



## ESSE-8: LONDON 2006

29 August – 2 September 2006

### S28. Literature and Law: an Interdisciplinary Approach

Wednesday 30 August: 9.30-11.30am

Convenor: Daniela Carpi (University of Verona)

Email: [danielacarpi@tin.it](mailto:danielacarpi@tin.it)

Co-convenor: Ian Ward (University of Newcastle upon Tyne)

Email: [ian.ward@newcastle.ac.uk](mailto:ian.ward@newcastle.ac.uk)

Literary scholars are becoming more and more aware of how the literary texts are interspersed with legal elements. The aim of this seminar is to highlight some of the legal innuendos ingrained within some literary texts (either law concerning property, or the concept of equity contraposed to that of justice, or the representation of law and legal process, or what effects colonial and post-colonial conditions have on this relationship, or how does literature engage with law conceived as politics and power, etc.). The seminar thus aims at creating a space where these two disciplines can interfere with each other and form the occasion for new thought, within or beyond the laws of academic discipline.

#### **Kazuo Ishiguro's novel *Never Let Me Go* is not about law, or is it?**

Jeanne Gaakeer (Erasmus University, Rotterdam)

Even though Ishiguro does not address the topic explicitly, it is obvious that the novel, a masterpiece of indirection, does indeed directly address issues of legal personhood. Throughout the narrative the *topos* of the construction of identity and legal personhood can be traced in its various forms. In *Never Let Me Go* science seems to outpace legal and medical ethics as well as the laws regulating the legal persona. On a metalevel, in the creation of parallel worlds, the novel illustrates the discussion on the ontological status of law and literature. For the adherent to a picture theory of the world it is horrific to have to admit that literature does not refer to the world while the world of the literary work is very real to the reader. In law, this idea finds its counterpart in the Scandinavian version of legal realism, with "law" a rather bleak fairy tale and power/force the only thing which matters.

#### **The Literature of Temple Bar**

Cristina Costantini (University Of Turin)

*'Maye so be taught and trained in noble arts,/ As what their fathers which have reigned before / Have with great fame derived downe to them, / With honour they may leave unto their seede'*.

In this way two common lawyers, T. Norton and T. Sackville, represented the characteristic features of education in the Elizabethan Inns of Court. My aim is to depict

the real essence of these autonomous collegiate structures, stressing their amazing resemblance to classical Academies and Gymnasias, where the privileged inhabitants could learn ‘singing, dancing and such other accomplishments and diversions’. The literary text became a means of expression of the social drama of law. In this perspective I’ll investigate the strategies and the narratives (didactic, rhetorical, satirical, dramatic, remedial and polemical discourses) used by the governing elite to legitimize – politically and ideologically – the English Common Law and its history.

### ***Clarissa: a Request for Equity?***

Patrizia Nerozzi Bellman (University IULM, Milan)

In the history of the English culture the relation between religious and philosophical thought and political and juristic conception is at the core of literary and non-literary texts in various shapes and ways. This relation appears even stricter in the Eighteenth-century novel where framing the modern ethical consciousness becomes the claimed purpose for the production and diffusion of new ideological perspectives. The readers, both addressees and participants in a moral and cultural project, expect leading information from the literary text. Thus, concentrating on the protagonists’ personal experience in relation to collective authority, novels introduce a highly rationalistic dimension relying on the rhetorical strategy aimed to the didactic function declared by the new genre. From Defoe to Richardson and Fielding, the narrative discourse dramatizes the principles behind institutional authority in the form of the protagonist’s exemplary behaviour. In this context Richardson’s works can be read as an amply documented and crucial contribution to the debate on the moral, theological, political and social implications of the administration of justice in contemporary England, with a clear emphasis on the case of justice towards women.

### **Towards a Comparative Law-and-literature Practice**

Greta Olson (University of Freiburg)

Whereas law-and-literature critics position themselves with regard to major theoretical movements such as post-structuralism, postmodernism, and the so-called ethical turn, an awareness of national and regional differences in their scholarship may go missing. This essay then compares recent law-and-literature work from three countries (the UK, Germany, and the US) to ponder dissimilarities in how scholars pursue the interdiscipline. By enumerating distinctive foci in these countries’ related scholarship, the paper moves towards a comparative law-and-literature practice. It questions the degree to which continental European scholarship may differ from work currently being produced in the UK and US and asks if a self-consciousness regarding the particularities of one’s own judiciary system is helpful in a scholar’s pursuing law-and-literature studies. Moreover, it considers the status of global and regional — to avoid the narrower “national” — law-and-literature studies.

### **Caring for justice: Precious Ramotswe’s ‘moral voice’ in Alexander McCall Smith’s *The No. 1 Ladies’ Detective Agency* series**

Carla Sassi (University of Verona)

Alexander McCall Smith, Professor of Medical Law at the University of Edinburgh, author of numerous scholarly studies on medical law, criminal law and bioethics, has reached a world-wide success with three series detective novels. His first series, set in Botswana is centred on Precious Ramotswe, “the only lady private detective in her country”, as suggested by the title of the first of (so far) six novels. My paper purports to investigate the dichotomy underpinning McCall Smith’s narratives, between a noncaring, duty-bound (man- and western-identified) application of the law (implied in the narrative voice), and a caring, ‘relational’ ethic of justice (woman- and African- identified), represented by Precious Ramotswe. I also wish to investigate how these narratives, by representing (and problematising) such dichotomy implicitly articulate a subtle critique of modern jurisprudence (i.e. the work of ‘doing legal justice’, seen as faithfulness to a judicial oath and an arithmetic relation between weights on a scale).

### **Thin Blue Lines: Police Procedurals, Social Control, and the Word of the Law**

John Scaggs (University Of Limerick)

According to Michel Foucault, detective fiction is ‘the discourse of the law’, and this paper will consider the role of the police procedural in this respect. It will begin by examining the functioning of the various forms of discipline or social control. While crime fiction is normally considered ‘escapist’, this paper will consider the police procedural from the point of view of Frederic Jameson’s observation that mass culture (of which the popular crime novel plays an important part) can be understood as a means of ‘managing’, if not controlling, the sublimated desires of the reading public. I will argue that the police procedural can be read as an integral part of a broader state apparatus of control which is farther-reaching, and (because far less visible) far more effective than the more visible state apparatus of the judicial system. In particular, the analysis will consider the police procedural as a kind of textual Panopticon, in which the reader is implicated in the pan-urban surveillance that ultimately controls them. Police procedurals, in this respect, will be identified as the Word of the Law.