LAW the big picture

*John Mountbatten*

# *Law and the arts: struggling with the problems of existence.*

> The law the lawyers know about
> Is property and land.
> But why the leaves are on the trees,
> And why the waves disturb the seas,
> Why honey is the food of bees,
> Why horses have such tender knees,
> Why winters come when rivers freeze,
> Why Faith is more than what one sees
> And Hope survives the worse disease
> and Charity is more than these,
> They do not understand.[1]

Whether this judgment is too severe may well be a matter of opinion. Nevertheless, it does suggest that the creative artist: whether poet, painter, novelist, film maker (or lawyer?) can provide insights into the human condition which most lawyers are said to lack or fail to take into account.

Consider then the following judgments:

> The prophecies of what the courts will do in fact, and nothing more, are what I mean by the law.
>
> Oliver Wendell Holmes, Jr — in a speech entitled 'The Path of Law', given to law students at Boston University in 1897.

> *Lear:* Your eyes are in a heavy case . . . yet you see how the world goes.
> *Gloucester:* I see it feelingly.
> *Lear:* . . . A man may see how this world goes with no eyes . . . see how yond justice rails upon yond simple thief . . . change places, and, handy-dandy, which is the justice, which is the thief?
>
> W. Shakespeare, *King Lear:* Act IV Sc vi: 144-152

These two quotations give rise to some interesting questions? Who is the *real* judge? Who is the better 'judge'? Would law and art answer such questions differently? Holmes (no intellectual lightweight) argues for predictability 'and nothing more'. Shakespeare gives us an entirely different perspective: by inviting us to question the very nature and quality of justice when experienced through another pair of eyes. (It is no coincidence that Gloucester is blind.)

This article attempts to lend readers that *other* pair of eyes and invites them to consider how the work of the creative artist can inform and challenge both the practice and the purposes of law by inviting law to reflect a little less on the pragmatic and a little more on the poetic — so that a better balance might be struck between the real and the ideal and the traditional gulf between law and its artistic nemesis can be more effectively bridged.

Like art, law is very much a human artefact which constantly struggles with the multifarious problems of existence. Like us, law generally traffics in the quotidian. It sets out to facilitate the resolution of disputes. It tries to set minimum standards of behaviour for communitarian life. But like art, at its best, law should aim — more often than

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it does — to challenge and, where necessary, shatter the shibboleths of received orthodoxy which inhibit human flourishing. Law should positively encourage the liberation of our deepest personal and social aspirations and point us — wherever possible — in the direction of the sublime.

## The art of dissent

Occasionally — too occasionally — law does touch us in this way. Consider some of the great legal dissents of the modern age: in England, Lord Atkin in *Liversidge v Anderson* [1942] AC 206; in America, Justice Harlan in *Plessy v Ferguson* (1896) 163 US 537; and in Australia, Justice Evatt in *Chester v The Council of the Municipality of Waverly* (1939) 62 CLR 1: each case, in its own way, a powerful example of the timeless struggle between authority and humanity. Taken in isolation, these cases constitute merely the tip of a large and brooding iceberg of judicial protest cut off, at various times and in different ways, from the jurisprudential mainland and left largely unexplored by modern scholarship. The aetiology and effect of judicial dissent in Australia (as elsewhere) would be a richly rewarding subject for further study. Take *Chester's case* (above) as an example.

This was an action in negligence brought against a local council by the mother of a small child who had drowned in a water filled trench excavated by council workers. The mother was present at the trench when the child's body was recovered, and part of the action involved a claim for nervous shock. The action failed. The first claim made for nervous shock had been heard and rejected by the Privy Council in 1888[2] and the scope for claiming damages under this head of injury was still tightly circumscribed. But what makes this case so interesting is the way the human dimension, the mother's suffering, is all but excluded from the judgments of the majority. Indeed, some of the language employed by Chief Justice Latham strikes the contemporary ear as being positively callous:

> In my opinion . . . it cannot be said that such damage (that is, nervous shock) resulting from a mother seeing the dead body of her child should be regarded as 'within the reasonable anticipation of the defendant'. 'A reasonable person would not foresee' that the negligence of the defendant towards the child would 'so affect' a mother . . . Death is not an infrequent event, and even violent and distressing deaths are not uncommon. It is, however, not a common experience of *mankind*[3] that the spectacle, even of the sudden and distressing death of a child, produces any consequences of more than a temporary nature in the case of bystanders or even of close relatives who see the body after death has taken place. [*Chester* at 10]

