“...law is most useful seen not, as it usually is by academics and philosophers, as a system of rules, but as a branch of rhetoric; and that is the kind of rhetoric of which law is a species is most usefully seen not, as rhetoric usually is, either as a failed science or the ignoble art of persuasion, but as the central art by which community and culture are established, maintained, and transformed. So regarded, rhetoric is continuous with law, and like it, has justice as its ultimate subject.”

~ James Boyd White
COURSE OVERVIEW

This is a course about the law and its rhetorical and cultural character. Proceeding from the premise that law is, as James Boyd White states, much more than “a system of rules,” we will explore a variety of rhetorical, critical, and cultural approaches to studying rhetorics of law and their relationship to the development of identity, community, and culture, in their myriad forms.

In the first part of the course, we will engage the theory and practice of lawyers, considering texts in legal realism and law and economics in order to build fluency in the language of the law as well as understand the ideological foundations of traditional legal theories. While this part of the course will not teach you to “think like a lawyer” per se, it will help you to understand some dominant approaches to studying the law, especially those associated with constitutional law, executive rulemaking, and federal and state statutes. In the second part of the course, we will examine in detail the theory of constitutive rhetoric which will inform the work we do for the remainder of the semester. Finally, in the third part of the course, we will discuss contemporary and class case studies—including Trayvon Martin, abortion rights, and the Scopes trial—to try on a variety of approaches to studying rhetorics of the law, including law and literature, narrative, metaphor, critical rhetorics of race, feminist criticism, and rhetorics of citizenship. Through these case studies, we will also engage scholarship that studies an array of legal forms, including constitutions, trials, and federal and state statutes. In order to facilitate your study of both the legal and rhetorical aspects of the selected case studies, the readings for this part of the course will include both primary and secondary materials, allowing you to see the texts which gave rise to the pieces of scholarship that we are reading.

The capstone project in this course will be a polished, 2,000-2,500 word essay on a legal case study of your choosing. In order to facilitate the process of writing this piece, you will be asked to select a legal case study by Week 3 of the semester, by way of Case Justification. In this Case Justification, you will be asked to demonstrate the rhetorical and legal importance of your chosen topic. Your final paper will be due at the end of the semester, prior to finals week. Our readings are certainly not exhaustive of the selected case studies. You are therefore welcome to choose the case studies we discuss in class for your final paper if you so desire.

By the end of the semester, you should be able to:

- List and explain the basic workings of the American court system and constitutional process;
- Describe the relationship between rhetoric, law, identity, culture, and community;
- Define and describe constitutive rhetoric;
- Identify and explain multiple approaches to studying the rhetoric of law;
- Select a legal case study for analysis and interpretation;
- Develop a thesis statement about your legal case study;
- Use primary and secondary sources to analyze and interpret your legal case study’s rhetoric;
• Professionally evaluate a peer’s analysis and interpretation of their chosen legal case study;
• Produce a polished essay which engages with theories of rhetoric, law, and culture; and
• Present your research findings to an audience.

**REQUIRED TEXTS**

The texts for this course will primarily take the form of book chapters, articles, and primary sources, most of which will be available on the course website.

In addition to the online readings, you will need the following text, available at the IU Bookstore:


**RECOMMENDED TEXTS**

The *Pocket Edition of Black’s Law Dictionary* may be helpful in reading cases and deciphering legal language. You may also want a copy of James Jasinski’s *Sourcebook on Rhetoric* if you do not already have a copy. These books are available at the IU Bookstore, Amazon, and other booksellers.

**ASSIGNMENTS**

Your grade in this course will be based on the following assignments:

- Class Discussion 15%
- Forum Posts & Comments 15%
- Case Justification 20%
- Thesis Statement & Outline 10%
- Multimedia Presentation 15%
- Final Paper 25%

All assignments are due at the beginning of class on the date listed on the Syllabus. Written assignments must be turned into on OnCourse in the Forums or through Turnitin.

**CLASS DISCUSSION:** In the first week of class, you will sign up to lead discussion on one of the case studies that we will be addressing in the third part of the course (we will have two people presenting on most days). You will have fifteen minutes in which to raise questions about the texts that you found interesting or worthy of conversation and/or present your own viewpoint on the case. Please note that this is *not* the time for a summary of the case but rather a time to begin the process of exploring the connections between the case study at hand, rhetoric and identity. In classes in which
you are not presenting, you are also expected to participate. Your participation will be graded per class on a ✓+, ✓, ✓- basis and used to calculate your final Class Discussion Grade. A ✓+ indicates excellent insights and observations and comments on the material, a ✓ indicates good insights and observations and comments on the material, and a ✓- indicates lack of insights and observations on the material and/or failure to meet the basic requirements of the assignment.

