

LAW AND LITERATURE: LAWFUL CO-RELATION

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Abstract

*All the discourses are some kind of movements focusing slightly or extremely on particular ideologies. Law and Literature theory is also a movement which throws light on interdisciplinary connections between law and literature. Law is a legal discourse prescribed for the particular community by the government for directing and regulating the people's behavior to maintain values, morality, systematicity and proper order and peace among the society. When we think about the law and literature, two perspectives can be explored--They are **Law in Literature** and **Law as literature**. The former deals with the explorations in the literary texts and the latter assumes that the texts, case studies, references etc. are can also be reckoned as literary texts. The role of literature is to comment on the social, political, educational, cultural and economic etc. occurrences. Similarly law moulds politics, economics, history and society.*

Law and literature theory can be applied for teaching-learning , critiquing, and interpreting the texts. Because law provides the author a proper vision and similarly literature can provide insight into the human condition and conduct.

*According to John Wigmore and Benjamin Cardozo, Novelists and poets are the principal teachers of law. This might be because of many cases are argued in the courts by citing novels and poetry. Lawyers get ideas about human behavior and situations after having read literature. The law and literature movement is given impetus by James Boyd White's book *'The Legal Imagination.'* The book teaches the lawyers their role.*

Key words:

Discourse,law and literature,behavioural characteristics,texts,application of literature ,interpretation,teaching sources ,importance of literature

Introduction:**Law in Literature:-**

Aristotle says that literature is the mimesis of nature. It is an imaginative reflection and representation of life. The lives of the people are abided by the law. The law pervades through the lives of the people as their roles and conduct are regulated by the law – religious law, social law, etc. therefore, among all other reflections, legal situations are also reflected in literature. Richard Weisberg and Robert Weisberg are the major proponent of the theory Law- in - Literature. They are of the view that literary works narrating legal conflicts and legal procedures can give lawyers and judges insight into the nature of law that may be missing in the traditionally strict study of legal rhetoric. The lawyers and judges should wear Law-Lenses to study and interpret these texts centered on human conditions affected by the prevalent law in order to understand their own role in giving verdicts. The works of Franz Kafka, Albert Camus, Herman Melville, Fyodor Dostoevsky, and Charles Dickens are centered on legal aspects. According to Aristotle, literature is not a mere imitation of reality but it is creatively imaginative reflection that may foretell us what may or may not happen. Such fictional situations in literature can give us ideas about political and social situations. Robert Weisberg believes that the law in literature offers –fertile possibilities. Some literature not centered on legal conflicts though cannot educate the students of law, it can at least teach them about human condition. Law in literature help the students draw conclusions by properly understanding life situations containing moralities, values, religiosities, plights, predicaments, unemployability etc. because literature offers catharsis as we relate ourselves to the situations presented in it --we empathies. All kind of pangs, sufferings and joy, bliss cannot be experienced by a single individual. Therefore, the law-literature provides us with the experience, knowledge and idea about the vicissitudes and chequeredness of lifewhich may help the lawyers and judges to form their final verdict. The novel, ‘Gone Girl’ by Gillian Flynn creates insight in us about female criminal psychology. Most of the novels revolves around religious laws such as Jewish law, Sharia law etc. the

dialogues like 'all are equal before the law', —*kanoon ke hath lambe hote hain* (law's hands are long). Such dialogues also reflect law in literature. Jonathan Swift in his 'A Trritical Essay upon the Faculties of the Mind' (1707) says that 'Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through.'

Law as Literature:-

Law texts are literary texts as they speak about Liberty, Justice, Equality and Fraternity that is the base of English Romantic Literature (1798-1832). Law provides rich explorations into legal history, philosophy, psychology and sociology. There are various types of novels e.g. Satirical, allegorical, experimental etc. these types are based on subject matter the novels deal with. In the same way, there can be the subject matter that focuses on law. If we think about the language and registeral varieties, we have science fictions, sports literature etc. similarly, law language is a different and distinctive registeral variety. Therefore, the text of law can be considered as a literary text with different style and subject matter. This theory is known as Law as Literature which considers legal texts as a genre of literature. Many critics, poets, authors are of the view that the purpose of any literary text is to delight as well as to instruct the readers. Instruct means giving information or advice about what may happen or what can be done in particular situations. or what will be the aftermaths of a particular situation. Law texts also offer delightment on knowing the legal aspects as well as they instruct the readers about the stance likely to be taken in a particular situation. In short law texts are the manual books which instruct the people about their code of conduct. Intellectual and ethical development can be achieved through the legal texts. Benjamin Cardozo is a proponent of law as literature theory. His books are taken as literary law texts which deal with the various aspects of human life as other texts do.

Ronald Dworkin advocates the use of literature to improve legal understandings. In his article, '*Law as Interpretation*', he stated, "*I propose*

that we can improve our understanding of law by comparing legal interpretation with interpretation in other fields of knowledge, particularly literature." Interpretation of literary texts provides us proper knowledge of social milieu and cultural environment which may turn out to be the best source for interpreting legal cases. James Boyd White says that **Jane Austen's *Pride and Prejudice***-

"is meant to teach the reader how to read his way into becoming a member of an audience it defines-into becoming one who understands each shift of tone, who shares the perceptions and judgments the text invites him to make, and who feels the sentiments proper to the circumstances. Both for its characters and readers, this novel is in a sense about reading and what reading means".

In short, reading of literary texts as legal texts and vice-versa can improve our understanding, sense and rationality etc.

Thus, law and literature interdisciplinary approach may result in fruitful and beneficial interpretation of any text. While applying this approach our concerns should be with both the subject matter and the style of discourse

Contributors of the Movement:

Ian Ward:-

In his publication *Law and Literature: Possibilities and Perspectives*, Ward depicts law in literature as a process of examining —the possible relevance of literary text, particularly those present themselves as telling legal story, as texts appropriate for legal scholars. According to him, law as literature is the process of seeking —to apply the techniques of literary criticism to legal texts. |

Allan Hutchinson:-

He believes that law is politics which finds its way in literature and legal texts. Allan's views can be studied in his *'The Journal Jurisprudence'* (2010).

Jack Balkin:-

Like Hutchinson Balkin believes the supremacy of politics in moulding law and literature. He is related with the term *'partisan entrenchment'*. This theory

affirms that the party that controls white house can control the judges and justices which finds its reflection in literature also.

Robert Barsky:-

Studies of migrants, undocumented immigrants, refugees help us to analyze legal texts. It also helps to create proper insight.

Robin West:-

She advises the scholars to study and interpret literary texts to broaden their understanding of the laws effect on community and individual. West believes that both fictional and legal texts focusing the theme of politics, ethics, and community can be interpreted equally.

Melanie Williams:-

She is mainly known for her work in feminist socio-legal studies. She has also written about socio-legal ethics. In her writings about case studies, Melanie has shown the co-relation between philosophy, literary texts and legal issues.

Other contributors are Daniel Carpi, Adam Gearey and Eric Heinze.

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