Thought Crimes: Criminal Intent in Law, Literature and Society

FIRST-UG 745  First-Year Writing Seminar

Spring 2013

NYU Gallatin School of Individualized Study
Kathleen Smith
kms9@nyu.edu
Tu/Th 2:00pm – 3:15pm
194 Mercer, Room 305

COURSE DESCRIPTION

The concept of *mens rea* or criminal intent is a relatively new legal innovation, dating from the Middle Ages. Why did jurists and philosophers begin to recognize the mind, and specifically intent, as an important site of transgression? And how did this revolution in theories of morality shift the focus away from action in order to promote theories of innocence or guilt based on intent? By reading Augustine and Abelard as well as ancient legal codes, we will study the origins of the creation of a moral self that was based on the mind, as opposed to observable actions. The poetry of Geoffrey Chaucer will offer an important example of how writers of the period used the idea of individual intent to develop literary character and to represent human subjectivity. Medieval plays that represent the thought crimes of Satan will provide a platform for thinking about intention and religious or intellectual dissent. We will examine the related problems of just intent in just war theory from its medieval origins to its presence in current conflicts. How did proponents of the war in Iraq use the theories of just intent that we (and they, sometimes self-consciously) ultimately trace back to Augustine? And how do recent literary works by Junot Díaz and Alice Munro understand intention as both a problematic and a defining element of culpability and the moral self? Modern theories of intention and morality from philosophers and neuroscientists will offer additional theoretical lenses for analyzing the semester’s readings. These topics will form the basis for several short writing assignments and a major research paper.

COURSE SCHEDULE AND DUE DATES
UNIT I: What Is Criminal Intent? Theories and Origins

WEEK #1
1/29  Tu  Introduction


WEEK #3
2/5   Tu  Excerpts from Derek Parfit, On What Matters, vol. I

2/7   Th  Michel Foucault, “About the Beginnings of the Hermeneutics of the Self”

WEEK #4
2/12  Tu  Excerpts from Maitland and Pollock, The History of English Law

Excerpt from Richard Firth Green, A Crisis of Truth: Literature and Law in Ricardian England

2/14  Th  Excerpts from Augustine, City of God and Confessions

WEEK #5
2/19  Tu  ESSAY #1 DUE (first version)

Excerpts from Abelard & Heloise

2/21  Th  Workshop

UNIT II: Mens Rea and Character in Early Narrative

WEEK #6
2/26  Tu  ESSAY #1 DUE (second version)

Chaucer, The Franklin’s Tale

2/28  Th  Chaucer, The Friar’s Tale

WEEK #7
3/5   Tu  The York Cycle: The Fall of Angels
3/7  Th  Genesis, Chapters 1-4  
Milton, *Paradise Lost*: Books I & II

**WEEK #8**
3/12  Tu  ESSAY #2 DUE (first version)  
Milton, *Paradise Lost*: Books III & IV

Excerpt from Sam Harris, *Free Will*

**WEEK #9**
SPRING BREAK

**WEEK #10**
3/26  Tu  Shakespeare, *Othello*

3/28  Th  Shakespeare, *Othello*; Workshop

**UNIT III: Declarations of War and Just Intent**

**WEEK #11**
4/2  Tu  ESSAY #2 DUE (second version)  
Brian Oren, “War”

4/4  Th  Excerpts from Augustine, Aquinas, Russell on Just War Theory

**WEEK #12**
4/9  Tu  Excerpts on Modern Theories of Just War

4/11  Th  RESEARCH PROSPECTUS DUE  
Excerpts on Modern Theories of Just War

**UNIT IV: Mens Rea and Character in Later Narrative**

**WEEK #13**
4/16  Tu  Akira Kurosawa, *Rashomon*  
Excerpts on Modern Theories of Narrative
4/18  Th  Daniel Dennett, excerpts from *Consciousness Explained* and *The Intentional Stance*  
Junot Díaz, “Drown”

WEEK #14  
4/23  Tu  Alice Munro, “Child’s Play”  
Jonah Lehrer, excerpt from *How We Decide*

4/25  Th  RESEARCH DRAFT DUE (first version)  
Joyce Carol Oates, “The High-School Sweetheart: A Mystery”

WEEK #15  
4/30  Tu  Workshop

5/2  Th  Workshop  
FINAL PROJECT DUE (second version) on Friday, 5/3 at 5pm

WEEK #16  
5/7  Tu  Workshop for OP-ED ASSIGNMENT

5/9  Th  OP-ED ASSIGNMENT DUE  
Final Class

COURSE ASSIGNMENTS AND POLICIES

Assignments

- **Two** informal 5-minute presentations on a text (5% each)
- **One** posting online **per week**, due at 10pm the night before class (10%)  
  (Note: 1st week’s posting should be typed up and brought to class on Thursday, January 31)
- **One** Research Prospectus (10%)

And total of six writing submissions (drafts + final papers), including:

- **Two** Essays (3-5 pages) (20% each)
- **One** Research Essay (8-10 pages) (20%)
• One Op-Ed or Final Reflective Paper (2-3 pages) (10%)
• Participation (5%)

With the exception of the Final Reflective Paper, all of these essays must be submitted in a series of at least two versions. Drafts will be worth 10% of the grade of the final version of each essay. Late papers will be penalized by 10% for each class period after the deadline.

