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| LSC Use Only No: | LSC Action-Date: | UWUCC USE Only No. | UWUCC Action-Date: | Senate Action Date: |
| | | 08-70g | App-3/10/09 | App-4/21/09 |

Curriculum Proposal Cover Sheet - University-Wide Undergraduate Curriculum Committee

| | |
|--------------------------------------|---------------------------------|
| Contact Person Wendy Carse | Email Address wcarse@iup.edu |
| Proposing Department/Unit English | Phone 7-2261 |

Check all appropriate lines and complete information as requested. Use a separate cover sheet for each course proposal and for each program proposal.

1. Course Proposals (check all that apply)

New Course Course Prefix Change Course Deletion

Course Revision Course Number and/or Title Change Catalog Description Change

| | |
|---|---|
| <u>Current</u> Course prefix, number and full title | <u>Proposed</u> course prefix, number and full title, if changing |
| | ENGL 265 Law and Literature |

2. Additional Course Designations: check if appropriate

This course is also proposed as a Liberal Studies Course. Other: (e.g., Women's Studies, Pan-African) *PreLaw*

This course is also proposed as an Honors College Course.

3. Program Proposals

New Degree Program Program Title Change Program Revision

New Minor Program New Track Other

| | |
|-----------------------------|---|
| <u>Current</u> program name | <u>Proposed</u> program name, if changing |
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| 4. Approvals | | Date |
|--|-------------------------|----------|
| Department Curriculum Committee Chair(s) | <i>[Signature]</i> | 01/06/09 |
| Department Chair(s) | <i>John L. Masten</i> | 01/16/09 |
| College Curriculum Committee Chair | <i>[Signature]</i> | 1-21-09 |
| College Dean | <i>[Signature]</i> | 1/21/09 |
| Director of Liberal Studies * | | |
| Director of Honors College * | | |
| Provost * | | |
| Additional signatures as appropriate: (include title) | | |
| UWUCC Co-Chairs | <i>Gail S. Sechrist</i> | 3/10/09 |

* where applicable

Received

FEB 16 2009

Liberal Studies

Part II. Description of the Curriculum Change

I. New syllabus of record

I. Catalog description

ENGL 265: Law and Literature

3c-01-3cr

Prerequisites: ENGL 101 Minimum Grade: C; ENGL 202 Minimum Grade C

Explores the historical and cultural connections between selected legal texts and themes as they relate to novels, poems, films, drama, essays, and other literary genres.

II. Course objectives

At the end of the course students will be able to:

1. Identify varied approaches to the study of law and literature and compare and contrast their assumptions, methods, and key questions.
2. Recognize, describe, and discuss the similarities, differences, and relationships between legal texts and literary texts such as novels, poems, films, essays, drama, and other genres.
3. Employ the methods and vocabulary of interdisciplinary legal and literary analysis.
4. Engage in comparative and contextual critiques of the rhetoric, symbolism, and narrative structures of the law, particularly in terms of race, gender, class, sexuality, and other minority identities.
5. Design and develop a case study of a legal or literary text of their choosing.
6. Improve reading, writing, discussion, and critical thinking skills.

III. Course outline

Introduction: Why English Studies and the law? (3 hours)

--What is law?: W. H. Auden, "Law Like Love" and Howard Abadinsky, "An Introduction to Law and Justice" from *Law and Justice: An Introduction to the American Legal System*
--Law in literature, as literature, and literature: Kiernan Dolin, "Introduction to Law and Literature: Walking the Boundary with Robert Frost and the Supreme Court" from *A Critical Introduction to Law and Literature*; and The Constitution of the United States

Law in literature and literature as law (4.5 hours)

--"Poethics": Richard Weisberg, "Poethics: Toward a Literary Jurisprudence," from *Poethics*
--The Rights of Man v. The Bellipotent: Herman Melville, *Billy Budd*; selections from Thomas Paine's *The Rights of Man*; and The Articles of War

The Power of Narrative (6 hours)

--"Nomos and Narrative" and National Myths: Robert Cover, "Nomos and Narrative;" The Declaration of Independence; David Walker, *Appeal in Four Articles*; Abigail Adams, "Letter to John Adams;" Declaration of Sentiments; Frederick Douglass, "What to the Slave is the Fourth of July?"; Fanny Fern,

