

SPRING 2006 – LAW AND LITERATURE

LIT3312, Section 003
Mondays and Wednesdays, 12:30 – 1:45 pm

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Office hours: Mondays and Wednesdays, 11:15 am – 12:15 pm
And By Appointment

Please note: this syllabus is subject to change at my discretion. All changes will be posted on WebCT, and announcements made in class.

DESCRIPTION OF COURSE:

This course will explore the intersection of law and literature by approaching narratives in four areas: literary texts as legal texts; legal texts as literary texts; the literary turn in legal scholarship; and the regulation of literature by law. We will be looking at examples from ancient times to the present, from a variety of Western European countries.

REQUIRED TEXTS:

Richard A. Posner. Law and Literature. (Rev. ed.) Harvard University Press, 1998.
Ted Hughes (trans.). The Oresteia of Aeschylus. Farrar, Straus, and Giroux, 2000.
Johann Wolfgang Von Goethe. Faust: A Tragedy. (2nd Norton Critical Edition). W.W. Norton & Company, 2000.
Franz Kafka. The Trial. Schocken, 1999.
Natalie Z. Davis. Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France. Stanford University Press, 1987.
Natalie Z. Davis. The Return of Martin Guerre. (Reprint ed.) Harvard University Press, 1984.
Umberto Eco. The Name of the Rose (w/ postscript). Harvest Books, 1994.
J.A. Cuddon. The Penguin Dictionary of Literary Terms and Literary Theory. (4th ed.) Penguin, 2000.
Stephen H. Gifis. Law Dictionary (Barron's Legal Guides). (5th ed.) Barron's Educational Series, 2003.

[PLEASE NOTE – the above editions only!!!]

Class handouts, reserve/electronic material (such as Cardozo Studies in Law and Literature).

COURSE REQUIREMENTS/EVALUATION CRITERIA:

Participation: 10%

I am not as concerned with attendance as I am with your contribution to the scholarly atmosphere of the course. Examples of things that contribute to that atmosphere include coming prepared to class, asking questions that help to clarify the assigned readings, making comments that link the readings to outside material (perhaps from other courses), and especially contributing to the discussions of primary readings. I will be posting questions for discussion on WebCT prior to class, so that all students may come prepared to answer them. Examples of things that detract from that atmosphere include arriving late or leaving early, cell phone use, distracting behavior during lectures, speaking unkindly or disrespectfully to or about anyone in the classroom, or expecting special treatment.

Mid-term exam: 20%

This in-class exam will consist largely of short-answer questions, and will be graded primarily on accuracy (did you give the right answer?), clarity (can I read what you wrote?), and what I call innovation (can you take the material we learned in class and apply it to the interpretation of a specific document?). I will be handing out a study guide before the exam; if you can answer the questions on the study guide, you will be fine on the exam.

Primary readings journal: 30%

Students will prepare a journal entry for each primary reading assigned (in other words, everything but Posner and the dictionaries). These journal entries should be typed and prepared prior to class meetings. They should include the most important points students have identified from the primary readings and a brief analysis of how the readings relate to the lecture, the Posner text, and terms in the dictionaries. Entries should be 2-4 typed pages, double-spaced, 8 1/2" x 11" paper, 1-inch margins, standard 11 or 12-point font. They do not need to be written as formal essays. Instead, think of them as a set of notes to provide quick reference to reading material for in-class discussions and in writing the mid-term and final papers. Students will prepare six entries over the semester (5% each).

One 2-page summary of scholarly article: 5%

This will be a formal summary of a scholarly article in the field of law and literature chosen from my list. The essay will be 2 pages long, double-spaced, 8 1/2" x 11" paper, 1-inch margins, standard 11 or 12-point font. Examples and further directions will be posted on WebCT.

Final exam: 35%

This will be a take-home formal essay, drawing on lectures, readings, and your primary readings journal since the mid-term. You will be required to demonstrate your ability to integrate the ideas presented in Posner and lectures and vocabulary from the dictionaries into your analysis of primary readings. Further directions will be posted on WebCT.

