

Course Syllabus : Law & Literature

Course Information

Discipline and number: LIT 3312 Section: 06A
Term: Summer 2006
Day: TR Time: 1:00 pm – 5:00 pm
Course Title: Studies in Prose Narrative: Law & Literature

Professor Contact Information

Dr. Nadine D. Pederson
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Office hours: Tuesdays and Thursdays, 10:30 am – 11:30 am, and by appointment

Course Pre-requisites, Co-requisites, and/or Other Restrictions

Prerequisite: Three hours of lower-division literature or HUMA 1301.
No prior knowledge of law is required.

Course Description

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 of narratives from ancient times to the present (primarily pre-1850) from a variety of Western European countries.

Student Learning Objectives/Outcomes

- Students will summarize and classify definitions of literary and legal terms.
 - Students will compare the narratives of law and the narratives of literature through analyzing literary texts as legal texts; legal texts as literary texts; the literary turn in legal scholarship; and the regulation of literature by law.
 - Students will evaluate the contribution of the field of law and literature to the intersection of humanities and social sciences.
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Required Textbooks and Materials

- ✓ Richard A. Posner. *Law and Literature*. (Rev. ed.) Harvard University Press, 1998.
ISBN 0674514718 [ON RESERVE AT THE LIBRARY]

- ✓ Ted Hughes (trans.). *The Oresteia of Aeschylus*. Farrar, Straus, and Giroux, 2000. ISBN 0374527059
- ✓ Johann Wolfgang Von Goethe. *Faust: A Tragedy*. (2nd Norton Critical Edition). W.W. Norton & Company, 2000. ISBN 0393972828
- ✓ Franz Kafka. *The Trial*. Schocken, 1999. ISBN 0805209999
- ✓ Natalie Z. Davis. *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France*. Stanford University Press, 1987. ISBN 0804717990
- ✓ Natalie Z. Davis. *The Return of Martin Guerre*. (Reprint ed.) Harvard University Press, 1984. ISBN 0674766911
- ✓ Umberto Eco. *The Name of the Rose* (w/ postscript). Harvest Books, 1994. ISBN 0156001314
- ✓ J.A. Cuddon. *The Penguin Dictionary of Literary Terms and Literary Theory*. (4th ed.) Penguin, 2000. ISBN 0140513639
- ✓ Stephen H. Gifis. *Law Dictionary* (Barron's Legal Guides). (5th ed.) Barron's Educational Series, 2003. ISBN 0764119974

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

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

Suggested Course Materials

You may wish to consult other legal and literary dictionaries available in the UTD library's e-text collection.

Assignments & Academic Calendar

Tuesday, May 16:

A. Introduction

PART I: Literary Texts as Legal Texts

B. The Reflection of Law in Literature

Reading due: Posner, Preface, Introduction, and Chapter 1

C. Revenge as Legal Prototype and Literary Genre

Reading due: Posner, Chapter 2

Thursday, May 18:

A. The Antinomies of Legal Theory

Reading due: Posner, Chapter 3

B. Discussion: Revenge and Legal Theory on the Stage

Reading due: The Oresteia

C. The Limits of Literary Jurisprudence

Reading due: Posner, Chapter 4

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

? Primary Readings Journal #1 **DUE**

(Last day to drop without a W)

Tuesday, May 23:

A. Discussion: Law and the Literary Imagination I

Reading due: Faust

B. The Literary Indictment of Legal Injustice

Reading due: Posner, Chapter 5

C. Discussion: Law and the Literary Imagination II

Continuing discussion: Faust

? Primary Readings Journal #2 **DUE**

Thursday, May 25:

A. Discussion: Kafka I

Reading due: The Trial

B. Two Legal Perspectives on Kafka

Reading due: Posner, Chapter 6

C. Discussion: Kafka II

Continuing discussion: The Trial

? Primary Readings Journal #3 **DUE**

Tuesday, May 30:

A. Mid-Term Exam (in-class)

B. Discussion: Current Scholarship on Law & Literature

PART II: Legal Texts as Literary Texts

C. Interpreting Contracts, Statutes, and Constitutions

Reading due: Posner, Chapter 7

? Summary of Scholarly Article **DUE**

(WF/WP withdraw period begins)

Thursday, June 1:

A. Judicial Opinions as Literature

Reading due: Posner, Chapter 8

B. Discussion: Legal Documents as Literature I

Reading due: Fiction in the Archives

C. Discussion: Legal Documents as Literature II

Continuing discussion: Fiction in the Archives

? Primary Readings Journal #4 **DUE (post questions)**

PART III: The Literary Turn in Legal Scholarship

Tuesday, June 6:

