

## Essay Topics for a Law School Law and Literature Course

### Note to instructors and other potential users:

*The essay topics outlined below were formulated to encompass as wide a spectrum of interests as possible. The course is taught from the perspective of archetypal criticism (based on my book *The Structures of Law and Literature: Duty, Justice, and Evil in the Cultural Imagination* (Montreal: McGill-Queen's University Press, 2013)), and there are some topics geared that way, but the list is ecumenical. The course syllabus provides students opportunities as a group, moderated by the instructor, to discuss their chosen topics and their progress on their essays.*

### **Law and Literature, Law G539 Faculty of Law, McGill University**

#### Essay topics

For your final essays (term papers), **you have two options**, listed below. “Option two” topics are perhaps more challenging on their face, and the instructor will take that into account when reading what you produce, but you will achieve the same level of success with comprehensive research and good writing and argument on an “option one” topic. Whichever option you choose, your paper must be *original to this course*. That is, it can include discussion of works you have read for other courses or for your own interest, but it must be written specifically for this course, addressing specifically law-and-literature concerns as outlined during the term and in the scholarly literature.

Please choose carefully; select something that motivates you and that will hold your interest. You are of course encouraged to incorporate the works we consider in class, but you should also draw in other works (literary, scholarly criticism, etc.) to support your arguments. You have the entire term to develop your thought and undertake some wide-ranging reading. This should allow you to get your teeth into your topic, and to take your time thoughtfully. The instructor is more than happy to discuss your research and writing as you proceed. Do not hesitate to ask for help, or just to talk about your essay or anything else concerning the course.

**The annotated bibliography and my “Some useful secondary sources” list** will give you added assistance in formulating your thoughts and research approach.

Remember, these are research papers. Be careful to support your assertions and show your sources. In this respect, assume you are writing for an academic journal. Who knows?: perhaps you will write something capable of publication. **For footnotes and bibliographies, please use the latest edition of the *McGill Law Journal Canadian Guide to Uniform Legal Citation*.**

#### **Option One**

Write a research paper exploring in greater depth, in the law-and-literature context, one or more of the works we cover in class. You can of course bring in other works of your choosing, including works mentioned later in this list of topics and on the annotated bibliography.

### **Option Two**

Select one of the essay topics below, based on what we cover in the course. They are grouped under seven subject-headings:

- A. “Law and Literature” as a subject of scholarship
- B. The development of law and literature (their relationship) through history
- C. Justice as a core subject of cultural expression
- D. Law as narrative
- E. Duty, reasonableness, and our notions of justice.
- F. From bad-to-be-good (the revolutionary and the moral outlaw) to bad to the bone (evil, psychopathy, etc.)
- G. The language of law as literature.

Naturally, there is some overlap among these categories. Notice that most of the topics are quite broadly drawn and leave much room for your personal thought and creativity.

The preponderance of these topics treat law IN literature, but feel free to incorporate law AS literature (e.g., case law, statutory instruments) in any essay, if you like and if it is pertinent to your argument. This works particularly if you accept the central tenet of the methodology I propose – that law and literature equally are “culture,” different yet necessarily connected expressions of how we view the world.

#### **A. “Law and Literature” as a subject of scholarship**

1. Even if we accept that, one way or another, much great literature is at heart about justice, is law and literature really a distinctive field of academic study? If so, how does it move beyond the mere coincidence that a literary work might have a theme connected with law or human rights, or is simply about a lawsuit or lawyers? In other words, is it substantively a discipline in itself? Cite literary works in making your argument, and demonstrate how they support it. Most likely you will also want to consult (among other works): Stone Peters, Julie, “Law, Literature and the Vanishing Real: On the Future of an Interdisciplinary Illusion,” *PMLA* 120 (2005); West, Robin, “Economic Man and Literary Woman: One Contrast” (widely reprinted, e.g., in Lenora Ledwon’s *Law and Literature: Text and Theory*, but originally published in *Mercer Law Review* 39, 1988); Richard Posner, *Law and Literature*; and my book (*The Structures of Law and Literature*; you don’t have to consult it, let alone agree with me; I already know what I think, and I am completely open to, and interested in, other views).

