

Department of Languages and Cultures Law and Literature (Special Topics) CLC2291G

Course outline for Winter 2021 0.5 credits



Although this academic year might be different, Western University is committed to a **thriving campus**. We encourage you to check out the <u>Digital Student Experience</u> website to manage your academics and well-being. Additionally, the following link provides available resources to support students on and off campus: <u>https://www.uwo.ca/health/</u>.

1. Technical Requirements:



Stable internet connection



Laptop or computer



Working microphone



Working webcam

2. Course Overview and Important Dates:



 Delivery Mode
 Dates
 Time

 Online
 Wednesdays
 3:30 - 5:20pm

*Details about design and delivery of the course are listed below in Section 4

Classes Start		Reading Weeks	Classes End	Exam Period
	January 11	February 13 - 21	April 5	April 14 – 30

* January 12, 2021 - Last day to add/drop/swap online (11:59pm EST)

* March 7, 2021 - Last day to drop a second-term half course (submit by email to scibmsac@uwo.ca)

3. Contact Information



Course Coordinator & Instructor	Contact Information
Alexandra Irimia	airimia2@uwo.ca or message via OWL

4. Course Description and Design

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 productions 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 Isaac Asimov, 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.

Key concepts such as "justice," "conflict," "responsibility," and "retribution" will prove useful as indicators of cultural variation, but also 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.



Pre-requisites: World Literatures and Cultures 1030, CLC 1010, or CLC 1040 or CLC 1050E or the former CLC 1020 or permission of the Languages and Cultures Department (please email Ingrid Timusk, the Undergraduate Assistant at itimusk2@uwo.ca for obtaining the permission).

Dates	Time	Frequency
Wednesdays	3:30 – 5:20 pm	weekly
On your own	50 minutes	weekly
	Wednesdays	Wednesdays3:30 – 5:20 pmOn your own50 minutes

There are NO co-requisites or anti-requisites for this course. No prior law studies are required.

<u>Virtual synchronous</u> learning will be split equally between live class/group discussions on Zoom (1h) and written contributions to an online forum (1h), during the scheduled class time.

<u>Virtual asynchronous</u> learning refers to the time the students are supposed to watch the prerecorded lectures and/or films independently, prior to the synchronous sessions.

- > Participation and engagement during synchronous sessions is required
- Missed work should be completed within 48 hours

All course material will be posted on the course's OWL site, at http://owl.uwo.ca. Any changes will be indicated on the OWL site and discussed with the class. If students need assistance, they can seek support on the <u>OWL Help page</u>. Alternatively, they can contact the <u>Western Technology</u> <u>Services Helpdesk</u>. They can be contacted by phone at 519-661-3800 or ext. 83800. <u>Google Chrome</u> or <u>Mozilla Firefox</u> are the preferred browsers to optimally use OWL.

5. Learning Outcomes

The course stimulates the ability to read across cultures, time periods, media, and disciplines. Upon successful completion of this course, students will be able to:



- ✓ identify themes and concepts specific to this interdisciplinary field;
- ✓ think critically about the overlapping and the conflicting grounds of literature and law;
- ✓ articulate insightful interpretations of a selection of literary works from the world canon;
- ✓ establish connections and draw comparisons between two types of discourse, in terms of rhetoric and narrative strategies, themes, and styles;
- ✓ expand and improve their close reading and critical analysis skills;
- ✓ think and write articulately about rhetoric devices, narrative modes and strategies, and the circulation of themes in a variety of literary and non-literary texts.

Week Date Topic Readings **Live Introductory Lecture** 1 Jan *Course Syllabus* 13 Class discussion o Richard Posner. Law and Literature. "Preface" (xi-xvi), "Critical Introduction" (1-17). • Podcast You Are Not So Smart, ep. #148: "Rule Makers, Rule Breakers" 2 • Posner. "Reflections of Law in Literature" Jan Lecture: 20 What Do We Talk About (21-34), "Antinomies of Legal Theory" (124-169) When We Talk About "Law"? • Sophocles. "Antigone," in The Theban Plays Tutorial Topic: Conflicting of Sophocles. New Haven: Yale University Legal Codes in the Greek Press, 2007 (1-58). Tragedy and Beyond • Posner. "Law's Beginnings: Revenge as 3 Lecture: The Logic of Jan 27 Legal Prototype and Literary Genre" (75-124). **Revenge: Retributive Justice as** • Jorge Luis Borges. "The Two Kings and **Narrative Strategy** the Two Labyrinths," Collected Fictions, trans. A. Hurley. London: Penguin Press, 1999 (263-264). Tutorial Topic: The Rhetoric of Punishment -• Mordecai Roshwald. Level 7 [1959]. Madison: Irony, Symmetry, Hyperbole Univ of Wisconsin Press, 2004 – diary entries June 10-17 (90-103 in print, 116-131 in pdf). 4 Lecture: Matters of • Posner. "Interpretation Theorized," "What Can Feb 3 **Interpretation: Legal and** Law Learn from Literary Criticism" (273-318), "Interpretation as Translation" (324-328). **Literary Hermeneutics** • Edgar Allan Poe. "The Tell-Tale Heart," Tutorial Topic: Ambiguity and Legal Themes in Short Stories, ed. E. Villiers Perspective Gemmette (258-261).

