

A Letter to “Lawyers & Literature” Students

[2012]

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“Law and literature”|“Lawyers and Literature” what can such juxtapositions mean? I wonder whether they are not something akin to the “message in the bottle” that follows ashore during one’s legal education. Imagine the writer of a story, he or she might even think of it as a work of literature. The writer, solitary by the nature of her work if not by predisposition, is drawn to solitude by a pervasive sadness about the world, and withdraws from the world so as to write about that sadness and the world in which it is experienced. The writing, produced with an effort most of us have trouble trying to imagine, is then sent out into the world where it must await discovery by still other solitary souls adrift in the world. In “lawyers and literature” we have that chance meeting of solitary souls: those who encode the “message in the bottle” and those who await its arrival. What we find in “lawyers and literature” is a meeting place for those who, by their faith in reading (often a lifetime of reading): 1) seek relief from the world (even as they venture forth in the world); 2) want to understand the world (even as they secure a solitary place in it); 3) puzzle over the vast reach of what it is possible for a person to know in world in which we must constantly deal with the unknown.

It was with wild and unruly thoughts of this sort in mind that I managed, in a single semester, to teach and survive not one but two law school “literature” courses: one called “Lawyers and Literature,” and a second called “Narrative Jurisprudence.” So, it was an interesting time to receive, an invitation to write this letter about the “lawyers and literature” course and the broader context in which it should be located. Time is precious short to think about anything grand such as I sometimes dream of writing: “The Goals and Mis-Guided Directions of What We Now Know as the Law and Literature Movement.” Or perhaps I’d title my grand essay with

a more fashionable flair suggestive of the kind of academic and literary jargon required to attract the attention of the post-modernist reader:

With the “law & literature” movement now fully arrived there is some curiosity about it. What is “law & literature” and why would anything think it to be such a grand idea? I’ve surveyed the various responses to this question over the past hundred and fifty years and find them unsatisfying (just as you will, undoubtedly, find my own response inadequate). Yet, being an old school realist, pragmatic at heart, with a long-standing affinity for the ways of science, I’m suspicious of the idea that “law & literature” lies beyond description, that you must experience it to know it, that it must lie enshrouded in mystery of the kind that makes it undescrivable. This leaves me with what Robert Pirsig in *Zen and the Art of Motorcycle Maintenance* (1974) describes as a classic dilemma: I can drudge through a 150 years efforts to describe “law & literature” and lay out the most cogent descriptions of the “field” and the “movement” (and the idea of “law & literature” as a subject and course to be found in law school curriculums), or I can try to convince you that no such description is *really* necessary. The alternatives, as is the case with a classic dilemma, don’t sound anymore attractive to me than perhaps they do to you.

I think it accurate to say, as does Jane Baron in a rather peculiar *Yale Law Journal* essay I happened to be reading while thinking about this letter, that “law & literature” has developed along three pathways (although Baron draws distinctions and conclusions from this development which I clearly do not wish to adopt). [1] I should note that Baron’s essay is commendable in that she manages to avoid the now rather well-worn recurring motif and cliché of trying to divide “law and literature” into two domains: *law in literature* and *law as literature*. Being told that we can expect to find references to law and lawyers in literature and that some judicial opinions reflect more literary-ness than others is old news, very old news. The news is so old I’m a bit embarrassed to even call attention to it here.

And, if the reader will indulge still a few more observations about Jane Baron’s peculiar essay before I get around to dealing with these questions—what is “law & literature” and why is it supposed to be good for you?—I think one might, rightfully, be suspicious of an essay with the word “interdisciplinarity” in the title. Baron’s essay was titled, “Law, Literature, and the Problems of Interdisciplinarity.” There is, of course, much to be learned from the study of law as a discipline, and “law & literature,” as Baron observes, might well be expected to draw attention to the “discipline” aspects of law. We assume, and rightfully so, that “law & literature” provides a basis for a critique of law and its study, and, in doing

