

# THE RELATIONSHIP BETWEEN LAW AND LITERATURE: AN INTERDISCIPLINARY STUDY

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## ABSTRACT

There would be some ideas, but just a handful that has a special link. Although these concepts are independent of one another, they fill a vacuum in the other, complement one another, or constitute such a part of one another that they are intertwined and derive a separate worth from one another. One such connection is that which exists between law and literature (Sikri, 2020). Despite their apparent distinction, law and literature have always been intertwined subjects. Literary forms such as narrative and metaphor infiltrate legal writings, demonstrating the importance of linguistic inventiveness in the law. In literature's involvement with problems of law and justice, legal standards of good and evil behavior, identity, and human responsibility are reflected or subverted. Literary works criticize and even openly fight the law, while the law strives to govern creative expression (Dolin, 2007). The law is expressed and stated via writings such as legislation, the constitution, and court decisions, which may have a density, intricacy, and open-endedness similar to that found in literary works (Posner, 2009). However, practical investigations of the link between law and literature have indicated that treating law and literature as two separate, unconnected areas is becoming more difficult (Chang, 2009).

**Key Words:** Law, Literature, Interdisciplinary, Interrelationship, Study

## INTRODUCTION

*"Words are artless, like notes in music; it is their organization that creates unique intricacy; a melody; a work of literature; and constitutes a verdict" (Sikri, 2020).*

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Law and literature have a long history together. During the 1990s, academic publications were devoted entirely to the topic. State and national bar organizations sponsored several dramatic re-creations of legal concerns addressed in famous works of literature, including those penned by William Shakespeare and Charles Dickens, from the mid-1980s through the mid-1990s. With the acknowledgment of the connection between law and literature, the Greek philosopher Plato stated, "When we open a society's law book, it should prove to be the greatest and finest work of its whole literature in terms of justice and reason." (American Law and Legal Information - Law Library, n.d.)

Shakespeare, Dickens, and other prominent authors' representations of the judicial system were discussed by nineteenth-century English attorneys (Posner, 1986). Lawyers, according to John H. Wigmore, should study great authors to understand human nature (Wigmore, 1913). Cardozo's article "Law and Literature" looked at court decisions' literary form (Cardozo, 1947). The in-depth examination demonstrates that law is a rhetorical discipline. Some of the finest judges' judicial opinions, such as Oliver Wendell Holmes, have literary worth and repaying literary analysis. A literary sensibility has been shown to help judges write better judgments and attorneys explain their arguments more effectively. The literary critic's close attention to the text is similar to the close attention of judges and lawyers to their writings. Even literature is often subject to legal regulation under such headings as copyright violation, defamation, and obscenity. Furthermore, some law professors have attempted to make legal scholarship literary by including narrative, memoir, anecdote, and fiction in their work. In contrast, others have claimed that the study of literature, in general, is not limited to works that take the law as a subject but can humanize the practice of law and the perspectives of judges (Posner, 2009).

Lawmakers' various legislation, attorneys' eloquent arguments that create a tale in the listeners' thoughts, and the judges' rational verdicts or rulings all have a significant literary component that cannot be denied. In the same way, literary masterpieces like *Pride and Prejudice* and other works by Jane Austen incorporate elements of law in various forms (Sikri, 2020). This overlap between these two genres creates an unparalleled association, which is bolstered by rhetoric's importance (Posner, 2009). The main goal of this paper is to define, examine, and evaluate the link between law and literature in the context of interdisciplinary research.

## **LAW AND LITERATURE AS A CONCEPT**

"Law" is described as "a collection of norms of action or behavior established by the governing authority and having binding legal effect" (black's law dictionary, 2019) or "a particular rule or collection of regulations binding on the members of a community." Provisions of laws enacted by legislatures, such as constitutions, rules adopted by administrative bodies, and ordinances made by municipalities, are all examples of law (Lee, 2017). General regulation of external human conduct imposed by a political sovereign is defined as law by Holland. He also prefers sovereign rule, free of moral, ethical, or ideal aspects.

The term "literature" refers to works of art that are worthy of being remembered. Literature, in its widest meaning, refers to any sort of writing on any topic; it also refers to the works of a nation or time that are distinguished by the beauty of language and form, as well as intellectual and emotional universality. Literature is essentially a depiction of life that, by providing some feeling of aesthetic or intellectual significance, survives the passage of time (Reynolds, 1971). A collection of written works is referred to as literature. The term has long been used to describe visionary works of poetry and prose that are characterized by the writers' aims as well as the perceived aesthetic perfection of their execution. Literature is a means of expressing one's thoughts and feelings. However, not all communications in words are considered literature, even if it is structured and well documented (Britannica).

