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WORDS OF JUSTICE: LITERARY ENGAGEMENTS WITH CONSTITUTIONAL PRINCIPLES AND DEBATES

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I. ABSTRACT

"Words of Justice: Literary Engagements with Constitutional Principles and Debates" delves into the complex relationship that exists between constitutional principles and literary works, which serve as the foundation of society. It examines how literary works make constitutional arguments more relevant by setting impersonal legal issues in familiar settings. Among these core ideas are the legal narrative, the language understanding of the law, and the connections between the law and society. The paper examines the rationales behind the traditional methods of connecting literature and law, such as the development of legal interpretation, the enhancement of court decisions, and the progress of the legal system and attorneys. Numerous conclusions drawn from the combined examination of the law and literature apply to real-world problems and go beyond "mere" theory. It could potentially be argued that the legal system softens and humanizes its language by referencing works of literature. By using literary methods and organizing them in accordance with the patterns created by socially aware writing, it integrates itself into these paradigms. This study analyses literary works to investigate how Indian courts have lately defined and interpreted rights in relation to constitutional law concerns.

II. KEYWORD:

Constitutional Principles, Interpretation, Literature and Law, Humanizes, Paradigms.

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III. INTRODUCTION

French sociologist Pierre Bourdieu claimed that the law, which he recognized to be strictly rational, was actually nothing but an efficient form of social magic². Magic words tend to be magic. Words pertaining to magic. Most legal expressions are verbal. Playing with words is the most prevalent duty in the legal field. Every state in modern Europe, governed by the law, is based on written law. Therefore, the ability to comprehend and interpret written material, relate it to reality, and, in certain situations, turn it into action, is vital for a lawyer.

The normative plane is the most significant of the several planes that combine to form law. Laws are a type of standard or a set of rules that govern conduct. The ethical component is one important element that influences how laws are formulated. Socially acceptable moral principles, convictions, and ideas are all included in norms. Indeed, this dimension implies a link between law and literature. As a result, the connection between literature and law and vice versa will be examined. How reading might help a lawyer practice law. How do you apply fiction knowledge to legal matters? Of course, we won't argue that literature is necessary for law to exist; instead, we'll try to demonstrate how literature may support or even advance the objectives of law. This capacity of literature is emphasized by Jeanne Gaakeer, who notes that the Law and Literature movement's original objectives were very straightforward: to realize artistic and intellectual aspirations, to enhance the capacity for interpretation, and to perceive the world from the viewpoint of others³.

The relationship between law and literature is complicated and dynamic. The relationship that existed globally between literacy and the law received a lot of attention recently. There has always been a lot of interest in international studies. Renowned

² Pierre Bourdieu, *Language and Symbolic Power*, trans. Gino Raymond, Matthew Adamson, Polity Press, Cambridge 1991, p. 42.

³ Jeanne Gaakeer, "The Future of Literary-Legal Jurisprudence: Mere Theory or Just Practice?", *Law and Humanities*, Vol. 5, No. 1, 2011 (185-196), p. 186.

nineteenth-century English attorneys and legal scholars like Benjamin Cardozo⁴ and John Wigmore⁵ argued about how popular writers like Dickens and Shakespeare portrayed the legal system. Ever since the publication of James Boyd White's "The Legal Imagination" in 1973, authors have urged attorneys to read well-known works in order to gain a new perspective on concepts related to ordinary experiences and the human condition. Numerous books and articles have addressed the topic of law in the works of writers including Dostoevsky, Camus, Kafka, Melville, and Shakespeare.

The research provides an alternate comprehension of the Constitution through literary analysis. However, there is always an intense connection between law and literature, and because of this link, scholars are able to see past the rigidity of long-held legal beliefs and the profession's seeming independence⁶. The publication has been separated into two parts to enhance readers' enjoyment. The article's first section examines whether or not current constitutions throughout the world may be considered literary works in and of themselves, reinforcing the relationship between law and literature. The research's second part examines a few well-known decisions rendered by the Indian Supreme Court, which the judges defended by quoting other authorities.

IV. POSSIBLE MANIFESTATIONS OF JUSTICE & LITERATURE

Research on the links between law and literary approach relies on the theory that law may be thought of as an aspect of language⁷. The Swiss linguist Ferdinand de Saussure argues that speech and language are interconnected social goods. He considered it a system of social standards that civilisation had built in order to make the most of this gift⁸.