so, serves as the basis for study of the boundaries and limits of law as a discipline. Baron agrees, it seems, with the general proposition—now an obligatory footnote citation—of Richard Posner’s claim that as of the 1960s there has been a “decline of law as an autonomous discipline.” [2] If the law is no longer an “autonomous” discipline, then what kind of discipline is it? (Perhaps we can think of “law & literature” as the recovered memory of that earlier era when we lived with the prevailing assumption that law was an autonomous discipline.) What part, we might ask, has “law & literature” played in the erosion of the *idea* that law is an autonomous discipline? If there is now in so many quarters an understanding (at least by legal scholars, if not by legal educators) that law is best studied not as a single, isolated discipline, but as a locus of disciplines—as a cross-roads discipline—then law implicates and of necessity must be related to psychology and sociology, anthropology and history, philosophy and literature. If Posner’s jurisprudential elegy for the law conceived as an autonomous discipline stands—and I think it must—we can also note that it has been a 150 year history of “law & literature” (not just the law and literature “movement” over the past 40 plus years) that confirms that law, its study, and its practice, are human endeavours, and as such, have always had deep roots in what we know as literature. The study of law, properly conceived, has always been a liberal art.

The problem with a humanistic, liberal arts view of the study of law is that it doesn’t square all that well with what actually takes place in most U.S. law schools. Students don’t take up a study of law with the idea that they are continuing their general education (as citizens of the world), or that law is an academic discipline (of the kind we associate with the social sciences and the humanities). Legal education seems as remote—institutionally and in reality—from the humanities and the liberal arts as is West Virginia and Borneo. No United States law school has, to my knowledge, made “law & literature” a required course, and certainly no law school has ever tried to make a place for the study of literature in the sacrosanct first year curriculum. This said, we should note that “law & literature” is now mainstream: It can be found as a regular offering in the curriculum of a majority of American law schools and is now being exported to the far flung corners of the Western world.

How are we to account for the widespread adoption of “law and literature” courses as part of the legal education curriculum? The cynically inclined will tell you that “law and literature” is simply the latest in what has

become an unfolding parade of academic fashions. Yet, those who seek in academic fashions a deeper meaning may find that “law & literature” is a response to an underlying (unconscious) need to make what we find to be *isolated* and *isolating* in law, a part of some larger whole. One way we try to make whole the isolated and isolating strands of our thinking in law and about law is to study law along with sociology, anthropology, and psychology, to study legal history, legal philosophy (jurisprudence), legal ethics, and perhaps the most integrating effort of them all—“law & literature.” The number and variety of courses in the law school curriculum in which we study law as a cross-roads discipline, relinking law to its sister disciplines, connecting law to the larger world from which it has been abstracted, has now begin to grow quite large. We might think of “law & literature,” and the various other efforts to contextualize law, as a curricular response to the demise of law as an autonomous discipline. When the history of “law & literature” is more fully told, we’ll learn that law was never an autonomous discipline, and we may learn as well the cost of our wishful efforts (old and new) to have law be the autonomous discipline it cannot be.

Jane Baron suggests, in her *Yale Law Journal* essay, that “law & literature” has turned out to be a disappointment. Her sense of disappointment lies in the fact that “law & literature” is not a single movement but a movement cobbled together of three different “strands,” each adopting a different orientation to literature, and with that different orientation taking adherents in competing and conflicting directions. The three strands, or orientations, of the “law & literature” movement according to Baron are roughly described as: 1) humanistic (literature is good for you); 2) hermeneutic (there are texts to be interpreted and literary theories to be applied in that interpretation), 3) narrative-focused (emphasizing “legal storytelling” and the efforts of lawyers to put stories to use). While we need not adopt Baron’s sense of disappointment in the “law & literature” movement, or accept the conclusions she draws from the existence of these various orientations within “law & literature”—e.g., her conclusion that the different orientations reflect “divisions” that represent “deep problems”—the three orientations do help explain fundamental differences reflected in the growing body of legal scholarship *in* and *about* “law & literature.” Rather than try to describe and further explore each of Baron’s orientations within “law & literature,” perhaps the best way to proceed as a student would be to sample each of the orientations and determine which you find attractive and worth pursuing, or put differently, an orientation that you might actually find useful. To conduct such a sampling, you’ll do best to have before you the “texts” which reflect and embody the different orientations. For your experimental sampling, I’d recommend (while recognizing that no text can be fully representative of an “orientation” that

constitutes a perspective within a scholarly field) that you peruse the following:

—for the humanistic perspective in “law & literature”: James Boyd White, *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* (1973);

—for the hermeneutic/literary theory approach to “law & literature”: Guyora Binder & Robert Weisberg, *Literary Criticisms of Law* (2000);

—on narrative and legal storytelling: David Ray Papke (ed.) *Narrative and the Legal Discourse* (1991) and Anthony G. Amsterdam & Jerome Bruner, *Minding the Law* (2000).