2. Citing examples from literature and criticism, support or refute Robin West’s preference for “literary woman” over Judge Posner’s “economic man” as outlined in West’s essay, “Economic Man and Literary Woman: One Contrast” (widely reprinted, e.g., in Lenora Ledwon’s *Law and Literature: Text and Theory*, but originally published in *Mercer Law Review* 39, 1988). Essentially, this essay sets up a dialectic between law and economics (on the one hand) – with its

view that pretty well everything in life, and in law, is capable of cost-benefit analysis without recourse to moral philosophy or the humanities – and (on the other hand) a view that literature makes us individually and socially aware such that it can effect positive change. A representative excerpt:

Put simply, we just do not know ourselves as well as economic lawyers insist. Literature is one means by which we can glimpse this truth ... [Further,] through reading, hearing, and telling stories, we *do* precisely what economic legal analysis insists we are incapable of doing. We reach an empathic understanding – a grasping – of the subjectivity, the pain, the pleasure, the happiness or the sadness of the other.

Does exploring law-and-literature studies “improve” a person? Does it make for better lawyers? Make sure to look at Posner’s and West’s work more generally in this regard. See also: Bernadette Meyler, “The Myth of Law and Literature” *Legal Ethics* 8 (2005). Provide examples using literary works.

3. In Week Seven we consider lawyers as archetypal champions. Of course, they are also often styled as licensed villains. Explore the roles of lawyers and/or judges in literature more broadly (the syllabus will give you some possible points of reference, as will *The Structures of Law and Literature*). Do these depictions reflect cultural norms or ideas about the legal profession? Are they fair? Helpful? Stereotypical? Has there been a noticeable change or trend (in the way literature depicts the profession) over time? What do such depictions tell us in terms of cultural archetypes?

4. Are there works that the “law and literature movement” ignores but should include, works that its “canon” should comprise? Why might it ignore these works you stipulate, and why should it include them? Possible useful sources: Judge Posner’s *Law and Literature*, Richard Weisberg’s works (particularly *Poethics* and *The Failure of the Word*), syllabi posted by various law-lit profs (e.g., Simon Stern at the University of Toronto)...

## B. The shifting paradigms (visions) of law and literature

1. Works that feature trials before gods and trials in Heaven can suggest interesting relationships or tensions between sacred and secular law. Investigate this or other issues raised, such as how the move from sacred to secular forms part of an evolution (or devolution in some cases) from more “primitive” to technological forms of society, and often reflects a movement from old to new, debasement to renewal, etc. (symbolically and literally). Use at least these works: *The Eumenides* and its relation to the other works in Aeschylus’s *Oresteia*, Marcel Aymé’s short stories “Poldovian Legend,” “The Bailiff,” and “Grace”; “Bontsha the Silent” (a story by I.L. Peretz).

(The *Eumenides* concerns the trial of Orestes for matricide. At the behest of his sister Electra, and with the blessing of the god Apollo, he has killed his mother Clytemnestra in “seeking justice” against her after she has murdered Orestes’ father (her husband), King Agamemnon. She commits this murder at the instigation of a lover she takes while the king fights the Trojan wars. Mind you, the king previously had sacrificed Iphigenia – Clytemnestra’s daughter and

sister to Orestes and Electra – to the goddess Artemis! (“The Young and Restless” is not so original, or bloody, as soap operas go.) Here’s something useful on the topic from Richard Lattimore, in his translation *Aeschylus I: Oresteia*, Washington Square, 1967, 34:

The Furies [the goddess judges of Orestes] are older than Apollo and Athene, and, being older, they are childish and barbarous ... [I]n a Greek world they stand for the childhood of the race before it won Hellenic culture ... The commonwealth of the gods ... is in a convulsion of growth; the young Olympians are fighting down their own barbaric past. ...

By the time Orestes leaves the stage, he has become an issue, a Dred Scott or Dreyfus, more important for what he means than for what he is; and, when he goes, the last human personality is gone, and with it vanish the bloody entanglements of the House of Atreus, as the anonymous citizens of Athens escort their protecting divinities into the beginning of a new world.)

2. *The Heather Blazing*, Colm Toibín’s novel about an ageing Irish judge, starts slowly but gathers force as it goes, particularly as we learn more about the judge’s background and family life. What does it tell us about the evolution of law and duty as everyday morality and opinions concerning justice change in the larger society? (There is a “competing narratives” aspect to this, of course, and evolution from “older” conventional thinking to renovated ways of viewing the world.) You might want to compare/contrast *Waiting for the Barbarians*, for example, and such other colonialist literature as E.M. Forster’s *A Passage to India*, Cotezee’s *Disgrace*, and Joseph Conrad’s *Heart of Darkness*. *Morality Play*, by Toibín’s fellow Irish novelist Barry Unsworth might also provide interesting comparisons. The latter is a very nicely written murder mystery set in medieval England; the protagonist is a renegade priest who joins a troupe of travelling players.

