

Reading Group: Visual Jurisprudence

Thursday, 4.10 - 5 pm (unless noted otherwise)

Sponsored by Yale Visual Law Project
Sandra Ristovska, Ph.D., and Helen Li, 3L

Description

The law has long been an institution that considers words to be the best vehicle for transporting its logic. Like many social and political institutions, the law associates words with reason, systematic thinking and deliberation, pushing aside the value of images as tools that work differently from words. When used, the law insists that visuals need words to anchor their legal meaning. Visuals and words, however, facilitate different processes of knowledge acquisition, and now as never before visual exhibits are important feature of the courtroom. This reading group is intended as a broad survey of the various ways in which images intersect with the law on the level of evidence and advocacy, highlighting the critical visual skills needed to assess the legal value of a wide range of visual media. As knowing how to 'read' images is closely linked to knowing how to work with images, the reading group will also include workshops on video production, such as storytelling, interviewing, shooting and editing. These workshops (~15 min) will take place during the regularly scheduled meetings following the discussion of the readings. Throughout the semester, scholars, advocates and filmmakers will deliver guest workshops and lectures, allowing students to interact with practitioners in the field.

Requirements

Per Yale Law School requirements, students need to attend 750 minutes of scheduled meetings throughout the semester and spend at least 30 hours on reading in order to receive 1 academic credit for taking part in a reading group.

To receive 1 academic credit for this reading group, you need to attend all 14 meetings (13 of these meetings are 50 min long, except the workshop on February 23, which is scheduled for 3 hours), and you need to complete all reading assignments. You are required to attend at least 100 minutes of the workshop with Sundance winning filmmaker Ra'anana Alexandrowicz. If you are able to attend the entire workshop (3 hours), you are allowed to miss one of the scheduled meetings in the semester.

Please note that the week of February 27, there will be two meetings on Tuesday (February 28) and Thursday (March 2) to accommodate the schedule of our guest speaker Kelly Mattheson, Senior Attorney at WITNESS, who will lead a workshop on video evidence and verification.

If you have an emergency or a legitimate reason to miss a meeting beyond what is described above, please talk to Helen and Sandra. There will be an option to attend one VLP sponsored lecture throughout the semester as a make up for one missed reading group meeting. However, you will still be responsible for the readings assigned for the missed meeting. To ensure that you have completed the reading materials for the missed meeting, we ask that you email us a reading response (~1 page long).

Optional Filmmaking Opportunities

Members of the Visual Law Project have been working on two advocacy films this year. If you would like to learn more about the projects and ways to get involved, please get in touch with Helen. VLP also has budget for students who would like to work on their own advocacy projects (using any visual medium) that deal with legal issues. If this possibility is of interest to you, please talk to Helen as well.

January 19: Why Visual Jurisprudence?

Sherwin, R. K. (2012) Visual Jurisprudence. *New York Law School Review* 56, 138-165

Feigenson, N. (2014) The Visual in Law: Some Problems for Legal Theory. *Law, Culture and the Humanities* 10(1), 13-23

January 26: Why Visual Jurisprudence? (cont.)

Porter, E. (2014) Taking Images Seriously. *Columbia Law Review*, 114(7), 1687-1782.

February 2: Ways of Seeing Truth in Images

Morris. E. (2011) *Believing is Seeing: Observations on the Mysteries of Photography*. New York: Penguin Press (Preface & pp. 75-120)

- Production Workshop on Image Composition

February 9: Interpreting Images

Rose, G. (2016) *Visual Methodologies: An Introduction to Researching with Visual Materials* (4th ed.). London: Sage Publications (pp. 1-22).