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If you arrived as a student of law in the late 1960s, as I did, you would not have been greeted with anyone talking about “law & literature” as a “movement,” nor would you have been confronted with the anxiety occasioned by the agonizing displays of “movement” consciousness represented by but not limited to, essays like that of Jane Baron. “Law & literature” in the 1960s, upon my arrival at law school, had temporarily gone underground, although the demise of law as an autonomous discipline was everywhere in sight. It was a perfectly wonderful time to begin the study of law; many of us could feel the jurisprudential ground shifting beneath our feet, although the labels later used to describe the new jurisprudence—critical legal studies, feminist jurisprudence, law & literature, narrative jurisprudence, critical race theory, law & economics—were then still unavailable to us. In the late 1960s, what we were seeing, was renewed activity along old fault-lines, and it was from this seismic activity that the new schools of contemporary jurisprudence would emerge. We had a sense, even then, that a groundswell of changes was about to take place in legal scholarship. A few law schools hired psychoanalysts (Alan Stone at Harvard and Andrew Watson at Michigan) and legal scholars had begun to write about psychoanalytic jurisprudence. When I read Alan Stone’s “Legal Education of the Couch” —it appeared in the *Harvard Law Review* in 1971 my last year as a law student—there was a distinct sense that legal education too was on the verge of transformation. But it was not until 1973, several years after I graduated from law school, that James Boyd White’s *The Legal Imagination* would

mark the reemergence of “law & literature” and signal the arrival of what we would later acclaim as a new school of contemporary jurisprudence. James Boyd White did things no other legal scholar had tried to do (and few have done since). He presented the texts of a new “law & literature” that would serve as a literary introduction to the study and practice of law. White did not contend that we should go off and read great literature (although *The Legal Imagination* itself evolved from this kind of reading), or that literature would, by some magical means, allow us to emerge as great legal advocates. In contrast, White simply encouraged us to be attentive to the language, the texts, and the rhetoric by which we define ourselves as lawyers. White seems to have taken seriously the proposition voiced by my colleague, Michael Blumenthal, in one of his poems, “[A]nd you take on, slowly, the shape of your own longings (and their possible solutions).” [3] White presented “law & literature” as an exploration of the ways we adopt and adapt literary thinking and literary sensibilities in our work as lawyers.

Ironically, in *The Legal Imagination*, seminal modern-day “law & literature” text that it is, White offers no definition or description of “law & literature,” as a movement or school of jurisprudence. White’s unwillingness to use the “law & literature” language of his day serves as an on-going admonishment to those who continue the quixotic effort to *define* and *describe* “law & literature.” In the preface to *The Legal Imagination*, White acknowledges that the task of describing what he has set out to do in *The Legal Imagination* turns out to be “unusually difficult”; it simply does not fit existing categories, and White is left to cautiously propose a “new subject, or at least a new way of addressing one.” [4] White isn’t, I think, trying to be evasive or elusives but is trying to say, simply, that if you want to *do* “law & literature” then you may as well do it without getting entangled in old definitions of a subject best described by performance, by practices, by a way of reading.

