

## THE IMPACT OF INCORPORATING LITERATURE INTO THE CURRICULUM OF LLB PROGRAM IN PAKISTAN

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### ABSTRACT

*Incorporating literature in the legal discourse is a controversial matter around the globe. In spite of this debate, law scholars, jurists and judges refer, from time to time, to a wide variety of popular literature in their legal drafts, judgements and opinions. The disciplines of law and literature are seen to intersect each other quite frequently through various means as many literary texts portray legal themes. A number of judgements cite work of literature and nevertheless many writers frequently engage in writing both legal and literary text which has led the scholars to finally accept this frequent convergence between law and literature as a strong and meaningful relationship. One aspect that is common in both and have bonded the two disciplines is that both are intangible artifact, deliberately created by humans to serve some purpose. The current study, with reference to Pakistan, is of a preliminary nature to identify the scope of incorporating literature in the LLB Curriculum in Pakistan. This paper examines the benefits and challenges of integrating literature into the LLB curriculum, and proposes some practical strategies for doing so.*

**Keywords:** LLB; Curriculum; Law; Literature; Legal Education; Pakistan; Interdisciplinary; Literary Skills.

### INTRODUCTION

Literature is the reflection of a society's culture, norms, values, and beliefs. Law, on the other hand, is the formal framework that governs that society. These two fields of study may seem divergent, but they share a deep connection. Literature can be used as a tool to enhance legal education, as it can provide insights into the human condition and how the law affects individuals and communities. This article explores the benefits of incorporating literature into the LLB curriculum and the ways in which it can be done.

The language used in legislation and literary expression is not the same. Law and literature use two distinct terminologies. "*Literature is the bedrock upon which humanity's civilizations, beliefs, and traditions are built*". Literature is a mirror which reflects the reality, an artistic expression, and a door to philosophy. Everything which happens in the society may be recorded to writing and taught through literature. Literature, whether in the form of poetry or prose, imparts vision, knowledge, understanding and emotional depth to its readers (Lorenzo, 2014). Humankind's inspirations, desires and sentiments all come together in one individual product to become literature. It is full of heart and personality.

It has been noticed that the link between law and literature is seen as a *res sub judice* problem, with no clear limits established. Yet, these professions are seen as two sides of the same coin, as the subject-matter of several literary texts probes legal difficulties. This aspect is especially notable since

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many writers have been involved in creating legal and literary works. Similarly, several judges have been using famous literary works to add more expression to their verdicts (Hussain, Pirzada & Saeed, 2020).

The use of literature in legal education has been shown to enhance critical thinking, legal reasoning, and empathy for the clients. It can also improve communication skills, such as writing, oral advocacy, and negotiation. Furthermore, it can provide a deeper understanding of the societal, political, and historic context wherein laws are made and enforced. The employment of fiction in the study of law (like in many other disciplines) aids in understanding the universe and explains why certain legal norms exist, engendering societal respect for the laws, and so on. For this reason, the classical works of Greek Sophocles and the writings of Charles Dickens, William Shakespeare, Franz Kafka, and others, (on law) have attracted readers for ages and provided an outsider's perspective on the efficacy of the legal system of the time.

Several intellectuals have claimed that both law and literature are inter-disciplinary areas (Di, 2021); however, some argue that traditionally they are considered two unrelated and disparate disciplines (Thompson, 2012); so, they cannot aid to each other in a substantial way since law is systematic, rational, dry and procedural field that consists of regulations that are often more logical. In contrast, literature may be a more creative and expressive field. Chang (2008) states that law and literature may be viewed as inter-disciplinary subjects, which are taught as a comparative study in several colleges in the United States (Kazem, 2022).

The law cannot be studied in isolation (Levi, 2013) since it requires consideration of cultural, social, and philosophical issues. Apart from that, there are several advantages to law students studying literature since it provides a deeper level of jurisprudential intuition, which is critical for understanding a legal situation as well as offering a suitable and efficient solution. Literary works may improve the senses and make the judges to write good decisions (Heald, 1998). It also enables a lawyer to deliver his argument more successfully since it considerably boosts rhetorical excellence, i.e., to make him as compelling as possible.

