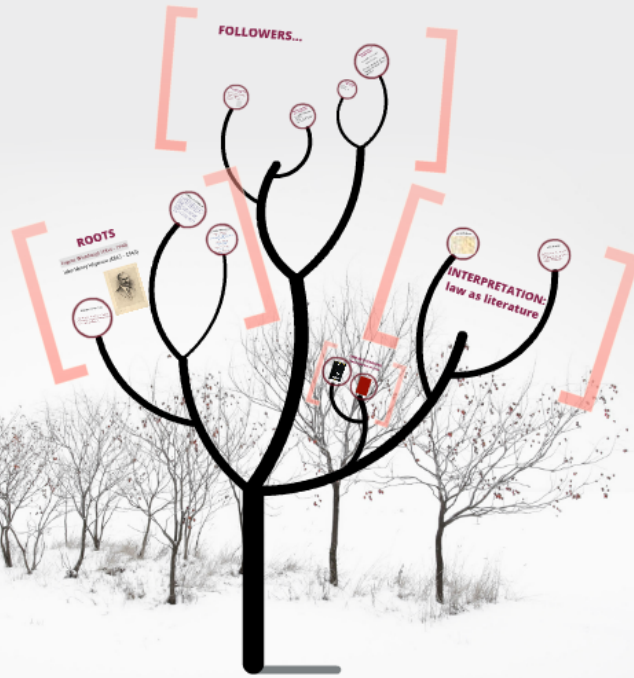
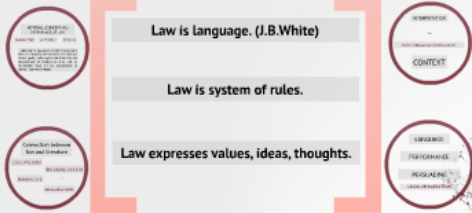


# Law and Literature



# Law and Literature

Law is language. (J.B.White)

Law is system of rules.

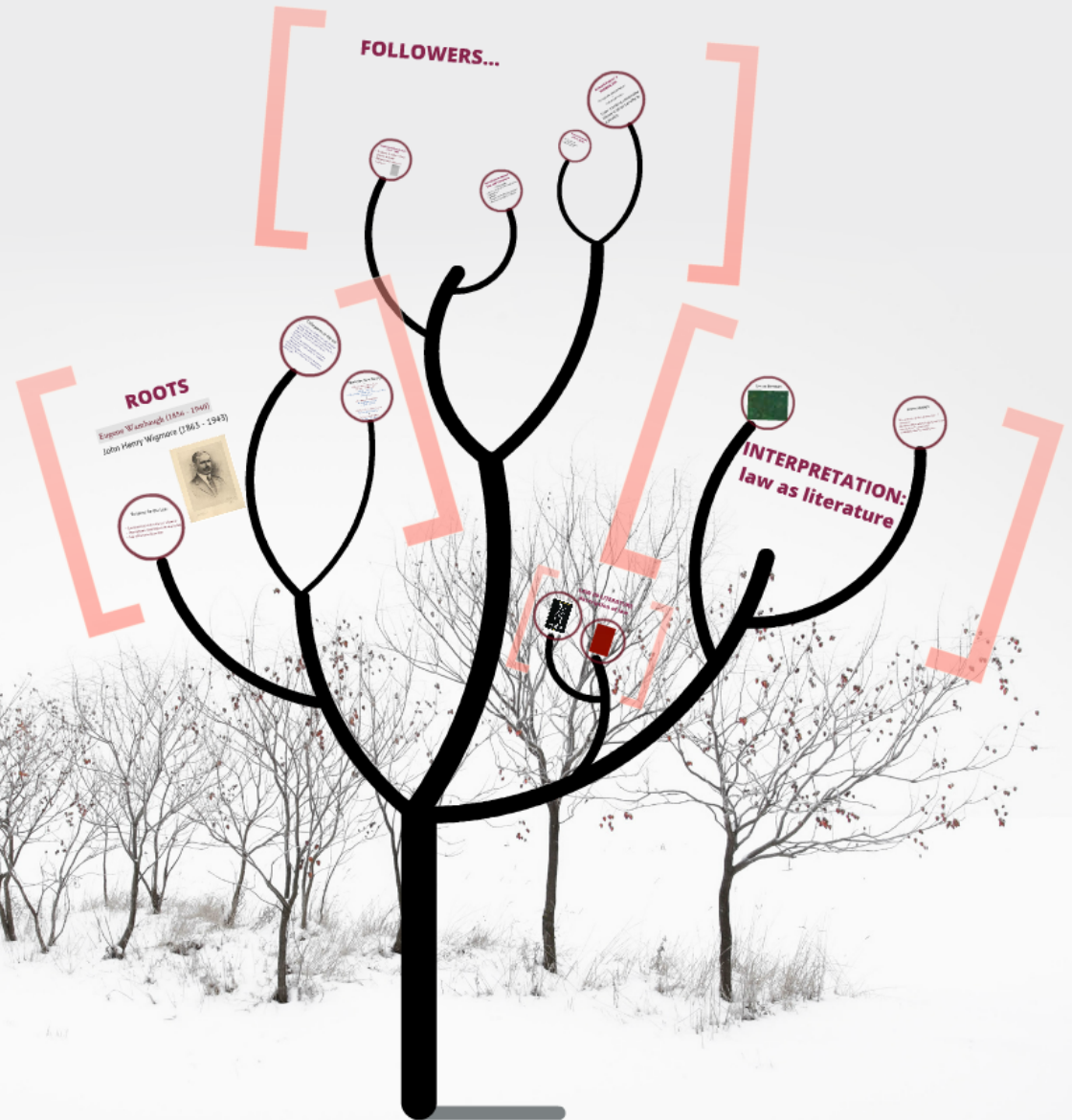
Law expresses values, ideas, thoughts.

