

Course Outline

COURSE: LAWS 4904 C - Topic: Law and Literature
TERM: Winter 2009-10
PREREQUISITES: Fourth year Honours standing
CLASS: Day & Time: Wednesday - 2:30-5:30 pm
Room: Please check with Carleton Central for current room location
INSTRUCTOR: Professor Diana Majury
CONTACT: Office: D593 LA (Loeb)
Office Hrs: Wednesday - 9:30-10:30
Thursday - 10:30-12:30
Telephone: 613-520-2600 x 3685
Email: diana_majury@carleton.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

Law and literature is a growing field that is garnering a great deal of scholarly interest and critique. There are questions about what law and literature is, about the connections between law and literature, about whether the reading of literature can add anything to the study and understanding of law and about the role of narrative in both law and literature. This course provides an introduction to the debates and questions about law and literature as an interdisciplinary method of presenting and studying law. We will be looking at the interactive relationship between law and literature -- law as a form of literature and a focus of literature as well as the influence of literature on law. In exploring these matters, we will work with scholarly articles, legal cases, novels, poetry and movies.

We start with the question of what interdisciplinarity means. We will explore the potential benefits and problems of trying to work with law and literature simultaneously – what it means to try to do this and what it might contribute to our understanding of law. After this introduction, the course is divided into two sections – Narrative and Law, and Literature in Law.

In Narrative and Law, we will look at law as a form of narrative and narrative as a form of legal scholarship. We will engage in the debates about this approach to and understanding of law. We will explore the implications of considering law as narrative and we will discuss what is meant by narrative as a form of legal scholarship – what the authors might be attempting to accomplish through narrative and whether or not we think it can be effective. We will read and discuss examples of legal narratives.

Proponents of studying law in literature argue that literature offers the opportunity to explore law as a human experience and allows the reader to gain sensitivity, understanding and insight into that human experience. Literature exposes us to multiple and divergent points of view and different reactions to, even perceptions of, a set of circumstances, such that our own perspectives can be shifted and broadened. In the literature and law section, we will engage with the debates as to if and how the study of literature advances our understanding and critique of law. We will apply the questions and issues raised by those debates in our own reading of some literary texts.

This is a thinking, writing, discussing, exploring course. There is no specific body of knowledge that you will acquire through this course. The purpose of the course is to get you to think more expansively, more critically and more creatively about law. We will be using literature, as well as the law and literature debates to explore such questions as: what is law? what is justice? what is fairness? what is or should be the role of law in promoting concepts of justice and fairness? Through looking at and discussing the views of others, this course gives us a chance to explore and reflect upon our own assumptions about law and our expectations of what law should be able to accomplish. In so doing, we will inevitably be examining and reexamining our own foundational morals and values, those morals and values upon which we premise our understandings of law and justice, our expectations of the law and the standards by which we evaluate the law.

TEXTS

Required Reading

The readings for each week are set out on the Course Schedule. Most are available on line; the rest will be on reserve in the MacOdrum Library. In addition, a full set of the course materials will be available on reserve

Also you are required to read the play *Doubt* by John Patrick Shanley (2005). I have not ordered the play as it should be available in book stores (second hand as well as new) and libraries. Please note, however, that it is your responsibility to ensure that you have the book in time to have read it prior to class. If you are going to need to order the book, do so well in advance. You will not necessarily be able to get hold of it at the last minute. I will also place a copy on reserve in the library.

COURSE CALENDAR

A topic and reading assignment schedule will be handed out separately at the beginning of the term.

EVALUATION

- 1) Case discussion
– January 13th
The case discussion will be explained in the first class. It will constitute your first journal entry and so will not be graded separately, but you are required to hand it in the second class (January 13th).
- 2) Journal – ongoing term assignment - 40%
-- see below for description
– due March 31
- 3) Class participation (self and professor evaluation) - 20%
-- see below for description
– self evaluation due March 31
- 4) Paper
– see below for description
– topic proposal (due February 24) - 5%
– class presentation - 5%
– final paper (due April 7) - 30%

Journal

The journal is an ongoing project that is to be produced over the course of the term and handed in at the last class, March 31. You are to write in your journal on a weekly basis. The purpose of the journal is to demonstrate that you have read and understood the course readings and to give you an opportunity to engage with the issues they raise for you, as well as the issues that we discuss in class. A journal is a systematic and analytic record of your reflections on the course reading materials and class discussion. You will need to refer to the readings concretely and specifically, but the journal is not intended as a summary of the readings or of your class notes. You are not required to discuss every single reading, but you are expected to discuss the vast majority of the readings for the course and certainly all of the most substantial ones.

All your entries should be dated. I strongly recommend that you respond to the readings with questions and initial thoughts as you read them and then reflect upon and add to those initial thoughts after the class discussion. Writing regularly, either while you are reading for class or very soon after the class most effectively creates a journal which expresses your learning process. At the very least this is an ongoing assignment, not a retrospective on the course.

Types of journal entries vary. You may wish to include some or all of the following. These are suggestions only and are in no way required.

