**COLT 1813Q: Literature and Judgment**

Fall 2014

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Is judgment (whether legal, aesthetic or critical) extraneous to literature, or does it constitute one of literature’s most important functions and characteristics? Is literature to be judged by criteria that are other to it, or does literature instead stage (its own, proper) judgments? What is the relationship between fiction and law? Are there literary laws that can or should be understood as autonomous from the laws of the state? What are the consequences for the laws of literature and the laws of the state when both are thought either as autonomous or, alternatively, as imbricated one in the other? How and why think about aesthetic/literary judgment and legal judgment together? How and why think them separately? When, why and how would it be important to decide on one or the other?

These are some of the questions to be explored in this seminar, bringing on board other related terms, such as “confession,” “testimony,” “scandal,” “censorship/free speech.”

All students are expected to participate actively in all seminar meetings by attending class fully prepared on the assigned readings, by giving one class presentation, by regularly contributing to class discussions, and by writing one final research paper (approx. 25 pages) on a topic of their choice. Paper/topic proposals (complete with at least one full paragraph description and a working bibliography) are due March 21. The final paper should be submitted in hard copy by May 10. No extensions will be granted on the March 21 date; extensions on the May 10 date will only be given in exceptional circumstances.

**Texts available at the Brown Bookstore:**

Henry James, *Daisy Miller*

Jacques Derrida, *Acts of Literature*

Jean-Jacques Rousseau, *The Essential Rousseau*

Sophocles, *Antigone*

Leo Tolstoy, *Kreutzer Sonata*

Primo Levi, *The Drowned and the Saved*

Primo Levi, *Survival in Auschwitz*

Hannah Arendt, *Eichmann in Jerusalem*

Albert Camus, *The Fall*

Gustave Flaubert, *Madame Bovary*

Herman Melville, *Billy Budd*

Toni Morrison, *Beloved*

**Texts available on Canvas:**

Giovanni Verga, “Gramigna’s Mistress”

Paul DeMan, *Allegories of Reading*: chapters 10-12

Jean-Jacques Rousseau, from *Reveries*: “Fourth Walk.”

Jacques Lacan, from *The Ethics of Psychoanalysis*: “The Essence of Tragedy.”

Franz Kafka, “The Penal Colony,” “Before the Law,” “The Judgment,” “Letter to Father.”

Shoshana Felman, from *Testimony*: “Camus’ *The Fall* or the Betrayal of the Witness.”

Dominick LaCapra, *“Madame Bovary” on Trial*

Barbara Johnson, from *The Critical Difference*: “Melville’s Fist: The Execution of Billy Budd.”

Suzanne Stewart-Steinberg, from *The Pinocchio Effect*: “An Unwritable Law of Maternal Love: The Infanticide Debate.”

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Introduction: How Literature May Stage Judgment(s)

**January 31**

Giovanni Verga, “Gramigna’s Mistress”

Henry James, *Daisy Miller*

Jacques Derrida, ‘This Strange Institution Called Literature,” “The Law of Genre” in *Acts of Literature*

The State of Literature/Literature of the State

**February 7**

Jean-Jacques Rousseau, “Profession of Faith” in *The Essential Rousseau*

Paul DeMan, *Allegories of Reading*, Chapter 10

**February 14**

Jean-Jacques Rousseau, “The Social Contract” in *The Essential Rousseau*

Jean-Jacques Rousseau, “Fourth Walk.”

Paul DeMan, *Allegories of Reading*, Chapter 11 and 12

Additional suggested reading:

Jacques Derrida, ‘That Dangerous Supplement…” in *Acts of Literature*

**February 21**

Sophocles, *Antigone*

Jacques Lacan, “The Essence of Tragedy,” in *The Ethics of Psychoanalysis*

Additional suggested reading:

Gillian Rose, *Mourning Becomes the Law*

Judith Butler, *Antigone’s Claim*

Bonnie Honig, *Antigone, Interrupted*

Suzanne Stewart-Steinberg, *Impious Fidelity*

The Juridical Unconscious

**February 28**

Franz Kafka, “The Judgment,” “Letter to His Father,” “The Penal Colony” and “Before the Law.”

Jacques Derrida, “Before the Law,” in *Acts of Literature*

**March 7**

Leo Tolstoy, “Kreutzer Sonata”

Shoshana Felman, “Forms of Juridical Blindness, or the Evidence of What Cannot Be Seen: Traumatic Narratives and Legal Repetitions in the O. J. Simpson Case and in Tolstoy’s *Kreutzer Sonata*” (Available on JSTOR)

Testimony

**March 17: special date and location!! Joint seminar with Ariella Azoulay and Bonnie Honig’s seminar on Hannah Arendt.**

Film: Eyal Sivan, *The Specialist*

(Details will follow regarding our joint seminar with the “Arendt people,” the screening of Sivan’s film, his public lecture and possible meeting time for students with the director.) Our seminar will read and prepare the following:

Hannah Arendt, *Eichmann in Jerusalem*

Shoshana Felman, “Theaters of Justice: Arendt in Jerusalem, the Eichmann Trial, and the Redefinition of Legal Meaning in the Wake of the Holocaust.” (Available on JSTOR)

**March 21**

Primo Levi, *The Drowned and the Saved*

Primo Levi, excerpts from *Survival in Auschwitz*

**April 4**

Albert Camus, *The Fall*

Shoshana Felman, “Camus’ *The Fall* or the Betrayal of the Witness,” in *Testimony*.

Scandal: Literature on Trial

**April 11**

Dominick LaCapra, *“Madame Bovary” on Trial*

Gustave Flaubert, *Madame Bovary*

The Sexing of Literature and the Law

**April 18**

Herman Melville, *Billy Budd*

Opera: Benjamin Britten, *Billy Budd*

Barbara Johnson, “Melville’s Fist: The Execution of Billy Budd,” in *The Critical Difference*

**April 25**

Toni Morrison, *Beloved*

Suzanne Stewart-Steinberg, “An Unwritable Law of Maternal Love: The Infanticide Debate,” in *The Pinocchio Effect*.

Some Conclusions?

**May 2**

Film: Sidney Lumet, *12 Angry Men*