



**Report on the International Webcast of the Inaugural Lecture of
The Law, Literature and Diaspora Lecture Series**

LAW & LITERATURE: AT LOGGERHEADS, OR IN HARMONY?

By Advocate and Author Armin Wandrewala on 18 July 2020

CoHaB Indian Diaspora Centre (CoHaB IDC) in collaboration with the Mumbai University Department of Law and The WW University of Muenster, Germany, had organised the inaugural lecture in the Interdisciplinary Law, Literature and Diaspora project, on '**Law and Literature: At Loggerheads, Or in Harmony?**' The Inaugural Lecture was given by noted advocate and author Armin Wandrewala on 18 July 2020 through a webcast that was attended by over 100 participants and invited guests from colleges and universities from all around India, New Zealand, Australia, South Africa, Germany, USA and Canada.

18 July 2020 was also the 164th Foundation Day of the University of Mumbai. Professor Suhas Pednekar, Vice Chancellor of the Mumbai University, was the Chief Guest at the international webcast and gave his Inaugural Address. Professor Nilufer E. Bharucha, Director, CoHaB IDC, welcomed all the invited guests and participants. She gave a brief introduction to the CoHaB IDC and its activities and invited the Vice Chancellor to give his Inaugural Address.



Professor Nilufer E. Bharucha, Director CoHaB IDC, University of Mumbai, welcoming the invited guests and participants

Professor Suhas Pednekar, Vice Chancellor, University of Mumbai, began his address by complimenting the organisers on having adapted to the digital medium in the current COVID-19 pandemic situation to continue conducting webinars and webcasts and turn the crises into an opportunity. Professor Pednekar mentioned the importance of resilience, adaptability and collaboration in the times when social distancing is the new normal. He mentioned how we are now more connected than before owing to the advancement in technology. Going forward, he envisions a hybrid/blended form of learning for which webinars can be used for capacity building. He stressed on the importance inter-, cross- and anti-disciplinary approach in learning.



Professor Suhas Pednekar, Vice Chancellor, University of Mumbai, inaugurating the Lecture Series

The Vice Chancellor ended his address by focussing on 3 factors - Governing higher education through technology, innovation in learning methodologies and the choice to select courses and institutes from across the globe, thanks to the current situation and technological advances. He wished success to the organisers of the webcast and hoped to see more such activities carried out through the digital medium.

Professor Bharucha thanked the Vice Chancellor for his Inaugural Address and invited Professor Klaus Stierstorfer, Chair of British Studies, Vice Dean of Philology and Spokesperson of the "Collaborative Law and Literature Research Centre", SFB 1385, at Muenster University, Germany, to introduce the Law and Literature Project that he has initiated and is the Director of at Muenster University and also introduce the inaugural speaker. Professor Stierstorfer is a key Advisory Board Member of CoHaB IDC. Muenster University is a long-standing academic partner of the Mumbai University.

Professor Stierstorfer began his introduction to the Law and Literature project by explaining how Jacob Grimm's essay 'Von der Poesie im Recht' (Poetry in Law) written

in 1816 influenced the Law and Literature project to take shape in reality after putting in 10 years of hard work and preparation. He spoke of how Grimm, as a law student and later as professor of German spoke of how 'Law and Literature having arisen from the same bed.' Professor Stierstorfer said how the intertwining of law and literature was not just restricted to Germany but the influence was seen in British literature and culture with authors like Dickens and Trollope who had a legal background and who created masterpieces in literature. This mix of law and literature is seen in some of the works of Shakespeare too such as *Measure for Measure* and *the Merchant of Venice*.

Law and literature is foregrounded in the American Law and Literature movement 1970 onwards. Literature was used to humanise the law. The American movement spread back to Europe where the proponents sought the possibility of collaborative study of law and literature.

The Law and Literature project at the Muenster University, he said, envisions collaboration between the Muenster and Mumbai universities. It has a strong basis in the long standing and intense partnership with Mumbai University's CoHaB IDC. The project focusses on two major areas:

1. Watch societies where law and literature have not interacted as those have a lot of potential.
2. Approach legal and literary framework beyond the nation states, in diasporic and migrant formations.

Professor Stierstorfer concluded by saying how the Law, Literature and Diaspora Lecture Series is part of the venture opening up to the discussion of such social and cultural importance of ever growing entities in our world. He then introduced Advocate Armin Wandrewala and invited her to start her lecture.



Professor Klaus Stierstorfer, Chair of British Studies, Vice Dean of Philology and Spokesperson of the "Collaborative Law and Literature Research Centre", SFB 1385, the WW University of Muenster

Armin Wandrewala is a lawyer and author and practices as a Counsel in the Bombay High Court, and occasionally also in other High Courts in India, and in the Supreme Court of India, as also Tribunals like the National Company Law Tribunal/s, and the National Company Law Appellate Tribunal. She has published three books, one of which has also been published in German, by Ullstein. Armin was also the first Indian author to be invited for the Criminale, an international festival for crime fiction fans, held in Berlin, at which she read from her book in German, a language of which she has a working knowledge. She has also given readings and talks in India and abroad. Armin is also the first Indian to be interviewed by 'Deadline', a Swedish Radio Programme dedicated to crime fiction. She has been awarded the 'Excellence in Literature' by the Bombay Parsee Association.



