

The Gravity of Legal Humanities: Explicating the Practice of Law in Literature

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Abstract

The interrelatedness of law and literature has always been interesting to the general public and readers respectively as the interdisciplinary identity thus formed endorses the host discipline. May it be the legal aspects in literature or the literary references in the legal domain, the inclusion and incorporation enrich the content of the discussion. The raison d'être of this research article is to explicate the practice of law in literature through the discussion of the legal references in selected literary texts. As literature is closely related to the cultural facets of human life, the importance of law within the limits of literary texts are more equal to the exercise beyond the literary borders. Through textual references and descriptive analysis, the article tries to substantiate the argument that the comprehensive inclusion of law in literary texts helps in relating its fictional characteristics to the spheres of reality, thus exploring the humanist perspectives highlighted by the authors. Being interdisciplinary, the approach of discovering the expression of law in literature aids in a better understanding of literary texts that include complexities of the law.

Keywords: *Interdisciplinary, humanities, law, legal humanities, literature*

Introduction

Two independent disciplines with unique identities have often been interconnected despite their distinct standpoints. The social living of human beings has always been related to the political, economic and cultural aspects of life that produce distinctive characteristic to the species when compared with the others. The significance of the law is higher when human beings within or beyond the limits of society decide to interact with each other for various purposes. From time immemorial, the essentialities of laws have been realized by different communities which developed with the change in time and space. It is most apt to write that "the law is important for a society for it serves as a norm of conduct for citizens. It was also made to provide for proper guidelines and order upon the behaviour for all citizens and to sustain the equity on the three branches of the government" (Tiwari, 2017). If one would desire for a society that does not submit itself to the common laws applicable to them, then it would lead to more conflicts between the people in the community and even beyond their jurisdictions. Therefore, every country is established in its own laws – whether it be a democracy, autocratic, monarchy, socialist or oligarchy. Certain laws formulated by the governments may not be acceptable for

at least a few people as that would make much trouble for their easy living conditions. It mostly happens with autocratic governments and oligarch as there are no options for a rethinking about such laws that inversely affects the people. Discussions on the applicability of law in literature are not new to academic research in the field. The importance of legal humanities connected with literature lies in the context of creating awareness and advancing the humanistic attributes of both disciplines. Law, being immensely attached to the social conditions of an individual has to be considered as the most influencing factor in improving life situations. The methods of explanation and expression used in the disciplines of law and literature, also the interpretive aspects concerning the contexts and content are mutually comparable which ultimately is responsible for valuing the existence of human beings.

On a general understanding, "literature tends towards abstraction, creativity, variety in description and narration and is abundant in genres. Law on the other hand tends towards clarity, logical interpretation scope, definite pattern and style of drafting and varied in branches" (Vaishnav, 2017, p. 348). When blended, it produces a mixed attribute present in both the disciplines as individual identities. The incorporation of law in literature can provide better clarity

through the reduction of ambiguities, enabling logical discussions in addition to the fictional approach to the narration provided. Different from the discipline of law, when said from the literary perspectives, “one person’s truth might not match with the truth analysed by the other. There belongs no one single truth of an eternal quality, but only different forms of the same truth” (Mathew, 2019, p. 195). Likewise, the references used in judgments gives a chance for connecting it with a more suitable and understandable situation which may mostly be common to the general public. References of literary figures like William Shakespeare, Lewis Carroll, Mark Twain, Kurt Vonnegut etc. and their famous works are more often repeatedly used by judges all over the world.

The purpose of this research paper is to point out certain literary figures and their texts that have widely availed law to design and discuss their plots and situations. The incorporation of legal aspects in such literary works has opened the possibilities for understanding the complexities of the law and its importance in life while being a part of society. Moreover, the article extends its discussion to explicate the humanistic side of the law through literature. Through a descriptive analysis referring to the textual discussions, the article discovers the moral aspects within the interdisciplinary characteristics of texts highlighting the legal dimension. The research would be helpful for scholars in the academic discipline of literature to know about the importance of law that has been included in the literary texts in creating a humanist rethinking beyond the logical and factual interpretation of the discipline of law.

