

International **Conference**

Narratives in the Criminal Process

30 NOVEMBER – 1 DECEMBER 2018

Location:

University of Bergen -
The Faculty of Law

We are delighted to welcome you all to the University of Bergen and the conference «Narratives in the Criminal Process». In this leaflet you will find the conference program and a short introduction to all the speakers and talks. We are grateful to our keynote speakers Jeanne Gaakeer and Matías Martínez and the other participants for helping us put together such an engaging program.

The conference theme is inspired by Peter Brooks' claim that «law needs a narratology» and the realization that narratives are still a theoretically underdeveloped aspect of legal processes. Central questions to be discussed are: What kinds of narratives are operative in the criminal process? What is the significance of narratives in the legal process? What kinds of narratives are most effective in the court room? How do narratives influence the decision-making process of judges and jurors? What characterizes the court's own narratives in judgements and judicial opinions? How do narratives shape press reports about criminal cases?

The conference is organized by the research project «A Narratology of Criminal Cases», situated at the University of Bergen and funded by the Research Council of Norway.

We are looking forward to two full days of fruitful exchanges and stimulating discussions. Please be sure to catch the public debate at the House of Literature on Friday evening!

Best wishes from the organizing team,

Frode Helmich Pedersen

Espen Ingebrigtsen

Erlend Liisberg

08:30 - Registration and Coffee

09:00 - Words of Welcome

Key Note Lecture

09:15 - **Jeanne Gaakeer (Rotterdam):**

«Judicial Narration as Explanation of Facts and Circumstances»

Chair: Frode Helmich Pedersen

10:00 - Break

Parallel Session 1

10:15 - **Bjørn O. Berg (Trondheim):**

«The Story in the Judgment and the Standard of Proof»

10:35 - **Erlend Liisberg (Bergen):**

«The Court's Account of Events in the Norwegian Criminal Judgment»

Chair: Espen Ingebrigtsen

Parallel Session 2

Ivana Marković (Belgrade):

«The CSI Narrative and Its Possible Effect on the Criminal Process»

Silje Warberg (Trondheim):

«Sevlegutten's Legacy: Between Court-Proceedings and Oral Tradition»

Chair: Line Norman Hjorth

11:15 - Break

Plenary Session

11:30 - **Hans Petter Graver (Oslo): «Between Structure and Action: Using Narratives to Explain Legal Reason»**

11:50 - **Tor Langbach (Trondheim): «Narratives in Court: The Different Perspectives of the Prosecutor, Defence Lawyer and the Judge»**

Chair: Erlend Liisberg

12:30 - Lunch

Parallel Session 3

13:30 - **Vidar Halvorsen (Oslo):**

«Narrativity, Truth and History: Epistemic Reflections on the David Irving Libel Case»

13:50 - **Line Norman Hjorth (Bergen):**

«Language Games in the Courtroom»

14:10 - **Mieke Vandenbroucke (Ghent):**

«To Love or Not to Love. The Legal-discursive Afterlife of Narratives of Love in Belgian Marriage Fraud Investigations»
Chair: Frode Helmich Pedersen

Parallel Session 4

Per Jørgen Ystehede (Oslo):

«Two Suspicious Persons' and the Rise of the Norwegian Press Complaints Commission»

Tara Söderholm (Oslo):

«Stories of Crime and Criminal Justice: News Values and Narrative Opportunities»

Corina Löwe & Beate Schirmacher (Växjö):

«How to Tell the Story of a Trial and Why – The Narrative Structure of Journalistic Court Reporting»

Chair: Silje Warberg

15:00 - Break

Plenary Session

15:15 - **Arild Linneberg (Bergen):**

«Stories, Law and Justice: The Place of Narratives in the Field of Law and Humanities»

15:35 - **Peter J. van Koppen (Maastricht/Amsterdam):**

«Anchored Narratives 25 Years Later»

16:15 - **Open Forum and Wrap Up**

Chair: Frode Helmich Pedersen

Evening Program

17:30 - **Pizza at Bien Centro**

📍 *Nordahl Bruns gate 9*

19:00 - **Public debate at Litteraturhuset:**

«What role do narratives play in the criminal process – from the beginning of the police investigation to the final verdict?» Panel: Matías Martínez, Greta Olson, P.J. van Koppen. Moderator: Espen Ingebrigtsen.

