

Summer in Spain Program
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Imagining Justice: Comparative Law, Literature, and Pop Culture

*Like love we don't know where or why
Like love we can't compel or fly,
Like love we often weep,
Like love we seldom keep.*
W.H. Auden, "Law Like Love"

*There was a time when you were not a slave, remember that. . . .
You say there are no words to describe this time, you say it does not exist.
But remember. Make an effort to remember. Or, failing that, invent.*

Monique Wittig, LES GUÉRILLÈRES

Course Description and Goals

Popular culture helps us imagine the possibility of justice. The relationship between law and culture is interactive and dynamic. As Professor Naomi Mezey explains, "[L]aw is both a producer of culture and an object of culture. Put generally, law shapes individual and group identity, social practices as well as the meaning of cultural symbols, but all of these things (culture in its myriad manifestations) also shape law by changing what is socially desirable, politically feasible, legally legitimate."¹ This summer, we will consider how popular culture and literature within different systems of law (common law, civil law, indigenous systems) shape and are shaped by our desire for justice.

But whose justice and what justice? Does justice mean treating everyone the same or taking account of differences? Should individual rights be paramount or is hierarchy and order the essence of a just society? Ideas of justice can vary in different cultures and in different legal systems, but all legal systems are invested in some concept of justice. As we examine justice in popular cultures, you will consider such topics as: Social Justice; Economic Justice; Distributive Justice; Earth Justice; as well as Justice and Race, Gender, and Disability.

¹ Naomi Mezey, *Law as Culture*, 13 YALE J. LAW & HUMANITIES 35, 46 (2001).

We will examine the links between comparative law, literature and popular culture in two main ways:

- (1) we analyze law itself as a form of literature (as a particular type of normative cultural narrative with its own tropes, metaphors, and story patterns), and
- (2) we examine law in literature and in popular culture by exploring legal themes in stories, graphic novels, films, plays, and television.

We will read selected judicial opinions and statutes from common law and civil law jurisdictions for their storytelling elements (style, tone, imagery, etc.) in conjunction with critical Law & Literature jurisprudential theory.

Additionally, we will examine law in comparative literature and popular culture through selected topics such as: Legal Education in Cross-Cultural Perspectives; Justice Narratives from the Margins; Cross-Cultural Versions of Antigone; and Law and Comedy. Our readings will include works ranging from Shakespeare plays to 19th-century slave diaries to contemporary graphic novels. We also will view a variety of clips from television programs and films (including Spain's most popular crime drama, "Money Heist").

Course Objectives: The goals of this course are for you to gain a deeper understanding of the social and cultural components of your chosen profession by exploring the rich interdisciplinary connections between comparative law, literature and popular culture. You will have the opportunity to analyze a diverse selection of cultural texts from common law and civil law systems, utilizing analytical methods from the jurisprudence of law and literature. Texts may include judicial opinions, statutes, graphic novels, plays, poetry, film, and television, from Spain, Japan, the U.S., South Korea, the United Kingdom, Ecuador, Australia, and South Africa.

You should be able to comparatively analyze how different legal systems influence and are concomitantly influenced by literature and popular culture. Finally, you should be able to articulate differences and similarities in intercultural stories about justice and evaluate how ideas of justice circulate among texts and law, influencing and being influenced in turn while creating tensions (and occasional harmony) between national identity and the gravitational pull of globalization.

Questions we will consider may include the following: Is there a legal poetics? Can literary techniques such as metaphor, style, and imagery improve legal storytelling? How does interpretation work in law and in literature? Can popular culture help lawyers acquire cross-cultural competencies? Does justice in popular culture differ from justice within the law? How does children's literature instruct young citizens about the rule of law? What are effective storytelling techniques for those marginalized by the law? How does popular culture define a "good lawyer?" And finally, how have streaming popular cultures affected global notions of justice?

Learning Outcomes include: demonstrating and understanding broad knowledge of the common law and civil law systems; communicating effectively and with civility; demonstrating knowledge of lawyers' moral and ethical responsibilities to the rule of law in society.

NOTE: BEFORE OUR SEMESTER BEGINS, PLEASE READ THIS SHORT CHAPTER AND SKIM THE NUTSHELL

(We will be referring to concepts from these throughout the semester.)

