



The Pen and the Gavel: Understanding the Interconnection of Law and Literature

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Abstract:

Law and Literature bring together the two overlapping bodies of thought, the legal and the literary. Literature is important for the students of Law because it teaches them innovative and creative ways of thinking. This paper aims to encourage law students to become better readers, writers, and thinkers in order to enhance their skills in legal argumentation and understand Literature as a cultural phenomenon and its relationship with Law. This study employs qualitative content analysis methodology to examine and interpret the two disciplines, Law and Literature. Law and literature share a close relationship that dates back to ancient Greek dramatists and extends to contemporary novelist John Grisham. Law and Literature have a strikingly symbiotic relationship in that one partakes to protect the society rigidly, and the other accounts for the emotions of the very people who live in this society, bringing in a shade of flexibility and morality. The literary classics, such as Fyodor Dostoevsky's *Crime and Punishment* and Kafka's *The Trial*, have enriched the field of Law and vice versa. Law and Literature have gained attention as an academic movement, which was initiated by James Boyd White. Both fields contribute to social transformation and development. Both fields depend on a narrative arc. Law creates Literature, and Literature expresses the Law. Over the centuries, Literature has contributed immensely to the process of lawmaking and at the same time, Law has inspired numerous works of Literature. Both Law and Literature are intellectual pursuits so interconnected and interdependent that it is well-nigh impossible to separate them.

Keywords: Criminal Justice, Law and Literature, Narrative Arc, Social Transformation, Symbiotic Relationship.

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Introduction

This paper explores the intersection between Law and Literature. Law and Literature bring together the two overlapping bodies of thought, the legal and the literary. We may say that ‘the intermingling of literature and law can give us hope of having a legal system touched by humanity.’ (Krishna 5) Richard Posner in ‘Law and Literature: A Relation Reargued’ states, “I myself do not think law is a humanity. It is a technique of government. But because, as White emphasizes, it is a technique tied to the creation and interpretation of texts, the practice of law can gain from sympathetic engagement with literature.” (Posner 1392) Sir Walter Scott states in *Guy Mannering or, The Astrologer*, “A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect.” Literature is important for the students of Law because it teaches them innovative and creative ways of thinking. Apart from offering perspectives on the relationship between Law and Literature, this paper aims to encourage law students to become better readers, writers, and thinkers in order to enhance their skills in legal argumentation and understand literature as a cultural phenomenon and its relationship with Law. This study employs qualitative content analysis methodology to examine and interpret the two disciplines of Law and Literature.

The relationship between law and literature in the form of an interface (a point where two systems or subjects meet and interact) is very strong. The same has been recognised by various prominent universities which offer Law and Literature courses. It is essential to quote what Shakuntala Bharvani states in the book *The Law and Literature*, “If “Literature is life”, then the law is its backdrop, its setting or its framework, against which human beings enact their parts and attempt to sort out their tangles and tussles.” Law and literature share a close relationship that dates back to ancient Greek dramatists and extends to contemporary novelist John Grisham. Legal fiction has always attracted readers. Speaking about the relationship

between law and literature, Ronald Dworkin states in his article “Law as Interpretation”, “I propose that we can improve our understanding of law by comparing legal interpretation with interpretation in other fields of knowledge, particularly literature.” Thus, it can be undoubtedly said that the interpretation of Law draws heavily from the well of Literature.

What is Literature?

“Literature (from the Latin *litteraturae*, ‘writings’) has been commonly used since the eighteenth century, equivalently with the French *belle letters* (‘fine letters’), to designate fictional and imaginative writings – poetry, prose fiction, and drama.” (Abrams and Harpham 152) Literature is an art form which has artistic and intellectual value. A piece of Literature is a source of boundless joy, and no matter how old we grow, some pieces of Literature leave a permanent and profound impact on our minds and our souls. Alfred North Whitehead says in his work *Science and the Modern World*, “It is in literature that the concrete outlook of humanity receives its expression.”

What is Law?