So much for the 'eyes of the law'. Justice Evatt was the lone dissenting voice in the High Court. He saw the case in a very different way: principally, through the eyes of the mother. After reviewing the mother's evidence he says this:

> The plaintiff was a woman of Polish extraction, and found special difficulty in narrating the precise nature of her feelings, her fears, her hopes and her sufferings . . . Like most mothers placed in a similar situation, she was tortured between the fear that [her son] had been drowned and the hope that either he was not in the trench at all, or that, if he was, a quick recovery of his body and the immediate application of artificial respiration might still save him from death. In this agonised and distracted state of mind and body she remained for about half an hour, when the police arrived and the child's body was discovered and removed.
>
> During this crucial period the plaintiff's condition of mind and nerve can be completely understood only by parents who have been placed in a similar agony of hope and fear with hope gradually decreasing. [*Chester* at 17]

Evatt J then turns to the creative power of art in an attempt to capture this sense of personal tragedy and to suggest a more appropriate legal response to it. First, he quotes from the 'Songs of Experience' and the 'imaginative genius' of William Blake which 'has well portrayed suffering and anxiety of this kind'; then, from the Australian novelist Tom Collins' *Such is Life* which deals with 'the agony of fearfulness caused by the search for a lost child'. The emotional associations redolent in the theme of the 'lost child' have often been recorded in Australian art and culture. There are the well-known McCubbin paintings dealing with children lost in the bush and more recently, of course, the dreadful saga of Azaria Chamberlain which has become the subject of legal and artistic discourse both nationally and internationally. It is interesting to recall those dissenting judgments recorded during the course of the Chamberlain case and consider their effect on its outcome.

Occasionally, the dissenter, judicial and otherwise, is welcomed back into the conventional fold, often posthumously, generally after social attitudes and practices have, as it were, 'caught up'. Justice Benjamin Cardozo, with his usual elegance of thought and expression, has put the idea this way:

> The dissenter speaks to the future, and his voice is pitched to a key that will carry through the years. Read some of the great dissents . . . and feel after the cooling time of the better part of a century, the flow and fire of a faith that was content to bide its hour. The prophet and martyr do not see the hooting throng. Their eyes are fixed on the eternities.[4]

How many of those who have read that passage in recent times have thought of the life and work of that other great dissenter, Justice Lionel Murphy, who found himself in the minority not only in *Chamberlain v The Queen* [No. 2] (1984) 153 CLR 521 but in many other notable cases. But these, of course, are memorable exceptions to the all too prosaic rule of law and life.

Paul Keating is fond of quoting Manning Clark to the effect that the world is divided into two kinds of people: the enlargers of life (the 'true believers'?) on the one hand, and the punishers and straighteners on the other. Too easy and too glib? Perhaps. But don't we suspect just a glimmer of truth lurking at the heart of this essentially aphoristic aside? Why is it, after all, that lawyers — by and large — do not enjoy a reputation as creative visionaries? Why is it that lawyers are, almost universally, so poorly regarded?[5] Why does the law not regularly inspire us to dream the big dreams; to think the big thoughts? Artists often provoke such questions and occasionally suggest possible answers.

## 'Now a major motion picture'

Anyone who has read Kazuo Ishiguro's novel *The Remains of the Day* or seen the film of the same name will no doubt recall how its central character, the butler Stevens, is strangely captive to the world in which he moves: a world which (appearances to the contrary) he fails — almost entirely — to comprehend. Stevens refuses to question the ethical or ideological foundations of the 'society' whose wheel he oils. He knows his place. It is not his business to question or to think — still less to feel — and this has profound consequences not only at the political but also at the personal level. We see it most affectingly in his failure to connect: first, with his father and later with Miss Kenton (the housekeeper). The problem — or part of it — as his most recent employer (Mr Farraday, an American) observes, is this:

You fellows, you're always locked up in these big houses helping out, how do you ever get to see around this beautiful country of yours?[6]

Of course, Mr Farraday — unlike Stevens' previous employer Lord Darlington — speaks for a 'new world order' and, we feel, a more genuinely democratic age. Traditional boundaries are breaking down and change is everywhere challenging the comfortable certainties of the past.