## LAW AND LITERATURE

Dual specialization

LAW IN LITERATURE

LAW AS LITERATURE



INTERPRETATION: LAW AS LITERATURE

ERNEST WAMBAUGH (1926 - 1980)  
JOHN HENRY WIGMORE (1865 - 1943)

CONNECTION BETWEEN LAW AND LITERATURE

CULTIVATION INTERPRETATION

NARRATIVE IMAGINATION

INTERPRETATION

CONTEXT

LANGUAGE

PERFORMANCE

PERSUADING

LEGAL IMAGINATION

**Law is language. (J.B.White)**

**Law is system of rules.**

**Law expresses values, ideas, thoughts.**

INTERPRETATION

WORDS

Power relations and cultural contents.

CONTEXT

WORDS

INTERPRETATION

WORDS

Power relations and cultural contents.

CONTEXT



LANGUAGE

PERFORMANCE

PERSUADING

**LEGAL IMAGINATION**

## NOTIONAL (CONCEPTUAL) APPEARANCE OF LAW

NORMATIVE

AESTHETIC

ETHICAL

"...attention in Law and Literature has deviated from its original professional intellectual and ethical goals, including, but not limited to, the development of interpretive skills and an empathetic focus on the perspectives of others." (Jeannne Gaakeer)



# Connection between law and literature

CULTIVATION

INTERPRETATION

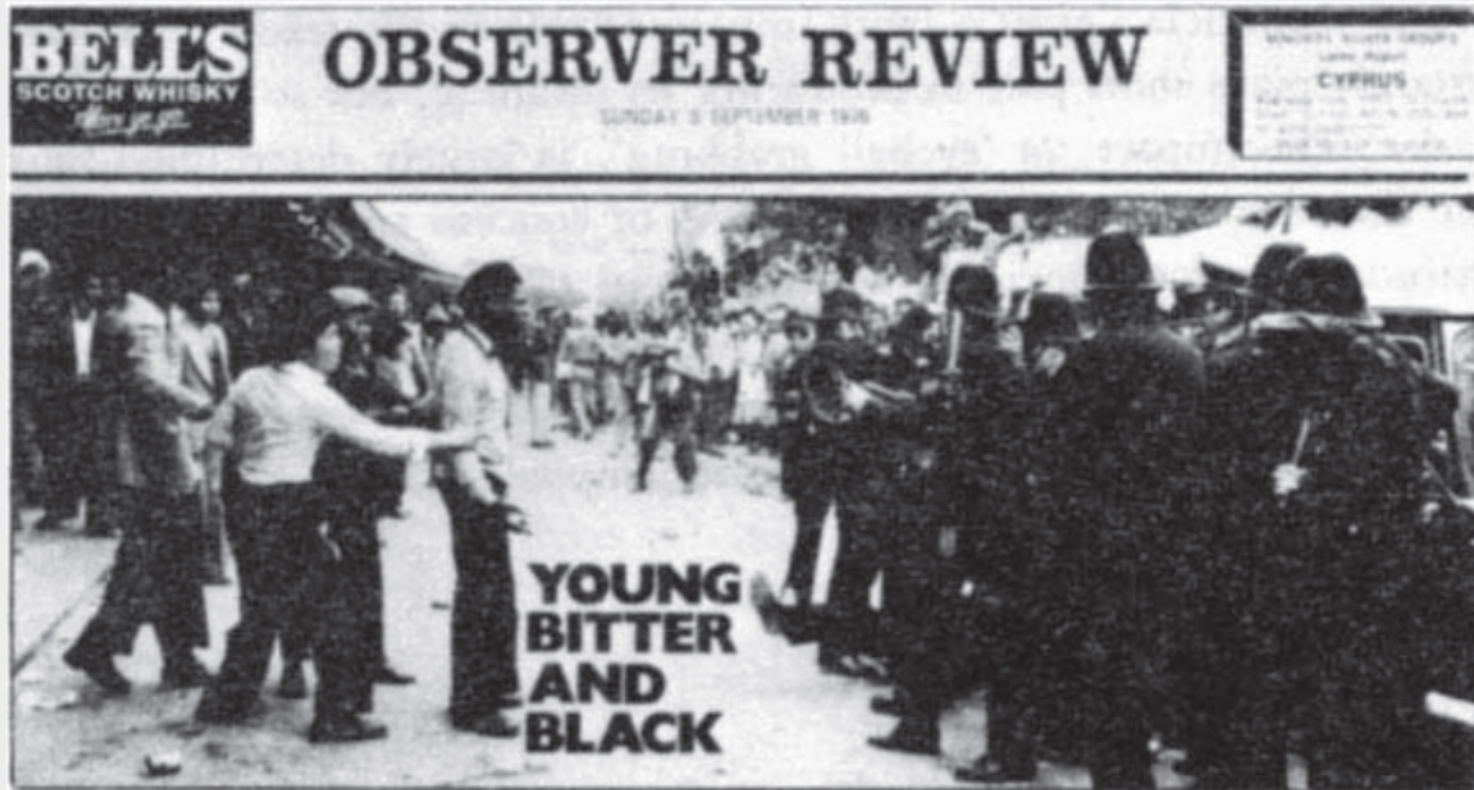
NARRATIVE



IMAGINATION



John Fiske str. 105 – 107 Introduction to communication studies. London Routledge (1982) 2002.



John Fiske str. 105 – 107 Introduction to communication studies. London Routledge (1982) 2002.



„The corpse which you see here is that of M. Bayard, inventor of the process that has just been shown to you. As far as I know this indefatigable experimenter has been occupied for about three years with his discovery. The Government which has been only too generous to Monsieur Daguerre, has said it can do nothing for Monsieur Bayard, and the poor wretch has drowned himself. Oh the vagaries of human life....! ... He has been at the morgue for several days, and no one has recognized or claimed him. Ladies and gentlemen, you'd better pass along for fear of offending your sense of smell, for as you can observe, the face and hands of the gentleman are beginning to decay.“ Hippolyte Bayard (1840)

Self Portrait as a Drowned Man



Fairy Offering Posy of Harebells to Elsie. Frances Griffiths 1920. The fourth of the photographs of the Cottingley Fairies.



