**Literatures and Laws Symposium**

**Programme**

**Panel: Case studies beyond law**

**Stacy Gillis**

**Title:**“‘A Work of a Tendency So Grossly Immoral’: Public Morals, Copyright, and Women’s Writing in the Early Twentieth Century”

**Abstract:**  Elinor Glyn had a career as a society novelist, with several *romans à clef*behind her, when she published the best-selling bonk-buster *Three Weeks*with Gerald Duckworth in 1907.  Notwithstanding its substantial commercial success, it was harshly dismissed by critics and partly banned – at the same time, it had a complex afterlife, including plays, parodies, films, as well as Glyn’s star-persona, which she parlayed into an ‘It Girl’-producing Hollywood career in the 1920s.  In this paper, I explore the public and legal management of this afterlife, a copyright case in 1915, and, in doing so, consider the public and legal management of female  sexuality and women’s writing in the early twentieth century.  Glyn had sold the film rights for the novel to the Reliable Feature Film Company (US), which produced *Three Weeks*in 1914.  Another version of the novel was released in the UK in 1915: *Pimple’s Three Weeks (without the option)* *with apologies to Elinor Glyn* was part of the series of comedy short films starring the series character Pimple.  The Society of Authors, acting on behalf of Glyn, brought a case to court against the latter film’s producers in late 1915. The defendants argued that their film was intended as a burlesque, while the plaintiff held that copyright had been breached. In his judgment, Judge Younger stated that copyright ‘cannot exist in a work of a tendency so grossly immoral as this’ and stated that a book of ‘such a cruelly destructive tendency’ would not have the protection of the Court and gestured towards the need for the novel to be ‘altogether suppressed.’  The commercial success of the novel speaks to its large female readership, who enjoyed the account of an older woman seducing a younger man, and educating him sexually; yet the legal judgement speaks to the patriarchal outrage of public morals. The novel is caught between these polarised positions, and, I argue, its later erasure from literary history is a consequence of these arguments about modernity, women’s sexuality and narrative form.  I explore the ramifications of the case and the judgement, which played out in the national press, in considering the relationship between women’s writing, copyright, notions of public morals, and gender in the early twentieth-century British literary marketplace.

**Sylwia Halub**

**Title:** *The stories written during the trial: The 1992 Jeffrey Dahmer case*

**Abstract:** In its most basic sense, the study of narratives involves an exploration of diverse stories. There exist different kinds of narratives, most common including literary or movie narratives. In the 20th century, scholars such as John H. Wigmore and James Boyd White discussed a “new” narrative genre – the legal narrative. The area of law becomes a form of art, in which the lawyer turns into a writer. Furthermore, a trial transforms into a competition of two contrasting stories. This presentation will examine the subject of legal narrative, and the roles of the key figures in a trial which write these legal stories, including the defense, prosecution, witnesses, judge, and defendant. The analysis centers on a specific case—the 1992 trial of American serial killer Jeffrey Dahmer. Interestingly, Dahmer’s trial did not focus on the committed murders, but instead discussed the mental state of the defendant under §971.15 of the State of Wisconsin Statute & Annotations. The lawyers create two portrayals of Jeffrey – one being a mentally ill person in need of help, and the other as a cunning and cruel criminal mastermind. The discussion demonstrates how stories are written in a courtroom, and trials turn into contests of narratives.

**Dr K Subramanyam**

**Title:** The Farce of Justice: The Literary Afterlife of Infamous 1650 Trial of Anne Green

**Abstract**: The crime has always been the intersecting point for the discourse of literature and law. Western literature is replete with interesting case studies of crime from the days of ancient Greek plays to postmodern detective fiction. One of the chief reasons for literary engagement with crime and law lies in the political, psychological and dramatic nature of the legal framework such as fascinating trials scenes in the courtrooms. The paper attempts to study one such seventeenth century sensational case of Anne Green, a twenty two year old domestic servant from Oxfordshire, who was hanged for infanticide. However, the sensationalism lies in the mere fact that she did not die as she was found to be alive upon inspection and was revived by the medical professionals of Oxford University. The sensational case of Anne Green offered a peculiar political and legal issue for the medical and judicial fraternity of the day. Taking cue from the real legal case study of Anne Green, the paper aims to analyze the influence of the Green’s case on the literary afterlife in the form of poems and pamphlets published during the seventeenth century. The paper will also examine Iain Pears’ novel *An Instance of the Fingerpost* (1997) influenced by the Green’s case.