## Believing isn't necessarily seeing: a lesson for blind justice

Fish, it is said, are often the last to discover water. Lawyers, it might be argued, are susceptible to the same kind of myopia. It is, after all, something of an occupational hazard. Lawyers by training and professional experience — as much as background and personal disposition — generally feel at home in the Big House. For the most part, we are so close to the throne of judgment that we lose the capacity imaginatively to contemplate the predicament of those who are, all too often, suppliants in the court of justice. While we may be able to intellectualise, to conceptualise, to reason out the legal difficulties of the downtrodden and the dispossessed, invariably we do not *feel* their predicament upon our pulse. For this, the imaginative powers of the creative artist are required.

Poor naked wretches, whereso'er you are,
That bide the pelting of this pitiless storm,
How shall your houseless heads and unfed sides,
Your loop'd and window'd raggedness, defend you
From seasons such as these? O! I have ta'en
Too little care of this. Take physic, Pomp;
Expose thyself to feel what wretches feel,
That thou mayest shake the superflux to them,
And show the Heavens more just.

(*King Lear,* Act III, Sc IV 28-36)

The recent comment by Chief Justice Nicholson on Australia's current treatment of the 'boat people' at Port Hedland and elsewhere and (more particularly) the plight of their children, is not so far removed from Shakespeare's sentiments. Change places with the incarcerated and see how far-fetched the allusion to 'concentration camps' appears.

## Lens of hope and glory

One of the legacies of postmodernism is the growing recognition of how we construct, deconstruct and reconstruct the world according to the various lenses we employ to 'discern' reality. The artistic lens while not of itself being necessarily superior to the legal lens, at least offers the prospect of a new perspective; a shift in emphasis; another point of view — and is to be welcomed for precisely those reasons. The resources of art can, it is true, be co-opted or suborned for the purposes of propaganda — often in the guise of enlightenment.[7] This can be an obvious or a subtle thing. However, as a general proposition, a multiplicity of perspectives, — even (perhaps especially) the sometimes provocative and irreverent — is always to be preferred, indeed encouraged, over the baleful canons of traditional dogma.

Of course, nobody likes to be criticised — especially cleverly or caustically criticised — and the victims of satire and parody, in particular, are generally quick to cry foul. And true it is, that sometimes the line between truth and travesty is not always easy to discern. These things are often a question of taste as much as judgment. Artists have often been accused of exaggeration and distortion particularly when they challenge — or are perceived to challenge — traditional social mores or prevailing attitudes. Artists — almost by definition — constitute a potentially disruptive force. That is their general modus operandi. That is their ultimate raison d'être. That is a large part of their appeal. Little wonder that Plato would have banished the poets from his ideal republic. Poets nourish and strengthen *feeling* at the expense of *reason.* Poets have the capacity to provoke our irrational nature and therefore are held to be — at least potentially — dangerous. Like all inspired teachers (Socrates is the great example) they are, at their best, a subversive influence because they challenge the edicts of the age.

## The shock of the new

One of the most memorable examples of an artist who — almost unwittingly — rattled the bars of the Australian cultural establishment occurred in Sydney during the Second World War. William Dobell had entered his portrait of Joshua Smith for the coveted Archibald Prize. In winning that prize Dobell ignited an unprecedented controversy which led to a famous court case which is still spoken of in artistic and legal circles today.[8]

The battle lines in this cause célèbre were drawn between the reactionary forces of the artistic establishment on the one hand and the avant guard devotees of the Modern Movement on the other. The central issue of the case effectively concerned whether or not Dobell's painting was a portrait or a caricature. The terms of the Trust set up to administer the prize referred expressly to a 'portrait'. Those disaffected artists who brought the action — two unsuccessful exhibitors in the same competition — framed their pleadings in the Equity Division of the Supreme Court of NSW in the following terms:

It is alleged that the picture is not a portrait but a caricature of Joshua Smith, bearing a certain degree of resemblance to him but having features distorted and exaggerated.[9] Joshua Smith is a man of normal human aspect and proportions. It is apparent that the said picture is a representation of a person whose body, limbs and features are grotesquely at variance with normal human aspect and proportions. It is apparent that the said picture does not represent any attempt on the part of the defendant Dobell to make a likeness of Smith but on the contrary, represents the result of an endeavour to depict him in a distorted and caricatured form.[10]

The plaintiffs were represented in their action by Garfield Barwick, KC. In light of all that we know today about the career of this distinguished advocate and judge and, more particularly, the views Sir Garfield has recently expressed on the function of law and the role of the judiciary in Australian society, it would not be difficult to imagine that he relished the brief he had on this occasion.[11] Nevertheless, the judgment that was handed down late in 1944 vindicated the decision of the Trustees and in so doing devastated the expectations of many members of the art establishment.

