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LAW AND LITERATURE: A SYMBIOTIC ASSOCIATION

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Abstract

Literature and law though being separate branches of study are similar at certain parameters and share common objectives. Literature tends towards clarity in thought and expression, improves creativity and results in bringing variety in description and narration. Law on the other hand improves and develop interpretation skills, argumentative skills, drafting skills, understanding of facts and issues. Studying Literature is helpful for law students in myriad ways and opens endless doors of honing critical thinking skills, analytical abilities, interpretation skills etc. Elements of literature has often been used effectively by lawyers and judges in drafting pleas and judgments respectively leaving a lasting impact on wider strata of society and appealing to the masses in great.

Literature has given many exemplary pieces where law remains the major theme. And there are many juridical writings which are rich in literary elements. This research paper will examine the synergy between both the areas looking into the criticism and appreciation. The paper will examine few classics having the elements of Law and will also examine few Juridical writings and will highlight the literary merits in those. In doing so, the aim of the paper is to show the amalgamation and to demonstrate how literature is the most effective pedagogical tool for facilitating legal study and honing the various skills of aspiring lawyers.

Keywords: literature, law, synergy, criticism, appreciation, literary classics, judicial opinions, pedagogical tool

"Lawyer without a knowledge of history or literature is just a mechanic or a mere working mason" - Sir Walter Scott

Introduction:

But over the last few years, law and literature have shed their nonprofessional past and evolved into a truly intersecting field of research, wrapped up with academic events, Journals, symposia, law school courses, as well as permanent institutions. Still there are many aspects of the area which are

untouched. As a teacher of legal language and a student of English language and literature, I made an effort to incorporate both of these areas into my research. Furthermore, I think that this research paper will serve as a bridge connecting the fields of law and literature, in addition to expanding the scope of these areas. This research paper will examine the synergy between both the areas looking into the criticism and appreciation. The paper will examine few classics having the elements

of law and will also examine few Juridical writings highlighting the literary merits in those. In doing so, the aim of the paper is to show the amalgamation and to demonstrate how literature is the most effective pedagogical tool for facilitating legal study and honing the various skills of aspiring lawyers.

Over the last few years, law and literature have shed their nonprofessional past and evolved into a truly intersecting field of research, wrapped up with academic events, Journals, symposia, law school courses, as well as permanent institutions. (William H. Page 1986). According to Harris, Edward (2010:07) "The relationship between law and literature is rich and complex.... Some writers have studied works of literature from jurisprudential perspective; others have applied the tools of literary analysis to legal texts such as statutes, contracts and judicial opinions which raise questions of interpretation similar to those posed by works of fiction. A few have gone so far as to argue that works of imaginative literature should be required reading in law schools and that metaphor and narrative should take precedence over legal analysis."

Legal education should also focus on the teaching of philosophy, psychology, language, history, and theory because students studying law need to be more intellectually lined up than students studying any other subject. A law student needs to be more intelligent, conscious, and intellectually strong. The combination of these allied areas along with the conceptual knowledge of law will make them more knowledgeable and insightful. The more the judges and lawyers know of history and their political, economic, social and moral environment, the more their decisions are likely to be correct.

Teaching of literature or legal fiction along with philosophy, history, sociology and language will make the students in becoming more prudent and judicious. Teaching of these subjects coupled with the various activities like debating, mootings, outreach and extension activities, free aid clinics, etc. will make the law scholars explore more and experienced more. According to Vaishnav, H. (2017) "Such activity that is used as a pedagogical tool will enable students to understand human life and psyche at microcosm level, society and societal

problems at macrocosm level, learn drafting skills, argumentative and presentation skills and facilitate them in becoming societal leaders".

Literature, whether fiction or nonfiction should be included in every law curriculum because its richness can facilitate a law student in understanding different human aspects, culture and traditions, and can bring broadness in legal philosophy. It can stimulate critical thinking, develops analytical abilities, improves interpretation abilities, offers tools that can be utilised in legal argument. Literary language improves the art of persuasion and teaches the clever technique of rebuttal, argument and counterargument. Jeanne Gaakeer (2011) draws attention to this capacity of literature, asserting that the Law and Literature movement's initial goals were fairly straightforward: to accomplish intellectual and aesthetic objectives, to enhance the capacity for interpretation, and to perceive the world from the viewpoint of others. Nothing mentioned above is an integral part of the law. However, these features can aid in bringing law and society closer together as law is an embodiment of culture.

