



Arcadia in Rome
Arcadia University Center for Italian Studies

ROMA SOLH 350
Law and the Humanities

<http://landh2010roma3.blogspot.com/>

Prof. Emanuele Conte

All those registered for the course must take an entrance test for English language skills, on the basis of which some may be considered unqualified for the course.

Credits: 4

Teaching Assistant: Dr. Stefania Gialdroni

Course description:

The course will first provide an introduction to the Law and the Humanities movement in general and then focus on six different, even if strictly connected, fields of study: *Law and Literature*, *Law and History*, *Law and Architecture*, *Law and Iconography*, *Law and Cinema* and *Law and Music*. The course will question the traditional isolation of legal studies in analysing law with reference to the other social sciences and, more generally, to a larger cultural context. Texts, symbols and representations, which have greatly influenced popular understanding of law, will be discussed by Professors and PhD students coming from different parts of the world, each of whom will be teaching 1-3 lessons on a specific topic.

Course learning objectives:

- To introduce students to the Law and the Humanities movement.
- To investigate the benefits of interdisciplinary studies.
- To develop a critical approach to legal texts.
- To stress the importance of the cultural context for a better understanding of law in the past as well as the present.

Course learning activities

To achieve the above mentioned objectives, students will be asked to actively participate in the course both by asking questions during the lectures and writing comments on the law and the humanities blog (<http://landh2010roma3.blogspot.com/>), which has been created not only to provide information on the course but also to continue the debates started during the classes.

Assessment tools

- **Admission test**

Participation in the course will be subordinate to a written admission test in English designed to verify the reading and writing level of students, according to the criteria set for all Studying Law at Roma Tre courses. The aim of the test is to select a group of students capable of fully profiting from the course.

- **Final exam**

Final assessment will be based on two criteria:

- 1) Student participation in both the class and the blog.
- 2) Outcome of final exam, which will take place as follows:

The students will be asked to write two short texts (1 page each): one on the Law and the Humanities movement in general and the other on a specific topic, chosen by the single student among the five topics discussed during the course. Questions will be based on the readings provided during the course. Students' answers will be then be briefly discussed.

Attendance policy

Frequency is compulsory. The course consists in a series of short seminars (or a single lecture) given by different speakers, each providing a number of readings (from 1 to 3); Attendance is necessary in order to understand the content of the course and to develop students' English language skills.

Course textbook(s)

Readings will be provided during the course on the basis of suggestions made by the single speakers. The list of readings will be published on the blog and then distributed to students a few days before the start of each series of lectures.

Supporting / Recommended course reading materials

Readings will be provided via the blog and by email. Following is a list (not compulsory) of some of the most important papers published on the Law and the Humanities movement in the USA:

The origins:

- Cardozo B. N., *Law and Literature, and Other Essays and Addresses*, New York, 1931.
- White J. B., *The Legal Imagination*, Chicago/London, abridged ed. 1985 (1973).
- Wigmore J.H., *A List of Legal Novels*, in "Illinois Law Review", 2 (1908), pp. 574- 593. See also: Weisberg R.H., *Wigmore's "Legal Novels" Revisited : New Resources for the Expansive Lawyer*, in "Northwestern University Law Review", 71.1 (1976), pp. 17-28.

Development:

- Balkin J. M. and Levinson S., *Law and the Humanities: An Uneasy Relationship*, in "Yale Journal of Law and the Humanities", 18.2 (2006), pp. 155-186.
- Posner R. A., *Law and Literature: A Relation Reargued*, in "Virginia Law Review", 72.8 (1986), pp. 1351-1392.
- Witteveen W.J., *Law and Literature: Expanding, Contracting, Emerging*, in "Cardozo Studies in Law and Literature", 10.2 (1998), pp. 155-160.

Interdisciplinarity:

- Balkin J.M., *Interdisciplinarity as Colonization*, in “Washington and Lee Law Review”, 53.3 (1996), pp. 949-970.
- Baron J.B., *Law, Literature, and the Problems of Interdisciplinarity*, in “Yale Law Journal”, 108.5 (1999), pp. 1059-1085.
- Collier C. W., *The Use and Abuse of Humanistic Theory in Law: Reexamining the Assumptions of Interdisciplinary Legal Scholarship*, in “Duke Law Journal”, 41.2 (1991), pp. 191-273.
- Smith J.A., *Law and the Humanities: a Preface*, in “Rutgers Law Review”, 29.2 (1976), pp. 223-227.
- Sullivan K.M., *Foreword: Interdisciplinarity*, in “Michigan Law Review”, 100.6 (2002), pp. 1217-1226.

The decline of law as an autonomous discipline:

- Posner R. A., *The Decline of Law as an Autonomous Discipline: 1962-1987*, in “Harvard Law Review”, 100.4 (1987), pp. 761-780.

Law and the Humanities in the Law Schools:

- Dunlop C.R.B., *Literature Studies in Law Schools*, in “Cardozo Studies in Law and Literature”, 3.1 (1991), pp. 63-110.
- Galanter M. and Edwards M.A., *Introduction: The Path of Law Ands*, in “Wisconsin Law Review”, 1997.3 (1997), pp. 375-387.
- White G.E., *Reflections on the “Republican Revival”: Interdisciplinary Scholarship in the Legal Academy*, in “Yale Journal of Law and Humanities”, 6.1 (1994), pp. 1-35.

Law as Literature:

- Brooks P., *Narrativity of the Law*, in “Cardozo Studies in Law and Literature”, 14.1 (2002), pp. 1-10.
- Cover R.M., *Nomos and Narrative*, in “Harvard Law Review”, 97.1 (1983), pp. 4-68.
- Dworkin R., *Law as Interpretation*, in “Critical Inquiry”, 9.1 (1982), pp. 179-200.
- Levinson S., *Law as Literature*, in “Texas Law Review”, 60 (1981-1982), pp. 373-403.
- Rains R.E., *To Rhyme or Not to Rhyme: An Appraisal*, in “Cardozo Studies in Law and Literature”, 16.1 (2004), pp. 1-10.
- Sprafkin A., *Language Strategy and Scrutiny in the Judicial Opinion and the Poem*, in “Cardozo Studies in Law and Literature”, 13.2 (2001), pp. 271-298.
- West R., *Jurisprudence as Narrative: an Aesthetic Analysis of Modern Legal Theory*, in “New York University Law Review”, 60.2 (1985), pp. 145-211.
- White J.B., *The Judicial Opinion and the Poem: Ways of reading, Ways of Life*, in “Law and Literature: Text and Theory” edited by Lenora Ledwon, New York, 1996, pp. 5-28.

Law and the performing arts:

- Levinson S. and Balkin J. M., *Law, Music, and Other Performing Arts*, pp.1-58, originally published in 139 U. Pa. L. Rev. 1597 (1991), now in:
www.yale.edu/lawweb/jbalkin/articles/lawmusic.pdf
- Id., *Law as Performance*, now in:
http://www.yale.edu/lawweb/jbalkin/articles/london21.htm#N_1_.