This course looks at how social categories that arrange persons in moral hierarchies are constructed in the legal forum. We will draw upon trials, judgements, and other documents to show how law incorporates other discourses (popular, psychiatric, and medical) in deciding upon culpability, voluntariness, and character-concepts that are central to the forming of legal narratives. The focus of our inquiry is on how events from everyday life are translated into the legal forum and how the legal forum in turn privileges some social representations and marginalizes others.

Availability of readings- copies to be distributed or placed on reserve*
Online or on website**

September 16- Overview of course

September 23- Comparing discourses and truth claims-


September 30 - Narratives and the Translation Problem in Law- Thinking about Legal Discourse Sociologically-


Constance Backhouse, “Don’t You Bully Me... Justice I Want if There is Justice to be Had.....” in *Carnal Crimes- Sexual Assault Law in Canada, 1900-1975*, The Osgoode Society, 2008, pp. 15-49.


October 7 - Representations of Crime and Gender in Law-


October 21- Constructing Psychopathy-


October 28 - Law and the Moral Regulation of Emotions- The Case of Provocation


*Thibert v. the Queen, SCC(1996).**

Criminal Code-section on Provocation-s.232(1)**


November 4- Law, Remorse, and Moral Regulation


November 11- Trial as Social Form and Producer of Social Representation-

Reading: Robert Hariman, “Performing the Law: Popular Trials and Social Knowledge,” in Hariman, ed., Popular Trials*

Pnina Lahav, “Theater in the Courtroom- The Chicago Conspiracy Trial,” Fall, 2004, 16 Cardozo Studies in Law and Literature, 381- 446.**

Excerpt from Court TV- Trial of Powell, Coon et. al, (trial of LA police for assault of Rodney King.)

November 18- Recognizing State Violence- Trial as Medium

November 25- Recognizing State Violence- Truth Commission as Medium


December 2- Comparisons between trial form and truth commission form as producers of narratives and collective memory-

December 9- Final meeting- brief discussion of papers and works in progress-

Requirements-

One major essay of approximately 25 pages that elaborates on one of the topics in the syllabus- to be chosen in consultation with instructor- Due on Thursday, December 16- 70%.
Preparation of two reaction papers on readings and questions to address to the class- 30%- to set up on September 16.