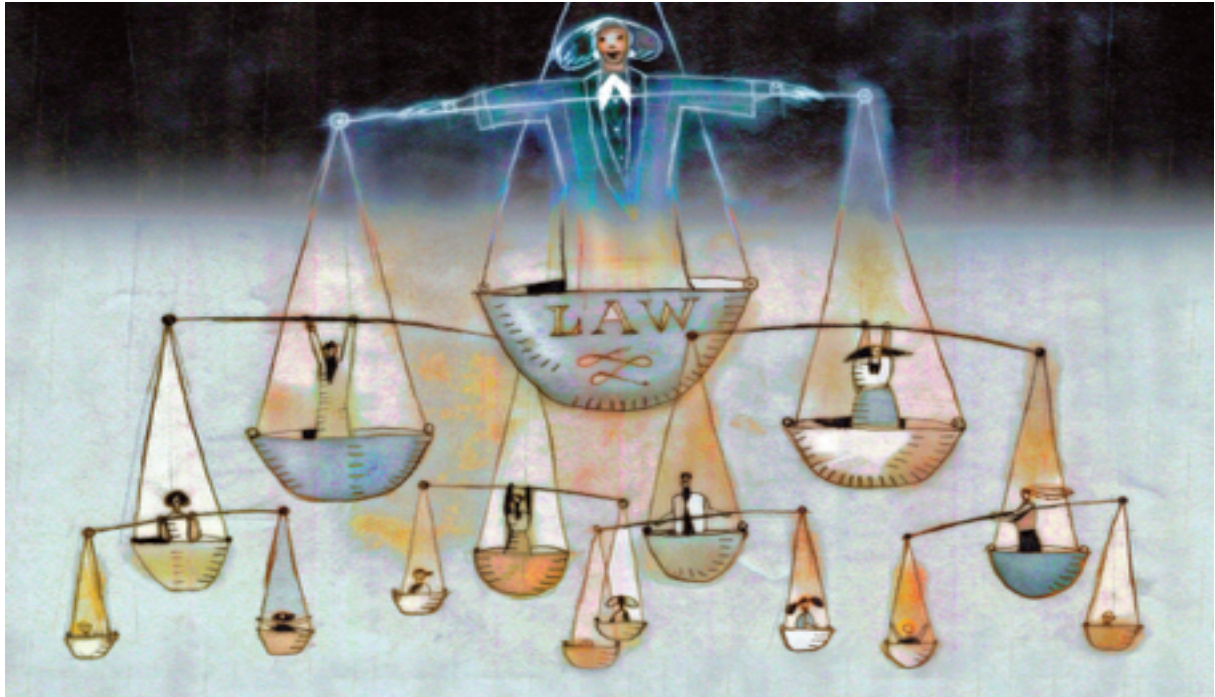


CLCS 371W: Law and Culture

Seminar in Comparative Literary and Cultural Studies, Spring 2019



Professor
Office
Office Hours

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M/TH, 15:45-16:45, and by appointment on Wednesdays

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Meeting time & place

Mondays and Thursdays, 1:00 to 2:15 pm, LAC 7

Course Description

The course Law and Culture aims to investigate law's place in culture and culture's place in law. This focus proceeds from the realization that law does not function in a vacuum but exerts a powerful influence on all manner of cultural practice and production, even as its own operation is influenced in turn by various forms of culture. Given this increasing porosity and interpermeability of Law and different forms of culture, the focus of this course is on the mutual influence between law and other discursive practices, such as literature, TV sit-coms and film. In studying a number of prominent legal cases such as *Brown v. Board of Education*, we will explore the following questions:

- How is law used in literature, film and documentaries as a source of structure, plot,

characters, metaphor, and theme? How are law, lawyers, and legal institutions portrayed in literature, film and documentaries?

