



Vernieuwingsimpuls Vernieuwingsimpuls / Innovational Research Incentives Scheme  
Grant application full proposal form 2019  
Social Sciences and Humanities, Applied and Engineering Sciences  
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Veni scheme

**Administrative details**

**1a. Personal details**

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Preferred language of correspondence (choose one):  Dutch  English

**1b. Title of research proposal**

*Humanizing Corporations: Can Mindfulness and Cognitive Science Make Companies More Socially Responsible?*

**1c. Scientific summary of research proposal** (Max. 300 words. Identical to the summary in ISAAC)

Is mindfulness training the catalyst that Corporate Social Responsibility (“CSR”) enthusiasts have long been searching for to transform companies into agents of positive societal change?

Today, multinational corporations (“MNCs”) possess resources equal to that of nations. Yet, skepticism and cynicism remain on whether they are wielding their power in furtherance of prosocial causes like addressing UN Sustainability Development Goals (“SDGs”) from lowering CO<sub>2</sub> emissions to reducing plastic pollution. To incentivize this type of model behaviour, various company law measures have been implemented – from transparency regulations to mandating disclosures of Environmental, Social, and Governance (“ESG”) metrics – but with limited impact.

Mindfulness training programs, on the other hand, have recently exploded onto the scene promising more tangible benefits. Many – including MNCs like Apple and Google – are implementing mindfulness trainings that boast benefits such as stress reduction, enhanced focus, and increased empathy. Some corporate leaders are convinced that stakeholders versed in mindfulness will be the key to turning companies into prosocial entities.

Newfound discoveries in neuroscience, psychology, and other cognitive sciences generally support these bold claims: For example, studies using fMRI machines have shown that meditative practices can change the physiology of the brain, making practitioners healthier, more compassionate, and capable of showing more self-restraint. If true, then synthesizing cognitive and meditative sciences with corporate governance is a no-brainer. The problem, however, is that there is no concrete proof that mindfulness can actually enhance CSR performance.

Therefore, the main question of this proposed research is: What is the relationship between Dutch companies implementing mindfulness trainings and their CSR performance and what does this mean for company law and corporate governance? I will answer this question by combining doctrinal research with an exploratory, empirical legal research – using both quantitative and qualitative methods.

**1d. Keywords** (Max. five words)

Mindfulness, Corporate Social Responsibility, Corporate Governance, Cognitive Science, Neuroscience

**1e. Current institution of employment**

Maastricht University Faculty of Law

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**1f. Prospective host institution**

Maastricht University Faculty of Law

**1g. NWO domain** (Choose one)

Applied and Engineering Sciences (AES/TTW)

Social Sciences and Humanities (SSH/SGW)

**1h. Main field of research**

Indicate the main field of research and (if applicable) other fields of research, in order of relevance, using the names and codes from the NWO research field list: [www.nwo.nl/researchfields](http://www.nwo.nl/researchfields). Please consider carefully which main research field matches your application best.

Code	Main field of research
43.10.00	Private Law
	<b>Other fields of research (if applicable)</b>
40.50.00	Social and Organizational Psychology

Note that **it is compulsory** to fill the same information also in the ISAAC on the tab "General Information" (Algemeen) section "Research fields" (Disciplines) before submitting the proposal.

**1i. Public summary of your research proposal**

Please supply both an English (ENG) and a Dutch (NL) version (max. fifty words each), including an English and Dutch popular title. Please see the Explanatory Notes for the requested format and examples of public summaries.

NL

<b>Organisaties vermenselijken: Kunnen mindfulness en cognitieve wetenschap ondernemingen meer maatschappelijk verantwoord maken?</b>
<i>Dr. M.T. Kawakami, Universiteit Maastricht</i>
Recente ontdekkingen in de neurowetenschap suggereren dat mindfulness-training de deelnemers meer empathisch kan maken. Ligt de sleutel om ondernemingen meer maatschappelijk verantwoord te maken bij bedrijfsleiders die geoefend zijn in mindfulness? Dit onderzoek verkent de relatie tussen mindfulness en de mate van maatschappelijk verantwoord ondernemen door een exploratieve, multi-method benadering.

ENG

<b>Humanizing Corporations: Can Mindfulness and Cognitive Science Make Companies More Socially Responsible?</b>
<i>Dr. M.T. Kawakami, Maastricht University</i>
Recent discoveries in neuroscience suggest that mindfulness training can make participants more empathetic. Is the key to making companies more socially responsible then, business leaders versed in mindfulness? This research will explore the relationship between mindfulness and corporate social responsibility performance through an exploratory, multi-method approach.

