

INTERNATIONAL INSTITUTE FOR THE SOCIOLOGY OF LAW
 INSTITUT INTERNACIONAL DE SOCIOLOGIE JURIDIQUE



Apdo. 28 - 20560 OÑATI
 Gipuzkoa – Euskadi
 España / Europa

WORKSHOP ON:
Judging, Emotion and Emotion Work

Coordinators: Stina Bergman Blix (*Sociology, Uppsala University, Sweden*); Kathy Mack (*Law, Flinders University, Australia*); Terry Maroney (*Law, Vanderbilt University, USA*); Sharyn Roach Anleu (*Sociology, Flinders University, Australia*)

3 – 4 May 2018

Programme

Meeting room: Karl Renner & Achille Loria

Wednesday, May 2		
21.00	<i>Welcome reception, Residencia Antia</i>	
Thursday, May 3		
09.00 – 09.15	Registration at the IISL office	
09.15 – 09.30	Introductory remarks by host & organizers	
I. Judicial emotion and emotion work in theoretical, historical, and cultural context		
Session I.A 09.30 – 11.00	Theoretical foundations: This panel sets the theoretical stage for our work together. It brings together theoretical perspectives on emotion, emotion work, and judging from three disciplines—sociology, law, and psychology—and from both civil- and common-law traditions. Each paper asks us to consider how emotion and emotion work interact with the central values and core practices of judging and judicial decision-making.	“The Emotionality of Judicial Objectivity” <i>Stina Bergman Blix</i> “Emotion and Reason in Adjudication” <i>Ana Carolina Faria Silvestre</i> “A Role for Emotional Granularity in Judging” <i>Maria Gendron</i> Chair: <i>Sharyn Roach Anleu</i>
11.00 – 11.30	Break	
Session I.B 11.30 – 13.00	Cultural and historical perspectives: The prior panel invited us to explore emotions’ interaction with the central values and core practices of judging. Those values and practices, though, are historically and culturally situated. Examining the contexts within which particular judicial emotion regimes emerge can illuminate that which is relatively stable or variable within judicial emotion and emotion work. It also may illuminate the variability of public expectations as to how that work should be performed. These presentations focus on two very different national contexts around the turn of the 20 th century, and then bring us to the popular culture of the present-day United Kingdom.	“Engineered Emotions: Court Rhetoric and Feeling Rules from the German Kaiserreich to the Weimar Republic” <i>Sandra Schnädelbach</i> “A Revolutionary Feeling of Justice? Emotion and Early Soviet Legal Judgement” <i>Pavel Vasilyev</i> “The wit of Judge Rinder: judges, humour and popular culture” <i>Leslie Moran</i> Chair: <i>Francesco Contini</i>
13.00 – 14.00	Group brainstorm I: <i>What are the primary areas in need of theoretical, historical, and cultural investigation? How can that work be cultivated?</i>	Discussion leader: <i>Terry Maroney</i>
14.15 – 15.45	Lunch	

Thursday, May 3 (continuation)

II. Self and other: emotions of judges and other participants

<p>Session II.A 15.45 – 17.15</p>	<p>Emotions of focus, affinity, and distance: Emotions are relational. Emotion may reflect or encourage affiliation with others, as with empathy, or it might instead reflect or encourage distancing from others, as with disgust. This panel explores these phenomena to illuminate the intra- and interpersonal nature of judicial emotional experience.</p>	<p>“Efforts of Attention: Judges, Emotions, and Evaluative Legal Concepts” <i>Emily Kidd White</i></p> <p>“Law, integrity and emotions: Managing direct and personal cross examination of victims of family violence by alleged perpetrators of that violence in family law proceedings” <i>Tracey Booth</i></p> <p>“Deconstructing Judicial Disgust” <i>John Stannard & Heather Conway</i></p> <p>Chair: <i>Cyrus Tata</i></p>
<p>Session II.B 17.15 – 18:45</p>	<p>Emotion work: Judicial emotions and emotion work are intertwined with the emotional needs and experiences of the many other people who appear in the courtroom. Participants in this session will discuss the challenges presented in criminal, family violence, and tenancy cases, including the distinctive location of jurors, who must also render judgement.</p>	<p>“Developing a Common Story: Co-Production of a Jury Narrative” <i>Meredith Rossner</i> (via Skype)</p> <p>“How the Role of the Judge Shapes Immediate Reactions to Emotional Narratives” <i>Alice Bosma</i></p> <p>“Leaving Emotion Out: Litigant and Judicial Understanding and Responses to the Role of Emotion in New Zealand Civil Courts” <i>Bridgette Toy-Cronin</i></p> <p>Chair: <i>Emily Kidd White</i></p>
<p>19.00 – 21:00</p>	<p><i>Pintxo-pote (drinks and small plates at nearby bars).</i></p>	

