1994-95 SIBLEY LECTURE AND LAW & LITERATURE CONFERENCE: "LITERATURE AND LEGAL PROBLEM SOLVING"

he application of literature to develop a better understanding of the law and legal ethics was the focus of the 83rd Sibley Lecture at the University of Georgia School of Law, April 12. The lecture led into a two-day conference entitled "Literature and Legal Problem Solving."

"Without stories, our lives are too confined to answer ethical questions," UGA law professor Paul Heald said in his conference opening remarks.

Martha Nussbaum, University Professor of Philosophy, Classics, and Comparative Literature at Brown University, who has recently accepted a joint appointment in law and divinity schools at the University of Chicago, discussed "Rational Emotions and the Judicious Spectator" in the Sibley Lecture. Nussbaum interpreted literary classics in an analysis of the role emotions should play in deliberations by judges and juries.

While jury instructions caution jurors to deliberate without regard to passion or sympathy, Nussbaum argued that some measure of rational emotion was beneficial.

"Intellect without emotions is valueblind," Nussbaum said, citing examples from the text of Charles Dickens' *Hard Times*. "The judicious spectator will employ rich emotions, but constrain those emotions to the record. Jurors don't have to be paragons of virtue, but must embody emotional norms of a plausible kind."

Nussbaum referred to Adam Smith's conception of the judicious spectator set forth in *The Theory of Moral Sentiments* and Smith's belief that feelings of fear, pity, anger and joy are based on reason. Nussbaum concluded that these rational emotions can prove valuable in deliberations if jurors do not allow their emotions to consume them, transforming them from unbiased spectators to passionate participants.



▲ Martha Nussbaum

"Smith attaches considerable importance to literature as a source of moral guidance," Nussbaum said. "Its importance derives from the fact that readership is, in effect, an artificial construction of judicious spectatorship, leading us in a pleasing natural way into the attitude that befits the good citizen and judge."

Nussbaum attended Wellesley College and attained her undergraduate degree from New York University; she later earned a master's degree and doctorate from Harvard University. Nussbaum taught philosophy and classics at Harvard and Wellesley before joining the faculty at Brown University. In 1994, she served as Visiting Professor of Law at the University of Chicago, teaching a course on law and literature.

Nussbaum's research has specialized in Ancient Greek philosophy, ethics and literature. She is the author of five books, several collections of articles, and numerous articles and reviews to periodicals.

The Sibley Lecture was established at the law school in 1964 by the Charles Loridans Foundation of Atlanta in order to bring outstanding legal scholars of national prominence to the school. Its name honors the late John A. Sibley, a 1911 graduate of

the University of Georgia School of Law who served for many years as chairman of the board of the Trust Company of Georgia.

Nussbaum's lecture was followed by the Law and Literature Conference, co-sponsored by the UGA School of Law and the Humanities Center. Distinguished panelists presenting papers and providing commentary included: Leif Carter, UGA political science professor; Carol Clover, who teaches film and medieval languages and literature at the University of California, Berkeley; Thomas Grey, Stanford Law School professor; Susan Sage Heinzelman, English professor at the University of Texas at Austin; Judith Koffler, visiting legal scholar at Ohio State University; William Miller, University of Michigan law professor; David Skeel, Temple University law professor; and Professor Heald.

Law and literature is a burgeoning course of study, and is now taught in more than 60 law schools in the United States. Professor Heald introduced the course at the University of Georgia this fall, and provides commentary on its relevance on page 30 of *The Georgia Advocate*. \$\delta\$