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Law and Literature in Syllabus for BBA L.L.B

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Abstract:

The paper discusses a new syllabus included in Savitribai Phule Pune University know as BBA L.L.B. The fourth semester of the subject has an English paper titled “Law and Literature” and is a fresh take on interdisciplinary studies between literature and concept of Law and Justice. The following paper is an attempt to analyse the contents of each and every section of the paper, the texts included, the authors in the syllabus and coherently link them to the wide-eyed Law undergraduate student and how ultimately the syllabus benefits them. Since the course is newly included in the Five-year Law curriculum in Pune University, the merits and demerits of the set paper need to be assessed in order to reap maximum benefits from them in the longer run for both the teachers and students.

Keywords: Legal education, SPPU syllabus, Literature, Pedagogy, Law, Poetry, Prose, Advocacy.

1. Introduction

When one thinks of Law and Literature, especially in an Indian scenario, the two don't seem to fit together. The maximum one can imagine the contribution of the colonizer's language to the branch of Law is General English and grammar. But there is another heavy branch of language specific to Law – Legal English. Legal English has well defined, multilateral dimensions – Grammar and specific English words used in law, along with the study of their etymological roots, mostly ending in Latin. Straight forward and well contoured, the scope of utilizing the English language much is the scope of the curriculum assigned for aspiring advocates.

Language, especially English Language broke new boundaries in the late 1970s as new theories evolved and permeated the concept of emotive intelligence of English language. Film theory, deconstruction, psychoanalysis, cultural materialism and New

Historicism are to name a few. Destabilizing the firm grounds of English Literary criticism was not easy and the effect was chaotic albeit celebratory. Legal Language however remained isolate and untouched from all of these innovative changes and continued without much changes and alterations. Therefore, a ripple of surprise passed through me when I witnessed the syllabus of fourth semester BBA LLB syllabus of my students. The “Objectives of the Course” is worth writing verbatim as it so lucidly expresses the core values the paper wishes to integrate the students with:

The knowledge of English Literature is important for everyone to develop new ideas and ethical standpoints. Therefore, the main object of this paper is to instil human values and concern among students of law through exposure to literary texts. This paper also intends to strengthen the student’s listening, speaking, reading and writing skills by using literature and to enable the students to analyse the case laws from the perspective of language.

(SPP University, 100)

A brief overview of the syllabus is the purpose of this article. The curriculum has innovative and ageless texts of literature seen under advocacy and judicial lens and the amalgamation is perfect. The paper is divided into Five Modules with each module emphasizing on certain aspects of literature with respect to Law. All major genres of art are covered from poetry to essay writing to critically analysing case studies. Legal language could not have walked the extra mile if not for its blending with literary tropes and studies.

The first module is titled *Drama with Legal Themes* and has three three topics to be covered

- The Significance of literature in understanding Law.
- The Merchant of Venice (Act IV), William Shakespeare
- Justice (focus on Act II), John Galsworthy

Literature is considered since the time it evolved itself as different from other studies, an elitist in its class of studies and an air of sophistication and know how is

attributed to anyone who specializes in this field. Law is a factual science of how a country runs and criminology is just one of the aspects of law. Depiction of Law however lies in the strength of vocabulary with an analytical mind. At the end, it is a game of words and therefore, the significance of how some of the oldest and classiest of writers have written about.

The First Module Has “Significance of Literature in Understanding the Law as its first theme to be studied. Broad and General as it sounds, Literature is packed with knowledge and socio-cultural messages for humanity at large. I am reminded of Benjamin Franklin’s drafted “Declaration of Independence” adopted by the Second Continental Congress meeting at the Pennsylvania State House in Philadelphia on July 4, 1776:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness-

Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security.

Is it a piece of Law or piece of literature? Hard to define and defend; Literature clearly is bestowed with the sense to empower, therefore its legal significance must never be side-lined. The two dramas within the first module are – *The Merchant of Venice* by William Shakespeare and *Justice* by John Galsworthy.

No syllabus of literature can be considered complete without William Shakespeare. He is the icon of English dramatic studies though few are aware of its reasons. With sketchy knowledge on Shakespeare’s personal history, only one thing could be said for sure. Rarely in the field of literature artists receive glory and fame within their lifetime. Shakespeare not only achieved that but his posthumous fame has not diminished even in 2020. Shakespeare is truly immortal. *The Merchant of Venice*, one of his early plays is a romantic comedy in terms of genre but with a vivid legal angle. Act IV of the play takes place entirely in a courtroom and the panache displayed by the playwright wherein a single sweep of legality the advocate is able to not only save the hero from the clutches of death but also whimsical cruelty, is a brilliant piece of art and a legal masterpiece.

Next is John Galsworthy's play *Justice*. The play received national acclaim and is said to have led to changes in British penal system and to have caused an uproar in some of the most influential sections of London society. The play revolved around a first time offender, who, in his desperate affection to save the love of his life commits forgery and fraud only to be put through detention, solitary confinement and eventually he chooses to take his life than to spend any more prison time. The play questions the concept called "Justice" and the idea of linking not just the punishment to the crime but also to the individual.

