1695	-.6670	.0045
C_{ED}	-.0240	.1269	-.2858	.2293

Table 146: Coefficient table for mediation analysis of autonomy, competence, relatedness on control group (structures of law) and outcome

	M			Y	
Outcome	Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)	Coefficient (SE)	Coefficient (SE)

Constant	i_1	4.7746** (.1571)	3.8302** (.1401)	3.9148** (.1626)	i_3	-.7885** (.3814)	i_2	-5.2665** (1.0253)
C_{IM}	a_1	-.4588** (.2133)	.6829** (.1902)	-.0069 (.2207)	c_1	1.3275** (.5085)	c'_1	1.2995** (.6155)
C_{ID}	a_2	-.4381* (.2240)	.4064** (.1997)	-.2898 (.2318)	c_2	-.4437 (.5744)	c'_2	-.4377 (.6534)
C_{IP}	a_3	-.3763* (.2205)	.3769 (.1966)	.2670 (.2282)	c_3	.7278 (.5165)	c'_3	.6205 (.5886)
C_{EM}	a_4	-.4019* (.2046)	.5647** (.1824)	-.0289 (.2118)	c_4	-.1431 (.5027)	c'_4	-.3097 (.5915)
C_{ED}	a_5	-.2761 (.2056)	.5365** (.1833)	.3185 (.2127)	c_5	-.1123 (.5036)	c'_5	-.4087 (.5779)
C_{EP}	a_6	-.2530 (.2075)	.7163** (.1850)	.3352 (.2148)	c_6	.4600 (.4909)	c'_6	.1067 (.5816)
M					Autonomy	b		.1435 (.2325)
					Competence	b		.4899 (.2609)
					Relatedness	b		.4479** (.1997)

*Statistically significant at no more than the .1 level.

**Statistically significant at no more than the .05 level.

Table 147: Total, direct, and indirect effect tables for autonomy, competence, relatedness on control group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_{IM}	1.3275	.5085	.3309	2.3241
C_{ID}	-.4437	.5744	-1.5696	.6822
C_{IP}	.7278	.5165	-.2845	1.7402
C_{EM}	-.1431	.5027	-1.1283	.8421
C_{ED}	-.1123	.5036	-1.0994	.8747
C_{EP}	.4600	.4909	-.5022	1.4222
Direct effects				
C_{IM}	1.2995	.6155	.0932	2.5058
C_{ID}	-.4377	.6534	-1.7183	.8429
C_{IP}	.6205	.5886	-.5332	1.7742
C_{EM}	-.3097	.5915	-1.4691	.8496
C_{ED}	-.4087	.5779	-1.5414	.7240
C_{EP}	.1067	.5816	-1.0332	1.2466
Indirect effects				
C_{IM} Total	.2656	.3726	-.4306	1.0350
Autonomy	-.0659	.1359	-.4407	.1404
Competence	.3345	.2368	-.0015	.9267
Relatedness	-.0031	.1413	-.3083	.2846
C_{ID} Total	.0063	.3276	-.6011	.7082
Autonomy	-.0629	.1334	-.4401	.1303
Competence	.1991	.1882	-.0191	.7331
Relatedness	-.1298	.1532	-.5418	.0799
C_{IP} Total	.2505	.3166	-.3366	.9253
Autonomy	-.0540	.1217	-.4275	.1035
Competence	.1846	.1784	-.0224	.7053

<i>Relatedness</i>	.1196	.1414	-.0870	.5009
<i>C_{EM} Total</i>	.2060	.3410	-.4378	.9104
<i>Autonomy</i>	-.0577	.1241	-.4261	.1090
<i>Competence</i>	.2766	.2090	-.0019	.8222
<i>Relatedness</i>	-.0130	.1387	-.3290	.2442
<i>C_{ED} Total</i>	.3658	.3347	-.2167	1.0882
<i>Autonomy</i>	-.0396	.1014	-.3758	.0811
<i>Competence</i>	.2628	.2109	-.0011	.8461
<i>Relatedness</i>	.1427	.1411	-.0411	.5430
<i>C_{EP} Total</i>	.4647	.3537	-.1562	1.2267
<i>Autonomy</i>	-.0363	.0934	-.3553	.0725
<i>Competence</i>	.3509	.2445	-.0028	.9548
<i>Relatedness</i>	.1501	.1482	-.0411	.5815

Table 148: Coefficient table for mediation analysis of autonomy, competence, relatedness on implicit-monist group (structures of law) and outcome

		M			Y		
Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)	Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.2896** (.1461)	4.4775** (.1306)	3.8514** (.1508)	i_3	.4964 (.3390)	i_2 -3.9969** (.9593)
C	a_1	.4850** (.2145)	-.6473 (.1918)	.0635 (.2214)	c_1	-1.2849** (.5103)	c'_1 -1.2837** (.6163)
C_{ID}	a_2	.0468 (.2163)	-.2409 (.1934)	-.2264 (.2233)	c_2	-1.7286** (.5472)	c'_2 -1.7254** (.5826)
C_{IP}	a_3	.1348 (.2111)	-.2226 (.1887)	.3839 (.2179)	c_3	-.4964 (.4822)	c'_3 -.6451 (.5289)
C_{EM}	a_4	.0831 (.1962)	-.0825 (.1754)	.0345 (.2026)	c_4	-1.4280** (.4713)	c'_4 -1.5983** (.5059)
C_{ED}	a_5	.2088 (.1972)	-.1108 (.1763)	.3820 (.2036)	c_5	-1.3972** (.4723)	c'_5 -1.6968** (.5130)
C_{EP}	a_6	.2320 (.1992)	.0690 (.1781)	.3986 (.2057)	c_6	-.8249 (.4588)	c'_6 -1.1823** (.4973)
M					Autonomy	b	.1403 (.2324)
					Competence	b	.4961 (.2604)
					Relatedness	b	.4491** (.1999)

**Statistically significant at no more than the .05 level.

Table 149: Total, direct, and indirect effect tables for autonomy, competence, relatedness on implicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-1.2849	.5103	-2.2850	-.2848
C_{ID}	-1.7286	.5472	-2.8011	-.6561
C_{IP}	-.4964	.4922	-1.4416	.4487
C_{EM}	-1.4280	.4713	-2.3517	-.5042
C_{ED}	-1.3972	.4723	-2.3229	-.4715
C_{EP}	-.8249	.4588	-1.7241	.0742
Direct effects				

<i>C</i>	-1.2837	.6163	-2.4916	-.0757
<i>C_{ID}</i>	-1.7254	.5826	-2.8672	-.5835
<i>C_{IP}</i>	-.6451	.5289	-1.6817	.3915
<i>C_{EM}</i>	-1.5983	.5059	-2.5898	-.6067
<i>C_{ED}</i>	-1.6968	.5130	-2.7023	-.6913
<i>C_{EP}</i>	-1.1823	.4973	-2.1570	-.2076
Indirect effects				
<i>C Total</i>	-.2246	.3664	-.9759	.4669
<i>Autonomy</i>	.0681	.1415	-.1516	.4494
<i>Competence</i>	-.3211	.2277	-.8967	-.0022
<i>Relatedness</i>	.0285	.1411	-.2256	.3613
<i>C_{ID} Total</i>	-.2146	.2159	-.6567	.2048
<i>Autonomy</i>	.0066	.0625	-.0823	.2059
<i>Competence</i>	-.1195	.1159	-.4720	.0240
<i>Relatedness</i>	-.1017	.1233	-.4271	.0786
<i>C_{IP} Total</i>	.0809	.2266	-.3510	.5535
<i>Autonomy</i>	.0189	.0709	-.0621	.2759
<i>Competence</i>	.1104	.1178	-.4534	.0371
<i>Relatedness</i>	-.1724	.1330	-.0017	.5382
<i>C_{EM} Total</i>	-.0138	.1901	-.4049	.3637
<i>Autonomy</i>	.0117	.0601	-.0620	.2157
<i>Competence</i>	-.0410	.0883	-.2993	.0849
<i>Relatedness</i>	.0155	.1125	-.2061	.2647
<i>C_{ED} Total</i>	.1459	.1966	-.2199	.5545
<i>Autonomy</i>	.0293	.0773	-.0629	.2974
<i>Competence</i>	-.0550	.0938	-.3132	.0837
<i>Relatedness</i>	.1715	.1268	.0040	.5121
<i>C_{EP} Total</i>	.2458	.1999	-.1130	.6789
<i>Autonomy</i>	.0326	.0798	-.0673	.2970
<i>Competence</i>	.0342	.0895	-.1021	.2851
<i>Relatedness</i>	.1790	.1361	.0049	.5478

Table 150: Coefficient table for mediation analysis of autonomy, competence, relatedness on implicit-differentialist group (structures of law) and outcome

Outcome		<i>M</i>			<i>Y</i>		
		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)	Coefficient (SE)	Coefficient (SE)	
Constant	<i>i₁</i>	4.3364** (.1597)	4.2366** (.1423)	3.6350** (.1652)	<i>i₃</i> -1.2321** (.4296)	<i>i₂</i> -5.7042** (1.0293)	
<i>C</i>	<i>a₁</i>	.4381 (.2240)	-.4064** (.1997)	.2898 (.2318)	<i>c₁</i> .4437 (.5744)	<i>c' ₁</i> .4377 (.6534)	
<i>C_{IM}</i>	<i>a₂</i>	-.0206 (.2151)	.2766 (.1918)	.2829 (.2226)	<i>c₂</i> 1.7711** (.5455)	<i>c' ₂</i> 1.7372** (.5814)	
<i>C_{IP}</i>	<i>a₃</i>	.0619 (.2223)	-.0295 (.1982)	.5568** (.2301)	<i>c₃</i> 1.1715** (.5530)	<i>c' ₃</i> 1.0582 (.5920)	
<i>C_{EM}</i>	<i>a₄</i>	.0363 (.2066)	.1584 (.1842)	.2609 (.2138)	<i>c₄</i> .3006 (.5401)	<i>c' ₄</i> .1280 (.5726)	
<i>C_{ED}</i>	<i>a₅</i>	.1620 (.2066)	.1301 (.1850)	.6083** (.2147)	<i>c₅</i> .3314 (.5410)	<i>c' ₅</i> .0291 (.5741)	
<i>C_{EP}</i>	<i>a₆</i>	.1852 (.2094)	.3100 (.1867)	.6250** (.2167)	<i>c₆</i> .9036 (.5292)	<i>c' ₆</i> .5444 (.5638)	
<i>M</i>					Autonomy	<i>b</i> .1435 (.2325)	

Competence	<i>b</i>	.4899 (.2609)
Relatedness	<i>b</i>	.4479** (.1997)

**Statistically significant at no more than the .05 level.

Table 151: Total, direct, and indirect effect tables for autonomy, competence, relatedness on implicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	.4437	.5744	-.6822	1.5696
<i>C_{IM}</i>	1.7711	.5455	.7019	2.8404
<i>C_{IP}</i>	1.1715	.5530	.0876	2.2554
<i>C_{EM}</i>	.3006	.5401	-.7581	1.3592
<i>C_{ED}</i>	.3314	.5410	-.7290	1.3917
<i>C_{EP}</i>	.9036	.5292	-.1336	1.9409
Direct effects				
<i>C</i>	.4377	.6534	-.8429	1.7183
<i>C_{IM}</i>	1.7372	.5814	.5976	2.8768
<i>C_{IP}</i>	1.0582	.5920	-.1021	2.2185
<i>C_{EM}</i>	.1280	.5726	-.9944	1.2503
<i>C_{ED}</i>	.0291	.5741	-1.0962	1.1543
<i>C_{EP}</i>	.5444	.5638	-.5606	1.6495
Indirect effects				
<i>C Total</i>	-.0063	.3276	-.7082	.6011
Autonomy	.0629	.1334	-.1303	.4401
Competence	-.1991	.1882	-.7340	.0191
Relatedness	.1298	.1532	-.0803	.5418
<i>C_{IM} Total</i>	.2592	.2219	-.1586	.7252
Autonomy	-.0030	.0619	-.1747	.0988
Competence	.1355	.1223	-.0140	.5015
Relatedness	.1267	.1290	-.0523	.4760
<i>C_{IP} Total</i>	.2438	.2266	-.2067	.6946
Autonomy	.0089	.0642	-.0745	.2257
Competence	-.0144	.1161	-.3144	.1807
Relatedness	.2494	.1509	.0349	.6248
<i>C_{EM} Total</i>	.1996	.2039	-.1804	.6368
Autonomy	.0052	.0549	-.0788	.1677
Competence	.0776	.1096	-.0652	.4065
Relatedness	.1169	.1244	-.0601	.4413
<i>C_{ED} Total</i>	.3595	.2170	-.0428	.8098
Autonomy	.0233	.0699	-.0542	.2671
Competence	.0637	.1149	-.0955	.4029
Relatedness	.2725	.1586	.0466	.6755
<i>C_{EP} Total</i>	.4584	.2246	.0729	.0491
Autonomy	.0266	.0725	-.0565	.2792
Competence	.1518	.1298	-.0144	.5329
Relatedness	.2800	.1687	.0450	.7065

Table 152: Coefficient table for mediation analysis of autonomy, competence, relatedness on implicit-pluralist group (structures of law) and outcome

<i>M</i>	<i>Y</i>
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Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.3983** (.1547)	4.2071** (.1380)	4.1818** (.1601)	i_3	-.0606 (.3483)	i_2	-4.6460** (.9810)
C	a_1	.3763 (.2205)	-.3769 (.1966)	-.2670 (.2282)	c_1	-.7278 (.5165)	c'_1	-.6206 (.5886)
C_{IM}	a_2	-.0825 (.2115)	.3061 (.1886)	-.2739 (.2189)	C_2	.5996 (.4842)	c'_2	.6790 (.5296)
C_{ID}	a_3	-.0619 (.2223)	.0295 (.1982)	-.5568** (.2301)	c_3	-1.1715** (.5530)	c'_3	-1.0582 (.5920)
C_{EM}	a_4	-.0256 (.2028)	.1879 (.1808)	-.2959 (.2099)	c_4	-.8709 (.4781)	c'_4	-.9303 (.5125)
C_{ED}	a_5	.1001 (.2037)	.1596 (.1816)	.0515 (.2108)	c_5	-.8402 (.4791)	c'_5	-1.0292** (.5071)
C_{EP}	a_6	.1233 (.2057)	.3394 (.1834)	.0682 (.2129)	c_6	-.2679 (.4657)	c'_6	-.5138 (.4989)
M						Autonomy	b	.1435 (.2325)
						Competence	b	.4899 (.2609)
						Relatedness	b	.4479** (.1997)

**Statistically significant at no more than the .05 level.

Table 153: Total, direct, and indirect effect tables for autonomy, competence, relatedness on implicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7278	.5165	-1.7402	.2845
C_{IM}	.5996	.4842	-.3493	1.5486
C_{ID}	-1.1715	.5530	-2.2554	-.0876
C_{EM}	-.8709	.4781	-1.8079	.0661
C_{ED}	-.8402	.4791	-1.7791	.0988
C_{EP}	-.2679	.4657	-1.1806	.6449
Direct effects				
C	-.6205	.5586	-1.7742	.5332
C_{IM}	.6790	.5296	-.3590	1.7170
C_{ID}	-1.0582	.5920	-2.2185	.1021
C_{EM}	-.9303	.5125	-1.9348	.0743
C_{ED}	-1.0292	.5071	-2.0232	-.0352
C_{EP}	-.5138	.4989	-1.4916	.4640
Indirect effects				
C Total	-.2502	.3166	-.9255	.3358
Autonomy	.0540	.1217	-.1035	.4275
Competence	-.1846	.1784	-.7053	.0223
Relatedness	-.1196	.1414	-.5009	.0867
C_{IM} Total	.0154	.2247	-.4413	.4557
Autonomy	-.0118	.0662	-.2466	.0674
Competence	.1499	.1310	-.0096	.5300
Relatedness	-.1227	.1194	-.4453	.0444
C_{ID} Total	-.2438	.2266	-.6946	.2065

