

Sergio Muñoz-Sarmiento

Art and Law: Theory and Practice

Harvard University

Department of Visual and Environmental Studies

Sergio Muñoz-Sarmiento

Tuesdays: 4-6 with additional hours

Office Hours: Thursday 1:30-3:30 (or by appt) office located in sculpture studio, 205A

Email: sarmient@fas.harvard.edu

TA: Tyler Rowland, email:

COURSE DESCRIPTION

The main goal of this class is twofold: to investigate how “law” can be defined through diverse modes of cultural production (visual art, writing, sound and architecture to name a few), and analyze how law inhibits or liberates the creative imagination. What is the relationship, if any, between art and law? Can art help us understand the working of law? Can art help define, broaden, and as some would say, “humanize” legal practice? Is art political? Is law’s materialization an art form? These are some questions posed during this semester.

I put “law” in quotes because it is my belief that this discursive area cannot be defined solely by legal and juridical institutions. We will see how different academic and discursive areas (many which have already informed visual art and art theory) have defined or constructed the notion of “law”: from early semiotics and Lacanian psychoanalysis, to late 19th and 20th century philosophy, deconstruction, film, and literature. Our understanding of “law” will be broadened, confused, and challenged, while simultaneously giving us new tools for the intervention and redefining of “law.”

Accordingly, we will first construct three spaces in order to facilitate this exploration: the practical, the theoretical, and the speculative. Consequently, by the end of the semester, we will see these three boundaries blur, merge, and perhaps even disappear.

Lastly, I want to emphasize that this course is NOT a law school course or a course directly relating to a legal practice: this course is about artistic cultural production based on class discussions, visual presentations and assigned readings. It is my intent that students of this course have fun producing “something” which is elicited through class participation. Ultimately, this learning process is dictated by three experiences: thought, production, and joy.

COURSE PROCEDURE

As noted above, this course will be based on assigned readings, class discussions, and visual presentations. Although there will be multiple readings assigned each week, I will not necessarily lecture on each reading in depth. It is the responsibility of the student to read each and every one of the readings so as to allow for a better comprehension of the overall theme of the week. It is my belief that a healthy learning process is partially guided by curiosity and challenge. Students shall feel free to ask questions in class. As always, the logic of the syllabus falls prey to chance and improvisation, thus, *we might sidetrack where deemed necessary*. In this light, I may add or delete readings as I see fit.

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The student is expected to attend all class meetings, and to contribute regularly, constructively, and actively to class discussions and critiques.

CLASS ATTENDANCE IS **MANDATORY!** YOU ARE PERMITTED TWO (2) ABSENCES. ANY ABSENCE OVER THIS WILL **AUTOMATICALLY REDUCE YOUR GRADE BY A FULL GRADE POINT** (Three absences will lower an A to a A-, or A- to B+).

There will be three (3) required books you will need to purchase: (they are also on reserve)

1. Venus in Furs, Gilles Deleuze
2. Code and other law of cyberspace, Lawrence Lessig
3. An Introductory Guide to Post-Structuralism and Postmodernism, Madan Sarup

Optional:

4. Just Gaming, Lyotard
5. The Art of Crime
6. There's no such thing as free speech, Stanley Fish

CLASS PROJECT

The student of this course will be expected to complete one art/class project (you will notice that I define project in an extremely broad manner). The only "thing" that cannot be done is a research paper. In other words, your project must be a visual project which excludes a written research project. Your grade will depend on the one project (80%) and class participation (20%). If I notice that class participation lags, then I will be forced to assign weekly papers on the assigned readings.

Information on Grading: Spring 2006

You will be given a letter-grade at the end of the semester. Since the three projects will be graded on a 100-point scale, I have given you a breakdown and equation of the numerical to letter grade relationship. Class participation may earn you some extra points: you can only GAIN from participation, not lose points!

