

Literature and the Law

Instructor

Alexandra Irimia

Lectures (2h) and tutorials (1h): Thursdays, 9:30 – 12:30

Room: tba

Email

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Course Description

The course unpacks a selection of intriguing literary works from a variety of linguistic spaces and time periods, aiming to enhance and broaden the students' understanding of the intersections and tensions between law and literature. In their ambition to formulate accurate written representations of the world, the two fields make use of a common repository of rhetoric and narrative tropes. As fundamental artifacts of all written cultures, law and literature are understood here as distinct, yet comparable types of cultural discourse. They will be described and discussed in the manifold complexity of their intersections, exchanges, and conflicts. The course will analyze how literature destabilizes legal systems and imperatives, while literary works and their circulation are subjected to a variety of non-literary regulations. From the Greek tragedy to Agatha Christie and Julian Barnes, from Franz Kafka to Jorge Luis Borges, the readings will guide students to become more observant, competent, and flexible thinkers, open to stylistic diversity, cultural difference, and hermeneutic complexity.

Office Location

UC1305

Office Hours

Mon, 11:30 – 12:30

or by request

0.5 Credits**Pre-requisites**

None

Key concepts such as “justice,” “conflict,” “responsibility,” and “retribution” will prove useful in analyzing narrative strategies apparent in both legal and literary storytelling. Trials taking place inside or outside official courtrooms will be examined as “theatres of justice” (Felman), while testimonies, accusations, confessions, and defenses will serve as goldmines for rhetoric analyses of stylistic modes of persuasion, irony, satire, and absurdity. Finally, we will look at legal issues of authority and authorship in the literary industry, briefly touching upon contemporary exercises in adaptation and remediation dealing with representations of legal affairs in popular culture.

Anti-requisites:

None

Learning Outcomes

The aim of this course is to help students develop a working knowledge of themes, theories, and concepts specific to law and literature as an interdisciplinary academic field. The course stimulates and guides their ability to read across cultures, time periods, media, and disciplines, as well as to:

- ✓ identify the common or conflicting grounds of literature and law;
- ✓ articulate insightful interpretations of a selection of literary works of the world canon;
- ✓ establish connections and draw comparisons between the two discourses, in terms of rhetoric and narrative tropes, themes, and writing forms and styles;
- ✓ expand and improve their analytic toolbox, as well as their reading and interpreting skills;
- ✓ think and write critically about rhetoric devices, narrative modes and strategies, and the circulation of themes in a variety of literary and non-literary texts.

Evaluation

A. 10% Attendance and participation

B. 10% Film Analysis

C. 20% Novel Analysis

D. 30% Quizzes

E. 30% Final Essay

Resources

Weekly readings posted on OWL.

Yale Journal of Law & the Humanities

Richard A. Posner. *Law and Literature*. 3rd ed. Cambridge: Harvard University Press, 2009.

Dictionaries

J. Cuddon, *The Penguin Dictionary of Literary Terms and Literary Theory*. Penguin, 2000.

Susan Ellis Wild. *Webster's New World Law Dictionary*. Webster's New World, 2006.

Bryan A. Garner. *Black's Law Dictionary*, Standard 9th Edition, Thomson West, 2009.

Elizabeth Martin, *Oxford Dictionary of Law*, Oxford University Press, 2003.

Short Stories Collections

Elizabeth Villiers Gemmette, ed. *Law in Literature: Legal Themes in Short Stories*. New York: Praeger, 1992.

Fred Shapiro, Jane Garry, eds. *Trial and Error: An Oxford Anthology of Legal Stories*. Oxford: Oxford University Press, 1998.

Jay Wishingrad, ed. *Legal Fictions: Short Stories about Lawyers and the Law*. New York: The Overlook Press, 1992.

Screenings:

Rashomon, Akira Kurosawa, 1950 – Japan, 88'

Witness for the Prosecution, Billy Wilder, 1957 – US, 116'

Investigation of a Citizen above Suspicion, Elio Petri, 1970 – Italy, 115'

A Separation, Asghar Farhadi, 2011 – Iran, 123'

