



ACADEMIC COURSE SYLLABUS

COURSE TITLE:	Law and Literature
COURSE NUMBER:	LAW E545
UNITS:	3
COURSE TYPE:	Elective
PROFESSOR(S) NAME:	Louise J. Belle, Esq.
PROFESSOR CONTACT INFO:	ljbelleslettres@gmail.com
SCHEDULE:	<p>Summer 2017 Wednesdays, May 10 through August 2, 6-9pm <u>and Fridays, May 19 and July 21, 5-8pm</u> (see weekly details) Wednesdays May 10-17, 6-9pm Friday May 19, 5-8pm Wednesdays May 24-31 and June 7-14-21-28, 6-9pm Wednesday July 5 off Wednesdays July 12-19, 6-9pm Friday July 21, 5-8pm Wednesdays July 26 and August 2, 6-9pm Room # 212</p>
PREREQUISITES:	Completion of Introductory courses or equivalent.
COREQUISITES:	None
TEXTS AND MATERIALS:	<ul style="list-style-type: none"> • Cases, law review articles, and other readings, compiled on flash drive, available at school bookstore • Other texts, available from outside sources: <ul style="list-style-type: none"> • Trollope, <i>The Warden</i> (1855) (any edition) • Golding, <i>Lord of the Flies</i> (1954) (any edition) • Gilman, “The Yellow Wallpaper” (1892) (any edition) • Melville, <i>Billy Budd</i> (c. 1891, pub. 1924) (any edition)
COURSE DESCRIPTION:	This course will explore the relationship between law and literature. We will examine interrelated topics through a variety of legal, literary, and philosophical works. Special emphasis will be on studying literature to understand law and legal theories, including social and political order, legal formalism, equity, law and morality, relationships between religious institutions and civil society, and problems with the search for truth.
COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (Description of what students will be expected to and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.)	<ol style="list-style-type: none"> 1. Students will gain understanding of the relationship between law and literature, including law as portrayed and examined in literature, and case law as literature. 2. Students will gain understanding of the historical bases and development of various theories of justice. 3. Students will gain understanding of theories of social and political order, including situations involving “natural law,” and factors affecting the structure and ordering of society in the absence of familiar contexts. 4. Students will gain understanding of theories and applications of legal formalism and equity, including the role of social hierarchies in shaping

	<p>and applying the law.</p> <p>5. Students will gain understanding of the use of fear in times of social and political unrest.</p> <p>6. Students will gain understanding of the relationship between law and morality.</p> <p>7. Students will gain understanding of relationships between religious institutions and civil society.</p> <p>8. Students will gain understanding of problems with the search for truth, including variable reliability of eyewitness testimony, and weaknesses of the jury system.</p> <p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p>
<p>FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p>	<p>Course material will be presented in a lecture-discussion format. Students should read all cases and other assigned materials. Be prepared to discuss all cases (including concurring and dissenting opinions) and all other readings assigned for each class. Class participation may include occasional short essays written in class in response to questions about the readings and class discussion.</p>
<p>EXAMS:</p>	<p>Exams begin promptly at 6 p.m. Take-home exams and papers must be submitted to the Law School office by 6 p.m. on the due date, unless otherwise noted. All students must take examinations as scheduled. It is recognized that in special circumstances and due to emergencies, it may be necessary to schedule delayed examinations. An emergency is defined as a serious illness or injury to the student or a member of his or her immediate family. Special circumstances are defined as other situations that, in the opinion of the Dean, are sufficient to warrant delay in taking examinations. Any student taking delayed examinations <u>must have the prior written approval of the Dean.</u> No examination may be taken <u>prior</u> to the day of the regularly scheduled examination. If delayed examinations are approved by the Dean, <u>a fee of \$75 will be charged for each such exam taken.</u> Failure to complete an exam is not sufficient reason for a late or retake exam.</p>
<p>GRADING / ASSESSMENT CRITERIA:</p>	<p>This class is graded as follows:</p> <p><u>Pass/Fail Classes:</u> 65 - 100 P Pass/Credit 64 and below F Fail/No Credit</p> <p><u>Grading Breakdown:</u> Pass/fail, based on a final project (50%) and class participation (50%). Class participation may include occasional short essays written in class in response to questions about the readings and class discussion. Both the quantity and quality of participation will be considered.</p> <p><u>Note: Topics for the final project must be approved by the instructor, no later than <u>July 19.</u></u></p>
<p>ATTENDANCE:</p>	<p>Regular and punctual attendance is <u>essential</u> for the successful completion of law school. Class attendance is of particular importance</p>