- Mikaila Mariel Lemonik Arthur, *World Legal Systems*, 16-37 LAW AND JUSTICE AROUND THE WORLD: A COMPARATIVE APPROACH (2020). (posted on Canvas)
- Mary Ann Glendon, Paolo, Carozza, and Colin Picker, **Comparative Legal Traditions in a Nutshell 4th edition** (West Academic, 2016). ISBN 978-0-314-28560-7
 - o This Nutshell is available as a digital edition for free on our law library's website. Please skim this, to get a feel for the common law and civil law systems. Pay particular attention to Chapter 9 (describing legal education in civil law systems).

REQUIRED TEXTS

Books

- Lenora Ledwon, **LAW AND LITERATURE: TEXT AND THEORY** (Routledge/Taylor & Francis) ISBN 978 0 8153 2046 3 (paperback)
- Hayao Miyazaki, **NAUSICAA OF THE VALLEY OF THE WIND, VOL. 1** (paperback) ISBN 13 9781591164081
- Sophocles, **ANTIGONE: A NORTON CRITICAL EDITION** (paperback) Sheila Murnaghan, tr. and ed., 2023). ISBN 978-0-393-65518-6
- William Shakespeare, **THE MERCHANT OF VENICE: NO FEAR SHAKESPEARE** (paperback ISBN 978-1-58663-850-4)

o This is the preferred text, with each page of Shakespeare's text mirrored with a facing page in plain English.

o However, any good text of the play will work. If you prefer to read the play online, you can access it at the Folger Shakespeare Library website --

▪ <https://www.folger.edu/explore/shakespeares-works/the-merchant-of-venice/read/>

Film

- *A Jury of Her Peers*

T.V. Series

- *La casa del Papel* (Spanish t.v. series, broadcast on Netflix as "*Money Heist*").
- *How To Get Away With Murder* (American t.v. series set in law school).
- *Extraordinary Attorney Woo* (South Korean series)
- *Daredevil* (American t.v. series).
- *Bluey* (Australian children's animated series)

(Links to Selected Course Readings will be posted on our Canvas class site.)

Grading and Assignments

- **Daily Posting (Completion Credit)**
 - The night before each class, you must post one question on our Discussion Board by 11:00 p.m. regarding something in the following day's readings.
- **Small Group Presentation (Completion Credit)**
 - Groups will be assigned in our first class.
 - Each student in the group (2-3 per group) will lead a discussion on their own posted question and also respond to the posted question of the other student/s in the group (approximately 10-15 minutes total per group).
- **Class Participation is required.**
 - Note: excellent class participation may raise your final grade by up to half a grade.
- **Final Exam** – your grade will be based on the final take-home exam.

Week One

CRITICAL FOUNDATIONS

May 26 Reading Law/Reading Literature

- James Boyd White, "The Judicial Opinion and the Poem" (Ledwon, 5-28).
- W.H. Auden, "Law Like Love" (Ledwon, 221-222).
- Two Cardozo opinions (posted on Canvas, under "Required Readings" module).

May 27 Imagining Law School/Legal Education in Cross-Cultural Perspectives

- Lenora Ledwon, "The Culture of Law School" INTERCULTURAL HUM. RTS L. REV. (2025). (Canvas)
- Alex McBride, *Middle Temple Lane*, in DEFENDING THE GUILTY. (Canvas)
 - (Describes the pupillage apprentice system for training new barristers in England.)
- COMPARATIVE LEGAL TRADITIONS NUTSHELL,
 - (Review Chapter 9, "Roles and Actors: Legal Education").
- In-class clips from "The Paper Chase," "Legally Blonde," "How to Get Away With Murder," "Defending the Guilty."

May 28 **New Lawyers and Apprenticeship: Who has time to think about social justice?**

- Herman Melville, *Bartleby the Scrivener* (Ledwon, 256-281).
 - Habiba Cullen Jafar, “Are Lawyers ‘Quiet Quitting’?” Law.com International (9/14/22) (Link on Canvas).
 - Quiet quitting – Chinese TikTok trend, #Tangping (to “lie flat”).
- John Jay Osborne, Jr., “*Expectations*,” (Ledwon, 483-488).
 - (Life in a big Wall Street law firm.)
- *Extraordinary Attorney Woo* (South Korean t.v. series, clips)

May 29 **Civil Disobedience and the Rule of Law**

- Thoreau, *On the Duty of Civil Disobedience* (Ledwon, 189-200)
- Michael Asimow, *Popular Culture and the Adversary System*, 40 LOY. L.A. L. REV. 653 (2007) (Canvas)
- *Daredevil* (clips from series)

Week 2 JUSTICE NARRATIVES FROM THE MARGINS

June 2 **Race, Gender and Justice**

- Linda Brent, “*Incidents in the Life of a Slave Girl*” (Ledwon 421-429).
- Fugitive Slave Law (Link on Canvas).
- Pauli Murray, “*Dark Testament*” (Link to poems on Canvas).

