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978-0-521-80743-2 - A Critical Introduction to Law and Literature

Kieran Dolin

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AND LITERATURE

Despite their apparent separation, law and literature have been closely linked fields throughout history. Linguistic creativity is central to the law, with literary modes such as narrative and metaphor infiltrating legal texts. Equally, legal norms of good and bad conduct, of identity and human responsibility, are reflected or subverted in literature's engagement with questions of law and justice. Law seeks to regulate creative expression, while literary texts critique and sometimes openly resist the law. Kieran Dolin introduces this interdisciplinary field, focusing on the many ways that law and literature have addressed and engaged with each other. He charts the history of the shifting relations between the two disciplines, from the open affiliation between literature and law in the sixteenth-century Inns of Court to the less visible links of contemporary culture. Each chapter is organized around close analysis of a famous trial or literary-legal encounter. The wide resonance of such trials illuminates the cultural centrality of law, and the social responsiveness of literature. This book provides an accessible guide to one of the most exciting areas of interdisciplinary scholarship today.

KIERAN DOLIN is Senior Lecturer in English and Cultural Studies at the University of Western Australia. He is the author of *Fiction and the Law: Legal Discourse in Victorian and Modernist Literature* (Cambridge, 1999).

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Contents

<i>Preface</i>	<i>page vii</i>
Introduction to law and literature: walking the boundary with Robert Frost and the Supreme Court	I
 PART I EMINENT DOMAINS: THE TEXT OF THE LAW AND THE LAW OF THE TEXT	 17
1 Law’s language	19
2 Literature under the law	41
 PART II LAW AND LITERATURE IN HISTORY	 73
3 Renaissance humanism and the new culture of contract	75
4 Crime and punishment in the eighteenth century	96
5 The woman question in Victorian England	120
6 The common law and the ache of modernism	143
7 Rumpole in Africa: law and literature in post-colonial society	166
8 Race and representation in contemporary America	182
Conclusion	207
 <i>Notes</i>	 213
<i>Bibliography</i>	235
<i>Index</i>	260

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[More information](#)

Preface

‘Poetry, like the law, is a fiction’, wrote William Hazlitt in a critical essay of 1816. Hazlitt the critic took as his subject all aspects of his society’s culture, including the connections between law, literature and power. He analysed the rhetoric of the lawyers and the legislative acts of politicians as products of a legal imagination comparable with the literary imagination of the poets. He examined the effects of those imaginings on the people, who were subjects of the law as well as readers of literary fictions. With characteristic forthrightness, he appended an aesthetic judgment to the comparison: ‘Poetry, like the law, is a fiction; only a more agreeable one.’

This book shares the conviction that law and literature have common properties of language and vision. In it I try to show how this connection matters, how it works to shape a culture’s notions of justice and legal entitlement. The first three chapters explore the bases for linking law and literature; the next six present a historical account of shifts in their relationship in Anglophone culture from the Renaissance to the present.

In undertaking this study I have had the benefit of advice and support from many colleagues at the University of Western Australia. I would particularly like to thank Daniel Brown, Victoria Burrows, Tanya Dalziel, Gareth Griffiths, Tony Hughes-d’Aeth, Judith Johnston, Gail Jones, Andrew Lynch, Ian Saunders, Bob White and Chris Wortham. For administrative support I am grateful to Sue Lewis and Linda Cresswell. I would also like to acknowledge the pleasure and profit I have derived from conversations with Michael Meehan, Penelope Pether, Simon Petch, Peter Rush, Richard Weisberg and other Law and Literature scholars. Over many years Hilary Fraser and Richard Freadman have provided inspiration as well as guidance. My brother Tim Dolin has generously shared his great critical acuity. However, the author accepts liability for any mistakes herein.

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Kieran Dolin

Frontmatter

[More information](#)

viii

Preface

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My greatest debt is to my wife, Jane Courtney, for her love and good counsel, and to our children, Patrick, Michael and Anna. Their love of words and stories, their questioning of law (and literature) have been an indispensable counterpoint to the writing of this book.