**Forum Posts & Comments:** On any five of the days of the semester of your choosing and in which you are not presenting, you will write a 400-500 word Forum post which explores provocative rhetoric and/or legal issues raised in the readings for the day. You may include images, links to other sources, and quotes in these blog posts but doing so is not required. Please note that these Forum posts are not summaries and should demonstrate analytic engagement with the material.

On any five of the days of the semester of your choosing and in which you are not presenting, you must also write a 50 word comment about another post. Your posts and comments be graded per class on a ✓+, ✓, ✓- basis as described above.

**Case Justification:** On September 12th, you will turn in a 750-1,000 word paper in which you will demonstrate that the case study you have selected for your final paper is an appropriate and worthy subject of study for this course. Discussing the context of the case study, its rhetorical and legal significance, its persuasive implications, and some of the texts you will be reading in your final paper may be helpful in establishing a case for your chosen legal controversy.

**Thesis Statement & Outline:** On November 14th, you will bring your thesis statement and detailed outline of at least 2 pages to class. We will discuss how to write a thesis statement and outline an argument and you will have the opportunity to pair up and discuss your paper with a partner in class. I will also be available for questions.

**Multimedia Presentation:** Midway through the term, you will sign up to give a Multimedia Presentation on one of the last five days of the semester. You will create a creative and engaging presentation, including visuals and text, which presents your thesis statement and paper argument. You may use traditional or electronic media, including but not limited to posters, diagrams, PowerPoints, Prezis, websites, videos, mobiles, to present your research. Our last classes will function as a mini-conference in which the class will circulate, hear a five-minute prepared presentation about your paper, and ask you questions. This assignment is an opportunity for you to present your research and receive feedback before you turn in your final paper.

**Final Paper:** The Final Paper should be approximately 2,000-2,500 words. In it, you should make and support an argument that engages two or more of the readings we have discussed in class and two or more outside readings as well as three or more primary sources. A well-developed thesis statement and clear and well-supported argument are the cornerstones of this paper. We will discuss what each of these requirements means over the course of the semester.
COURSE WEBSITE

Course information can be found on OnCourse. Please check it daily for readings, announcements, assignments, and slides from class lectures.

COURSE EXPECTATIONS

Course expectations are included here for your benefit as well as mine. Please review them thoroughly as I will strictly abide by them. Also, please note that this syllabus is subject to change at my discretion. Changes will be announced in class and noted on the course website when possible.

ON WRITING

We will write a great deal in this class. We will do so for two reasons. First, writing about rhetoric and the law is a much different task than reading about it. There will be many opportunities in this class to practice using rhetorical and cultural theories and the language of the law. Second, writing ensures thorough and thoughtful engagement with the course material which significantly improves course discussions as well as student understanding.

Readings and assignments are due at the beginning of class, in order to facilitate in-depth discussion.

CLASSROOM ETIQUETTE

We will discuss many difficult topics in this course, as evidenced by the image that introduces this syllabus. In doing so, we will strive to cultivate a safe classroom space in which each of us is comfortable expressing an opinion. Doing so requires respect, radical acceptance, thoughtfulness, and self-awareness. Harassing or discriminatory language and/or behavior or any other conduct which creates a hostile environment will not be tolerated. Please review the Indiana University Code of Student, Rights, Responsibilities and Conduct for definitions of these terms. That is not to say we will not sometimes make mistakes in discussing difficult topics and negotiating our various identities but rather that we will continually strive to abide by the principles of the safe space of the classroom and correct any mistakes we have made.

Creating a safe space also requires attentiveness and engagement. Showing up late to class, texting, sleeping, or any other variety of disrespectful and disruptive behavior may result in you being asked to leave the classroom. If you have questions or concerns related to respect and openness in the classroom, please do not hesitate to talk with me. My door is always open.
ATTENDANCE

We will cover a significant amount of material each day, most of which is very difficult to assimilate through the readings alone. You are highly unlikely to do well if you do not attend class regularly and actively engage with the course material. Also, please remember that it is your responsibility to speak with a classmate and not me to get notes.

LATE ASSIGNMENTS

There will be no late assignments accepted for the Class Discussion, Weekly Blog Posts, or Concept Presentation except in the case of emergency. For the remaining assignments, students will lose half a letter grade per day an assignment is late and no assignment will be accepted more than 7 days after the due date. In the event of illness, emergency, other extenuating circumstance, or school sanctioned event, please contact me as soon as possible, providing written verification of the excused absence. Makeup assignments must be completed no later than 5 days after the original assignment due date. There are no exceptions to this policy.

