Part Two

READING GUIDE – LAW AND JUSTICE IN POPULAR CULTURE

Stream overview

This stream explores the role of popular culture in producing and critiquing our ideas of law and justice. Of course, this means considering the representation of classic legal offices and institutions in novels, TV, and film: the world of difference between Martha Costello in Silk and Harvey Spector in Suits. But we will also consider how pop cultural 'texts' (songs, poems, paintings, fairy tales) that aren't necessarily about law on their face play a crucial role in sculpting our normative worlds nevertheless. Now the question isn't so much how lawyers and judges appear on screen, but how our very concepts of law and justice are constituted in part by the culture we 'consume'. What would it mean to think Maurice Sendak's Where the Wild Things Are, Christopher Nolan's The Dark Knight, or Margaret Attwood's The Handmaid's Tale not just as objects of legal analysis (contract, copyright and so on) but as sources of law?

Following the introductory seminars in weeks 1-3, students will design their own research project, focussing on a case study of their choosing. This research may draw on analyses from a range of disciplines in addition to law, including cultural studies, feminism, post-colonial studies, political, critical, media and queer theory, art and literary studies, and so on. This stream, like the relations between law and popular culture it aims to understand, is necessarily omnivorous.

Elements of the course

Monday 2.15 – 5.15 Rm 203

Week	**Tasks**
1: Seminars	
Week 1	Law and Justice in Popular Culture: Introduction
Week 2	Pop Culture as a Source of Law
Week 3	What is Pop Culture Anyway?
2: Research skills	
TBC	The Law Library and Legal Research Skills Adviser will be offering workshops and resources to ensure students undertaking this subject have the research skills necessary to complete the required research project. The dates and times of these workshops will be announced on the LMS once semester begins. Please email Trung Quach to register: trung.quach@unimelb.edu.au
3: Individual consultations	
Week 5	First 15-minute consultation with the subject teacher to discuss your research proposal (submitted in advance).

Week 10	Second 15-minute consultation to discuss your essay outline (submitted in advance).
4: Oral presentations	
Week 10, 11 and 12	Oral presentations (hurdle requirement). Each student will give a 10-15 minute presentation on their project, with 5-10 minutes for questions (total 20 minutes). Please note that class members are expected to attend and provide comment on others' presentations.

Required readings

An outline of the topics that will be explored during seminars in the first three weeks of semester, together with a list of the required readings for those classes, is provided below. The required readings are either readily accessible online via the hyperlinks below or are provided online via the subject LMS page. A list of further readings has been provided mostly as a starting point for your research essays, but any additional reading you choose to do during semester will only be of benefit. All further readings are available either at the Law Library or the Bailieu, and in some cases as e-books via the library website.

Completing the readings in advance of class is essential to participation in class discussions and activities.

Seminar 1: Law and Justice in Popular Culture: Introduction

We will take some time in the first part of this class to introduce ourselves, the subject and its assessment requirements. The main focus of class, however, will be a discussion of some exemplary pop cultural texts as a way in to the course's themes. The following texts will also help in this respect.

Required readings:

- Desmond Manderson, 'Desert Island Discs: Ten Reveries on Pedagogy in Law and the Humanities' (2008) 2(2) *Law and Humanities* 255-270
- William P MacNeil, 'Pro*lex*omenon: Towards *a* Novel Legal Theory of the Novel *as* Legal Theory' in William P MacNeil (2012) *Novel Judgements: Legal Theory as Fiction*, Routledge p1-20 **LMS**
- Robert Cover, 'Nomos and Narrative' (1983-4) 97 *Harvard Law Review* 4-68

Seminar 2: **Pop Culture as a Source of Law**

This week, we will analyse the law and justice dimensions of three classic works of pop culture: Maurice Sendak's *Where the Wild Things Are*, Christopher Nolan's *The Dark Knight*, and Margaret Attwood's *The Handmaid's Tale*. Although you are not *required* to have read the book, seen the film or watched the show in each case, you'll get a lot more out of the set texts this week if you have. As a result, in addition to doing the readings for this week, please try to spend some time with the pop cultural 'object' too. If you are not able to for whatever reason, concentrate on reading the texts for

what they offer methodologically: that is, in terms of *how* to read, watch or otherwise engage with pop culture 'jurisprudentially'.