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|---|--------------|
| <p>"Independence Day;" and Harriet Beecher Stowe, from <i>Uncle Tom's Cabin</i> --Narrative Analysis of the Law: Peter Brooks, "Narrative Transactions—Does the Law Need a Narratology?"; and selected cases and statutes --Introduction to Legal Research</p> | |
| <p>Sentiment and Juridical Rhetoric --Harriet Beecher Stowe, from <i>A Key to Uncle Tom's Cabin</i>; and Jeannine Marie DeLombard, from <i>Slavery on Trial</i> --Harriet Jacobs, <i>Incidents in the Life of a Slave Girl, Written By Herself</i> and selected documents</p> | (7.5 hours) |
| <p>Legal Fictions and Popular Opinion in Literature and Law --Coverture: Charles Moore, "The Woman Lawyer," and selected cases from women's legal history --Race: James Boyd White, "How Should the Law Use the Language of Race? The Legal Use of Social Labels" from <i>The Legal Imagination</i>; Herman Melville, "Benito Cereno" and contextual documents; Lydia Maria Child, "The Black Saxons;" Omi and Winant from <i>Racial Formation in the Unites States</i>; and/or Ian Lopez, from <i>White by Law</i> --Separate but Equal: Charles Chesnutt, <i>The Colonel's Dream</i>; <i>Plessy v. Ferguson</i>; and Brook Thomas, "An Opening Statement" from <i>Cross-Examinations</i></p> | (10.5 hours) |
| <p>Feminist Legal and Literary Theory --Robin West, from <i>Caring for Justice</i> --Susan Glaspell, <i>Trifles</i> or "A Jury of Her Peers;" documents from the <i>Hossack</i> case; and Patricia L. Bryan, "Stories in Fiction and in Fact: A Jury of Her Peers and the 1901 Murder Trial of Margaret Hossack"</p> | (3 hours) |
| <p>Counterstorytelling and Critical Race Theory in Law and Literature --Counterstorytelling: Delgado, Richard. "Storytelling for Oppositionists and Others: A Plea for Narrative;" Patricia Williams, from <i>The Alchemy of Race and Rights</i>; and Derrick Bell, from <i>And We Are Not Saved</i></p> | (3 hours) |
| <p>Law, Literature, and Performance --Langston Hughes, <i>Scottsboro, Ltd.</i> and selected poems and essays; and Julie Stone Peters, "Legal Performance: Good and Bad"</p> | (3 hours) |
| <p>Final Reflections and Review --Jane Baron, ""The Rhetoric of Law and Literature: A Skeptical View"</p> | (1.5 hours) |
| <p>Culminating activity</p> | (2 hours) |

IV. Evaluation methods

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| Quizzes and in-class assignments | 15% |
| Preparation and participation | 15% |
| Reading journal | 15% |
| Context presentation | 15% |
| Case study and presentation | 20% |
| Final Exam | 20% |

V. Grading scale

A = 90-100% B = 80-89.9% C = 70-79.9% D = 60-69.9% F < 60%

VI. Attendance policy

The attendance policy will conform to IUP's undergraduate course attendance policy.

VII. Required textbooks, supplemental books, and readings

All readings for this course will be available in our Course Packet or online.

(At the time of composition [Dec. 2008], no appropriate textbooks for the undergraduate study of law and literature are available. Several textbooks are available for use in Law School classrooms, and the publication of an appropriate textbook seems imminent [see Sarat, *MLA Options for Teaching: Teaching Law and Literature* forthcoming from MLA]; however, at this time, compiling a course packet seems best.

VIII. Special resource requirements

There are no special resource requirements for this course

IX. Bibliography

- Abadinsky, Howard. *Law and Justice: An Introduction to the American Legal System*. New York: Pearson, 2007.
- Baron, Jane B. "The Rhetoric of Law and Literature: A Skeptical View." *Cardozo Law Review* 26 (2005): 2273-2281.
- Binder, Guyora and Robert Weisberg. *Literary Criticisms of Law*. Princeton: Princeton UP, 2000.
- Brooks, Peter. "Narrative Transactions—Does the Law Need a Narratology?" *Yale Journal of Law & the Humanities* 18 (2006): 1-
- Bryan, Patricia L. "Stories in Fiction and in Fact: A Jury of Her Peers and the 1901 Murder Trial of Margaret Hossack." *Stanford Law Review* 49 (1997): 1293-1363.
- Cover, Robert M. "Forward: Nomos and Narrative." *Harvard Law Review* 97 (1983): 4-69.
- Delgado, Richard and Jean Stefancic. *Critical Race Theory: An Introduction*. New York: New York UP, 2001.
- Delgado, Richard. "Storytelling for Oppositionists and Others: A Plea for Narrative," *Michigan Law Review* 87 (1989): 2411-2441.
- Crane, Gregg D. *Race, Citizenship and Law in American Literature*. Cambridge, MA: Cambridge UP, 2002.
- DeLombard, Jeannine. *Slavery on Trial: Law, Abolitionism, and Print Culture*. Chapel Hill: UNC Press, 2007.
- Desai, Gaurav, Felipe Smith, and Supirya Nair. "Introduction: Law, Literature, and Ethnic Subjects." *MELUS* 28.1 (2003). 1-16.
- Dolin, Kiernan. *A Critical Introduction to Law And Literature*. Cambridge: Cambridge UP, 2007.
- Freeman, Michael and Andrew D. E. Lewis, eds. *Law and Literature*. Oxford: Oxford UP, 1999.
- Gemmette, Elizabeth Villiers. *Law in Literature: An Annotated Bibliography of Law-Related Works*. Troy: Whitston, 1998.
- . *Law in Literature: Legal Themes in Drama*. Troy, NY: Whitston, 1995.
- . *Law in Literature: Legal Themes in Novellas*. Troy, NY: Whitston, 1996.
- . *Law in Literature: Legal Themes in Short Stories*. Troy, NY: Whitston, 2000.
- Korobkin, Laura H. "Law and the American Novel." *A Companion to American Fiction: 1780-1865*. Ed. Shirley Samuels. Malden: Blackwell, 2004. 228-238.

