

Art of Amalgamating Law With Literature

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Abstract-

Law is a system of rules that creates and enforces social or governmental institutions to regulate behaviour like a human. It also helps to regulate and to ensure that a community show respect and equality amongst themselves from time to time. Laws of any state or country are formed by the constitution of that country; written or tacit, and the rights encoded therein. Its relation with society and therefore, literature is quite ancient as it shapes politics, economics, history and society in various ways and serves as a mediator of people.

And literature is something which is called as a life and society. Its dictionary meaning says “writings having excellence of form or expression and expressing ideas of permanent or universal interest” is literature.

My this paper will focus on the interdisciplinary connection between law and literature. This field has roots in two major developments in the intellectual history of law—first, the growing doubt about whether law in isolation is a source of value and meaning, or whether it must be plugged into a large cultural or philosophical or social-science context to give it value and meaning; and, second, the growing focus on the mutability of meaning in all texts, whether literary or legal.

Keywords: Law, Literature, art, democracy, judiciary, history, philosophy, psychology, sociology.

Paper:-

The dictionary meaning defines law as "a binding custom or practice of a community; a rule or mode of conduct or action that is prescribed or formally recognized as binding by a supreme controlling authority or is made obligatory by a sanction (as an edict, decree, prescript, order, ordinance, statute, resolution, rule, judicial decision, or usage) made, recognized, or enforced by the controlling authority". A system of rules of any particular country or community which ultimately recognizes the regulating actions of its members and, thus, enforces on them as imposition of penalties.

While, literature dictionary meaning is any “writing having excellence of form or expression and expressing ideas of permanent or universal interest” which off course makes impact on the minds of its readers. In fact it's quite difficult to define literature as George Orwell noted, one of the parameters to judge a literary work is its ability to survive over time and in competition with other works- including cultural products.

Law is very much connected with literature as it shapes and serves as a mediator of relations between people of society. Not only literature, law also provides a scholarly inquiry into legal history, philosophy, economic analysis and sociology and thus, solving important and complex issues concerning equality, fairness, and justice.

The history of law inquires about law of whether it's a growing doubt about law in isolation as a source of value or it is plugged into a large cultural or philosophical or social-science context to give value and

Law and Literature is now a burgeoning field of comparative learning in many academic universities. The curriculum was developed by members of academia and the legal profession who hoped to make law a more humanistic enterprise. The Greek philosopher Plato recognized the relationship between law and literature much earlier by saying "A society's law book should, in right and reason, prove, when we open it, far the best and finest work of its whole literature".

Many literary critics have written about the role of law in literature, especially we can see in the popular works of Franz Kafka's *Der Prozess* (1925; *The Trial*) and Albert Camus's *L'Etranger* (1942; *The Stranger*). These writers have explored fictional works that offer a direct and pointed critique of an aspect of the law—for instance in, E. M. Forster's *A Passage to India* (1924), Charles Dickens's *Bleak House* (1852-53), and Jonathan Swift's *Gulliver's Travels* (1726). Some popular as well as critically acclaimed literary works by prominent writers like Shakespeare, Kafka, Dickens, Camus, have dealt with the theme of law. These writers were influenced by the legal system of their own time and were aware of its impact on both personal and social level. They many times took law as the subject matter of their novel or play just not only to tell an interesting story but also about the prevailed legal system of the society so that people can be concerned about their rights. Also there are few literary texts which react to the law in literature, ranging in scope from Nathaniel Hawthorne's *The Scarlet Letter* (1850), to the plays of Bertold Brecht, to the contemporary plays of Alice Childress and August Wilson.

The law students and professors used to read themes and techniques of interpretation, crossing multiple boundaries and eliciting comparative discussions of professional ethical commitments as they study *A Bend in the River*, *Atonement*, *Disgrace*, and *Emma*. There are many novels which deal which politics and law as in *Emma*, there is a discussion of British social class and empire and that comes out much more clearly as in *A Bend in the River*, which is concerned directly with imperialism in Africa. We can thus see lot of connections that we could draw from one to another—and all raised ethical issues.

