

## **JUNIOR TUTORIAL: THE LAW AND LITERATURE OF AMERICAN SLAVERY**

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### **Course Description:**

Slavery haunts not only the literature but the law of the United States, up to and including the Constitution itself. The legal sanction of slavery had a cruel and tragic impact on the lives of enslaved African Americans and their descendants, and on American history writ large, reaching a crescendo but by no means ending with the Civil War. This course examines the troubled intersection of slavery, law, and American literature from the antebellum period to Reconstruction and its aftermath. Among other things, we will read the famous fugitive slave narratives of Frederick Douglass and Harriet Jacobs; fiction, poetry, and speeches written in response to the cataclysmic Fugitive Slave Act of 1850 by authors including Ralph Waldo Emerson, Herman Melville, and Harriet Beecher Stowe; notorious judicial opinions including *Dred Scott v. Sandford* and *Plessy v. Ferguson*; and novels by Charles Chesnutt and William Faulkner depicting the promises and failures of Reconstruction.

As a junior tutorial, this course is also meant to introduce you to current academic approaches to literary study and to prepare you for writing a significant critical paper of your own. Toward that end, our weekly readings will also survey a range of scholarly methods, including historicism, law and literature, and race and gender theory. As befits its topical focus, this course will give particular weight to scholarship that uses literary texts as a lens on the legal and political history and legacies of American slavery, and vice versa.

**General Tutorial Goals:** To engage in advanced literary study and prepare a 20- to 25-page paper in preparation for a senior honors thesis. We will focus on how to:

- Identify and develop a research topic
- Develop a scholarly bibliography relevant to your topic
- Engage secondary sources with one another and (above all) with your own ideas
- Write with precision, structure, and style

### **Course-Specific Goals:**

- To trace the presence of slavery across texts in multiple genres, even texts in which it's not explicitly represented
- To explore current scholarship on slavery and classic American literature, particularly scholarship that places literary history alongside legal history
- To understand how literary texts reflect and refract the legal, political, and economic history of their time—and perhaps of ours, too

## COURSE REQUIREMENTS:

### **Assignments:**

- *Short paper*, due Week Four: 4- to 6-page paper focusing on one of the primary texts from the first four weeks and engaging with at least one secondary source
- *Final paper prospectus*, due Week Eight: 2-page prospectus and annotated bibliography with 8-10 sources
- *Final paper draft*, due Week Eleven: Full draft of the final 20- to 25-page paper
- *Final paper*, due Reading Period: 20- to 25-page critical paper, engaging with primary texts as well as secondary scholarship
- *Participation*: Thoughtful participation in each week's class. This includes two "discussion starters" over the course of the term, one on a primary text and one on a secondary text. For the secondary text, you may choose either a secondary text on the syllabus or, with my approval, another secondary text concerning one of the week's primary readings. You will circulate a brief (500 words maximum) and relatively informal written reflection on the text by the evening before class and then present those reflections to the class (5-10 minutes), closing with some questions and then leading the group discussion for 10-15 minutes. Participation may also include additional short writing exercises, to be determined over the course of the semester.

### **Grade Breakdown:**

- Final paper: 40%
- Final paper draft: 15%
- Final paper prospectus and annotated bibliography: 10%
- Short paper: 15%
- Participation: 20% (including discussion starters)

### **Required Texts:**

The texts below should be purchased or borrowed from the library. Unless you already own another edition, please try to acquire the editions listed below. All other readings will be available on Canvas.

- Charles W. Chesnutt, *The Marrow of Tradition* (Penguin; ISBN 9780140186864)
- Frederick Douglass, *Narrative of the Life of Frederick Douglass, an American Slave* (Penguin; ISBN 9780143107309)
- William Faulkner, *Go Down, Moses* (Vintage; ISBN 9780679732174)
- Harriet Jacobs, *Incidents in the Life of a Slave Girl* (Penguin; ISBN 9780140437959)
- Herman Melville, *Billy Budd, Bartleby, and Other Stories* (Penguin; ISBN 9780143107606)

- Harriet Beecher Stowe, *Uncle Tom's Cabin* (Penguin; ISBN 9780140390032)
- Colson Whitehead, *The Underground Railroad* (Knopf; ISBN 9780345804327)

### **TENTATIVE SCHEDULE:**

(N.B.: Readings are open to amendment and/or rearrangement depending on student interests.)

