

HUMA 650: Humanities and the Law Fall 2006

Meets Tuesdays and Thursdays, 2:10-3:30pm Murkland G04

Instructor:

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Office Hours After Class and by Appointment

Texts: Albert Camus, *The Stranger & The Fall* (Durham Book Exchange)
John Grisham, *The Street Lawyer* (Durham Book Exchange)
Additional Assigned Readings: Available on-line

“Standing in the Shoes of the Other—Justice on Trial”

Brief Description: The imaginative faculty is as critical to the lawyer as to the artist and poet. It is the source of “seeing” our way to the essence of the issue. This kind of “seeing” requires more than one set of eyes. One mind-set. A lawyer must be able to read the case through a variety of lenses—hear the issue from a panoply of tongues—to comprehend the whole. How can a lawyer, a judge, a juror, possibly do justice absent the ability to step into the shoes of the other? And how can the other’s physical, mental and emotional complex be adequately communicated absent words? In law as in literature, the integrity of language is pre-requisite to the integrity of the process. In law as in literature—as in life—words are the means by which we live our lives.

Course Objectives:

The objectives of this course are to increase your understanding of what law is and how the humanities play a fundamental role in the substantive administration of justice. Literature, philosophy, art and film facilitate a clarification of values, broaden consciousness, stimulate creative thinking, quicken sensibilities, and encourage empathy for others. A grounding in the humanities provides an invaluable resource for the practicing lawyer. This course, especially designed for undergraduates contemplating law school, is based on the premise that the humanities are indispensable to a full realization of life in the law. That is, they provide the ground upon which a well prepared lawyer walks to the bar of justice. Some of the questions we will be considering are: Where does law come from? What is the relationship between law and morality? What is the lawyer’s obligation to truth? Where does the citizen stand vis-à-vis the state in a time of terror? Much of the required materials will be found on the web. Selected readings will include excerpts from Confucius, Plato, Dostoevsky, Albert Camus, Virginia Woolf, Edith Wharton, Justice Holmes, and John Grisham. Selective cases will include Miranda v. Arizona, Griswold v. Connecticut, Abrams v. US, and Hamdi v. Rumsfeld. Selected films will include Kieslowski’s *Decalogue V*; Robbins’ *Dead Man Walking*; and Ustinov’s *Billy Budd*.

COURSE REQUIREMENTS:

Reading, participation, and attendance

Because the course is aimed at stimulating critical thinking and debate, regular attendance is a must. Three or more unexcused absences will negatively impact a student's grade. Grading will be based on active oral participation (25%), one critical paper (25%), a mid-term (25%), and a final exam (25%). Late papers will not be accepted, nor make ups for missed exams allowed, barring exigent circumstances, well documented.

Readings must be done for the day they are assigned. Additional readings/writings may be assigned throughout the semester. Your cooperation and involvement in making the classroom a comfortable place for all students is expected. Please make every effort to be in class on times since late arrivals interrupt class. Frequent early departures or late arrivals will constitute an absence. If you are absent, you are responsible for finding out what you missed. If you are taking this class pass/fail, you still must attend each class, do all the required work, and participate on a regular basis. Please turn off cell phones during class.

Grading Criteria

- A** (90-100) Outstanding completion of all work that reflects a critical, comprehensive and distinctive exploration of course material.
- B** (80-89) Above average completion of all work that reflects some independent and complex exploration of class material.
- C** (70-79) Completion of all work that reflects a general understanding of the material.
- D** (60-69) Incomplete or inadequate work that reflects minimal thought
- F** (below 60) Unacceptable, very little, or no work.

Students are expected to be familiar and comply with the Academic Policies outlined in the Student Handbook.

Notes:

Because there are many readings on the web, note-taking and reading summations outside of class is expected and may be collected for review from time to time. Recording your thoughts on readings will allow you to clarify your thinking, evaluate the significance and implications of what you've read, pose questions, and prepare for class discussions and your paper. Few notes need be taken in class and no lap tops are to be used. Summation notes of the highlights of each class should be taken after class. On Tuesdays students will be responsible for bridging the previous week's classes. Please note that additional cases may be assigned as time permits.