William H. Mumler (1832-1884)  
Moses A. Dow, Editor of Waverley Magazine, with the Spirit  
of Mabel Warren. (1871)



William H. Mumler (1832-1884)  
"Mrs. Conant of Banner of Light. Her Brother, Charles H.  
Crowell,, (1868)



Brown Lady - Raynham Hall 1936 By Captain Provand and Indre Shira

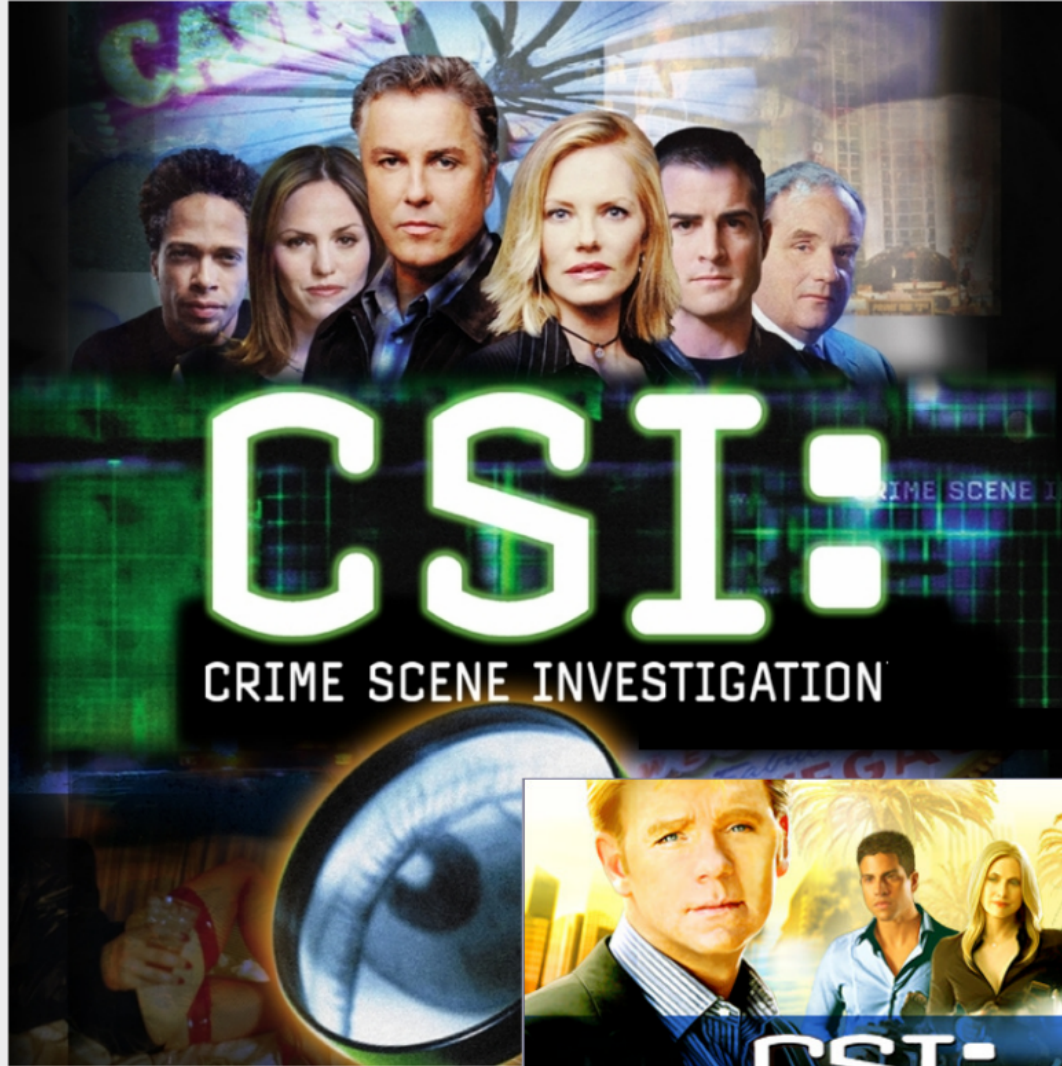






Total Solar Eclipse 2012

© 2012 Miloslav Druckmüller, Man-To Hui, Robert Slobins, Constantinos Emmanoulidis