	<p>in learning the material and understanding concepts. Students should plan to attend every class. Students must attend a minimum of 80% of class hours of the class sessions during each semester. Roll will be taken at each class. There are no “excused” absences. Missing more than fifteen (15) minutes of any class session will be recorded as an absence for the entire class session. Make-up classes may be scheduled on evenings when classes are not usually held, on weekends, or made up on another night by staying longer. Class sessions that are delayed or canceled because of holidays or policy of Empire College School of Law, and are re-scheduled for a different date are considered regularly scheduled class sessions, not make-up classes. A student who has exceeded the absence limits outlined will be automatically dropped from the course. A student who is dropped from a course will be required to repeat the course at its next offering in order to meet graduation requirements.</p>
ASSIGNMENTS:	
<p>Class 1: 5/10/17 6-9pm</p> <p><u>Note:</u> The assigned reading is due on the first day of class</p>	<p><u>Topic:</u> <u>Introduction/Overview</u> <u>Reading:</u> • Kornstein, <i>The Law and Literature</i>, 66 N.Y. St. B.J. 34 (May/June 1994) • Witteveen, <i>Law and Literature: Expanding, Contracting, Emerging</i>, 10 Cardozo Stud. L. & Literature 155 (Winter 1998) • Luyster, <i>Lawyering Skills in Law and Literature</i>, 81-JAN Mich. B.J. 56 (January 2002) • Friedman, <i>History and Development of Law and Literature</i>, 41-FEB Md. B.J. 46 (January/February 2008)</p> <p style="text-align: center;">*****</p> <p><u>Topic:</u> <u>Social and Political Order: Theories of Justice.</u> <u>Reading:</u> • <i>The Queen v. Dudley & Stephens</i>, 14 Q.B.D. 273 (1884) (excerpts) • Fuller, <i>The Case of the Speluncean Explorers</i>, 62 Harv. L. Rev. 616 (1949) • D’Amato, <i>The Speluncean Explorers—Further Proceedings</i>, 32 Stan. L. Rev. 467 (1980) • Coombs, <i>The Case of the Speluncean Explorers: Contemporary Proceedings</i>, 61 Geo. Wash. L. Rev. 1785 (August 1993)</p>
<p>Class 2: 5/17/17 6-9pm</p>	<p><u>Topic:</u> <u>Social and Political Order: Power and Privilege.</u> <u>Reading:</u> • Trollope, <i>The Warden</i> (1855) (any edition)</p> <p style="text-align: center;">*****</p> <p><u>Topic:</u> <u>Social and Political Order: Power and Chaos.</u> <u>Film in Class:</u> • “The Monsters are Due on Maple Street” (<i>The Twilight Zone</i>, 1960)</p>
<p>Class 3: <u>Friday, 5/19/17 5-8pm</u></p>	<p><u>Topic:</u> <u>Social and Political Order: Power and Chaos. (continued)</u> <u>Reading:</u> • Golding, <i>Lord of the Flies</i> (1954) (any edition) • Peter Brook on the Making of <i>Lord of the Flies</i>, http://www.criterion.com/current/posts/56-peter-brook-on-the-making-of-lord-of-the-flies, excerpted from Brook, <i>The Shifting Point: Theatre, Film, Opera 1946-1987</i> (Theatre Communications Group, 1994) <u>Film in Class:</u> • <i>Aguirre: The Wrath of God</i> (1972)</p>