⁴ https://en.wikipedia.org/wiki/Benjamin_Cardozo.

⁵ https://en.wikipedia.org/wiki/John_Wigmore.

⁶ Posner, Richard, "The Decline of Law As An Autonomous Discipline: 100 Harvard Law Review 761 (1987).

⁷ James Boyd White, *The Legal Imagination*, University of Chicago Press, London 1985, p. xiii.

⁸ Ferdinand De Saussure, *Course in General Linguistics*, transl. Wade Baskin, Philosophical Library, New York 1959, p. 9.

Language may also be seen as a kind of ancient sign language that expresses certain ideas⁹. The idea that a norm is a sign that, depending on how addressees respond to it, communicates attitudes towards ourselves and towards others was first proposed by Robert Cover, who believed that law was essentially a language¹⁰. An individual makes a statement about himself and his relationship to society by breaking or setting a certain norm¹¹. According to Italian semiotician Umberto Eco, a text cannot have meaning without a reader because the reader contributes to its meaning¹². Without a relevant addressee, a text is never complete. In this context, Pierre Bourdieu signifies the reader as competent¹³.

Literature has always been a useful tool for analyzing and refuting theories of justice. Through the skillful blending of moral and legal quandaries into captivating storylines, literature provides a unique perspective on the problems and victories faced by mankind in their pursuit of justice and equality.

A. Ancient Literature

Literature has already addressed moral and legal difficulties. For example, justice, vengeance, and the rule of law were common themes in Greek dramas. For instance, Aeschylus' trilogy, *Oresteia*, explores the transition from a state-run legal system to one focused on private vengeance. It is a significant problem to shift the legal paradigm of the modern era from one of personal retaliation to one of justice as an institution of society¹⁴.

⁹ Ibidem, p. 16.

¹⁰ Robert Cover, "The Supreme Court, 1982 Term - Foreword: Nomos and Narrative", *Harvard Law Review*, Vol. 97, No.1, 1983 (1-68), p. 8.

¹¹ Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field", *The Hastings Law Journal*, Vol. 38, No. 5, 1987 (805-853), pp. 816-817.

¹² Umberto Eco, *Lector in fabula: la cooperazione interpretativa nei testi narrativi*, Bompiani, Milano 2006.

¹³ Pierre Bourdieu, *The Rules of Art: Genesis and Structure of the Literary Field*, transl. Susan Emanuel, Stanford University Press, Stanford 1995, p. 286.

¹⁴ <https://backinthedayof.co.uk/understanding-historical-context>.

B. Renaissance Literature

During the Middle Ages, justice was still an aspect of literature, often including spiritual and allegoric aspects. Dante Alighieri's *Divine Comedy*, especially *The Inferno*, examines divine justice by illustrating how actions taken by individuals impact one's eternal state. The vivid depictions of criminals and their punishments provide a moral meditation on justice and virtue. The study of justice and humanism had a rebirth of attention in the Renaissance. Shakespeare's plays are full of allusions to the law and philosophical reflections on the nature of justice. The iconic courtroom scene from *The Merchant of Venice* challenges audiences to think critically about how to strike a balance between severe legalism and merciful fairness by posing significant concerns about mercy, justice, and the application of the law¹⁵.

C. Enlightenment Literature

The Enlightenment, which put a strong emphasis on reason and individual rights, produced literature that primarily addressed ideas of justice and social transformation. Voltaire tackles societal injustices and faults in institutional authority in his satirical work *Candide*. The novel's razor-sharp humour and perceptive critique of the status quo evoke the Enlightenment's commitment to challenging long-standing power structures and advancing social justice. The connection between literature and justice was strengthened throughout the French and American Revolutions. Thomas Paine used powerful rhetoric in *Common Sense* and his other revolutionary writings to advocate for independence and the establishment of a just government. In addition to spurring political action, these works had a major impact on the core principles of modern democracies¹⁶.

D. 19th Century Literary Analysis

Social realism became more and more popular in literature throughout the 19th century as writers used their writing to draw attention to social injustices and push for change.

¹⁵ <https://law.dypvp.edu.in/blogs/law-and-literature>.

¹⁶ https://epublications.marquette.edu/cgi/viewcontent.cgi?article=1481&context=english_fac.

