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“A Connectivity of Law and Literature: A Legal Profession”

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Abstract:

In the age of globalization, literature works as a gateway for the legal academicians. Therefore information about legal space is crucial. To get into these legal spaces, law professors have to turn to narratives to understand how legal and law system functions. Law in literature is now an established jurisprudential discipline. Law and literature have an important feature in common: they both require the medium of language to exist. This paper explores the links between law and literature as distinctive but overlapping disciplines and focuses on lawyer/writer in particular. The paper investigates the various intersections between legal influences, law, justice, power and authority. The paper discusses in a broad sense the link between law and literature, with a particular focus on law in literature and the relationship between legal and literary form.

Key Words:

Law, literature, jurisprudential discipline, overlapping disciplines, legal and literary form etc.

James White is considered as the exponent of the Law and Literature Movement. His famous book 'The Legal Imagination' (1973) is a fusion of anthology and critique. It emphasizes the relationship of legal texts to literary analysis and literary texts to the legal issues that they explore. The law and literature movement especially focuses on the interdisciplinary connection between law and literature. This field has roots in two major developments in the intellectual history of law- a. 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. b. the growing focus on the mutability of meaning in all texts, whether literary or legal. Basically it has two perspectives:

- i. Law in Literature- It means to understand the issues which are explored in literary texts.
- ii. Law as literature - It refers to understand legal texts by reference to methods of literary interpretation, analysis and critique.

This movement has broad implications with regards to future teaching methods, scholarship and interpretations of legal texts. It combines literature's ability to provide unique insight into the human condition through text with the legal framework that regulates human experiences in judicial reality. It is essential, in practical thought and discussion about the use of

legal rhetoric, to understand text's role in defining human experience. In its early stages, the law and literature movement focused strictly on the law in literature theory. Later on it emphasized on legal studies by examining and interpreting legal texts using the techniques of literary critics. White and Donald find greater relevance in law as literature because it maintains the meaning of legal texts.

The law in literature view is concerned with the way in which legal situations are presented in literature. Generally, they place a high value on the independent view from which literary writers are able to see the law. They believe that such authors have a lesson to teach legal scholars and lawyers alike about the human condition, and the law's effect on it. Such scholars tend to cite authors like Franz Kafka, Albert Camus, Herman Melville, Fyodor Dostoevsky, and Charles Dickens. The fictional situations presented in literature, these scholars assert, can tell a great deal about political and social situations, and the individual that often find themselves before the court. For example, Robert Weisberg believes that the law in literature offers fertile possibilities. He suggests that even though some literature cannot instruct its readers about legal situations, they can still educate law students about the human condition. Law as literature scholars see value in the techniques employed by literary scholars. Generally speaking, these scholars may see legal text as a form of literature thus making literary critique and analysis of it possible. Unlike the law in literature scholars, these minds only see possibilities in the tools of literary theory. Law and literature have an important feature in common: they both require the medium of language to exist. The paper addresses the trend of lawyers as writers of literature and the similarities between the disciplines.

The connectivity between Law and Literature:

The term 'literature' has a conversational intention in its usage. The literature of law has been criticized as being impervious to the layperson and indeed to the lawyer. When draftspersons were paid by the line, conflated and confusing prose promoted their economic interests. Literature is often ambiguous, indefinite and figurative. It suggests, pinpoints meaning and there can be many layers of sense. The literature is rightly hailed as 'law's sibling and its rival'. Both disciplines use language as their medium. The law is not limited to dry fact and analysis. It contains narrative and norms. "Law tells stories and stories are told about the law."

Literature and the law are very similar skills; extracting meaning from words is the same whether it is contained in a poem or a constitution. The law in literature is valuable for both the lawyer and the layperson. For the former, it throws light on broader legal issues and deals with them in an innocuous but influential forum; for the latter, it may be the most accessible form of education about the law. Literature can present an image of the law that is beyond what it can create itself. There is a certain necessary distance that literature must stay from law; this is so because while law must have authority to do its work, literature need not. Its influence comes from the ability of the reader to reject the information it contains, or allow it to persuade. Literature has oblique power. Law as a social practice is linked with power and politics, even though legal texts and practitioners may emphasize its autonomy and independence.

Literature is one vehicle to challenge this depiction. The law profession can be a “profoundly isolated... discretely defensive world.” Depictions of law in literature can challenge the establishment in an informal way, with added reach into the layperson’s consciousness. The Lawyer can work as a writer. There have been many great writers who had legal training or worked in the legal profession. The training required to gain a law degree focuses not only on the content of law, but how to analyze legal material and interpret fact situations from a legal standpoint. The composition of legal writing can alter the meaning of what is written, and must be as precise as its substance. Lawyers identify good quality legal writing by its “organization, development and logical flow,” with information presented in a coherent manner. To a lawyer, the choice of words and any ambiguity surrounding them is highly perceptible. The skills learned in the study of law are therefore very useful in application to other forms of literature. It is significant that many of the authors have legal themes running through their literature. It may be that legal education is a “powerful emotional experience” that affects the writers, or that law as a subset of linguistics gives its scholars the tools which can be used to create great literature. Posner has a more sceptical view: for great literature to survive, he considers that it uses a theme that changes little over time, and law is one such institution. This familiarity ensures its survival on the literary marketplace across generations, while more temporal writing falls by the wayside. There is certainly merit in this argument, for basic concepts of law remain fairly constant through social and political upheaval, although the law’s substance may change. So too however does the essence of all social institutions, so this is an incomplete answer for the presence of a connection. It has been said that legal study involves not only an increased knowledge of the law, but the ability to “think like a lawyer”. When a person learns to think in a manner common to other lawyers, this may alter not only the way legal problems are viewed but the way the world is represented in a wider sense. The impact upon representation will in turn affect perceptions, experiences and the choices seen as most viable. Therefore, the study and practice of law may influence other areas of the practitioner’s life, which could include non-legal writing. The danger in the inquiry into the links between an author’s legal livelihood and their literature is the tendency for overstatement of connections. There is a natural inclination to see a correlation between similar things; however, the distant reader cannot know that the law consciously or otherwise influences the literature of the novelist. We can only draw comparisons and speculate. It may not ever be proven beyond reasonable doubt that law irrevocably shapes literature, but it may well be highly probable.

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