6. Course Content and Schedule

		Film: <i>Rashomon</i> – Akira Kurosawa, 1950.	• Ryunosuke Akutagawa. "In a Grove," in <i>Legal Themes in Short Stories</i> (105-111).
5	Feb 10	<i>Lecture:</i> Limits of the Law I – Kafka <i>Tutorial Topic:</i> What is <u>Kafkaesque?</u>	 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>,
		Film: <i>The Trial</i> – Orson Welles, 1962.	trans. Nahum Norbert Glatzer. New York: Schocken Books, 1988.
6	Feb 17	READING WEEK	NO CLASS
7	Feb 24	Lecture: Limits of the Law II – The Bartleby Case	• Herman Melville. "Bartleby, the Scrivener: A Story of Wall-Street" – Project Gutenberg, 2005.
		<i>Tutorial Topic:</i> Subversive Uses of Language	 Gilles Deleuze, "Bartleby; or, The Formula," in <i>Essays: Critical and Clinical</i>, Minneapolis: Univ. of Minnesota Press, 1997 (68-90).
8	Mar 3	<i>Lecture:</i> Laws of Storytelling I - Rhetoric <i>Tutorial Topic:</i> Human/Posthuman subjects of the Law	 Posner. "Meaning, Style, Rhetoric" (329-361) Anton Chekhov. <i>In the Court</i>. Isaac Asimov. "The Bicentennial Man," in <i>The Bicentennial Man and Other Stories</i>, New York: Doubleday, 1976 (135-173).
9	Mar 10	<i>Lecture:</i> Laws of Storytelling II - Narrative <i>Tutorial:</i> Legal Narratology	 Peter Brooks. "Inevitable Discovery'– Law, Narrative, Retrospectivity," <i>Yale Journal of</i> <i>Law & the Humanities</i> 15, 2003 (71-101).
		Film: Witness for the Prosecution – Billy Wilder, 1958.	• Richard Sherwin. "Legal Storytelling," in <i>When Law Goes Pop.</i> Chicago: University of Chicago Press, 2000 (41-52).
			• Agatha Christie. "Witness for the Prosecution" [1925] in <i>Witness for the Prosecution and Other</i> <i>Stories</i> . London, William Morrow, 2012 (4-25).
10	Mar 17	Lecture: Theatres of Justice & Trial Aesthetics	• Joseph Heller. <i>Catch-22</i> (45-55 & 257-265).
		<i>Tutorial Topic:</i> The Spectacle of Law: From Satire to Torture	• Kafka, "In the Penal Colony," trans. Willa and Edwin Muir, in <i>Complete Stories</i> . New York: Schocken Books, 1983 (165-192).
11	Mar 24	<i>Lecture:</i> Authority and Authorship	 Peter Jaszi. "Toward a Theory of Copyright: The Metamorphoses of 'Authorship'," <i>Duke</i> <i>Law Journal</i> 41, 1991 (455-502).

		<i>Tutorial Topic:</i> Literary Trials and Censorship	• Andrew Albanese. "Internet Archive to Publishers." <i>Publishers Weekly</i> , Jul 23, 2020.
			• Elisabeth Ladenson. "Preface" <i>Dirt for Art's Sake: Books on Trial from</i> Madame Bovary <i>to</i> Lolita, Cornell UP, 2006 (xi-xxi).
12	Mar 31	Final Review Preparation for final essays	Presentation & feedback on final essay outlines

* The readings marked with black bullets (\bullet) are mandatory. The readings marked with white bullets (\circ) are optional. They constitute the basis for the lecture and provide significant theoretical insight, particularly helpful for shaping arguments in the written assignments.

7. Online Participation and Engagement



Participation in class/group discussions is highly encouraged and must be conducted in a respectful manner. Being active and engaged is crucial in establishing trust and solidarity in the classroom. Please come to our online class meetings prepared and be ready to talk and listen. Attendance in the synchronous meetings is mandatory and counts toward your participation grade. Multiple unjustified absences will lower your participation grade.