#### **Week One: How a Man Was Made a Slave**

##### Primary Texts:

- Frederick Douglass, *Narrative of the Life of Frederick Douglass, an American Slave* (1845)
- Harriet Beecher Stowe, *A Key to Uncle Tom's Cabin* (1853), excerpts
- *Somerset v. Stewart* (1772)
- *State v. Mann* (N.C. 1830)
- *Dred Scott v. Sandford* (1857), excerpts

##### Secondary Texts:

- Lawrence M. Friedman, *A History of American Law* (2019), excerpt from ch. 4 ("Slavery and African Americans")
- Robert M. Cover, "Violence and the Word" (1986)
- Toni Morrison, *Playing in the Dark* (1992), ch. 1 ("Black Matters")

#### **Week Two: Mortifications Peculiarly Their Own**

##### Primary Texts:

- Harriet Jacobs, *Incidents in the Life of a Slave Girl* (1861)

##### Secondary Texts:

- Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (1997), ch. 3 ("Seduction and the Ruses of Power")

#### **Tutorial Program General Meeting #1: Welcome and Overview (time/place TBA)**

#### **Week Three: The Fugitive Slave Crisis**

##### Primary Texts:

- Daniel Webster, "The Constitution and the Union" (1850)
- Fugitive Slave Act of 1850
- John Greenleaf Whittier, "Ichabod" (1850)
- Ralph Waldo Emerson, "The Fugitive Slave Law" (1851)
- Frederick Douglass, "What to the Slave is the Fourth of July?" (1852)
- Henry David Thoreau, "Slavery in Massachusetts" (1854)
- Walt Whitman, "A Boston Ballad" (1854)

##### Secondary Texts:

- Andrew Delbanco, *The War Before the War: Fugitive Slaves and the Struggle for America's Soul from the Revolution to the Civil War* (2018), introduction and ch. 12 ("Trials of Conscience")
- Deak Nabers, "Thoreau's Natural Constitution" (2006)

#### **Week Four: Allegories of Law**

##### Primary Texts:

- Nathaniel Hawthorne, "The Birth-Mark" (1843)
- Herman Melville, *Billy Budd, Sailor* (1924, posthumous)
- *In re Sims* (Mass. 1851)

##### Secondary Texts:

- Robert M. Cover, *Justice Accused: Antislavery and the Judicial Process* (1974), introduction ("Of Creon and Captain Vere")
- Andrew Delbanco, "The Abolitionist Imagination" (2012); John Stauffer, "Fighting the Devil With His Own Fire" (2012)

#### **Short paper due**

#### **Week Five: Library Visit and Wild Card**

*We will spend the first half of this week's class visiting the library and discussing research methods. For your reading this week, please choose, with my approval, a topic from the second half of the syllabus—or one not on the syllabus—and be prepared to discuss it. The purpose of this "wild-card" week is to let you focus on potential research topics in advance of turning in the prospectus in Week Eight.*

#### **Week Six: Public Interests, Private Feelings**

##### Primary Texts:

- Harriet Beecher Stowe, *Uncle Tom's Cabin* (1852), vol. 1
- Frances E.W. Harper, "Eliza Harris" (1853); "The Slave Auction" (1854); "The Fugitive's Wife" (1854); "Bury Me in a Free Land" (1858)

##### Secondary Texts:

- Amy Dru Stanley, *From Bondage to Contract* (1998), excerpt from ch. 1 ("Legends of Contract Freedom")
- Gregg Crane, "Stowe and the Law" (2006)

#### **Week Seven: Home Economics**

##### Primary Texts:

- Harriet Beecher Stowe, *Uncle Tom's Cabin* (1852), finish

##### Secondary Texts:

- James Baldwin, "Everybody's Protest Novel" (1955)
- Gillian Brown, *Domestic Individualism: Imagining Self in Nineteenth-Century America* (1992), ch. 1 ("Domestic Politics in *Uncle Tom's Cabin*")

