

April 1, 2008

Law and Literature

Prof. Boyle

3 credits

An elective course which concentrates on the possible relationships between law and literature. The major themes of the class will be: 1) depiction of law and lawyers in popular and highbrow fiction; 2) the relationship between the interpretation of legal and literary texts; 3) law in utopia and dystopia; 4) crime and punishment; 5) the romantic conception of authorship. Recurring issues in our discussions will include such questions as, how should interpreting the constitution be similar to or different from reading a novel? Can literature tell us things about the good life and the good society that philosophy or political theory cannot? If so, why? Can there be a type of morality or ethics that is specific to a particular role? Where are the good lawyers in literary works? (Warning: The course involves a considerable amount of reading, though it is reading of a rather more enjoyable variety than that provided by much of law school. You might want to start some of the main texts now.) The vast majority of our reading will consist of novels, plays and poems though we will also be reading occasional articles on literary theory and on related issues in legal interpretation, such as that over the philosophy of original intent in constitutional law.

Requirements: You have to come to class, prepared, and be ready to discuss the books we read. Depending on class size there may be occasional mandatory web-board postings. There is a fifteen page take home exam.

Class #1&2

Introduction: Reading and Writing

Pick up and read photocopied materials packet #1 – from Balfour Smith (Room 3021)

Auden, *Law Like Love*

"Slave Come to my Service" – Akkadian poetry from the 10th century B.C.

Jean Paul Sartre, *The Words*

Class #3,4,5,6&7

Law in Literature I – Loose Canons

Sophocles, *Antigone* and Jean Anouilh, *Antigone*

Charles Dickens, *Bleak House* (2 classes)

Class #8&9

Law and Literary Theory

H. Melville, *Billy Budd*

Assorted Readings of *Billy Budd* (photocopied materials)

Class #10,11,12,13,14

Law in Utopia and Dystopia:

Thomas More, *Utopia*

Ursula le Guin, *The Dispossessed*

Samuel Butler, *Erewhon*

Margaret Atwood, *The Handmaid's Tale*

Walker Percy, *The Thanatos Syndrome*

Class #15,16,17,18

The Law in Literature II – Ethics, Roles, Heroes and Authors

Kazuo Ishiguro, *Remains of the Day*

Harper Lee, *To Kill A Mockingbird*

William Gaddis, *A Frolic of His Own*

Class #19

Authorship and Authority

Shakespeare's Sonnets – selections

Class #20,21,22

Crime and Punishment

Fyodor Dostoevsky, *Crime and Punishment*

Jack Abbott, *In the Belly of the Beast*

Photocopied materials on Abbott

Class #23&24

Law and Satirical Literature

Tom Wolfe, *The Bonfire of the Vanities* (2 classes)

Class #25,26

Law as Literature – Conclusion

Franz Kafka, *The Trial*

Herman Melville, *Bartleby the Scrivener*

Note on recommended editions:

I am flexible about which editions you use: For those of you who want to read ahead – a very good idea – some bibliographic details and ISBN numbers on some of the books in the class are given below. If those precise editions are not available, feel free to use an alternate. The starred books would benefit especially from extended consideration.

Law and Literature I – The Classic Texts

- *** Charles Dickens, *Bleak House*, Penguin. (ISBN: 0-14-043063-6)
- Jean Anouilh, *Antigone in Five Plays*, Hill & Wang. (ISBN: 0-8090-0710-X)
- Sophocles, *Antigone in The Three Theban Plays*, Penguin. (ISBN: 0-14-044425-4)
- Herman Melville, *Billy Budd in Billy Budd & Other Stories* (selected and edited by Harold Beaver), Penguin. (ISBN: 0-14-039053-7) [This edition will also give you *Bartleby*, which we will be reading at the end of the class.]

Law in Utopia and Dystopia

- Thomas More, *Utopia* (translated by Paul Turner), Penguin. (ISBN: 0-14-044-165-4)
- Samuel Butler, *Erewhon*, Penguin. (ISBN: 0-14-043057-1)
- Ursula le Guin, *The Dispossessed*, Harper & Row. (ISBN: 0-06-012563-2)
- [This is the # for hardback, but only a paperback is required.]
- Margaret Atwood, *The Handmaid's Tale*. (ISBN 0-449-21260-2)
- Walker Percy, *The Thanatos Syndrome*, Ivy Books. (ISBN 0-8041-0220-1)

The Law in Literature II – Ethics, Roles, Heroes and Authors

- Harper Lee, *To Kill a Mockingbird*, Warner. (ISBN 0-446-31078-6-00499-9)
- William Gaddis, *A Frolic of His Own*, Scribner. (ISBN: 0-6848-0052-7)
- Kazuo, Ishiguro, *The Remains of the Day*, Vintage Books. (ISBN: 0-6797-3172-5)

Crime and Punishment

- *** Fyodor Dostoevsky, *Crime and Punishment* (translated by Jessie Coulson), Oxford. (ISBN: 0-1928-1549-0)
- Jack Henry Abbott, *In the Belly of the Beast: Letters from Prison* (with an introduction by Norman Mailer) Vintage Books, Random House. (ISBN: 0-394-70822-9)

Law and Satirical Literature

- *** Thomas Wolfe, *The Bonfire of the Vanities*, Bantam. ISBN: 0-553-27597-6

Law as Literature – Conclusion

- *** Franz Kafka, *The Trial*, Schocken. (ISBN: 0-8052-0848-8)
- Herman Melville, *Bartleby the Scrivener in Billy Budd & Other Stories* (selected and edited by Harold Beaver), Penguin. (ISBN: 0-14-039053-7)
- [See first heading.]