Novels by Charles Dickens, like *Oliver Twist* and *Bleak House*, revealed the terrible social and legal conditions of Victorian England. *Bleak House* specifically targeted the ineptitude and corruption of the Chancery Court, provoking public outrage and contributing to the passage of new laws.

Les Misérables by Victor Hugo examines comparable questions of justice, legitimacy, and mercy by highlighting the struggles of oppressed people against a sometimes cruel legal system. Hugo poses difficult queries concerning the nature of justice and the prospects for change and forgiveness in light of his realistic depiction of Jean Valjean's redemption and Inspector Javert's strict commitment to the law¹⁷.

E. 20th Century Period

In the 20th century, new concerns and theories on justice surfaced, usually via dystopian literature. Both George Orwell's *1984* and Aldous Huxley's *Brave New World* paint horrifying images of societies where despotic rulers subvert the rule of law. These novels serve as warning stories, emphasising the necessity of vigilantly upholding constitutional principles as well as the dangers of unchecked governmental power and the degradation of individual liberty. The American Civil Rights Movement has also impacted a huge amount of writing that deals with issues of racial injustice and the fight for equality. In this regard, Harper Lee's *To Kill a Mockingbird* is a classic book, as it uses Tom Robinson's trial to highlight institutionalized racism and unfairness in the American legal system. The novel's portrayal of Atticus Finch's unwavering commitment to justice and moral purity, which also serves as a powerful call to action, moves readers.

V. MODERN LITERATURE

Topics pertaining to justice are still addressed by modern writers, frequently from a variety of international viewpoints. *Americanah* by Chimamanda Ngozi Adichie explores race, identity, and immigration in depth, mirroring current discussions on similar subjects. The novel's examination of the African diaspora and the protagonist's

¹⁷ <https://backinthedayof.co.uk/understanding-historical-context>.

journey across several legal and cultural contexts highlight the continuous fight for justice and equality in a world that is becoming more interconnected by the day. Angie Thomas examines institutionalized racism and police brutality from the eyes of a young African American girl in the novel *The Hate U Give*. The manner in which a community fights for justice in the novel is shown has resonance with current social justice movements because it highlights the influence narrative has on public opinion and legislative changes¹⁸.

VI. LITERATURE REFLECTION IN THE CONSTITUTION

A country's constitution functions as a living document, a representation of its authority, and a link between the past, present, and future. It is primarily a literary work, and the words that are employed give it life. The text of the Constitution functions as both its limit and its reach in numerous ways. Disagreements on the intent, scope, and language of the constitution emerge when opposing perspectives on the integration of the past and present coexist¹⁹. Whether on design or not, every written work establishes a connection for its readers between the many characters and what Aristotle called an "ethos"²⁰.

However, as the history of the Constitution makes abundantly clear, readers must participate in the interpretation of the law since this is a common-law nation. The law thus gets established by both the drafters and the readers. Hart has made some progress in establishing this. Hart's distinction between the internal and exterior frames of view²¹ helps us understand what law is. In Harper Lee's *To Kill a Mockingbird*, the court system serves as a microcosm to explore deeply rooted racial prejudices and the moral courage required to confront them. Atticus Finch questions the status quo and personifies the

¹⁸<https://www.theguardian.com/commentisfree/2021/jun/20/chimamanda-ngozi-adichie-captures-hypocrisies-too-many-social-justice-zealots>.

¹⁹ Leubsdorf, John *Deconstructing the Constitution*. Stanford Law Review Vol. 40, No. 1 (Nov., 1987), pp. 181-201.

²⁰ Freese, John Henry. *Aristotle, The 'Art' of Rhetoric* (1926).

²¹ Hart, HLA *The Concept of Law* (1961).

struggle for justice, which challenges readers' preconceived notions about justice and equality.

Lee compels us to think about the human aspect of legal theory and the enormous impact that court decisions have on individual lives through Scout's innocent yet insightful insights²². In *The Handmaid's Tale*, Margaret Atwood offers a dystopian perspective on the brittleness of constitutional liberties. The harsh Republic of Gilead dictatorship deprives women of their independence; this bears striking similarities to contemporary struggles with political power and physical autonomy. Atwood's terrifying book serves as a wake-up call and a warning, urging us to protect our constitutional rights and strike a careful balance between security and freedom²³.