Jane Austen who writes on issues of marriage, which has a lot of political reverberations around feminist issues or the issues of gay rights. We talked about *Disgrace*, which, again, is concerned with Africa and questions of imperialism. Thus, we see, almost every work of literature that has any depth, raises number of themes that intersect at a variety of different points with law. Even in books like *Emma*, which explicitly have only a relatively small legal component, it's very easy to draw the implications for what students have to face in their professional lives.

Another such is *Atonement*, 2001 British metaHYPERLINK "<https://en.wikipedia.org/wiki/Metafiction>"HYPERLINK "<https://en.wikipedia.org/wiki/Metafiction>"fiction novel written by Ian McEwan concerning the understanding of and responding to the need for personal atonement. The novel cross between a murder mystery and a detective story which according to professors of law feels that a detective story is always something which tries to promote good in a world of evil.

The Stranger or The Outsider, a novel by Albert Camus which depicts the virtues of truth confront the deceits and corruptions of law. Through the novel, the readers also come to know about the justice system of the time and existing loopholes as the trial for the murder of an Arab proceeds. Furthermore, the novel addresses the issue of the inevitable conflict between defective legal proceedings and individual way of thinking.

Franz Kafka's *The Trial* is another novel where the author exposes how law is abused and made to bring enormous suffering into a man's life. The main character, Josef K., awakens one morning and, for reasons

meaning to life. Both areas can be divided into two different but mutually related perspectives as- Law in literature - which understands issues that are explored in great literary texts. It specifically concerned with the way in which legal situations are presented in literature from which literary writers are able to see the law. Lawyers get to learn about human conditions and there how, they take their decisions. Authors like , Albert Camus, Herman Melville, Fyodor Dostoevsky, and Charles Dickens have dealt with law as a subject in their works like the famous Charles Dickens's *The Pickwick Papers*. Through the fictional stories, lawyers' scholars learn that how they can also deal with the political and social situations from the novel, and by the story of an individual they often find themselves before the court. Robert Weisberg, a renowned professor of law and literature, believes that the law in literature offers fertile possibilities. Lawyers, according to him, learn a lot through literature as literary texts instruct them about legal situations and human conditions. James Boyd White, another professor, also sees an intrinsic value in the use of literature as a means of discussing legal topics. He believes that novels cause their students to reach conclusions regarding human understanding. Law itself also regulates certain fundamental aspects of literature, such as through the law of copyright.

Secondly, law as literature which understands legal texts by reference of literary interpretation, analysis, and critique methods. Law has fascinated writers over centuries; many writers have also themselves been lawyers, or trained in law, including famous ones like Sir Walter Scott, Tolstoy, Kafka, Bankim Chandra Chattopadhyay. And nothing could be more dramatic than the setting of a courtroom trial. An adversarial system, foe placed against foe, the slow built-up tension between the parties- all are irresistible to a literary mind with dramatic proclivities. Literature gives an ability of unique insight into any extreme human condition through text with the legal framework that regulates those human experiences in reality.

Combining both gives a much better democratic and moral society. Most of the people also agree that literature serves a purpose that allows for ethical development and growth within the student. Jane Austen's *Pride and Prejudice* , teaches its readers how to read 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 to make, and who feels the sentiments proper to the circumstances. The interpretations of literary works also help us to understand our cultural environment, which in turn helps us to come to a better understanding and interpretation of the law.

Relationship between law and literature is ages old. If we go back to the origins of law, among the ancient Greeks it was aligned with rhetoric, speaking and writing. Rhetoric was originally intended to present arguments in court. As law became more professional, it was closed off from this. Thus, law and literature have taken different ways, literature being more and more concerned with the expression of human emotions and feelings, while law became increasingly concerned with the maintenance of social order. It then again started with a movement in the first half of the twentieth century. James Boyd White is called as the founder of the law and literature movement because of the dedicated research and distinguished publications he has contributed to this rapidly growing field. His most renowned publication, *The Legal Imagination*, published in 1973, emphasizes the relationship of legal texts to literary analysis and literary texts to the legal issues that they explore. With growing popularity of the movement, different ways of enhancing legal studies came into being studies by examining and interpreting legal texts using the techniques of literary critics. Since then , the movement became the leading interdisciplinary law journal directed to law and the arts students, with a specific focus on critical theory and literary expression in its diverse media and forms.