Sturken, M. & Cartwright, L. (2009) *Practices of Looking: An Introduction to Visual Culture* (2nd ed.). Oxford: Oxford University Press (pp. 10-44)

Tagg, J. (1988) *The Burden of Representation: Essays on Photographies and Histories*. Minneapolis: University of Minnesota Press (pp. 60-66)

- Production Workshop on Cinematography

February 16: Working with Images - Workshop with Christina Spiesel

Drucker, J. (2014) *Graphesis: Visual Forms of Knowledge Production*. Cambridge: Harvard University Press (pp. 16-55 & W 1-8)

Complete an exercise prior to class

February 23: Working with Images – Workshop with Ra’anan Alexandrowicz

Drucker, J. (2014) *Graphesis: Visual Forms of Knowledge Production*. Cambridge: Harvard University Press (pp. 64-137)

Sundance winning filmmaker Ra’anan Alexandrowicz will screen his film *The Law in These Parts* and lead a workshop on working with archival footage alongside legal documents with an eye on crafting a story through editing. The workshop is 3 hours long. See the requirement section of this syllabus if you have scheduling conflict and are unable to attend the entire workshop.

February 28 (TUESDAY): Contextualizing the Debates over Visual Evidence

Mnookin, J. L. (1998) The Image of Truth: Photographic Evidence and the Power of Analogy. *Yale Journal of Law & the Humanities*, 10(1), 1-74.

March 2: Video Evidence & Verification Workshop with Kelly Matheson

Matheson, K. (2015) *Video as Evidence Field Guide*. Retrieved from witness.org

*Although the video evidence guide is about 200-pages long, it includes a lot of images and tables, so it should not take longer than 2 hours to read it.

March 9: Video Evidence and the Criminal Justice System

Feigenson, N. & Spiesel, C. (2009) *Law and Display: the Digital Transformation of Legal Persuasion and Judgment*. New York, NY: New York University Press (pp. 35-68).

Dwyer, J. (2005, April 12) Video Challenges Accounts of Convention Unrest. *New York Times*. Retrieved from: <http://www.nytimes.com/2005/04/12/nyregion/videos-challenge-accounts-of-convention-unrest.html>

Simonson, J. (2016) Copwatching. *California Law Review* 104(2), 391-444

March 17: No Meeting - Spring Break

March 23: Police Body Cam

Williams, T. et al. (2016, April 1). Police Body Cameras: What Do You See? *New York Times*. Retrieved from: <http://www.nytimes.com/interactive/2016/04/01/us/police-bodycam-video.html>

Gelles, D. (2016, July 12) Taser International Dominates the Police Body Camera Market. *New York Times*. Retrieved from: <http://www.nytimes.com/2016/07/13/business/taser-international-dominates-the-police-body-camera-market.html>

Wexler, R. (forthcoming) Technology's Continuum: Of Body Cameras, the Internet of Things and Constitutional Searches. In Ristovska, S. & Price, M. (Eds.), *Visual Imagery and Human Rights Practice*. Palgrave

March 30: Video Advocacy

Austin, R. (2006) The Next "New Wave:" Law-Genre Documentaries, Lawyering in Support of the Creative Process and Visual Legal Advocacy. *Fordham Intellectual Property, Media and Entertainment Law Journal*, 16(3), 809-868

- Production Workshop on Interviewing

April 6: Who Are the Audiences for Video Advocacy?

Harding, T. (2006) Strategic Distribution: Reaching Key Audiences in Innovative Ways. In Gregory, S. et al. (Eds.), *Video for Change: A Guide for Advocacy and Activism*. London: Pluto Books (pp. 233-276)

Ristovska, S. (2016) Strategic Witnessing in an Age of Video Activism. *Media, Culture & Society*, 38(7), 1034-1047

- Production Workshop on Editing

April 13: Storytelling and the Law – Workshop with Emily Bazelon

Bazelon, E. (2016, May 5) Should Prostitution Be a Crime? *New York Times Magazine*. Retrieved from: <http://www.nytimes.com/2016/05/08/magazine/should-prostitution-be-a-crime.html>

Bazelon, E. (2016, August 23) Where the Death Penalty Still Lives. *New York Times Magazine*. Retrieved from: <http://www.nytimes.com/2016/08/28/magazine/where-the-death-penalty-still-lives.html>

Aufderheide, P., Jaszi, P. & Chandra, M. (2009) *Honest Truths: Documentary Filmmakers on Ethical Challenges in Their Work*. Washington, DC: Center for Social Media, American University

April 20: Law & Architecture

Forensic Architecture. (2014) *Forensis: The Architecture of Public Truth*. Berlin: Sternberg Press (pp. 9-32, pp. 149-165, pp. 242-253 & pp. 264-277).