A constitution is best understood as a series of actions that bind readers to their language, culture, and—most importantly—one another, rather than as a rigid set of laws and obligations. Language links the parties together as each character satisfies a legal necessity that would not otherwise exist. The extremely lyrical Constitution tries to articulate this feeling²⁴. The Constitution is a rhetorical weapon that creates limits, gives voice to new voices, and provides circumstances of moderation rather than just a text that distributes authority²⁵.

Both law and literature require ambiguity and vagueness. a readiness to accept complexity, an understanding of how the books we read influence our feelings and ideas, and a readiness to give up on the quest for flawless, comprehensive clarity. Here, the lives of law and literature are uncovered in this haphazard attempt to find meaning, convey it, and create a connection with the work of another author.

²² https://en.wikipedia.org/wiki/To_Kill_a_Mockingbird.

²³ <https://www.gale.com/open-access/to-kill-a-mockingbird>.

²⁴ Sandalow, Terrance Constitutional Interpretation. *Michigan Law Review* 79:1033–1072.

²⁵ White, James Boyd *When Words Lose Their Meaning: Constitutions and Reconstitutions of Language, Character, and Community*. Chapter 9.(1984).

VII. LEGAL INTERPRETATION OF LITERATURE

Interpreting the law is, therefore, the same as understanding any other book. Law is a unique sign language that people use to communicate with each other. Despite its abstraction, it is a tool that diminishes society's usefulness. For this novel approach to succeed, the beneficiaries must be convinced that the laws and legal processes are valid. Law and music have a close correlation, and Jack M. Balkin and Sanford Levinson believe this to be the primary reason. Performance is crucial in the domains of law, music, and drama²⁶. Understanding the law requires being able to convert legalese into meaningful social transactions. It has to be changed into a behavioral guideline and given the chance to genuinely affect people's actions. An interpretive and contentious culture characterizes the legal profession²⁷. Consequently, law might be viewed as the art of rhetoric, or the ability to accurately explain a document to another person and convince them to read it in a particular manner²⁸.

Understanding the law and accurately evaluating legal documents are essential life skills. The application of this material must meet the expectations of the intended audience or group. This is known as "performativity." Speaking is also very important. That is, to engage in the meaning-war that was previously mentioned. This is where the benefit of "legal imagination" arises²⁹. Legal imagination is the ability to interact with the abstract intellectual frameworks that support legal theory. Literature not only offers helpful advice for debates and performances, but it also offers advice for interpretation. A lawyer ought to view a book with the same critical eye as, say, a literary critic. In addition, he has to use strategic thinking, determine the meaning "behind a given text," and make use

²⁶ Jack M. Balkin, Sanford Levinson, "Interpreting Law and Music: Performance Notes on 'The Banjo Serenader' and 'The Lying Crowd of Jews'", *Cardozo Law Review*, Vol. 20, No. 5-6, 1999 (1513-1572), p. 1530.

²⁷ James Boyd White, "Law as Language: Reading Law and Read-ing Literature", *Texas Law Review*, Vol. 60, No. 3, 1982 (415-445), p. 436.

²⁸ *Ibidem*, p. 437.

²⁹ See James Boyd White, *The Legal Imagination*, op. cit.

of this comprehension³⁰. This brings us to the goals that legal system writing can accomplish. People may understand attorneys and the law better by reading literary works. Literature offers a plethora of techniques for enhancing perception and crafting compelling stories. However, it also enhances one's ability to understand narratives and novels. .

VIII. LITERATURE AS A PROMOTER OF LAW REFORM

In Charles Dickens' *Bleak House*, the Chancery Court of 19th-century England – known for its bureaucratic inefficiency and corruption susceptibility – is harshly attacked. The intricate legal dispute *Jarndyce v. Jarndyce*³¹, which has been dragged out for many generations without a resolution, is the book's primary emphasis. Through this case, Dickens skillfully illustrates how the legal system may become enmeshed in its own processes, losing sight of justice and the very people it is meant to defend³².

Dickens paints a complex picture of the Chancery Court, one that is mired in endless paperwork and drawn-out procedures, consuming the lives and fortunes of all parties. It is shown that figures like Richard Carstone and Ada Clare become entangled in the court system and are ultimately ruined by it. Dickens advocates for legislative reform by using his own personal loss as an example of this institutional failure to incite public disapproval of the Chancery Court.