SCHEDULE:

January 9: Introduction

PART I: Literary Texts as Legal Texts

January 11: The Reflection of Law in Literature

Assignment due: send Dr. Pederson an e-mail through WebCT

Reading due: Posner, Introduction and Chapter 1

January 13: Last day to add a course

January 16: No Class (University Closed)

January 18 : Revenge as Legal Prototype and Literary Genre

Reading due: Posner, Chapter 2

January 23: The Antinomies of Legal Theory

Reading due: Posner, Chapter 3

January 25: Revenge and Legal Theory on the Stage I

Reading due: The Oresteia

? Primary Readings Journal #1 DUE

Census Day: last day to drop this class without a W

January 30: Revenge and Legal Theory on the Stage II

Continuing discussion: The Oresteia

February 1: The Limits of Literary Jurisprudence

Reading due: Posner, Chapter 4

February 6: The Literary Indictment of Legal Injustice

Reading due: Posner, Chapter 5

February 8: Law and the Literary Imagination I

Reading due: Faust

? Primary Readings Journal #2 DUE

February 13: Law and the Literary Imagination II

Continuing discussion: Faust

WP/WF withdrawal period begins

February 15: Two Legal Perspectives on Kafka

Reading due: Posner, Chapter 6

February 20: Kafka I

Reading due: The Trial

? Primary Readings Journal #3 DUE

February 22: Kafka II

Continuing discussion: The Trial

February 27: Current Scholarship/Mid-term Review

Mid-term review sheet distributed [also posted on WebCT]

Discussion of articles

? Summary of Scholarly Article DUE

March 1: Mid-term Exam (in-class)

March 6-11: Spring Break

PART II: Legal Texts as Literary Texts

March 13: Interpreting Contracts, Statutes, and Constitutions

Reading due: Posner, Chapter 7

March 15: Judicial Opinions as Literature

Reading due: Posner, Chapter 8

Mid-term Grades Available

March 16: Last day to withdraw with a WP/WF

March 20: Legal Documents as Literature I

Reading due: Fiction in the Archives

? Primary Readings Journal #4 DUE

March 22: Legal Documents as Literature II

Continuing discussion: Fiction in the Archives

March 27: Legal Documents as Literature III

Continuing discussion: Fiction in the Archives

PART III: The Literary Turn in Legal Scholarship

March 29: The Edifying School of Legal Scholarship

Reading due: Posner, Chapter 9

April 3: Lies like Truth? Narrative Legal Scholarship

Reading due: Posner, Chapter 10

April 5: An Early Example of Narrative Legal Scholarship I

Reading due: Return of Martin Guerre

? Primary Readings Journal #5 DUE

April 10: An Early Example of Narrative Legal Scholarship II

Continuing discussion: Return of Martin Guerre

PART IV: The Regulation of Literature by Law

April 12: Authorship, Creativity, and the Law

Reading due: Posner, Chapter 11

April 17: Medieval Authorship and Canon Law I

Reading due: Name of the Rose

? Primary Readings Journal #6 DUE

April 19: Medieval Authorship and Canon Law II

Continuing discussion: Name of the Rose

April 24: Medieval Authorship and Canon Law III

Continuing discussion: Name of the Rose

Final exam questions distributed

April 28, 12:00 noon: FINAL EXAM DUE (take-home)

May 5: Final Grades Available

OTHER PROCEDURAL MATTERS:

University closings are posted on the home page: www.utdallas.edu.

Canceled classes: if something comes up, I will attempt to post on WebCT; if I am unable to do so, I will notify the Arts & Humanities office and they will post a sign on our classroom.

Missed exams and assignments: If you are ill or have a family emergency, please either e-mail me or leave a message on my office phone before the start of the exam or the assignment is due. I do not look favorably on make-up work, and it is my policy not to accept any late assignments or arrange make-up exams unless the student found himself/herself in an unavoidable situation. There are few situations that meet that kind of criteria. Don't risk it.

Incompletes: UTD policy states that a student must complete 70% of the coursework in order to receive an incomplete.

E-mail correspondence: I cannot accept e-mail sent from outside the UTD server; I cannot accept e-mail sent to me at any other address than the one listed above.

Disability accommodations: the easiest thing to do is to contact the Office of Disability Services at x6104 and have them contact me to explain what you need; I will be happy to comply with any reasonable accommodations your condition requires.

Grade changes: all grades are final, unless you sincerely believe I have made a mistake or have been unfair. In that case, please submit a written explanation (no longer than one page) within one week of receiving your grade for a particular exam or assignment, detailing the reasons why you think an error or misjudgment has been made. I will reevaluate your work, but bear in mind that I may find additional problems I had not noticed on my first reading. It is therefore possible that you may end up with a lower grade rather than a higher one. If, after this procedure has been followed, you still believe your grade is inaccurate, you have the right to appeal through university channels.

Academic dishonesty: please refer to the university's policy, available on UTD website. I cannot place enough stress on how important it is that you be scrupulously honest in this area.

Sexual harassment (or any other kind of harassment): unacceptable. Please see the UTD policy.

