

## LAW ON THE TEXTURE OF LITERATURE

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### ABSTRACT:

*In a paper I argue that the morality that drives law and literature spring from the same place. Using illustrations, particularly from English Literature, I show how the introduction and the disciplinary formations of English Literature owe to professors of jurisprudence and theology. Literature, because of its supposed associations with feelings and sentimentality, is often accused of being lawless. I show that like nature, which has its own laws, and which are different from social legality, literature, too, has always had its own laws. These have been the laws of genre, the laws of aesthetics, the laws of grammar and linguistics, among others. I also relate the illegality of a literary text with the law of our expectations from literature.*

**Keywords:** Law, Literature, English Literature, Christianity, morality, jurisprudence, genre, aesthetics, Aristotle.

Law and Literature both has literally different prospect but somehow they are inter related to each other by the medium of Justice or Poetic Justice. That the relation between law and literature should be an organic one seems like a given. Language, the substratum of literature, has to, after all, operates according to its own laws, rules that go under the homogeneous name 'grammar'. Literature, too, has its own laws. These could be generic – poetry, to qualify as poetry, must look and sound like poetry, and for this it needs to be obedient to the laws of genre; the novel, too, is a novel and not a short story or a novella, and to do so, must obey certain laws ingrained in the genre; the same is true of any genre, drama or flash fiction or nonfiction. Aristotle, recognising the need to bind literature to laws nearly two millennia ago, defined the rules of tragedy, a genre that he knew intimately: that it should maintain the three unities, the unity of time, of place and of action. It was not so much a stricture as an observation from the tiny sample size of tragedies that he had seen being performed for the citizens of the city-states.

As more genres began to be invented, so did the laws. The novel, for instance, the ubiquitous and dominant choice of genre of our times, is also one of the most recent inventions in terms of genre. If we were to focus on the English novel, for instance, we will find that a journalist called Daniel Defoe wrote – and thereby invented – the first English novel. In doing so, he had to disobey Aristotle’s laws about the unities. Instead of one day in which Aristotle said the play should concentrate on, Defoe’s protagonist, Robinson Crusoe<sup>1</sup>, lived on an island for close to two decades. The invention of genres will naturally, therefore, create new laws and new rules. After the publication of *Robinson Crusoe*, the first novel in the English language, we have witnessed the form of the novel being pushed aesthetically and politically for the last three centuries. New genres will need new laws just as new social situations will need new civic and criminal laws. Who would have imagined the need for cyber laws or intellectual property laws half a century ago?

It is therefore not difficult to see that the idea of law informs our understanding of literature. When there is a hue and cry about including a popular writer like Chetan Bhagat’s novels in the English Literature syllabus at Delhi University, one of the most common utterances of disgust seems to be ‘This is *not* literature’. By qualifying a text as ‘not literature’ what we are actually trying to say is that this is a text that does not qualify by the standards set by what is commonly understood as literature. Alternatively, that this text is *illegal*. One cannot call a dog as human and vice versa. The law will not have it. How can we call what we think is not really literature as literature? Our natural understanding – and feeling – of law makes us assume this transgression or illegality of life, and by extension, of law. When we watch a film in which a woman suffers unjustly for no fault of her own, we often feel a lump in our throat and tears in our eyes. These bodily responses come from our natural interiorising of law – this is a good woman, she should not suffer. The pain in the chest and the tears in the eyes that we experience during our aesthetic experience is the same place from where natural laws of justice emanate. If the viewer had any power while watching the film, he would punish the people responsible for the woman’s suffering. In real life – life outside the film – the person who was the viewer becomes the judge. He announces punishment for those responsible for the woman is suffering. Pain cannot be calibrated, and so there is a difference in response among the viewers – some viewers feel sad but do not cry, some are affected but not deeply, but there are also those who find themselves in tears for a considerable period of time. This is a subjective response. Nevertheless, when law is institutionalised, there has to be uniformity in punishment – and so every case of homicide must be considered within the parameters of a certain section or code of law.

Not only is law, therefore, integral to our understanding of literature, it has also been responsible for the creation of the discipline that we call ‘English Literature’ today. If we look at this relation historically, we will see that when English Literature was first introduced as a discipline of study and investigation in the Universities in the

nineteenth century in England, there were, naturally, no professors to teach the course. The discipline had just been created. Where were professors to be found? Two existing disciplines were created to nourish and build this new 'department' – they came from the departments of law and theology. If one looks closely, the social ambition of both these departments is similar: both the Church and the State demand obedience from its subjects. An obedient law-abiding and religious person is easy to manage for both the Church and the State. Both religion and law do not want murders – dead bodies are difficult to get rid of. Both are driven by the same instinct of patriarchal protectionism that keeps people chained to a code of morality.