So far as the Trustees' decision to award the prize to Dobell was concerned, Justice Roper made it clear that the plaintiffs could only have succeeded if they had been able to demonstrate bad faith on the part of the Trustees. As to whether or not the painting was truly a portrait and not simply a caricature, Justice Roper said:

I think that the word 'portrait' as used in the will . . . means a pictorial representation of a person, painted by an artist. This definition connotes that some degree of likeness is essential and for the purpose of achieving it the inclusion of the face of the subject is desirable and perhaps essential.

The picture in question is characterised by some startling exaggeration and distortion clearly intended by the artist, his tech-

nique being too brilliant to admit of any other conclusion. It bears, nevertheless, a strong degree of likeness to the subject and is, I think, undoubtedly, a pictorial representation of him. I find as a fact that it is a portrait, within the meaning of the word in this will and consequently the Trustees did not err in admitting it to the competition.[12]

Whatever the particular virtues of caricature and hyperbole, the practice of exaggeration has long been assumed to be endemic to the artistic mode of representation generally. We are accustomed to take this with a grain of salt. But, if we are to believe Monsieur Derville — that rare literary example of an exemplary legal practitioner in Balzac's *Le Colonel Chabert* — the law is regularly accustomed to witness scenes more diabolical than any artist could possibly imagine: another way perhaps of saying that life outdistances art every time or that truth really is stranger than fiction after all.

Balzac's great English contemporary, Charles Dickens, was regularly and ruthlessly condemned in his own day by a number of prominent lawyers (most notably by Lords Denman and St Leonards as well as the redoubtable Sir James Fitzjames Stephen) who found his criticism of the law and his portraits of legal practitioners generally, to be grotesque, ill-informed and pernicious to a degree. Here too, the condescending epithet 'caricature' is often invoked and not least by many modern critics.

Dickens is a very great artist, perhaps even the finest novelist in the language. And what sets him apart from his own great contemporaries (Thackery, Eliot, Hardy) is — more than anything — his boundless commitment to the moral and ethical purpose of art and his belief in the ability of art to ennoble the human spirit and by that means to change the world for the better.[13] Dickens was often contemptuous of systems — the legal system more than most — but he never lost faith in the individual and the capacity of the human spirit, moved by compassion and love, to reshape the world.[14] Dickens may lack the psychological depth of some of his contemporaries and many of his successors but in terms of sheer breadth of vision and social imagination there are few writers who can touch him.

## Jarndyce v Jarndyce — revisited

So far as law is concerned, *Bleak House* is clearly Dickens' magnum opus. In it, Dickens casts his literary blow torch on that 'most pestilent of hoary sinners', the High Court of Chancery, in a way which is both recognisable and unsettling to many observers — even at the tail end of our own century.

> The one great principle of the English law is, to make business for itself. There is no other principle distinctly, certainly, and consistently maintained through all its narrow turnings. [*Bleak House*, Ch. 39]

Then there are the portraits of the lawyers themselves. Tulkinghorn and Vholes must be two of the most odious legal characters to be portrayed in the language. And yet, I have heard them defended by colleagues — academic and professional — in much the same way as Conversation Kenge, their loquacious colleague, would have defended them and the 'very great system' (the Court of Chancery) which bred and nourished them. Exaggeration? Caricature? Artistic licence? Certainly. Dickens, in addition to being a great observer, was an accomplished mimic with a lively, theatrical personality. But are we to take him less seriously on this account?

I certainly agree with Geoffrey Thurley who, speaking of Dickensian characterisation, says that Dickens knew better than most that what we *see* is, in important respects, identical to what *is*. Dickens appears to have instinctively understood that the gestures people make, the grimaces they practise, the behaviour routines in which they are trapped, are invariably isomorphic with themselves.[15] The idea here is that people are or become what they say and do. That is, that there is no substantive difference between say mannerism or body language (behaviour) on the one hand, and states of mind (attitudes) on the other. Dickens has often been patronised for his impressionistic effects. But it was not the mere appearance of people which was of interest to Dickens but rather what that appearance told him about what was going on *inside* the character. On this view, Dickensian characterisation is not so much descriptive of what people *look* like as reflective of what people *are* like.

