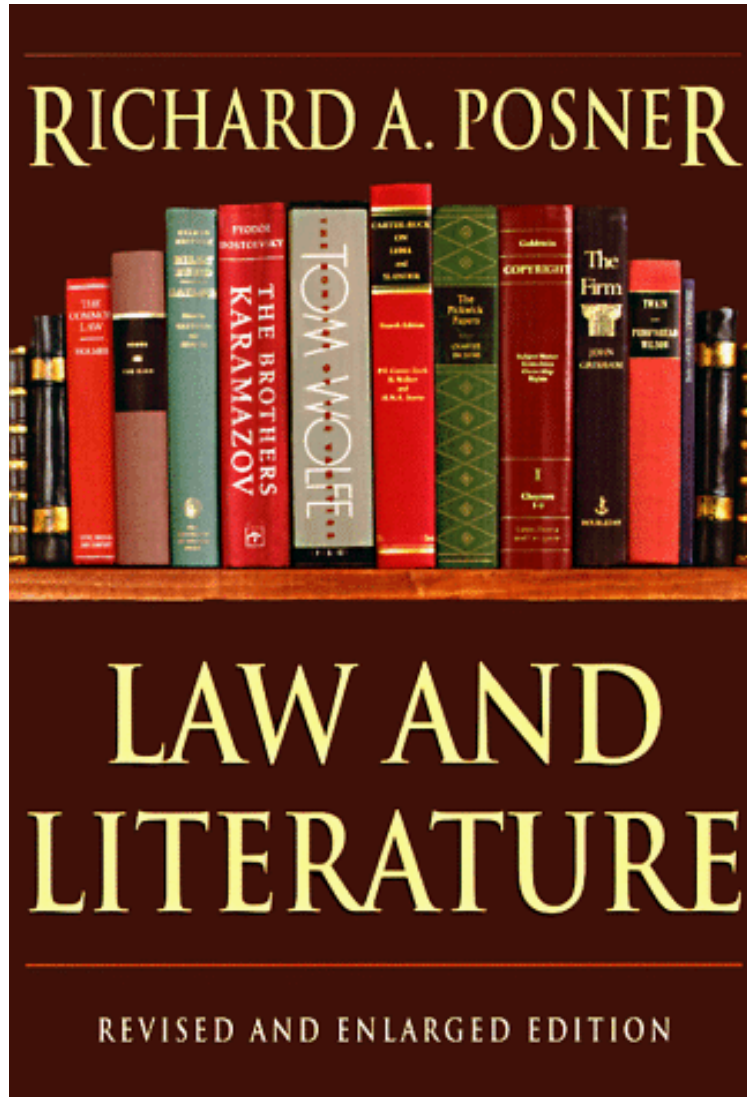


[E-BOOK] Law and Literature: Revised and Enlarged Edition

Law and Literature: Revised and Enlarged Edition

The Honorable Richard A. Posner

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The Honorable Richard A. Posner : Law and Literature: Revised and Enlarged Edition before purchasing it in order to gauge whether or not it would be worth my time, and all praised Law and Literature: Revised and Enlarged Edition:

3 of 8 people found the following review helpful. It's deep, but it's worth it. By J. Stuart Showalter People who have an appetite for words and the law will enjoy and profit from "Law and Literature." The prolific Richard Posner has updated his intellectually stimulating first edition to present once again an important study of how the fields of literature and law intersect and inform each other. As you read it, have a dictionary handy: in no other book of its size