Literature also emphasises the use of rhetorical devices and strategies to critique legal norms and social institutions. It offers an in-depth knowledge of the administration of justice and the law, aids in understanding many facets of society and life before one experiences on his or her own. Literary sensibilities help advocates argue better and judges write better.

"Literature, as the most human of the humane arts, could teach the law "humanistic judgment". First, it could remind us of the rich humanity that lay behind case reports and judicial decisions, thus serving to chasten the mechanistic rigor of the law. Second, it could offer reflections—brought vividly to life through narrative—on the human meaning of concepts central to law: criminality, punishment, justice. Third, it could offer models of rhetorical excellence, reuniting legal practice with the great tradition of forensic oratory, turning law students into rhetorical artists, and promoting connoisseurship of the legal opinion as masterpiece. At the centre of this humanist vision

was the notion that literature could somehow bring the real to law." Stone, Julie Peters (2005).

The law and literature movement was rooted up in 1973 in the U.S with the release of "The Legal Imagination", by James Boyd White (a leading theorist of interpretation). This movement suddenly gain attention by various scholars of law and literature and they left with a number of questions, quarries and doubts regarding the intersection between the two areas of study, between finding merits of literature in legal writing; and discovering legal themes in classics. Richard and Robert Weisberg, the proponents of the "Law-in-Literature" theory claimed that literary works centered on legal issues, can provide judges and attorneys with insight into the "nature of law." This viewpoint applies literary criticism methods to the analysis and interpretation of legal texts. Theorists like Ronald Dworkin and White favoured law as literature because they hold that the accurate meaning of legal texts, can be best discovered only through literary interpretation.

This field of law and literature has two valued dimensions, first is "Law in Literature" (finding out law themes in different genre of literature) and second is "Law as Literature" (comprehending legal texts with literary flavours). According to William H. Page (1986:393) "in law and literature, for example, the subject matter of the field sometimes is divided between the law in literature and the law as literature. The law in literature encompasses the analysis of depictions of legal topics-lawyers, trials, the effects of legal doctrines, and so forth-in literature. This area is necessarily circumscribed by the canon of so-called legal novels or drama, however broadly defined. The law as literature is much more difficult to define. At one level, it involves reclaiming from the vast body of legal documents-constitutions, arguments, opinions-works of literary merit, and studying them for their aesthetic qualities. At another level, it involves the application of the techniques of literary criticism to legal texts". The Paper will discuss both dimensions in detail to achieve its objective. But before that, let's look for the criticism and appreciation of this synergy.

The law and literature movement is based on the idea that there is an interdisciplinary connection between the two disciplines. This interdisciplinarity is often appreciated and criticised.

Criticism to the interdisciplinary status:

Inspite of several research into the area of law and literature, it remained a subject of challenges and criticism.

1. The first criticism is that since the law already incorporates many of the characteristics and devices that writers aim to utilise from literature, there exist highly any need for area of law to take assistance from literature (Sarah Krakoff 2001). She further argues that law and literature shares common aesthetics, thus taking assistance from literature is beyond needs. These are entirely different disciplines and need no contribution from each other.
2. Though literature and law are proved as two separate entities, Posner (1986) notes that there are many similarities between law and literature, but he doubts literature's capacity to advance and upgrade the legal profession, particularly in the areas of jurisprudential understanding, rhetorical devices, and socio-cultural practices. Duong (2005) agrees that the use and study of rhetoric in two disciplines is similar but the disciplines are otherwise "divergent and incompatible". Duong (2005) asserts that there are differences between the two subjects in their methodology of approaching to creativity and final products. She believes that while writers create literature by immersing themselves in their subconscious, the creation of law demands a more methodical and logical process. While legal goals are often more reasonable and sensible, literary goals are open-ended and unrestricted. Thus, due to these crucial aspects, law and literature cannot be attuned.
3. The third criticism is on the grounds of interdisciplinarity. The purpose of interdisciplinarity is to provide opportunity to learn the disciplines by making connections between ideas and concepts across different

disciplines. Just using the tools and materials from one discipline to interpret another one will be considered as task and not as interdisciplinarity because the disciplines still remain separate – this is ‘interdisciplinary borrowing’ Fish (1989:21). Interdisciplinarity according to Fish should remove or at least blur the boundaries and unite the subjects.