📍 *Østre Skostredet 5–7*

08:45 - Coffee

Key Note Lecture

09:00 - **Matías Martínez (Wuppertal):**

«Is There a Language of Truth?»

Chair: Espen Ingebrigtsen

09:45 - Break

Parallel Session 5

10:00 - **Michał Peno (Szczecin):**

«Criminal Law: Between Fiction and Values»

10:20 - **Helena Whalen-Bridge (Singapore):**

«Comparative Legal Narrative: Framework for First Instance Proceedings»

Chair: Frode Helmich Pedersen

Parallel Session 6

Julie Høivik (Oslo):

«Storytelling in Court Cases Concerning Violence Towards Police Officers»

Gunilla Byrman & Joacim Lindh (Växjö):

«Narratives on Abuse in Investigations and Trials»

Chair: Erlend Liisberg

11:00 - Break

Plenary Session

11:15 - **Greta Olson (Giessen):**

«Narrating Culpability in the Case of Susanne from Mainz: Immigration Fears and Reported Details»

11:45 - **Werner Gephart (Bonn):**

«Narration or Subsumption? Two Operations of Imputing Crime and Punishment»

Chair: Arild Linneberg

12:15 - Lunch

Parallel Session 7

13:15 - **Espen Ingebrigtsen (Bergen):**

«Speech Representation in Written Judgements»

13:35 - **Audun Kjus (Oslo):**

«Quotations in and of the Witness Statements in Criminal Trials»

Chair: Line Norman Hjorth

Parallel Session 8

Chen Meng Lam (Singapore):

«Using Artificial Intelligence in Narratives in the Criminal Process»

Marlene Weck (Freiburg):

«Narrated History in the Court Records of the International Criminal Tribunal for the Former Yugoslavia (ICTY)»

Chair: Frode Helmich Pedersen

14:15 - Break

Plenary Session

14:30 - **Ralph Grunewald (Wisconsin-Madison):**

«Narratives of Guilt and Innocence: The Evidentiary Power of Narrative in Wrongful Conviction Cases»

14:50 - **Frode Helmich Pedersen (Bergen):**

«Narrative in the Judgment»

15:30 - **Open Forum and Wrap Up**

Chair: Espen Ingebrigtsen

Evening Program

19:00 - **Conference Dinner at Colonialen, Litteraturhuset**

📍 [Østre Skostredet 5-7](#)

Conference Papers and Participants

× **Jeanne Gaakeer: Judicial Narration as Explanation of Facts and Circumstances**

Abstract: In her keynote lecture Professor Gaakeer will illustrate what she considers to be important building blocks from philosophical hermeneutics and (legal) narratology for judicial practice by means of an analysis of case law.

Jeanne Gaakeer serves as a Senior Justice in the criminal law section of the Court of Appeal of The Hague, the Netherlands. She is Professor of Jurisprudence: Hermeneutical and Narrative Foundations at Erasmus School of Law, Erasmus University Rotterdam, the Netherlands. Her areas of research include jurisprudence, legal theory, legal methodology, legal philosophy, law and literature, law and humanities. The current focus of her interdisciplinary research is on the development of a legal narratology applicable in European jurisdictions.

× **Matías Martínez: Is There a Language of Truth?**

Abstract: The credibility of witness accounts in court hearings depends on its congruence with material evidence but also, in particular when such evidence is insufficient, on the persuasiveness of the account itself. For a number of years, forensic psychology has tried to pin down objective linguistic features of such accounts? What are these features? How do they relate to devices of 'evidentia' or 'enargeia' in classical rhetoric?

Matías Martínez is Professor of German Literature at the University of Wuppertal/Germany and Professor II at Universitetet i Tromsø. He is founding director of the Center of Narratological Research/Zentrum für Erzählforschung (ZEF), co-editor of the interdisciplinary e-journal for narrative research *Diegesis* and co-editor of the book series *Narratologia*. Contributions to *Narrative Theory* (de Gruyter). Among his research interests are narratology, non-literary narratives, literary theory, Romanticism, and modern poetry. His narratological publications include among others *Wirklichkeitserzählungen. Felder, Formen und Funktionen nichtliterarischen Erzählens* (co-editor, 2010), *Fiktionalität und Non-Fiktionalität* (editor, 2016), and *Handbuch Erzählen* (editor, 2017).