## **INTERDISCIPLINARY RELATIONSHIP BETWEEN LAW AND LITERATURE**

When we consider the link between law and literature, we can see that there are many connections between the two subjects, which are both complicated and fascinating. Many literary works, such as Charles Dickens' *The Pickwick Papers*, deal with the topic of law. At the same time, numerous judges' judicial judgments, such as Lord Denning, Krishna Iyer, and Oliver Wendell Holmes, have been considered literary works. Literary bent aid attorneys in their argumentation and judges in communicating with others. Critical theory, which is so important in literature, is equally useful in the study of law since both need a sharp eye for

detail. Finally, the law governs some essential components of literature, such as copyright, via the law (Shah, 2017)

Many authors, including some of the most well known names such as Sir Walter Scott, Dostoevsky, Tolstoy, and Kafka, have been lawyers or at least schooled in the law, much as the law has intrigued writers for generations. In India, some of the most powerful political and literary writing has come from lawyers, such as Bankim Chandra Chattopadhyay, who authored 'Vande Mataram' among other works while also serving as a Deputy Magistrate. The eminent Marathi writer P.L. Deshpande learned the law but never practiced it. Mani Shankar Mukherjee, who wrote under the pen name Shankar and authored Kato Ajanare, based on his real-life experience as a clerk to Barrister Noel Frederick Barwell, is another work that combines law and literature (Shah, 2017). For both institutional and substantive grounds, the discipline of law and literature has flourished in recent years. The relocation of many graduate students and some teachers, which started about 1970, is one of the institutional factors (Posner, 1986, P.1353).

Law and literature is an academic trend that began in the 1970s in American law schools and has now evolved into a school or area of legal studies (Chang, 2009; Posner, 1998). If a careful examination of literary works is conducted, it is discovered that they not only enhance man's life and widen our perspectives, but they also increase our sensitivity to both the nature of humanity and the realities of society (Chang, 2009, P.69). In this connection, we may study literary works like Crime and Punishment (Fyodor Dostoevsky), Wuthering Heights (Emily Bronte), Tess of the D'Urbervilles (Thomas Hardy), Der Vorleser (Bernhard Schlink), A Passage to India (E. M. Forster), Outsider (Albert Camus), and Resurrection (Leo Tolstoy).

Despite the fact that law and literature are two distinct domains, both are human products that aim to help people and society. There are several masterpieces in the study of literature that deal with the topic of law. They explain the interplay between law, people, and society (P.71). Literature has elevated the area of law, as seen by works such as "The Trial," Crime and Punishment; The Brothers Kalamazoo, Outsider, Le Rouge et le Noir, Tess, Bleak House, The Merchant of Venice; Measure for Measure, Les Miserables; and Measure for Measure, Les Miserables. The investigation of those has elucidated the link between law and human existence in detail (P.71).

Both law and literature have the responsibility of glorifying people and the community. Their primary role is to move and transform the planet of humanity. Through literature, we learn, express ourselves, find meaning in our lives, and heal our wounds. Literature stimulates people's brains. It inspires us to imagine a lovely future filled with perfect civilizations and human fairness. In comparison, the law's responsibility is to regulate human conduct, to penalize those who disobey the rules and regulations. People will remember the penalty and, as a result, will adhere to the regulations. As a result, it aspires to maintain society's security. Even though the law is from the social science discipline with the purpose of resolving human conflict, if we really want to address the actual issue, we must first understand what people are thinking. As a result, the value of literature in the legal sector is substantial (Pp. 71-72). The techniques of explanation, description, readings and expression illustrate the intimate link between Law and Literature. This relationship is most obvious in the fact that they both employ words and rhetoric. They both collect human tales and experiences. They just represent the human world of experience behind the formal language (P.72). Law and literature both employ the same approach of explanation, but literature uses literary words to convey an artwork. The legal explanations must fulfill two conditions. It must, first and foremost, be practical. The worth and distinctiveness of Literature and Law become clear when they are explained. Both of them describe how they plan to achieve their own objectives (P.72).

Literature is not governed by a separate body of law. Instead, there is a slew of laws governing literature, some statutory, some judicially enacted, some criminal, some civil. Defamation, copyright, and laws outlawing obscenity and blasphemy all have different restrictions and overlaps on literary innovation (Dolin, 2007). Copyright is one of the most visible examples of the intersection of legal and literary ideas, with literary conceptions flowing into legal theory and legal categories influencing cultural practice. It is no surprise that it is a hot topic in legal and literary studies (P.68). Law as literature aspires to accomplish two seemingly contradictory goals. In one sense, it aspires to convey the importance of our survival as a living force via words. It also aspires to intellectualize the study of law. It seeks to broaden as well as deepen. To put it another way, According to the idea of legal literature, both instructors and learners should be alert of the various 'isms' of literary theory, such as structuralism and post-structuralism as well as deconstructionism, in order to comprehend better what a text means, both practically and materially. (Ward, 1993, Pp.327-28). Law journals have increasingly