3. Consider the same questions (as in no. 2) regarding Shakespeare’s *Measure for Measure*: what does it tell us about the evolution of law and duty as everyday morality and opinions concerning justice change in the larger society? (Again, there is a “competing narratives” aspect to this, of course, and evolution from “older” conventional thinking to renovated ways of viewing the world.) You might want to compare/contrast *The Heather Blazing* and/or *Morality Play* (see no. 2), and/or *Waiting for the Barbarians*, for example, and such other colonialist literature as E.M. Forster’s *A Passage to India*, Cotezee’s *Disgrace*, and Joseph Conrad’s *Heart of Darkness*.

4. A little-explored but interesting sub-genre of “law and literature” – interesting particularly to university students and professors – is the “campus novel.” For our purposes, Francine Prose’s *The Blue Angel*, Philip Roth’s *The Human Stain*, and (at least to some extent), and J.M. Coetzee’s *Disgrace* are of particular moment. Using these and perhaps other works (e.g., by David Lodge, Malcolm Bradbury, Mary McCarthy’s *The Groves of Academe*, maybe even Kingsley Amis’s *Lucky Jim* or Howard Jacobson’s *Coming from Behind*), explore how justice in the university setting compares with justice in the larger society (e.g., in terms of its notions of justice, legal narratives, punishment, redemption, etc.). For a readable, semi-scholarly study of campus novels, see Elaine Showalter, *Faculty Towers*, U. of Pennsylvania Press.

5. The stories and novels of Marcel Aymé are unusually charming (albeit often with a dark edge) in their use of magic realism. Consider his treatment of law and justice generally, in stories such as “Grace” (“La Grâce”) and “L’Huissier” (“The Bailiff”), as noted above, but also in “The Man Who Could Walk Through Walls” (“Le Passe-muraille”) plus several stories in the collection of that name (“The Sabines,” “The Ration Card,” “The Decree,” “Poldovian Legend,” “The Wife-Tax Collector”), and his play about wrongful convictions and capital punishment, *The Heads of Others* (*La Tête des autres*). You might want to compare/contrast with magic realism in works such as those in no. 5, below.

6. Alternatively, compare and contrast how different authors use magical realism and the supernatural as an attempt to work justice in the otherwise ordinary (more or less) world. Why does magic become necessary? Where does it succeed or fail in promoting justice? How and why? Use at least the following works: some or all of the Aymé above (no. 4), Cynthia Ozick’s *The Puttermesser Papers*, plus your choice of Harry Mulisch’s quasi-fantasy novel about creating life in the laboratory, *The Procedure*, Michael Chabon’s novel (a “superman” work inspired partly by the golem legends), *The Amazing Adventures of Kavalier and Clay*, or Toni Morrison’s *Beloved*, or some combination of these latter novels.

### C. Justice as a core subject of cultural expression

1. In class we discuss the concept of justice as nostalgia for a nearly perfect world, as in a golden age, a garden paradise (such as Eden), and so on. Discuss this in the context of the following works:

Molière’s more or less comic play, *The Misanthrope*

Voltaire’s tragi-comic novel, *Candide*

Optional: Wordsworth’s *Ode: Intimations of Immortality* (poem); Henry Vaughan’s *The Retreat* (poem); any other works you care to use.

You might also like to refer to the following works we read for class: Updike, “Here Come the Maples”; France, “Crainquebille”; Ozick, *The Puttermesser Papers* (you will want to read the last section in addition to what we cover in class); Theroux, *The Mosquito Coast*.

2. Alternatively to no. 1, again, we speak in class about how our notions of justice can be nostalgia for a paradisaical, pre-law condition. How is this, and other justice issues, parodied in Camus’s *The Fall*? (You might want to compare and contrast *The Outsider*, and/or *Candide*, *The Mosquito Coast*, Wordsworth’s *Ode: Intimations of Immortality*, Henry Vaughan’s poem, *The Retreat*, and other works mentioned in no. 1.)