A Brief Review of the Current Literature

From the perspective of the interdisciplinary field of legal humanities and also regarding the law in literature, there have been certain significant studies that elaborate to discover the possibilities and implications of both the disciplines being together. While discussing the various new forms of humanities in the field including digital humanities, environmental humanities, medical humanities and food humanities, Williams (2019) has the opinion that “legal humanities emphasize the fact that law is never just a technical pursuit, and that humanistic frames of analysis add depth to our understanding of the effects of the law in

practice” (p. 3). The texts featuring events and details about lawyers, judges, judgments, legal institutions, and proceedings often are discussed to produce a range of ideologies, themes and sources. The humanistic relevance to the law in the literary texts is projected in the foreword written by Dermot Feenan (2009). In the section titled ‘Law in Literature’, he mentions the authors whose texts often repeat the use of the law. Shakespeare’s *The Merchant of Venice*, Franz Kafka’s *The Trial*, Herman Melville’s *Billy Budd*, and Charles Dickens’s *Bleak House* are noted for their contributions in adopting legal dimensions in the literary works (p. 22).

Discovering the significance of law in literature, which also reflects the socio-cultural spheres of a person, Smith (2010) writes that one must not underestimate the influence of the humanities on the law. He emphasizes the common law as it is directly connected with the common consciousness and unconsciousness, thereby influencing the common people in the society (p. 223). As a mutual process, though not relatable as equal, literature has fascinated and inspired the judgments produced by judges and also in the practical field of lawyers in the court in the same way or lesser than how the law has fascinated creative mindsets of writers and literary scholars (Posner, 2009, p. 5). The influence of literature in law has helped increase and improve the understanding and administration of the law, also in providing a long list of quotations that are more relatable and relevant to situations arising in the real life. In the case of law in literature, it has a wide range of possibilities – the most important to develop humanistic values in the reader.

Richard A. Posner (1986) conducts research based on the presentation of legal subject matter in literature, the interpretation of legal texts by the methods of literary criticism and the use of literature to improve judicial opinions. The first part is relevant to this article as the researcher substantiates the view that literature includes legal subject matters by providing examples from various texts including *The Trial* and *The Merchant of Venice*. She has the opinion as same as Samuel Johnson’s theory of Shakespeare’s greatness that “for literature to survive it must deal with things that do not change much over time; and, like love, ambition, and human nature generally, the law is a remarkably unchanging facet of human social

existence" (Posner, 1986, p. 1356). In the article by Jane B. Baron (1999), he notes certain claims that say literature is essential to humanize lawyers. He calls it a moral uplift theme of the law-and-literature movement. An understanding of literature would create a realization about human nature. It, according to him, helps to understand the emotional, intuitive, and concrete spheres of human beings, thus reducing the imbalance by making moral judgments through moral education (p. 1064). In the same way, literature views itself through the means of the law, it is important to look at law through the lens of literature, but "this turns out to be a very superficial commonality, for what they see through the lens is almost unrecognizably different" (p. 1070).

Law in Literature: A Relation Re-visited

Though there are many literary texts of various genres that deal with references to law and its functionalities, for the research, the focus would be on selected texts that directly employ the relation to the law. Literature has tried to inculcate the ideas of morality through the depiction of law from the creative perspective of authors. Certain short stories such as Kurt Vonnegut's "Harrison Bergeron", Franz Kafka's "In the Penal Colony", Edgar Allan Poe's "The Pit and the Pendulum", William Faulkner's "Barn Burning" and Guy de Maupassant's "The Assassin" counts the various aspects of the use of law in literature. It can be the court proceedings, judgments or trials – but it has a distinguishable impact on the reader as he is informed about the judicial systems and law functionary of a particular period or jurisdiction. While analysing for the imprints of law in literature, there are certain unavoidable literary works such as Harper Lee's *To Kill a Mocking Bird*, Jeremy Blachman's *Anonymous Lawyer*, Charles Dickens' *Bleak House*, John Grisham's *The Firm*, David Guterson's *Snow Falling on Cedars*, and Scott Turow's *Presumed Innocent*. This list may even lead to the classical text such as *Mahabharata*, *Ramayana*, the *Manusmritis* and the *Upanishads* which has varied forms of code of conducts and discussions on morality which are highly important for people associated with the legal studies and praxis.

