

Law and Literature

Prof. Emma Davenport (she/her) • emma.davenport@emory.edu
Office hours: Tuesdays 1:30 - 3:30 PM, Callaway N313 ([book here](#))

Learning Activities

During this semester, you will:

Lead, listen, and respond in class discussion;

Read critically, evaluating the logical strength, rhetorical persuasiveness, and aesthetic effectiveness of legal and literary writing;

Analyze and respond to a landmark judicial opinion by crafting an original concurrence to or dissent from that opinion;

Identify and assess the relation between formal literary features and thematic legal content in works of literature through composing a literary analysis essay;

Conceive and execute a creative project that represents a legal principle in a narrative form, and present your project to your classmates.

Course Tags

GER: HA (blue) / HAP (gold)

Continuing Communication (CC)

English Major Requirements:

Lit/Culture of 20th/21st Centuries

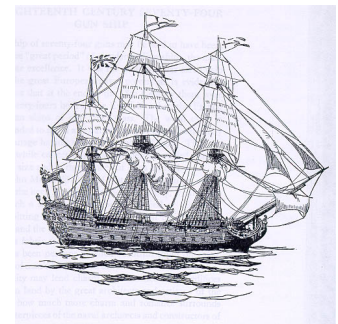
Creative Writing Lit Requirements:

Prose

PPL Major Requirements:

Non-Philosophy Elective on Law

What can literature teach us about the law, and what can the law teach us about literature? Within these broad queries lurk questions about the nature of justice, punishment, human psychology, institutional structures, cultural norms, and disciplinary methodology. In this course we will consider the productive and limiting aspects of positing law and literature as opposing or complementary forces. Our legal texts will comprise some of the stickiest judicial opinions in Anglo-American law, centered around themes of bodily autonomy in the contexts of race, gender, and sexual orientation. Our literary texts will include genres that might surprise you: a contemporary allegorical fantasy, a nineteenth-century adventure story, and a novel that combines historical fiction with magical realism. In the course of creating our own, original judicial opinions, literary criticism, and creative adaptations, we will learn how to analyze and respond to case law as lawyers do, how to close-read and persuasively defend an argument as literary scholars do, and how to critically think and converse as informed and engaged citizens do.



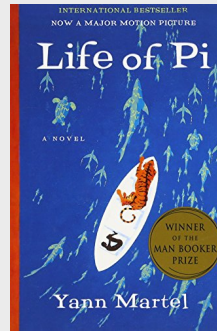
A seventy-four gun Man-of-War. Courtesy of [David Padilla](#).

Course Texts (3)

Note: You must obtain **hard copies** of these **specific editions**.

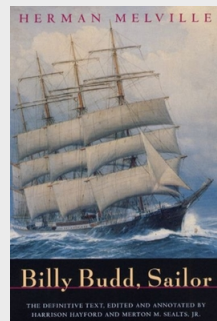
Life of Pi

Yann Martel
(Mariner/Houghton Mifflin, 2003)
ISBN: 9780156027328
Available at:
[Bookshop](#) or [Amazon](#)



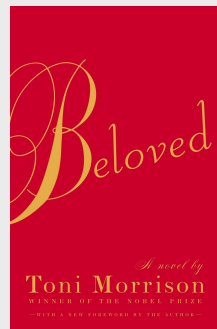
Billy Budd, Sailor

Herman Melville
(Univ. of Chicago, 1962)
ISBN: 9780226321325
Available at:
[Bookshop](#) or [Amazon](#)



Beloved

Toni Morrison
(Vintage, reprint ed., 2004)
ISBN: 9781400033416
Available at:
[Bookshop](#) or [Amazon](#)



If financial constraints restrict your ability to obtain a personal copy of these editions, textbook scholarships are available to you; fill out [this form](#) and choose "Textbook Assistance" under "Nature of Concern."

If you need temporary access to a text prior to delivery of your own copy, texts are available for 3-hour reserve from the library.