## Research proposal

### 2a1, 2a2, and 2a3. Description of the proposed research

(Max. 2,000 words on max. six pages)

#### 2a1. Overall aim and key objectives

The overall aim of this project is to explore the impact of corporate mindfulness trainings on CSR performances. The key objectives will be: 1) to determine whether there is a relationship between Dutch companies implementing mindfulness trainings and improvements in their CSR performances; and 2) to explore the role of company law and corporate governance in this area.

**Scientific relevance and challenges:** Mindfulness is the practice of being aware and attending to the present moment. [22, 29] At first glance, it seemingly has nothing to do with CSR or corporate governance. However, many MNCs have jumped on the mindfulness bandwagon, lured by promises of increased productivity, and business leaders are paying good money to follow mindfulness courses. The most well-known programs like Google's *Search Inside Yourself* ("SIY") or *Cultivating Leadership Presence through Mindfulness* offered by the Institute for Mindful Leadership boast a list of impressive clientele from all over the world.<sup>1</sup>

Business leaders who followed these trainings give glowing testimonials, believing that mindfulness can make businesses more empathetic and aware of their impact on the world. [33] If these programs could in fact strengthen business leaders' sense of empathy, as some studies suggest, [7, 19, 35] it is worth asking what impact these mindfulness programs actually have on their company's CSR performance and ESG metrics. After all, CSR initiatives rely not only on corporate stakeholders increasing their awareness about societal issues (e.g. environmental degradation, labor exploitation in their supply chains), but also on their actions.

Understandably, some are skeptical about incorporating mindfulness or any aspects of Buddhism into scientific analyses. For example, the philosopher Zizek dismisses Western Buddhist practices as a mere fetish that allows people to cope with the harshness of reality by way of cheap magic tricks. [50] Others believe that the commercialization of mindfulness – the *McMindfulness* problem – could taint the alleged benefit of such practices. [3] While recent discoveries in cognitive sciences provide some scientific legitimacy to meditative sciences, even the most up-to-date publications in neuroscience caveat their conclusions, [46] suggesting that there are various uncertainties surrounding not only mindfulness, but the sciences that allege its benefits. [31] These observations call for a systematic analysis of the relationship between mindfulness trainings and CSR performance, and for assessing what the law and the legislatures' roles are in this arena, as ideas such as compulsory mindfulness training could potentially have unintended repercussions.

**Originality and innovative character:** By investigating whether a relationship exists between mindfulness trainings of corporate leaders and their company's CSR performance, my research can potentially offer clues into how both companies and legislatures can better incentivize prosocial corporate behaviors. There is a crucial need for this type of research as regulators and organizational experts believe that existing legal and regulatory measures are often ineffective. [10, 45] While mindfulness trainings will likely not be a panacea, emerging discoveries in cognitive science theorize that there are untapped opportunities yet to be explored. [5, 11, 23, 27, 43]

Take for example, the exciting new research that is emerging about neuroplasticity, which is the brain's ability to adapt and evolve. Mindfulness practice has been linked with increased activity in the Anterior Cingulate Cortex

<sup>1</sup> Including, but not limited to, diverse organizations such as World Economic Forum, BNP Paribas, Proctor & Gamble, New York University, United States Army, and many more.

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(“ACC”), which is the part of the brain associated with decision-making, problem-solving, and self-control. [19] Research suggests that through mindfulness, practitioners can strengthen their ability to suppress inappropriate behavior and prevent unethical behavior from manifesting. [18] Another example of mindfulness and neuroplasticity possibly offering fruitful areas of discovery for CSR enthusiasts is the finding that Mindfulness-Based Stress Reduction (“MBSR”) trainings can cultivate compassion for others. [19, 27, 35] To be more scientific, a study showed that an 8-week MBSR course – one of the most widely used mindfulness trainings – increased the gray matter concentration of the Hippocampus, which is the brain area associated with resilience, emotion regulation, and perspective-taking. [19, 23]

While these discoveries are fascinating in and of themselves, no in-depth research has been conducted to date on how mindfulness trainings and the brain’s plasticity can be harnessed – if at all – to improve CSR performance of companies and in turn, help achieve relevant SDGs. If mindfulness training can in fact increase grey matter density of the ACC and the Hippocampus, then they may enable corporate leaders to make more socially responsible decisions. Moreover, this could lead to a shift in focus in corporate governance research, which has predominantly focused on extrinsic incentives to change corporate behavior. [10]

My research will thus be the first study that investigates whether the alleged benefits of mindfulness and neuroplasticity actually translate into improved corporate behavior. Depending on the results, I will develop a best practices scheme for companies interested in incorporating mindfulness trainings and improving their CSR performance. Lastly, I will assess what the role of the law and the legislatures ought to be in regulating mindfulness. This step is crucial, because research suggests that much like CSR, when mindfulness is imposed on unwilling parties, it can render undesired consequences. [14, 37]

**Methods and techniques:** Since this research will be the first of its kind, I will adopt an exploratory, multi-methodological approach.