Required readings:

- Desmond Manderson 'From Hunger to Love: Myths of the Source, Interpretation, and Constitution of Law in Children's Literature' 15(1) (2003) *Law and Literature* 87
- Timothy D Peters, 'Beyond the limits of the law: a Christological reading of Christopher Nolan's The Dark Knight' (2015) 24(3) *Griffith Law Review* 418-455.
- Karen Crawley, 'Reproducing Whiteness: Feminist Genres, Legal Subjectivity and the Post-racial Dystopia of The Handmaid's Tale' (2018) 29 *Law and Critique* 333-358.

Further readings and multimedia:

- Timothy D Peters, 'Reading the Law Made Strange: Cultural Legal Studies, Theology and Speculative Fiction' in Cassandra Sharp and Marett Leiboff (eds) *Cultural Legal Studies: Law's Popular Cultures and the Metamorphosis of Law* (Routledge 2015).
- Timothy D Peters and Karen Crawley (eds), *Envisioning Legality: Law, Culture and Representation* (Routledge 2017) (including excellent chapters on Dr Who, Game of Thrones, Inglorious Basterds, Oprah Winfrey, The Wire and others)
- Orit Kamir (2005) 'Why 'Law-and-Film' and What Does it Actually Mean? A Perspective' 19(2) *Continuum: Journal of Media & Cultural Studies* 255
- Jessica Silbey (2009) 'The Politics of Law and Film Study: An Introduction to the Symposium on Legal Outsiders in American Film' 42(4) *Suffolk University Law Review* 755
- Leslie J Moran, Emma Sandon, Elena Loizidou, and Ian Christie (eds), *Law's Moving Image* (Cavendish, 2004)
- Thomas Giddens (ed), *Graphic Justice: Intersections of Comics and Law* (Routledge 2015)
- Alison Young, *Street art, public city: Law, crime and the urban imagination* (Routledge 2013)
- Alison Young, *Judging the Image: Art, Value, Law* (Routledge 2004)
- Desmond Manderson, *Songs Without Music*: *Aesthetic Dimensions of Law and Justice* (University of California Press, 2000).
- Desmond Manderson, *Kangaroo Courts and the Rule of Law: The Legacy of Modernism* (Routledge, 2012)
- Desmond Manderson, 'Making a Point and Making a Noise: A Punk Prayer' (2013) *Law Culture and the Humanities* 1-13.
- Sara Ramshaw, *Justice as Improvisation: The Law of the Extempore* (Routledge, 2013)
- James E K Parker, *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (OUP 2015)
- William MacNeil, *Lex Populi: The Jurisprudence of Popular Culture* (Stanford University Press, 2007)
- Richard Sherwin, *When Law Goes Pop: The Vanishing Line between Law and Popular Culture* (University of Chicago Press, 2000)
- Richard Sherwin and Ann Wagner (eds), *Law, Culture and Visual Studies* (Springer, 2013)
- Richard Sherwin (ed), *Popular Culture and Law* (Ashgate, 2006)
- Eyal Weizman, *Forensic Architecture: Violence at the Threshold of Detectability* (2018)

Seminar 3: What is Pop Culture Anyway?

This week we will push a bit at our definition of pop culture and start thinking about law/culture relations in other traditions of thought and jurisprudence.

Required readings:

- Peter Leman, 'Singing the Law: Okot p'Bitek's Legal Imagination and the Poetics of Traditional Justice' (2009) 40(3) *Research in African Literatures* 109-128.
- Kristen Anker, 'Law as…Forest: Eco-logic, Stories and Spirits in Indigenous Jurisprudence' (2017) 21 *Law Text Culture* 191-213.
- Poppy d'Souza, 'What Does Racial Injustice Sound Like? On Listening, Acoustic Violence and the Booing of Adam Goodes' (2018) 32(4) *Continuum* 1-15.

Further readings and multimedia:

- Linda Tuhiwai Smith, *Decolonising Methodologies: Research and Indigenous Peoples* (Zed 2012)
- Christine Black, *The Land is the Source of the Law: A Dialogic Encounter with an Indigenous Jurisprudence* (Routledge, 2011)
- Christine Black, *A Mosaic of Indigenous Legal Thought: Legendary Tales and Other Writings* (Routledge, 2017).
- John Burrows *Canada's Indigenous Constitution (*University of Toronto Press 2010)
- P Burdon (ed) *Exploring Wild Law: The Philosophy of Earth Jurisprudence* (Wakefield Press Kent Town SA, 2011)
- Andreas Philippopoulos-Mihalopoulos (ed) *Law and Ecology: New Environmental Foundations (*Routledge 2011 London)
- Martha-Marie Kleinhans and Roderick A Macdonald, 'What is a *Critical* Legal Pluralism'? (1997) 12 *Canadian Journal of Law and Society* 25-46.