**Panel: Law in Fiction**

**Jamie Bernthal**

**Title:** The Limits of the Law in Golden Age Crime Fiction

**Abstract:** ‘I was restrained and hampered by my innate sense of justice’, writes the killer in Agatha Christie’s *And Then There Were None*. He is describing his decision to kill ten people, all of whom were themselves guilty of ‘deliberate murder’ but ‘untouchable by the law’ on account of technicalities or lack of evidence. This paper considers the presentation of characters taking British law into their own hands in Golden Age crime fiction (roughly defined here as puzzle-based and written between the First and Second World Wars). Case studies include Gladys Mitchell’s *Speedy Death* (1929), Agatha Christie’s *Murder on the Orient Express* (1933) and *And Then There Were None* (1939), and Raymond Postgate’s *Verdict of Twelve* (1940). In all cases, the authors address perceived failings of the law, either via subversive courtroom sequences (Mitchell, Postgate) or grotesque recreations of the court in crime scenes (Christie). Referencing other texts such as Christie’s *The Mysterious Affair at Styles* (1920), Dorothy L. Sayers’ *Strong Poison* (1928), and Cyril Hare’s *Tragedy at Law* (1939), this paper positions Golden Age crime fiction as an overlooked arena in which general readers had access to high-level debates around the ethics and efficacies of criminal law.

**Ernesto EDWARDS**

**Title:** "Exploring Legal Constructs in Speculative Realms: A Journey through Borges' 'Tlön, Uqbar, Orbis, Tertius’"

**Abstract:** Jorge Luis Borges’ short story “Tlön, Uqbar, Orbis, Tertius” offers a profound exploration of the inventions of law and legal systems within speculative fiction. In this narrative, Borges constructs a world within a world, where the fictional realm of Tlön is imagined by the characters and treated as real within their own reality. Within Tlön, the conception of law is radically different from conventional understandings, reflecting an imaginative and speculative reconfiguration of legal frameworks. In this abstract realm, law is not merely a set of rules and regulations but rather a fluid and malleable construct shaped by the collective consciousness of its inhabitants. Borges intricately weaves elements of surrealism and metafiction to depict a legal system that defies traditional boundaries and norms. Through the lens of speculative fiction, Borges prompts readers to reconsider the very essence of law and its role in shaping societies.

By examining the portrayal of law in “Tlön, Uqbar, Orbis, Tertius,” this presentation explores how speculative fiction can challenge conventional legal paradigms and inspire critical reflection on the nature of justice, governance, and societal order. Borges’ narrative serves as a compelling testament to the boundless possibilities of imagination in reshaping our understanding of law and its implications for human civilization.

**Dignata Roy**

**Title:** Closing the Deal with Dracula: A Study of the Legalities of Home-Ownership in Stoker’s Novel

**Abstract:** In the Victorian novel, issues of legality and criminality are often introduced to highlight the concerns of modernity in the nineteenth century. This paper will argue, that Bram Stoker’s *Dracula* is based on a fundamental concern about the laws of property ownership in the Victorian period. Critical studies on the novel have mostly focused on the motif of vampirism, and the nineteenth century anxieties about sexuality and race. Stephen D. Arata for example, talks about the invasion of an East European vampire as the fear of reverse colonization. However, as I will argue in this paper, this fear is tied to larger concerns about the laws of property ownership by an outsider in England during the nineteenth century. In the eighteenth century, as William Blackstone notes in his book, *Commentaries on the Laws of England*, although a non-English citizen could not own land in the country, he could legally own property, or hire a house for habitation. During the end of the nineteenth century, however, there was a deep-rooted fear of Jewish and East European immigrants, which culminated in the Aliens Act of 1905, restricting their entry. I will argue that the legal transaction in *Dracula* highlights this fear of an East European ‘monster’ cleverly using the law to legally gain access to the London public.