First, I will conduct a systematic literature review to examine: a) the impact of existing company law-based measures targeting improvements in CSR performances; b) the effects of mindfulness on empathetic, prosocial behaviors from a neuroscientific perspective; and c) the prospect of “mindful leaders” humanizing companies/corporate cultures and the risks associated with mandating mindfulness to unwilling participants from an organizational management and psychological perspectives. The literature review will be complemented by participatory observation of mindfulness trainings, which will have the purpose of examining which of the factors identified in the review are applied in those trainings and how. The *Centrum voor Mindfulness*, who I have established contact with, will be approached for sampling a variety of mindfulness trainings.

Second, semi-structured interviews will be conducted with business leaders who have participated in mindfulness trainings. Adopting a within-subjects strategy, the interviews will be used to find out whether and how, in the perception of the interviewees, mindfulness trainings have impacted their companies’ CSR performances. Bearing in mind socially desirable answers, the interviews will focus on tangible evidence and will analyze whether similar experiences are reported within the same company and across companies. Research on the saturation principle suggests that interviewing 30 business leaders will be sufficient. [20]

Third, a quantitative analysis will test whether mindfulness trainings (“IV”) impact CSR performances (“DV”). For this task, I will assess whether the companies that implemented mindfulness trainings subsequently increased their CSR performance relative to similarly situated companies that did not implement mindfulness trainings, comparing ESG metrics disclosed by the MNCs in their annual integrated reports over time. I will carefully select Dutch MNCs in the food-products sector to sample. This selection is in part motivated by the fact that MNCs operating in the EU must – in accordance with the Non-Financial Reporting Directive (2014/95/EU) – annually file integrated reports that contain ESG metrics. For the task of selecting the MNCs, I will consult with *Stichting MVO Nederland*, which has agreed to assist me in this endeavor.

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I will focus on ESG metrics that relate to issues of CO<sub>2</sub>, plastic, and sugar. The reason for selecting these metrics in particular is because climate change, plastic pollution, and diseases related to excessive sugar consumption (e.g. obesity) are salient and serious societal challenges.<sup>2</sup> Especially for MNCs in the food-products sector (e.g. Danone and Nestle) that are often villainized as being big polluters and suppliers of unhealthy food items, [40] their integrated reports carefully detail their attempts at reducing their CO<sub>2</sub> footprint, using sustainable resources, lowering the amount of plastic waste sent to landfills, and the percentage of “healthier choice” food items that they sold all in their integrated reports.

As for the IV, mindfulness trainings will be defined as trainings that are: 1) accessible to Dutch corporate stakeholders; 2) targeting business leadership; and 3) promising enhancements in their empathy or “connection to others” as one of their alleged benefits. The duration of these trainings can vary from a few hours to eight weeks, which will also allow this research to test whether there is a marginal utility effect at play when it comes to mindfulness training.<sup>3</sup> In order to minimize spuriousness, I will not only bear in mind the temporal order (e.g. when the mindfulness training was implemented), but also collect additional data by attending four corporate mindfulness trainings to observe other characteristics of the training, which will be coded and included in the analysis

Lastly, I will use these qualitative inputs and the enriched understanding of the impact of mindfulness to compile best practices for implementing and utilizing mindfulness practically, and to explore whether policymakers should regulate mindfulness trainings. For determining the latter, this research will benefit from existing studies on the effects of corporate regulation and compliance. [10, 14, 16, 45, 48]

**2a2. Research plan**

**Practical timetable:**

	2020				2021				2022			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>Research, Data Collection, and Analysis</b>												
Conduct Systematic Literature Review												
Select Company/Training Samples												
Develop Normative Framework												
Quantitative Data Collection & Analysis												
Qualitative Data Collection & Analysis												
Assessing Best Practices												
Testing the Best Practices Hypothesis												
<b>Deliverables and Stakeholder Involvement</b>												
1 Popular Scientific Report												
3 Academic Articles												
1 Book Chapter												
2 Conferences Organized in Maastricht												
3 Workshops for Corporate Stakeholders												
1 Case Analysis for a BA Course												
1 MNML Website												
6 Blogs, Op-Eds & Columns												

<sup>2</sup> These key ESG metrics correspond with SDG 13 (climate action), SDG 12 (responsible consumption and production), and SDG 3 (good health and well-being).