never revealed, is arrested and subjected to the judicial process for an unspecified crime. Some crucial questions of judicial proceedings like a backlog of cases, arresting on suspicion and detaining a person for an uncertain period, absence of proper investigation, and absence of the right to self-defense are brought to our attention as readers. Shakespeare's works contain a remarkable quantity of law terms and they are used very accurately. The use of legal jargon in *Hamlet* is particularly impressive. But it is *The Merchant of Venice*, a controversial tale of a Jewish moneylender that examines themes of justice and the bias of legal systems. Dickens' popular novel *Bleak House* is particularly known for the novelist's blunt attack on the flaws of the British judiciary system. Dickens' experience of working as a law clerk in London came in handy in unearthing and depicting the law's flaws so vividly. The plot concerns a long-running legal battle that takes place between two parties claiming the inheritance of a large property, a battle which in the end costs both parties dearly. Many believe that Dickens's harsh portrayal of the lengthy Chancery system made way for the reforms that took place in the 1870s.

Another novel that blends law and literature is that of Indian writer, Mani Shankar Mukerjee, who wrote under the pseudonym of Shankar, *Kato Ajanare* which centered round his real life experiences as a clerk to barrister Noel Frederick Barwell. The novel brings together true stories (some of them reported judgments) into a fictional space and experiences at Calcutta High court.

From the ancient Greek tragedian Sophocles to Shakespeare, Dickens and modern legal dramatist Grisham, stories about law have fascinated readers and offered an outsider's view of the efficiency of justice system. The law and literature movement which began in the first half of the twentieth century has contributed to the development of the concept of the interdisciplinary connection between law and literature. Now many prominent universities offer literature courses to law students and law courses to literature students. As a result law students and lawyers are better equipped with rhetoric skills, while literature students and writers are gaining more expertise at incorporating law, a very important part of social life, into literature.

Another thing that interrelate law and literature is a term called as 'legal fiction' which means 'any assumption which conceals or tends to conceal the fact that the rule of law has undergone any alteration, its letter remaining unchanged but its operation being modified'. By means of a legal fiction, a child can be adopted from one family to another. Case law is another law based on a fiction that while enacting a particular rule of law, the legislature had a particular intention. Fiction also played an important role as a source of law in ancient times. There was a rule of procedure in Rome by which a non-Roman was allowed to make a false allegation that he was a Roman citizen and thereby a praetor urbanus was able to try his case. The fiction of citizenship was adopted merely for the purpose of extending the Roman law to the non-Romans. All were under the same "lex gentium." In England the Court of Exchequer took jurisdiction over civil cases by means of a legal fiction that the plaintiff was the debtor of the king. These fictions were adopted by the courts as devices to add to the jurisdiction of the courts. The teachings of the most highly qualified of various nations are still considered as a source of international law. Legal fiction and legal presumption, however, are not the same. Legal fiction is a source of law while legal presumption is a rule of law. One fact is recognized by law as sufficient proof of another

The impact of literature on law is far reaching with regard to teaching, legal writing, statutory interpretations and duly submission of petitions before the bench. Many authors have tried to show the human condition and the law's effect on it through their literary works from a neutral point of view.

So far we have talked about law and literature and their relation with each other or interrelation. Now, we

will talk about the benefits of amalgamating law with literature. Firstly, literature is exceptionally capable of probing human psychology and conditions through text. This capacity can be combined with the legal framework which regulates human actions in real life and truly pave the way for a democratic judiciary which is a prerequisite for establishing a just and moral society. Secondly, literature is considered to be a carrier of human will and freedom of expression. This characteristic can be positively incorporated into the judicial system to facilitate more humane legal decisions. Thirdly, literature helps us understand the text's role in defining human experience as used in legal rhetoric. Fourth, by applying literary methods in legal writing, laws can be more readily interpreted and legal decisions can be conveyed more effectively. Fifth, reading and writing literature helps improve clarity of expression which is a must for everybody involved in the legal profession. Moreover, every citizen of a society should also acquire this clarity to enable them to defend themselves in the legal arena. Next, special cases can be accommodated through the application of literary standards to legal documents and thus despotism can be reduced to a great extent. In this regard some proponents of the admixture of law and literature argue that this looks back to and restores the image of the lawyer as a person of letters possessing a broad liberal education and being well versed in languages, rhetoric and literature, who views law as an aspect of the humanities and the public life, not a science or a business. Lastly, one of the skills literature teaches lawyers is the power of the imagination so that lawyers learn to place themselves in the shoes of the client, the opponent, the witnesses, the judge, and the jury in order to anticipate reactions to their pleadings, presentation of evidence, arguments and settlement proposals.