Advocate and Author Armin Wandrewala

Advocate Wandrewala started her lecture by complimenting the organisers of the lecture for envisioning a topic that according to the speaker could be argued in a court of law for weeks. She took up Professor Stierstorfer's reference to Jacob Grimm and then said how the first ones to envision the law and literature movement were John Wigmore and Benjamin Cardozo. They acknowledged that the novelists and poets as being the principal teachers of law in the first half of the 20th century.

However, modern scholars have touted James Boyd White as the founder of this movement in 1973. According to Advocate Wandrewala law interacts not only with literature but also philosophy and history.

She then spoke of the three sub-movements that emerged from the original movement:

1. **Law in Literature:** This is characterised by the use of literature to depict law. For example, many literary texts describe trials in courtrooms in their narrative. The

texts focus on legal themes and they are often used as a prism through which actual legal proceedings are scrutinised.

2. **Law as Literature:** This aims to improve legal understanding by using the techniques of literary critiques. These critiques help in analysing a legal text. A good knowledge of language definitely enhances one's performance as a lawyer and/or a judge. Law as literature studies educational aspects of actual trials involving legal disputes over various issues. It analyses prose and rhetoric used by judges.
3. **Literature in Law:** Literary works are found in judgements and lawyers use it during arguments. The use of literature clarifies, enhances and puts the argument in the perspective of literature. Advocate Wandrewala spoke of authors such as Sir Walter Scott, Tolstoy, Dostoevsky, Kafka who had also trained as lawyers. In India she mentioned authors such as Bankim Chattopadhyay and P. L. Deshpande who were lawyers and were well known authors. However, P. L. Deshpande had never practised law. She then mentioned the author Manishankar Mukherjee who wrote about his experiences as a clerk to a judge at the Kolkata High Court under the pseudonym Shankar.

According to Advocate Wandrewala law and literature are intertwined. The speaker started with the dictionary definition of literature and moved on to those defined by great writers like Ezra Pound, C. S. Lewis and Salman Rushdie. She then defined law per the dictionary and said that law can be customary, not just statutory. Law can be enforced by sanctions but literature cannot. Law and Literature is an interdisciplinary study that examines both fields with each borrowing from the other. Plato had recognised this relation between law and literature more than 2000 years ago.

However, law and literature differ in terms of goals. While the goal of law is precision and clarity, literature leaves the reader with mystery, imagination and more complex meaning than law. For example, a poem can be open to several interpretations without losing value. On the other hand, law demands clarity, definitiveness and precision. If judgements and legislations are open to multiple interpretations they fail in the purpose they are meant to serve, as the litigant is not served. Hence, legal documents should be clear and unambiguous and should not leave scope for too much interpretation. Too much use of literary flourishes in a legal document can render it confusing and open to multiple interpretations. A lack in clarity makes the document difficult to understand.

The speaker recommended though that wide reading can make for good judgements as language can be used for clarity of thought and brevity when required. Thus when law and literature are in harmony, literary criticism training can equip lawyers and judges to analyse the provisions of the law and interpret judgements and opinions of the court. A better understanding of language and its nuances could lead to better understanding of the law, where lawyers battle over the wrong use of punctuation!

Advocate Wandrewala ended the talk by mentioning that literature, poetry, satire are powerful tools against laws that are unjust, regressive and draconian. Thus literature that protests against an unjust law may be at loggerheads with that particular law. In conclusion, she compared the relationship between law and literature to marriage that needs constant adjustments but ultimately gains a lot from the other.

Professor Stierstorfer who also chaired the session applauded Advocate Wandrewala on tackling a subject such as the one that was chosen and mentioned that the speaker had done full justice to it.

Professor Nilufer E. Bharucha then invited CoHaB IDC's co-host Professor Rajeshri Varhadi, Head, Mumbai University's Department of Law, to offer her remarks. Professor Varhadi thanked the speaker and mentioned how this unique collaboration between law and literature should be explored in subsequent lectures.



Professor Rajeshri Varhadi, Head, Department of Law, University of Mumbai

Dr. Sachin Labade, Assistant Professor, Department of English, and Honorary Coordinator, Indo-Canadian Studies Centre, University of Mumbai, offered the vote of thanks.



Dr. Sachin Labade, Assistant Professor and Honorary Coordinator, Indo-Canadian Studies Centre, University of Mumbai

The webcast was managed by the CoHaB IDC Research Associate, Ms. Kirti Risbud.



Ms. Kirti Risbud

The remarks and questions in the chatbox showed that the lecture was well appreciated by the international audience of experts, faculty and students.

You may view the entire lecture here:

[Inaugural Lecture in the Law, Literature and Diaspora Series, by CoHaB IDC, University of Mumbai, given by Advocate and Author Armin Wandrewala on 18 July 2020](#)

Date: 18 July 2020

Place: Mumbai