Course Schedule

Week	Date	Subject	Required Reading
1	Sep 3	Introductory Lecture Group activity: Text Analysis, Brainstorming	<i>Course Syllabus</i> ○ Richard Posner. <i>Law and Literature</i> . “Preface” (xi-xvi), “Critical Introduction” (1-17).
2	Sep 10	<i>Lecture:</i> Conflict I: Origins of Law, Origins of Narrative <i>Tutorial Topic:</i> Antigone – Conflicting Legal Codes in Greek Tragedy	○ Posner. “Reflections of Law in Literature – Theoretical Considerations” (21-34). ● Sophocles. “Antigone” in <i>The Theban Plays of Sophocles</i> . Trans. David R. Slavitt. New Haven & London: Yale University Press, 2007 (1-58).
3	Sep 17	<i>Lecture:</i> Conflict II: Antinomies of Legal Theory <i>Tutorial Topic:</i> Ancient and Modern Stagings of Legal Antinomies	○ Posner. “Antinomies of Legal Theory– Jurisprudential Drama from Sophocles to Shelley” (124-163), “Has Law Gender?” (163 -169). ● Jean Anouilh. “Antigone” [1944] in <i>Five Plays by Jean Anouilh</i> . Vol. 1. Trans. B. Bray, C. Frye, L. Hill & T. Wertnebaker. New York: Methuen, 1987. ● Bertold Brecht. “The Antigone of Sophocles” [1959] in <i>Brecht: Collected Plays</i> , vol. 8. Trans. David Constantine. London: Bloomsbury, 2004 (35-62).
4	Sep 24	<i>Lecture: The Logic of Revenge: Retributive Justice as Narrative Strategy</i> <i>Tutorial Topic:</i> Rhetorics of Punishment - Irony, Symmetry, Hyperbole	○ Posner. “Law’s Beginnings: Revenge as Legal Prototype and Literary Genre” (75-124). ● Jorge Luis Borges, “The Two Kings and the Two Labyrinths” in <i>Collected Fictions</i> . Trans. A. Hurley. London: Penguin Press, 1999 (263-264). ● Mordecai Roshwald. <i>Level 7</i> [1959]. Ed. David Seed. Madison: University of Wisconsin Press, 2004 (excerpts) – diary entries June 10-17 (90-103).
5	Oct 1	<i>Lecture: Matters of Interpretation: Legal and Literary Hermeneutics.</i> <i>Tutorial Topic:</i> On Ambiguity	○ Posner, “Interpretation Theorized”, “What Can Law Learn from Literary Criticism” (273-318), “Interpretation as Translation” (324-328). ● Edgar Allan Poe, “The Tell-Tale Heart” in <i>Legal Themes in Short Stories</i> , ed. Elizabeth Villiers Gemmette, (255-262). ● Ryunosuke Akutagawa. “In a Grove” in <i>Legal Themes in Short Stories</i> (105-111).
6	Oct 8	<i>Reading Week</i>	<i>No Class</i>

Week	Date	Subject	Required Reading
7	Oct 15	<i>Lecture: The Limits of the Law I - Kafka</i> <i>Tutorial Topic:</i> What do we mean by <i>Kafkaesque</i> ?	<ul style="list-style-type: none"> ○ Posner. “The Limits of Literary Jurisprudence” (170-186) ● Franz Kafka. “Before the Law” (22-23), “The Great Wall of China” (266-279), “The City Coat of Arms” (476-477) in <i>Complete Stories</i>. Trans. Nahum Norbert Glatzer. New York: Schocken Books, 1988.
8	Oct 22	<i>Lecture: The Limits of the Law II - Bartleby</i> <i>Tutorial Topic:</i> The Subversive Use of Language	<ul style="list-style-type: none"> ● Herman Melville. “Bartleby, the Scrivener: A Story of Wall-Street” in <i>Legal Fictions</i>, ed. Jay Wishingrad, (224-260). ○ Whyte, J. ‘I Would Prefer Not To’: Giorgio Agamben, Bartleby and the Potentiality of the Law. <i>Law Critique</i> 20, 309 (2009).
9	Oct 29	<i>Lecture: Laws of Storytelling I - Rhetoric</i> <i>Tutorial Topic:</i> The Case of Vanessa Place’s <i>Tragoedia</i>	<ul style="list-style-type: none"> ○ Posner. “Meaning, Style, Rhetoric” (329-361) ● Anton Chekov. <i>In the Court</i>. Barnes & Noble, E- book, 2011. ● Isaac Asimov. “The Bicentennial Man” in <i>Legal Themes in Short Stories</i>, ed. Gemmette (21-50).
10	Nov 5	<i>Lecture: Laws of Storytelling II - Narrative</i> <i>Tutorial Topic:</i> Legal Narratology	<ul style="list-style-type: none"> ○ Peter Brooks. “‘Inevitable Discovery’ – Law, Narrative, Retrospectivity,” <i>Yale Journal of Law & the Humanities</i> 15, 2003 (71-101). ● Agatha Christie. “Witness for the Prosecution” [1925] in <i>Witness for the Prosecution and Other Stories</i>. London, William Morrow, 2012 (4-20).
11	Nov 12	<i>Lecture: Theatres of Justice & Trial Aesthetics</i> <i>Tutorial Topic:</i> The Spectacle of Law: From Satire to Torture	<ul style="list-style-type: none"> ● Joseph Heller. <i>Catch-22</i> – excerpts: Clevinger’s Trial, The Chaplain’s Interrogation ● Kafka, <i>In the Penal Colony</i>. Trans. Ian Johnston. in <i>Found in Translation</i>, ed. Frank Wynne, London: Head of Zeus, 2018 (341-359).
12	Nov 19	<i>Lecture: Authority and Authorship</i> <i>Case Study:</i> What is an Author? J. Safran Foer’s <i>Tree of Codes</i>	<ul style="list-style-type: none"> ○ Peter Jaszi. “Toward a Theory of Copyright: The Metamorphoses of ‘Authorship.’” <i>Duke Law Journal</i> 41, 1991 (455-502). ○ Dominic LaCapra. <i>Madame Bovary on Trial</i>.