- Omi, Michael and Howard Winant. *Racial Formation in the United States: From the 1960s to the 1980s*. New York: Routledge, 1986.
- Peters, Julie Stone. "Legal Performance: Good and Bad." *Law, Culture and the Humanities* 4 (2008): 179-200.
- Sarat, Austin, Cathrine Frank, and Matthew Anderson, eds.. *MLA Options For Teaching: Teaching Literature and Law*. MLA, forthcoming.
- Suggs, Jon-Christian. *Whispered Consolations: Law and Narrative in African-American Life*. Ann Arbor: University of Michigan Press, 2000.
- Thomas, Brook. *Civic Myths: A Law and Literature Approach to Citizenship*. Chapel Hill: University of North Carolina Press, 2007.
- . *Cross-Examinations of Law and Literature*. New York: Cambridge UP, 1987.
- Weisberg, Richard. *Poethics and Other Strategies of Law and Literature*. New York: Columbia UP, 1992.
- West, Robin. *Caring for Justice*. New York: New York UP, 1997.
- White, James Boyd. *The Legal Imagination: Studies in the Nature of Legal Expression*. Boston: Little Brown, 1973.

Course Analysis Questionnaire

Section A: Details of the Course

- A1 As part of a revision of its undergraduate BA curriculum, the English Department has proposed four new tracks—Literary, Textual, and Cultural Studies; Writing Studies; Film Studies; and Language Studies. The existing English/Pre-Law Track will need to be altered accordingly. This provides an opportunity to develop a track that both fulfills the existing outcomes of the university's interdisciplinary Pre-Law Program, but also to develop outcomes and learning opportunities specific to English Studies. ENGL 265: Law and Literature will provide students—Pre-Law English and non-English majors, especially, but also students from all majors—significant opportunities to explore the relationship between law and literature and the methods appropriate to understanding that relationship.
- A2 Yes. This course will be required of all English Pre-Law majors. A New Track Proposal form has been submitted.
- A3 No.
- A4 No.
- A5 N/A
- A6 Do other higher education institutions currently offer this course? If so, please list examples (institution, course title).

University of Pennsylvania: English 266: Law and Literature

This course will explore the intersections between literature and law, examining both how representations of investigation, trial and punishment find their way into literary texts and how legal processes rely on literary forms. We will thus consider the enduring fascination that law and justice have held for literary writers and investigate the narrative dimensions of the law. In doing so, we will explore the frictions and overlaps between "truth" and "fiction," concentrating particularly on different models of verification and proof in legal documents, literature and cinema. Readings will consist of plays, stories, novels and films as well as some case law; this is a wide-ranging course, moving through a number of genres and historical periods. Possible authors include Sophocles, Chaucer, Shakespeare, Behn, Melville, Kafka, Twain and Morrison, as well as secondary historical and theoretical texts. Students will be required to write 2 papers and some critical exercises.

Montclair State University: LSLW 473 Seminar in Law and Literature

This course examines the "Law and Literature" movement, an area of study developed within the legal field over the past several decades. The course is devoted to a thematic exploration and examination of the application of the concepts of law and literature and underscores areas of mutual illumination of the two vast bodies of text: legal opinions and works of literature.

Vanderbilt University: ENGL 262: Law and Literature

Examines the interrelations of law and literature from three perspectives:

1. Law in Literature: This section investigates the evolution of the legal system as reflected in Western Literature. Texts will include: Antigone, Malory's Morte D'Arthur, The Spanish Tragedy, The Merchant of Venice, The Caine Mutiny Court-Martial, Rashomon, The Bonfire of the Vanities.
2. Law as Literature: This section focuses on judicial opinions and statutes as forms of literature. We discuss the differences between the ways lawyers/judges and lay people read judicial opinions. We also examine the prose styles of various judges, such as Oliver Wendell Holmes, Learned Hand, and William O. Douglas to determine how style, rhetoric, and form of narrative shape the force of judicial opinions.
3. Critical legal theory: This section includes an introduction to feminist legal theory and critical race theory, with commentaries by James Boyd White, Richard Posner, Mary Ann Glendon, Patricia Williams, Katharine Bartlett, and Catherine MacKinnon.

A7 No.

Section B: Interdisciplinary Implications

B1 No.

B2 N/A

B3 No.

B4 No.

Section C: Implementation

C1 Faculty resources are adequate.

C2 No additional resources are needed.

C3 N/A

C4 The course will be offered once every three semesters.

C5 One.

C6 25 students. This is the standard number for 200-level courses.

C7 N/A

C8 N/A