<i>Autonomy</i>	-.0089	.0642	-.2266	.0744
<i>Competence</i>	.0144	.1161	-.1809	.3138
<i>Relatedness</i>	-.2494	.1509	-.6248	-.0350
<i>C_{EM} Total</i>	-.0442	.2077	-.4609	.3705
<i>Autonomy</i>	-.0037	.0583	-.1696	.0913
<i>Competence</i>	.0920	.1151	-.0528	.4311
<i>Relatedness</i>	-.1326	.1211	-.4600	.0246
<i>C_{ED} Total</i>	.1156	.1841	-.2227	.5043
<i>Autonomy</i>	.0144	.0635	-.0586	.2504
<i>Competence</i>	.0782	.1193	-.0678	.4367
<i>Relatedness</i>	.0231	.0878	-.1224	.2490
<i>C_{EP} Total</i>	.2145	.1986	-.1360	.6554
<i>Autonomy</i>	.0177	.0657	-.0506	.2619
<i>Competence</i>	.1663	.1399	-.0068	.5712
<i>Relatedness</i>	.0305	.0933	-.1196	.2721

Table 154: Coefficient table for mediation analysis of autonomy, competence, relatedness on explicit-monist group (structures of law) and outcome

		<i>M</i>			<i>Y</i>		
Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)		Coefficient (SE)	Coefficient (SE)
Constant	<i>i</i> ₁	4.3727** (.1311)	4.3949** (.1168)	3.8859 (.1356)**	<i>i</i> ₃	-.9316** (.3275)	-5.5763 (1.0061)
<i>C</i>	<i>a</i> ₁	.4019 (.2046)	-.5647** (.1824)	.0289 (.2118)	<i>c</i> ₁	.1431 (.5027)	.3097 (.5919)
<i>C_{IM}</i>	<i>a</i> ₂	-.0569 (.1949)	.1182 (.1737)	.0220 (.2017)	<i>c</i> ₂	1.4706** (.4694)	1.6093 (.5043)
<i>C_{ID}</i>	<i>a</i> ₃	-.0363 (.2066)	-.1584 (.1842)	-.2609 (.2138)	<i>c</i> ₃	-.3006 (.5401)	-.1280 (.5726)
<i>C_{IP}</i>	<i>a</i> ₄	.0256 (.2028)	-.1879 (.1808)	.2959 (.2099)	<i>c</i> ₄	.8709 (.4781)	.9303 (.5125)
<i>C_{ED}</i>	<i>a</i> ₅	.1257 (.1864)	-.0283 (.1662)	.3475 (.1929)	<i>c</i> ₅	.0308 (.4641)	-.0989 (.4905)
<i>C_{EP}</i>	<i>a</i> ₆	.1489 (.1886)	.1516 (.1681)	.3641 (.1951)	<i>c</i> ₆	.6031 (.4503)	.4165 (.4767)
<i>M</i>					Autonomy	<i>b</i>	.1435 (.2325)
					Competence	<i>b</i>	.4899 (.2609)
					Relatedness	<i>b</i>	.4479 (.1997)

**Statistically significant at no more than the .05 level.

Table 155: Total, direct, and indirect effect tables for autonomy, competence, relatedness on explicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
	Total effects			
<i>C</i>	.1431	.5027	-.8421	1.1283
<i>C_{IM}</i>	1.4706	.4694	.5506	2.3905
<i>C_{ID}</i>	-.3006	.5401	-1.3592	.7581
<i>C_{IP}</i>	.8709	.4781	-.0661	1.8079
<i>C_{ED}</i>	.0308	.4641	-.8789	.9404
<i>C_{EP}</i>	.6031	.4503	-.2795	1.4857

	Direct effects			
<i>C</i>	.3097	.5915	-.8496	1.4691
<i>C_{IM}</i>	1.6093	.5043	.6208	2.5977
<i>C_{ID}</i>	-.1280	.5726	-1.2503	.9944
<i>C_{IP}</i>	.9303	.5125	-.0743	1.9348
<i>C_{ED}</i>	-.0989	.4905	-1.0602	.8624
<i>C_{EP}</i>	.4165	.4767	-.5179	1.3508
	Indirect effects			
<i>C Total</i>	-.2060	.3410	-.9108	.4370
Autonomy	.0577	.1241	-.1090	.4256
Competence	-.2766	.2090	-.8229	.0014
Relatedness	.0130	.1387	-.2442	.3285
<i>C_{IM} Total</i>	.0596	.1941	-.3140	.4671
Autonomy	-.0082	.0582	-.2005	.0705
Competence	.0579	.0920	-.0619	.3368
Relatedness	.0099	.1140	-.2035	.2691
<i>C_{ID} Total</i>	-.1996	.2039	-.6369	.1803
Autonomy	-.0052	.0549	-.1679	.0788
Competence	-.0776	.1096	-.4071	.0652
Relatedness	-.1169	.1244	-.4415	.0601
<i>C_{IP} Total</i>	.0442	.2077	-.3711	.4607
Autonomy	.0037	.0583	-.0914	.1696
Competence	-.0920	.1151	-.4311	.0527
Relatedness	.1326	.1211	-.0247	.4600
<i>C_{ED} Total</i>	.1598	.1880	-.1821	.5599
Autonomy	.0180	.0611	-.0486	.2337
Competence	-.0138	.0950	-.2410	.1668
Relatedness	.1556	.1234	.0007	.5075
<i>C_{EP} Total</i>	.2587	.1922	-.0718	.6756
Autonomy	.0214	.0626	-.0464	.2494
Competence	.0743	.0994	-.0550	.3709
Relatedness	.1631	.1317	-.0021	.5149

Table 156: Coefficient table for mediation analysis of autonomy, competence, relatedness on explicit-differentialist group (structures of law) and outcome

		M			Y			
Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)		Coefficient (SE)	Coefficient (SE)	
Constant	i_1	4.4984** (.1325)	4.3667** (.1181)	4.2333** (.1371)	i_3	-.9008** (.3289)	i_2	-5.6752** (1.0188)
C	a_1	.2761 (.2056)	-.5365** (.1833)	-.3185 (.2127)	c_1	.1123 (.5036)	c'_1	.4087 (.5779)
C_{IM}	a_2	-.1826 (.1958)	.1465 (.1746)	-.3254 (.2027)	c_2	1.4398** (.4704)	c'_2	1.7082** (.5113)
C_{ID}	a_3	-.1620 (.2075)	-.1301 (.1850)	-.6083** (.2147)	c_3	-.3314 (.5410)	c'_3	-.0291 (.5741)
C_{IP}	a_4	-.1001 (.2037)	-.1596 (.1816)	-.0515 (.2108)	c_4	.8402 (.4791)	c'_4	1.0292** (.5071)
C_{EM}	a_5	-.1257 (.1864)	.0283 (.1662)	-.3475 (.1929)	c_5	-.0308 (.4641)	c'_5	.0989 (.4905)
C_{EP}	a_6	.0232 (.1896)	.1798 (.1690)	.0167 (.1962)	c_6	.5723 (.4514)	c'_6	.5154 (.4747)

<i>M</i>	Autonomy	<i>b</i>	.1435 (.2325)
	Competence	<i>b</i>	.4899 (.2609)
	Relatedness	<i>b</i>	.4479** (.1997)

**Statistically significant at no more than the .05 level.

Table 157: Total, direct, and indirect effect tables for autonomy, competence, relatedness on explicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	.1123	.5036	-.8747	1.0994
<i>C_{IM}</i>	1.4398	.4704	.5178	2.3617
<i>C_{ID}</i>	-.3314	.5410	-1.3917	.7290
<i>C_{IP}</i>	.8402	.4791	-.0988	1.7791
<i>C_{EM}</i>	-.0308	.4641	-.9404	.8789
<i>C_{EP}</i>	.5723	.4514	-.3124	1.4569
Direct effects				
<i>C</i>	.4087	.5779	-.7240	1.5414
<i>C_{IM}</i>	1.7082	.5113	.7061	2.7103
<i>C_{ID}</i>	-.0291	.5741	-1.1543	1.0962
<i>C_{IP}</i>	1.0292	.5071	.0352	2.0232
<i>C_{EM}</i>	.0989	.4905	-.8624	1.0602
<i>C_{EP}</i>	.5154	.4747	-.4150	1.4457
Indirect effects				
<i>C Total</i>	-.3658	.3347	-1.0882	.2163
<i>Autonomy</i>	.0396	.1014	-.0811	.3749
<i>Competence</i>	-.2628	.2109	-.8465	.0011
<i>Relatedness</i>	-.1427	.1411	-.5430	.0409
<i>C_{IM} Total</i>	-.1002	.1977	-.5081	.2705
<i>Autonomy</i>	-.0262	.0731	-.2886	.0588
<i>Competence</i>	.0718	.0977	-.0619	.3522
<i>Relatedness</i>	-.1458	.1209	-.4814	.0118
<i>C_{ID} Total</i>	-.3595	.2170	-.8098	.0428
<i>Autonomy</i>	-.0233	.0699	-.2671	.0542
<i>Competence</i>	-.0637	.1149	-.4031	.0954
<i>Relatedness</i>	-.2725	.1586	-.6793	-.0466
<i>C_{IP} Total</i>	-.1156	.1841	-.5046	.2214
<i>Autonomy</i>	-.0144	.0635	-.2508	.0586
<i>Competence</i>	-.0782	.1193	-.4367	.0677
<i>Relatedness</i>	-.0231	.0878	-.2501	.1224
<i>C_{EM} Total</i>	-.1598	.1880	-.5600	.1821
<i>Autonomy</i>	-.0180	.0611	-.2350	.0486
<i>Competence</i>	.0138	.0950	-.1669	.2410
<i>Relatedness</i>	-.1556	.1234	-.5080	-.0007
<i>C_{EP} Total</i>	.0989	.1698	-.2225	.4604
<i>Autonomy</i>	.0033	.0536	-.0817	.1608
<i>Competence</i>	.0881	.1062	-.0520	.3938
<i>Relatedness</i>	.0075	.0837	-.1561	.1959

Table 158: Coefficient table for mediation analysis of autonomy, competence, relatedness on explicit-pluralist group (structures of law) and outcome

		M			Y			
Outcome		Autonomy Coefficient (SE)	Competence Coefficient (SE)	Relatedness Coefficient (SE)		Coefficient (SE)	Coefficient (SE)	
Constant	i_1	4.5216** (.1356)	4.5465** (.1209)	4.2500** (.1403)	i_3	-.3285 (.3091)	i_2	-5.1598** (1.0204)
C	a_1	.2530 (.2075)	-.7156** (.1850)	-.3352 (.2148)	c_1	-.4600 (.4909)	c'_1	-.1067 (.5816)
C_{IM}	a_2	-.2058 (.1979)	-.0334 (.1764)	-.3421 (.2048)	c_2	.8675 (.4568)	c'_2	1.1928** (.4954)
C_{ID}	a_3	-.1852 (.2094)	-.3100 (.1867)	-.6250** (.2167)	c_3	-.9036 (.5292)	c'_3	-.5444 (.5638)
C_{IP}	a_4	-.1233 (.2057)	-.3394 (.1834)	-.0682 (.2129)	c_4	.2679 (.4657)	c'_4	.5138 (.4989)
C_{EM}	a_5	-.1489 (.1886)	-.1516 (.1681)	-.3641 (.1951)	c_5	-.6031 (.4503)	c'_5	-.4165 (.4767)
C_{ED}	a_6	-.0232 (.1896)	-.1798 (.1690)	-.0167 (.1962)	c_6	-.5723 (.4514)	c'_6	-.5154 (.4747)
M					Autonomy	b		.1435 (.2325)
					Competence	b		.4899 (.2609)
					Relatedness	b		.4479** (.1997)

**Statistically significant at no more than the .05 level.

Table 159: Total, direct, and indirect effect tables for autonomy, competence, relatedness on explicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.4600	.4909	-1.4222	.5022
C_{IM}	.8675	.4568	-.0278	1.7628
C_{ID}	-.9036	.5292	-1.9409	.1336
C_{IP}	.2679	.4657	-.6449	1.1806
C_{EM}	-.6031	.4503	-1.4857	.2795
C_{ED}	-.5723	.4514	-1.4569	.3124
Direct effects				
C	-.1067	.5816	-1.2466	1.0332
C_{IM}	1.1928	.4954	.2218	2.1638
C_{ID}	-.5444	.5638	-1.6495	.5606
C_{IP}	.5138	.4989	-.4640	1.4916
C_{EM}	-.4165	.4767	-1.3508	.5179
C_{ED}	-.5154	.4747	-1.4457	.4150
Indirect effects				
C Total	-.4647	.3537	-1.2267	.1558
Autonomy	.0363	.0934	-.0726	.3547
Competence	-.3509	.2445	-.9552	.0028
Relatedness	-.1501	.1482	-.5815	.0411
C_{IM} Total	-.1991	.1992	-.6308	.1609
Autonomy	-.0295	.0750	-.2920	.0594

<i>Competence</i>	-.0163	.0886	-.2420	.1377
<i>Relatedness</i>	-.1532	.1296	-.5071	.0106
<i>C_{ID} Total</i>	-.4584	.2246	-.9491	-.0731
<i>Autonomy</i>	-.0266	.0725	-.2802	.0565
<i>Competence</i>	-.1518	.1298	-.5334	.0144
<i>Relatedness</i>	-.2800	.1687	-.7073	-.0450
<i>C_{IP} Total</i>	-.2145	.1986	-.6567	.1360
<i>Autonomy</i>	-.0177	.0657	-.2619	.0506
<i>Competence</i>	-.1663	.1399	-.5725	.0068
<i>Relatedness</i>	-.0305	.0933	-.2721	.1196
<i>C_{EM} Total</i>	-.2587	.1922	-.6756	.0718
<i>Autonomy</i>	-.0214	.0626	-.2494	.0463
<i>Competence</i>	-.0743	.0994	-.3709	.0547
<i>Relatedness</i>	-.1631	.1317	-.5169	.0021
<i>C_{ED} Total</i>	-.0989	.1698	-.4604	.2225
<i>Autonomy</i>	-.0033	.0536	-.1608	.0817
<i>Competence</i>	-.0881	.1062	-.3939	.0520
<i>Relatedness</i>	-.0075	.0837	-.1959	.1561

Table 160: Coefficient table for mediation analysis of positive affect on control group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	39.3636**	i_3	.1823	i_2	.4801
		(1.7393)		(.3496)		(.9255)
C_I	a_1	-1.3636	c_1	-.1823	c'_1	-.1929
		(2.5673)		(.5149)		(.5162)
C_E	a_2	-.8152	c_2	.5596	c'_2	.5540
		(.2.4992)		(.5195)		(.5200)
M					b	-.0076
						(.0217)

**Statistically significant at no more than the .05 level.

Table 161: Total, direct, and indirect effects of positive affect on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_I	-.1823	.3496	-.5029	.8675
C_E	.5596	.5195	-.4585	1.5777
Direct effects				
C_I	-.1929	.5162	-1.2046	.8187
C_E	.5540	.5200	-.4652	1.5732
Indirect effects				
C_I	.0103	.0769	-.0898	.2501
C_E	.0062	.0704	-.0938	.2209

Table 162: Coefficient table for mediation analysis of positive affect on implicit group (construction of the law) and outcome

Outcome:		M		Y	
		Coefficient		Coefficient	

		(SE)		(SE)		(SE)
Constant	i_1	38.0000** (1.8883)	i_3	.0000 (.3780)	i_2	.2872 (.9079)
C	a_1	1.3636 (2.5673)	c_1	.1823 (.5149)	c'_1	.1929 (.5162)
C_E	a_2	.5484 (2.6050)	c_2	.7419 (.5390)	c'_2	.7470 (.5395)
M					b	-.0076 (.0217)

**Statistically significant at no more than the .05 level.

Table 163: Total, direct, and indirect effects of positive affect on implicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1823	.5149	-.8268	1.1914
C_E	.7419	.5390	-.3144	1.7983
Direct effects				
C	.1929	.5162	-.8187	1.2046
C_E	.7470	.5395	-.3105	1.8044
Indirect effects				
C	-.0103	.0769	-.2504	.0898
C_E	-.0041	.0684	-.2007	.0923

Table 164: Coefficient table for mediation analysis of positive affect on explicit group (construction of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	38.5485** (1.7946)	i_3	.7419 (.3842)	i_2	1.0341 (.9259)
C	a_1	.8152 (2.4992)	c_1	-.5596 (.5195)	c'_1	-.5540 (.5200)
C_I	a_2	-.5484 (2.6050)	c_2	-.7419 (.5390)	c'_2	-.7470 (.5395)
M					b	-.0076 (.0217)

