WELCOME to Women’s Studies 4113 / English 4113. This course explores the interdisciplinary field of feminist law and literature. Our analysis will be wide-ranging, from the Renaissance to today, from poems, drama, popular novels and short stories to legal commentary and court decisions. The purpose of the course is twofold: we will explore the complex relationships between literature and law; and we will examine how women’s identity is shaped by law as it intersects with race, class, ability, age and sexuality. By the end of the course, students will have an understanding of the two traditional schools of law and literature, law in literature and law as literature, and will have given some thought to copyright law. Students will develop an understanding of the complex relationships between dominant cultural discourses that speak to and through each other in order to structure the world in which we live.

TEXTS

Available in Bookstore (you may also want to check online and in the library)

Pratchett, Terry, *The Fifth Elephant*.
Smith, Minnie, *Is it Just?*
Coursepack, Women’s Studies 4113, Women & Legal Narratives (designated “CP” in the weekly readings)

NOTE: Some readings are available online (where indicated). All readings are required.

ASSIGNMENTS & GRADING

Participation: 20% (see p. 2)
Paper, Due February 14, 2013: 40% (see p. 2-3)
Case Analysis, Due March 28, 2013: 40% (see p. 3-4)
Participation (20%)

Please Note: All participants have the right to hold, defend, and promote their views. However, this right exists alongside regulations that protect an individual’s right to education without discrimination or harassment on the basis of gender, race, colour, religion, class, sexual orientation, ability, age, place of origin, etc. Students are required to respect these social and cultural differences. Intents to insult an individual or group of individuals on the basis of their gender, race, etc. and words or symbols that convey hatred or contempt constitute harassment and will not be tolerated. Respect for differences in political awareness and educational development is essential.

Participation rubric (Allegheny College)

A grade: You regularly initiate discussion. This means coming to class thoroughly familiar with the assigned reading and prepared to raise questions, to open discussion, to identify topics of interest in the reading, and to actively engage other students in the discussion. (Obviously this does not mean monopolizing a discussion, or shutting others out, or talking for its own sake rather than to make a point about the topic under discussion).

B grade: You participate regularly and productively. This means coming to class prepared and willing to engage. You differ from A-grade discussants in that the latter are self-starters, who do not rely on the instructor’s questions to set the agenda for discussion.

C grade: You participate on a regular basis, though less frequently than a B-grade student. C-grade discussants’ participation may indicate that they are not well-prepared for class, or have not given thought to the assigned materials.

D grade: You contribute only infrequently to the discussion. D-grade discussants’ indicate that they are not well-prepared for class, or have not given thought to the assigned materials.

F grade: You do not participate in class discussion. Participation is impossible if the putative participant does not attend class. Frequent absences mandate F grades. Participation that consistently iterates positions which contravene the Ontario Human Rights Code will also garner an F grade.

Paper (40%)

6-8 pages, Times New Roman, 1-inch margins, double-spaced.
Due: February 14, 2013, in class (late otherwise)
When literary plots include law, they are plots that explore questions of power, either subversively because they challenge existing legal dictates, structures, beliefs, truths, etc, or coercively because they reiterate a dominant and naturalized discourse about ‘the way
things are’, ‘right and wrong’ and ‘human nature’. This is particularly important to feminist law and literature which considers questions of power, women’s voice, women’s status, patriarchal authority, and discipline. For your paper, choose one of the literary works we read this term, and analyze how it explores questions of power. Be sure to take an integrative perspective. That means that you will consider more than ruler / subject, law / citizen, man / woman; you will also consider how race, class, sexuality, age, and ability are represented.

Please come to discuss your ideas before you start to write your paper.

Case Analysis (40%)
6-8 pages, Times New Roman, 1-inch margins, double-spaced.
Due: March 28, 2013, in class (late otherwise)
You will analyze the case R. v. Millar available from the instructor, using a law as literature analysis. How does the Justice go about interpreting the facts of the case? How are the Justice’s interpretations culturally-bound? How does the final decision intersect with popularly-held narratives / myth-making about women, men, sex and sexual assault? What does that reveal about law, and the social working of law?

