Description: Technically, a ‘legal fiction’ is a construction by which existing law is supplemented or even effectively changed without recourse to legislation. But the phrase also might evoke for the modern reader the interesting relations between the novel and the law: from at least the eighteenth century onwards, the plots of novels have been motored by legal processes and institutions: they have featured lawyers as protagonists. But they have also highlighted the ways, obvious and not so obvious, in which modern individuals and societies are shaped by law.
In this course, we’ll engage in a study of the novel as narrative form, while interrogating relations between the novel and the law. By supplementing our readings of novels with theoretical and historical texts and legal cases, we’ll be able to pose some fundamental questions about the strange attraction between law and the novel. Some of our questions: Do novels offer an alternate vision of justice to that posited by law and even a critique of modern legal apparatus? Or do they instead teach people how to understand themselves as legal subjects, schooling them? Do novels present themselves as law’s supplement in some sense? Or are they always somehow in advance of the law, offering visions of a just society to which law must catch up?

**Learning Goals:** Students will increase their ability to read closely and critically, deepen their knowledge of English literary and legal history, and polish their skills as analytic writers.

**Texts:**

Godwin, *Caleb Williams*

Collins, *The Law and the Lady*

Eliot, *Felix Holt, Radical*

Melville, *Billy Budd, Sailor: An inside narrative*

Morrison, *Beloved*

Kafka, "In the Penal Colony"

Coetzee, *Waiting For the Barbarians*

Dolin,

Supplementary Texts to be available via class blackboard site; they are indicated on class schedule with an asterisk.

**Requirements:** There will be two papers of roughly seven to ten pages each, one at the midterm and one at the end of the semester. You will have your choice of a set of topics.

You will also write informally each week in response to reading questions to prepare for class discussion. These short writings do not receive letter grades, but are part of your work for the course and must be handed in each week. They are entered on a pass/fail basis.

Participation is mandatory. You should come to class prepared and ready to engage in discussion.

**Attendance and Punctuality:** Both are required. More than three unexcused absences can cause you to fail the course. Come to class on time and prepared.

- **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.

- **Classroom Behavior**: It is expected that when you are in class, you are engaged with the class—and not with Facebook or online commerce. All engagement with technology is restricted to class materials; those found violating this rule will be asked to leave.

**Incompletes**: An incomplete (I) is issued in those rare cases when a student is unable to finish the assigned work for a course due to illness, family emergency, or other extraordinary circumstances. Incompletes must be requested in advance of the final deadlines for the course. Please familiarize yourselves with the Gallatin Policy on Incompletes on the website.

### Class Schedule

[nb: this schedule may change in slight ways as we go along; asterisked items will be on the NYU classes site]

January 26: Introduction.

January 28: Criminal Biography and *Caleb Williams*

- excerpts from The Newgate Calendar*
- Dolin, Chapter 3, "Crime and Punishment in the Eighteenth Century"

February 2: *Caleb Williams*

February 4: *Caleb Williams*

- Henry Maine, from *Ancient Law* *
- Grossman, “*Caleb Williams* and the Novel’s Forensic Form”


February 11: Eliot, cont’d.

February 16: Presidents’ Day. No class.

February 18: *Felix Holt*

- *Address to Working Men*

February 23: *Felix Holt*

- The Legal Plot of *Felix Holt*
- "The Natural History of the German People" [excerpt]
February 25: *Felix Holt*

March 2: Legal Sensations: Popular Trials and Popular Novels

- Wilkie Collins, *The Law and the Lady*
- Altick, "Henry James's Perfect Case"*

March 4: Collins, cont’d.

- Dolin, Chapter 5, "The Woman Question in Victorian England"

March 9: Collins, cont’d.

- Welsh, fr. *Strong Representations*

March 11: Collins, cont’d

- First Formal Paper Due

March 16-22: Spring Break.

March 23: Moral/Formal Dilemmas: Melville, *Billy Budd*

March 25: Melville, cont’d.

- Cover, fr. *Justice Accused*

March 30: Fugitive Justice

- text of The Fugitive Slave Act of 1850
- Scott v Sandford
- Dolin, Chapter 8, "Race and Representation in Contemporary America"

April 1: Morrison, *Beloved*

April 6: Morrison, *Beloved*

April 8: Morrison

April 13: Morrison

April 15: Morrison

April 20: Kafka, "In the Penal Colony"

April 22: Kafka, "In the Penal Colony"

April 27: Coetzee, *Waiting For the Barbarians*

- Dolin, "Law and Literature in the Post-Colonial Society"

April 29: Coetzee, *Waiting For the Barbarians*
May 4: Coetzee, cont’d.

May 6: TBA

May 11: Last class/Wrap-up. Discussion of final papers.

May 15: Final date for submission of final papers.