× **Werner Gephart: Narration or Subsumption? Two Operations of Imputing Crime and Punishment**

Abstract: How do we impute a punishment to an actor for the reason of having committed a crime? Is it possible to speak about crime without narrating it? My thesis is that the logical and juristic role attributed to narrating crimes heavily depends on the type of legal culture we situate in crime and punishment. A narrative legal culture

enforces the role of the storyteller, his ability to be trusted, the capability to be a real testimony, to give space for narrating arguments. The subsuming legal culture model will stress it less. However, the one-to-one way seems too simple because narration itself is no less embedded in a cultural or even civilizational context than the definition of crime as such. How can those two ways of accessing crime and punishment be brought into a more accommodated relationship?

Werner Gephart is a jurist, artist, and Professor of Sociology at the University of Bonn. He is Founding Director of the Käte Hamburger Center of Advanced Study in the Humanities "Law as Culture", and has published widely in the field of art history, sociology of literature, media, law and religion. His publications include *Gesellschaftstheorie und Recht. Das Recht im soziologischen Diskurs der Moderne* (Suhrkamp 1993), he was co-editor of Max Weber's writings on the Law (MMG I/22-3) and is editor of the Series *Law as Culture, Art and Law* (Brill) and *Law and Literature*. He has been a visiting professor in France, the US, Russia, Israel and the Maghreb and has exhibited his art work in Düsseldorf, New York, Delhi and London (King's College, see *Some Colours of the Law* 2017).

× **Greta Olson: Narrating Culpability in the Case of Susanne from Mainz: Immigration Fears and Reported Details**

Abstract: The Case of Susanna from Mainz concerns a 14-year-old German girl who was allegedly raped and murdered by an Iraqi asylum seeker. The case has been the cause of enormous public debate in Germany and highlights some of the ways in which crimes are narrated to political ends. I use this case as a starting point to discuss some of the various ways in which narrative strategies and elisions, also affective arguments, co-determine criminal law procedures and outcomes. The point is to demonstrate the need for more complex narratologies of law.

Greta Olson is Professor of American and English Literary and Cultural Studies at the University of Giessen. She has published widely in the field of law and the humanities. Her publications include the book *Criminals as Animals from Shakespeare to Lombroso* (2013) as well as several titles where she has served as editor, such as *Current Trends in Narratology* (2011), *New Theories, Models and Methods in Literary and Cultural Studies* (with Angsgar Nünning, 2013), *How to Do Things with Narrative: Cognitive and Diachronic Perspectives* (with Jan Alber and Birte Christ, 2018), "Law's Pluralities" (*German Law Review*, with Franz Reimer, 2017), "Law Undone: De-humanizing, Queering, and

Disabling the Law" (Special Issue of *On_Culture*, with Sonja Schilling, 2017), *Beyond Gender: Futures of Feminist and Sexuality Studies – An Advanced Introduction* (with Daniel Hartley, Mirjam Horn-Schott, and Leonie Schmidt, 2018).

× **Peter van Koppen: Anchored Narratives 25 Years Later**

Abstract: In his talk Professor van Koppen will revisit his seminal work on Anchored Narratives and reflect upon its findings from the viewpoint of today.

Peter J. van Koppen is a Psychologist and since 2003 full Professor of Legal Psychology at the Faculty of Law of VU University Amsterdam and Maastricht University. He is editor of the international journal *Psychology, Crime, and Law* (since 1992) and has published extensively on many different subjects. Among his books are *Anchored Narratives. The Psychology of Criminal Evidence* (with F.M. Crombag and Willem-Albert Wagenaar); *Overtuigend bewijs: Indammen van rechterlijke dwalingen* (*Convincing Evidence: Limiting Miscarriages of Justice*; 2011) and *Gerede twijfel: Over bewijs in strafzaken* (*Reasonable Doubt: On Evidence in Criminal Cases*; 2013). He is scientific advisor to a number of large police investigations and has served as an expert witness in more than 450 cases.