Appreciation to the interdisciplinary status:

The amalgamation has also been appreciated by various scholars on several grounds. To enlist few are:

1. Compared to other resources, literature can provide a different angle on the criticism of the law. Little (2006) states that literature provides a better sophisticated analysis and explanation of legal discourse than any conventional ‘truths’. It is usually agreed by many advocates of the movement that literature can provide a deeper understanding of human psyche, his problems and societal issues which ultimately paves a way to readers to understand the actual human problems and societal issues. Works of literature like *The Merchant of Venice*, *The Trial*, *Justice*, *Crime and Punishment*, etc. attempted to provide a thorough explanation of the connection between the law and human life. Literature through its fictional and non-fictional situations brings actual societal and human reality before readers, and allows readers to put themselves into that reality and analyse their situation with that reality C R B Dunlop (1991). This makes the readers to change their way of thinking which ultimately make them to be vigilant of their actions and cautions of their decisions.
2. Laws are constantly modified to address the diverse societal issues that result from different social upheavals. Reading literature can affect behaviour, because literature informs and persuades Posner (2009). Duong (2005:14) believes that literature can also be the reason of revolution and reform as it can appeal to the senses effectively and can persuade its readers to go for social activism and law reforms. It is safe to say that literature is the voice of the

people, of vulnerable, marginalized and weak and urges for change. John Galsworthy's "Justice" discusses the cruel penalties that were in place during the Victorian era and exhorts readers to stand against these kinds of cruel penalties and protest for reformative measures. Literary writers, through their work, convey their opinions, beliefs, and criticisms; and make an appeal to eradicate the various evil practices that are prevalent in society. In order to address the justified needs of society, eradicate injustice, and to bring social change reform, laws are required to be amended constantly.

3. Both literature and law can be the reason of reform. The novel, *The Jungle*, which written by Upton Sinclair and was published in 1905 was revealing the conditions in the Chicago stockyards and slaughterhouses. Because of the agitation and protest of the public after *The Jungle*, which came with the idea of pure food, sanitation and hygiene in meat, the Pure Food and Drug Act 1906 was passed. President Roosevelt then ordered the concerned authorities to prepare a report on the Chicago stockyards, which proved to be “almost as revolting as the novel itself” Posner (2009:458). Then, in 1906, a bill regulating the handling and processing of meat, was passed, which eventually improved the conditions in American slaughterhouses. This reform was the result of the combined effort of both literature and law.

Literary classics having legal essence:

The approach of *law in literature* focuses on looking into the myriad ways in which law themes and concepts are depicted in literary works throughout ages. There are the classics picturing the functioning of ancient, medieval and modern system of laws and justice. Many advocates of law and Literature movement, for example Cardozo (1939) believes that “literature had the ability to educate and perceived the role of fiction in terms of cultivation”. Earlier, John Wigmore (1907) through his article “*A List of Legal Novels*” where he listed few great literary works, which was basically meant for lawyers and legal professionals, argued that law

professionals should read legal fiction as it helps them in becoming cultivated and "a lawyer ought to be a cultivated person and must know what society thinks of his profession" (p.576). Nikolai Gogol short stories such as *'The Government Inspector'*, and *'The Tale of how Ivan Ivanovich Quarrelled with Ivan Nikiforovich'*, is a satire on legal administrative system, which affects the lives of common people. *"In the Court"* by Anton Pavlovich Chekhov is also a satire on Russian judiciary system and is showing the fate of poor Nikolay. This short story reveals that how justice system is only for the rich and powerful; and not for the poor and marginalised sector of the society. Gogol and Chekhov both have used the literary techniques of Sarcasm, satire, zero ending to bring the political and administrative corruption; and the double standard of judicial process before the common mass.

Richard Weisberg, in favour of this movement commented that an in depth examination of legal subjects in literary pieces can improvised vital 'structural insights' into the complicated process of law. *'To Kill a Mockingbird'* by Harper Lee depicts racial and legal tension in southern America. Through his central character Lee provides character of an ideal lawyer. The novel advocates that the fair and correct behavior of one person can bring a prosperous change in society around him or her. Rohinton Mistry's *'A Fine Balance'*, assesses the viability of law. The story, which is set in the turmoil of the Emergency era of India in the 1970s, describes how the middle class and the urban poor in Mumbai were negatively impacted by the laws and policies that were passed and put into effect at that time. Mistry describes the agony of the Emergency period and the anti-Sikh riots of 1984.