Dickens' gallery of gargoyles suggests that we should be slow to reject even the most extreme critiques of art. The tradition of grotesque representation in the world of art and literature is a long and distinguished one and probably goes back at least to the time of the ancient Egyptians.[16] The etymological antecedent of the word 'grotesque' is thought to reside in the Italian word for cave (grotta) and to be a reference to that tradition of 'underground art' which flourished throughout the Renaissance. Dickensian exuberance in particular, and bourgeois radicalism generally, undoubtedly owe a debt to this tradition. This is not revolution by literary or artistic stealth but rather measured criticism — even if sometimes swathed in sensation or satire. We cannot afford to be too easily offended. The price of complacency — after all — can be death.

Sadly, a general predisposition to censorship appears to be growing and in some rather curious quarters. We see it in the current pornography debate. It hovers on the lips of the politically correct. It appears to have promoted some extraordinary alliances: notably, between the forces of the far right in America and a number of prominent members of the Women's Movement. Many artists have fallen foul of the new intolerance: Robert Mapplethorpe (the enfant terrible of the idées reçus) among them.[17]

Just at the time when we should be embracing the courage of the 'shockingly irresponsible' who force us to tremble, think, imagine, reconsider and (possibly) tremble again, we reach instead for the blue pencil; we issue writs; we invoke the sanctimonious strictures of our puritanical past. Let us rather proclaim with delight the fact that art is one of the last great irresponsible modes of experience and remember that one of the lessons it teaches is to beware the parade-ground rhetoric of social conformity — where difference is marginalised and ultimately repressed.

## 'Telling' stories out of court

Richard Weisberg, one of the leaders of the Law and Literature movement in the United States, makes a fine point in relation to lawyers as potential artists. As a teacher and as a writer, Weisberg is interested in narrative technique both as a means of exploring and shaping reality and as a method of enhancing ethical judgment. In a recent book,[18] Weisberg examines a simple story told by Toni Morrison in her novel *The Bluest Eye*. This story concerns an attempt by Pecola, a poor black girl, to buy some penny candy at a store run by a white, middle-class grocer named Yacobowski who 'curiously' fails to see her.

> He doesn't see her, because for him there is nothing to see. How can a fifty-two-year-old white immigrant storekeeper with a taste of potatoes and beer in his mouth . . . his sensibilities

> blunted by a permanent awareness of loss, *see* a little black girl? Nothing in his life even suggested that the feat was possible, not to say desirable or necessary. [p.45]

We are not told what Mr Yacobowski's loss is. What we sense, however, is some kind of resentment which makes him insensitive, if not blind, to the needs of others. There is more than a touch of irony suggested here in the fact that the once marginalised immigrant now excludes from his field of vision one who is clearly beneath him in the social pecking order. What Toni Morrison is suggesting here, of course, is that we (her readers) share Yacobowski's blindness — in all kinds of ways.

Weisberg offers *The Bluest Eye* not just as an example of the *fact* that so many of us fail to see but as a *way* of seeing; a way of reclaiming our lost perspective; a way which seems still strangely foreign to those of us conditioned to see the world, almost exclusively, through the eyes of the law; a way which — unfortunately — rarely intrudes, for example, into judicial text: that is, into the writing of judgments.[19]

Weisberg goes on to suggest that had this lesson been internalised earlier such beacons of judicial promise as *Brown v the Board of Education*[20] and *Roe v Wade*[21] could not have been written as they were. Both, according to Weisberg, are impoverished as texts. In different ways, each is a technical elaboration on a socio-scientific or medical theme. Where, asks Weisberg, is the predicament of race and gender? Where is the human dimension? Art can help provide it. Those who have experienced human need — empathically or otherwise — are best placed to help make law more genuinely responsive to that need.

In spite of a good deal of easy rhetoric to the contrary, education generally and the education of law students in particular is still very narrowly prescribed. Most of us, in fact, have relatively limited experiences of life — as a day spent in any Magistrates Court will confirm. However, the manifold resources of art invite us imaginatively into a hundred worlds we could otherwise never hope to explore. Rubbing shoulders with life as it is lived by people we are otherwise unlikely to encounter, not only puts us in touch with them — albeit vicariously — but challenges us to confront ourselves and the unexplored possibilities which lie within all of us.

Otto Dix, the German artist who has chronicled the horrors of modern warfare (Der Krieg) once said that:

> The painter is the eye of the world. The painter teaches people to see, to see what is important and to see what is behind things.[22]

The same could be said of all serious artists who, whether they work with paint or wood or words or celluloid or sound, all have the capacity to help blind justice not only to see but to experience and to feel in ways that historically have unnerved a conservative profession keen to preserve — for themselves — at least the rhetoric of impartiality and the myth of oracular insight.