Public opinion was greatly impacted by *Bleak House*, which also raised legislators' push to rectify the inequities and inefficiencies in the legal system. The novel's portrayal of the Chancery Court's shortcomings ultimately led to a reform of the British legal system. This included, among other things, the adoption of the Judicature Acts of 1873 and 1875, which altered the court's organizational structure and operating protocols to increase accessibility and effectiveness³³.

³⁰ Daniel J. Kornstein, "A Practicing Lawyer Looks Back on Law and Literature", *Cardozo Studies in Law and Literature*, Vol. 10, No. 2, 1998 (117-119), p. 117.

³¹ *Jarndyce v. Jarndyce*, *Bleak House* (1852-1853).

³² <https://www.survivelaw.com/post/1098-book-review-bleak-house-by-charles-dickens>.

³³ https://en.wikipedia.org/wiki/Charles_Dickens.

Upton Sinclair's *The Jungle* is a powerful indictment of the American meatpacking industry in the early 20th century. The terrible working conditions, the mistreatment of immigrant labourers, and the acute distemper in meatpacking plants are the main topics of the narrative. With his detailed and vivid depictions of the unhygienic and dangerous conditions under which food was produced, Sinclair startled readers and brought attention to the excesses of the business. Jurgis Rudkus, the main character, and his family left Lithuania for America in an attempt to better their lot in life. But they were caught up in a never-ending cycle of poverty, disease, and exploitation. Sinclair reveals the systematic corruption and inhumanity of the meatpacking industry—where profit is valued over the welfare of workers and consumers—through Jurgis's horrific experiences.

The people were deeply and instantly outraged by *The Jungle*. The novel's revelations about unsanitary conditions and food adulteration provoked protests from the general population and demands for government regulation. Sinclair's actions directly led to the 1906 passage of the Pure Food and Drug Act and the Meat Inspection Act, which established federal standards for food safety and worker safety and marked a significant victory for consumer protection and labour rights³⁴³⁵.

A. Developing Legal Philosophy via Literature

Now, let's focus on how literature might advance the law and the legal system as a whole³⁶. One of the founders of the modern history of the law and literature movement is frequently identified as John Wigmore. He provided a list of recommended reading for attorneys in an article titled "A List of Legal Novels,"³⁷ which was published in 1907. He believes that since it is their general responsibility to be well-read individuals, attorneys shouldn't shun law-related literature. As a result, they have to be taught fiction as well.

³⁴ <https://www.survivelaw.com/post/1098-book-review-bleak-house-by-charles-dickens>.

³⁵ <https://englishpluspodcast.com/charles-dickens-and-his-impact-on-victorian-society-understanding-the-power-of-literature>.

³⁶ David Kairys, *The Politics of Law: a progressive critique*, Basic Books, New York 1998, p. 663.

³⁷ John H. Wigmore, "A List of Legal Novels", *Illinois Law Review*, Vol. 2, No. 9, 1907-1908 (574-593)

They also have a unique responsibility, though, to establish themselves as authorities in their field. They must comprehend what customers anticipate from it³⁸. A lawyer should be courteous and aware of the opinions that the public has about his field of expertise.

Not just John Wigmore made an effort to introduce pupils to literature that would broaden their horizons³⁹. One may consider Eugene Wambaugh to be one of his precursors⁴⁰. The Law and Literature movement was the first to suggest that reading may aid in one's legal career. Then, this trait seemed to vanish – at least, that is what is thought to have happened⁴¹. Cardozo, Benjamin N., agreed that literature could instruct⁴². He also thought that fiction served a sophisticated function. Furthermore, he focused on the concept and implementation of court decisions as well as the process by which judges arrive at their decisions. Court decisions affect judges' performance in their positions, if they have any bearing at all. Thus, it is imperative to distinguish between the assessments' forms and contents; form is by no means incidental.

B. Law As a Narrative

Cardozo discussed story and composition strategies, both of which may be effectively learned by reading literature. Words, particularly elegant and literary ones, can be employed to create a distinct flow that starts at one place and continues in a straight path⁴³. Its provenance is well acknowledged. When presenting a legal argument, it is preferable to be able to weave a tale, establish a connection to a certain beginning point, and form a chain that establishes an order. Luke Norris and Allison Tait⁴⁴ discuss courtroom narratives that contextualize historical events and present the facts in a

³⁸ Ibidem, p. 576.