published essays regarding respected individuals in the philosophy of languages such as Derrida, Foucault, Heidegger, and Wittgenstein to supplement law and literary studies. Experts of law and literature, on the other hand, have opted to focus on reviving the art of argument. In this regard, they refer to Plato and Aristotle, who lived over 2000 years ago. (Pp. 328-29). C. R. B. Dunlop, in a recent review article, argues that using literature to educate both students and professors might help them "move beyond the practical and limited study of legal norms and look at law as part of the wider culture. Regarding teaching law, Dunlop claims that North American law schools have focused too much on the law as a 'professional training' and too little on the law as an 'exercise in liberal education.' (P.323). The essential need to educate attorneys and law pupils in the use of language has been re-emphasized by James Boyd White, who first sparked the revival of law and literature studies. He says that the core of the law and literature project is the 'integration' of literature into legal research rather than as a separate area of study (P. 326).

## **LAW AND LITERATURE: COMMON POINTS AND CONFLICTS**

Although there is often a synergy between law and literature, the debate between the two cannot be dismissed. The approaches of literary theory, according to Posner, are unsuitable for the interpretation of legal documents, just as literary materials are unsuitable as legal texts. Posner's key points is that the very different functions and objectives of fictional and legal writing create this inappropriateness. He contended that, "the tasks of law and literature are so distinct, and the aims of the readers of these two different kinds of mental products are so different, that the concepts and procedures created for one have no beneficial applicability to the other." As Getman points out, literature can do something that legislation cannot, at least in the classroom. It may bring ethical difficulties that must be resolute by humans, not by lawyers. Law faculties uniquely fail to prepare their students for determining the choices that actually matter by teaching attorneys to be attorneys rather than public (Ward, 1995).

Many western academics have recently been interested in comparing law and literature (Chang, 2009, P. 69). These researchers have also spent a lot of time looking into the connections between these two issues (Ledwon, 1996). In literary terms, a frequent contrast is made between the use of metaphor and the use of narrative. Richard Posner, for example, vehemently



disputes the importance of legal narrative yet seems willing to embrace metaphor as a tool of improving judicial style (Ward, 1995). The literature will always be on the wrong side of the law. Even more, it will be required to strive for a goal of justice that legislation will never be able to achieve. It would guarantee that principle for perpetual justice would be available to substitute the law. It raises issues with the present judicial system. (Chang, 2009).

Law and literature may be separated into two major categories: "Law in Literature" and "Law as Literature" (Ledwon, 1996). We should note the portrayal of legal order in classics and plays as a reproduction of "Law in Literature." We utilize literary language and literary theory to describe all types of legal regulations and their situations when we look at it as "Literature in Law." We can show that this strategy has clear and reasonable ways in "As Literature in Law." For example, to elucidate the law and the true meaning of certain guidelines, we employ clues and explanations. The role of law may be discerned via classics and plays. It helps us to reflect more profoundly on people and their societies (Chang, 2009).

The vocabulary employed in law, and any other kind of literary communication is very diverse. Two separate terminologies are used in law and literature. People's motivations, desires, and sentiments are all combined in one individualized product via literature. It has a lot of heart and personality to that reflects the writer's style and views (Pp. 72-73). Literature's primary goal is to create. However, some of them are true tales that have been transformed into books (Stendhal, 1830). Literature has a practical edge to it. These masterpieces highlighted society's difficult-to-solve issues. They influenced their audience and conveyed the authors' desires and goals (Schlink, 1995). Literature is much more than just telling stories and gossiping. When literature is employed in the country's anthems, political parties' speeches, and the media, it becomes nothing more than a tool. Law governs human conduct. It should be easy to read and understand. To achieve the objective of order and peace, it should collect people's intelligence. We may enact justice legislation under their aegis. Although many writers contributed to a few notable classics, works of the law are more widely authored since they represent the whole civilization and culture (Chang, 2009, P.73). Writers are the ones who generate literature. As a result, it uses literary language to demonstrate its originality. These authors violated the guidelines and enjoyed breaking through barriers. They battled with much greater force. There would be no such thing as a limit that questioned contemporary ideologies and societal ideals. As a result, it is very unstable. 37 The law is a set of rules that everyone should adhere to. It

resolves challenges that arise in people's relationships. As a result, its theory must be both plausible and logical. It must prevent ambiguity. It also cannot be changed on a regular basis. The law should be consistent (P.73).