Following the publication of *The Legal Imagination* in 1973, White published a series of essays which helped establish—even if they did not fully define—“law & literature” as a movement. And with White opening the door and showing us the way (again), others would follow. Unfortunately White’s work was often, and without good cause, ignored, as other begin to join the “law and literature” movement. Inevitably, critiques and critics of White’s work began to appear. [5]

The pre-James Boyd White generation view of “law & literature” is represented by John H. Wigmore, a widely recognized scholar in the law of evidence, who presented in the first decade of the 20th century, an often-

cited list of “legal novels” and the admonishment that lawyers should be reading fiction. Wigmore, like White, is credited with being still another, if earlier, founder of “law & literature.” Wigmore warned against novels of an ordinary kind, such as the “detective stories” popular at that time. [6] Wigmore’s point—that there are far more “legal novels” than any lawyer would have time to read, even in 1908—is even more obvious to the student|lawyer today. This business of choosing what we are to read from the great warehouse of literature relevant to a lawyer and his work is every bit as important today as it was a hundred years ago when Wigmore published his first list of legal novels which, we might be reminded, was not a list of “legal” novels, but a list of the “literature” of the day which Wigmore thought the educated lawyer should be reading.

Today, I think we honor Wigmore’s concern about a program of reading for students of law by making a place in legal education for contemporary, literary fiction as an integral part of “law and literature.” If there is a traditional canon of “law & literature”—*Antigone*, *The Book of Job*, selections from Shakespeare and Dickens, *Billy Budd*, Glaspell’s *A Jury of Her Peers*—we can now draw on the emergence of the study of popular culture as an academic discipline and begin to rethink “law & literature” as embracing non-canonical texts. There are always teachers who teach beyond the canon, and a host of good reasons for them to do so. [7]. In teaching contemporary literary fiction as part of “law & literature,” we need not resort to John Grisham’s legal thrillers, although Grisham is of course of continuing interest to legal scholars in the United States as a lawyer turned novelist, and because he has so successfully defined the legal thriller genre, and in doing so, has become an enormously rich man. It cannot escape the interest—the academic interest—of any lawyer or legal colleague with a “sociological imagination,” that John Grisham has probably introduced more Americans to law and lawyers than any other living writer. Scott Turow, still another lawyer-novelist, has written widely-read novels, and in his more recent work, arguably, transcends the legal thriller genre with which he too is often identified. Turow’s *Personal Injuries* (1999) has some strikingly drawn, finely-nuanced characters, and should in my view be viewed as a work of popular fiction of literary merit that students of law might be asked to read.

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This brief discussion of contemporary popular fiction brings me around to the proposition that “law and literature”—as a “movement” in

jurisprudence is translated into a “curriculum” course—has missed a golden opportunity in not drawing more fully upon and exploring stories and novels in which we find lawyers. Lawyers-as-lawyers play a central role in stories like Tolstoy’s “The Death of Ivan Ilych,” Harper Lee’s *To Kill a Mockingbird*, and Pete Dexter’s *Paris Trout*, but also in stories and novels in which the narrator or central character is a lawyer, but the story doesn’t directly focus on the character as a lawyer, e.g., Melville’s “Bartleby, the Scrivener,” Albert Camus’s *The Fall*, and Walker Percy’s *The Second Coming*. And, there are still other stories like Katherine Anne Porter’s novella, “Noon Wine,” in which the central characters are not lawyers, but the law places a significant role in the narrative. Drawing on these works of contemporary and literary fiction, along with the short fiction of writers like Lowell B. Komie and John William Corrington, who have been largely ignored in “law and literature” circles, I think we have the makings of a course of reading that moves the focus away from “law & literature” to what might accurately be called “lawyers & literature.” While “law & literature” has taken center stage with legal scholars, the most enticing invitation for the student of law (as for readers more generally), readers who want to put literature to use in imagining a life in law, is to turn to fiction that falls outside the law and literature canon. By focusing more on lawyers and less on law, we have an argument for literature taking a central place in the education of a lawyer. It is literature that invites us to think anew and to puzzle over what it means to be a lawyer.

The refocusing of “law and literature” on “lawyers & literature” that I suggest here can best be elliptically described by way of a series of questions:

—How are the ideals associated with a life in law portrayed in lawyer fiction?

—How, in lawyer fiction, are these ideals called into question?

—In what sense are the lawyers we find in fiction a representation of a desired future, a feared future?

—How are we to account for the public’s seeming insatiable appetite for lawyer fiction (novels, TV dramas, films)? And how does this cultural preoccupation with lawyers (and law) affect how we view ourselves as lawyers?

