



PROGETTO DI SEA. GUAL.

DEVELOPING AN INTERNATIONAL STRATEGY IN THE EUROMEDITERRANEAN AREA ON THE GOODS FOR AN UPDATED ANTHROPIC LOOP

Social Representations of Legal Goods



Corso Libero a scelta dello studente (36 ore, 6CFU)

Prof. Terezie Smejkalová

What is this course about?

The aim of this course is to provide in-depth understanding into how we as humans construct meanings in our communicative situations. As law is a communicative activity, constructed via various communicative events (legislation, exchanges in court, exchanges between courts, media discussions as well as everyday use of law), this course will delve deep into the social nature of meaning making in law.

Based on this understanding, this course will examine a number of chosen legal goods of various nature (abstract, moral, environmental) in their social and legal dimensions.

Course requirements

Participation at least 80%

Reading & discussion in class

Evaluation by attendance (max. 20% absence, i.e. 3 lessons) and a written report on research-play.

MODULE 1 (Autumn 2024; 9 hrs)

What are our representations of chosen concepts (legal goods)?

1.1 The introductory module will be based on research-play based on hierarchical evocations and other production-based tasks. It will allow to map the representations of the chosen legal goods within the group of students participating in the course, open the discussion and provide a tangible basis for the continuation of the course.

1. Public order

- Hierarchical evocation
- Building task

Evaluation: Written report

2. Dignity of a judge

- Drawing task
- Description task
- Categorization task

Evaluation: Written report

1.2 Goods, what goods?

(We will choose environmental goods based on students' ideas and preferences. If nothing special is chosen, we will use the example of dark skies and human/animal conceptualizations.)

3. Environmental goods

- Explain + Give examples
- What makes something an environmental good?
- The case of dark skies

4. Conceptualization of a human

- What makes (does not make) a human? Production task
- Moral agency as a theme

1.3 Building questionnaires for friends and family

- Does public order concern nature and ecosystems? How?
- Does it concern clear skies?

MODULE 2 (Spring 2024; 18 hrs)

How do we as lawyers construct these representations? – Theory

This module will be dedicated to explaining how legal meaning is constructed. It will go beyond the traditional legal interpretive approaches and will explain how legal meaning is socially determined. To do that, the theoretical parts of the course will be focused on explaining what discourse is and how it is possible that we may do and create legal goods by talking (or writing) about them.

0. Presentation of reports on research-play (2 hrs)

The themes to be covered are:

1. What is meaning? (2hrs)

- Saussure, Ogden & Richards
- Introduction to law and language approaches

2. Performative nature of language (2hrs)

- How words do things? (Austin)
- Is it really words that do things? (Bourdieu's critique)
- Law and performance (Stone-Peters; Smejkalová)

3. Construction of meaning (4 hrs)

- Introduction to social constructionism
- Social constructs:
 - example of gender
 - example of drugs

4. Constitutive power of discourse (2hrs)

- How words create social reality?
- Public debate and construction of meaning

5. Social representation (4 hrs)

- What are social representations? (Moscovici, Smejkalová)
- Research-play & further analysis

6. Legal goods are a matter of ideological choice. How does this choice work? (2 hrs)

- Turner and Swaine (some acts of violence are not recognized by law. Why? How does it work?)

MODULE 3. Case law and construction of legal meaning (9 hrs)

In this module, attention will be given to the legal background and case-law related to the chosen goods, including more complex interpretations of environmental goods (such as the famous “bumblebee is a fish” case).

- The case of bumblebee and fish
- The case of dignity of a judge
- The case of “case-law”
- The case of X (depending on choices made in Module 1)

Prof.ssa Terezie Smejkalová



She is interested in the world of law, the ways we conceptualize it and keep it alive. To this end, she focuses on the intersections between law and language and law and psychology. Her research is strongly interdisciplinary and largely empirical in nature. Her current research focuses mainly on the use of the social psychological theory of social representations for the analysis of legal concepts. To that end, she is working on developing the social representation theory into a theory of legal meaning. She has also been working for a long time on understanding the phenomenon of case-law in the Czech legal system.

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Recent publications:

- Smejkalová, T., Palíšek, P. Štěpáníková, M. 2024. A Dignified Judge’s (Re)Presentation of Self. *Papers on Social Representations*. Early Access, p. 1-34.
- Smejkalová, T. 2024. Legal Concepts as Social Representations. *Int J Semiot Law* **37**: 165–188 <https://doi.org/10.1007/s11196-023-10066-3>
- Smejkalová, T. 2023. Case Law and Collective Construction of Meaning. *Utrecht Law Review* 19(2): 118-135. <https://dx.doi.org/10.36633/ulr.833>
- Smejkalová, T. et al. 2022. Veřejný pořádek, důstojnost soudce a judikatura: Tři studie využití přístupu sociálních reprezentací v analýze právních pojmů [Public order, dignity of a judge and case-law: Three studies of the use of social representations approach in legal concept analysis]. Brno: Masarykova univerzita. <https://dx.doi.org/10.5817/CZ.MUNI.M280-0203-2022>
- Harašta, J. Smejkalová, T., Novotná, T. et al. 2021. Citační analýza judikatury [Citation analysis of case-law]. 1. vyd. Praha: Wolters Kluwer.