

# **LAW & LITERATURE**

## **LAW 6936 - 2 credits**

Professor John Stinneford  
University of Florida Levin College of Law  
Fall 2018

This course will explore the intersection between law and literature. Literature is important for understanding law because it teaches a certain way of thinking -- one that is synthetic, creative, and comfortable with ambiguity and ambivalence. Each class will explore one or more interrelated topics through a variety of literary and philosophical works. Readings will include works by Hawthorne, Shakespeare, Kafka, Dostoevsky, Capote, Garcia Marquez, Glaspell, and others. Topics will include: narrative, storytelling, and framing; custom, law and the political order; law, society, and power; interpretation, authority, and legitimacy; punishment, retribution, and redemption; and others. This course will provide an opportunity to think about the law in a new way, to read engaging works of fiction and non-fiction, and to examine the law from a humanistic and philosophical perspective.

### Student learning outcomes:

By the end of this course, students will be able to:

- Analyze legal and literary texts with depth and precision.
- Perform in-depth research to support a major research paper.
- Complete rough and final drafts of a major research paper that demonstrate strong analysis and insight, based on a strong research foundation, and clear, precise writing.

### Required texts

Stinneford, Law & Literature Reading Packet

Nathaniel Hawthorne, *The Scarlet Letter* (ISBN-13: 978-1907947964)

William Shakespeare, *The Merchant of Venice* (Folger Shakespeare Library) (ISBN-13: 978-0743477567)

Franz Kafka, *The Trial* (Breon Mitchell, trans.) (ISBN-13: 978-0805209990)

Gabriel Garcia Marquez, *Chronicle of a Death Foretold* (ISBN-13: 978-1400034710)

Albert Camus, *The Stranger* (ISBN-13: 978-0679720201)

Fyodor Dostoevsky, *The Brothers Karamazov* (Pevear & Volokhonsky, trans.) (ISBN-13: 978-0374528379)

Truman Capote, *In Cold Blood* (ISBN-13: 978-0679745587)

Sophocles, *Antigone* (in *The Oedipus Cycle*, Fitts & Fitzgerald, trans.) (ISBN-13: 978-0156027649)

### Classes

Classes will be held on Tuesdays from 1:00-2:40 p.m. in Room 354.

### Office Hours

My office hours are on Tuesdays from 2:45-3:45 p.m., and by appointment. While you should feel free to stop by without an appointment during office hours, I highly recommend that you make an appointment to reserve the amount of time that you need, and eliminate wait time. If you are unable to meet with me during my regularly scheduled office hours please send me an e-mail and I'll be happy to arrange another mutually convenient time.

### Contact Information

My office is in Room 379 and the telephone number is (352) 273-0959. My e-mail address is [jstinneford@law.ufl.edu](mailto:jstinneford@law.ufl.edu). I encourage you to contact me regularly during the semester and to ask any questions that you may have about the course or even more generally about the practice of law.

### Class Attendance and Workload

Students are expected to attend class, to be prepared, and to participate in class discussions. Pursuant to ABA guidelines, students who have three (3) or more absences will automatically fail this course. A smaller number of absences may result in a reduction of your grade. Absences necessitated by religious holidays are exempted by this policy, so long as you give me advance notice of your absence. More generally, if you are concerned that you may come close to the limit on absences, it is a good idea to keep me informed as to what's going on, so that we can explore whether an accommodation is possible.

Students should be prepared to discuss the assigned readings in class, and may expect to spend at least 60 hours outside of class meetings in research and writing during the semester.

### Recording Devices and Cell Phones

Use of any recording devices (including audio and/or video) is not permitted in the classroom without my express permission. Cellular telephones should not be used during class, and ringers should be silenced.

Computer Usage: I encourage you to use a laptop to take notes, prepare your outline, and take exams. Please do not surf the web, send emails or IMs, look up old crushes on Facebook, shop for autographed Tim Tebow photos on EBay, or generally mess around on your computer. Such

conduct is unprofessional, and shows a lack of respect for your classmates and me. Such conduct may result in a grade reduction as discussed in the “class participation” section, above.

Statement related to accommodations for students with disabilities

Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

University Policy on Academic Misconduct: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Information on UF Law grading policies

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

The law school grading policy is available at: <http://www.law.ufl.edu/students/policies.shtml#9>.

**Workload and Grading**

Class Participation:

This seminar depends upon your careful reading of the texts and your participation in class discussion. Every week, as you do your reading, I expect you to write down at least 3 or 4 questions or issues you would like to cover in class. Bring them with you to class to use as a reference, and then turn them in at the end of each class. You will be expected to participate in class discussion. 20% of your grade will be based on class participation. (NOTE: Class participation is not a competitive enterprise. If you prepare your questions and participate in discussion each week, you will get full credit. I will not grade based on the perceived quality or quantity of your answers, although I will mark you off if it's clear you are not prepared for class.)

Seminar Paper:

80% of your grade will come from a seminar paper. This paper is designed to meet your advanced writing requirement. This requirement is described as follows:

Advanced Writing Requirement. All J.D. candidates must produce — under close faculty supervision — a major, written, finished product that shows evidence of original systematic scholarship based on individual research. . . . The general standard for fulfillment of the advanced writing requirement is a paper or papers that are cumulatively at least 25 pages of double-spaced, 12-point text or the equivalent.

Beyond these requirements, I am quite flexible as to your chosen topic and approach to the paper. We will discuss your thoughts as to paper topics early in the semester. In assessing the papers, I will consider the strength of your argument, the clarity of your organization, the completeness of your research, the authoritative nature of your sources, and the quality of your writing. In addition, I will consider timeliness and citation form. Citations must conform to The Bluebook: A Uniform System of Citation. An “A” paper will develop a complex, detailed, and imaginative argument based on thorough research and strong analysis. It will be well written, timely, and virtually free of citation errors.

You must submit a rough draft of your paper no later than October 23rd. You will be expected to do a 15 minute presentation of your paper in one of the final two classes of the semester. The final paper is due November 30<sup>th</sup>.

### Weekly Assignments

Aug. 14

Introduction: What Can Literature Teach Us About Law? (packet pp. \_\_)

Nathaniel Hawthorne, *The Scarlet Letter*

Aug. 21

Judging in Fuller’s Speluncan Explorers and Glaspell’s A Jury Of Her Peers  
(pack. pp. \_\_)

Aug. 28 & Sept. 4

The Complexity Of Judgment: Dostoyevsky’s The Brothers Karamazov  
(*Karamazov*)

Sept. 11

Interpretation and Authority in Kafka’s the Trial (*The Trial*; pack. pp. \_\_)

Sept. 18

Norms and Narrative in Garcia Marquez’s Chronicle of a Death Foretold  
(*Chronicle of a Death Foretold*; pack. pp. \_\_).

Sept. 25

Law and the Absurd: Albert Camus’s *The Stranger*. (*The Stranger*).

Oct. 2

The Power Of Narrative: Dershowitz and others (pack. pp. \_\_\_\_ and possible supplements)

Oct. 9

Capote's True Crime Narrative: In Cold Blood (*In Cold Blood*)

Oct. 16

Shakespeare's the Merchant of Venice and the Paradoxes of Equity (Merchant of Venice; pack. pp. \_\_\_\_ ) (In-class viewing)

Oct. 23

Shakespeare's the Merchant of Venice and the Paradoxes of Equity (Finish in-class viewing; discussion)

Oct. 30

Law and Morality in Sophocles' Antigone (*Antigone*, packet pp. \_\_\_\_).

Nov. 6

Student Presentations part 1.

Nov. 13

Student Presentations part 2.