are you likely to encounter such words as antimonies, resentment, simulacra, sitzfleisch, bildungsroman, fictive, and agonistic. From time to time I thought he was just showing off his vocabulary, but I came to believe that that's the way he really thinks. It's a challenge, but it's worth it. 13 of 25 people found the following review helpful. Tight, insightful, and truly scholarly. By wchoi@econ.duke.edu I must admit a bias for Posner because much of his thinking about law and economics has influenced my thoughts and opinions. Needless to say it was a pleasant surprise to find this book that handles the law-literature relationship as well as the relationship between law and economics. There is an eclectic selection of books and poems reviewed, and the organization is impeccable. The most important thing that I can say about this book is that it introduced and encouraged me to read other fields of literature that I had ignorantly dismissed in the past as being irrelevant. 31 of 44 people found the following review helpful. A Farrago of Foolishness By peter zaroff There is not a chapter in this book - indeed, if you omit the index, it would hard to find a five-page stretch - that does not swarm with errors and absurdities. And what is notable is that the errors cannot be classed among those that even the well-informed are liable to make from time to time. They are not mere slips of the pen, they are not minor or superficial, nor of the kind that can simply be skipped over because they play little role in the argument that is being developed. No, they are everywhere manifestations of confusion and ignorance. Posner's merry obliviousness to even the simplest facts about literary interpretation and history is in itself remarkable enough, but what is truly extraordinary is the recklessness with which he parades his ignorance for all to see. For example, in attempting to make sense of "defamation in fiction" - a real tort for which many authors have been held liable, and thus a problem that requires real legal standards - Posner attempts to explain how novelists fashion their fictional worlds out of the materials they observe (and therefore to indicate what authors must be allowed to do if novels are to be written). Simplification, Posner explains, is the crucial process in that process: a good novelist will not bog down the story in particulars, but will try to capture "the *representative* life and the *representative* incident. Real people are too complicated, many novelists say, to be put into a novel without change." For this last proposition, Posner's footnote directs us hopefully to chapter 3 of E.M. Forster's *Aspects of the Novel*. One would look long and hard at Forster's book without finding anything resembling Posner's assertion - and that is not surprising, since Forster understood the craft of fiction. (Forster does, famously, develop a contrast between "round" and "flat" characters, but his point is that novels typically focus on a few characters whose thoughts and motives are probed at length, while the rest of the fictional world is filled out by characters who do not receive such attention. He nowhere suggests that either flat or round characters result from the simplification of real-life personalities, and it hard to see how anyone could imagine that he does). Posner, with his law-and-econ "maximize production at the lowest cost" mentality, may imagine that the simplest representation, with the most general application, will get the biggest marketplace bang for the smallest expenditure of literary energies and ink, but no sane novelist would approach the matter this way. To say that people are "too complicated" to be slapped down on the page "without change" simply misunderstands what fictional representation is - since that proposition assumes, first, that it even makes sense to speak of "putting" someone in a novel "without change," and second, that any change that occurs is a way of avoiding "complication." Yes, it would be absurd to say that anyone can simply be "put into a novel," but it is no less absurd to say that this is so because fiction is simple and humans are complex. To take that view is, first, to betray a sensibility so deadened and hollow as to sacrifice any credibility that might have been afforded for one's literary judgments, and second, to demonstrate such a complete misunderstanding about what novelists do as to prove oneself incapable of fashioning legal standards that will facilitate the creation of fiction at all, let alone in a way that will prevent liability for libel. In short, neither the literary nor the legal worlds can profit from this treatment.

Hailed in its first edition as an "outstanding work, as stimulating as it is intellectually distinguished" (New York Times), Richard A. Posner's *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 new edition, extensively revised and enlarged, 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 popular fiction about law, literary education for lawyers, the legal narrative movement, and judicial biography. Literary works from classics by Sophocles, Shakespeare, Dostoevsky, Melville, Kafka, and Camus to contemporary fiction by William Gaddis, Tom Wolfe, and John Grisham come under Posner's scrutiny, as do recent attempts to apply the techniques of literary analysis to statutes, judicial opinions, and the Constitution. In a section entirely new in this edition, Posner discusses the increasing efforts of legal scholars to enrich their scholarship by borrowing the methods and insights of literature--even by insisting that legal education is incomplete without the ethical insights afforded by an immersion in literature. Thoroughly rewritten and updated, free of legal and literary jargon, and informed by Posner's extensive erudition and legal experience, this book remains the most clear, acute, and comprehensive account of the intersection of law and literature--"a wonderfully original and instructive study of what literature has to teach us about the law, the methods of legal argument, and the interpretation of statutes and the Constitution" (Wall Street Journal).

As Richard Posner reports, the first edition of [this] book is the most frequently assigned or recommended non-fiction work in 'law and literature' classes. Yet he thinks we tend to overrate the connections between the two, and certainly overrate the benefit to lawyers of exposure to literary texts and literary-critical ways of proceeding...His fair-minded presentation of the arguments is a good introduction to many...of the controversies that comprise the field of inquiry. (Anthony Julius, Times Literary Supplement)An outstanding work, as stimulating as it is intellectually distinguished...Not only are [Posner's] arguments readily grasped, and driven home with an exhilarating forensic skill; in pursuing them, he is also compelled to define his own positions more sharply. (John Gross New York Times)A book filled with keen judgment, shrewd common sense, and great erudition worn gracefully. Posner's command of his materials--literature, law, and the bodies of commentary and scholarship attached to each--is truly impressive. Still more so is his ability to make the issues vividly clear to the average reader. (Merle Rubin Christian Science Monitor)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...Posner's adversaries are hopelessly outmatched in these arguments, but they are only supporting characters in a larger and more interesting drama--Mr. Posner's own exegesis of the relation of literature to law propounded in a series of arresting, brilliantly interwoven interpretations of dozens of literary works. (Christopher DeMuth Wall Street Journal)The law and literature movement, which is currently gaining momentum on US campuses, argues that lawyers can benefit from studying the literary merits of legal documents and from reading works of literature which deal with law...[The] movement is now courting controversy with suggestions that the Anglo-American legal system is intrinsically biased both sexually and racially. Some proponents claim trials should be radically restructured along narrative, rather than adversarial principles, and that this would allow marginalised voices to be heard. Richard A. Posner, chief judge of the US Court of Appeals for the seventh circuit, is sceptical about these arguments. His book is a sensible and forthright introduction to the law and literature movement, which enlightens without blinding. (Jessica Smerin Weekly Journal of the Law Society(UK))About the AuthorRichard 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.