Monday,
February 11
9:00 – 12:00

Room 312
New Chancellor Day Hall
Faculty of Law
McGill University
3644 Peel Street

Robert Barsky
Professor of French and Comparative
Literature at Vanderbilt University

Narrating Violence and the Violence of Narrating: From “Illegal” Immigrants to Ariel Dorfman’s "Death and the Maiden"

Language theory from the realm of literary studies provides lawyers with insights about authorship, reception, intention, and formal methods of discourse analysis that are appropriate for the practice of law. And literary examples of legal procedures offer concise and emblematic examples that can help lawyers identify important legal concerns that are difficult to tease out in actual legal proceedings. In this talk, Robert Barsky will challenge the distinction between “literature” and “law” by demonstrating that in certain circumstances, the linguistic bedrock upon which legal reasoning is based can prove to be far more slippery than lawyers and judges might hope, the law upon which cases are decided can be so unevenly applied as to be itself a kind of fictional apparatus, and the literary examples can be more salient than what we can learn from particular cases. By way of examples, he will focus on actual narratives from both fiction and refugee/immigrant interviews to identify some of the obstacles to telling one’s story adequately in a legal setting, particularly when the story involves violence. To do so, he will call upon examples from Convention refugee hearings in Canada, interviews between police and “undocumented” refugees in the US, and some key scenes from Ariel Dorfman’s play (that became a movie, directed by Polansky), called “Death and the Maiden.”