

POPULAR TRIALS
SOCIOLOGY GL 3685 03F
YORK UNIVERSITY, GLENDON COLLEGE
2015

Course Director: Professor Richard Weisman

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Hours- 9 am- 12 pm – Tuesdays—rm. A301

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COURSE DESCRIPTION:

This course focuses on popular trials- or judicial proceedings that engage the interest of a general audience usually sustained by some form of mass communication. Such trials- whether or not they result in establishing new legal norms- are public events that can serve as cultural reference points for beliefs that unite or divide the community. To analyze these events, we will draw upon works in cultural studies and interpretive sociology to look at trials as social enactments that make use of ritual and dramaturgy to achieve their effects. Popular trials will also be approached from the vantage point of communication studies and critical semiotics to show how these events filter experience and how they generate representations of social reality that in turn become the focus of intense public debate and discussion.

Concepts developed in the course will be applied to specific trials each of which will be looked at in historical context and in relation to the legal culture of the period. We will look at these trials variously in terms of their social representations, their use of ritual and dramaturgy, their narratives, and their use of competing discourses.

Course Materials:

* Course kit. Available for purchase at Glendon Bookstore

** Denotes electronic access from York University Library Site. It is your responsibility to access these articles either as e-copies or hard-copies. To include them in the course packet would substantially raise the cost of the kits.

Videos: Throughout the year, we will be viewing several videos which are an important part of the course material and will be referenced on tests, exams, and in lectures. Attend these classes as a few of these documentaries or movies are not available online or at York.

Course format: The course will consist of a two-hour lecture with a one-hour tutorial in which students will engage the materials and ideas for the course.

Course Evaluation:

1) Courtroom observation- to be given out October 27 and due on November 10, 2015- 20% Details to follow

2) Short Essay- topics to be given out October 20 and due on November 24, 2015- 30%

3) In-class test(3 hours): December 1, 2015- 40%

4) Tutorial Participation: - 10%

This will be based upon the quality of the student's engagement with the weekly readings and topics. Each student will be expected to prepare one seminar based on topics to be handed out on September 9. The evaluation will only be partially determined by the student's regular attendance. Regular attendance does not guarantee a strong participation grade but poor attendance will insure a weak grade. Students should come to the class having read the required readings and having prepared at least one question or point of interest to be raised in the tutorial. Grades for participation will only be counted if they raise the grade you receive from your written work for the course.

Students are responsible for : all assigned readings, whether or not such readings are specifically covered in class.

Missed Tests: Generally, missed tests will be assigned grade of zero, unless prior notification is given to the instructor AND there are legitimate medical or compassionate circumstances involved. You must have your doctor use the “Attending Physician’s Statement” form provided by the office of the registrar at <http://www.registrar.yorku.ca/services/petitions/forms.htm#6>

Late assignments: There is a penalty of 2% per day for assignments handed in late, unless prior arrangements with the instructor have been made. With proper documentation, medical and compassionate grounds may waive the penalty. Late assignments need to be handed in as hardcopy with your name on the cover of the essay to the Glendon drop box in rm. C213. At the same time, submit an electronic copy of your essay as I will use this as for date submission verification. Never slip your paper under my office door. Always keep a copy.

***Centre for Academic Learning :* <http://www.arts.yorku.ca/caw/>**

Access/Disabilty:

York provides for students with disabilities (including physical, medical, learning, and psychiatric disabilities) needing accommodation related to teaching and evaluation methods/materials. It is the student’s responsibility to register with disability services as early as possible to ensure that the appropriate academic can be provided with advanced notice. You are encouraged to schedule a time early in the term to meet with each professor to discuss your accommodation needs. Failure to make these accommodations may jeopardize your opportunity to receive academic accommodations.

<http://www.yorku.ca/dshub/>

<http://www.yorku.ca/opd/>

<http://www.yorku.ca/cdc/>

Academic Honesty - Policies & Explanations of Breaches & Their Consequences

York students are required to maintain high standards of academic integrity and are subject to the Senate Policy on Academic Honesty; please review the following website:

http://www.arts.yorku.ca/faculty_and_staff/policies_and_procedures_for_faculty/academic_honesty_students.php

Religious Observance Accommodation:

York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents.

Should any of these dates specified in this syllabus for an in-class test pose such a conflict for you, contact me within the first 3 weeks of class.

Course Withdrawal Date:

Last date to drop 'Y' courses without receiving a grade: November 9, 2015

Please verify all add/drop dates on the York website:

<http://www.registrar.yorku.ca/importantdates/fw09.htm>

September 15- Introduction and Orientation

September 22- Popular Trials- Procedural and Substantive Justice; Legal and Substantive Rationality

Readings: News items on case of Robert Latimer*

Maricarmen Jenkins, "Moral Judgement and the Case of Robert Latimer,"

Perspectives on the Latimer Trials*, 64 *Sask Law Review*(2001) pp.545-558*

(See Hein online for law journals- e-resources- York library.)