3. Alternatively to nos. 1 and 2, what does this nostalgia mean for “dystopic” works such as (choose any one or more) Atwood’s *The Handmaid’s Tale*, Will Self’s stunning *The Book of Dave*, George Orwell’s *1984*, Don DeLillo’s *White Noise*. (You can also look at *Gulliver’s Travels* and Orwell’s *Animal Farm* as both utopian and dystopic.) Again, you might like to bring in our class readings of *The Mosquito Coast*, as well Cynthia Ozick’s *The Puttermesser Papers* (including the last chapter, not covered in class), and perhaps look at Johnathan Swift’s *Gulliver’s Travels*, George Orwell’s *Animal Farm* as both utopian and dystopic, other works of your choosing.

4. Is Joseph Conrad's *Heart of Darkness* racist? What about its depiction of colonialism and justice? Compare/contrast the two Coetzee books we read for the course (*Disgrace* and *Waiting for the Barbarians*), E. M. Forster's *A Passage to India*, and, if you like: Nadine Gordimer's *The House Gun*, Chinua Achebe's *Things Fall Apart*, any other works that suit your argument.

5. In *Gulliver's Travels*, Jonathan Swift contrasts the Lilliputian and English (or Anglo-American) justice systems:

And these people thought it a prodigious defect of policy among us when I told them that our laws were enforced only by penalties, without any mention of reward. It is upon this account that the image of Justice, in their courts of judicature, is formed with six eyes, two before, as many behind, and on each side one, to signify circumspection; with a bag of gold open in her right hand, and a sword sheathed in her left, to show she is more disposed to reward than to punish.

Consider this in the context of the larger work and other works of literature. How do they view reward and punishment in the administration of justice? Do they proffer "poetic justice" in the sense that they depict "real" justice versus justice in the "real world?" What is Swift saying more generally about justice and our legal system? How does he contrast the so-called primitive against the technologically "developed" society, particularly in terms of natural law. What is Swift suggesting about what we call in class "justice as nostalgia for Paradise"?

6. What does Thomas Hardy's novel, *The Mayor of Casterbridge*, tell us about the development of justice for women in western society? (A man takes his wife to market for sale in the novel, an incident Hardy based on actual events he read of in the newspaper.) Consider comparing it to/contrasting it with, for example, Nathaniel Hawthorne's *The Scarlet Letter*, Cynthia Ozick's *The Puttermessa Papers*, Margaret Atwood's *The Handmaid's Tale* (and perhaps *Alias Grace*), and so on. Feel free to bring in case law from various legal systems.

#### D. Law as narrative

1. Each of the following works has a colonial setting. Compare and contrast what the works tell us about competing narratives (views) of justice:

J. M. Coetzee, *Waiting for the Barbarians*  
E. M. Forster, *A Passage to India*  
Joseph Conrad, *Heart of Darkness*.

You of course are free to supplement these with other works (e.g., Chinua Achebe's *Things Fall Apart*, Nadine Gordimer's *The House Gun*), and you will likely want to refer to *The Outsider* and *Disgrace* from our class readings and discussion.

2. Northrop Frye says the work of Kafka can be viewed as a series of commentaries on the *Book of Job*. What does he mean? What is the significance of this remark for law-and-literature studies, and specifically for archetypal criticism in that area?

3. “The poor *Merchant of Venice* [by William Shakespeare] has been done to death in law and literature treatises, but from the perspective of *Sydall v. Castings Ltd.*, [1976] 1 Q.B. 302, we perhaps get a fresher view. Sydall had left five children, an estranged wife, and a lover who was the mother of his youngest child, a baby girl named Yvette. His trustees wanted to include Yvette as a beneficiary of Sydall’s life insurance policy. But following the old common law on illegitimacy and ‘descendants,’ Lord Russell and a majority of the Court of Appeal held that ‘descendant’ is to be construed as descendant in the legitimate line.”

“In the play, Portia “... refuses (at first) to let Antonio off the hook for his pound of flesh because she does not dare establish a precedent that would allow defaulting debtors to escape their obligations. And that was when Lord Russell got in first with the declaration: ‘I am a Portia man.’”

“He meant that it was his legal duty – according to the doctrine of *stare decisis* – to follow settled law, holding that ‘descendant’ included only children born in wedlock. More pointedly, he meant, ‘I am not a Lord Denning man.’ Lord Denning [dissenting] objected, sustainably, that *he* was the Portia man: ‘I cannot believe that Russell L.J. would be a “Portia man” if it meant aligning himself with Shylock – in support of a strict law of penalties which could not be relieved by equity.’”

Explore and comment.