**Statistically significant at no more than the .05 level.

Table 165: Total, direct, and indirect effects of positive affect on explicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5596	.5195	-1.5777	.4585
C_I	.7419	.5390	-1.7983	.3144
Direct effects				
C	-.5540	.5200	-1.5732	.4652
C_I	-.7470	.5395	-1.8044	.3105

	Indirect effects			
<i>C</i>	-.0062	.0704	-.2209	.0938
<i>C_I</i>	.0041	.0684	-.0923	.2007

Table 166: Coefficient table for mediation analysis of negative affect on control group (construction of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	4.0977** (.1098)	<i>i₃</i>	.1823 (.3496)	<i>i₂</i>	3.4852** (1.5514)
<i>C_I</i>	<i>a₁</i>	-.0144 (.1620)	<i>c₁</i>	-.1823 (.5149)	<i>c' ₁</i>	-.2055 (.5307)
<i>C_E</i>	<i>a₂</i>	.0083 (.1577)	<i>c₂</i>	.5596 (.5195)	<i>c' ₂</i>	.6000 (.5349)
<i>M</i>					<i>b</i>	-.8043** (.3671)

**Statistically significant at no more than the .05 level.

Table 167: Total, direct, and indirect effects of negative affect on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C_I</i>	-.1823	.5149	-1.1914	.8268
<i>C_E</i>	.5596	.5195	-.4585	1.5777
Direct effects				
<i>C_I</i>	-.2055	.5307	-1.2456	.8346
<i>C_E</i>	.6000	.5349	-.4483	1.6483
Indirect effects				
<i>C_I</i>	.0115	.1588	-.3492	.2838
<i>C_E</i>	-.0067	.1472	-.3565	.2501

Table 168: Coefficient table for mediation analysis of negative affect on implicit group (construction of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	4.0834** (.1192)	<i>i₃</i>	.0000 (.3780)	<i>i₂</i>	3.2797** (1.5431)
<i>C</i>	<i>a₁</i>	.0144 (.1620)	<i>c₁</i>	.1823 (.5149)	<i>c' ₁</i>	.2055 (.5307)
<i>C_E</i>	<i>a₂</i>	.0226 (.1644)	<i>c₂</i>	.7419 (.5390)	<i>c' ₂</i>	.8055 (.5563)
<i>M</i>					<i>b</i>	-.8043** (.3671)

**Statistically significant at no more than the .05 level.

Table 169: Total, direct, and indirect effects of negative affect on implicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL

	Total effects			
<i>C</i>	.1823	.5149	-.8268	1.19114
<i>C_E</i>	.7419	.5390	-.3144	1.7983
	Direct effects			
<i>C</i>	.2055	.5307	-.8346	1.2456
<i>C_E</i>	.8055	.5563	-.2849	1.8959
	Indirect effects			
<i>C</i>	-.0115	.1588	-.2839	.3485
<i>C_E</i>	-.0182	.1519	-.3295	.3044

Table 170: Coefficient table for mediation analysis of negative affect on explicit group (construction of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	4.1060** (.1133)	<i>i₃</i>	.7419 (.3842)	<i>i₂</i>	4.0851** (1.5932)
<i>C</i>	<i>a₁</i>	-.0083 (.1577)	<i>c₁</i>	-.5596 (.5195)	<i>c' ₁</i>	-.6000 (.5349)
<i>C_I</i>	<i>a₂</i>	-.0226 (.1644)	<i>c₂</i>	-.7419 (.5390)	<i>c' ₂</i>	-.8055 (.5563)
<i>M</i>					<i>b</i>	-.8043** (.3671)

**Statistically significant at no more than the .05 level.

Table 171: Total, direct, and indirect effects of negative affect on explicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	-.5596	.5195	-1.5777	.4585
<i>C_I</i>	-.7419	.5390	-1.7983	.3144
Direct effects				
<i>C</i>	-.6000	.5349	-1.6483	.4483
<i>C_I</i>	-.8055	.5563	-1.8959	.2849
Indirect effects				
<i>C</i>	.0067	.1472	-.2502	.3565
<i>C_I</i>	.0182	.1519	-.3048	.3286

Table 172: Coefficient table for mediation analysis of positive affect on control group (interpretation of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	39.3636** (1.7893)	<i>i₃</i>	.1823 (.3496)	<i>i₂</i>	.5185 (.7581)
<i>C_M</i>	<i>a₁</i>	.5909 (2.3670)	<i>c₁</i>	.3773 (.4695)	<i>c' ₁</i>	.3830 (.4702)
<i>C_D</i>	<i>a₂</i>	-4.0742 (2.4458)	<i>c₂</i>	.7156 (.5002)	<i>c' ₂</i>	.6824 (.5047)

C_P	a_3	.7879 (2.5304)	c_3	.5108 (.5085)	c'_3	.5177 (.5091)
M					b	-.0085 (.0170)

**Statistically significant at no more than the .05 level.

Table 173: Total, direct, and indirect effects of positive affect on control group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_M	.3773	.4695	-.5429	1.2975
C_D	.7156	.5002	-.2647	1.6959
C_P	.5108	.5085	-.4858	1.5075
Direct effects				
C_M	.3830	.4702	-.5385	1.3045
C_D	.6824	.5047	-.3068	1.6715
C_P	.5177	.5091	-.4800	1.5155
Indirect effects				
C_M	-.0050	.0514	-.1655	.0643
C_D	.0348	.0908	-.0837	.3179
C_P	-.0067	.0475	-.1722	.0520

Table 174: Coefficient table for mediation analysis of positive affect on monist group (interpretation of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	39.9545** (1.5496)	i_3	.5596 (.3134)	i_2	.9015 (.7538)
C	a_1	-.5909 (2.3670)	c_1	-.3773 (.4695)	c'_1	-.3830 (.4702)
C_D	a_2	-4.6651** (2.2763)	c_2	.3383 (.4756)	c'_2	.2993 (.4821)
C_P	a_3	.1970 (2.3670)	c_3	.1335 (.4843)	c'_3	.1347 (.4846)
M					b	-.0085 (.0170)

**Statistically significant at no more than the .05 level.

Table 175: Total, direct, and indirect effects of positive affect on monist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.3773	.4695	-1.2975	.5429
C_D	.3383	.4756	-.5938	1.2704
C_P	.1335	.4843	-.8157	1.0828
Direct effects				
C	-.3830	.4702	-1.3045	.5385
C_D	.2993	.4821	-.6456	1.2442

C_P	.1347	.4846	-.8152	1.0845
	Indirect effects			
C	.0050	.0514	-.0643	.1640
C_D	.0398	.0930	-.1119	.2812
C_P	-.0017	.0397	-.1011	.0717

Table 176: Coefficient table for mediation analysis of positive affect on differentialist group (interpretation of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	35.2895** (1.6674)	i_3	.8979** (.3577)	i_2	1.2008 (.7065)
C	a_1	4.0742 (2.4458)	c_1	-.7156 (.5002)	c'_1	-.6824 (.5047)
C_M	a_2	4.6651** (2.2763)	c_2	-.3383 (.4756)	c'_2	-.2993 (.4821)
C_P	a_3	4.8620** (2.4458)	c_3	-.2048 (.5141)	c'_3	-.1646 (.5203)
M					b	-.0085 (.0170)

**Statistically significant at no more than the .05 level.

Table 177: Total, direct, and indirect effects of positive affect on differentialist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7156	.5002	-1.6959	.2647
C_M	-.3383	.4756	-1.2704	.5938
C_P	-.2048	.5141	-1.2124	.8028
Direct effects				
C	-.6824	.5047	-1.6715	.3068
C_M	-.2993	.4821	-1.2442	.6456
C_P	-.1646	.5203	-1.1844	.8551
Indirect effects				
C	-.0348	.0908	-.3179	.0837
C_M	-.0398	.0930	-.2812	.1119
C_P	-.0145	.0963	-.2851	.1183

Table 178: Coefficient table for mediation analysis of positive affect on pluralist group (interpretation of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	40.1515** (1.7893)	i_3	.6931** (.3693)	i_2	1.0362 (.7797)
C	a_1	-.7879 (2.5304)	c_1	-.5108 (.5085)	c'_1	-.5177 (.5091)
C_M	a_2	-.1970 (2.3670)	c_2	-.1335 (.4843)	c'_2	-.1347 (.4846)

C_D	a_3	-4.8620** (2.4458)	c_3	.2048 (.5141)	c'_3	.1646 (.5203)
M					b	-.0085 (.0170)

**Statistically significant at no more than the .05 level.

Table 179: Total, direct, and indirect effects of positive affect on pluralist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5108	.5085	-1.5075	.4858
C_M	-.1335	.4843	-1.0828	.8157
C_D	.2048	.5141	-.8028	1.2124
Direct effects				
C	-.5177	.5091	-1.5155	.4800
C_M	-.1347	.4846	-1.0845	.8152
C_D	.1646	.5203	-.8551	1.1844
Indirect effects				
C	.0067	.0475	-.0520	.1719
C_M	.0017	.0397	-.0718	.1010
C_D	.0415	.0963	-.1183	.2851

Table 180: Coefficient table for mediation analysis of negative affect on control group (interpretation of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	16.6875** (.9892)	i_3	.1252 (.3542)	i_2	.4787 (.6293)
C_M	a_1	.2892 (1.3064)	c_1	.3981 (.4744)	c'_1	.4055 (.4752)
C_D	a_2	-1.0208 (1.3595)	c_2	.6958 (.5064)	c'_2	.6764 (.5077)
C_P	a_3	1.3936 (1.3508)	c_3	.6088 (.4988)	c'_3	.6412 (.5023)
M					b	-.0212 (.0311)

**Statistically significant at no more than the .05 level.

Table 181: Total, direct, and indirect effects of negative affect on control group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_M	.3981	.4744	-.5317	1.3278
C_D	.6958	.5064	-.2966	1.6883
C_P	.6088	.4988	-.3689	1.5865
Direct effects				
C_M	.4055	.4752	-.5258	1.3369
C_D	.6764	.5077	-.3186	1.6714

C_P	.6412	.5023	-.3433	1.6257
Indirect effects				
C_M	-.0061	.0486	-.1644	.0599
C_D	.0216	.0571	-.0431	.2176
C_P	-.0295	.0710	-.2764	.0464

Table 182: Coefficient table for mediation analysis of negative affect on monist group (interpretation of the law) and outcome

Outcome:	<i>M</i>			<i>Y</i>		
		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)
Constant	<i>i</i> ₁	16.9767** (.8533)	<i>i</i> ₃	.5232 (.3155)	<i>i</i> ₂	.8843 (.6194)
<i>C</i>	<i>a</i> ₁	-.2892 (1.3064)	<i>c</i> ₁	-.3981 (.4744)	<i>c</i> ₁ '	-.4055 (.4752)
<i>C</i> _{<i>D</i>}	<i>a</i> ₂	-1.3101 (1.2641)	<i>c</i> ₂	.2977 (.4800)	<i>c</i> ₂ '	.2709 (.4823)
<i>C</i> _{<i>P</i>}	<i>a</i> ₃	1.1043 (1.2547)	<i>c</i> ₃	.2107 (.4721)	<i>c</i> ₃ '	.2357 (.4746)
<i>M</i>					<i>b</i>	-.0212 (.0311)

**Statistically significant at no more than the .05 level.

Table 183: Total, direct, and indirect effects of negative affect on monist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.3981	.4744	-1.3278	.5317
C_D	.2977	.4800	-.6431	1.2386
C_P	.2107	.4721	-.7146	1.1360
Direct effects				
C	-.4055	.4752	-1.3369	.5258
C_D	.2709	.4823	-.6744	1.2161
C_P	.2357	.4746	-.6944	1.1658
Indirect effects				
C	.0061	.0486	-.0599	.1644
C_D	.0277	.0671	-.0450	.2663
C_P	-.0234	.0638	-.2622	.0439

Table 184: Coefficient table for mediation analysis of negative affect on differentialist group (interpretation of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	15.6667** (.9326)	i_3	.8210** (.3618)	i_2	1.1551 (.6131)
C	a_1	1.0208 (1.3595)	c_1	-.6958 (.5064)	c'_1	-.6764 (.5077)
C_M	a_2	1.3101 (1.2641)	c_2	-.2977 (.4800)	c'_2	-.2709 (.4823)

C_P	a_3	2.4144 (1.3099)	c_3	-.0870 (.5042)	c'_3	-.0352 (.5110)
M					b	-.0212 (.5077)

**Statistically significant at no more than the .05 level.

Table 185: Total, direct, and indirect effects of negative affect on differentialist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.6958	.5064	-1.6883	.2966
C_M	-.2977	.4800	-1.2386	.6431
C_P	-.0870	.5042	-1.0753	.9013
Direct effects				
C	-.6764	.5077	-1.6714	.3186
C_M	-.2709	.4823	-1.2161	.6744
C_P	-.0352	.5110	-1.0367	.9663
Indirect effects				
C	-.0216	.0571	-.2176	.0431
C_M	-.0277	.0671	-.2663	.0448
C_P	-.0511	.0972	-.3477	.0805

Table 186: Coefficient table for mediation analysis of negative affect on pluralist group (interpretation of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	18.0811 (.9199)	i_3	.7340** (.3512)	i_2	1.1199 (.6713)
C	a_1	-1.3936 (1.3508)	c_1	-.6088 (.4988)	c'_1	-.6412 (.5023)
C_M	a_2	-1.1043 (1.2547)	c_2	-.2107 (.4721)	c'_2	-.2357 (.4746)
C_D	a_3	-2.4144 (1.3099)	c_3	.0870 (.5042)	c'_3	.0352 (.5110)
M					b	-.0212 (.0311)

**Statistically significant at no more than the .05 level.

Table 187: Total, direct, and indirect effects of negative affect on pluralist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.6088	.4988	-1.5865	.3689
C_M	-.2107	.4721	-1.1360	.7146
C_D	.0870	.5042	-.9013	1.0753
Direct effects				
C	-.6412	.5023	-1.6257	.3433
C_M	-.2357	.4746	-1.1658	.6944

C_D	.0352	.5110	-.9663	1.0367
Indirect effects				
C	.0295	.0710	-.0465	.2758
C_M	.0234	.0638	-.0439	.2622
C_D	.0511	.0972	-.0806	.3465

Table 188: Coefficient table for mediation analysis of positive affect on control group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	39.9063**	i_3	-.7885**	i_2	-.6883
		(2.1587)		(.3814)		(.5637)
C_{IM}	a_1	-4.0378	c_1	1.3275**	c'_1	1.3173**
		(2.9299)		(.5085)		(.5102)
C_{ID}	a_2	-4.2729	c_2	-.4011	c'_2	-.4122
		(3.1033)		(.5760)		(.5799)
C_{IP}	a_3	-5.3911	c_3	.7278	c'_3	.7141
		(3.0296)		(.5165)		(.5196)
C_{EM}	a_4	-4.1403	c_4	-.1730	c'_4	-.1837
		(2.7987)		(.5018)		(.5038)
C_{ED}	a_5	-5.4497	c_5	-.0382	c'_5	-.0524
		(2.8110)		(.4981)		(.5017)
C_{EP}	a_6	-2.9285	c_6	.3830	c'_6	.3755
		(2.8238)		(.4879)		(.4889)
M					b	-.0026
						(.0107)

**Statistically significant at no more than the .05 level.

Table 189: Total, direct, and indirect effect tables for positive affect on control group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_{IM}	1.3275	.5085	.3309	2.3241
C_{ID}	-.4011	.5760	-1.5301	.7278
C_{IP}	.7278	.5165	-.2845	1.7402
C_{EM}	-.1730	.5018	-1.1564	.8105
C_{ED}	-.0382	.4981	-1.0145	.9381
C_{EP}	.3830	.4879	-.5733	1.3393
Direct effects				
C_{IM}	1.3173	.5102	.3174	2.3172
C_{ID}	-.4122	.5779	-1.5448	.7205
C_{IP}	.7141	.5196	-.3044	1.7326
C_{EM}	-.1837	.5038	-1.1711	.8038
C_{ED}	-.0524	.5017	-1.0356	.9309
C_{EP}	.3755	.4889	-.5829	1.3338
Indirect effects				
C_{IM}	.0104	.0569	-.0729	.1748
C_{ID}	.0110	.0577	-.0784	.1702
C_{IP}	.0139	.0708	-.1018	.1999
C_{EM}	.0107	.0556	-.0770	.1628