However, one need not think that only law will benefit from this intermingling; rather, it is advantageous for literature as well. Both have benefits of amalgamation. The law has immensely enlarged the area and scope for literature already. The law enriches itself every day and this ever widening sphere of law can be a great source for literature. Until now most literature in which law plays a major role has concerned criminal law, ignoring the many disputes over inheritance, contracts, divorce and real property. These very issues can be presented with more legal focus in literature if the writers are interested in knowing a bit more about law and the legal system. In this context we do very well remember the nineteenth-century British novels which are rich sources of thinking about law and lawyers and offer insight into the legal heritage, mainly because the novelists Charles Dickens, George Eliot, Anthony Trollope and others participated in the debate about the best way to implement legal reform. In this regard more scope will be created to consider human feelings, emotions, and the environment where a person is raised. Then theories of punishment-as there are different theories available, like reformatory, punitive, deterrent, expiation, preventive, and so on-should be analysed thoroughly. This is where literature can open up windows of thought for the reformers. The definition of an offence can be scrutinised even more critically if it is seen through literature. Taking lessons from literature, life can be improved, which can substantially help the law-enforcement agencies to maintain order in society with ease and comfort. Social and communal conflicts are commonplace in every country and they are well-depicted in literature; law can borrow these materials to deal with them. Literature also helps to find ways of dealing with psychological problems which are quite common in human life and have certain effects on society. Again literature tells us how to look at these sensitive issues and therefore may help the law manage them in a more delicate way. As edification is one of the objectives of literature, the blending of law and literature ultimately helps the moral development of anybody concerned with the law. Since literature critiques lawyers and the overall legal system, this intermingling will certainly widen the scope for criticising the different shortcomings of the legal system, such as delays in trial proceedings, imprisonment without trial, torture

on remand or interrogation, lack of sincerity in investigation, corruption, and so on, and will no doubt help to find ways to curb them. In fact, law is not at all a stagnant subject, rather it has undergone huge changes over the ages and literature can very well claim to be the greatest contributor. Different writers in different ages have made the lawmakers think about the loopholes of the prevailing laws through their writings. This is how new interpretations of different laws have come about, and thus the loopholes have been exposed. Similarly, writers have provided us with new ideas about how to define crime and punishment under different circumstances and helped clarify law. Likewise, the discretionary power of the judges and its effects on the justice system can be viewed in a broader literary perspective.

Recently, in the global perspective, law has expanded its sphere and in the process problems like eviction, mass killing, war crimes, arbitrary power, and illegal occupation by foreign armies have come to the fore. All these issues are the themes of many literary works by different writers, which can assist legal experts to find ways to think about and deal with them. Literature also helps in building a better society by illustrating the consequences of committing crimes and the dreadful conditions of a criminal life.

To conclude, the amalgamation of literature with law of law with literature, can give us hope of having a legal system touched by humanity. It may help writers to produce literature with more experience of life and society. At the same time, we need not forget that law is a part of our culture, not a mere technical study and it has a lot to offer to literature as well. As literature is a storehouse of alternative visions of law and society, the more literature comes into the thoughts of a lawyer or a law student, the better is the chance of law in a society paying due regard to human values and emotions, a quality which many people believe law seriously lacks. The literary bent helps lawyers argue better and judges articulate better. Likewise, literature should be more concerned with the everyday problems of life and a true reflection of society in the broad view. The times demand that writers do not just project a series of imaginary pictures playing in their minds, and law can truly help literature meet this demand.

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