<sup>3</sup> For example, training programs most popular with companies include: 1) Institute for Mindful Leadership’s Workshop on [Finding the Space to Lead Workshop \(Online\)](#); 2) Search Inside Yourself Leadership Institute’s [SIY Training](#); and 3) Centrum voor Mindfulness’ [Mindfulness Training](#).

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**Collaborations:** I will collaborate with *MVO Nederland* to: 1) determine which companies will participate in my research; and 2) facilitate the dissemination of my research to key stakeholders. I have also recruited specialists at the UM who have kindly agreed to be on a steering group for this research. This group consists of Dr. Federico de Martino, a leading expert on fMRI and signal analysis at our Faculty of Psychology and Neuroscience (“FPN”); Dr. Aneta Spendzharova, a specialist on qualitative and quantitative research design from our Faculty of Social Sciences; Prof. dr. Mieke Olaerts and Prof. dr. Gijs van Dijck, the Law Faculty’s experts on corporate governance and empirical legal research respectively.

**Work plan:** In the first year, I will conduct the literature review, observe trainings, and prepare the interview study, which will be carried out in the second year, together with the quantitative data collection. The final year will be spent testing the relationship and disseminating the research findings through conferences, seminars, and publication of reports, articles, and other deliverables noted in the practical timetable.

**2a3. Motivation for choice of host institute**

I see this research, not only as an opportunity to contribute to society, but also as an incredible learning opportunity. Therefore, it is important for me to be in an environment that can help me carry out this research in the best possible way. In addition to having the steering group based in Maastricht, my research fits perfectly with the research interests of Maastricht University’s Institute for Corporate Law, Governance and Innovation Policies as well as Maastricht European Private Law Institute. In addition, the UM is home to the Maastricht Brain Imaging Centre, which engages in fascinating research like the Human Brain Project. I have also benefited from the UM’s institutional support while starting up my research network, Maastricht Neuroeconomics, Mindfulness and Law Network (“MNML”), which is a platform where lawyers and cognitive scientists are collaborating to further our understanding of cognitive sciences and synthesizing fields such as alternative dispute resolution with neuroeconomics.

**2b. Knowledge utilisation**

(Max. 750 words on max. two pages)

POTENTIAL

**Contribution to society/other scientific areas:** This research can enrich our understanding of how mindfulness can affect corporate actors, which in turn can have profound impact on our society. The deliverables from my research will be disseminated across a wide range of audience with direct contributions to companies and their stakeholders, the academic community, legislatures seeking to address SDGs, and society at large. Specifically with regards to companies, the findings from my research could potentially offer them a competitive advantage as (institutional) investors are increasingly looking to be more socially responsible in their investment strategies. [36] This transformation could ease the burden on government regulators that have to monitor compliance, as there will be more companies intrinsically interested in being socially responsible. In addition, if benefits of mindfulness training can indeed be supported, the mindfulness trainings can be broadly incorporated into other occupations as well, including but not limited to legislatures, judges, teachers, and so on. [34, 49]

For the academic community, there is value to a multidisciplinary research of this nature, which combines not only the law with cognitive sciences, but one that embraces a multi-methodological, data-driven approach. In the end, this research will promote creative collaborations between these fields, to seek deeper understandings about mindfulness, intricacies of human cognition, effective incentivizes, and how/whether the law can/ought to modify these factors. In sum, my research will merge knowledge and insights from diverse fields to explore new – and perhaps better – ways of addressing large societal problems by asking whether companies can be transformed into agents of positive societal change through mindfulness.



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**Potential beneficiaries from the results:** Discovering the true potential of mindfulness can benefit many other disciplines: For example, in the area of criminal law, findings from my research could offer a strong argument in favor of restorative justice as it would suggest that people are capable of changing their behavior. Other disciplines dealing with compliance and regulatory issues – such as management and administrative sciences or organizational and social psychology – could potentially benefit from the findings from this research result as well. Moreover, the type of cutting-edge discoveries related to how our brain can be trained and potentially manipulated could also give rise to new philosophical and ethical questions and concerns regarding what role – if any – the law and the legislatures ought to play in nudging our behaviors or exploiting our neuroplasticity.

**Action plan to benefit the potential knowledge users:** For anyone with a general interest in this research, I will make my findings accessible through blogs, columns, and op-eds. For the academics, I will publish academic articles and also host two conferences in Maastricht. For corporate stakeholders and regulators, I will organize workshops and draft a popular scientific report. For these tasks, I will collaborate with MVO Nederland, who I have an established working relationship with to tap into their wide network, which boasts partnerships with the likes of Albert Heijn BV and *Ministerie van Economische Zaken en Klimaat*.