## Why are we not a-Mused?

For many years now, that most percipient of judges, Justice Michael Kirby, has argued that law is too important to be left exclusively to lawyers or indeed to judges or parliamentarians. Law is the province and responsibility of every citizen — the poets (especially) included.

> We are the music-makers,
> And we are the dreamers of dreams,
> Wandering by lone-seabreakers,
> And sitting by desolate streams; —
> World-losers and world-forsakers,
> On whom the pale moon gleams:
> Yet we are the movers and shakers
> Of the world for ever, it seems.[23]

Shelley expressed the same idea, in prose, when he suggested that 'Poets are the unacknowledged legislators of the world'.[24]

Those who would reject such a claim as just another example of artistic hyperbole run the risk of seriously underestimating the capacity of art and its most powerful weapon, the shifting point of view, to explore and critique the dialectical lure of law. Most of us, alas, are not in regular correspondence with the Muse. Most of us see as 'through a glass darkly'; but art — as Hamlet reminds us — holds up the mirror of truth to nature (our own included) and, through the reflective lens of imaginative contemplation, points the human spirit towards the sublime and offers — those who care to see — the possibility of a better world.

### References


1. I am grateful to my colleague Frank Sharman for drawing my attention to this poem. Unfortunately neither of us has been able to discover who wrote it. A lawyer perhaps! The typography of this poem is itself instructive. On the one hand, it suggests disjunction between the realms of law and art (here poetry) and on the other, connection or points of possible intersection. Both prospects are explored in this article with a view to promoting increased dialogue between the two.
2. *Victorian Railways v Coultas* (1888) 13 App Cas 222.
3. For a detailed consideration of the importance of this case from a feminist perspective, see Graycar, R. and Morgan, J., *The Hidden Gender of Law,* The Federation Press, 1990 especially at pp.179-181. See also Meehan, M., 'The Good, the Bad and the Ugly: Judicial Literacy and the Australian Cultural Cringe', (1990) 12 *Adel.LR* 431-448
4. Cardozo, B., *Law and Literature and Other Essays and Addresses,* Harcourt Brace & Co, NY 1931, p.36.
5. See, Abel, R. L, 'Comparative Sociology of Legal Professions: An Exploratory Essay', [1985] *American Bar Foundation Research Journal* 1.
6. Ishiguro, K., *The Remains of the Day* , Faber and Faber, 1990, p.4.
7. For example, the films of Leni Riefenstahl as Nazi propaganda and the Bolshevik Agitprop trains.
8. See, Gleeson, J., *William Dobell,* Thames and Hudson, 1964, especially Chapter 4.
9. See reported comments of the late Joshua Smith on the subject of distortion in the *Age,* 24.7.95, p.6.
10. Gleeson, above, p.115.
11. Barwick, G., *A Radical Tory,* The Federation Press, 1995.
12. Gleeson, above, p.143.
13. See generally, Hardy, B., *The Moral Art of Dickens,* Oxford University Press, 1970.
14. See generally, Detmold, M., *The Law of Love: Natural Law in Human Practice,* unpublished manuscript, Adelaide Law Library.
15. Thurley, G., *The Dickens Myth,* University of Queensland Press, 1976, especially Ch. 8.
16. See generally, Hollington, M., *Dickens and the Grotesque,* Barns and Noble, London, 1984.
17. See, 'The Irresponsible Art of Robert Mapplethorpe', in E. White, *The Burning Library,* Picador, 1994.
18. Weisberg, R., *Poethics and Other Strategies of Law and Literature,* Columbia University Press, NY, 1992.
19. See generally, Hon. Justice M. Kirby, 'On the Writing of Judgments', (1990) 62 *ALJ* 691; and Blom-Cooper, L., *The Law as Literature,* Bodley Head & Co., Great Britain, 1961.
20. (1954) 347 US: on the desegregation of American schools.
21. (1973) 410 US 113: liberalising abortion law in America.
22. From a catalogue note accompanying the current travelling Dix exhibition — organised by the Art Gallery of Western Australia in conjunction with the Goethe Institute (Melbourne)
23. From 'Ode' by Arthur O'Shaughnessy (1844-1881).
24. Shelley, P.B., 'A Defence of Poetry', in *Shelley:Selected Poetry, Prose and Letters,* Nonesuch Press, London, 1951.