Accessibility

I am committed to supporting your full engagement with this class. We may all need some accommodations in our courses, because we all learn differently. If you need specific accommodations in this class in order to learn the content or to demonstrate your learning, please come talk to me. I will do what I can to help you better access the materials and show your understanding of those materials.

If you have a documented disability (or think you may have a disability), please also contact the [Department of Accessibility Services](#), which can help you advocate for particular, confidential accommodations in all of your courses. If you do not have a documented disability, remember that other support services, including the [Emory Writing Center](#), are available to all students. Visit [Academic Success and Support](#) for more academic services available to you.

As a student, you may also experience a range of emotional and interpersonal issues that can cause barriers to learning, including anxiety, problems sleeping or eating, or personal crises. For an extensive list of well-being resources on campus—for issues ranging from mental health to financial distress to harassment and more—visit [Get Support](#). And keep in mind that Emory offers free, 24/7 mental health and medical care resources via [TimelyCare](#).

This Accessibility Statement adapted with permission from [Lauren Eriks Cline](#).

ChatGPT / AI

You **may not** use ChatGPT or other AI to generate assignment text, regardless of how much you edit that text. If you make **any** use of AI in completing an assignment, **you must disclose** on your assignment both (1) that you used AI, and (2) how you used it (in detail).

Classroom Policies

Late arrival to class: Do not be late—you'll miss important announcements and disrupt your classmates. Timely arrival to class is part of your participation assessment.

Computers and other electronics: Computers and other electronics are to be stowed away for the entirety of every class session. This policy includes laptops, tablets, e-readers, and phones. Phones should be silenced.

Books: You must obtain the *specific editions* of the course texts listed on page 2 of this syllabus, and they must be in *hard copy (not electronic form)*. Effective class discussion will require that we be (literally) on the same page as we work through the texts. If you are purchasing the texts online, the most effective way to ensure that you have the right editions is to access them via the provided link. If financial constraints restrict your ability to obtain a personal copy of these editions, textbook scholarships are available to you; please fill out [this form](#) and choose "Textbook Assistance" under "Nature of Concern."

Other Readings: Texts other than those listed on page 2 will be posted to Canvas. You should arrive to class with *hard copies* of all readings for the day; you may not use electronic versions. You are expected to have completed reading the assigned selections for the day and to have highlighted, underlined, and/or annotated them. Bring a notebook and writing utensil for taking class notes.

COVID-19: I recognize that we are still in the midst of a pandemic and that accommodations for illness will be necessary. At the very first sign of not feeling well, *stay at home*, follow the instructions at [this site](#), and email me to arrange appropriate accommodations.

Assessments

Classroom Participation	10 %
-attendance and timeliness	
-arrival to class with readings/materials	
-daily preparation (including any quizzes)	
-active listening and participation	
-serving as class note-taker	
Brief Written Responses (3)	10 %
Judicial Opinion Assignment	30 %
(including all sub-parts)	
Literary Analysis Essay	40 %
(including all sub-parts)	
Law & Narrative Project	10 %
	100 %

Attendance and Late Work

Your attendance and participation are crucial to both you and your classmates. If you must be absent for illness, religious observance, or another reason, send me an email *in advance* of class, and as early as possible. It will be your responsibility to consult with a classmate about material you missed and to consult the class notes posted on the course website.

This course approaches writing as a step-by-step process. It is crucial to submit each assignment on time in order that you are ready for the next step. If you cannot submit an assignment by the deadline, send me an email *in advance* of the deadline, as early as possible, so that we can arrange an alternative. Late work without prior discussion with me will not receive full credit.

Honor Code

The Honor Code is in effect throughout the semester. By taking this course, you affirm that it is a violation of the code to cheat on quizzes, to plagiarize, to deviate from the teacher's instructions about collaboration on work that is submitted for grades, to give false information to a faculty member, and to undertake any other form of academic misconduct. Students who violate the Honor Code may be subject to a written mark on their record, failure of the course, suspension, permanent dismissal, or a combination of these and other sanctions. The Honor Code may be reviewed online [here](#).