**Tutorial Program General Meeting #2: Seniors Tell All: Reflections on the Junior Essay (time/place TBA)**

## **Week Eight: Reconstruction**

### Primary Texts:

- Abraham Lincoln, Gettysburg Address (1863); Second Inaugural Address (1865)
- U.S. Constitution, Amendments 13-15
- Frederick Douglass, Freedmen's Monument Speech (1876)
- Charles W. Chesnutt, "The Web of Circumstance" (1899); *The Marrow of Tradition* (1901), chs. 1-15

### Secondary Texts:

- Brook Thomas, "The Legal Argument of Charles W. Chesnutt's Novels" (2002)

### **Prospectus and annotated bibliography due**

## **Week Nine: Separate and Unequal**

### Primary Texts:

- Charles W. Chesnutt, *The Marrow of Tradition* (1901), finish
- *Plessy v. Ferguson* (1896), excerpts

### Secondary Texts:

- Trinyan Mariano, "The Law of Torts and the Logic of Lynching in Charles Chesnutt's *The Marrow of Tradition*" (2013)

## **Week Ten: Old and New South**

### Primary Texts:

- William Faulkner, *Go Down, Moses* (1942), through end of "The Old People"

### Secondary Texts:

- Thadious M. Davis, *Games of Property: Law, Race, Gender, and Faulkner's Go Down, Moses* (2003), ch. 1 ("The Game of Challenge")

## **Week Eleven: Balancing the Ledgers**

### Primary Texts:

- William Faulkner, *Go Down, Moses* (1942), finish

### Secondary Texts:

- Ticien Marie Sassoubre, "Avoiding Adjudication in William Faulkner's *Go Down, Moses* and *Intruder in the Dust*" (2007)

### **Final paper draft due**

## **Week Twelve: The Neo-Slave Narrative**

### Primary Texts:

- Colson Whitehead, *The Underground Railroad* (2016)

### Secondary Texts:

- Madhu Dubey, "Museumizing Slavery: Living History in Colson Whitehead's *The Underground Railroad*" (2020)

### **Meet with me this week to discuss your draft**

**Week Thirteen: Workshop**

***Students will circulate and review one another's final paper drafts in advance of class.***

***Time/place TBA: Junior tutorial final paper conference***

***Reading Period: Final paper due***

**COURSE POLICIES:**

**Attendance:** Regular attendance and participation are crucial to the success of the tutorial, and unexcused absences will lower your participation grade. If you're unable to attend a section meeting, please let me know as soon as possible.

**Email Policy:** I'll make every effort to respond to emails within 24 hours during the week, and by Monday afternoon for emails received over the weekend. Please try to do likewise with tutorial-related emails from me and from your peers over the course of the term.

**Electronic Device Policy:** To encourage active discussion, the use of laptops and other electronic devices is disallowed during discussion, except as needed to review PDFs of texts being discussed. (I'd prefer that you bring hard copies if possible.)

**Visiting Office Hours:** Please feel free to stop by my office hours for any reason at all, whether it's to discuss the progress of your research or just to chat. Please sign up for a 15-minute appointment at the link above. If the regular time doesn't work for you, email me and we can set up another time.

**Written Assignments:** Extensions of written assignments for good cause must be requested at least five days in advance of the due date. Unexcused late papers will be penalized one grade increment per day. Page limits (both minimum and maximum) will also be enforced.

**Academic Honesty:** As always, you are responsible for understanding and adhering to Harvard's Honor Code, which provides: "Members of the Harvard College community commit themselves to producing academic work of integrity – that is, work that adheres to the scholarly and intellectual standards of accurate attribution of sources, appropriate collection and use of data, and transparent acknowledgement of the contribution of others to their ideas, discoveries, interpretations, and conclusions. Cheating on exams or problem sets, plagiarizing or misrepresenting the ideas or language of someone else as one's own, falsifying data, or any other instance of academic dishonesty violates the standards of our community, as well as the standards of the wider world of learning and affairs."

**Accommodations:** “Students needing academic adjustments or accommodations because of a documented disability must present their Faculty Letter from the Accessible Education Office (AEO) and speak with the professor by the end of the second week of the term. Failure to do so may result in the Course Head’s inability to respond in a timely manner. All discussions will remain confidential, although Faculty are invited to contact AEO to discuss appropriate implementation.”