The **online forum** tool will be used as a hive mind resource that collects, stores, and keeps track of the ideas discussed in class on a weekly basis. Here students are free to ask and answer questions, debate and exchange with their peers, bring examples and counterexamples, make recommendations, add links to favorite blogs, podcasts, reviews, and other online resources (accompanied by a short description of their relevance to our topic). It is also the space where students report their findings and conclusions resulting from group activities. A collective and collaborative project, the forum doubles as a reference and inspiration point for written assignments.

8. Evaluation

Below is the evaluation breakdown for the course. Any changes will be communicated.

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- 1	<
_	✓
- 1	<

Assessment	Format	Weighting	Due Date
Attendance and weekly contributions	Forum posts, collaborative document annotations, live interventions	20%	 ongoing evaluation throughout the term
3 short response papers	500 to 750 words each	3 x 15% = 45%	Jan 26, Feb 23 Mar 16 @11:55pm EST
Final essay	2 000 words	20%	April 12 @11:55pm EST
In-class presentation of a text from the readings (+ handout)	Individual, with or without slideshow support, live or pre- recorded	15%	The day the reading is scheduled for discussion.

- All assignments are due at **11:55pm EST** on the day of the deadline, unless otherwise specified. Written assignments will be submitted to Turnitin. Students will have unlimited Turnitin submissions. For details, please see the plagiarism policy below.
- The instructor will publish the written assignment prompts one week before the day they are due and will provide feedback and tips for improvement for successful academic writing. The rubrics used to evaluate assessments will be posted with the instructions.
- Please include the word count and the Works Cited at the end of your written assignment. Cite in the <u>MLA format</u>. Type in Times New Roman, size 12, double-spaced, with 1-inch margins.
- Please submit <u>Word documents only</u> (.doc or .docx) to allow an easy insertion of comments, edits, and punctual feedback from the instructor. The students are responsible for uploading the correct version of the files on OWL.
- After an assessment is returned, students should wait 24 hours to digest feedback before contacting their evaluator; to ensure a timely response, reach out within 7 days.

Click <u>here</u> for a detailed and comprehensive set of policies and regulations concerning examinations and grading. The table below outlines the University-wide grade descriptors.

A+	90-100	One could scarcely expect better from a student at this level
А	80-89	Superior work which is clearly above average
В	70-79	Good work, meeting all requirements, and eminently satisfactory
С	60-69	Competent work, meeting requirements
D	50-59	Fair work, minimally acceptable
F	below 50	Fail

Information about late or missed evaluations:

- Deadline extensions may be granted for exceptional circumstances. However, they have to be discussed with the instructor by **5pm** at the latest, the day <u>before</u> the assignment is due. The students have to provide a reason for their extension request and a date for the submission of the assignment, which cannot be more than a week after the official date. Please note that the extension has not been granted until confirmed by the instructor.
- Late assessments without illness self-reports will be subject to a late penalty of **2% per day**.
- Late assessments <u>with</u> illness self-reports should be submitted within 24 hours of submission of the last illness self-report.
- An assessment cannot be submitted after it has been returned to the class. An alternate assessment will be assigned.

9. Communication

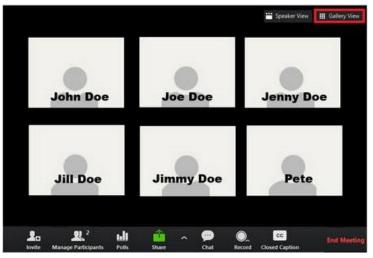
- Students should check the OWL site every 24 48 hours.
- Weekly updates will be provided via OWL announcements.
- Students should email their instructor(s) and teaching assistant(s) using OWL "messages".



- Emails will be monitored daily, except on weekends; students will receive a response in 24 48 hours.
- This course will use the OWL forum and Google Docs, plus Zoom for discussions. As far as

the Zoom sessions go, a difficult decision is whether to enable video or not.

This has been a major topic of conversation for instructors all over the world, as there are multiple sets of concerns to be weighted. On the one hand, students are understandably concerned about their privacy; on the other hand, meetings without video are less accessible (e.g. for hearing-impaired students who find it harder to understand a speaker they cannot see), and also less engaging.



I encourage students to enable video during Zoom meetings, unless they have strong reasons to prefer not to (and I will not ask what those reasons are) or their internet speed does not support video. The reason for this policy is that having people on camera goes a huge way towards reducing the disconnect inherent in videoconferencing. Keep in mind that you can have some privacy by using a <u>virtual background</u>.

