



AKADEMIE GRAZ

Einladung
zum Vortrag von

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The Emotionality of Judicial Objectivity

Zeit: Montag, 25.04.2016 um 18.30 Uhr (s.t.)

Ort: SZ 15.22, RESOWI-Zentrum, Gebäudeteil G, 2. Stock

Zum Vortrag

The preliminary investigation in the Swedish court process is inquisitorial, but the trial is accusatorial, opening up for ambivalence with regards to objectivity. Moreover, as in all modern legal systems in the West, the Swedish legal systems nurtures a notion of as objective in the positivist sense, i.e. abstract, disembodied and unemotional, lingers. In contrast, the enactment of objectivity in situ relies on the emotion management implied in the 'emotive-cognitive judicial frame' that provides background emotions, orients emotions, postulates tacit display rules and evokes emotional sanctions in reproducing the idea of positivist objectivity and of the legal system as dispassionate.

The data consists of qualitative interviews and observations, including shadowing, at four Swedish district courts and corresponding prosecution offices. For both the judge and the prosecutor objectivity is vital, but in different ways. The emotion management underlying successful objective performance of the judge includes balanced attunement with the situated interactions in court and; tacit collaboration with prosecutors and defence lawyers to uphold an impartial presentation and to gain decision material. The prosecutors, on the other hand, takes pride in maintaining objectivity in spite of being partial, fostering the ability to switch back and forth between believing that the defendant should be sentenced and admitting that the evidence is not enough. Meanwhile, much of the objectivity work going on during trial, in the courts, relies on advanced but tacit collaborative emotion management between the legal professionals.

Zur Vortragenden

Åsa Wettergren is an Associate Professor at the Department of Sociology, University of Gothenburg, where she founded the Emotion Sociological Seminar in 2010. She received her PhD in Sociology at the Department of Social Studies, Karlstad University, where she worked from 2005 to 2009 as a research fellow. Åsa Wettergren is one of the founders of the European Sociological Association's Research network in the Sociology of Emotions and coordinated the network from 2005 to 2007. Her fields of research are sociology of emotions, social movements, migration, processes of identification and change in organizations and society.