- | | |
|----|---|
| A | Excellent quality |
| A- | Better than good, not quite excellent |
| B+ | Very good quality |
| B | Good quality |
| B- | Better than fair, almost good |
| C+ | Fair |
| C | Less than fair quality |
| C- | Below Fair quality |
| D | Unacceptable quality, but project was turned in |
| F | Fail |

I define "excellent" according to amount of work ethic and intellectual curiosity exhibited, as well as overall productive participation in class. You can estimate "good" and "fair" on a sliding scale, and thus accordingly.

SYLLABUS

Practice

Week I: Feb. 7:

Last day of shopping period: Discuss class, class structure, and class projects

Week II: Feb. 14: *The Theme of Lost Innocence*

Read:

Sarup: pp. 5-14; 21-26 (Lacan)

YFS (handout): Martinet (Structure and Language)

Fish: Ch. 11 (The Law Wishes to Have A Formal Existence)

Optional:

Butler: (web article, Aesthetics and American Law):

<http://tarlton.law.utexas.edu/lpop/etext/lsf/butler27.htm>

Week III: Feb. 21: *“It’s Never Clear, This Pantomime”*

Read:

Sarup: pp. Ch.2 (Derrida)

Bentham (short handout): Theory of Legislation

Brennan Center for Justice Report: Will Fair Use Survive? (read all)

Copyright/Trademark (handouts): Copyright and Trademark Basics (outlines)

Week IV: Feb. 28: *“This Is My Apartment, Filled With Your Things”*

Read:

Peñalver (handout): *Property Outlaws*

Lessig: Ch. 10 (Intellectual Property)

Case (edited): *Johnson v. McIntosh*

Theory

Week V: March 7:

Read:

Fish: Ch.8 (There’s No Such Thing As Free Speech)

Lessig: Ch. 12 (Free Speech)

Case (edited): *Brandenburg v. Ohio*

Case (edited): *Texas v. Johnson*

Case (edited): *Tinker v. Des Moines School District*

Week VI: March 14: *Traffic Lights, Keepin’ Time*

Read:

Case (edited): *Yahoo v. LYCRA*

Case (edited): *U.S. v. Alvarez Machain*

Lessig: Ch. 6 (Cyberspaces); Ch.9 (Translation)

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Week VII: March 21

Read:

Lessig: Ch. 11 (Privacy)
Garbus (handout): With Malice Toward None

Week VIII: March 28

No Class: Spring Recess!

Speculative

Week IX: April 4

Read:

Deleuze: pp. 81-90 (Humor, Irony, and the Law); pp. 15-23 (The language of Sade/Masoch)
Foucault (handout): Illegalities and Delinquency
Foucault (handout): Space, Knowledge, Power (Interview)

*Optional:

Sarup: Ch. 4 (Some Currents Within Poststructuralism); pp.66-69

Week X: April 11: “The More You Ignore Me, The Closer I Get”

Read:

Bataille (handout): Preface to the *Accursed Share*
Deleuze: pp. 91-102 (From Contract to Ritual); 277-279 (Two Contracts...)
Contracts (handout): *What constitutes a contract?* (outline)

View: (Day/time TBD)

Fassbinder: *Bitter Tears of Petra Von Kant*

Week XI: April 18: “Yes, Night: The Youth and Intoxication of Thinking”

Read:

Bataille (handout): The Festival, or the Transgression of Prohibitions;
Bataille (handout): The Transition from Animal to Man
Deleuze: pp. 143-271 (Venus in Furs)

Week XII: April 25: “I Bear More Grudges, Than Lonely High-Court Judges”

Read:

Deleuze: pp. 37-46 (Are Sade/Masoch complementary?)
Foucault (handout): (The Means of Correct Training)

View: (Day/time TBD)

Pasolini: *Salo: 120 Days of Sodom*

Week XIII: May 2

Critique Class Projects with additional meeting date/time

Week XIV: May 9

Critique Class Projects with additional meeting date/time