Such thought provoking works in Module 1, set the pace for the next module.

The Second Module is titled "Short Stories with Legal Themes" and has poignant, thematic texts which beautifully question the concept of law and justice in the field of modernism and nuclear bombings, where human life is like canon fodder and pawns at the hands of political parties and whimsical dictators. The first of these works is *Before the Law* by Franz Kafka which is unparalleled in its repositioning of Law in modern scenario. Allegory and parable combine to form this wonderful story of a man who waits at the gates of justice everyday of his life only to find that the gates were meant for him from the beginning. Another story in this section is *Justice is Blind* by Thomas Wolfe which evocatively questions whether Law is a living organism as it is made out to be or simply dead set of rules and regulations which pay no heed to human error and pressing circumstances of an individual. The students are made to thoughtfully question the merits and demerits of a system that rigidly defines the concept of right and wrong. Jack London is the author of *The Benefit of Doubt*, a story about giving second chances, changing circumstances of an individual and the decision of giving individuals another chance to prove their merit and worth. In the story "The Web of Circumstances" by Charles W. Chesnutt a black man is wrongly accused of theft that he did not commit but suffers the punishment for it, a punishment that only multiplies itself into more destitution as time passes finally leading to this innocent man's death.

For most of these works, they can be called short stories but the rattling questions they leave with the students without providing any possible solution. The last text in Module 2 is a short story by Graham Greene called *The Case for Defence* is a typical modern text, that raises more questions than it quells. Concentrating on themes of identity, perception, law and justice, it is about a man accused of murder. When his identical twin

brother is presented to the witnesses, they are no longer sure if he committed the crime and therefore, he gets acquitted only to be hit by a bus outside the court. Narration is an interesting aspect in this story as the unnamed narrator who is also a reporter is convinced that the man is the murderer and witnesses in shock at the turn of events, in the end considering the eventual death of the person as divine retribution.

Module three are essays by intelligent and innovative writers titled as “Prose Works”. Thinkers, philosophers, counsellors and visionaries combine in this module to hand over a spectrum of knowledge and legal perspective. We begin with Francis Bacon, the father of modern essay writing, with his work *Of Judicature*. Bacon’s essays are an amalgamation of terse epithets and worldly advice and this work is no less. It is a short essay outlining what this sixteenth century statesman deemed worthy in the profession of judges. The next essay is written by none other than the father of the nation, Mohandas Karamchand Gandhi called *Some Reminiscences of the Bar*. M.K. Gandhi was also a barrister who practised in South Africa recalls light-hearted anecdotes of his life as an advocate in a foreign country and his amazement at the structure and analyses of Law. Next essay is by none other than B.R. Ambedkar titled *Why the Indian Labour is Determined to win the War*, a spirited, passionate analysis of labour, its needs and its growth. Truly Ambedkar was a visionary with intellectual foresight and a balanced approach towards it. He makes seasoned arguments with a heavy sprinkling of astute vocabulary and deep understanding of world issues. Budding advocates need a glimpse of this particular barrister as to how should one’s thinking be geared towards social emancipation. Ambedkar’s scope was macro in most of the aspects thus making him a remarkable leader. The next essay is by none other than APJ Abdul Kalam, former president of India but who wished to be known more as a teacher than the mastermind behind the major success of India’s journey in space.

The essay of Dr. Kalam included in the syllabus is entitled *Joy of Reading* and is an engaging narrative of him telling his reader some of his favourite books. It is indeed a timeless narrative, fluttering amongst the recesses of the past, present and future, sincere in its approach towards teaching students and plausible readers the immense satisfaction achieved in reading books. Interestingly, Kalam talks about repeated reading of certain texts bringing him utmost joy, peace, contentment and satisfaction. He talks of books being a shoulder of support, to derive strength from when times are tough. His treatment of his favourite books are a testament to the fact that books are indeed man’s best friend.

A highly valuable insight for an advocate – Books are a repository of our beliefs and a source of both joy and comfort.

Next in line comes M.C Chagla's essay *The Centenary of a Judicial Statesman– V.R. Krishna Iyer*. The work recounts the life of Justice V.R.Krishna Iyer, a name, legendary while it was alive and more so after his death. M.C. Chagla has done adequate justice in stating the personality of Justice Iyer, the principles he held steady till his dying day, the reformer of law that he was, his intensive knowledge of his subject and his profession, his pushing the frontiers of the interpretation of laws with the shadows of future looming large on current decisions made. The essayist extensively works on the prodigal figure that Justice Krishna Iyer was. It is essential for students to possess role models in their own profession, to be able to look up to stalwarts that changed the game of interpreting law, gave a balanced approach to the noble notion of Justice, were emphatic and bold in both character and stature.