Course Objectives

In this course, our main learning goals will center on practicing methods of critical reading, analysis, discussion, and writing in the fields of law and literature. Specifically:

- You will apply techniques of close reading and analysis to literary and legal texts;
- You will develop and defend arguments about legal and literary issues based in disciplinary understandings of claims and evidence;
- You will locate your own arguments within larger critical conversations, demonstrating a range of ways to approach judicial opinions, legal writing, and literary criticism;
- You will practice several genres of legal and literary writing, crafting rhetorically powerful and logically convincing prose;
- You will approach academic writing as a process and engage with writing as a recursive procedure in which you increasingly focus, deepen, solidify, and clearly communicate your thinking.

Humanities & Arts GER Outcomes

In this course, you will:

- Demonstrate knowledge of a course topic including the historical, social, cultural, and/or philosophical contexts, including how these questions have been addressed from the perspective of a given academic discipline.
- Understand that texts and/or objects can be critically interpreted in different ways, and develop an ability to marshal evidence to support an interpretation.
- Produce humanistic or artistic work with subject-appropriate skills, goals, and understandings of historical and cultural contexts.
- Demonstrate an ability to critically analyze texts, works of art, and/or visual objects, with understanding, precision, and insight into the works and their contexts.

Continuing Communication Outcomes

In this course, you will:

- Communicate to Learn. You will use communication as a form of inquiry, invention, and reflection.
- Communicate Flexibly. You will communicate effectively for specified audiences in more than one genre, medium, or mode, such as written, oral, or visual modes.
- Communicate to Contribute. You will use formal communication to contribute to a conversation in a discipline, profession, or field of study.
- Communicate Critically. You will demonstrate critical awareness of the ethical, rhetorical, and/or ideological dimensions of communicating within and across communities.

Assignment Submission

Assignments are to be submitted to Canvas.

- Submit your documents in **.docx (MS Word)** format.
- Include your **name** and **page numbers**.
- Assignments should be typed in a standard-sized, normal-looking font (Times New Roman, Garamond, or similar) with 1-inch margins.
- Our citation format is MLA style, 9th edition. Citation guidelines can be found at the [Purdue OWL website](#).

Writing Center

The Emory Writing Center (EWC) is open year-round to support writers: students, staff, and faculty. It offers one-on-one remote and in-person tutoring for writers working on a range of composition projects (essays, applications, reports, theses, etc.), at any stage of the writing process, from brainstorming to final revisions. Writing Center tutors work on idea development, structure, use of sources, style, grammar, and more. Tutors also support the literacy needs of English Language Learners (ELL). Learn more and make an appointment [here](#).

Daily Schedule

Week #	Date	Reading/Writing due PRIOR to class	In-Class Work/Discussion
UNIT 1. INTRODUCTION TO LEGAL REASONING: CONSTITUTIONAL LAW			
Week 1	Th Aug 24		Introduction to Course Intro to <i>Brown v. Board of Education</i>
Week 2	Tu Aug 29	Read syllabus in full Complete survey <i>due Mon 8/28 at noon</i>	<i>Brown v. Board of Education</i>
	Th Aug 31	Read Vaughn: Fallacies chapter	Continue <i>Brown v. Board of Education</i> Fallacies practice
Week 3	Tu Sept 5	Locate/read op-ed Fallacies assignment <i>due Mon 9/4 at noon</i>	Fallacies discussion Intro to briefing Intro to <i>Bowers v. Hardwick</i>
	Th Sept 7	Read <i>Bowers v. Hardwick</i>	<i>Bowers v. Hardwick</i>
Week 4	Tu Sept 12	Read and brief <i>Dobbs v. Jackson</i>: Majority opinion only <i>due Mon 9/11 at noon</i>	<i>Dobbs v. Jackson</i> : Majority opinion