English Literature began as a course – a discipline – that would be come to be driven by the same moral impulse that tied it to these two disciplines. At around the time these books that had been written primarily for entertainment were being turned into examples and illustrations of textbook morality, counter-movements were taking place in England. To resist this moral tendency as the only way of looking at art, a strong and attractive turn towards aestheticism was also taking place. This group of aesthetes, which counted Walter Pater and Oscar Wilde among them, were only stating the obvious: that literature about good people was not necessarily good literature and literature about bad people certainly not bad literature. This seems simplistic to us now, almost a hundred and fifty years later, but it was not so then. The Good-triumphing-over-Evil discourse that is the spine of religious discourse and all the holy books in all religions of the world wanted replicas in the English Literature course. Shakespeare's tragedies, *Hamlet*, *Macbeth*, *Othello* and *King Lear*, which had been enjoyed by generations for aesthetic pleasure, were put in the English Literature course as illustrations of how the law catches up with even the most powerful, kings and princes. The central protagonist of each of these plays was identified for a particular moral lapse – Hamlet's was procrastination, Macbeth's ambition, Othello's jealousy and so on. Just as Shakespeare, playing God and moral guardian, ensures that his tragic heroes are punished by the sense of morality that governs the universe in his plays, professors of literature were to, by almost a naturalised extension of the same principle, instruct their students to live their lives by the same moral law.

The concept of the Seven Deadly Sins, which has governed the moral architecture of English Literature for centuries, is exactly the same force that has driven the creation of laws all over the world. Lust, Greed, Gluttony, Sloth, Wrath, Envy, Pride. In text after text, irrespective of genre, writers have punished their own creations, the characters exhibiting any of these sins. There are still no laws to punish those who eat a lot (Gluttony), are lazy (Sloth), or exhibit Pride, but for the other four – lust, greed which makes people steal, wrath that causes men to cause physical harm or murders, envy that often causes thievery, both literal and figurative – there are laws to punish people who bear these traits.

So long, I have been focusing only on the moral spine that creates equivalence between legal studies and the study of literature. This, of course, comes from the natural equivalence we make between life and literature – the old adage about literature being a mirror of life, and so on. Does a moral filter only and always mediate our relationship with literature then? The answer to that is obviously negative. No, our response to literature is not from a moral space alone. This is because our bodies and our senses are indifferent to the moral regimen. That part responds sensuously to the world and that pleasure of the world is experienced vicariously through literature. This is aesthetic pleasure. Both the sensuous enjoyment of the world and aesthetic pleasure are integral to a fulsome pleasure in literature. The question is – are these two worlds antithetical to the moral world, or to a world given structure by moral, civic and criminal laws? While aesthetes like Oscar Wilde, in his novel *The Picture of Dorian Gray*<sup>2</sup>, tried to divorce the moral from the aesthetic and see the consequences of what such a distinction might mean, the truth is that at any given moment, we are all moral and aesthetic beings.

The human need for structure is what has kept societies, groups, communities, and families together. No man is an island, wrote John Donne towards the end of his life, after having broken enough laws, social and literary. Among the many things that this extraordinary line implies, it is also the naturalised adherence to a system of laws that it hints at. For law is not a social construct alone. Nature has its own laws – farmers, agriculturists know that, zookeepers, and sanctuary-keepers know that too. “We may brave human laws, but we cannot resist natural ones,” wrote Jules Verne in *20,000 Leagues under the Sea*<sup>3</sup>.

Seasons and the night and day cycles, the time of fruition and flowering – all of these are disobedient to human law but in complete consonance to the laws of nature. There is also the saying ‘the law of the jungle’; one that is used to justify the eye-for-an-eye morality that often drives the living morality of animals. In its most violent expression, ‘the law of the jungle’ stands for an uncivilised law and order, one that lacks the kindness and sophistication of a human-created legal structure.

Our body responds to literature through sensory expressions – we laugh, we cry, we worry, we rejoice. All of these are in consonance to natural law: we do not laugh when a character dies and we do not cry when a character eats our favourite food. The tears and the saliva are a natural response to the life in literature and in doing that, they are obedient to the laws of nature. The aesthetic experience has its own laws too, though there is a tendency in many of us to blank that out. When we fault a singer for singing out of tune what we are actually saying is that the singer’s voice has not been obedient to the laws of music. Why music or the arts alone? Take the body – a long history of fasting will lead to ulcers in the esophagus. This happens because of our disobedience to the laws

of the body. When we say that we do not like a work of literature, we are actually faulting it for being aesthetically illegal.

The omnipresence of law, governed by a sense of justice more than jurisprudence, is at the heart of literature, and of course, our lives. That is why even when we imagine *dystopia* universes or the imagined worlds of science fiction we cannot escape the rule of law. The laws in those worlds might be different from ours, but there have to be laws of course. Even in a kind of topsy-turvy world, say as imagined in the famous poem by Sukumar Ray, people walk on their heads and not with their feet – but that is the natural order or the law of that world.

Beauty and ugliness, good and evil, enjoyment or disgust, to name just three categories that create the experience of literature through the aesthetic, moral and sensory respectively, all of these are bound by their own laws. Their intent and ambition, spine and constitution are different, but all of them are governed by a legal code that is peculiarly and particularly their own. “I have gained this by philosophy ... I do without being ordered what some are constrained to do by their fear of the law,” wrote Aristotle<sup>4</sup>. Even love has its own laws. How can literature not have its own laws then?

## REFERENCES

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<sup>1</sup> Daniel Defoe, *The Life and Adventures of Robinson Crusoe*, Dover Publications, 1996.

<sup>2</sup> Oscar Wilde, *The Picture of Dorian Gray*, Dover Publications, 1993.

<sup>3</sup> Jules Verne, *Twenty Thousand Leagues Under the Sea*, Wordsworth Editions Ltd., 1992

<sup>4</sup> Quoted in R. D. Hicks (ed.) *Lives of Eminent Philosophers*. e-source:

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