



ST. JEROME'S UNIVERSITY

St. Jerome's University in the University of Waterloo

Departments of English and Sociology & Legal Studies

ENGL 213 / LS 292—Winter 2022

LITERATURE AND THE LAW

Monday & Wednesday, 11:30–12:50, SJ2 2003 / Online asynchronous

INSTRUCTOR INFORMATION

Instructor: Dr. Ryan Devitt

Email: rtdevitt@uwaterloo.ca

Office hours: Mondays & Wednesdays 1:00–2:00pm Eastern Time (Zoom) or by appointment

REMOTE COURSE INFORMATION

Due to the ongoing COVID-19 pandemic, this course will be delivered remotely until at least January 27, after which time, the course will either remain remote or move to in-person. During the remote period, lectures will be made available on the course LEARN page as narrated PowerPoint presentations. Lectures will be posted every Monday & Wednesday at 11:30 a.m. Eastern Time Zone (EST/EDT)

The quality of your course experience and the value of lectures will depend on your familiarity with the readings. Please read all assigned material before class, per Course Schedule below.

Virtual office hours will be held every Monday & Wednesday from 1:00–2:00pm Eastern Time. Zoom meeting link available on LEARN course home page. If you are unable to meet during scheduled office hours, one-on-one phone or video meetings are available by appointment.

COURSE DESCRIPTION

“Literature and the Law” is a subfield of both Legal and Literary Studies that has grown steadily over the past half century. In this course, we will consider a range of different relations between literature and law that have emerged in the scholarship. In unit one (weeks 3–5) we will focus on literature as law’s “other” and the unique capacity of literature to critically interrogate legal processes and constructions of justice and criminality. In unit two (weeks 6–10), we will consider ways that literature, rather than being automatically critical and “emancipatory” in relation to law, instead contributes to a “carceral society” and to the disciplining of populations. Finally, in unit three (weeks 11–14), we will examine different ways that literature has historically acted as jurisprudence—or *the reason behind the rule*—especially in determinations of guilt and the *mens rea* or fault element of criminal offences.

COURSE OBJECTIVES & LEARNING OUTCOMES

By the end of the course, students should be able to

- (1) Understand major themes in Literature and the Law scholarship
- (2) Critically analyze literature as a discourse that shapes social reality
- (3) Compare and critique theories of literature
- (4) Hone research and writing skills
- (5) Build respect for and competency in matters of academic integrity, including proper citation of secondary sources

REQUIRED TEXTS

All required texts used for this course will be available through Electronic Course Reserves (<https://www.reserves.uwaterloo.ca/ares/ares.dll>). These texts may be supplemented from time to time by material posted to the course LEARN page.

COURSE REQUIREMENTS AND ASSESSMENT

1. Reflection Questions	DUE: Ongoing	Weight: 10%
2. Short Essay 1	DUE: January 26	Weight: 20%
3. Short Essay 2	DUE: February 16	Weight: 20%
4. Short Essay 3	DUE: March 14	Weight: 20%
5. Final Paper Proposal	DUE: April 4	Weight: 5%
6. Final Paper	DUE: April 18	Weight: 25%

Note: A brief outline of each assignment is included below. **Detailed instructions for all assignments** will be posted to the course LEARN page and discussed in class at least two weeks before each due date.

POLICY ON LATE WORK AND MISSED ASSIGNMENTS

Assignments must be submitted to the assignment dropbox on LEARN by 11:55pm Eastern Time Zone on the date specified. Late assignments will be penalized 5% per day, including weekends, unless you have made arrangements with your instructor *before assignments are due*.

Medical emergencies must be documented by a UW “Verification of Illness Form,” available at Health Services or at <https://uwaterloo.ca/campus-wellness/health-services/student-medical-clinic>. Students seeking consideration from an instructor for missed course requirements due to

influenza-like illness can [self-declare their illness through Quest](#). Non-medical emergencies will be dealt with on a case-by-case basis and must be accompanied by appropriate documentation.