³⁹ See Richard H. Weisberg, "Wigmore and the Law and Literature Movement", *Law and Literature*, Vol. 21, No. 1, 2009 (129-145), p. 141.

⁴⁰ Eugene Wambaugh, "Light Reading for law Students", *Law Bulletin of the State University of Iowa*, Vol. 2, No. 28-31, 1891-1893.

⁴¹ Richard A. Posner, "Law and Literature: A Relation Reargued", *Virginia Law Review*, Vol. 72, No. 8, 1986 (1351-1392).

⁴² Benjamin N. Cardozo, "Law and Literature", *Yale Law Journal*, Vol. 48, No. 3, 1939 (489-507).

⁴³ Peter Fitzpatrick, *The Mythology of Modern Law*, Routledge, London 1992, p. 42.

⁴⁴ Allison Tait, Luke Norris, "Narrative and the Origins of Law", *Law and Humanities*, Vol. 5, No. 1, 2011 (11-22), p. 11.

different light. These tales offer a thorough overview of the historical events relevant to the legal field⁴⁵. Therefore, information gathering is required in order to create a narrative based on the case's facts⁴⁶. This process makes sense in light of Neil MacCormick's notion of "narrative coherence."⁴⁷ MacCormick's perspective—that a depiction of facts must correspond to what is typical or what is supported by experience—is really more comparable to the narrative study of law, despite his tendency to try for an analytical understanding of court opinions.

C. Literature Used in Judgments

The "Law and Literature" tendency has given rise to two noteworthy subcategories of work: "Literature as Law" and "Law in Literature." But in the end, a third category—that is, "Literature in Law"—was developed⁴⁸. A plethora of literary, historical, and social scientific materials are cited in court decisions. It is not totally unexpected to bring up literary works, as evaluations are primarily rhetorical and a part of narrative. Jonathan Bate has given great consideration to what constitutes quality writing⁴⁹. In many ways, literature that is still regarded positively qualifies as good literature. It is made up of tales and stories that are told over and over.

Arundhati Roy has said *'the secret of the Great Stories is that they have no secrets. The Great Stories are the ones you have heard and want to hear again. The ones you can enter anywhere and inhabit comfortably. They don't deceive you with thrills and trick endings. They don't surprise you with the unforeseen. They are as familiar as the house you live in. Or the smell of your lover's skin. You know how they end, yet you listen as though you don't. In the way that although you know that one day you will die, you live as though you won't. In the Great Stories you know who*

⁴⁵ Guyora Binder, Robert Weisberg, *Literary Criticism of Law*, Princeton University Press, Princeton 2000, pp. 261-264.

⁴⁶ Peter Brooks, "Narrative Transactions – Does the Law Need a Narratology?", *Yale Journal of Law and Humanities*, Vol. 18, No. 1, 2006 (1-28), p. 20.

⁴⁷ Neil MacCormick, "Coherence in Legal Justification", in: Aleksander Peczenik, Lars Lindahl, Bert van Roermund (eds.), *Theory of Legal Science*, D. Reidel Publishing Company, Dordrecht, 1984, pp. 235-251.

⁴⁸ Cardozo, Benjamin, N. *Law and Literature and Other Essays and Addresses*. (1931).

⁴⁹ Bate, Jonathan, *English Literature: A Very Short Introduction*. (2010).

*lives, who dies, who finds love, who doesn't. And yet you want to know again. That is their mystery and their magic.*⁵⁰

D.K. Basu v. State of West Bengal⁵¹ verdict is significant because it thoroughly investigates "custodial violence and torture" and sets down the guidelines for arrest and detention in India. The Indian Constitution lacks a definition for "torture," so the judges determined that Adriana P. Bartow's definition would be the most appropriate:

"Sometimes a wound inflicted by torture may be felt almost physically, yet it is also unseen and unhealing. When torture is applied to your chest, it hurts like a stone, is heavy and cold like ice, paralyses you like sleep, and is as dark as the abyss."

The many methods of interpretation and the never-ending discussion regarding the most effective way of constitutional interpretation demonstrate that there is no one, final theory when it comes to the Constitution. But there's more to deriving meaning from literature than just supporting one's own opinions. The aim of providing a particular interpretation within a preset framework is achieved in the example provided.

