

**Law 339 – Legal Theory Workshop:  
“Theories of Legal Persuasion:  
Law/Justice/Gender/Nation and the Cinematic Imagination”  
Winter 2009**

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**BASIC INFORMATION:**

Class: Monday/Wednesday, 1:30-3:30, Room 205

Lab: TBA (Fridays)

Instructor: Rebecca Johnson

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Course Moodle: <http://moodle.uvic.ca/law339>

**COURSE OVERVIEW:**

"The power exerted by a legal regime consists less in the force that it can bring to bear against violators of its rules than in its capacity to persuade people that the world described in its images and categories is the only attainable world in which a sane person would want to live"

Robert Gordon, "Critical Legal Histories" (1984, 109)

In this workshop, we will work on the development of critical skills to assess, analyze, theorize and better understand the mechanisms through which law/justice/gender/nation are constantly (re)negotiated. We will take Robert Gordon's insight above as the starting point for this exploration of the persuasive powers of law. In particular, we will explore legal persuasion by closely studying arguments about justice that spill out of contexts that are 'cultural' and/or 'cinematic.' That is, we will focus on the ways in which these negotiations take place in milieus that involve not only 'words', but also 'sounds' and 'images.' We will be exploring how we persuade (and are persuaded) about issues of law/justice/gender/nation by focusing on contexts that are cinematic, televisual, or web-based.

In our work, we will be attending to several aspects of persuasion. First, we will be asking questions about the narratives we encounter. That is, we will explore the various aspects of storytelling in cultural tales that seek to persuade us about different ways of understanding law, justice, gender and nation. To what extent do these stories help make visible differing cultural visions of the role of law in society? To what extent do these narrative explanations conflict or accord with accepted socio-legal orders? To what extent do these narrative explanations conflict or accord with legal doctrine? To what extent do these narratives influence the development of law? How do different theories of law, storytelling and rhetoric help us understand these relationships?

Second, we will be focusing on the ways that sound and sight are integrated into various understandings of law and justice (and truth). We will draw on theoretical, philosophical and practical scholarship about the cinematic realm in order to further explore how these tools of persuasion are related to our understandings of justice.

Third, we will be asking questions about the relationship of the reader/listener/spectator to the object of persuasion. That is, we will explore not only the objects of persuasion (the opinion, the movie, the sculpture), as if all meaning were resident in the object itself, but will consider also various practices of interpretation, and the place of the reader/spectator/bystander in the co-creation of meaning

Fourth, we will work on putting these insights to action through individual projects aimed at producing a piece of legal persuasion that draws on audio/visual/cinematic resources.

### **TEACHING METHODOLOGY:**

As usual, my plan is to run a laptop free classroom. The workshop has been designed in a manner to put the focus on classroom discussion, with serious attention to question about what we see and hear. Indeed, not only will I ask you to keep laptops closed during the workshop, I also prefer that people generally *not* engage in note-taking at all. As you will see below, I have made provision for there to be one person assigned as note-taker in each class (or rather, of providing a summary of what they saw as interesting/significant during the class). The plan is for people to feel generally liberated from practices of note-taking, so that they can concentrate on the business of working with each other in a fully engaged fashion.

### **FILMS TO BE STUDIED:**

<i>The Piano</i>	<i>The Journals of Knud Rasmussen</i>
<i>Rashomon</i>	<i>Angels in America</i>
<i>Death &amp; The Maiden</i>	<i>High Heels</i>
<i>Monster</i>	<i>Deadman</i>
<i>Aileen Wuornos: The Selling of a Serial Killer</i>	<i>TBA (last film to be chosen with class)</i>

### **REQUIRED READINGS:**

Links to Course Readings will be accessible on the moodle site.

### **RECOMMENDED/On Reserve:**

Gregory, Sam *et al.*, eds. *Video for Change: A Guide for Advocacy and Activism* (London; Ann Arbor, MI: Pluto Press, 2005).

Hampe, Barry, *Making Documentary Films and Videos: A Practical Guide to Planning, Filming, and Editing Documentaries* (New York: Holt Paperbacks, 2007).

Kamir, Orit. *Framed: Women in Law and Film: How Law on Screen Constructs Gender, Dignity and Honor* (Durham, NC: Duke University Press, 2006).

Russell, Catherine, ed. *Experimental Ethnography* (Durham, NC: Duke University Press, 1999).

### **EVALUATION SUMMARY:**

Class Participation: = 30%

- Film Comments/Discussion Questions = 15%

- Article Summaries/Community Journal = 10%
- Final Comment = 5%

Project: = 70%

- Media Project: 55%
- Accompanying written commentary = 15%

NOTE: if you need to use this course to fill your paper requirement, you may opt for option B: “Paper Heavy/Major Paper Requirement”