C_{ED}	.0141	.0701	-.1047	.1962
C_{EP}	.0076	.0470	-.5829	1.3338

Table 190: Coefficient table for mediation analysis of positive affect on implicit monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	34.3514** (2.0083)	i_3	.4964 (.3390)	i_2	.5731 (.5002)
C	a_1	4.5549 (2.9491)	c_1	-1.2849 (.5103)	c'_1	-1.2750** (.5124)
C_{ID}	a_2	.2820 (3.0013)	c_2	-1.6860 (.5489)	c'_2	-1.6856** (.5489)
C_{IP}	a_3	-.2337 (2.9022)	c_3	-.4964 (.4822)	c'_3	-.4970 (.4823)
C_{EM}	a_4	.4146 (2.6849)	c_4	-1.4578 (.4704)	c'_4	-1.4571** (.4704)
C_{ED}	a_5	-.8948 (2.6977)	c_5	-1.3231 (.4665)	c'_5	-1.3254** .4667
C_{EP}	a_6	1.6264 (2.7110)	c_6	-.9019 (.4555)	c'_6	-.8985** (.4558)
M					b	-.0022 (.5002)

**Statistically significant at no more than the .05 level.

Table 191: Total, direct, and indirect effect tables for positive affect on implicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-1.2849	.5103	-2.2850	-.2848
C_{ID}	-1.6860	.5489	-2.7618	-.6103
C_{IP}	-.4964	.4822	-1.4416	.4487
C_{EM}	-1.4578	.4704	-2.3797	-.5360
C_{ED}	-1.3231	.4665	-2.2374	-.4089
C_{EP}	-.9019	.4555	-1.7947	-.0091
Direct effects				
C	-1.2750	.5124	-2.2793	-.2706
C_{ID}	-1.6856	.5489	-2.7614	-.6098
C_{IP}	-.4970	.4823	-1.4423	.4482
C_{EM}	-1.4571	.4704	-2.3791	-.5352
C_{ED}	-1.3254	.4667	-2.2400	-.4107
C_{EP}	-.8985	.4558	-1.7919	-.0050
Indirect effects				
C	-.0101	.0612	-.1760	.0885
C_{ID}	-.0006	.0312	-.0803	.0585
C_{IP}	.0005	.0352	-.0698	.0841
C_{EM}	-.0009	.0299	-.0804	.0537
C_{ED}	.0020	.0346	-.0560	.0977
C_{EP}	-.0036	.0377	-.1168	.0504

Table 192: Coefficient table for mediation analysis of positive affect on implicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	34.6333**	i_3	-1.1896**	i_2	-1.1004
		(2.2295)		(.4317)		(.5680)
C	a_1	4.2729	c_1	.4011	c'_1	.4122
		(3.1033)		(.5760)		(.5779)
C_{IM}	a_2	.2351	c_2	1.7286**	c'_2	1.7295**
		(2.9824)		(.5472)		(.5473)
C_{IP}	a_3	-1.1182	c_3	1.1290**	c'_3	1.1262**
		(3.0805)		(.5547)		(.5548)
C_{EM}	a_4	.1326	c_4	.2282	c'_4	.2285
		(2.8536)		(.5410)		(.5410)
C_{ED}	a_5	-1.1768	c_5	.3629	c'_5	.3598
		(2.8657)		(.5376)		(.5378)
C_{EP}	a_6	1.3444	c_6	.7841	c'_6	.7876
		(2.8782)		(.5281)		(.5284)
M					b	-.0026
						(.0107)

**Statistically significant at no more than the .05 level.

Table 193: Total, direct, and indirect effect tables for positive affect on implicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.4011	.5760	-.7278	1.5301
C_{IM}	1.7286	.5472	.6561	2.8011
C_{IP}	1.1290	.5547	.0418	2.2161
C_{EM}	.2282	.5410	-.8321	1.2885
C_{ED}	.3629	.5376	-.6908	1.4166
C_{EP}	.7841	.5281	-.2510	1.8192
Direct effects				
C	.4122	.5779	-.7205	1.5448
C_{IM}	1.7295	.5473	.6569	2.8021
C_{IP}	1.1262	.5548	.0388	2.2137
C_{EM}	.2285	.5410	-.8319	1.2889
C_{ED}	.3598	.5378	-.6942	1.4129
C_{EP}	.7876	.5284	-.2480	1.8233
Indirect effects				
C	-.0110	.0577	-.1703	.0784
C_{IM}	-.0006	.0325	-.0769	.0620
C_{IP}	.0039	.0354	-.0522	.1090
C_{EM}	-.0003	.0277	-.0665	.0523
C_{ED}	.0030	.0335	-.0461	.1074
C_{EP}	-.0035	.0354	-.1098	.0479

Table 194: Coefficient table for mediation analysis of positive affect on implicit-pluralist group (structures of law) and outcome

Outcome:		M		Y	
		Coefficient		Coefficient	

		(SE)		(SE)		(SE)
Constant	i_1	33.5125** (2.1257)	i_3	-.0606 (.3483)	i_2	.0258 (.4999)
C	a_1	5.3911 (3.0296)	c_1	-.7278 (.5165)	c'_1	-.7141 (.5196)
C_{IM}	a_2	1.3533 (2.9057)	c_2	.5996 (.4842)	c'_2	.6033 (.4845)
C_{ID}	a_3	1.1182 (3.0805)	c_3	-1.1290** (.5547)	c'_3	-1.1262** (.5548)
C_{EM}	a_4	1.2508 (2.7733)	c_4	-.9008 (.4771)	c'_4	-.8977 (.4773)
C_{ED}	a_5	-.0586 (2.7987)	c_5	-.7661 (.4733)	c'_5	-.7664 (.4734)
C_{EP}	a_6	2.4626 (2.7987)	c_6	-.3448 (.4625)	c'_6	-.3386 (.4633)
M					b	-.0026 (.0107)

**Statistically significant at no more than the .05 level.

Table 195: Total, direct, and indirect effect tables for positive affect on implicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7278	.5165	-1.7402	.2845
C_{IM}	.5996	.4842	-.3493	1.5486
C_{ID}	-1.1290	.5547	-2.2161	-.0418
C_{EM}	-.9008	.4771	-1.8360	.0344
C_{ED}	-.7661	.4733	-1.6937	.1616
C_{EP}	-.3448	.4625	-1.2513	.5617
Direct effects				
C	-.7141	.5196	-1.7326	.3044
C_{IM}	.6033	.4845	-.3463	1.5528
C_{ID}	-1.1262	.5548	-2.2137	-.0388
C_{EM}	-.8977	.4773	-1.8333	.0378
C_{ED}	-.7664	.4734	-1.6942	.1613
C_{EP}	-.3386	.4633	-1.2466	.5694
Indirect effects				
C	-.0139	.0708	-.2001	.1016
C_{IM}	-.0035	.0388	-.1209	.0540
C_{ID}	-.0029	.0354	-.1094	.0522
C_{EM}	-.0032	.0343	-.1072	.0458
C_{ED}	.0002	.0339	-.0698	.0800
C_{EP}	-.0064	.0454	-.1492	.0559

Table 196: Coefficient table for mediation analysis of positive affect on explicit-monist group (structures of law) and outcome

Outcome:		M				Y	
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)	
Constant	i_1	34.7660** (1.7812)	i_3	-.9614** (.3261)	i_2	-.8719 (.4936)	
C	a_1	4.1403	c_1	.1730	c'_1	.1837	

		(2.7987)		(.5018)		(.5038)
C_{IM}	a_2	.1025	c_2	1.5004**	c'_2	1.5010**
		(2.6640)		(.4684)		(.4685)
C_{ID}	a_3	-.1326	c_3	-.2282	c'_3	-.2285
		(2.8536)		(.5410)		(.5410)
C_{IP}	a_4	-1.2508	c_4	.9008	c'_4	.8977
		(2.7733)		(.4771)		(.4773)
C_{ED}	a_5	-1.3094	c_5	.1347	c'_5	.1313
		(2.5327)		(.4572)		(.4575)
C_{EP}	a_6	1.2118	c_6	.5559	c'_6	.5591
		(2.5469)		(.4460)		(.4463)
M					b	-.0026
						(.0107)

**Statistically significant at no more than the .05 level.

Table 197: Total, direct, and indirect effect tables for positive affect on explicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1730	.5018	-.8105	1.1564
C_{IM}	1.5004	.4684	.5823	2.4185
C_{ID}	-.2282	.5410	-1.2885	.8321
C_{IP}	.9008	.4771	-.0344	1.8360
C_{ED}	.1347	.4572	-.7613	1.0308
C_{EP}	.5559	.4460	-.3182	1.4301
Direct effects				
C	.1837	.5038	-.8038	1.1711
C_{IM}	1.5010	.4685	.5827	2.4192
C_{ID}	-.2285	.5410	-1.2889	.8319
C_{IP}	.8977	.4773	-.0378	1.8333
C_{ED}	.1313	.4575	-.7653	1.0279
C_{EP}	.5591	.4463	-.3155	1.4338
Indirect effects				
C	-.0107	.0556	-.1628	.0770
C_{IM}	-.0003	.0302	-.0698	.0623
C_{ID}	.0003	.0277	-.0524	.0656
C_{IP}	.0032	.0343	-.0459	.1072
C_{ED}	.0034	.0324	-.0415	.1060
C_{EP}	-.0031	.0333	-.1007	.0465

Table 198: Coefficient table for mediation analysis of positive affect on explicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	33.4565** (1.8005)	i_3	-.8267** (.3204)	i_2	-.7406 (.4791)
C	a_1	5.4497 (2.8110)	c_1	.0382 (.4981)	c'_1	.0524 (.5017)
C_{IM}	a_2	1.4119 (2.6769)	c_2	1.3657** (.4645)	c'_2	1.3697** (.4649)
C_{ID}	a_3	1.1768	c_3	-.3629	c'_3	-.3598

		(2.8657)		(.5376)		(.5378)
C_{IP}	a_4	.0586	c_4	.7661	c'_4	.7664
		(2.7858)		(.4733)		(.4734)
C_{EM}	a_5	1.3094	c_5	-.1347	c'_5	-.1313
		(2.5327)		(.4572)		(.4575)
C_{EP}	a_6	2.5213	c_6	.4212	c'_6	.4278
		(2.5604)		(.4419)		(.4428)
M					b	-.0026
						(.0107)

**Statistically significant at no more than the .05 level.

Table 199: Total, direct, and indirect effect tables for positive affect on explicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.8267	.3204	-.9381	1.0145
C_{IM}	1.3657	.4645	.4552	2.2761
C_{ID}	-.3629	.5376	-1.4166	.6908
C_{IP}	.7661	.4733	-.1616	1.6937
C_{EM}	-.1347	.4572	-1.0308	.7613
C_{EP}	.4212	.4419	-.4449	1.2873
Direct effects				
C	.0524	.5017	-.9309	1.0356
C_{IM}	1.3697	.4649	.4584	2.2809
C_{ID}	-.3598	.5378	-1.4139	.6942
C_{IP}	.7664	.4734	-.1613	1.6942
C_{EM}	-.1313	.4575	-1.0279	.7653
C_{EP}	.4278	.4428	-.4401	1.2957
Indirect effects				
C	-.0141	.0701	-.1966	.1047
C_{IM}	-.0036	.0373	-.1169	.0507
C_{ID}	-.0030	.0335	-.1075	.0461
C_{IP}	-.0002	.0339	-.0800	.0698
C_{EM}	-.0034	.0324	-.1060	.0415
C_{EP}	-.0065	.0443	-.1425	.0545

Table 200: Coefficient table for mediation analysis of positive affect on explicit-pluralist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	35.9778** (1.8204)	i_3	-.4055 (.3043)	i_2	-.3128 (.4899)
C	a_1	2.9285 (2.8238)	c_1	-.3830 (.4879)	c'_1	-.3755 (.4889)
C_{IM}	a_2	-1.1094 (2.6903)	c_2	.9445** (.4535)	c'_2	.9419** (.4537)
C_{ID}	a_3	-1.3444 (2.8782)	c_3	-.7841 (.5281)	c'_3	-.7876 (.5284)
C_{IP}	a_4	-2.4626 (2.7987)	c_4	.3448 (.4625)	c'_4	.3386 (.4633)
C_{EM}	a_5	-1.2118	c_5	-.5559	c'_5	-.5591

		(2.5469)		(.4460)		(.4463)
C_{ED}	a_6	-2.5213	c_6	-.4212	c'_6	-.4278
		(2.5604)		(.4419)		(.4428)
M					b	-.0026
						(.0107)

**Statistically significant at no more than the .05 level.

Table 201: Total, direct, and indirect effect tables for positive affect on explicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.3830	.4879	-1.3393	.5733
C_{IM}	.9445	.4535	.0556	1.8334
C_{ID}	-.7841	.5281	-1.8192	.2510
C_{IP}	.3448	.4625	-.5617	1.2513
C_{EM}	-.5559	.4460	-1.4301	.3182
C_{ED}	-.4212	.4419	-1.2873	.4449
Direct effects				
C	-.3755	.4889	-1.3338	.5829
C_{IM}	.9419	.4537	.0526	1.8311
C_{ID}	-.7876	.5284	-1.8233	.2480
C_{IP}	.3386	.4633	-.5694	1.2466
C_{EM}	-.5591	.4463	-1.4338	.3155
C_{ED}	-1.4278	.4428	-1.2957	.4401
Indirect effects				
C	-.0076	.0470	-.1600	.0581
C_{IM}	.0029	.0357	-.0492	.1112
C_{ID}	.0035	.0354	-.0479	.1093
C_{IP}	.0064	.0454	-.0559	.1492
C_{EM}	.0031	.0333	-.0465	.1007
C_{ED}	.0065	.0443	-.0545	.1421

Table 202: Coefficient table for mediation analysis of negative affect on control group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	16.7742**	i_3	-.7419	i_2	.6933
		(.8866)		(.3842)		(.6329)
C_{IM}	a_1	-3.2742**	c_1	1.3125**	c'_1	1.0647**
		(1.2095)		(.5177)		(.5297)
C_{ID}	a_2	-1.4171	c_2	-.3567	c'_2	-.4975
		(1.2870)		(.5815)		(.5927)
C_{IP}	a_3	-1.0772	c_3	.6813	c'_3	.6031
		(1.2347)		(.5186)		(.5316)
C_{EM}	a_4	-.4264	c_4	-.1896	c'_4	-.2695
		(1.1470)		(.5048)		(.5167)
C_{ED}	a_5	-2.5416**	c_5	.0137	c'_5	-.2082
		(1.1630)		(.5035)		(.5175)
C_{EP}	a_6	-3.0425**	c_6	.2957	c'_6	.0497
		(1.1749)		(.5001)		(.5132)
M					b	-.0873**

(.0309)

**Statistically significant at no more than the .05 level.

Table 203: Total, direct, and indirect effect tables for negative affect on control group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_{IM}	1.3125	.5177	.2978	2.3272
C_{ID}	-.3567	.5815	-1.4963	.7830
C_{IP}	.6813	.5186	-.3351	1.6977
C_{EM}	-.1896	.5048	-1.1791	.7998
C_{ED}	.0137	.5035	-.9732	1.0006
C_{EP}	.2957	.5001	-.6846	1.2759
Direct effects				
C_{IM}	1.0647	.5297	.0264	2.1030
C_{ID}	-.4975	.5927	-1.6592	.6642
C_{IP}	.6031	.5316	-.4389	1.6451
C_{EM}	-.2695	.5167	-1.2822	.7432
C_{ED}	-.2082	.5175	-1.2224	.8060
C_{EP}	.0497	.5132	-.9562	1.0556
Indirect effects				
C_{IM}	.2859	.1508	.0745	.6603
C_{ID}	.1237	.1355	-.0857	.4612
C_{IP}	.0941	.1414	-.1480	.4366
C_{EM}	.0372	.1275	-.1975	.3260
C_{ED}	.2219	.1367	.0315	.5705
C_{EP}	.2656	.1438	.0629	.6237