A. The Edifying School of Legal Scholarship

Reading due: Posner, Chapter 9

B. Discussion: An Early Example of Narrative Legal Scholarship I

Reading due: Return of Martin Guerre

C. Lies like Truth? Narrative Legal Scholarship

Reading due: Posner, Chapter 10

? Primary Readings Journal #5 **DUE (post questions)**

Thursday, June 8:

A. Film (selected scenes): *The Return of Martin Guerre*

B. Discussion: An Early Example of Narrative Legal Scholarship II

Continuing discussion: Return of Martin Guerre

PART IV: The Regulation of Literature by Law

C. Authorship, Creativity, and the Law

Reading due: Posner, Chapter 11

[No journal due: students should be reading *The Name of the Rose*]

(Monday, June 12: last day to withdraw with a WP/WF)

Tuesday, June 13:

Discussion/group work: **Medieval Authorship, Canon Law, Parody**

Reading due: Name of the Rose

? Primary Readings Journal #6 **DUE (post questions)**

Thursday, June 15:

Discussion/group work: **Issues in Law & Literature**

Take-home Final Exam distributed

Tuesday, June 20:

5:00 pm: Final Exams Due

(Friday, June 23, 10:00 am – grades submitted to online system)

Grading Policy

Participation: 10%

Mid-term exam (in-class): 20%

Primary readings journals: 30% [6 @ 5% each]

Summary of scholarly article: 5%

Final exam (take-home): 35%

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.

Course & Instructor Policies

All assignments and exams, with the exception of the Mid-term, must be submitted electronically.

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.

Participation

I am primarily concerned 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. 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

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 literary work?). The review sheet/study guide is available on WebCT; if you can answer the questions on the study guide, you will be fine on the exam.

Primary readings journal

Students will prepare a journal entry for each primary reading assigned (*Oresteia*, *Faust*, *The Trial*, *Fiction in the Archives*, *Martin Guerre*, *Name of the Rose*). 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 must be 750-1250 words long. 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).

Summary of scholarly article

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 500-750 words long. Examples and further directions are posted on WebCT.

Final exam

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.

Field Trip Policies

Off-campus Instruction and Course Activities

Off-campus, out-of-state, and foreign instruction and activities are subject to state law and University policies and procedures regarding travel and risk-related activities. Information regarding these rules and regulations may be found at the website address http://www.utdallas.edu/BusinessAffairs/Travel_Risk_Activities.htm. Additional information is available from the office of the school dean. Below is a description of any travel and/or risk-related activity associated with this course.

Student Conduct & Discipline

The University of Texas System and The University of Texas at Dallas have rules and regulations for the orderly and efficient conduct of their business. It is the responsibility of each student and

each student organization to be knowledgeable about the rules and regulations which govern student conduct and activities. General information on student conduct and discipline is contained in the UTD publication, *A to Z Guide*, which is provided to all registered students each academic year.

The University of Texas at Dallas administers student discipline within the procedures of recognized and established due process. Procedures are defined and described in the *Rules and Regulations, Board of Regents, The University of Texas System, Part 1, Chapter VI, Section 3*, and in Title V, Rules on Student Services and Activities of the university's *Handbook of Operating Procedures*. Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations (SU 1.602, 972/883-6391).

A student at the university neither loses the rights nor escapes the responsibilities of citizenship. He or she is expected to obey federal, state, and local laws as well as the Regents' Rules, university regulations, and administrative rules. Students are subject to discipline for violating the standards of conduct whether such conduct takes place on or off campus, or whether civil or criminal penalties are also imposed for such conduct.

Academic Integrity

The faculty expects from its students a high level of responsibility and academic honesty. Because the value of an academic degree depends upon the absolute integrity of the work done by the student for that degree, it is imperative that a student demonstrate a high standard of individual honor in his or her scholastic work.

Scholastic dishonesty includes, but is not limited to, statements, acts or omissions related to applications for enrollment or the award of a degree, and/or the submission as one's own work or material that is not one's own. As a general rule, scholastic dishonesty involves one of the following acts: cheating, plagiarism, collusion and/or falsifying academic records. Students suspected of academic dishonesty are subject to disciplinary proceedings.

Plagiarism, especially from the web, from portions of papers for other classes, and from any other source is unacceptable and will be dealt with under the university's policy on plagiarism (see general catalog for details). This course will use the resources of turnitin.com, which searches the web for possible plagiarism and is over 90% effective.