# **LAW AND LITERATURE**

Dual specialization



**LAW IN LITERATURE**

**LAW AS LITERATURE**

# ROOTS

Eugene Wambaugh (1856 - 1940)

John Henry Wigmore (1863 - 1943)



## Reasons for the List:

- Learning and cultivation of a lawyer
- Description of significant events in law
- List of human characters

## Categories of the list

- (A) Novels in which some trial event is described, perhaps including a skilled crime-examiner; judge, or the way of professional life, are portrayed.
- (B) Novels in which the methods of law in the detection, pursuit and punishment of crime are delineated and
- (C) Novels in which some point of law affecting the rights or the conduct of the personages enters into the plot.
- (D) Novels in which some point of law affecting the rights or the conduct of the personages enters into the plot.

## Examples from the list

- A
- A. Dumas - Count of Monte Christo
- V. Hugo - Les Misérables
- F. Kafka - The Trial
- F.M. Dostoyevsky - The Brothers Karamazov (Crime and Punishment)
- B
- Ch. Dickens - Pickwick Papers
- W. Shakespeare - Hamlet
- A. Conan - The Fall
- C
- A. Dumas - Count of Monte Christo
- W. Shakespeare - King Lear
- D
- V. Hugo - Les Misérables
- F. Kafka - The Trial

## Reasons for the List:

- Learning and cultivation of a lawyer
- Description of significant events in law
- List of human characters

# Cathegories of the list

- (A) Novels in which some trial scene is described- perhaps including a skilful cross-examination;
- (B) Novels in which the typical traits of a lawyer or judge, or the ways of professional life, are portrayed;
- (C) Novels in which the methods of law in the detection, pursuit and punishment of crime are delineated; and
- (D) Novels in which some point of law, affecting the rights or the conduct of the personages, enters into the plot.

# Examples from the list

A

A. Dumas – Count of Monte Christo

V. Hugo – Les Misérables

F. Kafka – The Trial

F.M.Dostoyevsky – The Brothers Karamazov (Crime  
and Punishment)

B

Ch. Dickens – Pickwick Papers

W. Shakespeare – Hamlet

A. Camus - The Fall

C

A. Dumas – Count of Monte Christo

W. Shakespeare – King Lear

D


V. Hugo – Les Misérables

F. Kafka – The Trial

# FOLLOWERS...

**Benjamin Nathan Cardozo**  
(1870 - 1938)

- Necessity to create certain picture of reality
- Persuasiveness of court decisions



**Relations between law and literature**

Richard Posner

- Acute description of court proceedings
- Interpretation
- Analytical
- Literature is an object of regulation
- Theoretical (grammatical) dimension

**Ronald Dworkin**  
(1931 - 2013)

- Law as integrity
- Justice as fairness
- Chain of authors

**Richard Posner's MINIMALISM**

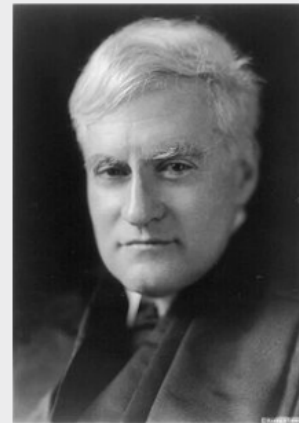
- Development of deconstruction
- Institutional reasons

There is nothing constructive literary criticism can offer to a practice



**Benjamin Nathan Cardozo**  
**(1870 – 1938)**

- Necessity to create certain picture of reality
- Persuasiveness of court decisions



# **Relations between law and literature**

Richard Posner

- Artistic description of court proceedings
- Interpretation
- Aesthetic
- Literature as an object of regulation
- Theatrical (dramatical) dimension

# **Ronald Dworkin**

## **(1931 - 2013)**

- Law is political
- Aesthetic hypothesis
- Chain of authors

# **Richard Posner's MINIMALISM**

Development of deconstruction  
+  
Institutional reasons

There is nothing constructive  
literary criticism can offer to  
a practice

law as literature



interpretation

Who is author - reader / genuine author /  
interpreter?  
Are the any limits imposed to interpretation by  
community or by the text itself?  
Possibility of objective interpretation.

