

Utopia, Dystopia & the Law
LJST 09, Fall 2010
Monday, Wednesday & Friday, 11:00-11:50
Johnson Chapel, Room 21

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Law has long been as central to the literary genre of utopian/dystopian writing as this genre has been to the legal imagination. Indeed, most schools of legal thought aim in some way at the optimization of human beings' social existence; conversely, utopian narratives consistently portray different juridical systems which are productive of the highest forms of peace, prosperity, morality and beauty, while dystopian texts complementarily explore (often very similar) systems as leading to various sorts of totalitarianism, madness and disaster. In studying a range of literary texts and works of legal and critical theory, this course will pursue multiple lines of inquiry: Why should law and utopian/dystopian literature share this mutual affinity, and where does each discourse enrich or hamper the other? How do the inner complexities of these discourses condition that affinity? Where (despite this affinity) do we find legal and utopian discourse at odds, and why? (E.g., why do we so often receive the impression that legal and political scholars reject utopian thinking as an impractical dream or, worse, a recipe for *dystopia*?) How does history condition our answers to all these questions, as well as to the question of why our own era seems to prefer dystopian narrative to its utopian counterpart?

Required texts:

at Amherst Books:

Edward Bellamy, *Looking Backward 2000-1887*, ed. Beaumont (Oxford World's Classics)*
Aldous Huxley, *Brave New World* and *Brave New World Revisited* (Harper Perennial)
Ursula K. LeGuin, *The Dispossessed* (Eos)
John Milton, *Paradise Lost*, ed. Teskey (Norton)
Thomas More, *Utopia*, ed. and trans. Wooton (Hackett)
George Orwell, *1984* (Signet)
Plato, *The Republic*, 3rd ed., trans. Reeve (Hackett)

(These texts are also on reserve in Frost)

course packet (available for purchase from Ms. Megan Estes-Ryan in the LJST department office)

Course requirements: Two papers (6-8 pgs. each) and a take-home final examination. You will also be responsible, with a partner, for a discussion-leading exercise: on prearranged days, different pairs of students will be responsible for initiating and guiding class discussion — we will pair everyone off, establish a schedule and provide guidelines for these exercises during the first few sessions.

Attendance: Deriving the greatest benefits from this course involves class participation to some extent — while you are not graded on such participation, you will find that regularly asking questions and becoming a part of the discussions will improve your experience in class, in your papers, etc.. Keeping this in mind, you are allowed miss seven sessions without penalty; each subsequent absence will result in a deduction of 2 points (of 100) from your final course grade. (Extraordinary circumstances aside, the seven absences are intended to include illness, etc., so you should pace yourself)

If you do miss class, please make yourself responsible for catching up through classmates on what we did during that session. Generally, you will have the option of checking this course's web site (via the LJST department's site), where you can read/download most announcements, hand-outs, etc. (please be sure to examine all areas when looking for materials you may have missed). Occasionally, I may also post additional announcements or other items not mentioned in class, so it's a good idea to check the course site once or twice a week even if you have been attending consistently.

Grading:

Two papers: 35% each

Discussion-leading exercise: 10%

Take-home final exam: 20%

an Amherst thesis?: *Utopian legal thought : a survey of the project of perpetual peace*
/ Jessie Oh

blithedale romance? look at list?

Robert Roth, Natural Law Party

Serres, Natural Contract

Samuel Moyn, The last Utopia

Syllabus:

(p) - in course packet

(e) - on electronic reserve (see course site)

Sept. 8: Introduction

Sept. 10: Plato, *The Republic*, bk. 1

Sept. 13: *Republic*, bks. 2-3

Sept. 15: *Republic*, bks. 4-5

Sept. 17: *Republic*, bk. 6

Sept. 20: Karl Popper, "Plato's Political Programme" (ch. 6, 8-9) (p)

Sept. 22: *Republic*, bks. 7-8

Sept. 24: *Republic*, bk. 9

Sept. 27: Leo Strauss, "On Plato's Republic" (p)

