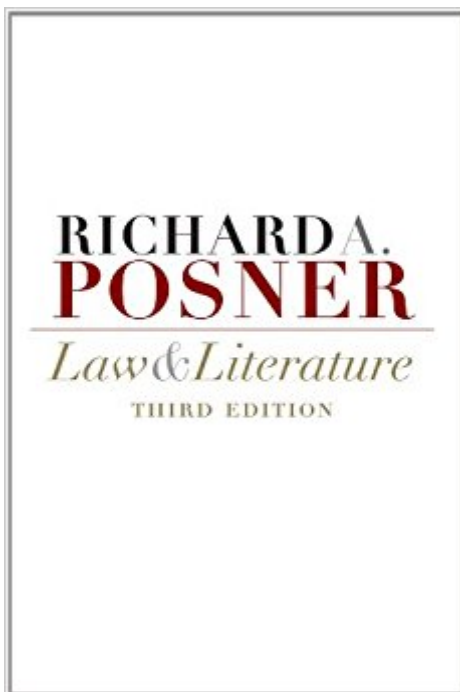


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# Law And Literature: Third Edition



## Synopsis

Hailed in its first edition as an “outstanding work, as stimulating as it is intellectually distinguished” (New York Times), *Law and Literature* has handily lived up to the Washington Post’s prediction that the book would “remain essential reading for many years to come.” This third edition, extensively revised and enlarged, is the only comprehensive book-length treatment of the field. It continues to emphasize the essential differences between law and literature, which are rooted in the different social functions of legal and literary texts. But it also explores areas of mutual illumination and expands its range to include new topics such as the cruel and unusual punishments clause of the Constitution, illegal immigration, surveillance, global warming and bioterrorism, and plagiarism. In this edition, literary works from classics by Homer, Shakespeare, Milton, Dostoevsky, Melville, Kafka, and Camus to contemporary fiction by Tom Wolfe, Margaret Atwood, John Grisham, and Joyce Carol Oates come under Richard Posner’s scrutiny, as does the film *The Matrix*. The book remains the most clear, acute account of the intersection of law and literature.

## Book Information

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## Customer Reviews

With his usual astonishing range of interests, Richard Posner treats facets of ‘law and literature’ ranging from popular culture to copyright to whether reading great literature necessarily contributes to one’s moral growth (and more besides). Every reader will be provoked, challenged, and illuminated by Posner’s insights and arguments. (Sanford V. Levinson, author of *Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We the People Can Correct It)*) This

complex, superbly argued book remains a remarkable achievement and is made even more useful in this new edition. Richard Posner knows how much legal thinking can profit from the study of literary traditions and classic works of fiction. He also is acutely aware of the limits on the application of literary practice to the law. The bracing manner in which he debunks the sentimental notion that literature and--worse--literary theory are law's salvation is a pleasure to read. (Denis Dutton, Editor, *Philosophy and Literature*) [Posner] has written and rewritten the most comprehensive study of the connections between law and literature. (James Seaton *Weekly Standard* 2010-07-19)

Richard A. Posner is Circuit Judge, the United States Court of Appeals for the Seventh Circuit, and a senior lecturer at the University of Chicago Law School.

A bit testy and sometimes more argumentative than instructive in laying out the field. He has a real antagonism toward the left who write in the field and goes on about it too much. He also says he is less judgmental in this edition about the books, but he certainly isn't. You know without a doubt what he considers mediocre or bad, and good. So it is not an even-handed book, but it does cover the field well enough to merit reading.

Well written book

What's scary about this volume is the fact that the author sits as a judge near the pinnacle of our legal system. He reads literature as little more than a collection of affirmations of his own opinions, and then develops arguments, which give a superficial appearance of logic, to support his opinionated readings. Except for some cherry picking to support his readings, he generally ignores the vast body of scholarship on these works. He distorts basic facts about many of the works he chooses to write about, raising troubling questions about what he must do when he sits on the bench and decides the fate of actual people.

Posner is not a dumb man, but early in this book he notes that the law and literature movement is so popular because it is a cheap way to hide shoddy scholarship. He certainly proves his point here. My hopes in this book were dashed early on by his "critical introduction," where he relates that "[l]aw and literature is a field with a wide remit" by using *Howards End* to show the ubiquity of legal issues in even a non-legal literary text. The examples he uses, though, are so superficially related to law (e.g., taking arguments among the protagonists as examples of poor legal reasoning or the contrast

between justice and mercy) that I don't know why he bothered. He sometimes indulges in annoying tangents and bizarre readings of literary texts to promote his own agenda. His command of ancient Greek sources, the Bible, and Shakespeare is especially laughable, full of elementary mistakes and poorly worded generalities. Anyone who takes away from *Antigone* the message that "intense religious feeling can undermine social peace" or from *Lear* that the king's "failure to grasp the force of self-interest is his undoing" is seriously violating his own earlier recommendation to not make texts into what you want them to say. I tried to give this book a chance but after about the first third just couldn't take it anymore.

A wonderfully original and instructive study of what literature has to teach about the law, the methods of legal argument, and the interpretation of statutes and the Constitution.

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