- 1) Your response to a particular reading or discussion and an exploration of the basis for that response.
- 2) Discussion of the author's point of view – how do you judge what his/her perspective is? Compare different authors' attitudes.
- 3) Exploration of themes or ideas that the readings have in common – discuss and assess the different perspectives offered.
- 4) Questions the readings and/or class discussions raise for you – either because they strike a chord with you or because what is presented feels confusing, ambiguous, uncomfortable or false to you.
- 5) If the materials or discussion cause you to reassess a previously held opinion or position or to look at an issue in a different light, explore that change or follow any new thoughts or ideas sparked by the reading or discussion.
- 6) Apply the ideas from one article or reading to another or to some other ideas or materials, perhaps to the materials in another course or to a movie or tv show – ie try to work with and apply what you are learning.
- 7) Interconnections and interactions between what you are learning in this course and in other courses or events which are influencing your learning and other parts of your life.

You can (and should be) critical of the readings but not dismissive. Always treat the authors and their ideas with respect. The course is cumulative so you should be continuing to engage with and reflect upon the earlier course materials as you continue along.

Your journal must be comprehensible (it is after all going to be graded) but I am not overly concerned with grammar and sentence structure for this assignment. Your journal may be in a more stream-of-consciousness style than is generally accepted in academic assignments. Be creative and experiment with different writing styles and voices (you might do well to explain what you are trying to do in case the experiment is not all that clear to me as the reader/grader).

Your journal gives you the opportunity to document and explore what you are learning and to pursue with yourself some of the ideas and issues this course generates for you. Journal writing should be thoughtful, engaging, challenging, stimulating, unnerving and for the most part it should be enjoyable. Your journal is a place for you to explore and challenge your own ideas and responses. I am not interested, in this context, in the reiteration of ideas that you already have, but in you examining new ideas and rethinking or revising previously held ideas. Push yourself to really think about what you are reading and what is being talked about. Ask questions and keep digging. Your journal is to reflect and to enhance your learning process through this course – to engage and have fun with the materials.

Toward the middle of term, I will require that all of the journals be handed in to me so that I can review them and ensure that you are on track. However, you can submit your journal at any time for feedback from me as to how you are doing with it.

Class participation

This is a course for people who like to read, talk and write. The course is designed to assist you and support you in all three but the onus is on you to do the reading, prepare for class and do the journal assignment, all of which will prepare you to participate in class discussions. You are expected to come to class having read the assigned material, and ready to engage in discussion of that material. You can learn a great deal from each other. It is important, and particularly so in a seminar, to share your ongoing questioning, thinking and learning with your colleagues.

At the end of the course, you will be required to submit a short self evaluation of your own class participation throughout the course and provide yourself with a grade out of a total of 10. This will count as one half of your final participation grade. Your self evaluation should address the following:

1. degree and effectiveness of your preparation for class
2. assessment of your contributions in class, reflecting on issues of both quantity and quality
3. your sensitivity and responsiveness to class dynamics
4. a discussion of factors that helped or hindered you in your contributions.

I will be noting attendance in each class. Please note that reading the assigned materials and attendance at class are necessary prerequisites for class participation, but do not themselves constitute participation. However, I do understand that there may be a number of legitimate reasons why a person does not feel able to speak out in class. The self evaluation provides both you and me with an opportunity to take these kinds of factors into consideration.

Due Date: March 31

The other half of your participation grade will be my grade on your self evaluation. In this, I will be looking at the accuracy of your assessment, given both my own perceptions and the explanation and reflection you provide.

Paper

You are to pick a novel, short story/stories or a case(s) as the focus of your paper. You are to use the course reading materials to help you explore and discuss the law and literature issues raised by the piece of literature you have chosen. You can and should do additional research beyond the course materials but I do want you to make extensive use of the course materials in your analysis of the work that you choose. You may not choose any of the novels, short stories or cases discussed extensively in any of the course readings or that you have worked with extensively in a related way in another course.

On February 24, you are to hand in a one page **proposal** outlining the novel, short story/stories or case(s) that you have chosen and how you intend to approach your subject – ie what of the course materials you think you will use and how they relate to the work that you have chosen. This will provide me with the opportunity to approve your topic or to set you on the right track if you have strayed from the intention of this assignment. In the spirit of adventure and creativity, I am happy to consider other possible paper topics/approaches, but you must discuss this with me and have my approval before you proceed.

Out last class will be a mini law and literature conference at which you will all be presenting papers. I will divide the class into panels for the presentation. You will be required to make a brief (approximately 10 minutes) **presentation** on your paper topic. The purpose of this presentation is to assist you in thinking about and writing your paper and to generate class discussion on the joys and difficulties of trying “to do” law and literature. I will discuss these presentations more fully in class as we get nearer to the date.

The **paper** is due on April 7th -- handed in to me or the law Department office. This is a formal paper and should be in academic format with footnotes and bibliography and proper grammar and spelling. I would expect the paper to be at least 15 to 20 pages in length.
