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Kansas Court of Appeals

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BOOK REVIEW

Lyric Law:

Literature Lives in the Legal Realm

Rachel Beth Cunning

Thane Rosenbaum, LAW LIT FROM ATTICUS FINCH TO THE PRACTICE: A COLLECTION OF GREAT WRITING ABOUT THE LAW, The New Press, 2007. 296 pp. $17.95.

For those individuals whose bookshelves are lined with more than the stately rows of law treatises, *Law Lit*: *From Atticus Finch to The Practice* will function as a series of delicious appetizers that leave you satisfied yet yearning for the main entree. If literature is your forte, you will indubitably add a few more books to your reading list after perusing this anthology. If literature isn't your normal cup of tea, this anthology—brimming with iconic classics—is still immensely practical and delightful to lawyers and judges who regularly teach or speak publicly about the law and are interested in delving into the depths of what editor Thane Rosenbaum calls "the human spirit that is antiseptically left out of the legal system."

Rosenbaum suggests in his introduction that society is both intensely drawn to and repulsed by the law and that "the artist enters [at] the intersection between longing for law and the consequences." His anthology extrapolates upon this theme from the soaring rhetoric and righteous condemnations in Émile Zola's *J'Accuse*, a famous editorial condemning the French government of anti-Semitism in the Dreyfus Affair, to the dramatic declaration that "You can't handle the truth!" during the intense cross-examination scene in *A Few Good Men*. Rosenbaum has collected an outpouring of artistic creations that address the tense interplay between popular beliefs about law in its ability to transcend even the highest expectations of morality and mercy and the fetid stink of the law as a corrupt, repugnant monstrosity.

This tense interplay between society's adoration for and contempt of the judicial system is truly the crux of this anthology and where its use to teachers and public speakers becomes most evident, although literature-oriented individuals won't lack reasons to pick up this anthology as a fascinating literary insight into the public perception of the legal system. In Rosenbaum's experience as a teacher of the law and literature for more than 15 years, he has amassed quite the selection of writings that appeal across the spectrum of the legal experiences. He divides these writings into thematic parts (clearly enjoying their clever alliterative titles) that encompass: the Law Elevated, Lawless Law, the Law and Liberty, the Law Made Low, the Law Laborious, the Lawyer as Lout, the Law and the Loophole, Layman's Law, and the Law and Longing.

Rosenbaum garnishes these literary legal themes with different genres as he pulls excerpts from novels, short stories, poems, speeches, songs, letters, editorials, memoirs, television, films, plays, and even a judicial opinion. Through these divergent mediums, he views law literature as "universally fixated on the theme of law as menace [but with] the potential, in some transcendent way, to humanize the legal system, as well." For example, teachers of the law can humanize the process of the preliminary hearing with Alice Sebold's memoir *Lucky* as she endures the dehumanizing, grueling, and bewildering cross-examination by the defense attorney about the events of her rape as a college freshman. As *Law Lit* elucidates through snippets of literature, the cruel dehumanization of the individual trapped in a moribund or lethargic legal system actually humanizes all the players of that legal system. Through this anthology's humanizing effects, law ceases to be abstract and becomes instead something powerfully real, concrete, and vibrant.

And it is the vibrancy of literature that can open the floodgates of discussion and help make connections between abstract legal ideas and the practical realities that result from them. Liberty—an altogether abstract concept—becomes tangible while reading Martin Luther King Jr.'s "Letter from a Birmingham Jail" or Johnny Cash's song "Folsom Prison Blues." Infinitely quotable, these selected works appeal to emotive and intellectual responses in people because they address truths in the experiences of life. And even when reading the trial scene from Lewis Carroll's allegorical *Alice's Adventures in Wonderland*—ripe with the fantastic elements of a crazed queen of hearts, a white rabbit, and a mad hatter—we can see through the opaque veil of fantasy and identify justifiable critiques of the legal system. A good teacher or public speaker could readily make use of Carroll's caricature of jurors as a launching point for discussing a juror's potential confusion with courtroom procedures or even advocating policies for jury reform.

One particular strength of this anthology lies in the abundance of poignant and masterful selections that address issues of gender, race, and socioeconomic class. *Law Lit* provides a meaningful array of literary experiences dealing with gender and the law from the subjugation of women and the power of memory and written language in Margaret Atwood's *A Handmaid's Tale* to their infantilization and belittlement (and yet superiority) in Susan Glaspell's "A Jury of Her Peers." Likewise, Rosenbaum has included a solid collection of works that deal with race with excerpts from African-American authors like Langston Hughes, Richard Wright, and Paul Laurence Dunbar. For socioeconomic class, Bernard Malmud's character Bloostein as an impoverished immigrant is as earnest and heartbreaking as he is enlightening; as any procedural justice aficionado would note, it is critical to a person's sense of justice to be treated with common courtesy and dignity—even if and especially when you have none, no one, and nothing.

As impressive and delightful of an endeavor as this anthology is, it has shortcomings. Rosenbaum resorts to recycling authors—sometimes even the same works—throughout the anthology. For example, he pulls three excerpts from E.L.

Doctorow's *The Book of Daniel*, a fictionalized account of the Rosenberg's trial for espionage during the Cold War, and he cites Scott Turow's work three times as well. And while Charles Dickens' *Bleak House* may be replete with popular representations of the law as a laborious and soulless entity, it's unnecessary to reuse this work too when the history of literature teems with such examples of popular sentiments.

In the opening line of his introduction, Rosenbaum acknowledges this immense pool of possible material. He remarks that "[t]hroughout history and nearly all over the world, there has been no greater and more paradoxical love-hate relationship than the one between laymen and lawyers." If this querulous relationship does exist—and it definitely does—then Rosenbaum's reuse of works, however classic or interesting, is a wasted opportunity to continue demonstrating his point that "law frustrates and intoxicates every culture and every age." Despite this claim, Rosenbaum's anthology notably lacks Asian and Hispanic authors and perspectives, among others. The collection also leans heavily toward American authors who have written within the last 100 years or so. While this may have been the ultimate goal for the collection, the introduction heavily stresses the law genre as multicultural and timeless; it would've been nice to read a few more works that evoked the eternal and multicultural elements of this genre rather than reading different excerpts of the same works.

Even with these nit-picky criticisms and the literature enthusiast's desire for full works, not redacted ones, *Law Lit* is a collection of writings that is both immensely enjoyable and satisfying as legal literature and incredibly practical for use in teaching or speaking about the law. This anthology's allure derives from the human spirit that lives intertwined with the law amid the pages of this anthology—that spirit is sweet and bitter, despondent and radiant, generous and manipulative. Treat this anthology not as a collected work for one sitting but as a fine sample of a chef's specialty: savor each selection as an individual piece, slowly, with great discussion, and pauses for reflection and digestion.

Rachel Beth Cunning is the judicial assistant to Judge Steve Leben on the Kansas Court of Appeals. She has a B.A. in English from the University of Kansas, where she has also taken postgraduate English classes and is presently taking courses in Latin education.