Law can be interpreted as ‘Logically Applied Wisdom’ or defined simply as codified common sense. However, can Law be defined singularly, definitively, and precisely? Probably no. Thus, it is very important to quote a definition of Law from the renowned scholar John Austin. In his seminal work, *The Province of Jurisprudence Determined*, he says, “A rule laid down for the guidance of an intelligent being by an intelligent being having power over him. A body of rules fixed and enforced by a sovereign political authority.”

Law and Literature: An Integration

As Robin West says,

‘What is the relation of “law” and “literature”? Relatedly, why study literature, or study about literature in law school? (...) First, law might sometimes be the subject matter of great literature, and when it is, literature should be read for the value of its insights into the nature of law. Second, literature might sometimes have the force of law, or might sometime in the past have had the force of law, or might have it in the future, and if so, then in order to know the law as it is, once was, or could be, we need to know its literary narrative root. (...) Third, law might be enough “like” literature that we can better understand how we glean meaning from legal texts, if we attempt a better understanding of how literature is read and interpreted. These quite different interdisciplinary projects – which I will call, respectively, the literary, the jurisprudential, and the hermeneutic -- taken collectively, are what we typically refer to as the “law and literature” movement in law schools. That movement, defined by reference to those three projects, is still thriving, but it was at its most robust in the 1970s and 1980s.’

(West 1)

The relationship between law and literature is complex and fascinating as well. Law and Literature share a strikingly symbiotic relationship. One serves to protect society with rigidity, while the other reflects the emotions of the people who live in that society, introducing a degree of flexibility and morality. This relationship originates from the rhetoric of debaters in ancient Greece and their literary works, which acted as a guiding force in the development of laws. Richard Posner in his paper titled “Law and Literature: A Relation Reargued” begins by stating that we can enrich our understanding of the legal system with the help of social sciences and humanities for insights and approaches, and that one of the

humanities to which academic lawyers are drawn is the study of literature. He also argues, “(...) the study of literature has little to contribute to the interpretation of statutes and constitutions but that it has something, perhaps a great deal, to contribute to the understanding and the improvement of judicial opinions.” (Posner 1351)

“Law is one of the principal literary professions,” said William Prosser. This is because a lawyer dedicates as much time to reading and writing throughout his career as a writer does. It does not mean that every lawyer can become a writer and vice versa. This is the reason why many writers have easily shifted from one profession to the other. For example, John Galsworthy started his career in the legal profession before transitioning to writing. Similarly, Charles Dickens worked as a law reporter. Other notable figures include Voltaire, William Makepeace Thackeray, R.L. Stevenson, Henry Fielding, Franz Kafka, John Grisham, and Harper Lee, among others.

James Elkins states, “We use legal narratives, as we use other stories, to give meaning to social existence, to ourselves as women and men, as people of color, as persons the culture welcomes or fears. (...) Law has become an increasingly active feature that legal academics should rediscover the narrative perspective and recommence the telling of stories.” (Elkins 2)

Be it the staging of a trial, a satire on the judiciary or a serious work that questions the institution of law, the relation between law and literature is quite deep. In the words of Justice A. P. Shah, former Chief Justice of Delhi High Court and former Chairman of the Law Commission, “Law could be the subject matter of literature ... or literature itself might be, have been or may become law.” The overlapping of the two fields is to such an extent that many lawyers often end up becoming writers and vice versa.

The overarching theme of law in literary classics

Law is the main subject of the greatest literary works. For example, the Russian classic by Fyodor Dostoevsky titled *Crime and Punishment*, Shakespeare's *The Merchant of Venice*, Kafka's *The Trial*, Galsworthy's *Justice*, Camus' *The Outsider*, and Herman Melville's *Billy Budd*, among various others, have legal themes, legal issues, and trial scenes. The way law affects society, forms the crux of many such literary works. These literary classics have enriched the field of law.