IMPLEMENTATION

**Involving potential knowledge users:** My research promises to engage with the relevant stakeholders through continuous dialogues during – and after – the research. First, corporate stakeholders will be closely involved in the qualitative and quantitative data collection through their inputs. After the assessment of the collected data, I will organize a series of implementation workshops for the stakeholders to elaborate on my findings and we will discover together, how the various knowledge users can implement my findings into their organizations.

**Concrete outcomes and knowledge utilization:** The findings from this project will continuously be updated throughout the research period (January 2020 – December 2022) on the MNML website. This will ensure that both the scientific community and the general public will have access to information that could enrich their understanding of mindfulness and its potential benefits. While the specific deliverables noted in practical timetable (Section 2a2) only list deliverables within the 3 years of the project, the knowledge utilization period and the impact of the research, ideally, will extend beyond the duration of the project.

**2c. Number of words used**

**Section 2a:** 1985 (max. 2,000 words)

**Section 2b:** 662 (max. 750 words)

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49. C. WAMSLER, J. BROSSMANN, H. HENDERSOON, R. KRISTJANSDOTTIR, C. McDONALD & P. SCARAMPI, "Mindfulness in Sustainability Science, Practice, and Teaching," *Sustainability Science* 13 (2018): 143-162.
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## 2e. Datamanagement

### 1. Will data be collected or generated that are suitable for reuse?

Yes, data collected from semi-structured interviews, the observations, and the quantitative analysis will be suitable and be made available for reuse. Unless explicitly agreed upon, through the use of signed consent forms, the identity of the interviewee will not be disclosed to ensure compliance with national and EU laws on data protection and privacy rights. Only the position of the individual and the industry will be indicated. Other publicly available data from the integrated reports will not be stored as they will be publicly available.

### 2. Where will the data be stored during the research?

Maastricht University operates a dedicated server for storing, sharing, and handling data in a secure manner in compliance with the requisite regulations. The university also has a comprehensive Data Management Code of Conduct, which my research will fully abide by.

### 3. After the project has been completed, how will the data be stored for the long-term and made available for the use by third parties? To whom will the data be accessible?

In consultation with members of the UM European Centre on Privacy and Cybersecurity ("ECPC") and their Data Protection Officers, I will work to ensure that my data will be made available through Dataverse, an open source research data repository software/website. The data will be made available to researchers for the purpose of conducting academic research.

### 4. Which facilities (ICT, (secure) archive, refrigerators or legal expertise) do you expect will be needed for the storage of data during the research and after the research? Are these available?

As noted above, the UM has a dedicated data storage available to facilitate their researchers to safely and securely store, share, and handle data during and after the research. Therefore, no additional facilities will be necessary for this research.

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**Cost estimates**

**3a. Budget**

Staff	Description			Year 1	Year 2	Year 3	Total
		FTE**	Months				
WP*	<b>Applicant</b>	1.0	36	84.044	86.675	89.258	259.977
NWP*							
<b>Total Staff</b>				<b>84.044</b>	<b>86.675</b>	<b>89.258</b>	<b>259.977</b>
Equipment	Interview Equipment & Data Storage			1.000			1.000
Investments							
Materials							
Travel	Travel for Interviews, Carrying Out Participatory Observation			2.250	1.500	2.000	5.750
Other	Conferences & Administration				7.500	8.500	16.000
	Training (e.g. MBSR Course)			2.250	1.000		3.250
	Website Maintenance			250	250	250	750
	Publication				1.000	2.000	3.000
	Open Access				500	4.000	4.500
<b>Total Materials</b>				<b>5.750</b>	<b>11.750</b>	<b>16.750</b>	<b>34.250</b>
<b>Grand total</b>				<b>89.794</b>	<b>98.425</b>	<b>106.008</b>	<b>294.227</b>

**3b. Contributions 'in kind'**

Co-financer/party	Description	Estimated value in euros
Maastricht University – Faculty of Law	Contribution to the salary costs of M. Kawakami	44.227

**3c. Contributions 'in cash'**

Co-financer/party	Description	Euros
Not Applicable		

**3d. Totals**

<b>Grand total</b>	<b>294.227</b>
<b>Budget requested from NWO</b>	250.000

**3e. Intended starting date**

1 January 2020

**3f. Have you applied for any additional grants for this project either from NWO or from any other institution, and/or has the same idea been submitted elsewhere?**

No

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**Curriculum vitae: education and employment information**