Kadri, Sadakat, "From Eden to Ordeals," Chapter 1 in *The Trial: A History from Socrates to O.J. Simpson*, 2005*

Film: Inside the Jury

September 29- Popular Trials and Popular Culture- Law and the media

Readings: Robert Hariman, “Performing the Laws: Popular Trials and Social Knowledge,” pp.17-30 in *Popular Trials: Rhetoric, Mass Media, and the Law*(University of Alabama Press, 1990.)*

Lawrence M. Friedman, “On Stage: Some Historical Notes About Criminal Justice,” in Patricia Ewick, E. Kagan, and Austin Sarat, eds., *Social Science, Social Policy, and the Law*, Russell Sage Foundation, 1999, pp.68-100*

Richard Sherwin, “Law in Popular Culture,” pp.95-112 in Austin Sarat, ed., *Blackwell Companion to Law and Society*, 2004*

Video- We will look at selected extracts from current representations of law on TV both in the genres of TV series and reality TV shows such as Judge Judy, Judge Joe Brown, and People’s Court.

October 6- Popular Trials- the Political Trial

Readings: Ron Christensen, “What is a Political Trial?” in *Political Trials*, 2nd edition, Transaction Publishers, New Brunswick, N.J., 1999, pp. 1-14 *

Contemporary accounts of Q.v. Riel(1885)*

Edward Knappman, editor, *Great World Trials*, New England Publishing Associates, 1997, pp. 232-238(Moscow purge trials); pp.266-273(Nuremberg Trials); pp.347-354(Trial of Nelson Mandela)-*

October 13- Popular Trials- Legal Discourse, Narrative, and Social Representation:

Readings: Dragan Milovanovic, “A Semiotic Perspective in the Sociology of Law,” in *A Primer in the Sociology of Law*-(Harrow and Heston, New York, 1988), pp.125-140.*

Austin Sarat, “Speaking of Death: Narrative of Violence in Capital Trials,” 27 *Law and Society Review*(1993), pp.19-58.**

Constance Backhouse, {“Sordid” But “Understandable Under the Circumstances,”: Kohnke, Croft, and Wilson, 1967} in *Carnal Crimes: Sexual Assault Law in Canada, 1900-1975*, The Osgoode Society, 2008, pp. 227-262.*

Robert A. Ferguson(1996) “Untold Stories of the Law,” in Peter Brooks and Paul Gewirtz, eds., *Law’s Stories: Narrative and Rhetoric in the Law*, Yale University, pp.84-98.

Jean S. Filetti, “From Lizzie Borden to Lorena Bobbitt: Violent Women and Gendered Justice,” *Journal of American Studies*, 35(2001), 3, pp.471-484.**

**October 20- Popular Trials as Cultural Reference Point- Film Documentary-
Scottsboro- An American Tragedy**

October 27- Popular Trials as Dramaturgy-

Readings: Harold Garfinkel, “Conditions of Successful Degradation Ceremonies,” *American Journal of Sociology*, Vol. 61, no.5(1956,)pp. 420-424. .**

Janice Schuetz and Kathryn Holmes Snedaker, “Courtroom Drama: The Trial of the Chicago Eight,” in *Communication and Litigation: Case Studies of Famous Trials*, 1988, pp.217-247.*

Janet Malcolm, “The Side Bar Conference,” in *Law’s Stories*, p. 106-109.*

Erving Goffman, “Performances,” pp.17-76 in *The Presentation of Self in Everyday Life*, Double Day, Anchor, 1959.*

First assignment on courtroom observation will be given out at this time .

November 3- Moral Performance at Trial- Showing Remorse-

Readings:

Richard Weisman, 2004- “Showing Remorse: Reflections on the Gap Between Attribution and Expression in Cases of Wrongful Conviction,” *Canadian Journal of Criminology and Criminal Justice*, Vol. 46:2, pp.121-138.**

Richard Weisman, 2009, “Being and Doing: the Judicial Use of Remorse to Construct Character and Community,” *Social and Legal Studies*, Vol. 18(1), pp. 47-69.**

Will include videos of parole hearings as illustrations of what is at stake in this process.

November 10- Popular Trials- Narrative, Social Representation, and the Media- an illustration-

Film: The Trial of Powell, Koon, et al.(charge of police assaulting Rodney King- Court TV- 1992.

November 17- Truth Commissions and the Rituals of Transitional Justice

Film: *Long Night's Journey into Day*

Reading: Humphrey, Michael, "From Victim to Victimhood: Truth Commissions and Trials as Rituals of Political Transition and Individual Healing," *Australian Journal of Anthropology*, 2003, 14:2. 171-187.**

November 24- Theorizing trials- Perspectives from grand theory- Trial as Collective Ritual of Solidarity; Trial as Ideological Weapon in Support of Status Quo; Law as Disciplinary Regime

Readings:Milovanovic, "Karl Marx: Law in a Political Economy," pp.61-85 in *Primer in Sociology of Law*.*

David Garland, "Punishment and Social Solidarity: The Work of Emile Durkheim," in *Punishment and Modern Society*, pp.23-46, University of Chicago Press, 1990.*

Excerpt from Foucault, M. (1979). "The Body of the Condemned" in *Discipline and Punish: The Birth of the Prison* *

December 1- In-class test