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## Interdependence of Law and Literature in Shakespeare's and Charles Dickens's Writings – A Reflection

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### Abstract

As several legal scholars have observed, law is a profession of words. It is also a discipline or practice, like religion, in which stories play a critical role.

Shakespeare's controversial tale of Jewish money lender, *The Merchant of Venice*, examines themes of justice, the bias of legal systems, and legalese. Charles Dickens gives a vivid portrayal of the endless machinations, lethal manoeuvrings, and strangling bureaucracy of the legal system of mid-19<sup>th</sup>-century.

Britain did much to enlighten the general public, and was a vehicle for dissemination of Dickens's own views regarding, particularly, the injustice of chronic exploitation of the poor forced by circumstances to "go to Law". Bleak House elaborated expansive critiques of the Victorian institutional apparatus; the interminable law suits of the court of Chancery that destroyed people's lives in Bleak House. The legal system is described like the plague, as pervasive like the fog that opens the narrative which smothers everyone. It could be seen in the very opening of Bleak House, while using a highly metaphorical, almost apocalyptic language, in describing the then Chancery and foggy streets of London.

In this paper the reflections are confined only to William Shakespeare's *The Merchant of Venice* and Charles Dickens' *The Bleak House*.

### **Key Words**

Court of Chancery, bureaucracy, lethal, anti-Semitism.

### **Introduction**

As the author of *Law and Literature: A Misunderstood Relationship*, Richard Posner is highly critical of the law and literature he writes so.

Although the writers we value have often put law into their writings, it does not follow that those writings are about law in any interesting way that a lawyer might be able to elucidate.

He further writes,

Law is subject matter rather than technique, and that legal method is the method of choice in legal realms, not a literary one. Combining literature's ability to provide unique insight into the human condition through text with the legal framework that regulates those human experiences in reality gives a democratic judiciary new and dynamic approach to reaching the aims of providing a just and moral society ...

### **Discussion**

A noted barrister and Member of Parliament, Greenwood claimed that Shakespeare's plays and poems "*supply ample evidence that their author ... had a very extensive and accurate knowledge of law.*"

In contrast to his denoted tragedies and histories, what Shakespeare has labelled as comedy obliges us to take the dramatist at his word, and to do so in the usage of his time. It is observed that there is a rising tide on the subjects of anti-Semitism, due process, perversion of the law, even homophobia, as integral aspects of *The Merchant of Venice*, accompanied by a galaxy of contemporary legal, social and political concerns. He would hardly be the first artist to alter his views, develop his craft, and change with the times. Of the greatest of literary geniuses, we should expect no less.

The history of scholarship on the way Shakespeare employs legal terminology and concepts is complex, controversial, and closely tied to the authorship.

It is important to note that Shakespeare's Shylock flies in the face of prevailing practice. Shakespeare assigns him socially redeeming speeches and eloquent appeals to fairness. Predictably, however, he becomes the usual butt of humour, and, predictably, Elizabethan audiences laughed at the denouement of the trial scene.

Venice was known as a great sea power, as an economic giant, as well as for a democratic milieu. Yet in this republic were many foreigners who did not enjoy the rights of Venetian citizens. Shakespeare knew this. Shylock could run his business and live in Venice, but not as a citizen. Othello could live in Venice; even marry into a leading family and command an army, but not as a citizen. Strangely, Shakespeare appears unaware of the ghetto, the usual residence throughout Europe for Jews, no less so in Venice, in London, in Paris, in Rome or in Jerusalem.

It may be safely assumed that Shylock, as an outsider, knew all the laws that applied to him, as Jew, as businessman, as banker, anyway in which he might be at risk, whether the penalty be civil or criminal. Where Portia, or any administrative law Judge, gives Shylock the maximum sentence, one can think that today's audience may find her a bit draconian, but according to the existing conditions of late 16<sup>th</sup> century Venice, she administered "cruel and unusual punishment". Justice was the rule: Shylock gets a criminal sentence in a presumably civil court; Othello is arranged for a crime against a civilian in a court martial. In fact, the most powerful representative of the Venetian government, the Duke himself, ultimately pronounces the foregone result of Shylock's conversion with a chilling Vaticanese before the trial has even begun: "We all expect a gentle answer, Jew (IV, i, 35).