University Regulations governing all assignments, tests, and final exams can be found at <http://ugradcalendar.uwaterloo.ca/page/Acad-Regs-Assignments-Tests-and-Final-Exams>

CORRESPONDENCE

Please send all correspondence to rtdevitt@uwaterloo.ca. Include your first & last name and the course code. I will endeavor to answer your question(s) within 24 hours, Mon–Fri.

OTHER IMPORTANT INFORMATION

Academic Integrity: To maintain a culture of academic integrity, members of the University of Waterloo and its Affiliated and Federated Institutions of Waterloo (AFIW) are expected to promote honesty, trust, fairness, respect, and responsibility. See the University of Waterloo's Academic Integrity site for more information (<https://uwaterloo.ca/academic-integrity/>).

Grievance: A student who believes that a decision affecting some aspect of their university life has been unfair or unreasonable may have grounds for initiating a grievance. Read the St. Jerome's University Policy on Student Petitions and Grievances, www.sju.ca/sites/default/files/upload_file/PLCY_AOM_Student-Petitions-and-Grievances_20151211-SJUSCapproved.pdf. When in doubt, please be certain to contact the St. Jerome's Advising Specialist, Student Affairs Office, who will provide further assistance.

Discipline: A student is expected to know what constitutes academic integrity, to avoid committing an academic offence, and to take responsibility for their actions. See www.uwaterloo.ca/academicintegrity/ for more information. **A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences** (e.g., plagiarism, cheating, “rules” for group work/collaboration) **should seek guidance from the course instructor, academic advisor, or the Associate Dean**. When misconduct has been found to have occurred, disciplinary penalties will be imposed under the St. Jerome's University Policy on Student Discipline, www.sju.ca/sites/default/files/PLCY_AOM_Student-Discipline_20131122-SJUSCapproved.pdf. For information on categories of offences and types of penalties, students should refer to University of Waterloo Policy 71, Student Discipline, <http://www.adm.uwaterloo.ca/infosec/Policies/policy71.htm>. For typical penalties, check the Guidelines for the Assessment of Penalties, www.adm.uwaterloo.ca/infosec/guidelines/penaltyguidelines.htm.

Plagiarism: Plagiarism is a serious academic offence. Policy 71 defines plagiarism as follows: “presenting, whether intentionally or not, the ideas, expression of ideas, or work of others (whether attributed or anonymous) as one's own in any work. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of

the source, and presenting these as one's own ideas without proper citation or reference to the original source.”

Students seeking guidance on plagiarism should consult the academic integrity tutorial at <https://uwaterloo.ca/library/get-assignment-and-research-help/academic-integrity/academic-integrity-tutorial>—especially the following modules:

[Submit assignments that are your own work](#),
[Credit your source](#),
[Use quotation marks](#),
[Credit others' ideas](#), and
[Taking notes and citing sources](#).

Note for students with disabilities: The [AccessAbility Services](#) office, located in Needles Hall Room 1401, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with the AccessAbility Office at the beginning of each academic term. See <https://uwaterloo.ca/accessability-services/current-students/how-apply> for details.

Intellectual Property: The educational materials developed for this course, including but not limited to lecture content, exercises, tests and quizzes, assignment instructions, and other materials posted to the course LEARN page, are the intellectual property of the course instructor. These materials have been developed for student use only; they are not intended for wider dissemination and/or communication outside of course.

Making available the intellectual property of instructors without their express written consent (e.g., uploading lecture notes or assignments to an online repository) is considered theft of intellectual property and is subject to disciplinary sanctions as described in [University of Waterloo Policy 71, Student Discipline](#). Students who become aware of the availability of what may be their instructor’s intellectual property in online repositories are encouraged to alert the instructor.

Participation in this course constitutes an agreement by all parties to abide by the relevant University Policies and to respect the intellectual property rights of others during and after their association with the University of Waterloo.

ASSESSMENT DETAILS

REFLECTION QUESTIONS (10%): The participation grade in this course is earned by answering weekly Reflection Questions. Questions will be posted to LEARN (Connect > Discussions) **one week** before responses are due and will cover material from upcoming readings. Responses are graded on a completion-only basis, though it must be clear from

your response that you have actually done the readings. The Reflection Questions will help you prepare for the Short Essay assignments.