Email Use

The University of Texas at Dallas recognizes the value and efficiency of communication between faculty/staff and students through electronic mail. At the same time, email raises some issues concerning security and the identity of each individual in an email exchange. The university encourages all official student email correspondence be sent only to a student's U.T. Dallas email address and that faculty and staff consider email from students official only if it originates from a UTD student account. This allows the university to maintain a high degree of confidence in the identity of all individual corresponding and the security of the transmitted information. UTD furnishes each student with a free email account that is to be used in all communication with university personnel. The Department of Information Resources at U.T. Dallas provides a method for students to have their U.T. Dallas mail forwarded to other accounts.

Withdrawal from Class

The administration of this institution has set deadlines for withdrawal of any college-level courses. These dates and times are published in that semester's course catalog. Administration procedures must be followed. It is the student's responsibility to handle withdrawal requirements from any

class. In other words, I cannot drop or withdraw any student. You must do the proper paperwork to ensure that you will not receive a final grade of "F" in a course if you choose not to attend the class once you are enrolled.

Student Grievance Procedures

Procedures for student grievances are found in Title V, Rules on Student Services and Activities, of the university's *Handbook of Operating Procedures*.

In attempting to resolve any student grievance regarding grades, evaluations, or other fulfillments of academic responsibility, it is the obligation of the student first to make a serious effort to resolve the matter with the instructor, supervisor, administrator, or committee with whom the grievance originates (hereafter called "the respondent"). Individual faculty members retain primary responsibility for assigning grades and evaluations. If the matter cannot be resolved at that level, the grievance must be submitted in writing to the respondent with a copy of the respondent's School Dean. If the matter is not resolved by the written response provided by the respondent, the student may submit a written appeal to the School Dean. If the grievance is not resolved by the School Dean's decision, the student may make a written appeal to the Dean of Graduate or Undergraduate Education, and the dean will appoint and convene an Academic Appeals Panel. The decision of the Academic Appeals Panel is final. The results of the academic appeals process will be distributed to all involved parties.

Copies of these rules and regulations are available to students in the Office of the Dean of Students, where staff members are available to assist students in interpreting the rules and regulations.

Incomplete Grade Policy

As per university policy, incomplete grades will be granted only for work unavoidably missed at the semester's end and only if 70% of the course work has been completed. An incomplete grade must be resolved within eight (8) weeks from the first day of the subsequent long semester. If the required work to complete the course and to remove the incomplete grade is not submitted by the specified deadline, the incomplete grade is changed automatically to a grade of **F**.

Disability Services

The goal of Disability Services is to provide students with disabilities educational opportunities equal to those of their non-disabled peers. Disability Services is located in room 1.610 in the Student Union. Office hours are Monday and Thursday, 8:30 a.m. to 6:30 p.m.; Tuesday and Wednesday, 8:30 a.m. to 7:30 p.m.; and Friday, 8:30 a.m. to 5:30 p.m.

The contact information for the Office of Disability Services is:
The University of Texas at Dallas, SU 22
PO Box 830688
Richardson, Texas 75083-0688
(972) 883-2098 (voice or TTY)

Essentially, the law requires that colleges and universities make those reasonable adjustments necessary to eliminate discrimination on the basis of disability. For example, it may be necessary to remove classroom prohibitions against tape recorders or animals (in the case of dog guides) for students who are blind. Occasionally an assignment requirement may be substituted (for example, a research paper versus an oral presentation for a student who is hearing impaired). Classes enrolled students with mobility impairments may have to be rescheduled in accessible facilities. The college or university may need to provide special services such as registration, note-taking, or mobility assistance.

It is the student's responsibility to notify his or her professors of the need for such an accommodation. Disability Services provides students with letters to present to faculty members to verify that the student has a disability and needs accommodations. Individuals requiring special accommodation should contact the professor after class or during office hours.

Religious Holy Days

The University of Texas at Dallas will excuse a student from class or other required activities for the travel to and observance of a religious holy day for a religion whose places of worship are exempt from property tax under Section 11.20, Tax Code, Texas Code Annotated.

The student is encouraged to notify the instructor or activity sponsor as soon as possible regarding the absence, preferably in advance of the assignment. The student, so excused, will be allowed to take the exam or complete the assignment within a reasonable time after the absence: a period equal to the length of the absence, up to a maximum of one week. A student who notifies the instructor and completes any missed exam or assignment may not be penalized for the absence. A student who fails to complete the exam or assignment within the prescribed period may receive a failing grade for that exam or assignment.

If a student or an instructor disagrees about the nature of the absence [i.e., for the purpose of observing a religious holy day] or if there is similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution, or his or her designee. The chief executive officer or designee must take into account the legislative intent of TEC 51.911(b), and the student and instructor will abide by the decision of the chief executive officer or designee.

These descriptions and timelines are subject to change at the discretion of the Professor.