Skeptics of the traditional view like George Greenwood and Mark Twain have insisted, on the contrary, that Shakespeare's legal knowledge is acutely honed and precise -- and that it indicates a mind well-trained and practiced in the idioms and conceptual habits characteristic of lawyers and judges.

### **Charles Dickens and Law**

Coming to the next phase regarding Charles Dickens, for most reader-scholars, the central concern of *Bleak House* is its reverting and insisting indictment of the English Chancery Court system.

Chancery or equity courts were the second half of the system of English Justice, existing side-by-side with law courts. By the mid nineteenth century, English law reformers had long criticized and mocked the delays of Chancery litigation, and Dickens found the subject a tempting target.

Dickens claimed in the preface to the volume edition of the *Bleak House* that he had "purposely dwelt upon the romantic side of familiar things". The fame and critical success of *Bleak House* have led many readers and scholars to apply its indictment of Chancery to the entire legal system, and, indeed, it is the greatest indictment of law, lawyers and the legal system in the English language.

Scholars, such as the English legal historian Sir William Holdsworth, in his 1928 series of lectures *Charles Dickens as a Legal Historian*, published by Yale University Press, have made a plausible case for treating Dickens's novels, and *Bleak House* in particular, as primary source illuminating the history of English Law.

### **The Plot**

The plot concerns a long- running legal dispute (Jarndyce and Jarndyce) which has far-reaching consequences for all involved and involves a Convoluted Will, monies and land surrounding the Manor of Marr in South Yorkshire. Dickens's assault on the flaws of the British Judiciary system is often thought of as having helped to set the stage for its eventual reform in the 1870s. In fact, Dickens was writing just as chancery was reforming itself, with the six clerks and masters mentioned in chapter one abolished in 1842 and 1852 respectively: the need for further reform was being widely debated. This raises the point as to when *Bleak House* is actually set.

The Memorable characters include the menacing lawyer Tulkinghorn, the Deadlock family lawyer. A scheming, manipulative monster of a man, He learns of Lady Deadlock's past and tries to control her conduct, to preserve the reputation and good name of Sir Leister. He is murdered, so the last part of the book turns into an investigation, as several characters have good reason to want Tulkinghorn dead. When the instalment of *Bleak House* containing Krook's demise appeared, the literary critic George Henry Lewes criticized Dickens, saying that he had perpetuated a vulgar and unscientific superstition. Dickens vigorously defended the reality of spontaneous human combustion and cited many documented cases, such as those of Mme. Millet of Rheims and of the countess di Bandi, as well as his own memories of Coroners' inquests that he had attended when he had been a journalist /reporter.

In the preface of the book edition of *Bleak House*, Dickens wrote: 'I shall not abandon the facts until there shall have been a considerable spontaneous combustion of the testimony on which human occurrences are usually received'. The exceptional popularity of Dickens' novels, even those with socially oppositional themes like '*Bleak House*' (1853), under scored not only his almost preternatural ability to create compelling storylines and unforgettable characters, but also insured that the Victorian public confronted issues of social justice that had commonly been ignored .

### **Conclusions**

The law in literature is specifically concerned with the way in which legal situations are presented in literature. Generally, they place a high value on the 'independent' view from which literary writers are able to see the law. The fictional situations presented in literature, the researchers assert, can tell a great deal about political and social situations, and the individuals that often find themselves before the court.

In its early stages, the law and literature movement focused strictly on the law in literature theory; John Wigmore and Benjamin Cardozo thus acknowledged “novelists and poets” as the principal teachers of law in the first half of the 20<sup>th</sup> century. Robert Weisberg believes that the law in literature offers fertile possibilities. Following the lead of Jams Boyd White, he sees an intrinsic value in the use of literature as a means of discussing legal topics. Unlike White, who places value on literature for its ability to stimulate critical thought and theory , Weisberg believes that literature should be valued for its ability to cause one to relate to others, and for the political and social contexts that novels, particularly those dealing with the law, grapple with.

Law and Literature is believed to have originally begun as a subcategory of jurisprudence. The movement encompasses the complementary ideas of law in Literature and law as literature. It is necessary, in practical thought and discussion about the use of legal rhetoric, to understand text’s role in defining human experiences.

Through the application of literary standards to legal documents it becomes easier to accommodate special cases and to shrink despotism and oppressive movements, since the human element becomes reunited with the mechanism by which we regulate our lives.

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