EMAIL

You may contact me by email and I will respond within 24 hours, excluding weekends and holidays. I will not respond to emails regarding assignments that are due within 24 hours or less so please start your assignments well in advance of their due dates.

CELL PHONES & LAPTOPS

Cell phones are absolutely prohibited in class for any purpose. That includes making phone calls, texting, taking notes, fact-checking, or looking up the time. Individuals who use their cell phones in class will be asked to put their phones away or leave the class.

Laptop use in class is permissible for notetaking only. Disruptive activities including but not limited to watching Netflix, checking your favorite social media websites, trolling for hilarious and amazing YouTube videos, playing video games, and checking email are not permitted. I will not hesitate to ban laptops if they prove to be disruptive to the class environment.

SPECIAL NEEDS

To request academic accommodations due to a disability, please contact Disability Services for Students at (812) 855-7578 or iubdss@indiana.edu. Please present me with your letter from DSS so we can discuss any accommodations you may need.
GRIEVANCE POLICY

I am happy to discuss grade concerns and grievances with students. If you wish to challenge a grade, you must: (1) wait 24 hours after receiving your score, (2) email me a one page summary of your concerns, making reference to the assignment requirements, and (3) make an appointment to meet with me, during office hours or another mutually agreeable time. Grade concerns and grievances will be considered for one week after papers are returned, after which time grades will be final and grade challenges will no longer be accepted.

ACADEMIC INTEGRITY

Indiana University’s definitions of academic and personal misconduct are outlined in the Indiana University Student Code of Ethics. It is your responsibility to read and understand Indiana University’s expectations regarding your conduct.

Plagiarism includes any representation, intentional or unintentional, of another person’s words or ideas in a manner that makes it seem as if they were your own, either in written or oral form. Plagiarism and cheating are significant offenses and it will be treated as such. If you have any questions about what constitutes plagiarism, please do not hesitate to ask.

GRADING

Grading will be on an A to F scale as follows:

• A – Outstanding work, demonstrates exceptional understanding of the course material.
• B – Good work, demonstrates an above average understanding of the course material.
• C – Satisfactory work, demonstrates an adequate understanding of the course material.
• D – Marginal work, demonstrates sufficient understanding of the course material.
• F – Failing work, demonstrates a poor understanding of the course material.

COURSE SCHEDULE

PART I: THE RULES OF LAW

August 27  Syllabus & Introduction

August 29  Courts and Constitutional Argument

**September 3rd**  Congress, Statutes, and Statutory Interpretation

**September 5th**  Beyond the Legal Frame
- Rhetorical Criticism Timeline

**PART II: LAW AND IDENTITY**

**September 10th**  Law and Life

**September 12th**  NO CLASS

**September 17th**  Understanding Rhetorical Study of Law
September 19th  Rhetoric, Identity, Culture

PART III: CASE STUDIES

September 24th  Owning Scarlett
• Declaration of Toni Morrison
• Declaration of Henry Louis Gates, Jr.

September 26th  Law and Literature

October 1st  Legislating Sexual Relations
• “Equal Protection for Other Groups and Interests,” in Understanding Constitutional Law, 451-452, 460-462.
• “Homosexuality,” in Understanding Constitutional Law, 344-348.

October 3rd  Legal Standards and Queerness

***CASE JUSTIFICATION DUE***
October 8th  Legalizing Abortion

October 10th  Writing the Feminist Judicial Opinion

October 15th  Plundering Pirates

October 17th  Contesting Copyright Law

October 22nd  Military Necessity from World War II to September 11th

October 24th  Legal Definitions, Torture, and the War on Terror
October 29th  Locating Citizenship
- Minutemen Project (2012)

October 31st  Bodies and Borders

November 5th  The Politics of the Hoodie

November 7th  Law and Visuality

***THESIS STATEMENT AND OUTLINE DUE***
November 12th  Law, Performance & Popular Culture

November 14th  Thesis Statement & Writing Workshop

November 19th  Responses to Law and Literature

November 21st  Mini-Conference

November 26th  ***THANKSGIVING BREAK***

November 28th  ***THANKSGIVING BREAK***

December 3rd  Mini-Conference

December 5th  Mini-Conference

December 10th  Mini-Conference

December 12th  Mini-Conference & Course Wrap Up

December 16th  ***FINAL PAPERS DUE @ 10:00am***