Week	Date	Subject	Required Reading
		<i>Tutorial Topic: Literary Trials and Censorship</i>	Ithaca: Cornell UP, 1982 – excerpts. ● Julian Barnes. “The Case Against” in <i>Flaubert’s Parrot</i> . London: Picador, 1985 (147-161).
13	Nov 26	<i>Lecture:</i> Framing and Screening the Law in Pop Culture <i>Tutorial Topic: Legal Series and The Legacy of Sherlock Holmes</i>	○ Richard Sherwin. <i>When Law Goes Pop</i> . Chicago, University of Chicago Press, 2000 – excerpts. ○ Douglas J. Goodman, “Approaches to Law and Popular Culture.” <i>Law & Social Inquiry</i> 31, 3/2006 (757-784).

Evaluation Schedule

Week	Subject
Weeks 3, 8, 13	Quizzes #1, #2, #3
Week 7	Film Analysis (OWL, Print)
Week 11	Novel Analysis (OWL, Print)
One week after the last session	Final Essay (OWL, Print)

Instructions for Assignments

A. Attendance is mandatory. See *Academic Considerations for Missed Work* below for special accommodation. **Participation** in class discussion is highly encouraged, as long as it is conducted in a respectful manner and raises valid points for discussion, asks relevant questions, and/or brings in examples or counterexamples.

B. Film Analysis. Watch the films listed under *Resources* at the scheduled screenings (time and room to be announced) or on your own (DVDs available for viewing at the Media Library). Choose one of the films to write a concise analysis of its connections to the overarching themes of the course and to the concepts/theories discussed in class or detailed in the readings. You are welcome to bring additional references from your individual research and to include up to 3 screenshots. Your analysis should have approximately 750 words (+/- 10%).

C. Novel Analysis. Read at least one of the novels listed below (or suggest another relevant title, subject to instructor’s approval) and write a concise analysis of its relations to the overarching themes of the course and to the concepts/theories discussed in class or detailed in the readings. You are welcome to bring additional references from your individual research and draw relevant comparisons with other literary works or films. Your analysis should have approximately 1 500 words (+/- 10%).

- Margaret Atwood. *The Handmaid’s Tale*. Toronto: Emblem, 2017.
- Albert Camus. *The Stranger*. New York: Vintage International, 1989.
- Truman Capote. *In Cold Blood: a true account of a multiple murder and its consequences*. New York: Modern Library, 2013.

- Fyodor Dostoevsky. *Crime and Punishment*. Trans. Oliver Ready. London: Penguin Books, 2014.
- Friedrich Dürrenmatt. *The Execution of Justice*. Trans. John E. Woods. London: Pushkin Vertigo, 2018.
- E.M. Forster. *A Passage to India*. New York: Vintage Books, 2020.
- Joseph Heller. *Catch-22*. London: Vintage, 1997.
- Franz Kafka. *The Trial*. Trans. Willa and Edwin Muir. Revised by E.M. Butler. Drawings by Franz Kafka. New York: Schocken Books, 1995.
- Herman Melville. *Billy Budd, Sailor: an inside narrative*. Ed. Harrison Hayford and Merton Sealts. Chicago: Chicago University Press, 1962.
- Herta Müller. *The Appointment*. Trans. Michael Hulse, Philip Boehm. New York: Metropolitan Books, 2001.
- Bernhard Schlink. *The Reader*. Trans. Carol Brown Janeway. London: Weidenfeld & Nicolson, 2017.
- Bernhard Schlink. *Homecoming*. Trans. Michael Henry Heim. New York: Vintage International, 2009.
- Dubravka Ugrešić. *The Ministry of Pain*. Trans. Michael Henry Heim. Telegram Books, 2008.

D. Quizzes – There will be three short quizzes (10 simple questions each) spread evenly throughout the term to test the progress on the weekly readings. Each quiz counts as 10% of the final grade. The first quiz tests the readings from weeks 1-3, the second is concerned with weeks 4-8, and the last one tests readings from the weeks 9-13.