- Paper and Annotated Bibliography= 55%
- Accompanying media project = 15%

**EVALUATION ELABORATED: Class Participation Component (30% of final grade):**

1. **Attend class prepared to engage in informed dialogue about the assigned films and readings.** The course will be conducted as a seminar where we will all learn from and teach each other. Class attendance, preparedness and participation constitute a primary course requirement. Attendance is required. With the permission of the professor, a missed class can be “made up” within 7 days of the missed class by the submission of a written comment (not exceeding 4 pages) on the filmic and/or written texts assigned for the missed class.
2. **For each movie viewed, submit a 1 page comment.** The comment is designed to give you an occasion to articulate some of your initial responses to the film, its relationship to the themes of the course, or aspects of its (visual/auditory) persuasive set up that strike you. A lab time has been set aside for those who wish to watch the films as a group, each Friday afternoon. Attendance at the lab is not mandatory. Those who wish to view the films at other times are of course free to do so. The comment must be submitted on moodle before 9am on the day that the film in question is to be first discussed in class.
3. **For each class with assigned readings, write a substantive discussion question that the assigned readings raised for you.** The question/comment can be short (should not exceed one page in length), and must be submitted to the moodle forum before 9am on the day those readings are to be discussed in class. You will not be required to do a discussion question on days where you have been assigned to do an article summary (see below)
4. **Participate as class resource person.** You will sign up for a number of resource items of two different kinds:

**A. Article Summaries:** Produce a (maximum) **one page (single-side) handout** related to your assigned reading. At the top of the page, provide the full bibliographical information for the reading. The bibliographical info (plus your name) is mandatory. Beyond that, the substance of the handout is up to you. You may provide a brief abstract of the reading, a list of discussion questions, your analytical reactions to the assigned readings, your favourite quotes, or other comments/ notes you determine to be appropriate or interesting. You will also have 5 minutes of class time for an oral comment on the reading and/or your handout. Feel free to be creative and to use the occasion to develop your own analytical/presentation skills. The handout is to be submitted to moodle by 9am on the day that the reading is to be discussed in class. I

will then print and bring a hard copy for everyone in the class.

**B. Community Journal:** On a rotating basis, individual class members will be responsible for taking notes on what went on in class. The point is to free the rest of the class up from note-taking, so people can concentrate on the class discussion, while at the same time giving class members access to a collectively produced set of ‘minutes’ from the course. **Journal entries should be no longer than two-pages**, and should be uploaded to the Community Journal Forum within 7 days of the class in question. The journal may be typed or handwritten. If it is handwritten, see Rosemary Garton and she will scan it (yes, in colour), and send it back to you in .pdf form for uploading to moodle.

5. **Produce a final written comment:** At the end of the course, submit a **3-4 page** “final comment.” This comment is designed to give you an opportunity to return to the community journal entries, and to you own your weekly questions and comments. You may reflect on any trends, tendencies or shifts you note in the class discussion or in your own comments and make an assessment of your thinking process over the course of the semester. The final comment should be submitted to moodle before midnight on April 12, 2009.

### **EVALUATION ELABORATED: Project Component (70% of final grade)**

In this course, every person will be required to do a media project of some sort. The default option is Option A (focus on the visual text with shorter written supporting text). If you need to use this course to fill your major paper requirement, you may elect to do Option B (a longer paper with a shorter media text).

**OPTION A: Do a Media Project with Supporting Written Commentary.** The media project should be on a topic of interest to the student which is related to the themes of the course. We will discuss the project in more detail, but it may be a critical pictorial essay, a video essay, or similar project. For the Project option, you **must meet with me to vet your chosen project topic** before the ‘commit to the project option’ deadline of **February 17, 2010**. For this option, there are two components to be graded:

1. **A media project (worth 55% of the grade)**
2. **An accompanying written text (worth 15% of the grade).** This text may be relatively short (in the range of 4 to 5 pages), and may speak to the research done by the student, the sources consulted, the creative process. The commentary or narrative should of course be well organized, interesting, grammatically sound, and consistent in citation style.

Both the media project and the accompanying text are to be turned into the main office before **11am on Thursday, April 21, 2011**, the last day of the examination period.

**OPTION B: Do a Major Paper with a Supporting Media Project.** The paper should be on a topic of interest to the student which is related to the themes of the course. If you wish to choose the paper option, you **must meet with me to vet your chosen paper topic** (or choice of movie to study) before the ‘commit to the project option’ deadline of **February 17, 2011**. If you choose the paper option, there are three components to be graded:

- A. **A paper in the range of 5000 words (worth 50% of the final grade).** I will

expect a paper which makes and develops an argument, which is well organized, interesting, grammatically sound, and consistent in citation style. If you wish to write a longer paper that will fulfill the **Major Research Paper Requirement**, the paper must be in the range of **7500 words** (exclusive of notes and bibliography).

- B. **An annotated bibliography** related to your paper, a bibliography that will be distributed to your classmates (**worth 5% of the final grade**). The annotated bibliography should open with a provisional paper title and a brief (one page max) discussion of the problem you will be exploring in your paper. You should then include **annotations for 6 sources** (articles/books) you are considering using in your paper. For each source, give the bibliographic information, plus a sufficiently detailed annotation (at least 1/2 page per entry) that a reader has a good sense of what is in the source. **The annotated bibliography is to be handed in to me (or you may email it to me) by noon on Friday, March 21, 2011.**
- C. **A short media project** related to your paper (**worth 15%** of the final grade). Both the paper and the accompanying media project are to be turned into the main office before **11am on Thursday, April 21, 2011**, the last day of the examination period.