



"What is LAW?"

AMST S221 / HUMS S199 / LITR S385

July 5-Aug 4, Tue/Th 9-12.15

What is Law?

Session B, July 5 - August 4

Tuesday, Thursday 9.00-12.15

Instructor: Dr. Hans Lind (hans.lind@yale.edu)

Course Description

As an introductory class both to the main principles and topics of legal thought and practice, and to cultural criticism, the class will use works of literature, theatre, film and music to acquaint with the field of law, and vice versa. Students will learn in what ways culture has shaped the law, and, in turn, how law governs and shapes culture.

We will treat major legal questions, such as sovereignty, justice and human rights (from Pauline Hopkins to Black Lives Matter), the freedom of speech (from John Stuart Mill to Colin Kaepernick), law and religion (from Martin Luther to Martin Luther King Jr.), and censorship (from Mark Twain to Cancel Culture). We will also address more detailed questions, such as the vicissitudes of presidential pardon (from the Civil War to Donald Trump), intellectual property and copyright law (from Hannah Crafts to Rap artist Eminem), multiple personality disorder and criminal Law (from philosopher John Locke to Christopher Nolan's "Memento"), and corporal and corporate personhood and punishment (from F. Scott Fitzgerald to social media).

It is also a vital presupposition of this class that cultural artefacts such as novels, theatre plays, music and film can sometimes better teach us about the law, past and present, than textbooks can. By doing so, the class will introduce to the basics of legal reasoning, rhetoric and storytelling as a part of legal practice. It will teach how to read and interpret laws and artworks, and will also show how narratives are even a substantial part of everyday court procedure.

Apart from the Anglo-American legal and cultural tradition on which the class centres, we will read legal and literary texts from other legal cultures. These texts will both complement and put a contrast to the Anglo-American perspective that the Law-and-Culture movement has hitherto focussed on. By understanding how different legal cultures and literatures approach relevant issues, and how such divergent legal treatment is of cultural origin, we will better understand the American culture.

Authors and Artists treated:

Allen Ginsberg, Charlie Haffner, Dave Eggers, Eminem, Faith Ringgold, F. Scott Fitzgerald, Franz Kafka, Gordon Matta-Clark, Jeff Koons, John Crowe Ransom, Montana Ray, Philipp Roth, Philip Metres, Tony Morrison, T.S. Eliot, T. Holcraft, William Gaddis, Big Art Group, and many more.

Readings:

Readings will be provided via Canvas. Required Books will be available online at library.yale.edu (Yale login required).

Grading:

- Midterm exam (test) in week 3 session 1: 25%
- Short presentation or written equivalent: 10%
- Final examination (term paper) due in week 5 session 2: 45 %
- Oral participation: 20%

Week-by-Week Schedule (Overview)

W1/Tuesday: A Cultural Introduction to Legal Thought?

W1/Thursday: The Culture of Judging

W2/Tuesday: The Laws of Interpretation: Voice, Authority, and the Law as Text

W2/Thursday: Being a Person / Multiple Personality Disorders and the Law

W3/Tuesday: Legal Narratives

W3/Thursday: Law in Culture (I): The Arts as Law's Mirror. The Legal Drama

W4/Tuesday: Law in Culture (II): (a) Laws of Marriage and Laws of Comedy / (b) Staging Slavery

W4/Thursday: Law in Culture (III): (a) Negotiating Individual and Human Rights / (b) Writing against the Norm: The Politics and Poetics of Censorship

W5/Tuesday: The Laws of Authorship / The Poetics of Sampling

W5/Thursday: Literature on Trial: From Catullus to Gangsta Rap

Film Screenings, dates tba.

12 Angry Men (Sidney Lumet, USA 1957)

Memento (Christopher Nolan, USA 2000)

The Circle (James Ponsoldt, USA 2017)

How to Get Away with Murder (TV episode, USA 2021)

Howl (Rob Epstein and Jeffrey Friedman, USA 2010)

Philadelphia (Jonathan Demme, USA 1993)

Course Policies

Attendance:

Please note the general policy of Yale's Summer Session that absences will not be tolerated. Students normally take no more than two courses at any one time during the summer. This is considered a full load. Students must be committed 100% to their summer studies. It's simply too hard to catch up. Of

course, in the case of illness or special circumstances, arrangements can be made. There are no dean's excuses in the summer.

Diversity

It is my intent that students from all diverse backgrounds and perspectives be well served by this course, that students' learning needs be addressed both in and out of class, and that the diversity that students bring to this class be viewed as a resource, strength and benefit. It is my intent to present materials and activities that are respectful of diversity: gender, sexuality, disability, age, socioeconomic status, ethnicity, race, and culture. Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of the course for you personally or for other students or student groups. In addition, if any of our class meetings conflict with your religious events, please let me know so that we can make arrangements for you.

Accessibility

Your success in this class is important to me. We will all need accommodations because we all learn differently. If there are aspects of this course that prevent you from learning or that form barriers to your inclusion, please let me know as soon as possible. Together we'll develop strategies that can enable you to succeed in the course. I encourage you to visit Student Accessibility Services to determine how you could improve your learning as well. If you need official accommodations, you have a right to have these met. There is also a range of resources on campus, including the Writing Center, Residential College Tutors, and Academic Strategies.

Academic integrity

Academic integrity is a core university value that ensures respect for the academic reputation of the University, its students, faculty and staff, and the degrees it confers. The University expects that students will conduct themselves in an honest and ethical manner and respect the intellectual work of others. Please ask about my expectations regarding permissible or encouraged forms of student collaboration if they are unclear. Please note that plagiarism will not be tolerated. Please note that plagiarism encompasses very different practices and that one might not even be aware that what one does is considered a form of plagiarism. Each use of someone else's idea(s), if not made explicit, is a form of plagiarism! Plagiarism is defined as the use of someone else's work, words, or ideas as if they were one's own. Every idea or claim that you did not come up with by yourself needs to be acknowledged. What counts as a source varies greatly depending on the assignment, but the list certainly includes readings, lectures, websites, conversations, interviews, and other students' papers. Students must make clear in written work where they have borrowed from others — whether it be a matter of data, opinions, questions, ideas, or specific language. This obligation holds whether the sources are published or unpublished. If more than one consecutive sentence contains ideas from the same source, a reference at the end of the last sentence or the end of the paragraph is not sufficient — it instead must be made clear that each individual sentence was borrowed. If you use more than two consecutive words from another text (direct quotation), you need to use quotation marks [“.”]. Furthermore, students may not submit the same paper, or substantially the same paper, in more than one course. If topics for two courses coincide, a student must have written permission from both instructors before either combining work on two papers or revising an earlier paper for submission to a new course to avoid self-plagiarism. For further information please visit <https://poorvucenter.yale.edu/undergraduates/using-sources/understanding-and-avoiding-plagiarism>