Class Assignments: Note: Google internet sources in parenthesis to find text.

Aug. 29 Introduction

Aug. 31 Hammurabi's Code, Prologue and Nos. 2, 5, 108, 137, 195, 196 (Code of Hammurabi)
Confucius, *The Analects*, XII & XIII, Harvard Classics (Bartleby.Com)
Lewis Carroll, *Through the Looking Glass*, Chap. 6 (The Literature Network)
T. Jefferson, The Declaration of Independence, Harvard Classics (Bartleby.Com)

Sept. 5 Abraham Lincoln, Address In Independence Hall, 1861 (Abe Lincoln Online)
Abraham Lincoln, First Inaugural Address (Abe Lincoln Online)
Abraham Lincoln, The Emancipation Proclamation (Abe Lincoln Online)
Abraham Lincoln, The Gettysburg Address (Abe Lincoln Online)

Sept. 7 U.S. Constitution, Amendment XIV, Harvard Classics (Bartleby.Com)
Plessy V. Ferguson, 163 US 537 (1896) (Findlaw.com/casecode/supreme.html)
Brown v. Board of Education, 347 US 483 (1954) (Findlaw.com/casecode...)

Sept. 12 Frontline John Yoo Interview on torture (pbs.org/wgbh/pages/frontline/torture)
Shakespeare, *The Merchant of Venice*, Act IV, Sc. 1, Harvard Classics (Bartleby.Com)
Emily Dickinson, "The Mystery of Pain" (The Literature Network)

Sept. 14 U.S. Constitution, Amendment VIII, Harvard Classics (Bartleby.Com)
Film: Tim Robbins, *Dead Man Walking*

Sept. 19 Dostoevsky, *Crime & Punishment*, Chapters 6&7, Harvard Classics (Bartleby.Com)

Sept. 21 Film: Kristof Kieslowski, *Decalogue V*

Sept. 26 Albert Camus, *The Stranger*, Durham Book Exchange

Sept. 28 Albert Camus, *The Stranger*

Oct. 3 Justice Holmes, Lecture II, Criminal Law, in *The Common Law* (Holmes Common Law)
U.S. Constitution, Amendment VI, Harvard Classics (Bartleby.Com)
Miranda v. Arizona, 384 US 436 (1966) (Findlaw.com/casecode...)

Oct. 5 Edith Wharton, "The Bolted Door" (ClassicReader.com)

Oct. 12 **Mid Term Exam**

- Oct. 17 U.S. Constitution, Amendments IV, V, Harvard Classics, (Bartleby.Com)
Griswold v. Connecticut, 381 US 479 (1965), (Findlaw.com/casecode...)
- Oct. 19 U.S. Constitution, Amendment I, V, Harvard Classics (Bartleby.Com)
Abrams v. U.S., 250 US 616 (1919) (Findlaw.com/casecode...)
Hamdi v. Rumsfeld #03-6696, June 28, 2004 (Findlaw.com/casecode/supreme.html)
Thomas Hardy, "The Man He Killed" (The Literature Network)
- Oct. 24 Plato, *The Apology*, Harvard Classics (Bartleby.Com)
- Oct. 26 Plato, *The Apology*
- Oct. 31 Virginia Woolf, "A Society," Short Stories (Bartleby.Com)
- Nov. 2 Anton Chekhov, "A Malfactor" (ClassicReader.com)
- Nov. 7 Herman Melville, "Bartleby the Scrivner" (ClassicReader.com)
- Nov. 9 Film, Peter Ustinov's adaptation of Melville's *Billy Budd*
- Nov. 14 Albert Camus, *The Fall* (Durham Book Exchange)
- Nov. 16 Albert Camus, *The Fall*
- Nov. 21 **Paper Due**
- Nov. 28 John Grisham, *The Street Lawyer* (Durham Book Exchange)
- Nov. 30 John Grisham, *The Street Lawyer*
- Dec. 5 John Grisham, *The Street Lawyer*
- Dec. 7 Summation
W.B. Yeats, "The Second Coming" (The Literature Network)
- Dec. **Final Exam**