**4a. Personal details**

Title(s), initial(s), surname: Dr. M.T. Kawakami

**4b. Master's degree ('doctoraal')**

University/College of Higher Education: University of Minnesota

Date: 19/12/08

Main subject: Juris Doctorate

University/College of Higher Education: Tilburg University

Date: 05/07/10

Main subject: LL.M. in International Business Law

**4c. Doctorate**

University/College of Higher Education: Maastricht University

Starting date: 01/04/12

Date of PhD award: 17/05/17

Supervisor(s) ('Promotor(es)'): Jan M. Smits & Gary Low

Thesis title: Flawed Strategies to Reducing Labor Exploitations: Reassessing the Role of Private Actors in the Global Supply Chain

**4d. Work experience since completing your PhD**

Position	Period (date-date)	FTE	Type of position (fixed term/ permanent/ tenure track/ other)	Institution
Assistant Professor	17/05/17 - present	1,0	Permanent	Maastricht University

**Months spent since completing your PhD** (include a calculation)

**Employment history**

May 2017: Doctorate

- I. May 2017 – January 2019: 1.0 FTE position. 75% to be spent on teaching, 25% to be spent on research activities.

**Calculation months of research**

- I. 20 months \* 1 FTE position \* 0.25 spent on research = 5 months  
20 months \* 1 FTE position \* 0.75 spent on education = 15 months

Experience	Number of months
Research activities	5
Teaching	15
Care or sick leave	0
Administrative tasks	0
Others (please specify):	0

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**Curriculum vitae: narratives**

**5a. Academic profile** (Max. 700 words)

*Provide a comprehensive description of your academic achievements, research focus, research agenda, position in your (inter)national academic field, and the academic and societal potential of your work.*

Prior to starting my PhD in the Netherlands in 2012, I worked for Pillsbury Winthrop Shaw Pittman LLP in New York City as a contract attorney, where I specialized in competition law and dealt with multinational corporations operating in North America, Europe, and Asia. During my time in practice, I saw firsthand how some companies operated against the interest of the public, which left me with a great sense of frustration.

Since coming to Maastricht, my research has focused on answering the question of why laws fail to adequately modify various corporate misbehaviors (e.g. perpetuation of labor exploitation and environmental degradation). In order to analyze this persistent problem from a new angle, my research took on a multidisciplinary methodology, where I merged findings from fields as diverse as behavioral economics, social psychology, and evolutionary anthropology. The research's main aim was to highlight the various "flaws of laws" and suggesting that laws are not always effective because they often ignore the nuances of human behavior and intricacies of cognition. My thesis was nominated for the *Praemium Erasmianum* Foundation Research Prize and the UM *Proefschriftprijs* by the Faculty of Law for 2018.

My holistic approach to research was something that I developed while interning for a variety of atypical organizations like the United States Navy Judge Advocate General Corps in Washington D.C. and the United States District Court in Minnesota. From these unique experiences, I learned the importance of looking at a problem from a multitude of perspectives and being open while remaining pragmatic, especially when it comes to solving problems that seemingly reached an impasse.

The unique nature of my research piqued the interests of many and I have – fortunately – been invited to speak about my findings all across the Netherlands and by prominent institutions abroad; a list that includes the European University Institute, Hertie School of Governance, University of Edinburgh, Government of Navarra, and so on. I have also shared my research with the general public through speaking engagements such as TEDx, EuroMUN, PechaKucha, and Maastricht University's Opening of the Academic Year.

As for my research, I have been exploring the issue of incentives from a wide range of perspectives, which has yielded similarly diverse outputs: From publishing academic articles in journals such as the *European Review of Private Law* to co-editing a special volume for the *Indiana Journal of Global Studies*; or from organizing international conferences on creative conflict resolution to managing a team of students to research and publish a professional report for MVO Nederland (the largest sustainable business network in Europe). In the process of researching and disseminating my findings in this way, I have managed to cultivate a wide and diverse network of collaborators – both academics and practitioners – who have greatly contributed to developing my capabilities as a researcher.

In addition to my research, I was also nominated by my colleagues and students for the Wynand Wijnen Education Prize and short-listed for the award for my teaching (e.g. coordinating the International Business Law courses at both Maastricht University and Hasselt University) and for my various engagements with the University (e.g. directing the Maastricht Mediation Clinic, kick-starting a mental health initiative within the faculty, serving on the Advisory Council for Diversity and Inclusivity).

Upon completing my PhD, I immersed myself into studying subjects that I believed would enhance my future research: For example, I followed a Neuroeconomics course designed for Masters and Doctoral students at our School of Business and Economics and joined the Cognitive Bias Journal Club at our Faculty of Psychology and

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Neurosciences to deepen my understanding of cognitive sciences and human decision-making. Due to these interdisciplinary activities, I am convinced that these disciplines have much to offer to the field of law.

