

Course Outline

COURSE: LAWS 4904A – Law, Culture, and the Humanities

TERM: WINTER 2019

PREREQUISITES: LAWS 2908 and Fourth-year Honours standing

CLASS: Day & Time: Wednesdays, 11:35am – 2:25pm
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Dr. Philip J. Kaisary

CONTACT: Office: D485 Loeb Building
Office Hrs: TBA
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COURSE DESCRIPTION

The topics of this course vary from year to year and are announced in advance of registration.

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This course analyzes themes, approaches, and debates in the field of law, culture, and the humanities. Drawing on Frankfurt School theory (and especially the writings of Herbert Marcuse), we will consider the argument that liberal law is complicit with mass repression under late capitalism. In this context, we will consider the potentialities and pitfalls of ‘culture’ and the possibility of liberation. Primary materials considered span theoretical writings, cultural criticism, films, and music. These texts present different modes and means of inquiring into the assumptions and aspirations that we ascribe to law.

REQUIRED TEXTS

All readings will be provided on ARES and/or CU Learn. Please see the class schedule below for all assigned and recommended readings.

SUPPLEMENTARY TEXTS

Gerald Graff and Cathy Birkenstein, *They Say/I Say: The Moves that Matter in Academic Writing*, (3rd ed. Norton, 2014)

Gordon S. Harvey, *Writing with Sources: A Guide for Students*, 2nd ed. rev. (Hackett, 2008)

There are copies in the University Library. Should you wish to purchase either of these supplementary texts, copies are available (or available to order) at: Octopus Books, the University Bookstore, Amazon, or Abe Books. Used copies are usually available on Amazon and/or Abe Books.

EVALUATION**(All components must be completed in order to get a passing grade)**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

- i) Attendance (10%)
- ii) Participation (10%)
- iii) 150-word abstract (5%)
Graded as Pass/Fail: all competent abstracts submitted on time will receive full-marks.
Due: 23:55, January 15, 2019.
- iv) In-class presentation (15%)
- v) Critical response paper of 5–6 pages, double spaced.
The paper should respond to an assigned reading from one of the first six classes; this paper is due **before** the class in which that reading is to be discussed (20%)
- vi) 3,000-word final paper (40%)
Due: 23:55, April 3, 2019.

SCHEDULE**Part I: Law, the Humanities, and the Possibility of Liberation****Class 1, January 9: Introduction**

No assigned reading this week

*** 150-word abstract for class 2 due on CU Learn by 23:55 on January 15 ***

Class 2, January 16: What is Law, Culture, and the Humanities?

Required reading:

LCH 2018 Conference Program: Titles and Abstracts [PDF to be provided on CU Learn].

For class this week, you should read and make notes on a peer reviewed, published academic essay, journal article, or book chapter of your choice in the field of law, culture and humanities. Make a bibliographic reference of what you have read; you should come to class ready to share and discuss your chosen reading. For some suggestions on how to get started and where to look, read the note directly below under the “Suggested further reading” subheading.

Suggested further reading:

“Law, Culture, and the Humanities” has generated a rich bibliography: over the past twenty or thirty years, dozens of readers, edited volumes, and special issues of journals addressing the conjunction of cultural studies and legal studies have been published. Indeed, as long ago as 1951, *Journal of Legal Education* published “An Open Letter

Proposing a School of Cultural Legal Studies” written by Jerome Hall (Vol. 5, No. 1, 1951: 91–4). To get a sense of the range of work carried out under the sign of “Law, Culture, and the Humanities,” try doing a few searches in the library catalogue using the following key words: “cultural studies and legal studies,” “law and culture,” “law and humanities,” and “law and literature.” Play around and be inventive with the search terms: you might like to try, for example, “law and film,” “law and music,” or even “law and video games.” You will get plenty of results. Alternatively (or in addition), skimming the introductions and any essays of interest in the following volumes would also be a good way to get started:

Jerry D. Leonard (ed.), *Legal Studies as Cultural Studies: A Reader in (Post)Modern Critical Theory*, (SUNY Press, 1995).

Austin Sarat, Mathew Anderson, and Catherine O. Frank (eds.), *Law and the Humanities: An Introduction* edited by Austin Sarat, Mathew Anderson, and Catherine O. Frank, (Cambridge University Press, 2010).

Cassandra Sharp & Marett Leiboff (eds.), *Cultural Legal Studies: Law’s Popular Cultures and the Metamorphosis of Law*, (Routledge, 2015).

James Boyd White, *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* [1973] [Abridged Edition] (University of Chicago Press, 1985).

Another strategy would be to browse the major journals in the field; any of the following would be good places to start: *Law, Culture, and the Humanities*, *Law & Literature*, *Law & Humanities*, *Yale Journal of Law and Humanities*. This list is not exhaustive. You should also be aware that “law” will come up as a subject of inquiry in many “non-law” journals. So, you might also like to search for articles on law or legal themes in cultural studies, literary studies, and film studies journals.

Task for Class 2: Drawing on your reading of the LCH conference programme and abstracts, as well as on your research, write a 150-word abstract of your own for an essay you would like to write (you do not have to write the actual essay!) Reading through the abstracts will give you a good idea of how to go about this task; for further guidance on abstract writing see: <https://writingcenter.unc.edu/tips-and-tools/abstracts/>. **The abstract is due on CU Learn by 23:55 on January 15.**

Class 3, January 23: Law and Repression

Required reading:

Herbert Marcuse, *Eros and Civilization: A Philosophical Inquiry into Freud* (Beacon Press, 1974): 11–54.

