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Comments and Considerations on the Way Forward

Among the important points raised by prior speakers, I will focus a significant portion of my comments on (i) discussing the need for a clearer understanding of the different roles and manifestations of emotion in human thought and action; (ii) reviewing current views on the functional neurology of what we call emotion; (iii) reestablishing a proper respect for the things we call emotion as elements of our cognition; and (iv) revisiting the role emotion plays in moral judgment, legal judgment, and other matters of importance to our legal system. In looking toward a way forward for further integration of this view of emotion into the study and application of public policy and law, I will make reference to current work on Intellectual Property and suggest a methodology that includes five steps:

- (i) Identify questions of interest to the law relating to thought and behavior that are amenable to cognitive study;
- (ii) Examine the strategic context within which the thought and behavior takes place;
- (iii) Consider the possible cognitive structures and processes that could be involved in the targeted thought and behavior and form testable hypotheses concerning these processes;
- (iv) Undertake empirical research to test the hypotheses; and
- (v) Bring the results back to inform the formulation of legal doctrine and the factual investigations of courts and other bodies.