When we look at the protagonist Rodion Raskolnikov's plight in *Crime and Punishment*, following the double murder he committed, we realise that he immediately starts undergoing the imprisonment imposed by his conscience, which is evident from the bouts of fever he suffers. He is driven to confess his crime by the constant prodding of Sonya, his friend, as well as his ever-pricking conscience. His ultimate imprisonment for eight years by the authorities seems to be a much milder sentence compared to the punishment imposed by his sense of morality as reflected in the "stream-of-consciousness" technique employed by the author. In Dostoevsky's *The Brothers Karamazov*, one of the brothers, Dmitri, is convicted for his father, Fyodor's murder. In contrast, the actual murderer is Smerdyakov, his valet and illegitimate son, who in turn commits suicide, thereby leaving no possibility of Dmitri being absolved of the crime which he never committed and yet of which he was wrongly convicted. Dmitri's brother Ivan, who abetted the said crime, never faced trial. Thus, the author portrays the travesty of justice in full splendour.

Ressentiment means the rancorous envy of the naturally weak toward the naturally strong. "Ressentiment is to psychology what revenge is to action." The person who seeks to vindicate his legal rights, like the revenger, is deformed by *ressentiment*. In Shakespeare's play, *The Merchant of Venice*, this deformation is reflected in Shylock's personality. Shylock's

insistence on getting his pound of flesh and thereby asking for enforcement of his contract with Antonio, in letter but not in spirit, portrays him as a stickler for rules, however impracticable they may be, it is driven by *ressentiment*.

Herman Melville's *Billy Budd*—the young seaman with a speech impediment is falsely accused of mutiny by the security officer of the ship. Due to his disability, Billy is unable to respond to the accusations. Captain Vere, the master of the ship, encourages Billy to speak. However, Billy, overcome with fury, strikes his accuser dead. The Captain convenes a court-martial to try Billy for capital offence, advising the Court to be stringent, as leniency might encourage more such instances. Billy is sentenced to death and hanged. His last words were "God save Captain Vere." As a poetic justice, Captain Vere is killed in the battle soon afterwards as he dies uttering the words, "Billy Budd". Here again, the concept of *ressentiment* is evident. The dark side of the Law is also visible because when law needs to be implemented strictly and purely in letter, it has no room for emotions or sentiments despite the fact that the circumstances warrant leniency in sentencing.

In Franz Kafka's *The Trial*, the protagonist Joseph K., who is actually a victim of slander is arrested without being informed about the accusations. He spends one year of his life under arrest, does not face a trial, and at the end of that year, he is executed without having ever been informed about his alleged crime. *The Trial*, being the classic example of absurdity, exposes the blatant disregard for the judicial process to be followed in trying an accused, for individual rights such as the right to a fair trial, and the shocking summary execution of the accused without trial.

In Albert Camus' *The Outsider*, another classic piece of absurdity, the protagonist Meursault is convicted for murder and is sentenced to death for the same. However, in asking for a death sentence for the convict, the prosecutor advances a strange argument that Meursault is

an atheist and lacks any kind of moral feelings and, hence, he is a threat to society. In establishing his above contention, the prosecutor cites the evidence of Meursault smoking a cigarette and drinking coffee while sitting by the side of his mother's dead body and going on a date with his girlfriend and watching a movie on the day his mother died. Strangely enough, the court agrees with the prosecutor and sentences Meursault to death. Can there be a greater injustice administered in the name of justice!

In order to study the criminality in Shakespeare's plays, let us look at the murderers in his well-known plays, namely *Macbeth*, *Julius Caesar*, *Hamlet*, and *Othello*, who are driven to their crimes by different motives. For example, Macbeth and Brutus in *Julius Caesar* are driven to their respective crimes by their lust for power and overambitious nature. Both are instigated by the persons they trust most, namely Lady Macbeth and Cassius. In Hamlet's case, his motive for murder was avenging his father's murder, but his indecisiveness and procrastination lead to his destruction. In Othello's case, the inherent flaw in his character, as revealed by his paranoid disposition, leads to his murdering his wife and then ultimately committing suicide when he realises the truth. It can be observed that all the above murderers meet their comeuppance in a different way as dictated by the moral principle of just desert. While Macbeth is killed in a battle, Brutus commits suicide after losing a battle. Hamlet dies in a duel, whereas Othello commits suicide. In this way, each of these murderers is punished for the crime he committed, serving him just deserts.