The Fourth Module of Subject Code 401, i.e. Law and Literature is a section marked "Poetry". It begins with William Wordsworth's *Ode : Intimations of Immortality* published in the year 1807. The Ode holds special significance in the life of the poet as well as the entire Romantic movement as a whole. Emotional and intellectual maturity and the loss of youthful attachments and synergy with nature combine to give us a moving, enriched visualization of loss, love, pain and making peace with these ups and downs in the course of our lives. The poet begins with the frolic of nature in the past, his sensory apprehending of the same, the contentment of receiving the world through simple sensory perception and the joy it brought. Ridged between the images of melancholy and isolation, lies the poet's grief of having lost some eternal gleam and light. Nature no longer seems to soothe the battered soul of Wordsworth. He feels bereft of the "light" and "joy" which he had access to, in his "infancy" and "youth". In utter despair, the poet tries to reason his anguish and pain as the cycle of life, the chakra of birth and death with our souls connected with the eternal being.

As an introduction to the genre of poetry, the module begins with Wordsworth's Immortality Ode. The form of the poem is unique, so is its content. Wordsworth discusses multiple topics of life, poetry and nature through the medium of this poem. It is therefore a befitting beginning to introduce students to the obscure, yet enlightening worldview of poetry, deep emotions, complexities and layers of language.

As a medium of communication, poetry is a double-edged sword, with layers of

meanings and nuances. As an art, if mastered it can help to convey the deepest of emotions in the barest of mannerisms, being understood only by selective few but its melodious narrative can be felt by all.

Poetry also helps students prepare to use language as their biggest defence as well as attack, as a weapon language can be tailor made to suit the demands of the situation. Wordsworth wrote with a power so yielding, at the same time unruly that studying his work is watching poetry in motion.

Stopping by the Woods on a Snowy Evening by Robert Frost.

The poem, so simple and lucid, is a marvel in both form and diction, poetry and prose, meaning and content. A short read of four verses, almost constructed congruently. The metre is iamb with four stressed syllables and internal rhyming scheme which remains stable for most part of the poem, changing only in the last verse. Frost is a lucid poet and his work is worthy to be taught to aspiring advocates. Poetry as an art, both conceals and reveals, playfully toying with language and pushing the frontiers of meaning to achieve maximum fecundity within the text. Gliding in meaning and content, it is a joy to read this work with students.

No syllabus covering the genre of Poetry can be complete without the addition of one of our most cherished National Poets, Rabindranath Tagore and one of his most celebrated poems, *Where the Mind is Without Fear*. Set as a prayer to God, invoking the almighty to bestow his blessings on his countrymen. Written pre independence it is a visionaries' cry to the Omnipresent that the future of his country's freedom is near, to bless the citizens with wisdom, kindness, nobility of mind and actions and patience to overcome whatever emotional, metaphysical and abstract obstacles they will face in their endeavours to achieve. A short poem, but packed with emotions and fortitude.

Next poem in their module happens to be W.H Auden's *Law Like Love*. A breezy poem, with serious undercurrents of themes and content, it discusses what Law means for each one from different social classes, educational backgrounds, class and colour. There are different definitions and understanding of Law interpreted in the simple, written poem. Auden is a poet who writes for the general masses. He does not believe in poetry to be a classic art which can only be shared with a coterie. *Law Like Love* depicts a subjective analysis of what Law means to people from various walks of life. Auden shares the perspectives of gardeners, elders, religious heads, judges, scholars, the common crowd

etc. on their understanding of what Law should mean. It is a treat to understand how poetry, without sermonising depicts different angles of the same idea. The ultimate idea by the speaker is that Law is akin to love, in the sense, both require deep commitments which man fails to make, both are ultimately elusive in their origins and culmination and the necessity of both are felt by man at some or the other time in his or her life.

Another poem in the module is a lesser-known poem called *Freedom, Justice and Equality* by Lonnie Hicks. The poem is in the form of an allegory where three figures namely Freedom, Justice, Equality sit to try and decide which is best for each citizen. The quality of each is enumerated and students get to analyse the potency of words in this poem. Lucid in reading but packed with meaning and metaphysical realities of life providing students with the richness of words and multiplicity of meanings.

The very last module of the course discusses case laws in the light of English:

Two case laws, i.e. *Balaji Raghvan v. Union of India* (AIR 1996 SC 770) and *S Gopal Reddy v. State of Andhra Pradesh* (1996 SCC (4)596) are taught to students. Interestingly however, emphasis is laid on the “narrative” and “argumentative” structure of the presentation of the cases. Students are taught various types of narrative techniques of oratory and exposition, main aspects of cases are analysed from all possible perspectives and stress on sentence formulation particularly with the concept of quality of language used and the impact it creates thereon is studied in detail.

2. Conclusion

Even to naked eye, it can be gauged that meticulous care has been taken to formulate the contents of this particular subject. Stalwarts of literature are included along with obscure writers and artists; lofty thought are taught next to mediocre ones. It is indeed a veritable pastiche, keeping in mind twenty first century’s penchant for making education and academics interdisciplinary, kaleidoscopic in outlook, keeping in mind literary requirements and the general student crowd. The syllabus is wholesome, without drawbacks and coupled with a host of knowledgeable tracts of creative geniuses at their best, a shining beacon in the post-modern civilization.

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