With these questions framing our “lawyers and literature” inquiry, we might, in a course of reading lawyer fiction: (1) explore the possibilities

and the obstacles to learning about ourselves as lawyers from literature, (2) puzzle over the relation of the “real” and “fictional” aspects of the lives we live as lawyers, (3) speculate about how being a lawyer opens up and closes down important aspects of our personal lives, and, (4) identify the strategies we use—and those we might learn to use—in reading and understanding lawyer stories.

Jerome Bruner, a respected elder in the field of psychology, argues that we should “constantly be inquiring about the interaction between the powers of individual minds and the means by which the culture aids or thwarts their realization.” Bruner contends that this inquiry “will inevitably involve us in a never-ending assessment of the fit between what any particular culture deems essential for a good, or useful, or worthwhile way of life, and how individuals adapt to these demands as they impinge on their lives.” [8] The legal profession is a distinct culture, a culture which aids and thwarts the realization of individual minds and well-lived lives. A study of “lawyers & literature” makes it possible to study, in a relatively unthreatening way, how a lawyer’s life is enriched and diminished by the very culture that makes the good life possible.

In “lawyers & literature” we read lawyer fiction to become more attentive to the “fictions” we live and the “stories” we fabricate, adopt, and adapt in the lives we lead as lawyers. The stories I’ve found most likely to prompt reflective attention to the lives we live and the work we do as lawyers has focused on the novels and novellas mentioned here, along with a selected group of short stories. The novels I have asked students to read are: Albert Camus, *The Fall* (1956); Pete Dexter, *Paris Trout* (1988); Harper Lee, *To Kill a Mockingbird* (1960); Walker Percy, *The Second Coming* (1980). The course often includes three novellas: Tolstoy’s “The Death of Ivan Ilych,” Herman Melville’s “Bartleby, the Scrivener,” and Katherine Anne Porter’s “Noon Wine.” I usually begin the course with a Kafka parable, “Before the Law,” and then read short stories that reintroduce the student to a way of reading and thinking that gets waylaid in the reading of law cases. The short stories I ask students to read, include: J.S. Marcus, “Centaur” in *The Art of Cartography: Stories* (1991); Margaret Atwood’s “Weight,” in her collection of stories, *Wilderness Tips* (1990); “Puttermesser: Her Work History, Her Ancestry, Her Afterlife,” in Cynthia Ozick, *The Puttermesser Papers* (1997). [9] In addition to these short stories I draw heavily on the short stories of my friend, Lowell B. Komie, a Chicago lawyer, who has quietly and without fanfare, over the past fifty years, produced some rather exquisite lawyer fiction. Komie’s lawyer stories, along with his other short

fiction, were first published in three collections: *The Judge's Chambers: Stories* (1983), *The Lawyer's Chambers and Other Stories* (1994), *The Night Swimmer: A Man in London and Other Stories* (1999). The stories were collected for publication in an issue of the *Legal Studies Forum*, which appeared in 2001, and have now been collected in *The Legal Fiction of Lowell B. Komie* (2005), for which I was honored to write the introduction. With my discovery of the fiction of John William Corrington (1932-1988), I began to make liberal use of his lawyer stories along with Komie's work. Corrington, a prolific writer and poet, who took up the study of law at age forty, published only six short stories and two novellas involving lawyers before his untimely death in 1988. Corrington's two lawyer-related novellas appear in *All My Trials* (1987). His six (long) short stories appear in several published collections of stories, all now out-of-print, but republished in 2002 in the *Legal Studies Forum*, a journal that I have edited for some fifteen years.

In "lawyers & literature," we can study the widely-known, beloved fictional lawyer, Atticus Finch, in Harper Lee's *To Kill a Mockingbird*, along with far darker stories, stories that suggest that lawyering, with its promise of virtue and glory, is accompanied by a "shadow" that can deform and overwhelm the lives of those who take up the practice of law. In "The Death of Ivan Ilych," *The Fall, Paris Trout*, and *The Second Coming*, we find lawyers who have followed conventional, well-worn paths to success, but find that their "success" does not immunize them from life's great reversals. There is, in lawyer fiction, a hint that we lawyers live tragic lives.