× **Bjørn O. Berg: The Story in the Judgment and the Standard of Proof**

Abstract: A central principle in penal law is that the burden of proof is on the prosecution, and that reasonable doubt should benefit the accused. However, this principle does not apply on every factual aspect of a criminal case. Only facts that constitutes legal guilt is covered by the principle. Thus a wide range of factual elements in a sentence is not to be proven beyond reasonable doubt. The article explores how and to what extent Norwegian judges apply this central principle when writing sentences. The finding is that the principle in many cases is applied to every factual element and as such misused.

Bjørn O. Berg (dr.juris) is a judge at Frostating Appeal Court in Norway. He has practiced as lawyer, as legal counsellor at the national parliament (Stortinget) and as a researcher at the University of Oslo.

× **Gunilla Byrman/Joacim Lindh: Narratives on Abuse in Investigations and Trials**

Abstract: Through trials we gain knowledge of criminal offences, where evidence is provided through narratives and technical evidence. We compare evidence from the investigation that precedes the trial with how parts of this written material are reused in the narratives told during the trial, i.e. texts, photos, sound recordings. We study how lawyers in the court handle the evidence in criminal proceedings. One finding is that a trial is less oral than the courts claim.

Gunilla Byrman (PhD) is Professor of Swedish at Linnaeus University. Her expertise is in text and gender analysis and professional writing. In the area of Forensic Linguistics, she has recently published the article «In evidence: Linguistic transformations of events in police interview reports», Cambridge University Press, 2018. She is just finishing a study of how judges construct gender and ethnicity in judgments, as an assignment for the Swedish Court of Justice. At the conference, she co-presents this paper with Joachim Lindh.

Joacim Lindh holds a teacher's degree and master of art in Swedish and Political Science and is currently a PhD student in Swedish language at Linnaeus University. He is writing his thesis on court proceedings and how the lawyers communicate with text, words and images during the proceedings. He co-presents this paper with Gunilla Byrman.

× **Hans Petter Graver: Between Structure and Action: Using Narratives to Explain Legal Reason**

Abstract: My starting point is institutional theory. Institutions consist both of norms and knowledge. According to economic historian Douglass C. North, beliefs are a key to building a foundation to understand the process of change. Both norms and knowledge can be formal and expressed, and informal and tacit. Informal and tacit norms and knowledge may be known to and recognised by the actors, but there is also a lot of tacit norms and knowledge that the actors follow and use unconsciously, and that form part of what they take for granted, such as beliefs and unrecognised presuppositions for thoughts and actions. The tacit knowledge and dispositions of the actors within the legal institutions can be analysed using rhetorical theory and the concepts of Pierre Bourdieu of *doxa* and *habitus*. The *doxa* in a specific legal culture and the *habitus* of the actors can be found by analysing the language and narratives of legal decisions. A combination of institutional theory and rhetorical theory can thus give better insight into the operation of law.

Hans Petter Graver is Professor of law at the Faculty of Law, University of Oslo. He has written extensively in law, legal theory and modern legal history. Among his works are *Juridisk overtalelseskunst* from 2008, *Rett, retorikk og juridisk argumentasjon* from 2010 and *Judges Against Justice* from 2015. He is currently engaged in the research project *Judges under Stress – the Breaking Point of Judicial Institutions*.

× **Ralph Grunewald: Narratives of Guilt and Innocence: The Evidentiary Power of Narrative in Wrongful Conviction Cases**

Abstract: Wrongful convictions exemplify that all a guilty verdict requires is a narrative that conveys a plausible (but not necessarily true) story. Based on a narratological analysis of case files of wrongful convictions in the United States and Germany, this paper will demonstrate that narratives have quasi-evidentiary power and that opposed

to the common belief, there is little to no difference between the determination and presentation of facts in law. A critical discussion of the narrative tensions between truth and guilt will show that more awareness of narrative processes can reduce the number of wrongful convictions.

Ralph Grunewald (PhD) is Assistant Professor at the University of Wisconsin-Madison with appointments in the Department of Comparative Literature and Folklore Studies and the Center for Law, Society, and Justice. He is a German-trained lawyer with a law degree from the University of Mainz (Germany) and the State of Bavaria (Germany). He received his Phd. in Criminal Law/Criminology from the University of Mainz (Germany) and a Master of Laws Degree (LL.M.) from the University of Wisconsin-Madison.