# INTERPRETATION: law as literature

# law as literature



# interpretation

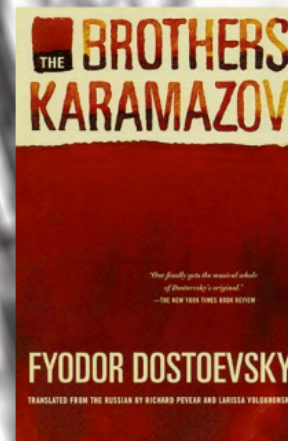
Who is author - reader / genuine author / interpreter?

Are there any limits imposed to interpretation by community or by the text itself?

Possibility of objective interpretation.

# LAW IN LITERATURE

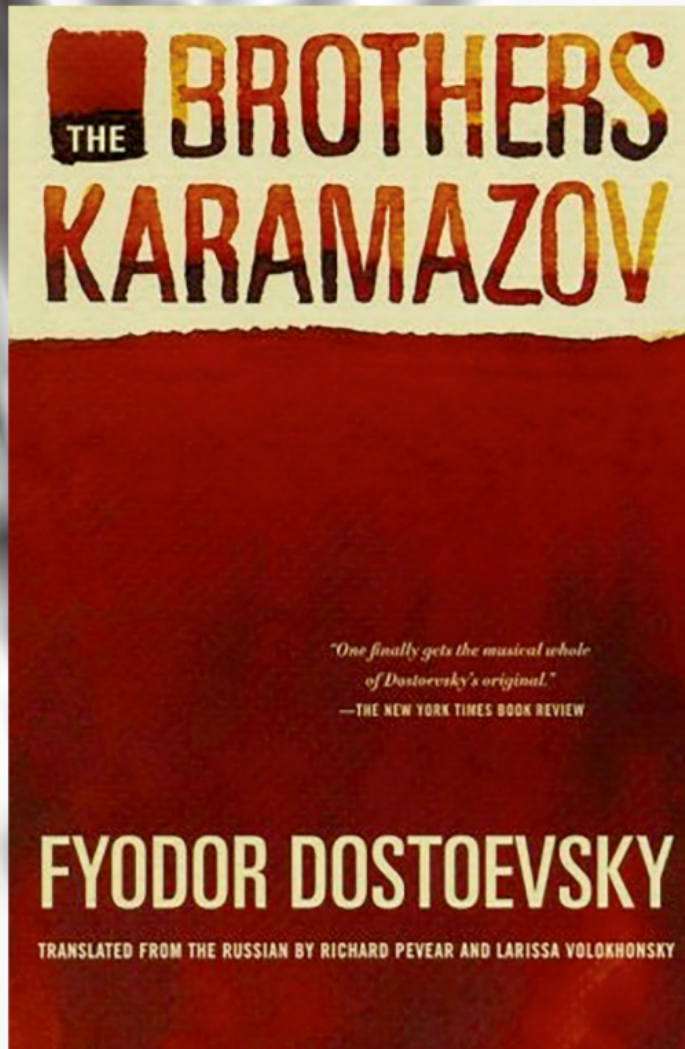
## description of law





descri





**THE BROTHERS  
KARAMAZOV**

*"One finally gets the musical whole  
of Dostoevsky's original."*

—THE NEW YORK TIMES BOOK REVIEW

**FYODOR DOSTOEVSKY**

TRANSLATED FROM THE RUSSIAN BY RICHARD PEVEAR AND LARISSA VOLOKHONSKY

# Connection between law and literature

CULTIVATION

INTERPRETATION

NARRATIVE



IMAGINATION