- How do narrative constructions and strategies animate legal processes, including “telling stories” about cases and verdicts? How much of law itself is a series of narratives, of stories and of portrayals? What does it mean to write a text (including reports, emails, and interviews) in law? How does the meaning of law shift in literature, documentaries and film?
- What are the mechanisms by which popular representations and cultural practices find their way into legal processes and decisions? How does law in turn bleed into and influence cultural processes?
- Does law act as a buffer against societal assumptions about, and constructions of, gender, age, ability, sexuality and ethnicity, or does it re-enforce and re-inscribe existing social norms?
- How do law, literature and popular or medial representations describe the human condition—i.e. emotions, moral failures, triumphs and conflicts—differently? How do these representations blend into each other?
- As a W or writing intensive course, CLCS 371 W helps satisfy Franklin’s writing requirement.

Materials (Moodle)

Richard Sherwin, *When Law Goes Pop: The Vanishing Line Between Law and Culture* (WLGP)

Anthony G. Amsterdam and Jerome Bruner, *Minding the Law* (ML)

Danielsen and Engle, *After Identity: A Reader in Law and Culture* (AI)

Shirley Jackson, “The Lottery” (Moodle)

Ursula K. Le Guin, “The Ones Who Walk Away from Omelas” (Moodle)

Materials accessible on the web

Sophocles, *Antigone* (442 B.C.E., trans. R.C. Jebb): <http://classics.mit.edu/Sophocles/antigone.html>

Making a Murderer: Eighteen Years Lost (US Netflix docu-series directed by Moira Demos and Laura Ricciardi, 2005-2015)

Further useful web resources

The following is a website created and maintained by Professor Christopher Fennell at the University of Illinois, Department of Anthropology. It offers an excellent bibliography of arti-

cles, books and other resources that might help with your research: <http://www.anthro.illinois.edu/faculty/cfennell/syllabus/anth560/anthlawbib.htm>

Another outstanding web resource is by Professor Daniel L. Solove, George Washington University Law School. Consult it before you settle on a topic for your final research paper: <http://docs.law.gwu.edu/facweb/dsolove/Law-Humanities/writers.htm>

Course Goals

The goals of this course include the following:

- to develop critical thinking and analytical skills in considering the intersections of law and culture;
- to practice synthesizing information from classroom discussions, viewings and readings;
- to present this information in a variety of formats, including class discussions, oral presentations, and in short essays and homework assignments;
- and to demonstrate the ability to work collaboratively and use technology effectively in group work and as an individual.

Student Learning Objectives

Upon completion of this class, students should:

- be acquainted with different theoretical approaches to law and popular culture, law and literature, and law and film;
- be familiar with a range of European and American case studies which are important in the study of gender, race and class;
- be able to differentiate between and write at different levels of scholarly response
- be able to use library and university resources to complete papers and presentations

Class Requirements

- one final research paper of 12 to 15 pages
- formal presentation
- formal response to one presentation
- viewing log

Presentations

The presentation will be on a contemporary legal case or issue, which links up with our readings of the week and which can offer an additional angle to the topic of the week. It should be about 30 minutes long. You will be responsible for outlining the main points of the reading, choosing a case that complements the week's readings and leading the follow-up discussion. I will ask you to make the case available on Moodle to the class a day before in form of a legal brief, media accounts, opinions, etc. so your classmates have time to familiarize themselves with it.

Formal response

You will give a formal response of about 10 minutes to a classmate's presentation in which you add insights of your own on the reading and the interpretation of the case in light of the reading. These responses should be both supportive and constructive; the main goal will be to offer a reflected second opinion on both the reading and its interpretation. The presentation needs to be sent to the responder no later than 24 hours before the presentation itself to allow for enough time for preparation.

Viewing Log: Making a Murderer

Throughout the first half of the semester we will be watching and discussing the documentary series *Making a Murderer*. The series will help us reflect on many of the questions that animate this course and that are posed in the description above. Please keep a log of your viewing in which you record your insights, articulate questions you have about the episodes, and make cross-references to the class readings. Per episode—there are 10 in all-- I suggest you write about one page. This is a W-course, so think of the viewing log as a writing exercise that will help you focus on an aspect of the series, for instance the influence of the media on the proceedings and take a position with a thesis. Since your log is designed to help our discussions in class, I ask that you bring them with you to class and then post them weekly on Moodle **before** class.