4. In Theodore Dreiser’s *An American Tragedy*, Clyde Griffiths decides to kill his fiancée so that he can pursue a relationship with a wealthy debutante and enjoy the socialite life. As Griffiths puts his murderous plan into effect, he becomes ambivalent about it, seeming to lose settled intention, but unforeseen events intervene and the fiancée dies without Griffith’s actually following through with his plan, quite. He is anyway charged with murder. Discuss what the novel tells us about law and justice. Where it works with your argument, use class readings and discussions (as well as critical commentary and other literary works of your choosing).

5. In the late 1980s, the psychoanalyst Jeffrey Masson sued Janet Malcolm in defamation for her *New Yorker* profile of him, particularly regarding his time as head of the Freud Archives in Vienna and his subsequent renouncing of Freudian psychoanalysis. Malcolm considers the lawsuit – which went all the way to the U. S. Supreme Court – in her preface to *The Journalist and the Murderer* ... which, in turn, concerns journalist Joe McGinnis’s coverage of a notorious murder trial, and what the accused there (physician Jeffrey MacDonald, convicted of killing his wife and children) saw as the McGinnis’s betrayal of him in the resulting book, *Fatal Vision*. MacDonald is in prison for life (which really is life in this case, and a sentence he persistently fights), and has sued McGinnis. These entanglements make for fascinating perspectives on legal versus everyday narrative versus journalistic narrative (and ambition), as well as regarding the nature of duty, justice, and truth. Discuss. (The books and cases make great reading in any event. You don’t have to read *Fatal Vision* for this essay, or the other books on the market that defend and attack McGinnis, but of course you can do so if you’re interested or if it assists your argument.)

6. *I have always read the case law as literature, a cultural artifact with its own mythic foundations – the legislature as the godhead; legal fictions such as ‘the reasonable person’ one rung below, taking the role of Adam or Eve in a crimeless, lawsuit-free*

*utopia; the plaintiffs and defendants – those ordinary Janes and Joes who, win or lose, relinquish a part of their souls in the law courts – heroically or antagonistically inhabiting the Fallen World; and final judgment representing Final Judgment. Judges are the priestly interpreters of this secular received wisdom: The Law translated into the law.*

Using case law, and where possible or relevant, criticism and literature (fiction, poetry, drama), substantiate this statement, or demonstrate its weaknesses.

#### E. Duty, reasonableness, and our notions of justice.

1. How does the law's very specific understanding of duty relate to the more diffuse (everyday, layperson's) concept of duty depicted in literary works? Consider Marina Endicott's *Good to a Fault* (about a woman who becomes a good Samaritan after a family who lives in their car injures her in a crash) as compared to the notions of duty in some or all of these works we read for class: Mordecai Richler's *St. Urbain's Horseman*, John Mortimer's Horace Rumpole (feel free to include Rumpole stories or Mortimer novels that we don't read for class, e.g., *Quite Honestly*, the Titmuss trilogy), Aymé's "The Wife-Tax Collector," the Wordsworth and Nash odes to duty, and the lawyers in Sarah Caudwell's fiction. Other works to consider in this respect: Shakespeare's *King Lear*; *Jeanne était au pain sec* (*Jeanne Was on Bread and Water*, instructor's translation posted on MINERVA). What does the difference tell us about justice?

2. Stephanie Merritt in *The Guardian* says this of Will Self's comic novel, *The Butt*:

Initially, the reader suspects a homage to Kafka's *The Trial*, as a man innocent of a conscious crime impotently faces the intractable machinery of the state. "Tom heard, issuing from his own lips, the pathetic excuse he had heard so often from those of his children: 'But it was an accident.'" But it becomes clear that Self's precedent here is Conrad's *Heart of Darkness*. The law requires Tom to travel into the war-torn interior of the country to make reparation to the wronged tribe, journeying through an apocalyptic landscape that is simultaneously both lawless and obsessively legalistic. His companion on this brutal road trip is Brian Prentice, a fellow felon ... whom Tom suspects of being a child molester. ...

Discuss. How in fact does this unusual (and some say incoherent) novel fit into the law and literature canon, in terms of restorative justice but more generally, as well? You might consider also what Merritt's *Guardian* colleague M. John Harrison says of the book:

Any novel allowing itself to be billed as "an allegory of the liberal west in the post-9/11 era" has agreed to shoulder a fair amount of weight. Is *The Butt* up to it? Hard to say. Sometimes it reads like the shelves of a personal reference library. John Gray meets Joseph Conrad, *Apocalypse Now* meets Graham Greene, Russell Hoban meets Mad Max, JG Ballard meets himself. From the flip of the butt onward, Sartre presides over it all.