× **Vidar Halvorsen: Narrativity, Truth and History: Epistemic Reflections on the David Irving Libel Case**

Abstract: In the David Irving libel case (2000) the defendants (Deborah Lipstadt and Penguin Books) and their lawyers to a large extent relied on the advice and testimony of established, university-based historians. The paper attempts to answer the following question: To what extent, if any, can the truth of competing historical narratives be determined by the law rather than by the community of scholars?

Vidar Halvorsen (PhD) is Professor at the Department of Criminology and Sociology of Law, University of Oslo. He has mainly done research on the sociology of policing, surveillance, the ethics of professions and legal philosophy.

× **Line Norman Hjorth: Language Games in the Courtroom**

Abstract: The presentation deals with the defendant's distinctive and existential situation during the examination of them in the courtroom. To illuminate the particular speaking-conditions that the defendant is assigned to, I suggest that the term language games can be a fruitful analytical term.

Line Norman Hjorth holds an MA in film studies from The University of Copenhagen and is currently finishing a PhD project funded by the Centre for Humanistic Legal Studies at the University of Bergen.

× **Julie Høivik: Storytelling in Court Cases Concerning Violence towards Police Officers**

Abstract: Over the last couple of years the reported cases concerning violence against police officers in Norway have increased. Regardless what this increase might be caused by, it is interesting to explore these cases. Through observation of main hearings in the district court where someone stands accused for this particular crime I've tried to form a better understanding of this offence as it appears in the proceedings. I also use narrative analysis to deconstruct how the different parties involved use a cer-

tain range of rhetorical devices in their storytelling. There are similarities between both the incidents, but also in the stories which are used to project meaning to their actions, which seems to follow a certain pattern.

Julie Høivik is MA in criminology from 2015, courts presents their own accounts of events and points. She is currently working as a researcher at the Norwegian Centre for Addiction Research. She has worked at the Department of Criminology and Sociology of Law and the Norwegian Police University College, where she still teaches.

× **Espen Ingebrigtsen: Speech Representation in written Norwegian judgments**

Abstract: In written judgments from Norwegian district courts and appeal courts, utterances are often assessed as evidence and presented in the judgment on the basis of testimonies, written police reports, letters, text messages, emails, sound recordings or other media. In this talk I discuss how different forms of speech representation can contribute to the framing of a criminal event. What significance does it have when the court quotes extensively from colloquial or dialectal language of defendants, witnesses or aggrieved parties, compared to judgments where the court summarizes and retells utterances in a rather formal and courtly style?

Espen Ingebrigtsen (PhD) is a postdoctoral research fellow at the University of Bergen and a member of the research project "A Narratology of Criminal Cases". His current research project deals with rhetorical features of narratives in present and historical Norwegian judgments. His research topics also include German literature, memory culture and the author W. G. Sebald.

× **Audun Kjus: Quotations in and of the Witness Statements in Criminal Trials**

Abstract: Quotations play an important part in storytelling, also in the courts of law, and they are preformed and processed with great subtlety. In this presentation I will take a closer look at some of the ways in which witnesses, the prosecuted, attorneys and judges use quotations in order to mobilize knowledge and to argue cases.

Audun Kjus (PhD) works as Senior Curator of the cultural archives Norwegian Ethnological Research (NEG) at The Norwegian Museum of Cultural History (Norsk Folkemuseum). He graduated with a degree in folklore studies at the University of Oslo in 2000 and defended his doctoral dissertation in cultural history in 2007. The dissertation was an ethnographic study of contemporary criminal trials, titled *Stories at Trial* published in 2010 as part of Bernard S. Jackson's Legal Semiotics Monographs series. His research topics have included the history of death and burial, the history of capital punishment and the history of folkloristic fieldwork.

× **Erlend Liisberg: The Court's Account of Events in the Norwegian Criminal Judgment**

Abstract: In the Norwegian criminal judgement, the court is obliged to present the facts of the case that it has found to be proved as a basis for the judgment. Thus, the court has to present a narrative about the criminal event. Still, there are few guidelines and recommendations regarding how this account of events should be presented. This paper seeks to examine the different ways the courts presents their own accounts of events and points to benefits and challenges regarding the different practices.