E. The final essay is a 2 000-word (+/-10%) comparison between representations of legal themes/motifs/tropes in at least two literary works included in this syllabus or pre-approved by the instructor. More detailed instructions will be provided in the second half of the term.

Guidelines for the Written Assignments (Film Analysis, Novel Analysis, Final Essay)

- Use the TNR font, size 12, double-spaced, 1.25-inch margins. Print on one side of the page, in black ink.
- In the upper right corner, write your name, the course title, and the date of submission. Starting with page 2, all pages should have your last name and the page number in the same upper corner.
- The paper title is centered, above the text. There is no need for a cover/title page.
- Don't forget to include the word count and the Works Cited section. Use the MLA format for citations.
- Remember to submit the assignment both in OWL and in print. All written assignments will be checked for plagiarism with Turnitin.

Policies

The Department of Languages and Cultures Policies (which govern the conduct, standards, and expectations for student participation in the department's courses) are available at the link below. It is your responsibility to understand ALL these policies, and thus ignorance thereof cannot be used as grounds for appeal.

<http://www.uwo.ca/modlang/undergraduate/policies.html>.

Laptops, tablets and cell phones policy

The use of electronic devices for purposes other than note-taking and consultation of class materials is strictly forbidden during the lectures, tutorials, and screenings in this course.

Communications

Students are asked to use proper etiquette in their e-mail communications with the instructor and the TAs. Here you can find tips and examples: <http://writingcenter.unc.edu/handouts/effective-e-mail-communication/>. Include proper salutation and sign off, avoid the use of abbreviations, ensure your message is clear and its tone is appropriate for student-instructor interactions. Failure to comply to these simple rules may decrease your participation mark. Student e-mails will generally be addressed within 1-2 business days.

Extensions and Late Assignments

Extensions may be granted for exceptional circumstances. However, they have to be discussed with the instructor by 5pm at the latest, the day before the assignment is due. The students have to provide a reason for their request and a date for the submission of the assignment, which cannot be more than a week after the official date. Please note that your extension has not been granted until you receive a message of confirmation from the instructor. In the absence of an approved extension, late assignments are penalized with two points per day.

Academic Consideration for Missed Work

Requests for Academic Consideration Using the Self-Reported Absence Form: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/Academic_Consideration_for_absences.pdf

Students who experience an unexpected illness or injury or an extenuating circumstance (48 hours or less) that is sufficiently severe to temporarily render them unable to meet academic requirements (e.g., attending lectures or labs, writing tests or midterm exams, completing and submitting assignments, participating in presentations) should self-declare using the online Self-Reported Absence portal. This option should be used in situations where the student expects to resume academic responsibilities within 48 hours or less. The following conditions are in place for self-reporting of medical or extenuating circumstances:

- a. students will be allowed a maximum of two self-reported absences between September and April and one self-reported absence between May and August;
- b. any absences in excess of the number designated in clause a above, regardless of duration, will require students to present a Student Medical Certificate (SMC), signed by a licensed medical or mental health practitioner, detailing the duration and severity of illness, or appropriate documentation supporting extenuating circumstances to the Academic Counselling unit in their Faculty of registration no later than two business days after the date specified for resuming responsibilities. Please see section 4 below for more details.
- c. The duration of the excused absence will be for a maximum of 48 hours from the time the Self-Reported Absence form is completed through the online portal, or from 8:30 am the following morning if the form is submitted after 4:30 pm;
- d. The duration of the excused absence will terminate prior to the end of the 48-hour period should the student undertake significant academic responsibilities (write a test, submit a paper) during that time;
- e. The duration of an excused absence will terminate at 8:30 am on the day following the last day of classes each semester regardless of how many days of absence have elapsed;

f. Self-reported absences will not be allowed for scheduled final examinations; for midterm examinations scheduled during the December examination period; or for final lab examinations scheduled during the final week of term;

g. Self-reporting may not be used for assessments (e.g. midterm exams, tests, reports, presentations, or essays) worth more than 30% of any given course.

h. students must be in touch with their instructors no later than 24 hours after the end of the period covered by the Self-Reported Absence form, to clarify how they will be expected to fulfil the academic expectations they may have missed during the absence.

Support Services

Registration Services <http://www.registrar.uwo.ca>

Student Support Services <https://student.uwo.ca/psp/heprdweb/?cmd=login>

Writing Support Centre: <http://writing.uwo.ca/undergrads/index.html>

Services provided by the USC <http://westernusc.ca/services/>

Student Development Centre <http://www.sdc.uwo.ca/>

Students who are in emotional/mental distress should refer to MentalHealth@Western: <http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.

Grading scale: https://www.uwo.ca/univsec/pdf/academic_policies/general/grades_undergrad.pdf