Table 204: Coefficient table for mediation analysis of negative affect on implicit-monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	13.4286**	i_3	.5261	i_2	1.7149**
		(.8339)		(.3498)		(.5488)
C	a_1	3.3456**	c_1	-1.2680**	c'_1	-1.0117
		(1.2168)		(.5196)		(.5321)
C_{ID}	a_2	1.9286	c_2	-1.6247**	c'_2	-1.5102**
		(1.2509)		(.5593)		(.5663)
C_{IP}	a_3	2.2773	c_3	-.5261	c'_3	-.3432
		(1.1880)		(.4899)		(.5030)
C_{EM}	a_4	2.9193**	c_4	-1.4577**	c'_4	-1.2820**
		(1.1066)		(.4792)		(.4880)
C_{ED}	a_5	.8040	c_5	-1.2543**	c'_5	-1.2214**
		(1.1232)		(.4778)		(.4831)
C_{EP}	a_6	.3031	c_6	-.9724**	c'_6	-.9636**
		(1.1354)		(.4742)		(.4783)
M					b	-.0879**
						(.0309)

**Statistically significant at no more than the .05 level.

Table 205: Total, direct, and indirect effect tables for negative affect on implicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-1.2680	.5196	-2.2865	-.2496
C_{ID}	-.1.6247	.5593	-2.7210	-.5284
C_{IP}	-.5261	.4899	-1.4863	.4341
C_{EM}	-1.4577	.4792	-2.3968	-.5185
C_{ED}	-1.2543	.4778	-2.1908	-.3179
C_{EP}	-.9724	.4742	-1.9018	-.0429
Direct effects				
C	-1.0117	.5321	-2.0546	.0313
C_{ID}	-1.5102	.5663	-2.6202	-.4003
C_{IP}	-.3432	.5030	-1.3291	.6427
C_{EM}	-1.2820	.4880	-2.2386	-.3255
C_{ED}	-1.2214	.4831	-2.1683	-.2745
C_{EP}	-.9636	.4783	-1.9011	-.0260
Indirect effects				
C	-.2942	.1532	-.6757	-.0779
C_{ID}	-.1696	.1269	-.5052	.0005
C_{IP}	-.2002	.1392	-.5609	-.0086
C_{EM}	-.2567	.1422	-.6136	-.0556
C_{ED}	-.0707	.0914	-.3113	.0647
C_{EP}	-.0267	.0720	-.1965	.0997

Table 206: Coefficient table for mediation analysis of negative affect on implicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	15.3571** (.9329)	i_3	-1.0986** (.4364)	i_2	.1958 (.6259)
C	a_1	1.4171 (1.2870)	c_1	.3567 (.5815)	c'_1	.4975 (.5927)
C_{IM}	a_2	-1.8571 (1.2438)	c_2	1.6692** (.5576)	c'_2	1.5621** (.5643)
C_{IP}	a_3	.3398 (1.2683)	c_3	1.0380 (.5584)	c'_3	1.1005 (.5709)
C_{EM}	a_4	.9907 (1.1832)	c_4	1671 (.5456)	c'_4	.2280 (.5552)
C_{ED}	a_5	-1.1246 (1.1987)	c_5	3704 (.5444)	c'_5	.2893 (.5524)
C_{EP}	a_6	-1.6254 (1.2101)	c_6	.6523 (.5413)	c'_6	.5472 (.5482)
M					b	-.0873** (.0309)

**Statistically significant at no more than the .05 level.

Table 207: Total, direct, and indirect effect tables for negative affect on implicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL

	Total effects			
<i>C</i>	.3567	.5815	-.7830	1.4963
<i>C_{IM}</i>	1.6692	.5576	.5764	2.7620
<i>C_{IP}</i>	1.0380	.5584	-.0564	2.1324
<i>C_{EM}</i>	.1671	.5456	-.9023	1.2365
<i>C_{ED}</i>	.3704	.5444	-.6967	1.4374
<i>C_{EP}</i>	.6523	.5413	-.4085	1.7132
	Direct effects			
<i>C</i>	.4975	.5927	-.6642	1.6592
<i>C_{IM}</i>	1.5621	.5643	.4561	2.6682
<i>C_{IP}</i>	1.1005	.5709	-.0184	2.2195
<i>C_{EM}</i>	.2280	.5552	-.8602	1.3162
<i>C_{ED}</i>	.2893	.5524	-.7933	1.3719
<i>C_{EP}</i>	.5472	.5482	-.5274	1.6217
	Indirect effects			
<i>C</i>	-.1237	.1355	-.4629	.0857
<i>C_{IM}</i>	.1622	.1247	-.0051	.4941
<i>C_{IP}</i>	-.0297	.1419	-.3322	.2460
<i>C_{EM}</i>	-.0865	.1349	-.4005	.1583
<i>C_{ED}</i>	.0982	.1222	-.0883	.4179
<i>C_{EP}</i>	.1419	.1207	-.0261	.4639

Table 208: Coefficient table for mediation analysis of negative affect on implicit-pluralist group (structures of law) and outcome

Outcome:		<i>M</i>		<i>Y</i>		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	15.6970**	<i>i₃</i>	-.0606	<i>i₂</i>	1.2963**
		(.8593)		(.3483)		(.5942)
<i>C</i>	<i>a₁</i>	1.0772	<i>c₁</i>	-.6813	<i>c' ₁</i>	-.6031
		(1.2347)		(.5186)		(.5316)
<i>C_{IM}</i>	<i>a₂</i>	-2.1970	<i>c₂</i>	.6312	<i>c' ₂</i>	.4616
		(1.1896)		(.4917)		(.5042)
<i>C_{ID}</i>	<i>a₃</i>	-.3398	<i>c₃</i>	-1.0380	<i>c' ₃</i>	-1.1005
		(1.2683)		(.5584)		(.5709)
<i>C_{EM}</i>	<i>a₄</i>	.6509	<i>c₄</i>	-.8709	<i>c' ₄</i>	-.8726
		(1.1261)		(.4781)		(.4921)
<i>C_{ED}</i>	<i>a₅</i>	-1.4644	<i>c₅</i>	-.6676	<i>c' ₅</i>	-.8112
		(1.1424)		(.4767)		(.4911)
<i>C_{EP}</i>	<i>a₆</i>	-1.9653	<i>c₆</i>	-.3857	<i>c' ₆</i>	-.5534
		(1.1544)		(.4731)		(.4866)
<i>M</i>					<i>b</i>	-.0873**
						(.0309)

**Statistically significant at no more than the .05 level.

Table 209: Total, direct, and indirect effect tables for negative affect on implicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
	Total effects			
<i>C</i>	-.6813	.5186	-1.6977	.3351
<i>C_{IM}</i>	.6312	.4917	-.3325	1.5948
<i>C_{ID}</i>	-1.0380	.5584	-2.1324	.0564

C_{EM}	-.8709	.4781	-1.8079	.0661
C_{ED}	-.6676	.4767	-1.6019	.2667
C_{EP}	-.3857	.4731	-1.3129	.5416
Direct effects				
C	-.6031	.5316	-1.6451	.4389
C_{IM}	.4616	.5042	-.5267	1.4499
C_{ID}	-1.1005	.5709	-2.2195	.0184
C_{EM}	-.8726	.4921	-1.8371	.0920
C_{ED}	-.8112	.4911	-1.7738	.1513
C_{EP}	-.5534	.4866	-1.5070	.4003
Indirect effects				
C	-.0941	.1414	-.4366	.1475
C_{IM}	.1918	.1384	.0042	.5539
C_{ID}	.0297	.1419	-.2463	.3322
C_{EM}	-.0568	.1422	-.3729	.2022
C_{ED}	.1279	.1306	-.0756	.4496
C_{EP}	.1716	.1323	-.0142	.5110

Table 210: Coefficient table for mediation analysis of negative affect on explicit-monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	16.3478** (.7278)	i_3	-.9316 (.3275)	i_2	.4238 (.5652)
C	a_1	.4264 (1.1470)	c_1	.1896 (.5048)	c'_1	.2695 (.5167)
C_{IM}	a_2	-2.8478** (1.0984)	c_2	1.5021** (.4771)	c'_2	1.3342** (.4857)
C_{ID}	a_3	-.9907 (1.1832)	c_3	-.1671 (.5456)	c'_3	-.2280 (.5552)
C_{IP}	a_4	-.6509 (1.1261)	c_4	.8709 (.4781)	c'_4	.8726 (.4921)
C_{ED}	a_5	-2.1153** (1.0471)	c_5	.2033 (.4617)	c'_5	.0613 (.4718)
C_{EP}	a_6	-2.6161** (1.0602)	c_6	.4853 (.4580)	c'_6	.3192 (.4671)
M					b	-.0873** (.0309)

**Statistically significant at no more than the .05 level.

Table 211: Total, direct, and indirect effect tables for negative affect on explicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1896	.5048	-.7998	1.1791
C_{IM}	1.5021	.4771	.5670	2.4372
C_{ID}	-.1671	.5456	-1.2365	.9023
C_{IP}	.8709	.4781	-.0661	1.8079
C_{ED}	.2033	.4617	-.7015	1.1082
C_{EP}	.4853	.4580	-.4123	1.3829

	Direct effects			
C	.2695	.5167	-.7432	1.2822
C_{IM}	1.3342	.4857	.3822	2.2861
C_{ID}	-.2280	.5552	-1.3162	.8602
C_{IP}	.8726	.4921	-.0920	1.8371
C_{ED}	.0613	.4718	-.8635	.9861
C_{EP}	.3192	.4671	-.5962	1.2346
	Indirect effects			
C	-.0372	.1275	-.3266	.1975
C_{IM}	.2487	.1398	.0511	.6001
C_{ID}	.0865	.1349	-.1583	.4003
C_{IP}	.0568	.1422	-.2022	.3729
C_{ED}	.1847	.1300	-.0004	.5173
C_{EP}	.2284	.1337	.0395	.5577

Table 212: Coefficient table for mediation analysis of negative affect on explicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	14.2326**	i_3	-.7282	i_2	.4851
		(.7528)		(.3254)		(.5332)
C	a_1	2.5416**	c_1	-.0137	c'_1	.2082
		(1.1630)		(.5035)		(.5175)
C_{IM}	a_2	-.7326	c_2	1.2988**	c'_2	1.2728**
		(1.1151)		(.4757)		(.4809)
C_{ID}	a_3	1.1246	c_3	-.3704	c'_3	-.2893
		(1.1987)		(.5444)		(.5524)
C_{IP}	a_4	1.4644	c_4	.6676	c'_4	.8112
		(1.1424)		(.4767)		(.4911)
C_{EM}	a_5	2.1153**	c_5	-.2033	c'_5	-.0613
		(1.0471)		(.4617)		(.4718)
C_{EP}	a_6	-.5009	c_6	.2820	c'_6	.2579
		(1.0775)		(.4565)		(.4617)
M					b	-.0873**
						(.0309)

**Statistically significant at no more than the .05 level.

Table 213: Total, direct, and indirect effect tables for negative affect on explicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
	Total effects			
C	-.0137	.5035	-1.0006	.9732
C_{IM}	1.2988	.4757	.3664	2.2312
C_{ID}	-.3704	.5444	-1.4374	.6967
C_{IP}	.6676	.4767	-.2667	1.6019
C_{EM}	-.2033	.4617	-1.1082	.7015
C_{EP}	.2820	.4565	-.6128	1.1767
	Direct effects			
C	.2082	.5175	-.8060	1.2224
C_{IM}	1.2728	.4809	.3302	2.2155
C_{ID}	-.2893	.5524	-1.3719	.7933

C_{IP}	.8112	.4911	-.1513	1.7738
C_{EM}	-.0613	.4718	-.9861	.8635
C_{EP}	.2579	.4617	-.6470	1.1628
Indirect effects				
C	-.2219	.1367	-.5712	-.0315
C_{IM}	.0640	.0896	-.0715	.2967
C_{ID}	-.0982	.1222	-.4179	.0883
C_{IP}	-.1279	.1306	-.4496	.0756
C_{EM}	-.1847	.1300	-.5174	.0004
C_{EP}	.0437	.0877	-.0956	.2686

Table 214: Coefficient table for mediation analysis of negative affect on explicit-pluralist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	13.7317** (.7709)	i_3	-.4463 (.3202)	i_2	.7430 (.5278)
C	a_1	3.0425** (1.1749)	c_1	-.2957 (.5001)	c'_1	-.0497 (.5132)
C_{IM}	a_2	-.2317 (1.1275)	c_2	1.0168** (.4721)	c'_2	1.0150** (.4762)
C_{ID}	a_3	1.6254 (1.2102)	c_3	-.6523 (.5413)	c'_3	-.5472 (.5482)
C_{IP}	a_4	1.9653 (1.1544)	c_4	.3857 (.4731)	c'_4	.5534 (.4866)
C_{EM}	a_5	2.6161** (1.0602)	c_5	-.4853 (.4580)	c'_5	-.3192 (.4671)
C_{ED}	a_6	.5009 (1.0775)	c_6	-.2820 (.4565)	c'_6	-.2579 (.4617)
M					b	-.0873** (.0309)

**Statistically significant at no more than the .05 level.

Table 215: Total, direct, and indirect effect tables for negative affect on explicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.2957	.5001	-1.2759	.6846
C_{IM}	1.0168	.4721	.0915	1.9422
C_{ID}	-.6523	.5413	-1.7132	.4085
C_{IP}	.3857	.4731	-.5416	1.3129
C_{EM}	-.4853	.4580	-1.3829	.4123
C_{ED}	-.2820	.4565	-1.1767	.6128
Direct effects				
C	-.0497	.5132	-1.0556	.9562
C_{IM}	1.0150	.4762	.0817	1.9482
C_{ID}	-.5472	.5482	-0.6217	.5274
C_{IP}	.5534	.4866	-.4003	1.5070
C_{EM}	-.3192	.4671	-1.2346	.5962
C_{ED}	-.2579	.4617	-1.1628	.6470

	Indirect effects			
C	-.2656	.1438	-.6237	-.0630
C_{IM}	.0202	.0707	-.1081	.1844
C_{ID}	-.1419	.1207	-.4644	.0261
C_{IP}	-.1716	.1323	-.5112	.0142
C_{EM}	-.2284	.1337	-.5581	-.0397
C_{ED}	-.0437	.0877	-.2689	.0955

Table 216: Coefficient table for mediation analysis of creativity on control group (construction of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	38.5152** (2.0727)	i_3	.1823 (.3496)	i_2	-1.9766** (.8549)
C_I	a_1	-.7652 (3.0593)	c_1	-.1823 (.5149)	c'_1	-.1626 (.5399)
C_E	a_2	-2.8055 (2.9782)	c_2	.5596 (.5196)	c'_2	.7732 (.5548)
M					b	.0566** (.0204)

**Statistically significant at no more than the .05 level.

Table 217: Total, direct, and indirect effects of creativity on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_I	-.1823	.5149	-1.1914	.8268
C_E	.5596	.5195	-.4585	1.5777
Direct effects				
C_I	-.1626	.5399	-1.2207	.8955
C_E	.7732	.5548	-.3142	1.8605
Indirect effects				
C_I	-.0433	.1913	-.4576	.3252
C_E	-.1587	.2057	-.6559	.1931

Table 218: Coefficient table for mediation analysis of creativity on implicit group (construction of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	37.7500** (2.2502)	i_3	.0000 (.3780)	i_2	2.1392** (.8665)
C	a_1	.7652 (3.0593)	c_1	.1823 (.5149)	c'_1	.1626 (.5399)
C_E	a_2	-2.0403 (3.1043)	c_2	.7419 (.5390)	c'_2	.9358 (.5707)
M					b	.0566** (.0204)

**Statistically significant at no more than the .05 level.

Table 219: Total, direct, and indirect effects of creativity on implicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	.1823	.5149	-.8268	1.1914
<i>C_E</i>	.7419	.5390	-.3144	1.7983
Direct effects				
<i>C</i>	.1626	.5399	-.8955	1.2207
<i>C_E</i>	.9358	.5707	-.1828	2.0543
Indirect effects				
<i>C</i>	.0433	.1913	-.3252	.4574
<i>C_E</i>	-.1154	.1926	-.5720	.2164

