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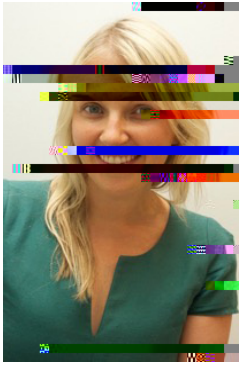
**Emotions, and the Politics of Attention in  
Judicial Reasoning**

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VERA ANSTEY ROOM, OLD BUILDING, LSE





...  
If you catch him,  
hold up a flashlight to his eye. It's all dark pupil,  
an entire night itself, whose haired horizon tightens  
as he stares back, and closes up the eye. Then from the lids  
one tear, his only possession, like the bee's sting, slips.  
Slyly he palms it, and if you're not paying attention  
he'll swallow it. However, if you watch, he'll hand it over,  
cool as from underground springs and pure enough to drink.

*"Man-Moth", Elizabeth Bishop, The Complete Poems 1926-1979*

Winding up the inaugural Kellogg Lecture on Jurisprudence, Ronald Dworkin delivered a characteristically stylish last line to his Library of Congress, Coolidge Auditorium crowd: "Law is not literature" he said, "but law is closer to poetry than it is to physics...than to even – *sacrilege!* - economics." Like poetry, legal doctrine can, at times, be tone-setting and image-filled. It can prescribe a sensibility or a way of seeing a legal question, and demand fineness in qualitative distinction. It can also make sustained and exacting demands on one's attention. This paper explores this last demand, querying the role of emotions in sustaining judicial attention on a legal subject or question. It focuses on the service role for emotions in legal reasoning, which occur when a jurist consciously draws on emotion in service of a governing legal value or scheme.

It is common to think of emotions as momentary flashes, prone to fleeting. Though this view requires r