Course Objectives

This course is designed to teach you to read critically and write analytically. To this end, written work and class discussions will focus on the following interpretive and expository strategies:

• analyzing the thematic structure of literary works and historical documents through close reading
• making claims based on evidence
• translating critical reading into elegant and persuasive expository writing
• grounding your readings in historical contexts
• documenting sources and incorporating scholarship into original analytical arguments
• avoiding plagiarism and other academic violations
• gaining confidence in speaking as well as writing skills in a small seminar setting

Grading

Student papers will be graded accordingly:

A = outstanding; logically and mechanically flawless; creative

B = very good; uses evidence and makes claims in a convincing way

C = may show some potential for improvement, but needs significant improvement on organization, claims and evidence, and/or style and grammar

D = does not fulfill the basic requirements of the assignment; needs to introduce evidence or make new claims; needs significant work on organization, grammar, and style
F = does not fulfill the basic requirements of the assignment; does not incorporate evidence or make clear use of the assigned texts; has little organizational structure; makes frequent grammatical errors

I = incomplete; students who do not complete assignments will be asked to meet with the instructor outside of class

Attendance

If, due to illness, emergency, or a religious holiday, you cannot attend class, please be in touch with me directly as soon as possible so that you can be prepared for the next class. You will also need to get the notes for the day you missed from one of your classmates; once you've gotten the notes, I would be happy to meet with you and go over what you missed. Please be aware that more than two unexcused absences will lower your course grade.

Class Participation

Since this course is a seminar, each student should contribute to class discussion on a regular basis. This assumes that you will have completed the reading assignments for each day and synthesized your responses into valuable insights that should be shared with your peers. Remember that this is your class, and its success or failure depends largely upon what you invest in it. In rare cases, outstanding class participation that positively impacts the level of discussion and classroom atmosphere will be rewarded with an increase in the final letter grade by 1/3 (i.e. from a B to a B+). Failure to participate in class discussions will result in a lowered grade.

Online Postings

Students are required to make weekly postings on Google Drive. Postings should be at least 1 paragraph in length (about 75 words) and should aim to raise questions for discussion. Postings should focus on a particular passage from the following day’s reading and will use that passage to raise larger questions about the text as a whole. You must quote or give the page reference of the passage you are using. Postings that are vague or that make no textual references will be discounted. The writing that you do for the postings will help you to think through the texts more carefully than if you had only read them. Postings are not essays; they are informal and serve as an important pre-writing activity that represents a “thinking and digesting stage” in a larger process. Postings will better prepare you to contribute meaningfully to class discussion. Excellent postings may serve as a testing ground for ideas for drafts, though you are not obliged to use any of the material you generate on Google Drive for your formal drafts and essays. You may miss no more than
two weekly postings without penalty. More than two will result in the reduction of your final grade by 1/3 of a letter (B to B-).

**Individual Presentations**

Each student will be required to give two five-minute presentations over the course of the semester. Presentations are informal and should simply attempt a close reading of a passage in class and should raise a question for discussion. You may use your posting as a guide for the presentation.

**A Note on Plagiarism**

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. For a full description of the academic integrity policy, please consult the Gallatin Bulletin or Gallatin website:

[www.gallatin.nyu.edu/academics/policies/policy/integrity.html](http://www.gallatin.nyu.edu/academics/policies/policy/integrity.html).

**The Writing Center**

For additional help with your writing, you can contact the Gallatin Writing Center at 1 Washington Place, room 423. For instructions on how to make an appointment, see:

[gallatin.nyu.edu/academics/undergraduate/writing/writingcenterappointments.html](http://gallatin.nyu.edu/academics/undergraduate/writing/writingcenterappointments.html).

**Required Texts**

The majority of texts will be made available to you either as photocopies or as pdfs. You can buy all the remaining books at Shakespeare & Company. There will be links or pdfs to additional materials on grammar and style to help you with your writing throughout the semester.


*Note: No laptops or cellphones permitted in class.*