Ten (10) Reflection Questions will be posted throughout the term, worth one (1) mark each. Reflection questions are **Due by 11:30 a.m. Eastern Time** (i.e., before start of class) on dates specified below:

Reflection Question: Response Due Dates

January 10	January 17	January 24	January 31
February 7	February 14	February 28	
March 7	March 21	March 28	

SHORT ESSAYS 1–3 (20% each): Short Essays will be between 1,000 and 1,500 words long (approx. 3–4 pages, double spaced, 12 point font). These assignments are designed to test your understanding of, and ability to apply, concepts and arguments introduced in the course. Detailed instructions and questions to help structure your essay will be provided in advance. The instructions & questions for the first Short Essay are included below as a sample. Instructions and questions for the other Short Essays will be posted to LEARN and discussed in class at least two weeks before their respective due dates.

Short Essays will be assessed according to thoroughness and accuracy of response to questions treated in the essay, clarity of writing and argument, and proper citation.

Short Essay Due Dates

Short Essay 1: January 26
Short Essay 2: February 16
Short Essay 3: March 14

Short Essay 1: Sample Instructions and Questions to Structure your Essay

Instructions: With reference to Winfried Fluck’s “Fiction and Justice,” describe how the critique of law in W.E.B. Du Bois’s short story “Of the Coming of John” better articulates a sense of in/justice compared to critiques of law in either the judicial opinion (Sotomayor’s dissent in *Utah v. Strieff*) or the essay (Du Bois’s “Of the Sons of Master and Man”)

Questions to help structure your essay:

1. How is law represented in “Of the Coming of John”?
2. What is the difference between representations of law in literature versus discussion of law in the essay or discussion/application of law in the judicial opinion?
3. How, according to Fluck, is literature uniquely capable of critiquing law?
4. In what ways does “Of the Coming of John” bear out and confirm Fluck’s arguments?

FINAL PAPER PROPOSAL (5%): Proposals will outline your intended argument for the Final Paper. More details will be provided on LEARN after Reading Week. The Proposal will help ensure (1) reasonable scope of argument (i.e., that you will have sufficient opportunity to demonstrate your facility with course concepts—including sufficient room to make your own arguments) and (2) effective essay structure. Feedback will be provided as soon as possible following the due date (and no later than April 11). **Due: April 4.**

FINAL PAPER (25%): The Final Paper will be between 2,000 and 2,500 words long (approx. 6–8 pages, double spaced, 12 point font). You will compare two different theories of the relation of law and literature covered in the course. One theory must come from unit three, Legal Aesthetics. The other theory can come from either unit one (Literature as Critique of Law) or unit two (Literature and the “Carceral Society”).

After outlining major similarities and differences between the two theories, you will make an argument outlining which theory is more compelling and why. Your argument will be supported by a brief application to literature.

Final papers will be assessed according to the following: demonstrated understanding of concepts and arguments introduced in the course, thoroughness of comparison, ability to make and support arguments favoring one theory over another (including through application to literature), clarity of writing and argument, proper citation. **Due: April 18.**

COURSE SCHEDULE

Date	Topic	Readings / Reflections Due / ASSIGNMENTS DUE
Weds. Jan. 5	Course Introduction	
Mon. Jan. 10	Literature and the Law: Overview	Stern , <i>Oxford Handbook of Law</i> , “Law and Literature.” (Reflection Due)
Weds. Jan. 12	Literature as Critique of Law: “Fiction and Justice”	Fluck , <i>New Literary History</i> , “Fiction and Justice.”
Mon. Jan. 17	Literature as Critique of Law: Law, Literature, and Race 1	Sotomayor , <i>Utah v. Strieff</i> , Dissenting Opinion. Du Bois , <i>The Souls of Black Folk</i> , “Of the Sons of Master and Man,” pp. 179–185. (Reflection Due)