Erlend Liisberg is a PhD candidate in Comparative Literature and a Law student at the University of Bergen. He is working on a thesis about reflections on law in the fictional works of Ludvig Holberg and Henrik Wergeland. He is a member of research project «A Narratology of Criminal Cases»

× **Arild Linneberg: Stories, Law and Justice: The Place of Narratives in the Field of Law and Humanities**

Abstract: The paper will focus on the problems related to investigating narratives in court and legal narratives in general in relation to the problems of rhetoric, hermeneutics, semiotics and aesthetics and with examples from the work done at the University in Bergen on Norwegian Criminal Cases during the last twenty years.

Arild Linneberg is Professor (dr. philos) in Comparative Literature, University of Bergen and senior researcher at the research project «A Narratology of Criminal Cases», The leader of the Research Group for Rhetoric, Literature and Law, former leader of the research project «The Dramaturgy of Miscarriages of Justice», (2009-2013) and Centre for Humanistic Legal Studies, University of Bergen (2013–2018).

× **Corina Löwe/Beate Schirmmacher: How to Tell the Story of a Trial and Why – The Narrative Structure of Journalistic Court Reporting**

Abstract: In this presentation Corina Löwe and Beate Schirmmacher explore the mediation of trials legal journalism. Which kinds of events are chosen to represent the trial as a whole, and how are they connected? Which narrative tools are used to represent the multimodal complexity of a trial with written words only? Drawing on Lars Elleström's concept of transmediation (2014), we present a model to analyse recurrent traits of court reporting. In our first findings, central structural tools in German legal journalism mirror characteristic traits of proceedings and narratives in court.

Corina Löwe (PhD) is Senior Lecturer in German Language and Literature in the Language Department of Linnaeus University. Being a children's literature scholar Löwe has worked and published widely on topics like ideology and cultural memory of Socialism. Löwe is member of the working group "Narrating the Trial – Transmediating Authenticity". She co-presents this paper with Beate Schirmmacher.

Beate Schirmmacher (PhD) is Senior Lecturer in Comparative Literature at Linnaeus University, Växjö. She is member of Linnaeus University Centre of Intermedial and Multimodal Studies. Her previous research centred on word and music studies, as well as the relation of performativity and mediality. Her current research focuses on medial representation of court narratives. At the conference, she co-presents this paper with Corina Löwe.

× **Ivana Marković: The CSI-Narrative and its possible effect on the criminal process**

Abstract: The popularity of the TV show Crime Scene Investigation, with its narrative of promptly obtained and practically error-free evidence, has possibly led to increased expectations regarding evidentiary proof, and to an implicit stand back of legal reasons in real-life cases. The presentation will therefore deal with the CSI-effect in its various meanings, the comparison of its narrative structure with that of a classical criminal process and, eventually, a potential counter-narrative of the judge as a balancing intervention.

Ivana Marković (PhD) is an Assistant Professor in Criminal law at the University of Belgrade. She studied at the University of Belgrade and at the Humboldt University in Berlin. Currently, she is taking part in the comparative project "Virtual Institute" of the Max-Planck-Institute for Foreign and International Criminal Law, the project "New Technologies and Fight against Terrorism and Hate Speech in a European Perspective" of the University of Verona, and the Carl Friedrich Goerdeler-Kolleg for Good Governance of the Robert Bosch Foundation and the German Council on Foreign Relations.

× **Chen Meng Lam: Using Artificial Intelligence in Narratives in the Criminal Process**

Abstract: With the rise of artificial intelligence (AI), the way that lawyers think, communicate and interact is likely to change significantly in the future. This paper looks into how AI has the potential in making a paradigm shift in how a lawyer thinks, communicates, and interacts. The paper proposes that AI can be used effectively to tell and understand narratives in the criminal process. Recent advances in AI that had been successfully used in other industries to construct stories and novels will be discussed. The importance of machine enculturation – teaching of social norms, customs, ethics and values to machines – in narratives in the criminal process will also be examined. Lastly, this paper discusses whether AI can completely replicate a human criminal lawyer in producing human-centred, non-biased and practical ideas and outcomes.

