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Preface

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This issue explores the interdisciplinarity between literature and law. Although the idea of academic "disciplines" has a long and venerable history, reaching back to the Renaissance and beyond, the term "discipline" with the meaning of "branch of knowledge" or "department" only started to come into common use from about 1850. A century later, the concept of "inter-disciplinary studies" had already gained considerable ground among educational theorists: in 1972, the Organisation for Economic Co-operation and Development was sufficiently interested in the concept to publish a report—"Interdisciplinarity: Problems of Teaching and Research in Universities"—which concluded that disciplines "should be taught in the context of their dynamic interrelationships and societal problems".

The creation of the law and literature movement is frequently attributed to former Associate Justice of the U.S. Supreme Court Benjamin N. Cardozo, who published *Law and Literature* in the 1920s, and to James Boyd White, the author of *The Legal Imagination* published in 1973. If John Hursh, in his article, praises Cardozo for giving a name to the intermingling of literature and law and also White for his more practical approach to the movement, he disputes their real founding role.

Hursh shows that the overlap between these two disciplines had existed since the creation of the US, when most lawyers made frequent use of literature in support of their legal reasoning. By the middle third of the 19th century, the law had evolved

towards more technicality and lawyers' use of literature waned. The interconnection between law and literature became less obvious. The publication of White's *The Legal Imagination* marked the revival of the interdisciplinarity between law and literature. In contrast to Cardozo's arid approach to the movement, White's contains numerous literary examples to demonstrate the importance of language in legal texts. Hursh talks about the "academic institutionalisation" of the modern post-1970s movement as law and literature started being taught as an interdisciplinary subject to future lawyers and judges. The latter then resumed using literature and mainly, literary techniques to draft pleadings or judgments.

Two sub-branches emerged from the law and literature movement: law *in* literature and law *as* literature. The former is concerned with showing how legal themes, situations and institutions are (re)presented in fiction. The latter focuses on similarities in the processes, priorities and values which underpin the creation and composition of legal documents and those of literature—thus making literary analysis of the former possible.

With the literary description of the Salem witchcraft trials in the 19th century, Marta Gutiérrez gives an interesting example of law *in* literature. She shows how 19th-century works of historical fiction have represented this historical event, with an emphasis on judicial issues and the fair—or in this case unfair—application of legal proceedings. The literary depiction of the miscarriages of justice which resulted from the mishandling or manipulation of witness evidence—real or imaginary—is a tribute to the real victims of the Salem trials and furthermore, of any other "witchhunts" which later occurred in the U.S. or elsewhere in the world.

From the unfair trials of witches in the 19th-century US, we then move on to Cristina Paravano's depiction of justice in the UK Caroline period. Paravano focuses on Brome's *The Demoiselle* and *A Mad Couple Well Matched* to describe the judicial process in England's early 17th century. In these plays, Brome stages the coexistence of law and crime and the lack of a central moral, political or judicial authority at that time. The theatre audience can be compared to the judge and jury. The message conveyed by Paravano is that Brome's depiction of justice is incredibly accurate and modern.

Unlike the articles of Gutiérrez and Paravano which deal with the law in literature sub-movement, Geraldine Gadbin-George examines various UK judgments to show that lawyers and judges often use literature in their decisions. Famous literary characters like Alice in Wonderland, Romeo and Juliet or Jekyll and Hyde are often referred to or quoted. The former House of Lords judges even referred to J.K. Rowling's *Harry Potter* to explain their reasoning in a complex leasehold case. Literary quotations can help clarify a factual or legal issue or may serve as a rhetorical tool to pass on a message to the authorities. Likewise, authors such as Shakespeare or Dickens can be used to give a better understanding of legal decisions and, consequently, improve lay people's access to justice.

Finally, in his article on narratology, Marcin Stawiarski focuses on the role of multiple-person narratives in the legal discourse. He reaches the conclusion that the legal topics used in literature have an underlying metaphor which is meant to help the reader understand the legal message. With reference to the works of Weisberg and Barricelli, he identifies various categories of legal influence in literature: fiction where some legal procedure is represented, books where a legal figure or character is depicted, novels where laws or procedures are used as an organising principle. The fact that law acts as a narrative frame or a legal metaphor is considered as another category.

The law and literature interdisciplinarity is very much alive. It is not only a scholarly concept but pervades literature and court judgments. No doubt we can expect this movement to evolve further.