Table 220: Coefficient table for mediation analysis of creativity on explicit group (construction of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	35.7097 (2.1385)	<i>i₃</i>	.7419 (.3842)	<i>i₂</i>	-1.2035 (.7865)
<i>C</i>	<i>a₁</i>	2.8055 (2.9782)	<i>c₁</i>	-.5596 (.5195)	<i>c' ₁</i>	-.7732 (.5548)
<i>C_I</i>	<i>a₂</i>	2.0403 (3.1043)	<i>c₂</i>	-.7419 (.5390)	<i>c' ₂</i>	-.9358 (.5707)
<i>M</i>					<i>b</i>	.0566** (.0204)

**Statistically significant at no more than the .05 level.

Table 221: Total, direct, and indirect effects of creativity on explicit group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
<i>C</i>	-.5596	.5195	-1.5777	.4585
<i>C_I</i>	-.7419	.5390	-1.7983	.3144
Direct effects				
<i>C</i>	-.7732	.5548	-1.8605	.3142
<i>C_I</i>	-.9358	.5707	-2.0543	.1828
Indirect effects				
<i>C</i>	.1587	.2057	-.1932	.6546
<i>C_I</i>	.1154	.1926	-.2164	.5719

Table 222: Coefficient table for mediation analysis of creativity on control group (interpretation of the law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	38.5152** (1.6059)	<i>i₃</i>	.1823 (.3496)	<i>i₂</i>	-2.5714** (.9003)

C_M	a_1	-1.4675 (2.1460)	c_1	.5108 (.4789)	c'_1	.6341 (.5119)
C_D	a_2	-2.4009 (2.2385)	c_2	.5978 (.5048)	c'_2	.7703 (.5335)
C_P	a_3	-2.1368 (2.2089)	c_3	.5516 (.4955)	c'_3	.7489 (.5345)
M					b	.0723** (.0216)

**Statistically significant at no more than the .05 level.

Table 223: Total, direct, and indirect effects of creativity on control group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_M	.5108	.4789	-.4278	1.4495
C_D	.5978	.5048	-.3915	1.5872
C_P	.5516	.4955	-.4196	1.5229
Direct effects				
C_M	.6341	.5119	-.3692	1.6373
C_D	.7703	.5335	-.2754	1.8160
C_P	.7489	.5345	-.2987	1.7964
Indirect effects				
C_M	-.1061	.2003	-.5111	.2964
C_D	-.1736	.1907	-.5954	.1859
C_P	-.1545	.2160	-.6201	.2592

Table 224: Coefficient table for mediation analysis of creativity on monist group (interpretation of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	37.0476** (1.4235)	i_3	.6931** (.3273)	i_2	-1.9374** (.8461)
C	a_1	1.4675 (2.1460)	c_1	-.5108 (.4789)	c'_1	-.6341 (.5119)
C_D	a_2	-.9333 (2.1114)	c_2	.0870 (.4896)	c'_2	.1362 (.5016)
C_P	a_3	-.6692 (2.0800)	c_3	.0408 (.4801)	c'_3	.1148 (.5012)
M					b	.0723** (.0216)

**Statistically significant at no more than the .05 level.

Table 225: Total, direct, and indirect effects of creativity on monist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5108	.4789	-1.4495	.4278
C_D	.0870	.4896	-.8726	1.0466
C_P	.0408	.4801	-.9001	.9818

	Direct effects			
C	-.6341	.5119	-1.6373	.3692
C_D	.1362	.5016	-.8469	1.1194
C_P	.1148	.5012	-.8675	1.0971
	Indirect effects			
C	.1061	.2003	-.2967	.5111
C_D	-.0675	.1244	-.3369	.1572
C_P	-.0484	.1591	-.3956	.2439

Table 226: Coefficient table for mediation analysis of creativity on differentialist group (interpretation of the law) and outcome

Outcome:	M			Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	36.1143** (1.5594)	i_3	.7802** (.3641)	i_2	-1.8011** (.8480)
C	a_1	2.4009 (2.2385)	c_1	-.5978 (.5048)	c'_1	-.7703 (.5335)
C_M	a_2	.9333 (2.1114)	c_2	-.0870 (.4896)	c'_2	-.1362 (.5016)
C_P	a_3	.2641 (2.1753)	c_3	-.0462 (.5059)	c'_3	-.0214 (.5217)
M					b	.0723** (.0216)

**Statistically significant at no more than the .05 level.

Table 227: Total, direct, and indirect effects of creativity on differentialist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5978	.5048	-1.5872	.3915
C_M	-.0870	.4896	-1.0466	.8726
C_P	-.0462	.5059	-1.0377	.9453
Direct effects				
C	-.7703	.5335	-1.8160	.2754
C_M	-.1362	.5016	-1.1194	.8469
C_P	-.0214	.5217	-1.0440	1.0011
Indirect effects				
C	.1736	.1907	-.1861	.5948
C_M	.0675	.1244	-.1572	.3369
C_P	.0191	.1417	-.2674	.3043

Table 228: Coefficient table for mediation analysis of creativity on pluralist group (interpretation of the law) and outcome

Outcome:	<i>M</i>			<i>Y</i>		
		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)		Coefficient (<i>SE</i>)
Constant	<i>i</i> ₁	36.3784** (1.5166)	<i>i</i> ₃	.7340** (.3512)	<i>i</i> ₂	-1.8226** (.8314)

C	a_1	2.1368 (2.2089)	c_1	-.5516 (.4955)	c'_1	-.7489 (.5345)
C_M	a_2	.6692 (2.0800)	c_2	-.0408 (.4801)	c'_2	-.1148 (.5012)
C_D	a_3	-.2641 (2.1753)	c_3	.0462 (.5059)	c'_3	.0214 (.5217)
M					b	.0723 (.0216)**

**Statistically significant at no more than the .05 level.

Table 229: Total, direct, and indirect effects of creativity on pluralist group (interpretation of the law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5516	.4955	-1.5229	.4196
C_M	-.0408	.4801	-.9818	.9001
C_D	.0462	.5059	-.9453	1.0377
Direct effects				
C	-.7489	.5345	-1.7964	.2987
C_M	-.1148	.5012	-1.0971	.8675
C_D	.0214	.5217	-1.0011	1.0440
Indirect effects				
C	.1545	.2160	-.2596	.6201
C_M	.0484	.1591	-.2439	.3956
C_D	-.0191	.1417	-.3046	.2674

Table 230: Coefficient table for mediation analysis of creativity on control group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	39.4375** (1.6124)	i_3	-.7885** (.3814)	i_2	-2.7779** (.7577)
C_{IM}	a_1	-2.7348 (2.2019)	c_1	1.4016** (.5139)	c'_1	1.6194** (.5371)
C_{ID}	a_2	-3.6042 (2.3180)	c_2	-.4011 (.5760)	c'_2	-.2240 (.5931)
C_{IP}	a_3	-5.9527** (2.2629)	c_3	.7278 (.5165)	c'_3	1.0691 (.5459)
C_{EM}	a_4	-2.0545 (2.0904)	c_4	-.1730 (.5018)	c'_4	-.0398 (.5170)
C_{ED}	a_5	-2.4597 (2.1092)	c_5	-.0065 (.4991)	c'_5	.1424 (.5155)
C_{EP}	a_6	-.4597 (2.1092)	c_6	.3830 (.4879)	c'_6	.4493 (.5028)
M					b	.0489** (.0155)

**Statistically significant at no more than the .05 level.

Table 231: Total, direct, and indirect effect tables for creativity on control group (structures of law) and outcome

	Product of coefficients	Bootstrapping BCa 95% CI
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	Point estimate	SE	LL	UL
Total effects				
C_{IM}	1.4016	.5139	.3944	2.4087
C_{ID}	-.4011	.5760	-1.5301	.7278
C_{IP}	.7278	.5165	-.2845	1.7402
C_{EM}	-.1730	.5018	-1.1564	.8105
C_{ED}	-.0065	.4991	-.9848	.9718
C_{EP}	.3830	.4879	-.5733	1.3393
Direct effects				
C_{IM}	1.6194	.5371	.5667	2.6721
C_{ID}	-.2240	.5931	-1.3866	.9385
C_{IP}	1.0691	.5459	-.0010	2.1391
C_{EM}	-.0398	.5170	-1.0532	.9736
C_{ED}	.1424	.5155	-.8679	1.1526
C_{EP}	.4493	.5028	-.5361	1.4347
Indirect effects				
C_{IM}	-.1338	.1382	-.4579	.0970
C_{ID}	-.1764	.1477	-.5219	.0742
C_{IP}	-.2913	.1624	-.6927	-.0469
C_{EM}	-.1005	.1247	-.3784	.1268
C_{ED}	-.1204	.1310	-.4201	.1101
C_{EP}	-.0225	.1269	-.2679	.2478

Table 232: Coefficient table for mediation analysis of creativity on implicit-monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	36.5000** (1.5220)	i_3	.5705 (.3470)	i_2	-1.2061 (.6559)
C	a_1	2.9375 (2.2187)	c_1	-1.3590** (.5156)	c'_1	-1.5874** (.5396)
C_{ID}	a_2	-.6667 (2.2575)	c_2	-1.7601** (.5538)	c'_2	-1.8101** (.5664)
C_{IP}	a_3	-2.7059 (2.1839)	c_3	-1.5705 (.4879)	c'_3	-.4671 (.5008)
C_{EM}	a_4	.8830 (2.0226)	c_4	-1.5320** (.4762)	c'_4	-1.6260** (.4869)
C_{ED}	a_5	.4778 (2.0420)	c_5	-1.3655** (.4734)	c'_5	-1.4438** (.4846)
C_{EP}	a_6	2.4778 (2.0420)	c_6	-.9760** (.4615)	c'_6	-1.1373** (.4753)
M					b	.0493** (.0155)

**Statistically significant at no more than the .05 level.

Table 233: Total, direct, and indirect effect tables for creativity on implicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-1.3590	.5156	-2.3696	-.3484
C_{ID}	-1.7601	.5538	-2.8456	-.6746

C_{IP}	-.5705	.4879	-1.5268	.3857
C_{EM}	-1.5320	.4762	-2.4652	-.5987
C_{ED}	-1.3655	.4734	-2.2933	-.4377
C_{EP}	-.9760	.4615	-1.8806	-.0715
Direct effects				
C	-1.5874	.5396	-2.6450	-.5299
C_{ID}	-1.8101	.5664	-2.9202	-.7000
C_{IP}	-.4671	.5008	-1.4487	.5144
C_{EM}	-1.6260	.4869	-2.5804	-.6716
C_{ED}	-1.4438	.4846	-2.3936	-.4939
C_{EP}	-1.1373	.4753	-2.0690	-.2057
Indirect effects				
C	.1449	.1407	-.0885	.4762
C_{ID}	-.0329	.1266	-.3021	.2096
C_{IP}	-.1334	.1305	-.4523	.0753
C_{EM}	.0435	.1008	-.1343	.2776
C_{ED}	.0236	.1062	-.1794	.2521
C_{EP}	.1222	.1114	-.0498	.4008

Table 234: Coefficient table for mediation analysis of creativity on implicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	35.8333**	i_3	-1.1896**	i_2	-3.0020**
		(1.6653)		(.4317)		(.7360)
C	a_1	3.6042	c_1	.4011	c'_1	.2240
		(2.3180)		(.5760)		(.5931)
C_{IM}	a_2	.8694	c_2	1.8027**	c'_2	1.8434**
		(2.2409)		(.5522)		(.5643)
C_{IP}	a_3	-2.3485	c_3	1.1290**	c'_3	1.2931**
		(2.3009)		(.5547)		(.5700)
C_{EM}	a_4	1.5496	c_4	.2282	c'_4	.1842
		(2.1315)		(.5410)		(.5495)
C_{ED}	a_5	1.1444	c_5	.3947	c'_5	.3664
		(2.1499)		(.5385)		(.5476)
C_{EP}	a_6	3.1444	c_6	.7841	c'_6	.6733
		(2.1499)		(.5281)		(.5379)
M					b	.0489**
						(.0155)

**Statistically significant at no more than the .05 level.

Table 235: Total, direct, and indirect effect tables for creativity on implicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.4011	.5760	-.7278	1.5301
C_{IM}	1.8027	.5522	.7204	2.8850
C_{IP}	1.1290	.5547	.0418	2.2161
C_{EM}	.2282	.5410	-.8321	1.2885
C_{ED}	.3947	.5385	-.6609	1.4502
C_{EP}	.7841	.5281	-.2510	1.8192

	Direct effects			
C	.2240	.5931	-.9385	1.3866
C_{IM}	1.8434	.5643	.7373	2.9495
C_{IP}	1.2931	.5700	.1760	2.4102
C_{EM}	.1842	.5495	-.8927	1.2612
C_{ED}	.3664	.5476	-.7070	1.4398
C_{EP}	.6733	.5281	-.2510	1.8192
	Indirect effects			
C	.1764	.1477	-.0742	.5216
C_{IM}	.0425	.1247	-.1908	.3153
C_{IP}	-.1149	.1390	-.4704	.1016
C_{EM}	.0728	.1109	-.1191	.3253
C_{ED}	.0560	.1145	-.7070	1.4393
C_{EP}	.6733	.5379	-.3810	1.7277

Table 236: Coefficient table for mediation analysis of creativity on implicit-pluralist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	33.4848**	i_3	-.0606	i_2	-1.7089**
		(1.5878)		(.3483)		(.6357)
C	a_1	5.9527**	c_1	-.7278	c'_1	-1.0691
		(2.2629)		(.5165)		(.5459)
C_{IM}	a_2	3.2179	c_2	.6737	c'_2	.5503
		(2.1839)		(.4898)		(.5027)
C_{ID}	a_3	2.3485	c_3	-1.1290**	c'_3	-1.2931**
		(2.3009)		(.5547)		(.5700)
C_{EM}	a_4	3.8981	c_4	-.9008	c'_4	-1.1089**
		(2.0715)		(.4771)		(.4914)
C_{ED}	a_5	3.4929	c_5	-.7343	c'_5	-.9267
		(2.0904)		(.4744)		(.4889)
C_{EP}	a_6	5.4929**	c_6	-.3448	c'_6	-.6198
		(2.0904)		(.4625)		(.4809)
M					b	.0489**
						(.0155)

**Statistically significant at no more than the .05 level.

Table 237: Total, direct, and indirect effect tables for creativity on implicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7278	.5165	-1.7402	.2845
C_{IM}	.6737	.4898	-.2863	1.6337
C_{ID}	-1.1290	.5547	-2.2161	-.0418
C_{EM}	-.9008	.4771	-1.8360	.0344
C_{ED}	-.7343	.4744	-1.6640	.1954
C_{EP}	-.3448	.4625	-1.2513	.5617
Direct effects				
C	-1.0691	.5459	-2.1391	.0010
C_{IM}	.5503	.5027	-.4350	1.5356

C_{ID}	-1.2931	.5700	-2.4102	-.1760
C_{EM}	-1.1089	.4914	-2.0720	-.1458
C_{ED}	-.9267	.4889	-1.8849	.0315
C_{EP}	-.6198	.4809	-1.5622	.3227
Indirect effects				
C	.2913	.1624	.0468	.6926
C_{IM}	.1575	.1319	-.0445	.4873
C_{ID}	.1149	.1390	-.1016	.4694
C_{EM}	.1908	.1235	.0159	.5106
C_{ED}	.1709	.1241	-.0124	.4836
C_{EP}	.2688	.1424	.0651	.6386

Table 238: Coefficient table for mediation analysis of creativity on explicit-monist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	37.3830** (1.3305)	i_3	-.9614** (.3261)	i_2	-2.8178** (.6805)
C	a_1	2.0545 (2.0904)	c_1	.1730 (.5018)	c'_1	.0398 (.5170)
C_{IM}	a_2	-.6803 (2.0046)	c_2	1.5745** (.4743)	c'_2	1.6592** (.4846)
C_{ID}	a_3	-1.5496 (2.1315)	c_3	-.2282 (.5410)	c'_3	-.1842 (.5495)
C_{IP}	a_4	-3.8981 (2.0715)	c_4	.9008 (.4771)	c'_4	1.1089** (.4914)
C_{ED}	a_5	-.4052 (1.9023)	c_5	.1665 (.4583)	c'_5	.1822 (.4647)
C_{EP}	a_6	1.5948 (1.9023)	c_6	.5559 (.4460)	c'_6	.4891 (.4530)
M					b	.0489** (.0155)

*Statistically significant at no more than the .05 level.