Chen Meng Lam is currently Senior Lecturer in Singapore University of Social Sciences, where she teaches contract law, corporate law, and management in the School of Business. Prior to joining academia, Chen Meng had practiced law in New York, Ohio, Hong Kong, and Singapore. Her research interests are in the area of company law, artificial intelligence and law, as well as cybersecurity law. Chen Meng graduated with a Juris Doctor (law) from The Ohio State University, United States.

× **Tor Langbach: Narratives in court: the different perspectives of the prosecutor, the defence lawyer and the judge**

Abstract: The courtroom is a place where stories are told. The accused, the victim and the witnesses tell their stories in court. However, a more important aspect is the stories told by the professional actors; the prosecutor and the defence lawyer. How lawyers appear in court is one of the classical arenas of rhetoric. What is the purpose of the prosecutors' and the defence lawyers' narratives, whom are they addressing, what is their freedom to create the narratives? In addition: In what ways does the judges' perspective differ from these narratives?

Tor Langbach graduated in law 1975 and worked as a lawyer in Ministry/County Governor's office 1975–1981. He was an advocate from 1981-1995 and worked as a District Court Judge 1995–2007. He was the Director General at The Norwegian Court Administration 2007-2013. Since then he has worked as an author and legal adviser. Among his publications is the work *Straffesaksbehandling i tingrettene* (Criminal Law Proceedings in the District Courts) which was published in an updated second edition in 2016.

× **Michał Peno: Criminal Law: Between Fiction and Values**

Abstract: The presentation focuses on the relationship between legal drafting, legal text and legal interpretation. Law is a non-democratic story told by the legislator and the lawyers, having authority over what is good, virtue and what is wrong in the world being the creation of law. The legal text tells a story about the world imagined by the creators and addressees of such text. Penal liability is real, however, and this creates many problems.

Michał Peno holds a PhD degree in the Philosophy of Law Legal Theory (2014). He is Assistant Professor at the Department of Philosophy of Law and Legal Theory, Faculty of Law and Administration, University of Szczecin (Poland).

× **Frode Helmich Pedersen: The Narrative in the Judgment**

Abstract: The paper discusses some central characteristics of the narrative of facts in judgments in Norwegian criminal cases. Some central concerns will be: How can we describe the rhetorical function of this narrative in relation to the court's decision? How does the court typically construct these stories? What are the most problematic aspects of the story in the judgment? How can we judge whether the court's narrative is plausible and what may we conclude when it is not?

Frode Helmich Pedersen (PhD) is a literary scholar at the University of Bergen and principal investigator at the project «A Narratology of Criminal Cases». In 2017 he published a book on the Norwegian author Bjørnstjerne Bjørnson. He has recently published articles on narrative evidence theory and the analysis of narratives in the judgment.

× **Tara Söderholm: Stories of crime and criminal justice: News values and narrative opportunities**

Abstract: What do journalists do when narratives from the courts are perceived as boring news? This paper article reports a study of Norwegian crime journalists own stories to examine how the press shapes narratives from the criminal justice system. How do journalists define what is considered newsworthy and of public interest? How do these considerations come into play in journalistic accounts of crime and criminal justice? By looking at stated and unstated news values and the potential narrative opportunities, this paper provides insight into the way crime news is created.

Tara Söderholm holds a MA degree in Criminology from the University of Oslo. She is currently working as a research assistant at the Department of Criminology and Sociology of Law at the University of Oslo, where she is a part of the project "MIGMA - Transnationalism from above and below". Her main academic interest is the intersection between crime and the media and narrative methodology.

× **Mieke Vandenbroucke: To Love or Not to Love. The Legal-discursive Afterlife of Narratives of Love in Belgian Marriage Fraud Investigations**

Abstract: Cross-border marriage applicants are routinely questioned by civil registry officers in Belgium to determine the genuine nature of their romantic relationship and prevent fraudulent sham marriages. The narrative evidence provided by couples in these interviews is used as crucial legal-administrative evidence in the bureaucratic decision-making. By using linguistic ethnographic data, I discuss how these interview narratives are elicited, noted down and entextualised, and deconstructed and transformed in the argumentation of approving or rejecting a case.

Mieke Vandenbroucke (PhD) is a postdoctoral researcher in sociolinguistics at Ghent University. She was a Fulbright scholar at UC Berkeley in 2016-2017 and is currently working on a linguistic ethnographic project on discourse and multilingualism in civil registry offices in Belgium.