In Nathaniel Hawthorne's novel *The Scarlet Letter*, the female protagonist Hester Prynne, tried and convicted for adultery and having conceived out of wedlock, is punished excessively by a panel of three town fathers. Her punishment consists of imprisonment for three months; humiliation in public on the scaffold for three hours; wearing the scarlet letter 'A', announcing that she is an adulteress; and being ostracized for life by society. Ironically, one of the panel members, who is the local pastor and theologian Reverend Arthur

Dimmesdale, is the father of her illegitimate child Pearl. Yet, he sits in adjudication of the charge of adultery against Hester, although he is equally culpable in this crime. Thus, it is clear that her trial as an adulteress was not fair, was prejudiced, and was vitiated right from the beginning, clearly violating the 'Principle of Natural Justice', namely *Nemo Debet Judex in Soi Causa* (No one will be a Judge in his own case). His moral degradation is manifested through his cowardice in not disclosing the truth. Although he inflicts punishment on himself in private through the means of self-flagellation as a form of expiation in order to atone for his sin, it fades completely in comparison with the sheer agony, torture and humiliation suffered by Hester. This shows that the punishment imposed on her was far too excessive in relation to the gravity of her alleged crime, thus flouting a principle in Penology that the punishment must be proportionate to the severity of the crime. However, 'poetic justice' is served when Hester wins back the trust and respect of the very society that had ostracized her through her fortitude and exemplary courage in the face of adversity by her charity work benefitting her tormentors. As a result, she is pardoned, readmitted, and re-assimilated into society. In contrast, Dimmesdale continues to suffer the pangs of his conscience, and when it becomes unbearable, he belatedly confesses in public to his crime and succumbs. His corporeal death was witnessed by the public, but he had mentally died long ago.

To Kill a Mockingbird by Harper Lee is an intriguing novel based on the theme of racial hatred, prejudice, and the ultimate triumph of good over evil. The leading character of the novel, Atticus Finch, a white man, is a successful criminal lawyer in a small-town Maycomb in Alabama, USA. He chooses to defend a black man, Tom Robinson, who has been charged with the rape of a white woman. Finch produces clear and convincing evidence that the woman Mayella Ewell had in fact propositioned Tom, and on being found out by her father Bob Ewell, she presses the charge of rape to cover her indiscretion. Finch also establishes that the marks on Mayella's face were the result of wounds inflicted by her father. Despite

the overwhelming evidence pointing towards the innocence of the accused, the all-white jury convicts Tom of rape and sentences him to imprisonment. The innocent Tom, while trying to escape from prison, is shot dead.

In spite of the verdict in his favour, Bob Ewell decides to take revenge and attacks Finch's son Jem. However, his neighbor Boo Radley saves Jem and in the ensuing struggle, Bob gets stabbed by his knife. The Sheriff, nonetheless, records the incident as an accidental death of Bob Ewell by falling on his own knife during the fight with Boo. The author thus ensures that 'poetic justice' is delivered to the actual wrongdoer, Bob Ewell. The author depicts in this novel how laws are selectively implemented by the criminal justice system. Moreover, she points out how racial prejudice and hatred predominate in both processes, namely, the making of law and its administration, resulting in blatant injustice being delivered. The entire trial of Tom Robinson is a travesty of justice, making one lose faith in the criminal justice system.

Vijay Tendulkar's play *Silence! The Court is in Session* is a play-within-a-play where one of the central characters, Ms. Leela Benare, is accused of and tried for infanticide as well as conceiving out of wedlock. What starts as 'a game to pass the time' progresses in a serious manner and ends in a tragedy. The play makes a satirical comment on the court procedure as well as a scathing commentary on the then-prevalent social morass. The characters of the Judge and the Prosecutor are so lifelike that they seem to have been plucked from the real-world legal profession. The accused, who is a strong woman at the beginning of the play, gradually wilts under the incessant onslaught of the legal process. She was found guilty and given a sentence for several actions that, despite their seeming immorality, were by no means unlawful.