Table 239: Total, direct, and indirect effect tables for creativity on explicit-monist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1730	.5018	-.8105	1.1564
C_{IM}	1.5745	.4743	.6450	2.5041
C_{ID}	-.2282	.5410	-1.2885	.8321
C_{IP}	.9008	.4771	-.0344	1.8360
C_{ED}	.1665	.4583	-.7317	1.0647
C_{EP}	.5559	.4460	-.3182	1.4301
Direct effects				
C	.0398	.5170	-.9736	1.0532
C_{IM}	1.6592	.4846	.7094	2.6090
C_{ID}	-.1842	.5495	-1.2612	.8927
C_{IP}	1.1089	.4914	.1458	2.0720
C_{ED}	.1822	.4647	-.7286	1.0929
C_{EP}	.4891	.4530	-.3987	1.3769

	Indirect effects			
C	.1005	.1247	-.1274	.3784
C_{IM}	-.0333	.0983	-.2574	.1435
C_{ID}	-.0758	.1109	-.3253	.1191
C_{IP}	-.1908	.1235	-.5106	-.0159
C_{ED}	.1822	.4647	-.7286	1.0929
C_{EP}	.0781	.0897	-.0658	.3065

Table 240: Coefficient table for mediation analysis of creativity on explicit-differentialist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	36.9778** (1.3597)	i_3	-.7949** (.3220)	i_2	-2.6456** (.6761)
C	a_1	2.4597 (2.1092)	c_1	.0065 (.4991)	c'_1	-.1424 (.5155)
C_{IM}	a_2	-.2751 (2.0242)	c_2	1.4080** (.4715)	c'_2	1.4770** (.4823)
C_{ID}	a_3	-1.1444 (2.1499)	c_3	-.3947 (.5385)	c'_3	-.3664 (.5476)
C_{IP}	a_4	-3.4929 (2.0904)	c_4	.7343 (.4744)	c'_4	.9267 (.4889)
C_{EM}	a_5	.4052 (1.9023)	c_5	-.1665 (.4583)	c'_5	-.1822 (.4647)
C_{EP}	a_6	2.0000 (1.9229)	c_6	.3895 (.4430)	c'_6	.3069 (.4509)
M					b	.0489** (.0155)

*Statistically significant at no more than the .05 level.

Table 241: Total, direct, and indirect effect tables for creativity on explicit-differentialist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.0065	.4991	-.9718	.9848
C_{IM}	1.4080	.4715	.4840	2.3321
C_{ID}	-.3947	.5385	-1.4502	.6609
C_{IP}	.3743	.4744	-.1954	1.6640
C_{EM}	-.1665	.4583	-1.0647	.7317
C_{EP}	.3895	.4430	-.4789	1.2578
Direct effects				
C	-.1424	.5155	-.1.1526	.8679
C_{IM}	1.4770	.4823	.5318	2.4222
C_{ID}	-.3664	.5476	-1.4398	.7070
C_{IP}	.9267	.4889	-.0315	1.8849
C_{EM}	-.1822	.4647	-1.0929	.7286
C_{EP}	.3069	.4509	-.5769	1.1907
Indirect effects				
C	.1204	.1310	-.1103	.4200
C_{IM}	-.0135	.1040	-.2295	.1906

C_{ID}	-.0560	.1145	-.3009	.1567
C_{IP}	-.1709	.1241	-.4840	.0124
C_{EM}	.0198	.0868	-.1386	.2169
C_{EP}	.0979	.0993	-.0551	.3479

Table 242: Coefficient table for mediation analysis of creativity on explicit-pluralist group (structures of law) and outcome

Outcome:		M		Y		
		Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	38.9778*	i_3	-.4055 (.3043)	i_2	-2.3287* (.6868)
C	a_1	.4597 (2.1092)	c_1	-.3830 (.4879)	c'_1	-.4493 (.5028)
C_{IM}	a_2	-2.2751 (2.0242)	c_2	1.0186* (.4595)	c'_2	1.1701* (.4738)
C_{ID}	a_3	-3.1444 (2.1499)	c_3	-.7841 (.5381)	c'_3	-.6733 (.5379)
C_{IP}	a_4	-5.4929* (2.0904)	c_4	.3448 (.4625)	c'_4	.6198 (.4809)
C_{EM}	a_5	-1.5948 (1.9023)	c_5	-.5559 (.4460)	c'_5	-.4891 (.4530)
C_{ED}	a_6	-2.0000 (1.9229)	c_6	-.3895 (.4430)	c'_6	-.3069 (.4509)
M					b	.0489** (.0155)

*Statistically significant at no more than the .05 level.

Table 243: Total, direct, and indirect effect tables for creativity on explicit-pluralist group (structures of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.3830	.4879	-1.3393	.5733
C_{IM}	1.0186	.4595	.1179	1.9193
C_{ID}	-.7841	.5281	-1.8192	.2510
C_{IP}	.3448	.4625	-.5617	1.2513
C_{EM}	-.5559	.4460	-1.4301	.3182
C_{ED}	-.3895	.4430	-1.2578	.4789
Direct effects				
C	-.4493	.5028	-1.4347	.5361
C_{IM}	1.1701	.4728	.2433	2.0968
C_{ID}	-.6730	.5379	-1.7277	.3810
C_{IP}	.6198	.4809	-.3227	1.5622
C_{EM}	-.4891	.4530	-1.3769	.3987
C_{ED}	-.3069	.4509	-1.1907	.5769
Indirect effects				
C	.0225	.1269	-.2479	.2673
C_{IM}	-.1113	.1083	-.3842	.0551
C_{ID}	-.1539	.1218	-.4469	.0398
C_{IP}	-.2688	.1424	-.6386	-.0652
C_{EM}	-.0781	.0897	-.3065	.0658
C_{ED}	-.0979	.0993	-.3479	.0551

Table 244: Coefficient table for mediation analysis of autonomy and creativity on control group (construction of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	i_1	5.2035 (.1779)	15.3803 (6.2775)	i_3	.1823 (.3496)
C_I	a_1	-.0912 (.2625)	-.3596 (2.8458)	c_1	-.1823 (.5149)
C_E	a_2	-.1574 (.2556)	-2.1058 (2.7744)	c_2	.5596 (.5195)
Autonomy	d	--	4.4461 (1.1482)	Autonomy	b_1
					.0621 (.2392)
				Creativity	b_2
					.0544 (.0218)

Table 245: Total, direct, and indirect effect tables for autonomy and creativity on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_I	-.1823	.5149	-1.1914	.8268
C_E	.5596	.5195	-.4585	1.5777
Direct effects				
C_I	-.1604	.5404	-1.2196	.8988
C_E	.7732	.5547	-.3140	1.8604
Indirect effects				
C_I	-.0221	.0815	-.2204	.1239
C_E	-.0381	.0770	-.2348	.0763

Table 246: Coefficient table for mediation analysis of autonomy and creativity on implicit group (construction of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	i_1	5.1122 (.1931)	15.0207 (6.2313)	i_3	.0000 (.3780)
C	a_1	.0912 (.2625)	.3596 (2.8458)	c_1	.1823 (.5149)
C_E	a_2	-.0662 (.2664)	-1.7462 (2.8867)	c_2	.7419 (.5390)
Autonomy	d	--	4.4461 (1.1482)	Autonomy	b_1
					.0621 (.2392)
				Creativity	b_2
					.0544 (.0218)

Table 247: Total, direct, and indirect effect tables for autonomy and creativity on implicit group (construction of law) and outcome

		Product of coefficients		Bootstrapping BCa 95% CI	
		Point estimate	SE	LL	UL
Total effects					
<i>C</i>		.1823	.5149	-.8268	1.1914
<i>C_E</i>		.7419	.5390	-.3144	1.7983
Direct effects					
<i>C</i>		.1604	.5404	-.8988	1.2196
<i>C_E</i>		.9336	.5702	-.1841	2.0513
Indirect effects					
<i>C</i>		.0221	.0815	-.1239	.2199
<i>C_E</i>		-.0160	.0729	-.1924	.1123

Table 248: Coefficient table for mediation analysis of autonomy and creativity on explicit group (construction of law) and outcome

		<i>M</i>		<i>Y</i>	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	<i>i₁</i>	5.0461 (.1835)	13.2745 (6.1254)	<i>i₃</i>	.7419 (.3842)
<i>C</i>	<i>a₁</i>	.1574 (.2556)	2.1058 (2.7744)	<i>c₁</i>	-.5596 (.5195)
<i>C_I</i>	<i>a₂</i>	.0662 (.2664)	1.7462 (2.8867)	<i>c₂</i>	-.7419 (.5390)
<i>Autonomy</i>	<i>d</i>	--	4.4461 (1.1482)	Autonomy	<i>b₁</i> .0621 (.2392)
				Creativity	<i>b₂</i> .0544 (.0218)

Table 249: Total, direct, and indirect effect tables for autonomy and creativity on explicit group (construction of law) and outcome

		Product of coefficients		Bootstrapping BCa 95% CI	
		Point estimate	SE	LL	UL
Total effects					
<i>C</i>		-.5596	.5195	-1.5777	.4585
<i>C_I</i>		-.7419	.5390	-1.7983	.3144
Direct effects					
<i>C</i>		-.7732	.5547	-1.8604	.3140
<i>C_I</i>		-.9336	.5702	-2.0513	.1841
Indirect effects					
<i>C</i>		.0381	.0770	-.0763	.2348
<i>C_I</i>		.0160	.0729	-.1123	.1924

Table 250: Coefficient table for mediation analysis of autonomy and creativity on control group (interpretation of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	i_1	5.2035* (.1566)	17.1632* (4.4246)	i_3	.1823 (.3496)
C_M	a_1	-.5878* (.2092)	.9445 (2.0442)	c_1	.5108 (.4789)
C_D	a_2	-.7667* (.2182)	.7453 (2.1639)	c_2	.5978 (.5048)
C_P	a_3	-.6769* (.2182)	.7197 (2.1446)	c_3	.5978 (.5048)
Autonomy	d	--	4.1034* (.8007)	Autonomy	b_1
					-.2438 (.2295)
				Creativity	b_2
					.0824* (.0244)

*Statistically significant at no more than the .05 level.

Table 251: Total, direct, and indirect effect tables for autonomy and creativity on control group (construction of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C_M	.5225	.4789	-.4278	1.4495
C_D	.5978	.5048	-.3915	1.5872
C_P	.5978	.5048	-.3915	1.5872
Direct effects				
C_M	.5225	.5211	-.4989	1.5440
C_D	.6314	.5480	-.4427	1.7054
C_P	.6910	.5556	-.3980	1.7800
Indirect effects				
C_M	-.1988	.1174	-.4976	-.0354
C_D	-.2593	.1382	-.6162	-.0715
C_P	-.2289	.1252	-.5455	-.0598

Table 252: Coefficient table for mediation analysis of autonomy and creativity on monist group (interpretation of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.6156* (.1388)	18.1077* (3.9244)	i_3	.6931* (.3273)
C	a_1	.5878* (.2092)	-.9445 (2.0442)	c_1	-.5108 (.4789)
C_D	a_2	-.1789 (.2058)	-.1992 (1.9624)	c_2	.0870 (.4896)
					i_2
					-1.1865 (1.0838)
					c'_1
					-.5225 (.5211)
					c'_2
					.1088 (.5036)

C_P	a_3	-.0891 (.2058)	-.2248 (1.9589)	c_3	.0870 (.4896)	c'_3	.1685 (.5152)
Autonomy	d	--	4.1034* (.8007)	Autonomy		b_1	-.2438 (.2295)
				Creativity		b_2	.0824* (.0244)

*Statistically significant at no more than the .05 level.

Table 253: Total, direct, and indirect effect tables for autonomy and creativity on monist group (interpretation of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.5108	.4789	-1.4495	.4278
C_D	.0870	.4896	-.8726	1.0466
C_P	.0870	.4896	-.8726	1.0466
Direct effects				
C	-.5225	.5211	-1.5440	.4989
C_D	.1088	.5036	-.8782	1.0959
C_P	.1685	.5152	-.8412	1.1782
Indirect effects				
C	.1988	.1174	.0353	.4974
C_D	-.0605	.0794	-.2604	.0657
C_P	-.0301	.0682	-.1921	.0892

Table 254: Coefficient table for mediation analysis of autonomy and creativity on differentialist group (interpretation of law) and outcome

M				Y			
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.4367* (.1520)	17.9085** (3.8355)	i_3	.7802** (.3641)	i_2	-1.0777 (1.0716)
C	a_1	.7667* (.2182)	-.7453 (2.1639)	c_1	-.5978 (.5048)	c'_1	-.6314 (.5480)
C_M	a_2	.1789 (.2058)	.1992 (1.9624)	c_2	-.0870 (.4896)	c'_2	-.1088 (.5036)
C_P	a_3	.0898 (.2150)	-.0256 (2.0455)	c_3	.0000 (.5149)	c'_3	.0596 (.5366)
Autonomy	d	--	4.1034** (.8007)		Autonomy	b_1	-.2438 (.2295)
					Creativity	b_2	.0824** (.0244)

*Statistically significant at no more than the .05 level.

**Statistically significant at no more than the .05 level.

Table 255: Total, direct, and indirect effect tables for autonomy and creativity on differentialist group (interpretation of law) and outcome

	Product of coefficients	Bootstrapping BCa 95% CI
--	-------------------------	--------------------------

	Point estimate	SE	LL	UL
Total effects				
C	-.5978	.5048	-1.5872	.3915
C_M	-.0870	.4896	-1.0466	.8726
C_P	.0000	.5149	-1.0092	1.0092
Direct effects				
C	-.6314	.5480	-1.7054	.4427
C_M	-.1088	.5036	-1.0959	.8782
C_P	.0596	.5366	-.9922	1.1114
Indirect effects				
C	.2593	.1382	.0715	.6160
C_M	.0605	.0794	-.0657	.2604
C_P	.0304	.0775	-.1043	.2148

Table 256: Coefficient table for mediation analysis of autonomy and creativity on pluralist group (interpretation of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)	Coefficient (SE)	Coefficient (SE)
Constant	i_1	4.5265** (.1520)	17.8829** (3.9022)	i_3 .7802** (.3641)	i_2 -1.0181 (1.0762)
C	a_1	.6769** (.2182)	-.7197 (2.1446)	c_1 -.5978 (.5048)	c'_1 -.6910 (.5556)
C_M	a_2	.0891 (.2058)	.2248 (1.9585)	c_2 -.0870 (.4896)	c'_2 -.1685 (.5152)
C_D	a_3	-.0898 (.2150)	.0256 (2.0455)	c_3 .0000 (.5149)	c'_3 -.0596 (.5366)
Autonomy	d	--	4.1034** .8007	Autonomy	b_1 -.2438 (.2295)
				Creativity	b_2 .0824** (.0244)

*Statistically significant at no more than the .01 level.