Literature contains a large amount of legal themes leaving a lasting impact on not only the people in literature but also on judicial officers. Literature is the best source to read about human nature, growing society and its conflicts. Thus every judicial officer should read literary classics available in various forms like novel, plays, poem, essays, short stories, drama etc. Such work of art showcases a very true picture of polarised society, political fraudulency and judicial inefficiency which

otherwise cannot be demonstrated by any work of art as efficiently. Shakespeare, Dickens, Kafka, Jane Austen, Harper Lee, and many great writers depicted law and judicial system in their narratives. William Shakespeare in his famous plays like "The Merchant of Venice" and "Measure for Measure" presents a true and accurate picture of the Elizabethan legal system focusing on its laws, the legitimacy of the monarch, and the criminal justice system of the era. Likewise, Jane Austen in her novel "Pride and Prejudice" depicts the various narrow-minded thoughts, legal constraints, and biased societal norms that were set for women, in the name of women's dignity, pride, and security, during the 19th century.

Literature, as a tool, can criticise law and society highlighting its flaws, limitations and the evils prevailing. Various authors, in the different centuries, have touched the various themes like slavery, child abuse, dowry, discrimination, seduction, race, corruption, etc. By touching these evils, it focuses on the inefficiency of the legal system, publicise its failure in protecting the rights of the vulnerable; and protest against the growing social discrimination. In this way, it plays a vital role in appealing to the senses, awakening masses, persuading the minds, and voicing for legal and social reform. *"The Merchant of Venice"* by William Shakespeare deals with the law of contract, *"Crime and Punishment"* by Fyodor Dostoyevsky portrays the hard life of a criminal; *"Tess"* by Thomas Hardy is about seduction and the trauma, agony and defeat of the victim; *"Bleak House"* by Charles Dickens is about child labour and harassment; *"The Trial"* by Franz Kafka is about the courtroom process; *"To Kill a Mocking Bird"* by Harper Lee illustrates how the fair and correct behavior of one person can bring a prosperous change in society around him or her. *"The Firm"* by John Grisham is about the dark side of Law Firms; *"Silence! The Court is in Session"* by Vijay Tendulkar depicts the issue of gender discrimination and patriarchal society; and the failure of justice system.

Few of the classics touching the various legal themes have been discussed here in detail. Besides the artistic aspect, the legal touch given to these pieces arouses the protesting feeling

of the readers and make them more aware, more conscious of their rights and of their place in the society.

1. The play "*The Merchant of Venice*" written by William Shakespeare was first performed in 1598. The play is basically about the law of contract. The play showcases the issues such as laws related to the contract and trading in England, which were the much debatable issues particularly in the decade of 1590-1600. Shakespeare explores the worth of life itself in his play, which tells the tale of a merchant who uses his own flesh as collateral to get a loan and the moneylender who calls in the debt. The main reason of contention is Antonio's failure to repay a debt he obtained from Shylock, on which he had pledged to sacrifice a pound of flesh. In the trial scene, Mercy gains a "central" role as the battle of dominance between the cruelty of moneylender "Shylock" and the elite Venetian society comes to its end. The trial scene occurs in "Act IV scene I," when the antagonist 'Shylock' wants a pound of flesh from 'Antonio' in exchange for a debt that has been lost. We also witness Shylock's ill intention to get revenge on 'Antonio' by demanding such an outrageous payment. This literary work aids in comprehending the mechanisms of Venetian and English law as well as how human society centered on them in the pursuit of equality and justice. In the end, Portia's soliloquy signifies that forgiveness and kindness is more significant than the pursuit of formal justice.
2. Through the literary prism, Franz Kafka's 1925 novel "The Trial" paints a picture of criminal justice. This work illustrates the uncertainty and inefficiencies of the bureaucratic system through an ironic storyline. In this book, Kafka pushes the absurdity to the limit by having the main character, Josef K, get imprisoned and then put on trial for a crime he doesn't even know he committed. The novel's darkly humorous spoof of the judicial system illustrates just how ridiculous the judicial process can be. K. was presumed guilty before the trial. The trial process puts the due process of law into a trap of questions, as it

started in a private "cabinet". Mr. K's execution was also a matter of controversy and raises several unanswered question on the character of judiciary. The procedure was not fair and reasonable and was very secretive, which was against the just and fair legal system. It is a very settled matter that until and unless the accused is proved guilty beyond doubt, he/she should be presumed innocent in the eyes of law. But here K. was not only wrongly arrested but was also presumed guilty of crime by the judges. In this way the novel brings a satire against the pointless, corrupt and incomprehensible law proceedings (Fanouch, G 1971) especially of the Austro-Hungarian court system and appealed for the logical structured legal system. According to the novel law and justice system should be the protector of the human rights and should not subjugate itself under the influential power of corrupt government.

