

# Law and Literature Conference

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Simon Petch and Penelope Pether from the Department of English at Sydney University describe the inaugural "Literature and Law Conference".

John Bryson, former member of the Victorian bar, and author of *Evil Angels*, was the keynote speaker at Australia's first conference on "Literature and the Law". This conference, held at the University of Sydney on 21-22 April, was a joint initiative of the English Department at the University of Sydney and the Faculty of Law at Monash. Bryson was one of several participants who came from interstate for this conference; among others were Nicholas Hasluck from Perth, and Professor Louis Waller from Monash. In his address, "Notes Lost Underfoot on the Clapham Omnibus", Bryson traced some links between legal thought and its expression, and maintained that subconscious thought rather than formal thought could bring literature into being *within* the law.

This inspired a lively discussion of law in relation to culture and focused the purpose of the conference, which was to explore relationships between law and literature. Based on the assumption that the meeting-place of law and literature is language, our aim was to bring lawyers, writers, and literary and legal academics together to talk to each other about their languages and methodologies. Talk they did, professionally, academically, and just about everywhere in between. Although we organised the conference from the literary academy, we kept the needs and interests of the legal profession firmly in mind. A well-attended mandatory continuing legal education seminar, accredited by the NSW Law Society, was run in conjunction with the conference. Featuring Ian Barker QC, Malcolm Macgregor QC and Alex Jones, Senior Lecturer in English at the University of Sydney, its subject was voice identification and written discourse analysis.

The conference grew indirectly from our devising an English course called "Legal Fictions", which is being taught for the first time at Sydney University this year, and which covers literary texts from Shakespeare to Tom Wolfe. Our inspiration for this course came from the American Law and Literature movement, a significant Law Reform movement in the United States which emphasises jurisprudence as an essentially literary activity. Two interdisciplinary journals associated with this movement, *Cardozo Studies in Law and Literature* and the *Yale Journal of Law and the Humanities*, have suggested to us some ways in which law and literature can talk to each other.

Many of the conference papers exemplified this dialogue. Geoffrey Lehmann spoke on poetry as a forensic art, Arthur Glass discussed interpretive practices in law and literary criticism, and Ken Horler, president of the NSW Council of Civil Liberties, looked wittily at some abuses of language by lawyers. At times the talk was heated. The most contentious paper, which was broadcast on the ABC Law Report on 15 May, came from David Fraser (of the Sydney University Law School). He argued that the lawyer is a truly alienated being living through professional fantasies of power and myths of expertise, and that such images of lawyers get incorporated into our lives through "interactive" television programmes like L.A. Law. The most contemporary critique came from Rosemary Huisman (of the

Sydney University English Department), who focused on the relationship of mutual incomprehension that exists between Aborigines and the law. She maintained that discourse analysis, as a technique practised in contemporary linguistics, could help clarify this crisis of unintelligibility in contemporary Australian society. Her suggestion, that our language legislates our world and determines our social structures, would surely have been appreciated by Shelley, who described poets as the unacknowledged legislators of the world.

If the frontiers between law and literature were tentatively explored during the first day of the conference, they were positively stormed at the dinner, at which, miraculously, no actionable nuisance was committed. The singing started before dessert was served (the caterers had thoughtfully provided a piano), and was appropriately continued during Neville Turner's paper, "The Legal Wit of W.S. Gilbert", on the Sunday morning. We regained our composure on the Sunday afternoon, which featured a forum on the Writing of Judgments. The panel was made up of Justice Michael Kirby, President of the NSW Court of Appeal, Appeal Court members, Justices Meagher and Priestley, NSW Supreme Court Justice P.A. Young, and Professor Michael Chesterman of the University of NSW. The forum was chaired by Sir Laurence Street, who set the social agenda for the discussion by asking the crucial question of who a judgment is written *for*: who comprises its implied or notional audience? Speaking from the floor, Professor Waller pushed the judicial opinion in the direction of literature by arguing for its emotional effect. Other significant contributions from the floor, about sexist language, were made by Justice Jane Matthews, of the NSW Supreme Court, and Elizabeth Handsley, Visiting Fellow in Law at the University of NSW.

We hope to publish the proceedings of this conference as the inaugural issue of the journal of the Australian Law and Literature Association, which was founded at a business meeting early on the Sunday morning (another miracle). Mr Justice Priestley has graciously accepted an invitation to be our patron. We hope that the association will, like the conference, provide opportunities for the law and the humanities to talk more to each other, for each other's mutual benefit. 160 people registered for the conference, and we are hoping for similar success at a similar event to be held at Monash sometime during the second half of next year.

Expressions of interest in this next conference from all interested parties — writers, lawyers, *littérateurs*, poets and novelists *manqués*, expert witnesses, or mere innocent bystanders — should be addressed to J. Neville Turner, Faculty of Law, Monash University, Clayton, Vic. 3168. Enquiries about the association (for which we are soliciting institutional as well as individual membership) should be directed either to the President, Dr Simon Petch, English Department, University of Sydney, NSW 2006 (DX 1154 Sydney, phone (02) 692 3791) or to the Secretary, Francois Kunc, Allen Allen & Hemsley, MLC Centre, Martin Place, Sydney NSW 2000 (DX 105 Sydney, phone (02) 229 8710). □