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What we most need in "law & literature" is not a *definition* of the law and literature movement, but something far more basic. We need to simply read stories and learn how to work with stories as a fundamental part of an ongoing project not only of professional education, but of self-education. And how, you ask, is this project to proceed? I don't have a guidebook to offer you, but there are some things of which we might be reminded: In the endless banter of daily life and in the work we undertake as students of law, we sometimes tend to forget that we are creating and telling stories, accepting and rejecting stories, praising some stories while rebelling against still others. Ernest Becker observed that "[i]t is a worthwhile lifetime adventure, this expansion of your self into new inner landscapes." [11]. The stories we find embedded in literature are a constant reminder of the "inner landscapes" that we use as a compass in our lives. In reading stories, in and out of school, in and out of the courses for which we receive academic credit, in the reading we do over a lifetime, we partake in this

“worthwhile lifetime adventure” in which life and story become thoroughly entwined. It is, according to Becker, in this great adventure that “you can get a toe hold into the world views of strange cultures” and what stranger culture can one imagine than our own culture of lawyers?

Reading lawyer stories we are invited to become more story conscious, and to become more aware of the stories we are asked to live as a lawyer. We are invited to muse about the stories offered to us as we set out to be lawyers, and to see how these stories might work in the context of the stories we already embrace: the stories we bring with us to the study of law, and the stories we hope to live as lawyers. It was Socrates, the now much maligned patron of legal education, who taught not only a means of questioning the conventions and politics of the day but also the stories we’re offered, the stories we bring with us to law, and the stories we hope to live as lawyers are themselves subject to question and examination.

Reading literature as part of our education as lawyers reminds us that it is our stories, fictional and real, which shape the lives we live and the work we do as lawyers. The stories we tell and live as lawyers are quite real and they are inevitably driven by the fiction(s) that we imagine and embrace. Reading fictional accounts of lawyers, we constantly confront the question—what is the relation of fiction and the real in our lives as lawyers?

It’s easy enough to let everyday affairs keep us so busy and preoccupied that we find too little time to engage in the kind of reflective, introspective work that can keep us grounded. We become so enmeshed in the business of everyday life that when asked to start thinking about the universe of stories in which we navigate, even about what and where our own stories lie, the invitation can be seen as an irritation, a nuisance. Paying the rent, getting through another class, studying for an examination, finding a place in a law firm to work—these things don’t just happen, they are made to happen and they get priority because they demand attention. Surrounded by so many demands for attention, we tend to overlook the scripts we enact, the stories we tell, and the stories we uncritically adopt. Indeed, we may not think of our ourselves as having a story at all, until that is, we find ourselves in an unforeseen fog, or surrounded by darkness, awaiting a fate we would not have willed for ourselves, a character in a story we had not imagined.

In the drive to be successful students, and to become a lawyer, we find it

convenient to avoid the reflection and studied response that literature demands. Indeed, some versions of the law school story would have you believe that reading novels as part of your education as a lawyer is simple nonsense. If you've already adopted a plot for your story, then you may find that you don't have much time and don't see much need to think about anyone else's story. Many students find themselves on firmer ground in talking about goals (which they think of as objective and concrete), than they do in talking about stories (which they find elusive and lacking definitive ends). For some, the "success" story seems the only story worth telling or thinking about; it's a story that can leave you with a vast unimagined inner landscape. In "lawyers and literature" we take up a course of reading that considers this inner landscape as both viable and real, these unimagined parts of the self are treated as if they might well be essential to the life we most desire, the life most worthwhile to live.

Exploring the unimagined parts of the self is not at all simple or straightforward; we cannot expect literature to provide a fully detailed map. Parker J. Palmer reminds us that, "[t]he knowing self is full of darkness, distortion, and error; it does not want to be exposed and challenged to change. It seeks objectified knowledge in order to know without being known." [12]. We sometimes venture into the great darkness of our lives by accident, by having had delivered at our doorsteps a need to know what cannot be known. And so it is with any course of reading; some of what we learn is taken on ever so reluctantly, even as we fight against it. The reading we do in "lawyers and literature" can be painful and it can sometimes leave us confused; it takes courage to read, to learn that we may know less than we thought we knew.