Victor Hugo's *The Hunchback of Notre-Dame* is a startling exposition on the then-existing French criminal justice system as a heartless, perverted, and extremely cruel apparatus. It is a heart-breaking, gut-wrenching tragedy of two persons, one a beautiful young girl, Esmeralda, and the other an ugly, deaf hunchback, Quasimodo. Both are orphans. It tells us how injustice is administered under the garb of justice. Esmeralda is tried and convicted for a murder she did not commit, a complete travesty of justice. In contrast, Quasimodo, who kills the church priest who is his adoptive father, albeit for a noble motive, never faces the court of law. However, when Esmeralda is executed, Quasimodo takes her body to a mountain cave outside the town, and, holding it in his lap, he starves to death.

In John Galsworthy's *Justice*, the protagonist William Falder is found guilty of forgery and given a punishment following a fair trial. Although his lawyer argues for mitigation of sentence by citing the noble motive behind the crime, the judge sentences Falder to three years of imprisonment with hard labour, along with solitary confinement. At this stage, it appears that the sentence was harsh and disproportionate to the gravity of the crime. After serving his sentence, he is released on parole. However, he violates the rules that need to be followed while he is on parole. Therefore, the prison authorities decide to arrest him once again. However, Falder commits suicide, rather than going to prison. It is obvious that he inflicts a much harsher and crueler punishment on himself by doing grave injustice to himself. In addition, he has committed a much graver crime and sin against God for which he is likely to suffer eternally. Hence, the punishment awarded by the criminal court seems to be much milder and less cruel, providing for Falder's reformation and rehabilitation back into society at the end of his prison term and encouraging him to be an honest member of society. This was the true justice which eluded the protagonist because of his misconception about honour and justice.

Strict legalism in William Shakespeare's play *The Merchant of Venice*

The 'law in literature' branch of law and literature studies demonstrates the intricate bond between law and literature. For example, in Shakespeare's play *The Merchant of Venice*, the concept of strict legalism is pitched against the idea of justice and mercy. A strict adherence to the letter of the law without due regard to the spirit behind the law will produce a grotesque and undesirable outcome, as can be inferred from the plot.

Such literalism or formalism, demanding rigid enforcement of rules, individual circumstances notwithstanding, without considering the consequences, results in a travesty of justice. The golden rule of statutory interpretation offers judges the possibility to deviate from the plain meaning of words in a statute to avoid an unintended result that is likely to be unjust.

The conflict in the said play between 'the sanctity of contract under harsh Venetian laws protecting individual rights' on one side and 'the concept of justice and mercy' on the other is in essence a clash between objective rules and subjective justice tempered with mercy. Strict legalism ensures uniformity, foreseeability, and immunity from the personal bias of judges. However, a mechanical application of rules disregarding the individual context of a case may work against the very purpose for which the law was made in the first place.

Shylock's insistence on extracting a pound of flesh from Antonio is perfectly justified as per the contract law of Venice, and it is due to years of religious persecution, isolation, and humiliation. He is portrayed as a villain and victim committed to vengeance and intending to murder Antonio through the instrument of law.

Portia, in disguise as the lawyer Balthazar, turns the tables on Shylock by using the same argument of strict legalism, asking him to get his pound of flesh without spilling even a single drop of blood (which is impossible).

Finally, justice and mercy triumph over legalism ensuring a relatively fair outcome when Antonio urges the Duke to reduce Shylock's penalty. Shakespeare conveys that justice sans mercy and compassion is meaningless and that law must mitigate the suffering and ensure a fair, just, and equitable outcome. Thus, a clear and strong linkage between law and literature is established.

Law and Literature Movement

On account of his extensive research and publications in the field of law and literature, James Boyd White is considered to be the founder of Law and literature movement. His book *The Legal Imagination* (1973) is regarded as a landmark in the law and literature movement. The chief exponents of this movement are John Wigmore, Benjamin Cardozo, Robert Weisberg, and Richard Weisberg. As far as the study of law and literature is concerned, Richard Posner is another significant figure whose noteworthy contributions to the field of law and literature consist of *Law and Literature: A Misunderstood Relation* and *Law and Literature: A Relation Reargued*.