The law is not gladly imposed on literature. In their novels, authors often depict activities that violate the law and the unfairness of the law. Conflicts between passion and reason, as well as conflicts between natural law and positive law, are particularly prevalent. Emotion is given more weight in literature. Human conduct and society are more important to the law. The former is enigmatic and hazy. The latter must be clear and consistent. As a result, disagreements between them are common. It makes no difference whether literary terms or legal generalizations caused the dissonance; it will not go away because of these conflicts (P. 74). Since the time of the Greeks and Romans, literary critics of the law have existed. Authors ranging from ancient Greek to Franz Kafka in the last century frequently attacked the law harshly, such as Shakespeare, Tolstoy, and Dickens. Literature helps us to improve our laws and our quality of life. Law became more fair and rational because of this development (P. 75).

Literature may be restricted by law. Despite the fact that literature is only a work of art, the conduct of authors and characters in books is regulated by law. Writers and the characters in their books have power and duty under human law. When they write, authors have a duty to avoid hurting actual people in the real world. The characters in the novel, particularly those who criticize others' actions, should be made up; genuine names and real persons from the real world should not be used (P.75). Posner emphasized the need of refining the language of judicial opinion making in his article, and even more so two years later. He said that judicial opinions were 'unavoidably rhetorical.' There is no need, according to Cook, to defend law and literature, which she claims has at times looked virtually oblivious to its potential. She claims that the art of teaching has always been based on the use of analogy and metaphor (Posner, 1986, p.383; 2009, p.372).

## THE USE OF LEGAL TERMS IN THE LITERARY WORKS

Author	Literature	Content
William Shakespeare	The Merchant of Venice	The explanation of contracts



Fyodor Dostoevsky	Crime and Punishment	Struggling criminal
Bernhard Schlink	Der Vorleser	Nazis and hopelessness
Thomas Hardy	Tess	Prosecution and an unfair judgment.
Emily Bronte	Wuthering Height	Revenge
Tolstoy	Resurrection	Trial by jury in a criminal case
Charles Dickens	Bleak House	Child abuse
Franz Kafka	The Trial	The courtroom
Camus	The Outsider	The process of investigation
Foster	A passage to India	Due process of law
Stendhal	Le Rouge et le Noir	The trial procedure

All of these masterpieces are examples of literature, which is based on legal precedents. It is possible to argue that law inspires literature and that literature communicates the law. They are all intertwined in some way. As a result, they both made greater contributions to ensuring justice in contemporary society.

### ANNOTATION OF LITERARY FIGURES IN THE REALM OF LAW

Litterateur	Remarks in the legal field
Lord Denning	One thing a judge must never do, He must never lose his temper.
William Shakespeare	Corruption wins not more than honesty
Bowen L J	Judges like Caesar's wife should be above suspicion
Lord Denning	A Judge should be <i>sans et sans reproche</i>
William Shakespeare	The upright judge condemns crimes but he does not hate the criminals.
Lord Denning M. R	It is the judges who are the guardians of justice in this land.
Martin Luther King	Injustice anywhere is a threat to justice everywhere
Benjamin Disraeli	Justice is truth in action
Gladstone	Justice delayed is Justice Denied
Charles Dickens	If there were no bad people, there would be no good lawyers

J. B Morton	Justice must not only be seen to be done, but has to be seen to be believed.
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In the chart above, we can see that many writers in English literature provide remarks in the legal sector, which serve as helpful recommendations for judges in maintaining justice. Additionally, the literature is impacted by legal rules and obligations imposed by law. As a result, there is no way to deny the link between law and literature.

## CONCLUSION

In today's society, the interaction between law and literature remains a crucial area of study. Edward Wynne, an eighteenth-century legal writer, in his discourse on English law, *Eunomus*, saw the growth of disciplinary isolation and argued for mutual interaction.

*"I am certain that all arts and sciences are interconnected in some way, and that 'Law,' as one of them, is not abandoned in a desert culture. However, there is a steady exchange of information and support between the law and other sciences" (Wynne, 2011, P.103).*

Literature serves the same purpose as the law. According to a renowned researcher, they are "The Happy Couple" (Turner & Williams, 1994). Today, several law and literature societies, as well as law and culture conferences, are proving the mutual aid that a resurrection of the legal-literary debate can bring to researchers, students, and the profession (Thomas, 1991). The poetics of the law is another important kind of mutual interaction between law and literature. Finally, law and literature, Nancy Cook adds, "helps discover and clarify key concerns in the legal arena that could otherwise stay muddled" via the use of texts that are not instantly "legal." Even if the structural difference between law and literature is maintained, as Posner contends, functional separation is not required. It is argued that law and literature have a genuine and creditable educational goal. Furthermore, it is one that law professors should not try to refute if they really value the goal of teaching attorneys to be more than just lawyers do. Finally, despite the fact that law and literature are two distinct fields, there is a strong interaction between them.

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