

LAW & EMOTIONS WORKSHOP - SYLLABUS

University of Turin - Law Department

Visiting Prof. Rodrigo Tavares

Lesson 1 - Law & Emotions - Introduction to the Field

- 1.1. Common Sense on the relationship between Law and Emotions
- 1.2. Repositioning the discussion: cognitive sciences and new contributions on what an emotion is.
 - 1.2.1 What is an emotion?
- 1.3. A more sophisticated view of the relationship between Law and Emotions
 - 1.3.1. Mapping the field of Law & Emotions
 - 1.3.2. Methods and research questions

Suggested readings - Lesson 1

ABRAMS, Kathryn; KEREN, Hila. Who's Afraid of Law and the Emotions. Minn. L. Rev., v. 94, p. 1997, 2009.

ADOLPHS, Ralph; MLODINOW, Leonard; BARRETT, Lisa Feldman. What is an Emotion?. Current Biology, v. 29, n. 20, p. R1060-R1064, 2019.

BANDES, Susan (Ed.). The Passions of Law. NYU Press, 2000.

BARRETT, Lisa Feldman. How Emotions are made: The secret life of the Brain. Pan Macmillan, 2017.

DAMASIO, Antonio R. Descartes' error. Random House, 2006.

MARONEY, Terry A. Law and emotion: A proposed taxonomy of an emerging field. Law and human behavior, v. 30, n. 2, p. 119-142, 2006.

MINDUS, Patricia. When is lack of emotion a problem for justice? Four views on legal decision makers' emotive life. Critical Review of International Social and Political Philosophy, p. 1-16, 2021.

Lesson 2 - Fear, Disgust and Law

- 2.1. Negative emotions and their implications for law
- 2.2 Fear and Law
 - 2.2.1. What is fear?
 - 2.2.2. Constitutionalism and fear
 - 2.2.3. Fear and risk regulation
- 2.3. Disgust and Law
 - 2.3.1. What is disgust?
 - 2.3.1. Disgust, discrimination, and law
 - 2.3.2. Influence of disgust on judicial decision-making

2.4. Investigative practice on negative emotions and law

Suggested readings - Lesson 2

- KAHAN, D. M. The progressive appropriation of disgust. In S. A. Bandes (Ed.), *The passions of law* (pp. 63–79). New York University Press, 1999.
- KELLY, Daniel; MORAR, Nicolae. Against the yuck factor: on the ideal role of disgust in society. *Utilitas*, v. 26, n. 2, p. 153-177, 2014.
- NUSSBAUM, Martha. Secret sewers of vice. *The Passions of Law*, p. 17-62, 2000.
- SAJÓ, András. *Constitutional sentiments*. Yale University Press, 2011.
- SUNSTEIN, Cass R. *Laws of fear*. Cambridge: Cambridge University Press, 2005.
- WILLIAMS, Matthew. *The science of hate: How prejudice becomes hate and what we can do to stop it*. Faber & Faber, 2021.

Lesson 3 - Empathy, Compassion, and Law

- 3.1. Affective communication processes, sociability and law
- 3.2. What is empathy?
- 3.3. What is compassion?
- 3.4. Perspectives on empathy, compassion, and law
 - 3.4.1. Empathy and compassion as an obstacle to the spread of negative emotions
 - 3.4.2. Perspectives on empathy, compassion, and judicial decision-making.
 - 3.4.3. Empathy with nature and environmental law: limits and possibilities
- 3.5. Investigative practice on empathy, compassion, and law

Suggested readings - Lesson 3

- BAL, P. Matthijs; VELTKAMP, Martijn. How does fiction reading influence empathy? An experimental investigation on the role of emotional transportation. *PloS one*, v. 8, n. 1, p. e55341, 2013.
- BANDES, Susan A. Empathetic judging and the rule of law. *Cardozo Law Review De Novo*, p. 133, 2009.
- BLOOM, Paul. *Against empathy: The case for rational compassion*. Random House, 2017.
- DE WAAL, Frans. *The age of empathy: Nature's lessons for a kinder society*. Broadway Books, 2010.
- HOFFMAN, Martin L. Empathy, justice, and the law. *Empathy: Philosophical and psychological perspectives*, p. 230-254, 2011.
- MIRALLES, Aurélien; RAYMOND, Michel; LECOINTRE, Guillaume. Empathy and compassion toward other species decrease with evolutionary divergence time. *Scientific reports*, v. 9, n. 1, p. 1-8, 2019.
- ROSENBERG, Joshua D. Teaching empathy in law school. *USFL Rev.*, v. 36, p. 621, 2001.

SINGER, Tania; KLIMECKI, Olga M. Empathy and compassion. *Current Biology*, v. 24, n. 18, p. R875-R878, 2014.

WEST, Robin. The anti-empathic turn. *NOMOS: Am. Soc'y Pol. Legal Phil.*, v. 53, p. 243, 2013.