Students should post all course-related questions and content on the discussion forum so that everyone can access them. The discussion forums will be monitored weekly by the instructor.

10. Office Hours



Office hours will be held remotely (on Zoom): ideally, on Mondays at noon, but alternative times can be discussed. Please arrange an appointment with the instructor to obtain the meeting ID and passcode.

Students will be able to sign up for an appointment using OWL messages (make sure your request is confirmed by the instructor).

11. Resources



Richard Posner. Law and Literature. 3rd edition. Harvard UP, 2009.

Weekly readings, as well as additional resources and instructions will be posted on OWL. Unsure about the meaning of a legal or literary term? You can always look it up in these **dictionaries** (available by request):

- 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.

Need a break from reading? We will also discuss these **films** (available online via Western Libraries or by request):

- Rashomon, Akira Kurosawa, 1950 Japan, 88' (Criterion on demand, Kanopy)
- Witness for the Prosecution, Billy Wilder, 1957 US, 116' (Amazon, iTunes, Youtube, Google Play)
- The Trial, Orson Welles, 1962 France, Italy, West Germany, 119' (Kanopy)

Interested in more scholarship in the field? Check out the Yale Journal of Law & the Humanities – all issues are available online via Omni, in your <u>Western Libraries account</u>.

12. Professionalism & Privacy

Western students are expected to follow the <u>Student Code of Conduct</u>. Additionally, the following expectations and professional conduct apply to this course:

Students are expected to follow online etiquette expectations provided below and on OWL.



 \square All course materials created by the instructor(s) are copyrighted and cannot be sold/shared.

- Recordings are not permitted (audio or video) without explicit permission.
- \bowtie Permitted recordings are not to be distributed.
- Students must observe academic integrity requirements.
- \boxtimes All recorded sessions will remain within the course site or unlisted if streamed.

13. How to Be Successful in this Class

Students enrolled in this class should understand the level of autonomy and self-discipline required to be successful. Here are some suggestions to keep in mind:

1. Invest in a planner or application to keep track of your courses. Populate all your deadlines at the start of the term and schedule time at the start of each week to get organized and manage your time. Set reminders to make sure you don't forget about your synchronous sessions and due assignments.



- 2. Make it a daily habit to log onto OWL to ensure you have seen everything posted to help you succeed in this class.
- 3. Come prepared! You will make the most out of our meetings and you will feel much more inspired to contribute if you read the assigned texts <u>before</u> class. Highlight your favorite fragments, make annotations, write down questions, comments and observations–use whatever helps you keep your ideas organized!
- 4. Take notes as you go through the lesson material. Treat this course as you would a faceto-face course. Keeping handwritten notes or even notes on a regular Word document will help you learn more effectively than just reading or watching the videos. Moreover, your notes will become very useful when preparing the written assignments.
- 5. Connect with others. Try forming an online reading group and try meeting on a weekly

basis for study and peer support.

- 6. Do not be afraid to ask questions. If you are struggling with a topic, check the online discussion boards or contact your instructor(s) and or teaching assistant(s).
- 7. Reward yourself for successes. It seems easier to motivate ourselves knowing that there is something waiting for us at the end of the task.
- 8. Have fun!

14. Online Etiquette

Some components of this course will involve online interactions. To ensure the best experience for both you and your classmates, please observe the following rules of etiquette:

- please "arrive" to class on time
- please use your computer and/or laptop if possible (as opposed to a cell phone or tablet)
- ensure that you are in a private location to protect the confidentiality of discussions in the event that a class discussion deals with sensitive or personal material
- to minimize background noise, kindly mute your microphone for the entire class until you are invited to speak, unless directed otherwise
- please be prepared to turn your video camera off at the instructor's request if the internet connection becomes unstable
- unless invited by your instructor, do **not** share your screen in the meeting

The course instructor will act as moderator for the class and will deal with any questions from participants. To participate please consider the following:

- if you wish to speak, use the "raise hand" function and wait for the instructor to acknowledge you before beginning your comment or question
- remember to unmute your microphone and turn on your video camera before speaking
- remember to mute your mic after speaking (unless directed otherwise)

General considerations of "netiquette":

- Keep in mind the different cultural and linguistic backgrounds of the students in the course.
- Be courteous toward the instructor, your colleagues, and authors whose work you are discussing.
- Be respectful of the diversity of viewpoints that you will encounter in the class and in your readings. The exchange of diverse ideas and opinions is part of the scholarly environment.
- Be professional and scholarly in all online postings. Cite the ideas of others appropriately.