**Tamzin Elliott**

**Title:** Rethinking dichotomies of abortion in Annie Ernaux’s *Happening* (2000; 2022)

**Abstract:** Nobel-Prize winning French writer Annie Ernaux underwent an clandesting backstreet abortion in 1964 and subsequently relived the experience in her autobiographical abortion narrative, *Happening* (2000; 2022). Interestingly, the text is punctuated by the author’s immense sense of pride surrounding her experience, rather than shame (Ernaux, 2000; Day, 2004). Whilst it has been suggested that Ernaux’s textual choices relating to language and format can be attested to the trauma and illegality of her situation (Havercroft, 2005) this paper will argue that shame exists only in relation to prejudices about social class and unplanned pregnancy rather than directly linked to abortion itself, considering instead how social identity shapes our abortion experiences. In this sense, it seeks to consider the text through the lens of reproductive justice (Ross and Solinger, 2017), allowing us to rewrite normative scripts of reproductive care and refraining from reducing abortion to the single issue of its criminalisation. The paper seeks to explore the ways in which Ernaux’s text challenges dichotomised concepts of pro-life versus pro-choice, good versus bad, legal versus illegal, which tend to define mediatised discourses on abortion and reduce it to the single-issue of its legal status (Smith, 2005).

**Panel: Literature/narrative/storytelling effect on law**

**Jade Marris**

**Abstract:** My dissertation took a culturalist approach to investigate how the narrative structure in children’s literature affects adults’ cognitive processing, specifically in a court of law. My research presented that narrative schema created in childhood through repetition of plot structure, is used in adulthood to construct meaning in the stories presented to individuals. Plot structures were demonstrated in LadyBird books and supported by narrative theories. In the three court cases I analysed, adults mistakenly selected the most coherent narrative to be the truth. Whether the narrative came from the prosecution or defence, the believable story was the one that followed a similar structure to the LadyBird books. The cases analysed included themes such as murder, terrorism and fraud and displayed the impact miscarriages of justice have, not only on the individuals involved but on the public. My research, alongside mock-jury experiments and the works of legal academics, demonstrates a jury’s predisposition to select the most familiar narrative as truthful, placing doubt on the capability of a jury to produce a verdict objectively and correctly.

**Chris Gavaler and Nathaniel Goldberg**

**Title:** Retconning Law

**Abstract:** The word “retcon” – short for retroactive continuity – entered comics vernacular in the 1980s. It refers to a revelation causing an audience to reinterpret a previous impression as false. The revelation makes the past retroactively continuous with what is now understood as true. A prototypical example predates the term by decades: Sir Arthur Conan Doyle depicted Sherlock Holmes’s death in his 1893 short story “The Final Problem,” revealing in his 1903 short story “The Adventure of the Empty House” that Holmes had instead feigned it.

The word “retcon” officially entered U.S. law in 2019 in the Third Circuit Court of Appeals case *Northeastern Freethought Society* v*. Lackawanna Transit System*, and unofficially in 2011 in the *Conflict Resolution* article “The Adventures Of ‘Superman’: A Narrative Worth Mediating” by Jeffrey Zeman. The practice has been a part of U.S. law from its inception. It is one of the Supreme Court’s defining powers in the form of judicial review.

After exploring the use of the word “retcon” in legal contexts, we analyze a Supreme Court case retconning a law (Civil Rights Act of 1964) and two cases retconning the Constitution (Second Amendment’s right to bear arms and the Preamble’s “We the People”).

**Sarah Woodward**

**Abstract:** Section 76 of the Serious Crime Act 2015 created the offence of coercive or controlling behaviour (CCB) in England and Wales. CCB is a crime which is only substantiable by its narrative context, and, despite amendments in the Domestic Abuse Act 2021, the legislation does not yet provide the clear, consistent guidance necessary to encapsulate the crime’s core narrative characteristics. Behind this difficulty lies the complication that victim/survivors often tell multiple, incommensurate, fragmented, and unstable stories about their experiences; yet this does not mean that these victim/survivors are not engaged in a process of attempting to tell the truth.

Dillon and Craig’s four-function model of ‘storylistening’ (2021) evidences the value that academic narrative expertise can bring to public reasoning. Using storylistening principles, this talk will take two examples from narrative accounts of CCB, drawn from contemporary literature in autobiography and fiction, and use these as models to exemplify how the developments in legislation can work counterproductively to disable understanding of the crime and silence its victim/survivors. The analysis will make the case for the contribution literary research brings, as part of a pluralistic evidence base, to improve understanding of constituent features of the crime of CCB and help drive reform.