Fueled by the possibilities, I have developed a research agenda, which addresses the question of what lawyers can learn from the field of cognitive and meditative sciences. My vision is to break new ground for understanding how corporate stakeholders can be better incentivized to behave more prosocially via both regulatory and non-regulatory measures. This research would not only forge fresh perspectives and new insights, but the output has the potential of transforming corporations into advocates of positive social change.

**5b. Scientific quality: key publications** (Max. 5 publications, max. 300 words in total, excluding the publication titles and references to the publications)

*Provide the references to your key publications (max. 5) and a motivation for the selection of each of these publications. Please refrain from mentioning H-indexes or impact factors.*

1. M. Kawakami (2013), 'Psychological Oversight: Why Bills Advocating for Transparency Could Do More Harm', *Edinburgh Student Law Review* 2(1): 87-9.

This was the first official publication, where I articulated my hypothesis on designing laws based on faulty assumptions (e.g. overreliance on the rational-choice theory, failure to consider the choice-overload problem) and the possible repercussions. This was my research in its embryonic stage of incorporating findings from behavioral economics and cognitive sciences.

2. M. Kawakami (2013), 'Adjusting EU Consumer Protection Mechanism to the Needs of Private Actors: Collaborative Consumer Protection and Ex Ante Avoidance of Conflict', *European Review of Private Law* 21(5): 1255-1276.

This publication, the draft of which I presented and disseminated at the Hertie School of Governance, was my plea for regulators to refrain from offering legal solutions to problems that could be better resolved through non-legal remedies (e.g. reliance on norms within certain networks). This publication also evidences my interest in this line of inquiry dating back to the start of my academic career.

3. M. Kawakami and C. Goanta (2015), 'Even Lawyers are Consumers: Perceiving Business Attitudes in Online Contracts' in *Information and Notification Duties*, M.B.M. Loos and I. Samoy (Eds.) (Cambridge: Intersentia): 155-180.

This article came as a result of a presentation in Edinburgh that I prepared together with Catalina Goanta. This was one of my favorite collaborative efforts, where we conducted hands on research to test the availability of withdrawal rights across multiple online platforms based in different jurisdictions. From this publication, I learned the importance of testing one's theories by seeing their real life implications.

4. M. Kawakami (2017), 'Flawed Strategies to Reducing Labor Exploitations: Reassessing the Role of Private Actors in the Global Supply Chain (Maastricht: Datawyse): 1-458.

My doctoral thesis was about the law and its limitations to addressing global challenges. The thesis was nominated for the *Praemium Erasmianum* Foundation Research Prize and the UM *Proefschriftprijs* by the Faculty of Law for 2018. The multidisciplinary research I conducted for this dissertation is very relevant to my future research and will serve as its foundation.

5. M. Kawakami (2017), 'Pitfalls of Over-Legalization: When the Law Crowds Out and Spills Over', *Indiana Journal of Global Legal Studies* 24(1): 147-179.

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In drafting this publication, I had a unique opportunity to exchange ideas with some pioneering scholars in my field that I have long admired, whilst serving as the co-editor for this volume. This article is a partial summary of my research, which incorporated comments received from the aforementioned academics such as Gunther Teubner and Larry Catá Backer.

**5c. Scientific quality: output** (Max. 400 words)*Provide a short, substantive description of your scientific output.*

I have: 1) co-edited a special issue for the *Indiana Journal of Global Legal Studies* on “Why Domestic Enforcement of Private Regulation Is (Not) the Answer,” a volume that included contributions from prominent academics (e.g. Gunther Teubner, Larry Catá Backer, and Jan M. Smits) discussing the impact of various Corporate Social Responsibility measures; 2) drafted a conference report for the *European Review of Private Law* on the “Competition in International Sales Law”; 3) co-authored a chapter in a book titled “Who Does What? On the Allocation of Regulatory Competences in European Private Law?” through Intersentia; 4) published numerous academic blogs for institutions such as Maastricht European Private Law Institute (e.g. “The Future of the Sharing Economy”) and *E-International Relations* (i.e. “In Varietate Concordia: How Path Dependency Affects the Brexit Negotiations,” a collaboration with political scientist Patrick Bijmans); and 5) updated and published the *Ars Aequi Wetseditie European Private Law (2014-2016)* together with Jan M. Smits, Catalina Goanta, and William Bull.

In addition to the publications, I have: 1) managed and organized conferences (e.g. *Global Citizenship Education Symposium, Maastricht Mediation Week, Consumers without Borders*) with internationally renowned speakers such as Kate Robertson and Omri-Ben Shaha; 2) presented at a variety of events (e.g. “The Buddhist Take on CSR” at the *Ius Commune Conference*, “Addressing Global Challenges from a Legal Perspective” at the *EuroMUN*, “Setting the Contract Aside: Comparative Perspectives on Withdrawal Rights” at the *East China University of Politics and Law*).