That gives you some works to compare/contrast, and you might also consider *St Urbain's Horseman*, from our class discussions.



3. Here us Graham Greene (in *Ways of Escape*) on his really absorbing novel, *Brighton Rock*:

...The Pinkies are the real Peter Pans – doomed to be juvenile for a lifetime. They have something of a fallen angel about them, a morality which once belonged to another place. The outlaw of justice always keeps in his heart the sense of justice outraged – his crimes have an excuse and yet he is pursued by the Others. The Others have committed worse crimes and flourish. The world is full of Others who wear the masks of Success, of a Happy Family. Whatever crime he may be driven to commit the child who doesn't grow up remains the great champion of justice. "An eye for an eye." "Give them a dose of their own medicine." As children we have all suffered punishments for faults we have not committed, but the wound has soon healed. With Raven and Pinkie the wound never heals.

(He is talking about a small-time psychopath with a twisted sense of justice.) Consider this in light of the moral outlaw (“criminals as heroes,” such as Robin Hood) and “charming rogue” archetypes (you can find both discussed in *The Structure of Law and Literature* before we reach them later in the course). Consider this idea in light of Anthony Burgess’s *A Clockwork Orange*. (You might also want to compare/contrast it to so-called “revenge literature,” as in *Hamlet*, Aeschylus’s *Oresteia*, *The Iliad*, etc.)

F. From bad-to-be-good (the revolutionary and the moral outlaw) to bad to the bone (evil, psychopathy, etc.)

1. In his novel *Ragtime* (which treats racism and classism), E. L. Doctorow imagines the (real-life) anarchist Emma Goldman writing in a letter to a beautiful film star: “I am often asked the question How can the masses permit themselves to be exploited by the few. The answer is By being persuaded to identify with them. Carrying his newspaper with your picture the laborer goes home to his wife, an exhausted workhorse with the veins standing out in her legs, and he dreams not of justice but of being rich.” Consider the pertinence or not of this remark in the context of revolutionary heroes and their place in law and literature. Use any of the following, plus any other works you wish: traditional ballads, including *A Gest of Robyn Hode* (which we cover in class), with themes relating to crime, justice; George Orwell’s *1984* and *Animal Farm*, and so on.

Note that *Ragtime* concerns unfair discrimination and vengeance. This impels Doctorow to wonder, “[I]s injustice, once suffered, a mirror universe, with laws of logic and principles of reason the opposite of civilization?” How does this square with what we discuss in the course? (Could it explain, for example, why Shakespeare’s Falstaff is a charming rogue of the underclass, but not a revolutionary hero?) To flesh this out, you might look at the relevant archetypology, iconography, treatment of justice, use of supernatural themes where natural order/rule of law breaks down.

2. If lawyers are so unpopular with the general public, why, from Perry Mason to Rumpole of the Bailey, are they often heroes of crime novels and the like? In addition to Rumpole and *The Sirens Sang of Murder*, you might consider Michael Connelly, John Grisham (*The Rainmaker*), Scott Turow, other Sarah Caudwell books, other John Mortimer books (e.g., *Quite Honestly*,

*Paradise Postponed, Titmuss Regained...*). What does this popularity tell us about our notions of justice?

G. The language of law as literature

1. From “the perspective of language as it is generally understood by its everyday users, legalese is often babble. But internally – in its limited universe – it must be coherent and thereby capable of practical application and analysis.” Explain this internal coherence (or lack of it), and how judges and legislators “make meaning” how judges (at least), to quote Chief Barron Pollock, “are philologists [or not] of the highest order.” See Miller, *The Structures of Law and Literature*, 137 ff. Obviously you will want to give good supporting examples from the cases or other judicial writing, and possibly from statutes and other written law (e.g., historic decrees, etc.). Class material for Week Twelve should also assist. Remember that our focus is law in and as *literature*.

2. Are there differences of significant legal effect depending on whether one interprets the wording of a given statute or court judgment in its English form as opposed to its French form, or vice versa? Is it a useful convention for judges to refer to the “second” language when interpreting law? What about the legal effect and the rhetorical and narrative differences in play when judges refer in their decisions to Parliamentary debate or other political discussion? (You can consider the archetypology of all this, if you like, but that is not mandatory.)