Week #	Date	Reading/Writing due PRIOR to class	In-Class Work/Discussion
	Th Sept 14	Read <i>Dobbs v. Jackson: Concurrences & Dissent</i>	<i>Dobbs v. Jackson:</i> Concurrences & Dissent Intro: Concurrence/Dissent Assignment Sign up for cases
Week 5	Tu Sept 19	Read majority opinion Brief majority opinion <i>due Mon 9/18 at noon</i>	Workshop: Majority Opinions
UNIT 2. CRIMINALITY AND CONTEXT			
	Th Sept 21	Read <i>Dudley & Stephens</i>	<i>Dudley & Stephens</i>
Week 6	Tu Sept 26	Read <i>Life of Pi</i> "Author's Note" – ch. 36 (pp. vii-93) Brief your concurrence/dissent <i>due Mon 9/25 at noon</i>	Intro to Close Reading
	Th Sept 28	Read <i>Life of Pi</i> chs. 37-58 (pp. 95-169)	<i>Life of Pi</i>
Week 7	Tu Oct 3	Read <i>Life of Pi</i> chs. 59-91 (pp. 169-256) Final concurrence/dissent <i>due Mon 10/2 at noon</i>	<i>Life of Pi</i>
	Th Oct 5	Read <i>Life of Pi</i> chs. 92-100 (pp. 256-319)	<i>Life of Pi</i> Mid-semester evaluations Participation self-assessment
Week 8	Tu Oct 10	FALL BREAK	FALL BREAK
UNIT 3. CONCEPTIONS OF JUSTICE			
	Th Oct 12	Read <i>Billy Budd</i> chs. 1-19 (pp. 41-101)	Intro to Literary Analysis Assignment <i>Billy Budd</i>
Week 9	Tu Oct 17	Read <i>Billy Budd</i> chs. 20-30 (pp. 101-132)	Intro to topics & passages <i>Billy Budd</i>

Week #	Date	Reading/Writing due PRIOR to class	In-Class Work/Discussion
	Th Oct 19	Topic & Passages <i>due Wed 10/18 at noon</i>	Intro to theses <i>Billy Budd</i>
Week 10	Tu Oct 24	Thesis <i>due Mon 10/23 at noon</i>	Thesis workshop
UNIT 4. RACE AND PROPERTY LAW			
	Th Oct 26	Read "Whiteness as Property" Revised thesis <i>due Wed 10/25 at noon</i>	Intro to outlining Harris, "Whiteness as Property"
Week 11	Tu Oct 31	Outline <i>due Mon 10/30 at noon</i> Read <i>Beloved</i> pp. 3-51	Outline workshop
	Th Nov 2	Read <i>Beloved</i> pp. 52-100	Intro to drafting <i>Beloved</i>
Week 12	Tu Nov 7	Initial draft <i>due Mon 11/6 at noon</i> Read <i>Beloved</i> pp. 101-146	Initial draft workshop Intro to revision
	Th Nov 9	Read <i>Beloved</i> pp. 147-195	<i>Beloved</i>
Week 13	Tu Nov 14	Final draft & Revision Statement <i>due Mon 11/13 at noon</i> Read <i>Beloved</i> pp. 199-252	<i>Beloved</i>
	Th Nov 16	Read <i>Beloved</i> pp. 253-324	Intro to Law & Narrative Project <i>Beloved</i>
UNIT 5. TORTS AND NARRATIVE			
Week 14	Tu Nov 21	Law & Narrative Project: Term definition <i>due Mon 11/20 at noon</i>	Intro to Contributory Negligence

Week #	Date	Reading/Writing due PRIOR to class	In-Class Work/Discussion
	Th Nov 23	THANKSGIVING BREAK	THANKSGIVING BREAK
Week 15	Tu Nov 28	Law & Narrative Project Proposal <i>due Mon 11/27 at noon</i> Read <i>Wassell v. Adams</i>	Intro to Torts and Law & Economics Begin <i>Wassell v. Adams</i>
	Th Nov 30	Read Posner on Law & Literature	Continue <i>Wassell v. Adams</i> Posner on Law & Literature
Week 16	Tu Dec 5	Law & Narrative Project <i>due Mon 12/4 at noon</i>	Presentations Wrap-Up