Sept. 29: Thomas More, *Utopia*, bk. 1

Oct. 1: *Utopia*, bk. 2

- Oct. 4: Louis Marin, "The Utopic Stage," "Of Proper Nouns in Utopia" (p)
- Oct. 6: Marin, "The City: Space of Text and Space in Text" (p)
- FIRST PAPER DUE**
- Oct. 8: Thomas Aquinas, *Summa Theologica*, Part I (excerpts) (p)
- Oct. 11: No class meeting (fall break).
- Oct. 13: John Milton, *Paradise Lost*, bks. 1-2
- Oct. 15: *Paradise Lost*, bk. 3
- Oct. 18: *Paradise Lost*, bks. 4-5
- Oct. 20: *Paradise Lost*, bk. 6
Amy Boesky, "Milton's Heaven and the Model of the English Utopia" (e)
- Oct. 22: *Paradise Lost*, bks. 11-12
Lois Potter, "Paradise and Utopia: Human Interest in *Paradise Lost*" (p)
- Oct. 25: Thomas B. McAfee, "Substance Above All: The Utopian Vision of Modern Natural Law Constitutionalists" (e)
- Oct. 27: Edward Bellamy, *Looking Backward 2000-1887*, ch. 1-10
- Oct. 29: *Looking Backward*, ch. 11-21
- Nov. 1: *Looking Backward*, remainder
- Nov. 3: Karl Marx, *The German Ideology*, Part I (p)
- Nov. 5: Friedrich Engels, "Socialism: Utopian and Scientific" (p)
Peter Beilharz, "Looking Back: Marx and Bellamy" (e)
- Nov. 8: Aldous Huxley, *Brave New World*, ch. 1-8
- Nov. 10: *Brave New World*, remainder
Maurizio Lazzarato, "From Biopolitics to Biopower" (p)
- Nov. 12: Russell Jacoby, "On Anti-Utopianism: More or Less" (p)
- Nov. 15: George Orwell, *1984*, part 1 and "Appendix: The Principles of Newspeak"
- Nov. 17: *1984*, part 2
- Nov. 19: *1984*, part 3
Richard Epstein, "Does Literature Work as Social Science?" (p)
- SECOND PAPER DUE**
- Thanksgiving week!
- Nov. 29: Shulamit Almog, "Literary Legal Utopias" (p)
Miguel A. Ramiro Avilés, "On Law and Utopia" (p)
Shulamit Almog and Amnon Reichman, "On Law and Utopia: Rules vs. Principles?" (p)
- Dec. 1: John Rawls, from "Justice as Fairness", from "The Principles of Justice" (p)
- Dec. 3: Rawls, "The Idea of an Overlapping Consensus", "Priority of Right and Ideas of the Good" (p)
- Dec. 6: Roberto Unger, "From Critique to Construction", "Two Models of Doctrine" (p)
- Dec. 8: Robert Nozick, "A Framework for Utopia" (p)
- Dec. 10: Ursula K. LeGuin, *The Dispossessed*, ch. 1-4

Dec. 13: *The Dispossessed*, ch. 5-7

Dec. 15: *The Dispossessed*, remainder

Robert Philmus, "Ursula Le Guin and Time's Dispossession" (p)

TAKE-HOME FINAL EXAM, DUE SUNDAY, DEC. 19, 7 p.m., by e-mail

There are many general and specific works on utopia/dystopia (including an entire journal called *Utopian Studies*, in Frost and available online through UMass, Hampshire and Mount Holyoke) — below are just a few book-length works which might be helpful:

Ernst Bloch, *The Spirit of Utopia* (trans. Nassar)

_____, *The Utopian Function of Art and Literature: Selected Essays*

(trans. Zipes and Mecklenburg)

Fredric Jameson, *Archaeologies of the Future: The Desire Called Utopia and Other Science Fictions*

_____, *The Seeds of Time*

Ruth Levitas, *The Concept of Utopia*

For a sampling of further primary texts often read as utopian/dystopian, consult Frost's online edition of *The Utopia Reader* (ed. Claeys and Sargent), also accessible through the "e-reserves" section of the course site.

A note about "e-texts": The above editions of the required texts for this course are recommended; however, you are free to obtain these texts in any manner you can, whether in other print editions (including library copies) or, if necessary, in some digital format. Please note, however, that you should be cautious about casually downloading texts from the internet; this is because an "e-text" is no good to you if it derives from a source which is no good, and any mistakes that an e-text's editor(s) make may also become your mistakes (i.e., if you use that text in preparing a paper, exam, etc.). You should note that while free-of-charge internet texts often present problems, texts downloaded through the proprietary databases to which Frost subscribes are usually very adequate; please consult with myself or with Frost's reference librarians if you have doubts about the scholarly integrity of an e-text you wish to use.