There are, real, significant, and sometimes unsurmountable, obstacles in the use of literature to see, in broader, deeper, more encompassing ways, who we are and what we are not, to see how we succeed and how we fail. Literature is not magic; it does not turn every reader into a thoughtful, reflective person. Yet, for some of us, reading and the possibilities we find in literature, have indeed been the magic in our lives. Unfortunately, it is not a magic that can be conjured up on demand, a magic handed to others on a silver platter, a magic that can be reproduced via formula.

Law students are sometimes resistant to the simple notion that learning how to be a lawyer is in reality, a way of learning to be a person, and that learning to be a *real* person, living the great *adventure*, is not so intuitively straight-forward an enterprise as we might want it to be. Some students are firmly convinced, based on the lives they live and the lives they see lived around them, that being a lawyer and being a person are basically different

enterprises and that one may engage in the one without undue concern for the other. One finds in fiction, as a prelude to what we discover in life: This “two worlds” approach to law and life, induced by the standards of conventional thinking, gets challenged by lives that lawyers end up living.

The real problem, as Parker J. Palmer observes, is that “[w]e want a kind of knowledge that eliminates mystery and puts us in charge of an object-world. Above all, we want to avoid a knowledge that calls for our own conversion. We want to know in ways that allow us to convert the world—but we do not want to be known in ways that require us to change as well.” [13]. The promise of literature is that when we see, really *see*, the life of a fictional lawyer, and his confrontation with the world and with himself, we have improved the odds that when confronted with our own real difficulties and obstacles, that we can find a way around, beneath, and beyond those difficulties. That is, we have a slightly better chance of living with difficulties we cannot solve like we do legal problems, or erase the way we do a night’s dream. To be the kind of person we imagine ourselves to be in the stories we tell ourselves about life and about law requires a wealth of resources. I can’t imagine an accounting of these resources that does not include literature.

Endnotes

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[1] Jane Baron, *Law, Literature, and the Problems of Interdisciplinarity* 108 Yale L. J. 1059 (1999).

[2] Richard Posner, *The Decline of Law as an Autonomous Discipline: 1962-1987*, 100 Harv. L. Rev. 761 (1987).

[3] Michael Blumental, "And the Deep, Shining Abraxas of the Hills Will Love You Too," in *And Poems* (unpublished manuscript).

[4] James Boyd White, *The Legal Imagination* xix (1973).

[5] Richard H. Weisberg, *The Failure of the Word: The Protagonist as Lawyer in Modern Fiction* (1984); Robert Ferguson, *Law and Letters in American Culture* (1984) (providing an interesting account of "law & literature" not as a field of study, but as an exploration of the lives, works, and conflicts of selected early lawyer/literary figures in the United States and the culture in which they lived and worked); Brook Thomas, *Cross-Examinations of Law and Literature: Cooper, Hawthorne, Stowe and Melville* (1987); Richard Posner, *Law and Literature* (2nd ed., 1998); Richard Weisberg, *Poethics and Other Strategies of Law & Literature* (1992); L.H. LaRue, *Constitutional Law as Fiction: Narrative in the Rhetoric of Authority* (1995); Peter Brooks & Paul Gewitz (eds.), *Law's Stories: Narrative and Rhetoric in the Law* (1996); Gary Bellow & Martha Minow (eds.), *Law Stories* (1996); Bruce L. Rockwood (ed.), *Law and Literature: Perspectives* (1998); Jerome Bruner, *Making Stories: Law, Literature, Life* (2002).

[6] John H. Wigmore, *A List of Legal Novels*, 2 Ill. L. Rev. 574 (1908).

[7] See William Domnarski, *Law and Literature*, 27 Legal Stud. F. 109 (2003).

[8] Jerome Bruner, *The Culture of Education* 13 (1996).

[9] I was introduced to both the Marcus and Atwood stories by way of a collection of law and lawyer stories edited by Jay Wishingrad (ed.), *Legal Fictions: Short Stories about Lawyers and the Law* (1992), which is, unfortunately, now out-of-print.

[11] Ernest Becker, *The Denial of Death* 113 (1971).

[12] Parker J. Palmer, *To Know as We Are Known* 121 (1983).

[13] *Id.* at 39-40.