3. Short Story "*In the Court*" by Anton Chekhov, published in 1986, is a satire on the incompetency of the Russian judiciary. Chekhov realistically depicts the court processes. He illustrated and critiqued the incorrect legal environment that prevailed in Russia in the late 19thc with this narrative. The main goal of Chekhov's work is to get the reader acquainted with the Russian legal system that was in place at the time and to bring out a reaction from them about life by satirically expressing feelings of dissatisfaction and disappointment. This is the greatest literary trick he has utilised. Instead of trying to amuse, amuse, or inspire readers, his true goal is to elicit a contemptuous response from them. He challenges the readers' preconceived notions about Russia's judicial system by making them think critically and come to their own conclusions. If one had to speculate, his goal would be to inspire the general intelligentsia to consider and support changes to the legal system. A critical reader would also be compelled to come up with answers.

Lawyers in Literature

Words are necessary for writing because they have the ability to express ideas, elicit feelings, and spur action. They stand for the concepts and information that make up the human experience. Words are a window into our emotions and minds. Our use of language and choice of words often reveals and measures our intelligence, culture and learning.

"Epistemology and the philosophy of language have intrigued the great thinkers from Parmenides, Plato, and Aristotle to Wittgenstein and Foucault" (Edward.D 1985). Lawyers, and judges should be exemplary when it comes to the use of language. Writing of law and its preservation in writing should be done in the most sophisticated, appealing and convincing style; so as to gratifying its readers even after years. "Lawyers should be masters of words and language, and that judges should be philologists of the first order" (Edward.D 1985:117). "The essence of legal writing is to apply the abstract rules of law to the particular facts or events at issue. For example, in a brief, in an effort to persuade the judge, the lawyer argues and urges the cause of a client. The role of an advocate is to communicate the client's view of the facts as effectively and as convincingly as possible, within the bounds of the law and professional ethics. In a judicial opinion, the judge endeavours to explain, as clearly and as concisely as possible, the reasons for the judicial decision" Edward (1985:218-219). Further it was argued by Edward. D (1985:120) that "legal composition can be taught, can be learned, and can, indeed, be good literature. For lawyers, law teachers, and judges, it is well to remember that, in simple terms, a written or literary composition is speech that has been committed to writing", in new form. The concept of legal writing to be complicated, ambiguous, redundant, technical, full of archaic words, is a concept of past days, there is no reason to prevent legal writing from being excellent piece of literature and possessing the same level of literary brilliance as other works of great literature have.

Justice Benjamin N. Cardozo, said in a lecture titled "Law and Literature" that: "I am told at times by friends that a judicial opinion has no

business to be literature. The idol must be ugly or he may be taken for a common man" (Cardozo. 1947). Such opinions dilute the scholarly and erudite character of both of the judicial presiding and of the narrative. An extract from the case "*O Marbury v. Madison*" (5 U.S. (1 Cranch) 137 (1803) is enough to support: "It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each."(Edward 1985:221). Thus it becomes, without any doubt, impossible to challenge the essence of literariness in the writings of judicial offices. Clearly, legal writing and a judicial opinion, should be consider as another genre of literature. Without sacrificing accuracy, brevity, or clarity, legal writing can communicate the message as effectively as required and with characteristic precision.

We have examples of many great authors who have been lawyers or atleast trained in law wrote remarkably. To name few are for example '*Sir Walter Scott*', '*Dostoevsky*', '*Tolstoy*', '*Kafka*' etc. In India, the most influential political writing having literary merits are from the pen of those who were trained in law, such as '*Bankim Chandra Chattopadhyay*', who authored "Vande Mataram" was a Deputy Magistrate. '*Mani Shankar Mukherjee*', in his work "Kato Ajanare", shared his career journey from clerk to Barrister.

