

The following syllabus is a proposal for a graduate seminar. The course could also be taught as an upper-division undergraduate course by removing material on creativity in law.

Creativity and Originality in Ethics, Aesthetics, and Law (graduate or upper-division seminar)

CREATIVITY AND ORIGINALITY IN ETHICS, AESTHETICS, AND LAW

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Office Hours: TBA

This course will draw together treatments of creativity, novelty, and originality that arise in ethics, aesthetics, and law, with the aim of better understanding what is required for someone to exhibit creativity and why it might be valuable to act creatively. We will begin by asking what it means for a work of art to be original, to express genius, or to manifest creativity. We will also explore what values are achieved by works of art that instantiate these qualities and why philosophers of art like Kant have been inclined to regard genius or originality as necessarily connected to beautiful art. We will explore these questions by reading historical and contemporary philosophical accounts of creativity and genius, as well as considerations of these questions from literary and cultural theory.

Next, we will explore practical questions relating to how artists might be motivated to create original works. In doing so, we will read legal and political theory on copyright and intellectual property. Finally, we will consider what agential capacities we must ascribe to artists capable of producing genius or novel art. Do artists need to have powers that are odds with compatibilist theories of free will to make such art? By taking this course, students will gain a deeper understanding of contemporary approaches to a problem that cuts across aesthetics, legal theory, political philosophy, and the philosophy of freedom.

Course Requirements

- (1) Presentations: In addition to doing the reading and coming prepared to discuss it each week, two students each week will prepare brief (five to seven minute) presentations on the readings. These presentations will kick off our discussion of each text. I will circulate a link a sign up sheet at our first meeting for students to sign up for readings on which to present. At our first meeting we will also discuss how presentations should be formatted and strategies for preparing them.
- (2) Paper Proposal: A one or two page paper proposal will be due on the course website by 5 PM on Friday of week 10. I will circulate these proposals to the class, and our meeting in week 11 will be devoted to workshopping these proposals.
- (3) Draft: You will pair up with another student in class to exchange comments on the first draft of your seminar paper. Your draft will be due by email to your partner and to me by 5 PM on Friday of week 12.

- (4) Comments: During week 13, you will read over your partners paper and prepare a set of comments, about one-page single spaced in length. In your comments, you should report your general understanding of the paper's argument, your suggestions for how the paper could be improved in the next two weeks, and your ideas about how the ideas in your partner's paper might be extended to future research. Please email your comments to me and your partner by 5 PM on Friday of week 13. I will also send you comments on your first draft of your paper by 5 PM on Friday of week 13.
- (5) Final Draft: A seminar paper of around fifteen to twenty pages will be due to me by email by 5 PM on Friday of week 15.

If you anticipate that meeting any of the deadlines for this course will pose a problem for you, please let me know as soon as possible.

Course Readings

N.B. The following schedule is subject to change as we go along. Required readings are starred. If you have suggestions for further readings that aren't on this list, please let me know!

I. Historical Background

A. Week 1

1. *Immanuel Kant, *Critique of the Power of Judgment*, §§ 43-53
2. *Richard Wollheim, *Art and Its Objects*, § 62.

B. Week 2

1. *Walter Benjamin, "Art in the Age of Mechanical Reproduction"
2. *Alfred Lessing, "What is Wrong with a Forgery?"
3. Darrin M. McMahon, *Divine Fury: A History of Genius*

II. Contemporary Accounts of Novelty and Creativity

A. Week 3

1. *F.N. Sibley, "Originality and Value"
2. *Bruce Vermazen, "The Aesthetic Value of Originality"
3. Berys Gaut, "The Philosophy of Creativity"
4. *Noël Carroll, "The Creative Audience: Some Ways in which Readers, Viewers, and/or Listeners Use Their Imaginations to Engage Fictional Artworks"

B. Week 4

1. *Bence Nanay, "An Experiential Account of Creativity"
2. *Elizabeth Picciuto & Peter Carruthers, "The Origins of Creativity"
3. Roberto Unger, *The Self Awakened: Pragmatism Unbound*

III. Novelty in Literary and Cultural Theory

A. Week 5

1. *Harold Bloom, *The Anxiety of Influence*
2. Michael North, *Novelty: A History of the New*

B. Week 6

1. *Sianne Ngai, "Our Aesthetic Categories"
2. *Vito Campanelli, "Toward a Remix Culture: An Existential Perspective"
3. *Eduardo Navas, "Culture and Remix: A Theory of Cultural Sublation"

4. Vilém Flusser, *Towards a Philosophy of Photography*

IV. Constraints on Creativity: Mass Culture

A. Week 7

1. *Clement Greenberg, "Avant-Garde and Kitsch"
2. *Dwight Macdonald, "A Theory of Mass Culture"
3. Max Horkheimer & Theodor W. Adorno, "The Culture Industry"

B. Week 8

1. *Stuart Hall, "Culture, Resistance, and Struggle"
2. *Theodor W. Adorno, "Free Time"
3. Raymond Williams, "Art and Society"
4. Hannah Arendt, "The Crisis in Culture"

V. Legal Theory and Creativity

A. Week 9

1. *Jeannie Suk, "Originality"
2. *C. Edwin Baker, "Commercial Speech: A Problem in the Theory of Freedom"
3. Seana Shiffrin, "A Thinker-Based Approach to Freedom of Speech"

B. Week 10

1. *Rebecca Tushnet, "Copy This Essay: How Fair Use Doctrine Harms Free Speech and How Copying Serves It"
2. *Joseph P. Fishman, "Creating Around Copyright"
3. *Julie E. Cohen, "Creativity and Culture in Copyright Theory"
4. Howard B. Abrams, "Originality and Creativity in Copyright Law"
5. Lawrence Lessig, *Free Culture*

VI. Interlude

A. Week 11

1. Paper Topic Workshop

VII. Creativity, Genius, and Free Will

A. Week 12

1. *William Barrett, "Determinism and Novelty"
2. *Maria E. Kronfeldner, "Creativity Naturalized"
3. Jonathan Gingerich, "Spontaneous Freedom"

B. Week 13

1. *Eric Christian Barnes, "Freedom, Creativity, and Manipulation"
2. *Michael Garnett, "Freedom and Unpredictability"
3. Gregg D. Caruso, "Free Will Skepticism and the Question of Creativity: Creativity, Desert, and Self-Causation"

VIII. Flex/TBD

A. Weeks 14 & 15

1. Topics and readings for weeks 14 and 15 TBD depending on student interests