Final research paper

Choose an issue or a case you wish to delve into more deeply and discuss it over 12 to 15 pages. Since this is a W course we will take the review process very seriously. This means that we dedicate a class to the review process and you each write and send a formal review to your peer. This review will be graded. Normal margins, double spaced, times 12. Choose a legal issue, or a case, or a narrative (filmic or literary) and critically address the pertinent issues raised in the case. What are the implications for law or for culture of this particular case or issue? What are the implications of this issue for race, class, gender and/or equality? Due-topic: March 28; first draft: April 22; final copy: final's period. We will discuss the assignment in detail when the time approaches.

Grading

Peer review of research paper	10%
Presentation	20%
Response to presentation	10%
Viewing log	20%
Research paper	40%

Attendance Policy

This is a class that lives from hard work, stringent thinking, regular scholarly risk-taking, and ongoing, open-minded discussion. It is yours to take responsibility for and to shape and mold with engaged presence. You will do well, if you hand in your assignments on time, come regularly and participate avidly. That said, I do understand that sometimes attendance is impossible. For this reason, you can miss two classes, no questions asked. Save these freebies for your parents' or friends' visits, for that extra-long weekend or for staying home with a cold. For a second and third absence to be excused, I require a doctor's note or a note from the dean. All absences after that will result in automatic withdrawal from the course.

Statement on Cheating and Plagiarism

A student whose actions are deemed by the University to be out of sympathy with the ideals, objectives or the spirit of good conduct as fostered by the University and Swiss community, may be placed on Disciplinary Probation or become subject to dismissal from the University. Cheating is a dishonest action out of sympathy with the ideals, objectives and spirit of the University. Furthermore, cheating reflects negatively on one's personal integrity and is unjust to those students who have studied.

See the Academic Catalog for full statement (page 199): https://www.fus.edu/images/pdf/FUS_ACADEMIC_CATALOG_2018_2020_web.pdf

Course Calendar (subject to change in response to class needs)

Please note: the readings are due on the day they appear on the syllabus

[Assignments](#), [Tasks and Readings](#)

Jan 21

Introduction: Law-in-Narrative

Sign-up for team presentations

Difference between law-as-literature/cultural texts and law-in-literature/cultural texts

In-class screening of episode 1 of *Making a Murderer: Eighteen Years Lost* (US Netflix documentary series, directed by Moira Demos and Laura Ricciardi, 2005-2015)

Jan 24

Task: Finish watching episode 1 and begin watching episodes 2-5 of *Making a Murderer* (2 episodes per week) and reading *Antigone* by Sophocles <http://classics.mit.edu/Sophocles/antigone.html>

Questions for viewing log: How are law, lawyers and the legal proceedings represented here? Is law a benevolent place? A moral place? An ambivalent place? A dangerous place? How is the story told? Whose perspective do we get? How is culture represented? What do we learn about law's ability to shape culture, and vice versa? How does culture shape law?

Jan 28

Different Law Traditions and their Implications for Narrative

Reading: "The Common Law and Civil Law Traditions" see <https://www.law.berkeley.edu/library/robbins/CommonLawCivilLawTraditions.html>

Reading: “On Narrative”, “Narratives at Court” and “On the Dialectic of Culture” (ML) on Moodle

Presentation I

Jan 31

Reading: “Legal Storytelling: Culture’s Tools for Making Meaning” (WLGP) on Moodle

Presentation II

Please compare the different takes on law, culture and storytelling as discussed by Sherwin, and Amsterdam and Bruner. Which legal systems do they apply to? How do they each define culture? What is compelling to you? What makes no sense?

