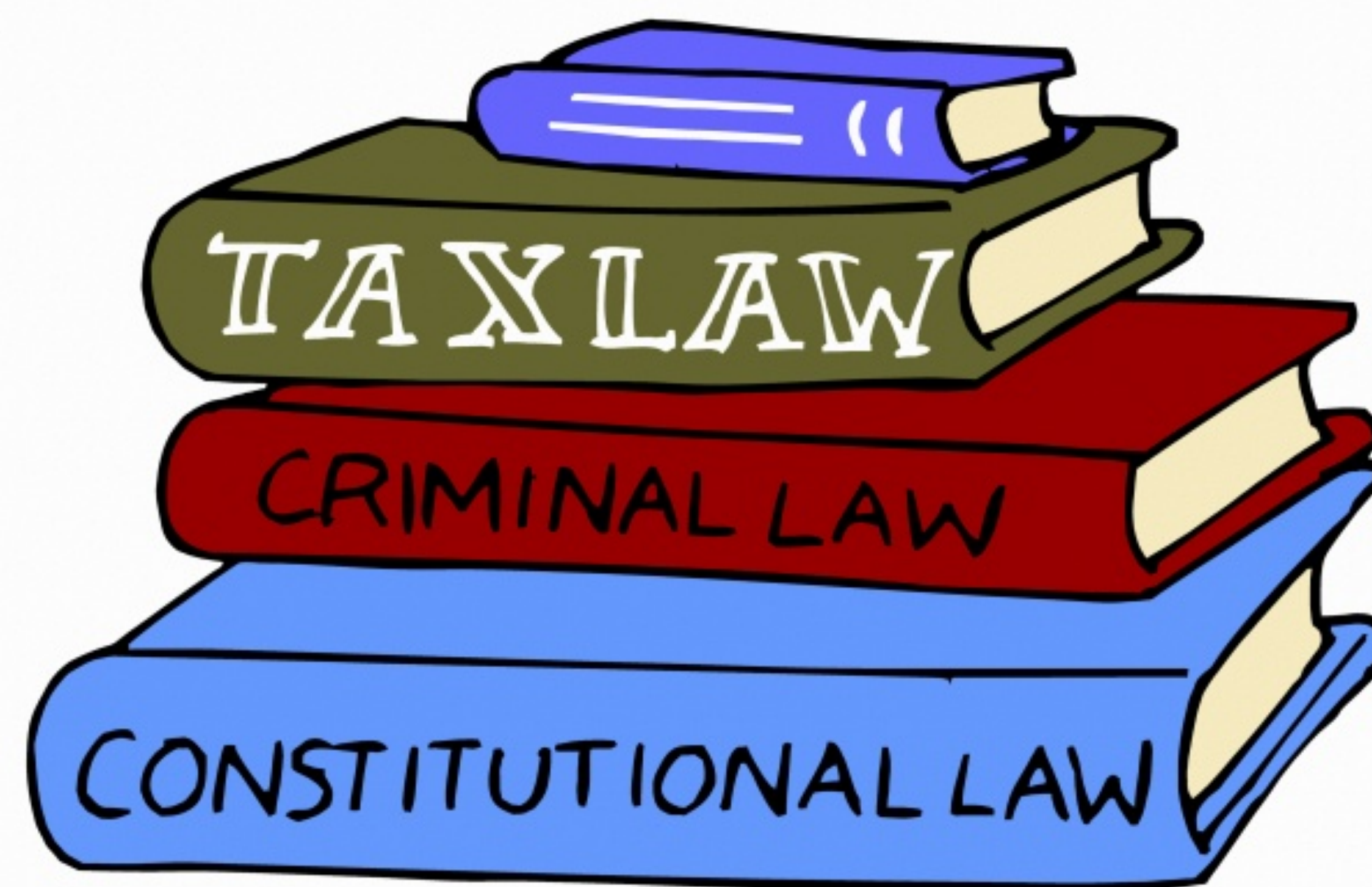


Law as Literature: Within the Parameters of Literary and Linguistic Theory

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This paper works to contribute to the discussion regarding literary interpretation and legal interpretation. Forms of literature and law offer meaning and value in its application to society and its individuals. Literary and linguistic theories offer insight to the academic approaches of interpretation. As each person is bound by laws, the influence of literature and linguistic use within society therefore influences the social norms and expectations people desire to live by. As the law fluctuates according to society, legal texts require the fluctuation according to both the interpretation of literature and the interpretation of current law. This connection to dependent entities are identifiable within a democratic state that offers its citizens an ability to vote toward or motivate change within their legal obligations and constraints. The fluctuation and amendments of law offers a unique opportunity to look at how social and historical contexts progress law as literature with time.



What is interpretation?

-The Oxford English Dictionary defines interpret as “To expound the meaning of (something abstruse or mysterious); to render (words, writings, an author, etc.) clear or explicit; to elucidate; to explain”, this offers insight to the desired process of interpretation.

-There is no defined or universally accepted methodology of interpretation within the fields of literature however literary theories attempt varying methods to find meaning within literature.

- The act of interpretation is significant in humanity’s desire to understand meaning from the world as well as the literature, language, and law that surrounds us.

“The only thing that matters is, first, the experience of being in the story, moving through it. Then any interpretation you like. If it's yours, then that's the right one, because what's in a book is not what an author thought he put into it, it's what the reader gets out of it.”

-William Golding, author of *Lord of the Flies*

Literary Theories

Hermantics = literary theory that emphasizes a period of objective interpretation on biblical texts, wisdom literature, and philosophical texts.

- The interpretation requires justification, understanding and developed insights.

Formalism = literary theory that methodizes interpretation through critical approaches in analysis of the features of a text

- This theory includes includes literary devices when looking in the internal aspects of a text while looking at the whole

- Emphasis on the parts and whole of the text

New Criticism = a literary theory within formalism, that recognizes a literary text as self-contained and self-reliant.

- Close reading emerged through this literary theory which is only applicable to poetry or short stories

Linguistic Theories

Relevance = a theory about how the process of communication involves encoding, transfer, and decoding of messages as well as inference and context.

Structuralism = a literary and linguistic theory that works to view language as signs and signifiers that our usage borrows from that preexisting language. By breaking down the words and their meanings, structuralism reimagines how we analyze and understand reality.

- As language constructs our reality, structuralism works by recognizing the basic building blocks of language making the meaning of interpretation transcend preconceived notions.

Dave West offers a unique perspective through the lens of *Practical Criticism* By I.A Richards.

New Criticism analyzes the cognitive “motives” behind literary analysis as West “argued that Richards’ technique of practical criticism was the very first large-scale experiment in psychology conducted to discover how real readers understand, interpret and evaluate literary texts” (West 88).

Legal perspective

As legal texts are a form of literature, their meaning is only extracted by interpretation.

- As their meanings work to shape our society and legal system, their interpretations are crucial to the order and liberties afforded to each individual

- As law forms the legal boundaries each citizen is held to, the specific verbiage and its interpretation have progressively formed a methodology of how each citizen follows the law, how each lawyer studies the law, how each officer enforces the law, and each judge prosecutes according to the law.

- By using sources from legal and literary scholars that offer unique perspectives of the legal system there is a correlation offering literature’s reflection on legal texts and vice versa.