June 3 **A Jury of Her Peers**

- Susan Glaspell, “*Trifles*” (Ledwon, 151-164).

June 4 **Indigenous Sovereignty and Song**

- “*Government: You were made a guest by me.*”
 - Youtube video of New Zealand Maori lawmaker Member of Parliament’s performance of a *Haka* as a protest during parliamentary session’s first reading of Treaty Principles Bill. (Canvas)
 - Ka Mate haka (Te Rauparaha, 1820).
 - (Link to the Bill on Canvas).
- Reading Statutes as Stories
 - Ledwon, *The Poetics of Evidence: Some Applications from Law and Literature*, 21 QUINNIPIAC L. R. 1145 (2003).
- Land confiscation and Sovereignty
 - Kathryn Armstrong, *New Zealand mountain gets same legal rights as a person*, BBC News online, January 20, 2025. (Link on Canvas)
 - Taranaki Maunga Collective Redress Bill (New Zealand) (Canvas)

June 5 **Punishment**

- Dwayne Betts, *In Alabama* (poem, Canvas).
- Michel Foucault, *Panopticism*, (Ledwon, 323-345).
- Jack Sammons, *On Teaching the Legality of Televising Capital Punishment* (poem) (Ledwon, 293).

Week 3 OUTLAWS

June 9 **Spain's Netflix, Netflix's Spain: The Globalization of Anti-Authoritarianism and Economic Justice Movements**

- *La casa del Papel* (*Money Heist*), streaming on Netflix.
 - (This show is a worldwide hit, having become the most watched non-English-language series in the history of Netflix, and has inspired real-life protests. We will watch selected clips.)
- Vanessa Rodriguez de la Vega, *Branded By Netflix*, in 171 NETFLIX' SPAIN: CRITICAL PERSPECTIVES (Jorge Gonzalez del Pozo and Xose Pereira Boan, eds., 2024). (Link on Canvas)

June 10 **Cross-Cultural Antigones**

- Sophocles, Antigone: Norton Critical Edition (Sheila Murnaghan, tr., 2023).

June 11 **Cross-Cultural Antigones**

- Czeslaw Milosz, "Antygona" (Lenora Ledwon, tr.), 71 TRIQUARTERLY 217 (1989). (Poem in honor of Hungarian students, workers, and soldiers.) (Canvas)
- Seamus Heany, *THE BURIAL AT THEBES* (2004). (Northern Ireland setting for Antigone story). (Canvas)
- Athol Fugard, John Kani, and Winston Ntshona, *THE ISLAND* (South African version of Antigone, set in prison). In *ANTIGONE: NORTON CRITICAL EDITION*, at 50.

June 12 **Earth Justice and Wild Law**

- Hayao Miyazaki, Nausicaa of the Valley of the Wind, vol. 1 (paperback manga).
- Lenora Ledwon, *Green Visual Rhetoric: The Human/NonHuman Connection in "Nausicaa of the Valley of the Wind,"* 7 J. ANIMAL & ENV'T L 1 (2015).
- Constitution of the Republic of Ecuador (link on Canvas). (In 2008, Ecuador became the first country to recognize the rights of nature in its constitution.)

Week 4 COMEDY AND LAW

June 16 Humor, Censorship, and the Rule of Law in Children's Popular Culture

- Lenora Ledwon, *Children's Picture Books and the Rule of Law: The Jurisprudence of "The Poky Little Puppy,"* in HUMAN FLOURISHING: THE END OF LAW. ESSAYS IN HONOR OF SIEGFRIED WIESSNER 1038 (W. Michael Reisman and Roza Pati, eds., 2023).
- "Family Matters," Bluey Season 3, Episode 23. (Australian animated preschool television series, streaming on Disney+.)

June 17 Comic Structure and Overcoming Law's Blocking Force

- Northrop Frye, *The Mythos of Spring*, from Anatomy of Criticism (Ledwon, 495-501).
- William Shakespeare, THE MERCHANT OF VENICE

June 18 Comic Structure, cont.

- Shakespeare, THE MERCHANT OF VENICE

June 19 The Comic Logic of Law

- W.S. Gilbert and Arthur Sullivan, TRIAL BY JURY (Ledwon, 471-481).

Final Exam

- The exam will be distributed at the end of class on June 18.
- Open Book, Take-Home Exam.
- Due any time before **June 20 at 5:00 p.m.** (Madrid time.)

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