Few of the judicial writings touching the various legal themes have been discussed here in detail. Even with the subject technicality in nature, these selected pieces are exemplary of literary essentialities.

1. The court upheld the verdict in "*Budhadev Karmaskar v. State of West Bengal*" [(2011) 10 SCC 354,] citing various literary works to express the principle of human dignity enshrined in Article 21 of the Constitution, which applies to all people, irrespective of their chosen profession. For Example, '*Srikant*' and '*Devdas*' by Sharat Chand Chattopadhyaya; '*Crime and Punishment*' by Dostoyevsky. Both of these

literary pieces, depicts the predicament of prostitutes.

2. In a leading case of *"Aruna Ramchandra Shanbaug vs Union of India & Ors"* [(2011) 4 SCC 454] two judges bench of Justice Markandey Katju and justice Gyan Sudha Misra, began the verdict by citing the verses from a gazal of great Indian Urdu poet Mirza Galib "Marte hain aarzo mein marne ki, Maut aati hai par nahin aati" and personified their condition with a ship in an unmapped world, saying "Euthanasia is one of the most perplexing issues which the courts and legislatures all over the world are facing today. This Court, in this case, is facing the same issue, and we feel like a ship in an uncharted sea, seeking some guidance by the light thrown by the legislations and judicial pronouncements of foreign countries" (2011, 4SCC 454) hence giving a literary touch and appealing to the senses at large.
3. In the Sri Lanka case of Fundamental rights application *"Victor Ivan v. Sarath N. Silva, Attorney-General and another"* (1988 IV SLR 340) Shakespeare's play "Measure for Measure" is referred, in order to demonstrate the viewpoint that even with great power, one should not utilise it tyrannically. In the case, the petitioner, the Editor of the Ravaya Newspaper, claimed that he had been unfairly and arbitrarily charged with criminal defamation by the Attorney General, without following the legal process of properly evaluating the facts or taking into account the constitutional protections afforded to journalists. As a result, he claimed that his fundamental rights as guaranteed by Article 12(1) of the Constitution of Sri Lanka had been violated. Additionally, it was claimed that the petitioner's right to freedom of speech and expression, which includes publishing, had been infringed upon in violation of Article 14 (1) (g). Judge Mark Fernando has made the following observations in determining whether to give permission to continue: *"I do not think that a newspaper enjoys any greater privilege of speech, expression and publication, or immunity from prosecution, than the ordinary citizen. The*

freedom of the press is not a distinct fundamental right, but is part of the freedom of speech and expression, including publication, which Article 14 (1) (a) has entrenched for everyone alike. It surely does allow the pen of the journalist to be used as a mighty sword to rip open the facades which hide misconduct and corruption, but it is a two-edged weapon which he must wield with care not to wound the innocent while exposing the guilty" Justice Mark Fernando (1988 IV SLR 340) (page 347). He then supported his words quoting Shakespeare

"O! it is excellent To have a giant's strength,

But it is tyrannous To use it like a giant."
(Measure for Measure, II, ii, 107)

4. In the case of *"Hitesh Bhatnagar v. Deepa Bhatnagar"* (Civil Appeal No. 6288 of 2008) the Supreme Court of India commented that *"Though Marriages are made in heaven, as it is said, we are more often than not made to wonder what happens to them by the time they descend down to earth. Though there is legal machinery in place to deal with such cases, these are perhaps the toughest for the court to deal with"* (para 1). In this case, the parties petitioned the District Court to dissolve their marriage and issue an order of divorce based on their mutual consent. However, the respondent withdrew her consent prior to the second motion stage and the divorce judgement being passed; as a result, the petition was dismissed. The appellant filed an appeal with the High Court after feeling wronged by the dismissal. The party then filed an appeal with the honourable Supreme Court of India after the High Court rejected the appeal. The Supreme Court quotes from Eliot's book "Adam Bede" to wrap up its decision rejecting the appeal. *"We conclude by quoting the great poet George Eliot "What greater thing is there for two human souls than to feel that they are joined for life to strengthen each other in all labour, to rest on each other in all sorrow, to minister to each other in all pain, to be one with each other in silent, unspeakable*

memories at the moment of the last parting.”
(Civil Appeal No. 6288 of 2008: para 26).