Law and Literature: A Comparative Study

Prof. Li-Ching Chang, *Fulbright Scholar* and Professor of Law at Tunghai University has drawn up the similarities and differences between law and literature in her article titled *The Research of Comparison between Law and Literature: As Illustrated by Kafka's "The Trial"*. She states that law and literature are two different disciplines, but we cannot say that they are unrelated. Law and literature overlap at various junctures.

Law and Literature: The Happy couple? (West 231-240)

There is a unique bond between law and literature which is evident from Robin West's observation that they are 'The Happy Couple'. The ingredients that make up the raw material

for both professions are the same: conflict, crime, suspense, high drama, tragedy, and comedy. Borrowing from Abraham Lincoln's definition of Democracy, one can say that law and literature are created by the humans, about the humans and for the humans. Both disciplines deal with human beings and society. Aristotle, the Greek philosopher in his 'Poetics', a treatise mainly focusing on tragedy and epic poetry, says that literature is a representation/imitation of human life. Both of them affect and are affected by the society. Both fields enhance our understanding of society. Both aim at regulating the society. An impressive confluence of these two domains is found in Harper Lee's *To Kill a Mockingbird*. Life and society influence law in the same manner as they influence literature.

Both fields have a common function. Just as literature makes one think, so does law. In the process, one refines one's thoughts. Study of both law and literature is at once intellectually challenging, stimulating, and rewarding. The function of literature is to instruct by pleasing our heart, soul, and mind. Literature teaches us (that virtue is rewarded and vice is punished) and inspires us. It has universal appeal. It is about the exploration of human relationships. It makes us fantasise about a beautiful utopian world. Law aims to create an idealistic society/utopian world. It aims at administering justice, resolving conflict, and maintaining order and peace in society. The law ensures the safety of the people. Both the fields contribute to social transformation and development, for example, Sati (Prevention) Act 1987, Dowry Prohibition Act, 1961, the Hindu Widows' Remarriage Act, 1856, Prevention of Child Marriage Act, 2006 etc. which legislations, we may say, are the result of creation of social awareness, against these evil practices prevalent in the society, by staging plays on respective topics by the playwrights.

Both fields have a narrative arc. In literature, the arc comprises Exposition, Crescendo, Pinnacle/Climax, Decrescendo and finally Denouement (Resolution). The legal narrative arc can be said to comprise opening statement by the prosecutor, recording of evidence in the

form of witness testimonies, questioning of the accused by the court, closing arguments by prosecution and defence and finally the judgment. Interpretation carries significance in both disciplines. 'Reading between the lines' is expected in both fields, for example, the way Portia interprets the flesh bond in *The Merchant of Venice*. It is only because of her interpretation that the genre of the play changes from tragedy to comedy. Otherwise, it would have been a revenge tragedy.

Both law and literature have a profound impact on societal behaviour. For example, soon after the play *Sharada*, depicting the fallout of huge age gap between marrying couples was staged, there was an appreciable fall in the incidence of women marrying much older men. Similarly, when it comes to law impacting the societal behavior, an example of Singapore can be cited wherein imposition of hefty fines for spitting in public places caused this unhygienic habit to cease immediately. Both fields are dynamic. The two disciplines are prone to change according to the changes in society and the needs of people. Enactment of new laws and amendments is as natural to the field of law as emergence of new genres and literary styles is to the field of literature.

Command over the language is very important in both fields. Just as the writer exhibits his command over the language by ensuring the richness of his vocabulary, the coherence and the cohesion in his writing, so does the lawyer in his arguments and submissions, which demonstrate his oratorical prowess. Both teach us valuable lessons. Some pieces of Literature teach moral values the way law does, for instance, Peter Singer's 'The Moral of the Story: An Anthology of Ethics through Literature'. Likewise, according to Lon Fuller, "Law has inner morality which is inseparable from it." Both are complementary and supplementary. Both inspire and improve each other to a great extent.