Class 4: 5/24/17 6-9pm	<p><u>Topic:</u> <u>Legal Formalism and Equity: Justice and Social Hierarchies.</u></p> <p><u>Reading:</u></p> <ul style="list-style-type: none"> • Holmes, <i>The Common Law</i> (1881), Lectures 1 and 2 • <i>MacPherson v. Buick Motor Co.</i>, 217 N.Y. 382 (1916) • <i>Hynes v. New York Central R.R. Co.</i>, 231 N.Y. 229 (1921) • Glaspell, “A Jury of Her Peers” (1917) • Lawry, <i>The Moral Obligation of the Juror to the Law</i>, 112 Penn St. L. Rev. 137 (Summer 2007) (excerpts) • Gilman, “The Yellow Wallpaper” (1892) (any edition)
Class 5: 5/31/17 6-9pm	<p><u>Topic:</u> <u>Legal Formalism and Equity: The Rule of Law.</u></p> <p><u>Reading:</u></p> <ul style="list-style-type: none"> • Melville, <i>Billy Budd</i> (c. 1891, pub. 1924) (any edition) • Solove, <i>Melville’s Billy Budd and Security in Times of Crisis</i>, 26 Cardozo L. Rev. 2443 (May 2005) <p><u>Film in Class:</u> • <i>The Ox-Bow Incident</i> (1943)</p>
Class 6: 6/7/17 6-9pm	<p><u>Topic:</u> <u>Legal Formalism and Equity: Rebellion.</u></p> <p><u>Film in Class:</u> • <i>Samurai Rebellion</i> (1967)</p>
Class 7: 6/14/17 6-9pm	<p><u>Topic:</u> <u>Social and Political Unrest: Fear and Manipulation.</u></p> <p><u>Reading:</u></p> <ul style="list-style-type: none"> • Daniels, <i>The Japanese American Cases: The Rule of Law in Time of War</i> (University Press of Kansas 2013) (excerpt: “The Facts Behind the Cases,” Chapter 1, pp. 1-27) <p><u>Film in Class:</u> • <i>The Intruder</i> (1962)</p>
Class 8: 6/21/17 6-9pm	<p><u>Topic:</u> <u>Law and Morality.</u></p> <p><u>Reading:</u></p> <ul style="list-style-type: none"> • Dahl, “Parson’s Pleasure” (1958) • Highsmith, “Old Folks at Home” (1981) • Rendell, “An Outside Interest” (1982) <p><u>Films in Class:</u></p> <ul style="list-style-type: none"> • “De Mortuis” (<i>Alfred Hitchcock Presents</i>, 1956) • “Coyote Moon” (<i>Alfred Hitchcock Presents</i>, 1959) • “The Orderly World of Mr. Appleby” (<i>Tales of the Unexpected</i>, 1980)
Class 9: 6/28/17 6-9pm	<p><u>Topic:</u> <u>Law and Morality.</u> (continued)</p> <p><u>Film in Class:</u> • <i>My Kid Could Paint That</i> (2007)</p>
7/5/17 No class this night	No class this night
Class 10: 7/12/17 6-9pm	<p><u>Topic:</u> <u>Law and Religion: Religion as Law.</u></p> <p><u>Reading:</u></p> <ul style="list-style-type: none"> • Jackson, “The Lottery” (1948) • Oppenheimer, <i>Private Demons: The Life of Shirley Jackson</i> (1988) (excerpt: Chapter 12, pp. 127-132) • Guiley, <i>The Encyclopedia of Demons & Demonology</i> (Checkmark Books 2009) (excerpt: “Malleus Maleficarum (Witch Hammer),” pp. 166-167) • Kramer and Sprenger, <i>Malleus Maleficarum</i> (1487) (Dover Publications, Inc. 1971) (excerpt: <i>The Bull of Innocent VIII</i> (1484), pp. xliii-xlv) <p><u>Film in Class:</u> • <i>The Terror of History: Mystics, Heretics, and Witches in the Western Tradition</i> (Ruiz, lectures 11 and 18) (The Teaching Company 2003)</p>
Class 11: 7/19/17 6-9pm	<p><u>Topic:</u> <u>Law and Religion: Institutional Power in Civil Society.</u></p> <p><u>Reading:</u></p> <ul style="list-style-type: none"> • Doyle and Rubino, <i>Catholic Clergy Sexual Abuse Meets the Civil Law</i>, 31 Fordham Urb. L.J. 549 (January 2004) • Baker, <i>Prosecuting Dioceses and Bishops</i>, 44 B.C.L.Rev. 1061 (Symposium: <i>The Impact of Clergy Sexual Misconduct Litigation on Religious Liberty</i>) (July/September 2003)

	<ul style="list-style-type: none"> • Bartley, <i>The Liability Insurance Regulation of Religious Institutions After the Catholic Church Sexual Abuse Scandal</i>, 16 Conn. Ins. L.J. 505 (Spring 2010) • Morris, <i>Cardinal Law and Cardinal Sin: An Argument for Application of R.I.C.O. to the Catholic Sex Abuse Cases</i>, 15 Rutgers J.L. & Religion 298 (Spring 2014) <p>Film in Class: • <i>Spotlight</i> (2015)</p>
Class 12: <u>Friday, 7/21/17 5-8pm</u>	<p>Topic: <u>The Search for Truth.</u></p> <p>Reading:</p> <ul style="list-style-type: none"> • Akutagawa, “In a Grove” (1922) • Akutagawa, “Rashōmon” (1914) • Richie, <i>The Films of Akira Kurosawa</i> (1998) (excerpt: pp. 75-76) • Kamir, <i>Judgment by Film: Socio-Legal Functions of Rashomon</i>, 12 Yale L.J. & Human. 39 (Winter 2000) (excerpts) <p>Film in class: • <i>Rashomon</i> (1950)</p>
Class 13: 7/26/17 6-9pm	<p>Topic: <u>The Search for Truth. (continued)</u></p> <p>Reading:</p> <ul style="list-style-type: none"> • Gershman, <i>Contaminating the Verdict: The Problem of Juror Misconduct</i>, 50 S.D. L. Rev. 322 (2005) (excerpts) • Weisselberg, <i>Good Film, Bad Jury</i>, 82 Chi.-Kent L. Rev. 717 (2007) <p>Film in class: • <i>12 Angry Men</i> (1957)</p> <p>Conclusion: • Review; further suggested readings and research</p>
Class 14: 8/2/17 6-9pm	<p>Final Project: Each student is to give an oral presentation of about 15-20 minutes, on the topic of her or his choice.</p> <p>Note: <u>Topics must be approved by July 19.</u></p>

Syllabi subject to change.