While having the imprints of law, these stories also deal with associated discussions on race, discrimination,

betrayal, misfortunes, injustices, dystopian themes and conflicts. The rape trials in *To Kill a Mockingbird* would definitely make the reader rethink the psychological disturbances that continue with the process. The closing argument that "She [Mayella] has committed no crime, she has merely broken a rigid and time-honoured code of our society, a code so severe that whoever breaks it is hounded from our midst as unfit to live with...What did she do? She tempted a Negro" (Lee, 207) directly touches the heart of the reader who might have by that time known about the right and wrong sides of the characters in the novel. A similar situation is also depicted in Vijay Tendulkar's *Silence! The Court is in Session* when the lead character, Leela Benare is tactically entrapped in a trial courtroom to criticize and harass her with arguments that question the independent characteristics of the women in her identity. The procedures followed in a courtroom during a trial are enacted by the actors by taking the roles of the accused, the judge, the lawyers and the witnesses. Through the depiction of a trial courtroom, the playwright shows how a woman is tortured through words by a group of men who plan to make her (who has similar personal tragedy) the victim of their trial.

Kim Lane Scheppele (1989) writes that "it's that law has always been concerned with narratives, with the individual plaintiff and the individual defendant in the individual case, so that theoretical attention to the narrative was bound to emerge eventually" (p. 2073). This gives the idea that if the law is treated as similar to the dimension of literature, there would be multiple perspectives that would be heard in the courtroom which may even lead to recover the voices of the silent. This point is the advantage of bringing the views of literature to law and also can be a disadvantage from the perspective of valuing the norms of the legal field. But, "a close reading of judicial observations provides an opportunity to go beyond impressive textual gymnastic to reimagining a socially relevant judicial process, one that transcends the courtroom" (Ramnath, 2011, p. 24)

The legal thrillers of John Grisham are quite famous to those who follow literary works. *The Firm* shows an idealistic lawyer who tries to expose the link between the legal and the criminal world. The questions against the judiciary and administrative authorities are highlighted in

the novel which can also be related to the real-life scenarios with the issues of corruption. While discussing Franz Kafka's perspective in *The Trial*, he has the version that law is abstract and subjective as in the real world; one cannot find the exact values and principles advocated by law. The different interpretations that alter the truth projected by law are discussed in the novel which directly seems to be connected with the idea of law in literature. It is often said that "neither the text nor the author has the authority to judge the text and in restricting the freedom of the reader in finding meanings" (Mathew, 2019, p. 113). The interpretation of the meanings formed in the text, according to the reader-response theory, is solely based on the perspectives of the reader who gets influenced by various factors. The moral and ethical questions, also the dilemmas in certain situations and its philosophical perplexities are the main intentions behind Fyodor Dostoevsky's *Crime and Punishment*. It helps readers to feel the emotional anguish experienced by the protagonist character Rodion Raskolnikov. The conflict between races and religion are discussed through the lit on legal culture, history and the role of lawyers in interpreting legal connotations in William Shakespeare's *The Merchant of Venice*. The speech said by Shylock can be related to the humanist attributes against the oppression that the law and society have imposed on the Jewish population in Venice.

I am a Jew. Hath

not a Jew eyes? hath not a Jew hands, organs,
dimensions, senses, affections, passions? fed with
the same food, hurt with the same weapons, subject
to the same diseases, healed by the same means,
warmed and cooled by the same winter and summer,
as

a Christian is? If you prick us, do we not bleed?

(Shakespeare, 1967, 3.1)

The famous speech "Hath not a Jew" of Shylock, apart from the revenge taken by the character, can be seen as a representation of a victim community's plea towards freedom and equality. Often, situations arise when the voiceless are not heard even by the system that works under the judiciary.

Conclusion

Law and literature, as independent disciplines are familiar to the general public. But, the incorporation of law in literature and literature in law may find unusual, though it is a reality. Understanding the limitations of both the disciplines as individual entities, the inclusion of one in another gives a wider sketch of narrative plots as well as the literary perspectives in law. As there are discussions on the importance of learning literature for lawyers, the introduction of the law in literature would help produce the values of morality beyond the factual interpretations of the discipline of law. It does not mean that works such as *The Merchant of Venice*, *The Trial* or *To Kill a Mockingbird* would humanize the otherwise human reader or lawyer, but, it is definite that "only that reading can work to reveal certain truths about the law that can guide lawyers to carry out their roles in the facilitation of justice" (Islam, 2016, p. 17).

Therefore, the literary texts with qualities beyond the limits of law can provide space for a humanistic perspective that reveals the deep-rooted injustices in and around the system of the judiciary and administrative sections to highlight the problematic tones of living according to the contradictions and nuances proposed by the dominant moral code of law.

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