Note that disruptive behaviour of any type during online classes, including inappropriate use of the chat function, is unacceptable. Students found guilty of Zoom-bombing a class or of other serious online offenses may be subject to disciplinary measures under the Code of Student Conduct.

15. Western Academic Policies and Statements

Absence from Course Commitments

Students will have up to two (2) opportunities during the regular academic year to use an online portal to self-report an absence during the term, provided the following conditions are met: the absence is no more than 48 hours in duration, and the assessment for which consideration is being sought is worth 30% or less of the student's final grade. Students are expected to contact their instructors within 24 hours of the end of the period of the self-reported absence, unless noted on the syllabus. Students are not able to use the self-reporting option in the following circumstances:

- for exams scheduled by the Office of the Registrar (e.g., December and April exams)
- absence of a duration greater than 48 hours,
- assessments worth more than 30% of the student's final grade,
- if a student has already used the self-reporting portal twice during the academic year

If the conditions for a Self-Reported Absence are *not* met, students will need to provide a Student Medical Certificate if the absence is medical, or provide appropriate documentation if there are compassionate grounds for the absence in question. Students are encouraged to contact their Faculty academic counselling office to obtain more information about the relevant documentation.

Students should also note that individual instructors are not permitted to receive documentation directly from a student, whether in support of an application for consideration on medical grounds, or for other reasons. All documentation required for absences that are not covered by the Self-Reported Absence Policy must be submitted to the Academic Counselling office of a student's Home Faculty.

For Western University policy on Consideration for Student Absence, see <u>Policy on Academic</u> <u>Consideration for Student Absences - Undergraduate Students in First Entry Programs</u> and for the Student Medical Certificate (SMC), see: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf.

Accommodation for Religious Holidays

Students should consult the University's list of recognized religious holidays, and should give reasonable notice in writing, prior to the holiday, to the Instructor and an Academic Counsellor if their course requirements will be affected by a religious observance. Additional information is given in the <u>Western Multicultural Calendar</u>.

The policy on Accommodation for Religious Holidays can be viewed here.

Special Examinations

A Special Examination is any examination other than the regular examination, and it may be offered only with the permission of the Dean of the Faculty in which the student is registered, in consultation with the instructor and Department Chair. Permission to write a Special Examination may be given on the basis of compassionate or medical grounds with appropriate supporting documents. To provide an opportunity for students to recover from the circumstances resulting in a Special Examination, the University has implemented Special Examinations dates. These dates as well as other important information about examinations and academic standing can be found <u>here.</u>

Academic Offenses

"Scholastic offenses are taken seriously, and students are directed <u>here</u> to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offense.

Accessibility Statement

Please contact the course instructor if you require material in an alternate format or if you require any other arrangements to make this course more accessible to you. You may also wish to contact Accessible Education (AE) at 661-2111 x 82147 for any specific question regarding an accommodation or review <u>The policy on Accommodation for Students with Disabilities</u>

Correspondence Statement

The centrally administered **e-mail account** provided to students will be considered the individual's official university e-mail address. It is the responsibility of the account holder to ensure that e-mail received from the University at his/her official university address is attended to in a timely manner. You can read about the privacy and security of the UWO email accounts <u>here</u>.

Turnitin and other similarity review software

All assignments will be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. Students will be able to view their results before the final submission. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between Western University and <u>Turnitin.com</u>.

Copyright and Audio/Video Recording Statement

Course material produced by faculty is copyrighted and to reproduce this material for any purposes other than your own educational use contravenes Canadian Copyright Laws. You must always ask permission to record another individual and you should never share or distribute recordings.

Rounding of Marks Statement

We strive to maintain high standards that reflect the effort that both students and faculty put into the teaching and learning experience during this course. All students will be treated equally and evaluated based only on their actual achievement. *Final grades* on this course, irrespective of the number of decimal places used in marking individual assignments and tests, will be calculated to one decimal place and rounded to the nearest integer, e.g., 74.4 becomes 74, and 74.5 becomes 75. Marks WILL NOT be bumped to the next grade or GPA, e.g. a 79 will NOT be bumped up to an 80, an 84 WILL NOT be bumped up to an 85, etc. The mark attained is the mark you achieved, and the mark assigned.

16. Support Services

Students who are in emotional distress should refer to <u>MentalHealth@Western</u> for a complete list of options about how to obtain help.

The following links provide information about support services at Western University.

Registrarial Services Academic Counselling (Arts and Humanities) Student Development Services Student Health Services Services Provided by USC Appeal Procedures Technology Helpdesk Writing Support Centre