Law and Literature: The Glaring Differences

Whereas law is a normative science, literature is an art form. Although both disciplines involve creativity, the respective creativity differs in that literary creativity is unfettered and unconstrained whereas creativity in law is bound by constitutional framework. Literature can be illogical/absurd, imaginary, and full of fantasy/supernatural elements, but law cannot be. Logicity, critical thinking, rationality and realism are important in the field of law.

Law is a set of rules that people must obey, but it is not at all mandatory to follow every lesson learnt from literature. We are governed by law, but we are not governed by literary works as literature is not a mandatory code of conduct uniformly applicable to everyone. Law lays down a mandatory code of conduct while literature merely aids in formulating one's conduct, and building character. For example, murder, which is prohibited by any penal law across societies, is depicted in Shakespeare's well-known tragedies namely *Hamlet*, *Othello* and *Macbeth* purely for the purpose of showing that the murder ultimately leads to murderer's own destruction and leaving the readers to draw their own conclusions.

Anyone can attempt to write literature. A person does not need to be a highly educated scholar to write literature, but lawmakers are expected to be educated and qualified. Literature, as a form of art, aims at giving aesthetic pleasure, whereas law, a normative system, is geared towards regulating interpersonal relations. As such, law, when correctly implemented, is meant to deliver justice. The language and vocabulary used in law and in literature are drastically different. We find legal maxims, legal terms, and legal abbreviations in the field of law. In contrast, the field of literature consists of literary terms, critical terms, literary devices, figures of speech, figurative language, etc., which may form part of a repertoire of a lawyer while arguing, or a judge while delivering a judgment.

Law is limited, clear and stable. Law can be written only in a specific, singular form. As opposed to this peculiarity of law, literature presents itself in various major and minor forms such as poetry, drama, novel, essays, short story, biographies, autobiographies, etc. Literature provides immense freedom to the writers in the form of 'poetic license' by which they may disregard the rules while writing a literary piece. They are free to violate the rules of grammar in their writing, whereas that is not the case with the lawmakers. A writer can let his imagination run wild while creating the literary work, but lawmakers, while drafting a law, and lawyers, while interpreting it and arguing a case, are obliged to rein in their imagination. Literature primarily deals with expression of human emotions and feelings, while law is largely concerned with logic and social order.

Conclusion and Findings

To sum up, Law creates Literature, and Literature expresses the Law. They are so closely intertwined. Law is rigid, literature is flexible. Both law and literature draw from each other. In fact, there is a symbiotic relationship between the two, feeding from, nurturing, and generally benefiting from each other. Over the centuries, literature has played a significant role in shaping the lawmaking process, while simultaneously, law has inspired numerous works of literature. Both law and literature are intellectual pursuits so interconnected and interdependent that it is well-nigh impossible to separate them. The total integration of law and literature is clearly evident from the immortal works of literary giants created over the centuries. Whether a play, a novel, a poem, a short story or an essay, crime has been the common thread running through these various forms of literature.

The law and literature movement founded by James Boyd White in 1970's in American law schools, which was further nourished and nurtured by stalwarts such as Robert Weisberg, Richard Weisberg, John Wigmore and Benjamin Cardozo, developed into a field of legal

studies worldwide. As far as the study of law and literature is concerned, Richard Posner is one of the most significant figures, whose immensely valuable insights have not only shed a new light on the subject but also paved the path for future scholars. James Seaton states in his article “Law and Literature: Works, Criticism, and Theory”, “(...) the rise of the law-and-literature movement is a welcome affirmation of literature’s relevance to the larger society.”

There are several similarities between law and literature. Despite numerous differences between the two, it can be unequivocally stated that the similarities run much deeper and wider than the differences, which are superficial and slim and are by far overshadowed. The authors believe that a course on the ‘Study of Law and Literature’ should be made an integral and obligatory part of legal education worldwide to sharpen the literary as well as legal, linguistic, and cognitive skills of law students. The said course can go a long way in developing a student’s ability to think critically and to make structured arguments.

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