

LTEN 178/ETHN 168: Equal Before the Law?

Tues/Thurs 12:30-1:50, Sequoyah 148

Prof. Nicolazzo (snicolazzo@ucsd.edu)

Office Hours: Tues 5-6, Thurs 2-3 and by appointment

Office hours are held in the library: specifically, in Cubicle 3 of the Consultation Cubicles in Geisel East Commons. (If you have any trouble finding this space, just email me and I'd be happy to direct you! If you'd like to set up a meeting in a more private space, just email me and I can arrange that.)

This course examines how American literature has engaged with the law, power, and racial inequality from the time of the Constitution to the present. In particular, we will focus on how Black and Native authors have engaged with profound questions of personhood, citizenship, sovereignty, and justice—sometimes demanding equal recognition under the law and sometimes challenging the foundational logic of the law itself. We will read novels, autobiographies, and poems alongside laws, court decisions, and contemporary theories of race and the law as we explore how legal and literary texts spoke to each other—sometimes in surprisingly direct ways. At the same time, we will consider how lawyers, judges, activists, and ordinary people caught up in the legal system use language and interpretation as legal tools, and how legal and literary interpretation converge and differ. We will ask how law and literature pose fundamental questions: what does it mean to have rights? What does it mean to be equal before the law? What does it mean to be free?

This course fulfills the DEI requirement, the D requirement of the Literatures in English major, and is petitionable as an elective for the Law & Society minor.

Required Texts (available at the UCSD Bookstore)

Olaudah Equiano, *The Interesting Narrative*

John Rollin Ridge, *Life and Adventures of Joaquin Murieta*

Austin Reed, *The Life and the Adventures of a Haunted Convict*

Nella Larsen, *Passing*

Layli Long Soldier, *Whereas*

All other readings are posted on TritonEd.

Content note: this is a course about how authors have theorized and represented long histories of racialized violence, dispossession, trauma, vulnerability, and inequality. It is also about how literary texts can be tools for resistance, survival, healing, and the making of new and alternative futures—even if our authors don't always agree on what these futures ought to look like or how we can get there. Given the topics at the center of this course, it's worth noting that many of these texts represent violence and engage (sometimes critically and sometimes less so) with dehumanizing, racist, and otherwise harmful language. Even though some of these texts are historically distant, they all touch in some way on forms of oppression that are still with us, so I want to encourage you to keep your classmates' experiences in mind as you discuss these texts; you never really know how some of this material might resonate very personally for someone in the room. At the same time, take care of yourselves; some of these texts can be disturbing, and while I generally note common triggers in advance, I'm also happy to offer more detailed content notes in advance of specific readings if there's anything in particular you'd appreciate a heads-up about—just let me know. If you ever have concerns about the way class conversations are going, feel free to come to office hours, email me, or speak to me after class.

SCHEDULE OF READINGS

Thursday, Sept 27

In class: archival records of vagrancy arrests in Philadelphia, 1790-92

Declarations: Debating Freedom and Nation

Tues Oct 2

Olaudah Equiano, *Interesting Narrative* (1789), through Ch 7 (to p. 146)

Thurs Oct 4

Equiano, *Interesting Narrative* to end
U.S. Declaration of Independence (1776)

Tues Oct 9

William Apess, from *Indian Nullification of the Unconstitutional Laws of Massachusetts* (1835)
“Sovereignty” in *Native Studies Keywords* (2015)

Thurs Oct 11

Lisa Brooks, from *The Common Pot: Reclaiming Native Space in the Northeast* (2008)
(Bring Apess, *Indian Nullification* to class)

Fri Oct 12: Critical Argument Close Reading Due at 5:00pm

Outlaw Narratives and the Uses of Violence

Tues Oct 16

John Rollin Ridge, *Life and Adventures of Joaquin Murieta* (1854), p. 1-69

Thurs Oct 18

Ridge, *Life and Adventures of Joaquin Murieta* p. 70-137
John Carlos Rowe, “Highway Robbery: ‘Indian Removal,’ The Mexican-American War, and American Identity in *The Adventures of Joaquin Murieta*”

Tues Oct 23

Robert Cover, “Violence and the Word” (1986)
Micol Seigel, from *Violence Work: State Power and the Limits of Police* (2018)
(In class: 1855 CA Anti-Vagrancy Act)

Thurs Oct 25

Austin Reed, *The Life and the Adventures of a Haunted Convict* (1855) Editor’s Introduction to p. 66

*Note: 10/26 is the deadline to change grading option or drop class without a “W” on transcript

Tues Oct 30

Reed, *Life and Adventures*, p. 66-218

Thurs Nov 1

Colin Dayan, from *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (2011)

Jeannine DeLombard, from *In the Shadow of the Gallons: Race, Crime, and American Civic Identity* (2012)

Citizenship, Equality, Exclusion

Tues Nov 6

13th-15th Amendments (1865-70)

Plessy v. Ferguson (1895)

Thurs Nov 8

Prof. Nicolazzo away at a conference—no class

*Note: 11/9 is the deadline to drop the class (with “W” on transcript)

Mon, Nov. 12: Short Paper Due at 5:00pm

Tues Nov 13

Nella Larsen, *Passing* (1929) p. 1-73 (through part 2 ch 2)

Thurs Nov 15

Larsen, *Passing* to end

Cheryl Harris, from “Whiteness as Property” (1993)