× **Per Jørgen Ystehede: Two Suspicious Persons' and the rise of the Norwegian Press Complaints Commission**

Abstract: The paper discusses the historical murder case «Lensmannsmorder-saken» (the county police officers murder) from 1926 – which involved the greatest manhunt in Norwegian history – and the different narratives it inspired. The central concern will be the case's role in the history of regulating crime reporting by the press and creating systems of restrictions concerning the documentation of narratives in the criminal process.

Per Jørgen Ystehede is a criminologist. He holds a M. Phil. degree in Criminological Research from Cambridge University and a Cand. Philol. degree in the History of Ideas

from the University of Oslo. He has recently published articles on cultural representations of nineteenth century prostitution and on crime museums, monuments and memorials as contested spaces.

× **Silje Warberg: Sevlegutten's Legacy – Between Court-Proceedings and Oral Tradition**

Abstract: The paper studies the influence of narratives shaped by criminal law and court proceedings on textual representations of the 1833 murder case against Ole Olsen Sevle alias «Sevlegutten». Reports from the court proceedings were published in a legal journal shortly after Sevle was convicted and sentenced to death, and they have continued to influence later textual representations of it. The case study shows how these narratives can have cultural functions beyond the courtroom and across long periods, contributing alongside oral tradition in shaping the legacy of a famous murderer.

Silje Warberg is Associate Professor in Scandinavian literature at the Department of Language and Literature, Norwegian University of Science and Technology (NTNU). She has recently published an article on debates on legal storytelling within Norwegian legal theory.

× **Marlene Weck: Narrated History in the Court. Records of the International Criminal Tribunal for the Former Yugoslavia (ICTY)**

Abstract: The paper investigates the International Criminal Tribunal for the former Yugoslavia (ICTY) as historiographic actor and explores its narration and categorization of the violent acts and hostile events that occurred during the Yugoslav wars in the 1990s. The aim is to explore the ways in which the terminology of International Law – put into practice by the ICTY – has influenced historiography and vice versa. Through a narratological analysis of the indictments, judgments, pleadings and testimonies, the paper identifies and compares the historical narratives contained and constructed in the legal proceedings.

Marlene Weck (M.A.) is a PhD researcher at the Graduate School “Factual and Fictional Narration” at the University of Freiburg, Germany. She has studied Linguistics and South-Eastern-European History in Berlin, Regensburg and Budapest. Her research focuses on the recent history of the former Yugoslavia, transitional justice and memory politics. She has worked in the Communication and Outreach section of the International Criminal Tribunal for the former Yugoslavia and taught German at the University of Rijeka, Croatia as a DAAD-delegate.

× **Helena Whalen-Bridge: Comparative Legal Narrative: Framework for First Instance Proceedings**

Abstract: Narrative plays a central role in the evaluation of evidence and fact finding in the common law. Is there a fundamental relationship between narrative and the fact finding process in any system of dispute resolution? For example, what role does narrative play in less adversarial trial mechanisms without the dramatic narrative contestation of the common law, such as the civil law dossier? Currently there are no good answers to this question. This paper reviews research regarding the role of narrative in common law and civil law first instance proceedings, and makes two arguments. First, the paper argues that aspects of procedure and law associated with civil law systems, such as control over the investigative and trial stages, inclusion of personality evidence, and expectations regarding the obligation to testify, allow legal narrative to dominate civil law first instance proceedings to a degree unthinkable in common law adversarial trials. Second, the paper uses potential differences between common law and civil law traditions to articulate a theory about what factors produce and shape legal narrative in first instance proceedings across jurisdictions.

Helena Whalen-Bridge is Associate Professor at the National University of Singapore Faculty of Law. Her main research areas are comparative legal narrative, global legal skills, and legal ethics and access to justice, and she has just completed an NUS Academic Research Grant on comparative legal narrative. Her publications include *Understanding Lawyers' Ethics in Singapore* (LexisNexis, 2016, co-authored monograph) and “The Lost Narrative: Recovering the Necessary Connection between Legal Narrative and Legal Ethics,” (7 *Journal of the Association of Legal Writing Directors*).

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A Narratology of Criminal Cases

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