



# "What is LAW?"

AMST S221 / HUMS S199 / LITR S385

# What is Law?

Session B

Monday, Wednesday, Friday 9.00-11.15

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

## Course Description

As an introductory class to the main principles and topics of legal thought and practice, 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 Hannah Crafts to Black Lives Matter); vigilantism and social shaming (from *Batman* to Philip Roth); freedom of speech (from John Stuart Mill to Colin Kaepernick); 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 T.S. Eliot to 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 Instagram).

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 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.

## Readings:

Readings will be provided via <https://canvas.yale.edu/>. Required books will be available online at [library.yale.edu](https://library.yale.edu) (Yale login required).

**Grading:**

- Midterm exam (test) in week 3 session 1: 30%
- Short presentation or written equivalent: 15%
- Final examination (term paper) due in week 5 session 2: 35%
- Oral participation: 20%

**Week-by-Week Schedule (Overview)**

W1/Mo	Goons and Koons: A Cultural Introduction to Legal Thought?
W1/We	The Culture of Judging: From <i>Batman</i> to <i>The Punisher</i> / #BLM, #MeToo and Social Shaming
W1/Fr	Calling out and Social Shaming (cont.)
W2/Mo	The Laws of Interpretation: Voice, Authority, and the Law as Text
W2/We	Being a Person: from Locke to Social Media
W2/Fr	Multiple Personality Disorder and the Law
W3/Mo	<u>Midterm</u>
W3/We	Legal Practice and the Law as Storytelling – or: <i>How to Get Away with Murder</i>
W3/Fr	Writing against the Norm: The Politics and Poetics of Censorship
W4/Mo	The Arts as Law’s Mirror. The Legal Drama
W4/We	The Laws of Marriage and The Laws of Comedy
W4/Fr	Negotiating Individual, Human and Environmental Rights
W5/Mo	Staging Slavery
W5/We	Literature on Trial: From Catullus to Gangsta Rap
W5/Th	<u>Final Paper due</u>
W5/Fr	Last day of class, topics tba.

**Films (\*optional)**

12 Angry Men (Sidney Lumet, USA 1957) - for week 1 session 2

The Human Stain (Robert Benton, USA 2003) - week 2 session 1

\*Batman vs. Superman: Dawn of Justice (Zack Snyder, USA 2016)

\*Memento (Christopher Nolan, USA 2000) - week 2 session 2

\*The Circle (James Ponsoldt, USA 2017) - week 2 session 2 (optional)

How to Get Away with Murder (TV series, episode) - screened in class

\*Howl (Rob Epstein and Jeffrey Friedman, USA 2010) - week 3 session 2 (optional)

Philadelphia (Jonathan Demme, USA 1993) - week 3 session 2

Amistad (Steven Spielberg, USA 2001) - week 4 session 1

You will either need to be on the Yale Secure wifi or Yale's VPN in order to stream the films. Please see [here](#) for a link that explains how to set up VPN if you do not yet have it.

## Course Policies

For detailed information on the readings, important dates, requirements, and course policies, as well as for information on presentations, the midterm / final paper, see our page at <https://canvas.yale.edu/> Please also note the following summer policies we are bound to, which may differ considerably from Yale College's usual policies.

### **Attendance:**

Please note the general policy of Yale's Summer Session that absences will not be tolerated. It's simply too hard to catch up. Of course, in the case of illness or special circumstances, arrangements can be made (e.g. following the class on zoom). If you are ill, please contact the instructors asap, latest 30 minutes before the beginning of the class. Please especially note that the Yale Summer Session policy does not allow leaving home early (i.e. missing the last class). Students may not be given special permission to start class late.

### **Summer Policies on Incompletes and Dean's Excuses**

- Extensions for incomplete work must first be approved by the YSS Dean before the last day of the session
- There are no "Dean's Excuses" during Summer Session. Attendance is mandatory.

### **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 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. Every covert use of someone else's idea(s), even if paraphrased, 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. Thus, **every idea, information or argument that you did not come up with by yourself needs to be openly 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 even only at the end of the paragraph, is NOT sufficient. You instead need to make clear that each individual sentence includes borrowed ideas.** 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>.

Please ask about my expectations regarding permissible or encouraged forms of student collaboration if they are unclear.