Plagiarism / Academic Dishonesty

Keep a printout or photocopy of all your work. You are also required to keep the research notes and drafts of your work that produced the assignments. Failure to do so may result in loss of credit for the assignment.

"Plagiarism" shall be deemed to include:

1. Plagiarism of ideas as where an idea of an author or speaker is incorporated into the body of an assignment as though it were the writer’s idea, i.e. no credit is given the person through referencing or footnoting or endnoting.

2. Plagiarism of words occurs when phrases, sentences, tables or illustrations of an author or speaker are incorporated into the body of a writer's own, i.e. no quotations or indentations (depending on the format followed) are present but referencing or footnoting or endnoting is given.

3. Plagiarism of ideas and words as where words and an idea(s) of an author or speaker are incorporated into the body of a written assignment as though they were the writer’s own words and ideas, i.e. no quotations or indentations (depending on format followed) are present and no referencing or footnoting or endnoting is given.

The following rules shall govern the treatment of candidates who have been found guilty of attempting to obtain academic credit dishonestly.

(a) The minimum penalty for a candidate found guilty of plagiarism, or of cheating on any part of a course will be a zero for the work concerned.

(b) A candidate found guilty of cheating on a formal examination or a test, or of serious or
repeated plagiarism, or of unofficially obtaining a copy of an examination paper before the examination is scheduled to be written, will receive zero for the course and may be expelled from the University.

A copy of the "Code of Student Behaviour and Disciplinary Procedures" including sections on plagiarism and other forms of misconduct may be obtained from the Office of the Registrar

**Special Needs** – If you have special needs regarding the format or the due dates for the assignments, you must inform me. The appropriate form can be obtained from the Learning Assistance Centre.

**Weekly Topics and Readings:**

**Wk. 1 (Jan 10): Introduction**
Readings:

**Law & Literature**

**Wk. 2 (Jan 17): Intersections, Voices, Silences**
Readings:

**Wk. 3 (Jan 24): “Proto-Feminist” Critique I, The Tragedy of Mariam (c. 1602-09)**
Introduction to law, literature and subject formation: law in literature and the cultural critique of law and lit; feminist jurisprudence; Producing “moral” lawyers; literature’s challenges to law; ‘popular culture’ as a space for jurisprudential debate; legal and literary subjects.
Cultural context of Carey’s play: Renaissance women and the law; Carey’s representations of the Renaissance female legal subject; proto-feminism
Wk. 4 (Jan 31): “Proto-Feminist” Critique II, The Tragedy of Mariam (c. 1602-09)
Challenges to patriarchal legal structures and the context of the law in the play; different patriarchies, different systems.

Wk. 5 (Feb 7): Law v. Justice I, Is it Just? (1911)
Legal practices and legal biases; connecting law to society; gendered critique of law expands; begin to draw in equity

Wk. 6 (Feb. 14): Law v. Justice II, Is it Just? (1911)

Wk. 7 (Feb. 21): reading week – no class

Wk. 8 (Feb. 28): Gender, Colonization, Class & Law I, The Fifth Elephant (1999)
Feminized ‘natural law’ versus masculine / ‘civilized’ legislation; colonized spaces and ‘backwards’ legal practices; Eurocentric law & order; connection between popular culture and gendered / colonized / classed legal theories

Eurocentric law & order; connection between popular culture and gendered / colonized / classed legal theories

Law as Literature

Wk. 10 (Mar 14): Interpretations and Meanings


Wk. 11 (Mar. 21): Social Locations, Judicial Attitudes, and Sentencing

Wk. 12 (Mar 28): Law as Performance & Legal Storytelling
Wk. 13 (Apr. 4): Law & Copyright: The case of fan writing and fan labour