Literature as a pedagogical tool for Law Students:

Though the law and literature movement seems to focus just on examining how the legal world is portrayed in literary works, the movement aims to provide much more than a cursory examination of depictions. The movement's principles can be used for the creation and revision of laws, rules, and policies to better serve the rights and interests of the citizens. Even though the movement always remained a subject of criticism by many thinkers, many advocated it and agreed upon its element of using literature in the understanding of certain legal texts, like judicial opinions. Law and literature movement has brought the literature and has put it within the domain of elite legal structures. By placing significant emphasis on the 'social' aspect of the law, the movement brings it closer to being interpreted fairly and equitably. The law and literature movement is getting its place in academic circles too. Some universities have made law and literature courses mandatory, while others only offer them as elective courses, making this subject more widely available for study because the study of literature can facilitate a student of law in understanding aspects related to human life, culture and traditions. An expert teacher can lead the class to discussion on various aspects related to human psychology or society at large and can develop the thinking process of students after reading literary texts. Literature is the best medium to study man, society, contemporary society, development and degradation in society and civilization and understanding life with all its fineries and faults, intensities and extremities. One can feel the experience of years and wisdom of ages among those pages of literary classics.

Literature can be best used as a pedagogical tool in honing various skills of budding lawyers. Literary quotes, short stories, novels, poetry, essays, even the write ups of judges can be best use by the literature teacher as a pedagogical tool to develop and enhance various academic and practical skills of the law scholars. There are numerous effective quotes available for every

theme, be it hard work, determination, life, justice, womanhood, sin, morality, love, etc. A teacher can use such quotes in the class for discussion, can the students to write an essay or paragraph based on any selected quote, or can ask them to use such quotes in their case analysis or case study. Teacher can also ask them to read the various judgments and bring quotes from those. Such exercise will not only improve their understanding of words used but will also improve their reading skill, drafting skill, subject technicality and research skill overall.

Poetry reading and writing can be done in legal language class to arouse human elements like sensitivity, sensibility, emotions, etc. which are inborn. These activities can develop creativity, thought process and can take the students to various mysteries of the world. Writing poetry especially can help them to express their sentiments, ideas, fears and concerns about law and will improve their overall language skills. They will also learn how to write effectively, the type of narration which can appeal to the senses and can make the readers think.

Short stories, dramas, novels etc. fictional or non-fictional has been found highly effective tool both in education and training. Different kinds of stories like simple fables, mythology and detective stories can be used by the teachers as a pedagogical tool to motivate, inspire, enhance skills, to inculcate moral and ethical values, to spark new ideas, and to teach lessons in leadership and governance to the law scholars. Reading, writing and telling stories enables law students to better their narration and description techniques which will directly improve their legal narratology and make them write in a more convincing style. They may be asked to analyse the stories, compare between characters, or suggest their own endings to the stories. This will facilitate critical thinking skills, analytical skills and problem solving skills.

Drama, besides being a literary genre is too a performing art. Reading and performing drama, may be in the form of moot court, courtroom dramas, or role play teaches law students effective dialogue delivery with persuading and convincing style. It improves their body language, tone,

intonation, stress, oratory and help them to overcome stage fear and develop confidence.

Conclusion

Law and literature, though being separate branches of study, nexus between them cannot be ignored. Literature in the hands of a teacher can inculcate values, ethics, morals and sharp various other academic skills of future lawyers and judges. Legal writings can have literary merits and can leave lasting impact on its readers if the drafter follows the rules of good English and literary composition. The fundamentals of the law and literature movement can be applied to the creation and modification of rulings, laws, and policies in order to better serve the rights and interests of people in general. While the movement has faced its share of critique, many scholars advocate for the use of literature in the understanding of certain legal texts, like judicial opinions. Law and literature have a complex and multifaceted relationship. In addition to criticising the shortcomings and restrictions of the law, literature can advance legal theory and provide legal themes and motifs. It can also provide insights into the historical and cultural background of legal systems. As such, the study of law and literature can provide a rich and rewarding interdisciplinary perspective on the nature of society and its legal systems. Using literature as a pedagogical tool can make the lawyers articulate better and judges write better. Finally, despite the fact that law and literature are two distinct fields, there is a strong interaction between them.