Friday, May 4

III. Judicial emotion and emotion work in action

<p>Session III.A 09.00 – 10.00</p>	<p>Methodological opportunities and challenges: Increasingly, scholars are moving to integrate theory and the direct study of judicial emotion and emotion work in real-life settings. Investigation of the emotional aspects of judging presents particular challenges; it also promises to enrich theory and practice. This panel will explore approaches underway in the United States, Italy and England.</p>	<p>“Investigating Judicial Emotion: Theoretical, Qualitative, and Quantitative Approaches” <i>Terry Maroney</i></p> <p>“Access to Emotions in Judicial Proceedings: An Exploratory Study” <i>Annamaria Casadonte & Francesco Contini</i></p> <p>Chair: <i>Jennifer Elek</i></p>
<p>Session III.B 10.00 – 11:30</p>	<p>Findings from empirical research: How, precisely, does empirical examination deepen what we know about judicial emotion and emotion work? In this panel, scholars from Australia and Scotland will share some findings of their investigations with sitting judges, and a Swedish judge will share data from interviews with court users asked to reflect on the performance of the judges before whom their cases were heard, and the subsequent responses from the judges.</p>	<p>“A Sociological Perspective on Emotion Work and Judging” <i>Sharyn Roach Anleu & Kathy Mack</i></p> <p>“The Cleansing Role of 'Humanisation Work' in the Criminal-Penal Process” <i>Cyrus Tata</i></p> <p>“How to Get the Sceptics on Board - Suggestions from the Inside” <i>Maria Hellberg</i></p> <p>Chair: <i>Susan Bandes</i></p>

Friday, May 4 (continuation)

11:30 – 12.00	Group brainstorm 2: <i>What are the next steps for empirical study of judicial emotion and emotion work? How can that study be cultivated?</i>	Discussion leader: <i>Stina Bergman Blix</i>
12:00– 12.30	Break	
IV. Changing judicial practice		
Session IV.A 12.30 – 14.00	Investigation and analysis → change: Emotional and interpersonal skills are essential to competent judicial performance, and will benefit judges and court users. However, most systems for judicial training, evaluation, and support neglect this aspect of judging. How can emotion and emotion work be positively redefined for judges? What are the barriers to change, and how can those barriers be addressed?	<p>“Between Reason and Emotion in Judicial Work: The Role of Judicial Training” <i>Vladimir Santos Vitovsky</i></p> <p>“How Attention to Procedural-Justice Principles May Help Judges to Regulate Emotion” <i>Steve Leben</i></p> <p>“Managing Emotion in Judicial Work: What Might Better Guidance for Judges Look Like?” <i>Jennifer Elek</i></p> <p>Chair: <i>Maria Hellberg</i></p>
14.15 – 15.45	Lunch	
Final Sessions 15.45 – 16.45	Group brainstorm 3: <i>What have we learned? Do we have a better conceptualization of emotion’s place in the judicial role or judicial performance? Do we have a better understanding of how to research and measure emotion in the context of judicial work? What gaps remain?</i>	Discussion leader: <i>Kathy Mack</i>
16.45 – 17:30	Next steps & publication plans: The session will discuss how our collective work in Oñati will carry forward, including publication.	
20:30	Closing dinner	