Feb 4

Law and Visual Culture

Reading: “Screening Reality: The Vanishing Line Between Law and Popular Culture” and “Law in the Age of Images”

Presentation III

Feb 7

Reading: “The Law of Desire: Cultural History and the Notorious Case” (WLGP)

Recommended: Steinert Borella, Gisler & Wiedmer, Introduction to Intersections of Law and Culture (Moodle)

Presentation IV

Due-viewing log episodes 1 through 5

Discussion of episodes 2-5 of *Making a Murderer*

How is law represented in MM? Is it a notorious case, as Sherwin would have it? How does the narrative work to shape the argument? How do culture, narrative and law blend in *Making a Murderer*?

Feb 11

Law and Race

Reading: “Race, the Court, and America’s Dialectic” (ML)

Presentation V

Feb 14

Reading: Gary Peller, "Race Consciousness" (AI)

Response of Presentation VI

Feb 18

Law and Race, continued

Reading:

"When Law Goes Pop: Strange Forces, Trauma and Catharsis" (WLGP)

Presentation VII

How is race discussed in today's readings? How does *Brown v Board of Education* represent a cultural trauma? Can you bring this issue into the present?

Discussion of episodes 6-10 of *Making a Murderer*.
Bring your favorite clips!

Feb 21

Reading: Patricia Williams, "The Obliging Shell" (AI)

Presentation VIII

Feb 25

Law and Sexuality

Fabio Ferrari, "That's Life: Actualizing the Non-Lieu of an Empty Space" (Moodle)

Discussion: To what extent is sexuality constructed by the law? How? Does culture anticipate law or vice versa?

Presentation IX

Feb 28

Due- rough draft of essay on *Making a Murderer*
Peer review

March 4

Law and Authority

Sophocles, *Antigone*

Pick a character in *Antigone* and discuss why he or she had to die or got to live. You can pick the Chorus as one of the characters if you wish. What sorts of moralities are at stake here? How is culture defined? How is law defined? Who is in charge? Who wins? How, if at all, does *The Trial* link up with our readings?

After our discussion, we will stage a mock trial.

March 7

Due- final draft of essay on Moodle

Academic Travel: March 11-22

March 25

Law/Heritage/Custom

Screening—Ursula Biemann, *Forest Law*

March 28

Discussion Forest Law

Due: your topic, research question and bibliography for final research paper: be ready to introduce your topic briefly (5 minutes).

Please post your topic, research question and bibliography on Moodle before class.

April 1

Reading: Jackson, “The Lottery” (Moodle)

Discussion-What position does Law take in relation to Custom? Do you see present-day equivalences? How can we be said to play the lottery or walk away from Omelas?

April 4

Reading: Ursula K. LeGuin, “The Ones Who Walk Away from Omelas” (Moodle)

Discussion: comparative reading of The Lottery and Omelas

Screening Law

April 10

Potluck and Film viewing (no classes on April 8 or April 11 to make up for long evening)

April 15

Law and Music

Reading: JM Balkin and Sanford Levinson, “Law as Performance” <http://www.yale.edu/lawweb/jbalkin/articles/london21.htm>

Task- Bring a song and be prepared to play it to the class and discuss it in light of law and culture. Make the lyrics available if they are hard to understand

Think about your choice of song and be ready to discuss: what issues does it raise with respect to law and music, to the regulation or non-regulation of a cultural product, with respect to sexism, gender, race and ethnicity? Where does regulation end and censorship begin? How can music resist the power of the law?

April 18

Law and Music, to be continued

April 22

Easter Monday – No classes!

April 25

Final project

Due-topic for final research project plus tentative hypothesis. Be ready to give short presentation (5 minutes)

April 29

Due- first draft of your research paper to be uploaded on Moodle. This draft should be the entire length of the paper, not simply notes or an introduction. Short presentation of your final research project with thesis (5 minutes each)

Peer review

May 2

Wrap up

Review of the cases we have heard about throughout the semester and return to opening questions.

Conclusion and wrap-up

Monday 13, 11:00-13:00

Final's period:

Due on Moodle before 11:00 am: final research paper