It's often believed that an academic's true goal while reading a work of literature⁵² is to assist readers in comprehending the author's goals so they may apply what they learn to legal works. It is suggested in Poethics and Other Strategies of Law and Literature that only literature can restore the ethical paradigms of the legal system and that the law needs a jurisprudence of great poetry rather than weak principles because moral integrity emerges from artistic authenticity. The Constitution provides readers with exactly the kind of drama they are exposed to in fiction⁵³.

Law and literature collided in the case of Justice K. S. Puttaswamy (Retd) v. Union of India⁵⁴. The conclusion quotes widely from a variety of literary works, starting with the powerful claim that "it is better to be unique than the best." Because being superior makes

⁵⁰ Roy, Arundhati *The God of Small Things*, (1998).

⁵¹ D.K. Basu v. State of West Bengal (1997) 1 SCC 416.

⁵² Hirsch, E., *The Aims of Interpretation* (1976); E. Hirsch, *Validity in Interpretation* (1967).

⁵³ Weisberg, R. *Poethics and other strategies of law and literature* 1992.

⁵⁴ Justice K.S.Puttaswamy(Retd) v. Union Of India WP (C) 494 of 2012.

one the best, but being unique makes one special. The stage is masterfully set for the constitutionality test of Aadhar and the ensuing controversy. In the Navtej Singh Johar case⁵⁵, the justices discussed Section 377 of the Indian Penal Code, the nation's law that outlaws homosexuality, and referenced a number of literary classics. Remarkably, Oscar Wilde was once convicted of homosexuality.

Literature has also been employed in other instances to delve into the nuances of legal issues. Shakespeare is used in the seminal *Shreya Singhal v. Union of India*⁵⁶ ruling to address the distinctions between advocacy and incitement. Mark Antony's famous speech from *Julius Caesar* is cited; despite its superficial appeal, the speech's actual nature is revealed upon deeper examination.

IX. CONCLUSION

Richard Posner says that a shrewd judge holds the reader's interest by delaying the conclusion until the very end of the decision, much like a great detective storyteller⁵⁷. It is a prevalent misconception that a common law decision needs to be read like a book. It is precisely these verdicts that prompt us to investigate the relationships between the legal and literary disciplines. The fact that both topics, constitutional law in particular, rely on "interpretation" or text comprehension is one of their most frequent points of intersection. This paper has attempted to present how constitutional law can be interpreted through the lens of literature while also analyzing how the Constitution as a text is literary itself, despite the established need to apply an "intentionalist" perspective⁵⁸ when interpreting legal statutes and a "New Critic" perspective⁵⁹ when interpreting literary works.

⁵⁵ *Navtej Singh Johar v. Union of India*, (2018) 1 SCC 791.

⁵⁶ *Shreya Singhal v. Union of India* AIR (2015) SC 1523.

⁵⁷ Posner, Richard A. *Law and Literature: A Misunderstood Relation* (1988).

⁵⁸ *id.*, Refer to page 1362 where Intentionalist has been defined as Intentionalist is the one who believes that the way to understand a work of literature is to reconstruct the author's conscious intentions-the meaning he assigned to it, or would have assigned to it had he thought to do so.

⁵⁹ *id.*, New Critic is defined as one who believes that interpreting a statute requires him merely to assign some coherent and satisfying meaning to its words. The New Critic shares with the deconstructionist an

Comprehension is enhanced through reading, and this is helpful for drafting and understanding legal papers. However, literature also offers materials for making legal arguments. Even if it is just used aesthetically, it can still be presented as proof in court. A well-written essay might ensure that court decisions and other legal authorities have symbolic meaning. Reading literary works can help a lawyer become more vocal and capable of summarizing the facts. As we said at the outset, we make no claims about the necessity of literature for the existence of law in our study. However, the composition of the literature affirms the judicial system's rejection of bureaucratic and technocratic inclinations. The law and literature movement continues where it left off, emphasizing issues that are both historical and modern. This means developing legal creativity as well as producing and understanding legal literature.

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57. id, Refer to page 1362 where Intentionalist has been defined as Intentionalist is the one who believes that the way to understand a work of literature is to reconstruct the author's conscious intentions-the meaning he assigned to it, or would have assigned to it had he thought to do so.
58. id., New Critic is defined as one who believes that interpreting a statute requires him merely to assign some coherent and satisfying meaning to its words. The New Critic shares with the deconstructionist an unwillingness to define his task as the search for the conscious intentions of the author, but here the resemblance ends.