

Law and literature

Pre-requisites: none

Course vision: To understand three aspects of the interaction between law and literature. These include law IN literature, law AS literature and literature IN law. A large part of the semester will involve the class working through a series of literary texts that involve themes of law, ethics and morality. These plays, short stories, novella and novels, ranging across more than two thousand years, cover an area of subjects as diverse as the creation of a legal system in the transition from a pre-legal to legal paradigm, the parallels between religious and legal orders in antiquity, the impact that women deal with while interfacing with a legal system, the limits of the law when it comes to providing full justice to an outsider, the anomie experienced by young legal professionals, the demand for conformity extracted by the legal profession from all its members, the conflict between the demands of the sovereign and the personal morality of a subject, issues of sentencing and the role that racism and prejudice often plays in legal disputes.

We will also work closely with the decisions of appellate courts, examining both the language and rhetorical devices used as persuasive tools by good judges, as well as the somewhat nebulous utility of literary references in judgment writing.

Teaching method: Students will all be expected to come prepared to class, having read the relevant text for the week. We will divide the class cohort into different groups, each of which will take the lead in discussions involving their chosen text. Research output involves students writing an analytical paper on a judgment of their choice, which will analyze the literary and rhetorical aspects of the judgment. An in-class end term exam will examine their overall understanding at the end of the semester.

Select readings and weekly plan:

1. Introduction, The Ten Commandments and Susanna and the Elders
2. Class discussions- students introduce texts that they found meaningful
3. Aeschylus, The Eumenides
4. Melville, Bartleby the Scrivener
5. Shakespeare, The Merchant of Venice
6. Shakespeare, The Merchant of Venice
7. Melville, Billy Budd
8. Melville, Billy Budd
9. Judgment analysis – cases of Hynes and Palsgraf
10. Bolt, A Man for All Seasons
11. Bolt, A Man for All Seasons
12. Lee, To Kill a Mockingbird
13. Lee, To Kill a Mockingbird
14. Bhatia, The Sentence
15. Revision and exam

Marks: Students discussions on their favorite texts (10), judgment analysis paper (30), panel discussions (30) and exam (30), totaling 100.