Weds. Jan. 19	Literature as Critique of Law: Law, Literature, and Race 2	Du Bois , <i>The Souls of Black Folk</i> , “Of the Coming of John.”
Mon. Jan. 24	Literature as Critique of Law: Literature and the Poor Law 1	Horne , <i>Oliver Twist</i> , “Introduction,” pp. xiii–xxiii. (Reflection Due)
Weds. Jan. 26	Literature as Critique of Law: Literature and the Poor Law 2	SHORT ESSAY 1 DUE Dickens , <i>Oliver Twist</i> , Part I, Chs. 1–4.
Mon. Jan. 31	Literature as Critique of Law: Literature and Capitalism 1	Long , <i>Dickens Studies Annual</i> , “Necessary Compromises: A Defense of Sympathetic Readings and Progressive Potential in <i>Oliver Twist</i> .” (Reflection Due)
Weds. Feb. 2	Literature as Critique of Law: Literature and Capitalism 2	Dickens , <i>Oliver Twist</i> , Part I, Chs. 8–11.
Mon. Feb. 7	Literature and the Carceral Society: The Novel and Police Power 1	Foucault , <i>Discipline and Punish</i> , “Panopticism.” Miller , <i>The Novel and the Police</i> , “The Novel and the Police,” pp. 1–10. (Reflection Due)
Weds. Feb. 9	Literature and the Carceral Society: The Novel and Police Power 2	Dickens , <i>Oliver Twist</i> , Part I, Chs. 12–14 and Part II, Chs. 8–9
Mon. Feb. 14	Literature and the Carceral Society: The Novel and Police Power 3	Miller , <i>The Novel and the Police</i> , “From roman policier to roman-police: Wilkie Collins's <i>The Moonstone</i> ,” pp. 37–50. (Reflection Due)

Weds. Feb. 16	Literature and the Carceral Society: The Novel and Police Power 4	<p>SHORT ESSAY 2 DUE</p> <p>Doyle, <i>The Adventures of Sherlock Holmes</i>, Ch. 7, “The Adventure of the Blue Carbuncle.”</p> <p>Collins, <i>Moonstone</i>, Chs. XII–XIX, pp. 154–220.</p>
Mon. Feb. 21	Reading Week	
Weds. Feb. 23	Reading Week	
Mon. Feb. 28	Literature and the Carceral Society: Imagining the Penitentiary 1	Bender , <i>Imagining the Penitentiary</i> , Ch. 1: “Prison and the Novel as Cultural Systems,” pp. 11–24. (Reflection Due)
Weds. Mar. 2	Literature and the Carceral Society: Imagining the Penitentiary 2	Bender , <i>Imagining the Penitentiary</i> , Ch. 2: “The Novel and the Rise of the Penitentiary,” pp. 43–56.
Mon. Mar. 7	Literature and the Carceral Society: Imagining the Penitentiary 3	Defoe , <i>Robinson Crusoe</i> , pp.55–96. (Reflection Due)
Weds. Mar. 9	Literature and the Carceral Society: Imagining the Penitentiary 4	Defoe , <i>Robinson Crusoe</i> , pp. 169–233.
Mon. Mar. 14	No Lecture	SHORT ESSAY 3 DUE
Weds. Mar. 16	Legal Aesthetics: Literature as Jurisprudence 1	<p>Rodensky, <i>Crime in Mind</i>, Introduction, pp. 1–8, 26–34.</p> <p>Foucault, “About the Concept of the ‘Dangerous Individual’ in 19th-Century Legal Psychiatry.”</p>

Mon. Mar. 21	Legal Aesthetics: Literature as Jurisprudence 2	Rodensky , <i>Crime in Mind</i> , "Conduct and Character in <i>Oliver Twist</i> ," pp. 35–47, 56–65. (Reflection Due)
Weds. Mar. 23	Legal Aesthetics: Literature as Jurisprudence 3	Dickens , <i>Oliver Twist</i> , Part III, Chs. 8–11
Mon. Mar. 28	Legal Aesthetics: Literature as Jurisprudence 4	Dickens , <i>Oliver Twist</i> , Part III, Chs. 12–15 (Reflection Due)
Weds. Mar. 30	Course Summary	
Mon Apr. 4	No lecture	FINAL PAPER PROPOSAL DUE