To the extent that NWO values knowledge utilization, I would be remised if I failed to mention that much of my output has been relevant to a wider audience beyond the scientific community. In attempting to bridge the gap between academia and the general public, I have: 1) collaborated with MVO Nederland and managed a student team that published a report detailing the (in)efficiencies of certification schemes intended for Dutch Small and Medium-sized Enterprises (i.e. “Certification: A Sustainable Solution?”); and 2) debated with policymakers and lobbyists, on various panels discussing topics such as the regulatory impact on the sharing economy, labor exploitation, and so forth (e.g. *Studium Generale’s Debate Night* on “Is Sharing Really Caring? The Pros and Cons of the Sharing Economy”). In short, I have produced outputs that brought together a variety of disciplines and have shared various unique insights to the scientific community and to the public at large to raise the level of their collective awareness.

**5d. Motivation** (Max. 400 words)*Provide a motivation, connecting your academic profile, scientific quality, and proposed research.*

My dubious past of defending corporations accused of violating the law had a silver-lining in that it piqued my interest in the role of corporations in civil society. I became so enthralled with this topic that I quit a lucrative firm job in New York City to start pursuing my research on how corporate behaviors can be modified to better serve societal needs.

During my doctoral research, I decided not only to seek out legal answers to this complex question, but developed a more holistic approach, which incorporated various fields of science into my analysis. Thus, my research output is more than just a manifestation of my genuine interest in the subject, but proof of my ability

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to combine eclectic disciplines and to generate results that are valuable – and digestible – for lawyers and laymen alike. This is part of the reason why I believe that I am uniquely suited to carrying out the envisaged research, but perhaps more importantly, my curiosity on this topic has not waned one iota since completing my PhD. Rather, I am more determined than ever before to cultivate a deeper understanding of human cognition and how lawmakers can design better regulatory interventions.

This unyielding inquisitiveness is the driving force behind my application and I wholeheartedly believe that the output of this research will be beneficial to academia and society in two tangible ways: First, much like the field of economics benefited from its joint-venture with behavioral sciences, the law can also benefit from similar collaborations; and second, by breaking down the traditional barriers and confining categorizations, new insights can emerge to resolve persistent quandaries like how to stop corporations from exploiting laborers or damaging the environment. The ultimate impact of such an adjustment can be the reallocation of corporate resources to overcoming global challenges.

Lastly, I have a proven track record of incorporating experiences from practice into research and also valorizing my research findings into something tangible: For example, after researching about the importance of corporate stakeholders embracing 21<sup>st</sup> Century skills (e.g. active listening) during my doctoral research, I founded the Maastricht Mediation Clinic in 2014. Today, the Clinic has partnered up with *Stichting Trajekt* and together, we train students to mediate neighborhood disputes and develop their soft skills.

In closing, I humbly submit that I am uniquely qualified, highly driven, and genuinely curious about carrying out and learning from this innovative research.



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**Statements by the applicant**

Use of extension clause: No

- My thesis manuscript has been approved and I will send the official declaration to NWO.**  
(Compulsory only for Veni applicants who have not yet received their doctorates, to be submitted in PDF format using ISAAC.)

**Ethical aspects**

	Not applicable	Not yet applied for	Applied for	Received
Approval from a recognised ethics review committee	X			
Approval from an animal experiments committee	X			
Permission for research with the population screening Act	X			

If applicable, send a copy of (one of) the aforementioned documents to NWO before the start of your project, if your application has been granted.

By submitting this form I endorse the code of conduct for laboratory animals and the code of conduct for biosecurity/possibility for dual use of the expected results and will act accordingly if applicable.

- I have completed this form truthfully.  
 By submitting this document I declare that I satisfy the nationally and internationally accepted standards for scientific conduct as stated in the *Netherlands Code of Conduct for Research Integrity* (Association of Universities in the Netherlands, 2018)  
 I have submitted non-referees.\*

Name: Mark Kawakami

Place: Kobe, Japan

Date: 7 January 2019

\* You may indicate up to three non-referees in ISAAC. Note that, while there is room for five names in ISAAC, you may only list three. The non-referees will NOT be asked to assess your application. Please do **not** incorporate the names of your non-referees in this application form.

**Please submit this application form to NWO in PDF format via the ISAAC system. Please do not use any security locks or bookmarks in the PDF file. For any technical questions regarding submission, please contact the ISAAC helpdesk ([isaac.helpdesk@nwo.nl](mailto:isaac.helpdesk@nwo.nl)).**