Table 257: Total, direct, and indirect effect tables for autonomy and creativity on pluralist group (interpretation of law) and outcome

		Product of coefficients		Bootstrapping BCa 95% CI	
		Point estimate	SE	LL	UL
Total effects					
C		-.5978	.5048	-1.5872	.3915
C_M		-.0870	.4896	-1.0466	.8726
C_D		.0000	.5149	-1.0092	1.0092
Direct effects					
C		-.6910	.5556	-1.7800	.3980
C_M		-.1685	.5152	-1.1782	.8412
C_D		-.0596	.5366	-1.1114	.9922
Indirect effects					
C		.2289	.1252	.0567	.5450

C_{ID}	-.0552	.0496	-.2074	.0050
C_{IP}	-.0481	.0457	-.1877	.0073
C_{EM}	-.0514	.0441	-.1861	.0037
C_{ED}	-.0369	.0408	-.1629	.0132
C_{EP}	-.0345	.0389	-.1501	.0156

Table 260: Coefficient table for mediation analysis of autonomy and creativity on implicit-monist group (structure of law) and outcome

		M				Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)			Coefficient (SE)	Coefficient (SE)
Constant	i_1	4.3175** .1492	18.1194** 2.8465	i_3	.5705 .3470	i_2	-2.6435** .8396
C	a_1	.4571** .2175	.9915 2.0400	c_1	-1.3590** .5156	c'_1	-1.8433** .5653
C_{ID}	a_2	.0254 .2213	-.7748 2.0584	c_2	-1.7601** .5538	c'_2	-1.8906** .5777
C_{IP}	a_3	.1069 .2141	-3.1610 1.9921	c_3	-.5705 .4879	c'_3	-.5905 .5122
C_{EM}	a_4	.0552 .1992	.5258 1.8531	c_4	-1.5021** .4771	c'_4	-1.6522** .4978
C_{ED}	a_5	.1683 .2002	-.2385 1.8644	c_5	-1.3655** .4734	c'_5	-1.5816** .4987
C_{EP}	a_6	.1873 .2002	1.6804 1.8650	c_6	-.9760** .4615	c'_6	-1.2198** .4861
Autonomy	d	--	4.2573** .5756	Autonomy		b_1	.4971** .1745
				Creativity		b_2	.0305 .0167

**Statistically significant at no more than the .05 level.

Table 261: Total, direct, and indirect effect tables for autonomy and creativity on implicit-monist group (structure of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-1.3590	.5156	-2.3696	-.3484
C_{ID}	-1.7601	.5538	-2.8456	-.6746
C_{IP}	-.5705	.4879	-1.5268	.3857
C_{EM}	-1.5021	.4771	-2.4372	-.5670
C_{ED}	-1.3655	.4734	-2.2933	-.4377
C_{EP}	-.9760	.4615	-1.8806	-.0715
Direct effects				
C	-1.8433	.5653	-2.9512	-.7354
C_{ID}	-1.8906	.5777	-3.0229	-.7584
C_{IP}	-.5905	.5122	-1.5944	.4135
C_{EM}	-1.6522	.4978	-2.6279	-.6766
C_{ED}	-1.5816	.4987	-2.5591	-.6041
C_{EP}	-1.2198	.4861	-2.1725	-.2671

	Indirect effects			
C	.0594	.0507	-.0030	.2099
C_{ID}	.0033	.0338	-.0603	.0856
C_{IP}	.0139	.0347	-.03353	.1167
C_{EM}	.0072	.0303	-.0394	.0929
C_{ED}	.0219	.0346	-.0229	.1259
C_{EP}	.0243	.0340	-.0166	.1351

Table 262: Coefficient table for mediation analysis of autonomy and creativity on implicit-differentialist group (structure of law) and outcome

		M				Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)			Coefficient (SE)	Coefficient (SE)
Constant	i_1	4.3429**	17.3990**	i_3	-1.1896**	i_2	-4.5188**
.9292		.1635	2.9224		.4317		.9292
C	a_1	.4317	1.7717**	c_1	.4011	c'_1	.0490
		.2276	2.1286		.5760		.6092
C_{IM}	a_2	.0008	.8661	c_2	1.8027**	c'_2	1.9169**
		.2200	2.0438		.5522		.5755
C_{IP}	a_3	.0554	-2.5837	c_3	1.1290**	c'_3	1.2561**
		.2259	2.0988		.5547		.5776
C_{EM}	a_4	.0298	1.3010	c_4	.2580	c'_4	.2385
		.2102	1.9523		.5418		.5575
C_{ED}	a_5	.1429	.5381	c_5	.3947	c'_5	.3092
		.2111	1.9625		.5385		.5559
C_{EP}	a_6	.1619	2.4572	c_6	.7841	c'_6	.6715
		.2111	1.9630		.5281		.5454
Autonomy	d	--	4.2448	Autonomy		b_1	.4971**
			.5749				.1744
				Creativity		b_2	.0301
							.0167

**Statistically significant at no more than the .05 level.

Table 263: Total, direct, and indirect effect tables for autonomy and creativity on implicit-differentialist group (structure of law) and outcome

		Product of coefficients		Bootstrapping BCa 95% CI	
		Point estimate	SE	LL	UL
Total effects					
C		.4011	.5760	-.7278	1.5301
C_{IM}		1.8027	.5522	.7204	2.8850
C_{IP}		1.1290	.5547	.0418	2.2161
C_{EM}		.2580	.5418	-.8039	1.3200
C_{ED}		.3947	.5385	-.6609	1.4502
C_{EP}		.7841	.5281	-.2510	1.8192
Direct effects					
C		.0490	.6092	-1.1449	1.2430
C_{IM}		1.9169	.5755	.7889	3.0448
C_{IP}		1.2561	.5776	.1241	2.3881

C_{EM}	.2385	.5575	-.8542	1.3313
C_{ED}	.3092	.5559	-.7804	1.3987
C_{EP}	.6715	.5454	-.3976	1.7405
Indirect effects				
C	.0552	.0496	-.0050	.2074
C_{IM}	.0001	.0331	-.0699	.0715
C_{IP}	.0071	.0336	-.0444	.1012
C_{EM}	.0038	.0297	-.0444	.0820
C_{ED}	.0183	.0337	-.0270	.1184
C_{EP}	.0207	.0327	-.0264	.3209

Table 264: Coefficient table for mediation analysis of autonomy and creativity on implicit-pluralist group (structure of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.3983** .1559	14.8153** 2.9139	i_3	-.0606 .3483
C	a_1	.3763 .2222	4.3554** 2.0752	c_1	-.7278 .5165
C_{IM}	a_2	-.0546 .2145	3.4498 1.9921	c_2	.6737 .4898
C_{ID}	a_3	-.0554 .2259	2.5837 2.0988	c_3	-1.1290** .5547
C_{EM}	a_4	-.0256 .2043	3.8847** 1.8978	c_4	-.8709 .4781
C_{ED}	a_5	.0874 .2053	3.1217 1.9072	c_5	-.7343 .4744
C_{EP}	a_6	.1065 .2053	5.0409** 1.9075	c_6	-.3448 .4625
Autonomy	d	--	4.2448** .5749	Autonomy	b_1
					.4971** .1744
				Creativity	b_2
					.0301 .0167

**Statistically significant at no more than the .05 level.

Table 265: Total, direct, and indirect effect tables for autonomy and creativity on implicit-pluralist group (structure of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	-.7278	.5165	-1.7402	.2845
C_{IM}	.6737	.4898	-.2863	1.6337
C_{ID}	-1.1290	.5547	-2.2161	-.0418
C_{EM}	-.8709	.4781	-1.8079	.0661
C_{ED}	-.7343	.4744	-1.6640	.1954
C_{EP}	-.3448	.4625	-1.2513	.5617
Direct effects				

C	-1.2071	.5629	-2.3103	-.1038
C_{IM}	.6607	.5138	-.3462	1.6677
C_{ID}	-1.2561	.5776	-2.3881	-.1241
C_{EM}	-1.0176	.4986	-1.9949	-.0403
C_{ED}	-.9469	.4969	-1.9209	.0271
C_{EP}	-.5847	.4879	-1.5409	.3716
Indirect effects				
C	.0481	.0457	-.0073	.1872
C_{IM}	-.0070	.0333	-.0974	.0468
C_{ID}	-.0071	.0336	-.1012	.0443
C_{EM}	-.0033	.0297	-.0741	.0507
C_{ED}	.0112	.0319	-.0370	.1003
C_{EP}	.0529	.1069	-.1254	.3104

Table 266: Coefficient table for mediation analysis of autonomy and creativity on explicit-monist group (structure of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.3727** .1321	18.7000** 2.7972	i_3	-.9316** .3275
C	a_1	.4019 .2062	.4707 1.9288	c_1	.1431 .5027
C_{IM}	a_2	-.0290 .1978	-.4349 1.8371	c_2	1.5447** .4752
C_{ID}	a_3	-.0298 .2102	-1.3010 1.9523	c_3	-.2580 .5418
C_{IP}	a_4	.0256 .2043	-3.8847** 1.8978	c_4	.8709 .4781
C_{ED}	a_5	.1130 .1878	-.7629 1.7454	c_5	.1366 .4593
C_{EP}	a_6	.1321 .1878	1.1562 1.7458	c_6	.5261 .4470
Autonomy	d	--	4.2448** .5749	Autonomy	b_1
					.4971** .1744
				Creativity	b_2
					.0301 .0167

**Statistically significant at no more than the .05 level.

Table 267: Total, direct, and indirect effect tables for autonomy and creativity on explicit-monist group (structure of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.1431	.5027	-.8421	1.1283
C_{IM}	1.5447	.4752	.6133	2.4760
C_{ID}	-.2580	.5418	-1.3200	.8039
C_{IP}	.8709	.4781	-.0661	1.8079
C_{ED}	.1366	.4593	-.7635	1.0367

C_{EP}	.5261	.4470	-.3500	1.4022
Direct effects				
C	-.1895	.5351	-1.2382	.8593
C_{IM}	1.6784	.4954	.7074	2.6493
C_{ID}	-.2385	.5575	-1.3313	.8542
C_{IP}	1.0176	.4986	.0403	1.9949
C_{ED}	.0707	.4732	-.8568	.9982
C_{EP}	.4330	.4604	-.4694	1.3353
Indirect effects				
C	.0514	.0441	-.0038	.1861
C_{IM}	-.0037	.0294	-.0818	.0451
C_{ID}	-.0038	.0297	-.0822	.0444
C_{IP}	.0033	.0297	-.0507	.0741
C_{ED}	.0145	.0286	-.0256	.0964
C_{EP}	.0169	.0273	-.0187	.0972

Table 268: Coefficient table for mediation analysis of autonomy and creativity on explicit-differentialist group (structure of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.4857** .1335	17.9370** 2.8615	i_3	-.7949** .3220
C	a_1	.2888 .2071	1.2337 1.9308	c_1	.0065 .4991
C_{IM}	a_2	-.1421 .1988	.3280 1.8479	c_2	1.4080** .4715
C_{ID}	a_3	-.1429 .2111	-.5381 1.9625	c_3	-.3947 .5385
C_{IP}	a_4	-.0874 .2053	-3.1217 1.9072	c_4	.7343 .4744
C_{EM}	a_5	-.1130 .1878	.7629 1.7454	c_5	-.1366 .4593
C_{EP}	a_6	.0190 .1888	1.9191 1.7538	c_6	.3895 .4430
Autonomy	d	--	4.2448** .5749	Autonomy	b_1
					.4971** .1744
				Creativity	b_2
					.0301 .0167

**Statistically significant at no more than the .05 level.

Table 269: Total, direct, and indirect effect tables for autonomy and creativity on explicit-differentialist group (structure of law) and outcome

	Product of coefficients		Bootstrapping BCa 95% CI	
	Point estimate	SE	LL	UL
Total effects				
C	.0065	.4991	-.9718	.9848
C_{IM}	1.4080	.4715	.4840	2.3321

C_{ID}	-.3947	.5385	-1.4502	.6609
C_{IP}	.7343	.4744	-.1954	1.6640
C_{EM}	-.1366	.4593	-1.0367	.7635
C_{EP}	.3895	.4430	-.4789	1.2578
Direct effects				
C	-.2601	.5297	-1.2982	.7780
C_{IM}	1.6077	.4962	.6352	2.5802
C_{ID}	-.3092	.5559	-1.3987	.7804
C_{IP}	.9469	.4969	-.0271	1.9209
C_{EM}	-.0707	.4732	-.9982	.8568
C_{EP}	.3623	.4585	-.5364	1.2610
Indirect effects				
C	.0369	.0408	-.0132	.1629
C_{IM}	-.0182	.0333	-.1197	.0261
C_{ID}	-.0183	.0337	-.1184	.0270
C_{IP}	-.0112	.0319	-.1006	.0370
C_{EM}	-.0145	.0286	-.0967	.0256
C_{EP}	.0024	.0281	-.0476	.0736

Table 270: Coefficient table for mediation analysis of autonomy and creativity on explicit-pluralist group (structure of law) and outcome

		M		Y	
Outcome		Autonomy Coefficient (SE)	Creativity Coefficient (SE)		Coefficient (SE)
Constant	i_1	4.5048** .1335	19.8562** 2.8714	i_3	-.4055 .3043
C	a_1	.2698 .2071	-.6855 1.9299	c_1	-.3830 .4879
C_{IM}	a_2	-.1611 .1988	-1.5911 1.8484	c_2	1.0186** .4595
C_{ID}	a_3	-.1619 .2111	-2.4572 1.9630	c_3	-.7841 .5281
C_{IP}	a_4	-.1065 .2053	-5.0409** 1.9075	c_4	.3448 .4625
C_{EM}	a_5	-.1321 .1878	-1.1562 1.7458	c_5	-.5261 .4470
C_{ED}	a_6	-.0190 .1888	-1.9191 1.7538	c_6	-.3895 .4430
Autonomy	d	--	4.2448** .5749	Autonomy	b_1 .4971** .1744
				Creativity	b_2 .0301 .0167

**Statistically significant at no more than the .05 level.

Table 271: Total, direct, and indirect effect tables for autonomy and creativity on explicit-pluralist group (structure of law) and outcome

Product of coefficients		Bootstrapping BCa 95% CI	
Point estimate	SE	LL	UL

	Total effects			
<i>C</i>	-.3830	.4879	-1.3393	.5733
<i>C_{IM}</i>	1.0186	.4595	.1179	1.9193
<i>C_{ID}</i>	-.7841	.5281	-1.8192	.2510
<i>C_{IP}</i>	.3448	.4625	-.5617	1.2513
<i>C_{EM}</i>	-.5261	.4470	-1.4022	.3500
<i>C_{ED}</i>	-.3895	.4430	-1.2578	.4789
	Direct effects			
<i>C</i>	-.6224	.5195	-1.6407	.3959
<i>C_{IM}</i>	1.2454	.4835	.2978	2.1930
<i>C_{ID}</i>	-.6715	.5454	-1.7405	.3976
<i>C_{IP}</i>	.5847	.4879	-.3716	1.5409
<i>C_{EM}</i>	-.4330	.4604	-1.3353	.4694
<i>C_{ED}</i>	-.3623	.4585	-1.2610	.5364
	Indirect effects			
<i>C</i>	.0345	.0389	-.0156	.1500
<i>C_{IM}</i>	-.0206	.0326	-.1252	.0197
<i>C_{ID}</i>	-.0207	.0327	-.1220	.0186
<i>C_{IP}</i>	-.0136	.0307	-.1059	.0285
<i>C_{EM}</i>	-.0169	.0273	-.0972	.0187
<i>C_{ED}</i>	-.0024	.0281	-.0736	.0476

Glossary

Independent variable – An independent variable is a variable—a unit of measure that varies—over which there is a degree of control and the possibility of manipulation. It is the variable that is hypothesized to affect the dependent variable.

Dependent variable – A dependent variable is a variable that is measured in an experiment or model and what is affected during the course of the experiment. The dependent variable responds to the independent variable. Unlike the independent variable, the dependent variable is not controlled or manipulated by the experimenter.

Mediator or mediating variable – A mediator or mediating variable is a variable that describes how, rather than when, effects will occur by accounting for the variance within the relationship between the independent and dependent variables.

Monism – Monism is strongly rooted in the classic liberal tradition. Its objective is to preserve and reinforce social unity and cohesion through the creation of social and political spaces wherein differences are attenuated in favour of collegiality. In this way, differences are reduced by encouraging uniformity and homogeneity. This ensures that everyone is treated equally. Critics of monism argue that such an approach has a tendency to exclude individuals who deviate from the norm. State institutions and the pressure for cultural conformism reinforces the hegemony of the dominant group, thereby forcing individuals to assimilate into majority society.

Differentialism – Differentialism arose to counteract relationships of domination and marginalization. It struggles against the symbolic and material oppression exercised by the majority by recognizing, protecting, and institutionalizing cultural differences. Public institutions grant special status and privileges to groups. Consequently, individual rights become subordinate to the collective. Differentialism is notably criticized for its weaker ability to integrate members of society. Cultural differences are essentialized and rendered fixed rendering social integration difficult.

Pluralism – The final approach to equality is that of pluralism. Pluralism allows for individuals and communities to establish harmonious social relations irrespective of different belief and value systems. Under a pluralist system, individuals are considered to be of equal moral worth. As such, pluralist systems do not rank world views. Instead, world views and cultural practices are considered dynamic and changing. Because culture is considered dynamic, there is also recognition that it affects people in different ways. For that reason, real equality is achieved by encouraging similar outcomes through the provision of comparable opportunities. Pluralism is however criticized for minimizing relations of power between groups. It also assumes explicitly and implicitly the preponderance of a dominant majority.

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