Poetry, Personhood, Place

Tues Nov 20

Barbara Johnson, “Anthropomorphism in Lyric and Law” (1998)

Thurs Nov 22

Holiday- No Class

Tues Nov 27

Layli Long Soldier, *Whereas* (2017); focus in particular on Part II

U.S. Senate Joint Resolution 14 (2009)

Thurs Nov 29

Joan Naviyuk Kane, *Hyperboreal* (2013), selections

Final Environmental Impact Report, Trans-Alaska Pipeline (1972), selections

Reimagining Legal Histories

Tues Dec 4

M. NourbeSe Philip, *Zong!* (2011), selections

Thurs Dec 6

Papachristou v. City of Jacksonville (1972)

Saidiya Hartman, "The Anarchy of Colored Girls Assembled in a Riotous Manner" (2018)

Friday, Dec 14: Final paper due at 11:30 am

ASSIGNMENTS

Critical Argument Close Reading: Short response unpacking the foundations, claims, and stakes of an author's argument, in response to detailed prompt (1-2 pages)

Short Paper: 3-4 page paper explaining the meaning of a key term in a literary text of your choosing and the stakes of this term for your interpretation of the text as a whole.

Final Paper: 5-7 page paper making an interpretive argument about a literary text alongside at least one legal text.

All written assignments will be submitted electronically via the course website on TritonEd. More detailed assignments are also posted on TritonEd.

GRADING

Attendance/Participation: 15%

Critical Argument Close Reading 20%

Short Paper: 30%

Final Paper: 35%

POLICIES

Reading and Preparation

Much of our reading material will be posted as pdf files on the course website on TritonEd. You may choose to print these materials or read them on your computer, which means that laptops *are* allowed in the classroom. However, as you choose your reading method, remember that I expect you to:

- Annotate the text as you read (whether using a pencil, post-it notes, electronic highlighting, notes in a separate document or notebook, or any other method that works for you)
- Bring the assigned reading with you to every class session.
- Be able to find, refer to, and quote specific passages from the reading during our discussions.
- Participate fully in our discussions as both a speaker and a listener.
- If you use your computer, use it for class material only.

Meeting these expectations is a significant portion of your class participation grade, and so I expect you to choose the mode of reading that best helps you to do this.

Class Participation

This is a significant portion of your grade. Participation includes:

- Attending class consistently, arriving on time, and bringing the readings
- Reading all assigned readings fully and carefully
- Being present and engaged as an active participant and listener

There are many different ways you can contribute to our conversations. You don't have to have a fully-formed interpretation of the text in order to make a positive contribution to our discussion. Some excellent ways to contribute include pointing out a passage you found particularly interesting or confusing, asking a classmate a follow-up question about something they have said, or offering textual evidence that either supports or complicates an interpretation one of your classmates has suggested. If you are finding it difficult to join the conversations we are having in class, do not hesitate to come see me. I am happy to strategize with you about making our discussions more accessible to everyone.

Accessibility

This is a challenging course, but everyone should have the opportunity to succeed and learn during our time together. My goal is to make full participation and success in this class accessible to all students. If there is any feature of this course, from the reading to the assignments to the way we work together in class, that could be made more accessible to you, please discuss it with me. I am willing to consider any appropriate modification that will enable you to experience more fully the works we will read and our engagement with them in class. You do *not* have to disclose or document any disability or illness, physical or mental, to me or to anyone in order to discuss accommodations with me.

In addition, there are many resources available to you on campus. The peer tutors at the Writing Center can help you with any writing assignment at any stage of the writing process, from brainstorming to final revisions. The Office of Academic Support & Instructional Services (OASIS) offers tutoring and support in both academic subjects and study skills. Both of these resources exist to help you get the most out of your education, and are highly recommended for *all* students. If you have a documented disability, the Office for Students with Disabilities (OSD) can support you in identifying and requesting relevant accommodations. Contact the OSD for further information: <http://disabilities.ucsd.edu>

I am committed to supporting undocumented students and students from mixed-status families, especially in this particularly challenging time, and I will accommodate immigration emergencies as I would any other emergency (medical, etc) in granting extensions or excusing absences. For more resources, legal advice, and information on your rights, consult the Undocumented Student Services Center: <http://undoc.ucsd.edu>

Academic Integrity and Plagiarism

As a member of this class, you are part of a scholarly community. This community consists not only of your fellow classmates, but of the many readers, writers, and scholars who conduct and share research in this field. Citation is how we build trust, community, and collaboration as scholars. Citation is not just a set of arbitrary rules: it's how you give credit to the scholars whose ideas you have learned from, it's how you acknowledge your membership in a scholarly community, and it's how you offer your reader a chance to follow your research and build on *your* ideas in turn.

Plagiarism is a violation of the trust and respect that allows us to build scholarly community. It constitutes both a dishonest use of others' ideas and a fundamental refusal to learn through work

and struggle. Plagiarism will result in a score of 0 on the assignment in question and an automatic report to the Academic Integrity Office. After review by the Academic Integrity Office, students found responsible for plagiarism may face both disciplinary and academic sanctions.

If you are uncertain about what constitutes plagiarism, or if you have questions about proper citation, you are welcome to see me or visit the Writing Hub for help. If you are struggling with any aspect of a writing assignment, please come see me and I will help you strategize how to complete it.