Guilty Subjects:
The problem of guilt in law, literature, and psychoanalysis

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IDSEM-UG 1504

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Office hours: Monday 1-3; Wednesday 1-3; also by appointment

Course Description: Literary works from ancient tragedy to the modern novel thematize guilt in various ways. Freud places it at the center of his practice and his theory of mind. While law seems reliant mainly upon a formal attribution of guilt in order to determine who is liable to punishment, we might also suggest it relies upon 'guilty subjects' for its operation. With all of these different deployments of the concept, we might agree it is a central one; yet how to define it remains a substantial question. Is the prominence of guilt in modern Western culture a vestige of a now-lost religious world? Is it, as Nietzsche suggests, an effect of “the most profound change man ever experienced...when he finally found himself enclosed within the wall of society and of peace?” Freud seems to concur when he argues that guilt must be understood as a kind of internal self-division where aggressivity is turned against the self. Is guilt a pointless self-punishment, meant to discipline us? Or does it continue to have an important relation to the ethical?

This seminar proposes to explore guilt as a conceptual link between the three broad disciplinary arenas of our title, with some help from philosophers and film as well. Our exploration is divided—mainly for heuristic purposes—into four rubrics. The first, “Truth and Trials,” uses Kafka’s mysterious horror story of Josef K. to begin our inquiry into the strange vicissitudes of the concept of guilt. Josef K, an ordinary bureaucrat, is arrested—but what are the charges? What is he allegedly guilty of? Is he guilty of anything? How can he defend himself? In the second section of the course, we’ll focus on some key texts to explore the way in which psychoanalysis has developed the idea of guilt. We’ll then both elaborate on and contest the psychoanalytic understanding by turning to the project and practice of “speaking guilt:” confession. In our final section, it seems only appropriate that we should turn our attention to expiation, forgiveness and redemption.

Objectives: Through the examination of a single concept through several disciplinary lenses, students will hone their skills as interdisciplinary thinkers and writers. By looking at the way different writers, philosophers, theorists and jurists have deployed this term and concept from the late nineteenth century to the present, they will acquire tools to apprehend the historical and disciplinary breadth and depth that is often signaled by a single word, thereby complicating a term that at first glance can appear quite simple. This course should be especially helpful to students engaged in, or contemplating, further work in literature, law, philosophy, and human rights studies.
**Required Texts:**

Kafka, Franz, *The Trial*.

Nietzsche, Friedrich, *The Genealogy of Morality*

Freud, Sigmund. *Civilization and Its Discontents*

Foucault, *Discipline and Punish*

Brooks, Peter, *Troubling Confessions: Speaking Guilt in Law and Literature*

Arendt, Hannah, *Eichmann in Jerusalem*

Coetzee, J. M. *Disgrace*

Krog, Antje, *Country of My Skull*

All of these items are available through the NYU Bookstore. Additional materials, both required and supplemental, will be made available via the NYU Classes site for this course.
Required Writing:

You will write two substantial papers of 10-12 pages in length and weekly brief informal response papers, in which you will develop and address questions provoked by your readings. For your longer papers, you will be given a selection of possible topics; you can also develop your own topic in consultation with me. As you go along and as you write your short response papers, keep track of the ideas, questions, texts that are of especial interest to you, that seem to connect most vividly with your own interests and your proposed concentration. Some of the best paper ideas come quite organically out of these reflections.

Short responses will generally be due on Mondays. Please make sure that you bring yours to class in some form, in order to incorporate your ideas and thoughts into class discussion. Your response writing is simply that: it is not a quest for the most brilliant insights or the ‘right’ answer. You will find, as we go along, that there are often many ‘right’ answers to the questions we seek to pose in this course—or most frequently, that we find ourselves complicating the very notion of “right” answers.

Other Important Requirements:

Attendance and participation are necessary. Repeated absences will affect your grade negatively. This course is a seminar and therefore your preparedness and participation are essential. You must be on time; lateness not only affects your class performance but distracts everyone else. Just as in the movie theatre and at Carnegie Hall, please turn off your phones and electronic devices during class.

An important note on academic integrity:

As a Gallatin student you belong to an interdisciplinary community of artists and scholars who value honest and open intellectual inquiry. This relationship depends on mutual respect, responsibility, and integrity. Failure to uphold these values will be subject to severe sanction, which may include dismissal from the University. Examples of behaviors that compromise the academic integrity of the Gallatin School include plagiarism, illicit collaboration, doubling or
recycling coursework, and cheating. Please consult the Gallatin Bulletin or Gallatin website [www.gallatin.nyu.edu/academics/policies/policy/integrity.html] for a full description of the academic integrity policy.

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**Class Schedule**

Please note: this schedule may be somewhat elastic, changing with class interests and contingencies.

September 4: First class. Introductions.

Guilt: All too familiar or strangely opaque?

**Part One: Trials and Truths**

September 9: Kafka, *The Trial*

September 11: Kafka, cont’d.

September 16: Kafka, cont’d.

September 18: Nietzsche, *The Genealogy of Morality*

- Supplemental readings from St. Paul and Augustine on blackboard site

September 23: Nietzsche, cont’d.

September 25: Nietzsche, cont’d

**Part Two: Enjoying the superego**

September 30: Freud, *Civilization and Its Discontents*


October 7: Freud, *Civilization and Its Discontents*


October 14-15: Fall Break
October 16: Zizek, "Superego by Default"

**Part Three: The confessing animal**


October 23: Film: *I confess!* (Hitchcock, 1953)

**Midterm Paper Due**

October 28: Brewer v. Williams [legal case]


October 30: Brewer v. Williams cont’d; Brooks, *Troubling Confessions*

November 4: Krog, *Country of My Skull*

November 6: Krog, *Country of My Skull*

- supplementary readings tba

November 11: Krog, cont’d.

**Part Four: Revenge, Redemption and Forgiveness**

November 13: Minow, fr. *Between Vengeance and Forgiveness*; Trouillot, "Abortive Rituals"

November 18: Arendt, *Eichmann in Jerusalem*

November 20: Arendt, *Eichmann in Jerusalem*

November 25: Arendt, cont’d

November 27: Video: Eichmann trial documentary, excerpts

December 2: Coetzee, *Disgrace*

December 4: Coetzee, *Disgrace*

December 9: Derrida, "On Forgiveness"

December 11: Last Class: Summing up, discussion of final papers, etc.

December 13: final papers due
December 16 by 6pm: All final papers due.