Angela Y. Davis, “Let Us All Rise Together: Radical Perspectives on Empowerment for Afro-American Women,” in Angela Y. Davis, *Women, Culture, and Politics* [1989] (rpt. Vintage, 1990): 3–15.

Suggested further reading:

Sigmund Freud, *Civilization and Its Discontents*, [1930] (rpt. Penguin, 2002).

Caren Irr, “One-Dimensional Symptoms: What Marcuse Offers a Critical Theory of Law,” in: *Rethinking the Frankfurt School: Alternative Legacies of Cultural Critique* edited by Jeffrey T. Nealon and Caren Irr, (SUNY Press, 2002): 169–86.

Stuart Jeffries, “The Liberation of Eros,” in Stuart Jeffries, *Grand Hotel Abyss: The Lives of the Frankfurt School*, (Verso: 2016): 280–99.

Douglas Kellner, “Herbert Marcuse,” *Illuminations: The Critical Theory Project*
<https://pages.gseis.ucla.edu/faculty/kellner/Illumina%20Folder/kell12.htm>

Chad Kautzer & Eduardo Mendieta, “Law and Resistance in the Prisons of Empire: An Interview with Angela Y. Davis,” *Peace Review*, (Vol. 16, No.3, 2004): 339–347.

Brian O’Connor, “Marcuse and the Problem of Repression,” in *The Routledge Companion to the Frankfurt School* edited by Peter E. Gordon, Espen Hammer and Axel Honneth (Routledge: 2018): 302–312.

Part II: What is ‘Culture,’ what can it do, and how to ‘read’ it?

Class 4, January 30: Defining Culture

Required reading:

Terry Eagleton, “Versions of Culture,” *The Idea of Culture*, (Malden, MA: Blackwell, 2000): 1–31.

Raymond Williams, “Culture” and “Popular” in Raymond Williams, *Keywords*, [1976] (rev. ed. Oxford University Press, 2015): 49–54 & 179–81.

Suggested further reading:

Raymond Williams, “Culture is Ordinary” [1958] in Raymond Williams, *Resources of Hope: Culture, Democracy, Socialism* (Verso, 1989): 3–14.

Class 5, February 6: Culture as Mass Deception?

Required reading:

Max Horkheimer and Theodor Adorno, “The Culture Industry: Enlightenment as Mass Deception,” in *Dialectic of Enlightenment: Philosophical Fragments* [1944], trans. Edmund Jephcott (Stanford: Stanford University Press, 2002): 94–136.

Required listening and viewing:

The Axis of Awesome, “4 Chords” (2011)

https://www.youtube.com/watch?time_continue=379&v=oOIdewpCfZQ

Suggested further reading:

Theodor Adorno, “On Popular Music,” [1941] in Theodor Adorno, *Essays on Music*, edited by Richard Leppert, trans. Susan H. Gillespie (University of California Press, 2002): 437–69.

Class 6, February 13: The Ambivalence of Culture

Required reading:

Herbert Marcuse, "The Affirmative Character of Culture," [1937] in *Negations: essays in critical theory* (Mayfly Books, 2009): 65–98.

Open access e-book available here: <http://mayflybooks.org/?p=200>

Suggested further reading:

Herbert Marcuse, *The Aesthetic Dimension: Towards a Critique of Marxist Aesthetics* (Boston: Beacon Press, 1978).

*** CARLETON WINTER BREAK FEBRUARY 18–22 ***

Part III: Putting It All Together / Exercises in Criticism**Class 7, February 27: Guest Seminar: Jean Ketterling**

Readings to be confirmed.

Class 8, March 6: Reified Subjects: Law-Breaking as Emancipation

Required viewing:

David Fincher (dir.), *Fight Club* (1999).

Required reading:

Georg Lukács, "Reification and the Consciousness of the Proletariat. Part I: The Phenomenon of Reification," in: Georg Lukács, *History and Class Consciousness* (MIT Press, 1999), 83–110.

Suggested further reading:

Todd Hedrick, "Reification in and through law: Elements of a theory in Marx, Lukács, and Honneth," *European Journal of Political Theory* 2014, Vol. 13(2): 178–198.

Class 9, March 13: Cyborgs and Jurisprudence

Required viewing:

Ridley Scott (dir.), *Blade Runner: The Final Cut* (2007).

Required reading:

Donna J. Haraway, "A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century" in *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991): 149–181.

Peter J. Hutchings, "From Offworld Colonies to Migration Zones: *Blade Runner* and the Fractured Subject of Jurisprudence," *Law, Culture and the Humanities* (Vol. 3, No. 3, 2007): 381–397.

Suggested further reading:

Herbert Marcuse, "Some Social Implications of Modern Technology" [1941] in *The Frankfurt School Reader* edited by Andrew Arato & Erike Gebhardt, (Continuum:, 1982): 138–62; 180–82.

Class 10, March 22–23: Law Culture, and the Humanities 2019 Conference

Venue: Château Laurier, Ottawa

Class 11, March 27: Creativity, Escape, and Individual Fulfilment

Required viewing:

The Coen Brothers (dirs.), *Hail, Caesar!* (2016).

Required reading:

Eileen Jones, "The Means of Escape" *Jacobin*, July 3, 2016

<https://www.jacobinmag.com/2016/03/hail-caesar-coen-brothers-marx-clooney>

Suggested further viewing:

The Coen Brothers (dirs.), *Barton Fink* (1991)

The Coen Brothers (dirs.), *A Serious Man* (2009)

Class 12, April 3: Conclusions

No assigned reading this week

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's Academic Integrity Policy can be found at:
<http://carleton.ca/studentaffairs/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>