Bibliography

- [1]. Ayres. S (2004). *The Silent Voices of the Law*. in Michael Meyer (ed) *Literature and Law* (Rodopi, New York).
- [2]. (1988 IV SLR 340)
- [3]. (2011) 4 SCC 454
- [4]. 5 U.S. (1 Cranch) 137 (1803). published in Re, Edward D. (1985). *Legal Writing as Good Literature*. St. John's Law Review: Vol. 59 : No. 2 , Article 1. At pp.219 Available at: <https://scholarship.law.stjohns.edu/lawreview/vol59/iss2/1>
- [5]. Benjamin N. Cardozo (1939). *Law and Literature*. Yale Law Journal, vol. 48, no. 3, (pp. 489 – 507).
- [6]. C R B Dunlop. (1991). *Literature in Law Schools*. 3(1) Cardozo Studies in Law and Literature
- [7]. Cardozo. B.N .(1947). *Law and Literature*. in Selected Writings of Benjamin Nathan Cardozo M. Hall ed.
- [8]. Civil Appeal No. 6288 of 2008
- [9]. Clifford Geertz. (1973) *The Interpretation of Cultures: Selected Essays, Basic Books*, New York (p. 89).
- [10]. Dr. Vaishnav. H (2017). *Literature an effective pedagogical tool for study of law*. International Education and Research Journal. Volume:3, Issue: 5 (pp 436-438).
- [11]. Fanouch, Gustav. (1971). *Conversations with Kafka*. 35 Goronwy Ress (trans) 2 ed . Directions Books.
- [12]. Gary Bellow & Earl Johnson (1971) *Reflections on the University of Southern California Clinical Semester*, 44 S. CAL. L. REV. 664, 670–71.
- [13]. Gavin Little. (2006). *Literature and Legal History: Analysing Methodology*. 3(2) Entertainment and Sports Law Journal 1
- [14]. Harris, Edward (2010) *Introduction: Law and Drama in Ancient Greece*. Bristol Classical Press, London (pp. 7).
- [15]. James Boyd White. (1985) *The Legal Imagination*. University of Chicago Press, London (p. xiii).
- [16]. Jeanne Gaakeer. (2011) *The Future of Literary-Legal Jurisprudence: Mere Theory or Just Practice?*, Law and Humanities, Vol. 5, No. 1, (pp 185-196).
- [17]. John H. Wigmore. (1907- 1908). *A List of Legal Novels*. Illinois Law Review, vol. 2, no. 9, (pp. 574 – 593).
- [18]. R. ALDISERT. (1976). *The Judicial Process* 464. published in Re, Edward D. (1985). *Legal*

- Writing as Good Literature*. St. John's Law Review: Vol. 59 : No. 2 , Article 1. At pp.219 Available at: <https://scholarship.law.stjohns.edu/lawreview/vol59/iss2/1>
- [19]. Re, Edward D. (1985). *Legal Writing as Good Literature*. St. John's Law Review: Vol. 59 : No. 2 , Article 1. Available at: <https://scholarship.law.stjohns.edu/lawreview/vol59/iss2/1>
- [20]. Richard A. Posner (1986). *Law and Literature: A Relation Reargued*. 72 Virginia Law Review 1351.
- [21]. Richard Posner. (2009). *Law and Literature*. 3rd Ed. Harvard University Press, United States of America.
- [22]. Richard Posner. (1986). *Law and Literature: A Relation Reargued"* 72 Virginia Law Review 1351. (pp.1355-1359).
- [23]. Sarah Krakoff. (2001). *Does "Law and Literature" Survive Lawyerland?* 101 Colum L Rev 1742.
- [24]. Stanley Fish. (1985). *Being Interdisciplinary Is So Very Hard to Do*. Profession 15.
- [25]. Stone, Julie Peters (2005) *Law, Literature, and the Vanishing Real: On the future of interdisciplinary illusion*. Vol. 120, No. 2 (pp. 442-453). Cambridge University Press. Cambridge
- [26]. Upton Sinclair. (1988). *The Jungle*. University of Illinois Press, Urbana and Chicago.
- [27]. Wendy Nicole Duong. (2005). *Law is Law and Art is Art and Shall the Two Ever Meet? Law and Literature: The Comparative Creative Process*. 15(1) Southern California Interdisciplinary Law Journal 1.United States.
- [28]. William H. Page. (1986) *The Place of Law and Literature*. Vanderbilt Law Review Volume 39, Issue 2 391-417 (1986) Available at: <https://scholarship.law.vanderbilt.edu/vssedlr/vol39/iss2/8>.