**Panel: Politics, literature, and law**

**Ikaro Grangeiro Ferrira & Daniel Camurca Correia**

**Title:** Rise of the extreme right and the origins of the Brazilian civil military dictatorship: analysis of the comic book O Golpe de 64.

**Abstract: The aim of this work is** to problematize the political and ideological discourses that resulted in the rise of the extreme right, leading to the 1964 coup and the emergence of the Brazilian military civil dictatorship, which consequently dismantled the structures of the democratic rule of law in the country. Through **image** analysis, this research focuses on the comic book O Golpe de 64, produced in 2014 by journalist Oscar Pilagallo and comic artist Rafael Rocha. Comic books are indispensable works for today's youth, within legal studies, to have the opportunity to **draw** inferences about the system of norms of the past, in a playful and reflective way, either through the texts, in balloons, which present data and events that cannot be forgotten; or through the production of **images**, which question and ironize canons and heroes of the extreme right, **finally highlighting** the importance of democratic and constitutional laws. By using the methodological tools of Social History and analyzing the concepts of Sequential Art, together with the categories of analysis of Brazilian Constitutional Law, it is possible to understand the role of comic books in understanding the reactionary buildings of Brazil's **gloomy** past, during the state of exception.

**Rupsa Banerjee**

**Title:** British Imperialism and Divergent Attitudes to Material Wealth in James Thomson’s *Liberty* and Samuel Johnson’s *London.*

**Abstract:** Writing on James Thomson’s *Liberty* (1734), Samuel Johnson writes: “*Liberty*, when it first appeared, I tried to read, and soon desisted. I have never tried again.” Thomson’s critique of Robert Walpole’s control of state machinery and governance did not quite agree with Johnson, although in *London* (1738)he provides a similar critique of Walpole’s policies. Thomson is more specifically critical of Britain’s imperialist policies which further base demands for luxury sustained by violence. Johnson, on the other hand, is dismayed by the excise duties levied against home products and the increased taxation of the mercantile classes. Reading these two poems alongside each other leads to an awareness of divergent attitudes towards the possession of luxurious material goods and the eighteenth-century belief in luxury contributing to the aesthetic development of the individual. In this paper, I will study Johnson’s exploration of Walpole’s laws related to trade in *London* against James Thomson’s critique of imperialism in *Liberty* to argue for productive tensions in accounts of Britain’s imperialist policies in the 18th century and the accumulation of material wealth.

**Katarzyna Jaworska-Biskup & Maciej Jońca**

**Title:** Criminal deterrence in William Shakespeare’s *Measure for Measure*. Some remarks by Count Leon Piniński (1857-1938)

**Abstract:** Alongside *The Merchant of Venice*, William Shakespeare’s *Measure for Measure* belongs to the canon of the so-called “legal plays”. The comedy gyrates around the enforcement of the old statute in the corruption- and promiscuity-ridden Vienna. Angelo, the deputy of the Duke, restores the act, which has slept but has not died, to bring order (*dormiunt aliquando leges, numquam moriuntur*). Claudio, who is accused of adultery with Julietta, is one of the victims of the strict law. When Isabella, the defendant’s sister, pleads with Angelo to show mercy to her brother, the governor refuses, explaining that the primary function of the law is to deter potential perpetrators from committing new crimes. This scene serves as an excellent illustration of criminal deterrence, a concept that employs the threat of eminent and cruel punishment to curb and prevent criminal activity. In 1924, Leon Piniński, a Professor of Roman law at the University of Lviv and a former governor of Galicia, wrote a two-volume study entitled “Shakespeare. Wrażenia i Szkice z Twórczości Poety” *[Shakespeare. Impressions and Essays on the Poet’s Literature*]. Piniński’s pioneering research was a significant contribution to Shakespeare’s studies in Poland. The book has never been translated into English, and neither have Piniński’s ideas on Shakespeare and his plays been presented to the English audience. Piniński’s studies in the realm of law and literature have only recently been examined (see Jońca 2019, Jaworska-Biskup 2022). Our paper aims to fill this gap by discussing Piniński’s ideas on crime and punishment in *Measure for Measure*. As the lecturer of Roman and criminal law, Piniński approached Shakespeare’s work with legal savvy. We will focus on the concepts of deterrence, punishment and mercy (as expressed in the play and the criminal law of the interwar period). As we will demonstrate, Piniński’s views of Shakespeare and the law in *Measure for Measure* offer an interesting reading of the comedy.