Literature enables one to comprehend the text while defining human skills in legal language. Legal expressions and Judicial precedents may be drafted more efficiently by using literary approaches in legal writing (Luban, 2006). Clarity of speech is improved by reading and writing literature, which is indispensable for everyone related to legal profession.

Furthermore, literature also improves the ability to envision, anticipate and picture things, allowing the lawyers to predict the fate of their arguments. Studying literature allows a lawyer to understand a subject from multiple perspectives (Posner, 2009). Some psychological issues can also be treated more efficiently where a person is well-versed in literature. The literary study further helps a lawyer to deliver information from his client's standpoint. It helps us understand the underlying causes of crimes and their diverse impacts. As a result, it humanizes one's viewpoint and promotes peace in society.

Incorporating literature into the LLB curriculum may be done in different ways. One approach is to integrate literature into specific courses, such as Legal Ethics, Human Rights Law, and Criminal Law. Another approach is to offer a stand-alone course that combine the two, such as "Law and Literature", "Legal Fiction", and "Literature and Social Justice".

### **Objectives of the Study**

The main objectives of the study are as under:

- 1) To find out whether a law student must have a literary background.
- 2) To find out the scope of incorporating literature into the LLB curriculum in Pakistan.
- 3) To find out how this incorporation of literature into the LLB curriculum will affect the socio-cultural and legal relationship of the lawyers with litigants, among themselves, with judges and with society at large.

### **Research Questions**

Following are the key research questions for the topic under discussion:

- 1) Does the incorporation of literature in the LLB curriculum in Pakistan is a necessity?
- 2) Is there a scope of literature in the current LLB curriculum in Pakistan?
- 3) Does incorporating literature in LLB curriculum in Pakistan bring any change in the socio-cultural relationship of the lawyers with litigants, among themselves, with judges and with society at large?

### Significance of the Study

The significance of the field of Law and Literature lies in its ability to offer new insights into both law and literature. The current study is important as it reveals how law students would use literature as part of their syllabi to achieve goals such as interpreting a certain word or topic or evoking an enthusiastic reaction from the target audience in their professional legal practice. This study aims to determine the breadth of introducing literature into the LLB Curriculum in Pakistan and how this inclusion of literature would alter the attorneys' relationships with litigants, among themselves, with judges, and with society at large.

### Notable Works:

Some of the most notable texts frequently alluded by judges are as follows:

We may start from the literary works of William Shakespeare, the king of English Literature. His contribution provides a unique perspective on the law and legal system and can help students understand legal concepts and issues in a more nuanced way. His writings include a surprising amount of legal material. Incorporation of his work in legal education would have a significant impact on law learners and legal professionals. Some of his work is as follows:

*"The Merchant of Venice"* (1596) is a contentious story about a Jewish moneylender that investigates fairness problems and the prejudice of legal systems. Even now, Portia's speech is regarded as a masterpiece. It also provides insights into contract law. Mark Antony's funeral speech in the famous play *"Julius Caesar"* (1599) has been regarded the best speech ever. The both of the above two famous speeches may educate the students of law, how to be effective advocates.

The *Hamlet's* (written between 1599 and 1601) use of legal vocabulary is highly outstanding. *"Measure for Measure"* (written in 1603 or 1604) explores the limits of judicial discretion and the use of mercy in sentencing. The play is set in Vienna and centers around the Duke, who left the city and made the strict Angelo in-charge in his absence. Angelo enforces the city's long-dormant laws against fornication and punishes Claudio, (a young boy) who impregnated his girlfriend (which caused her death). Isabella (Claudio's sister), argues with Angelo for her brother's acquittal, but he demands sexual favors in exchange. The play explores themes of justice, mercy, and morality, and raises questions about the nature of power and corruption. The characters struggle with their own desires and impulses, and the play ultimately suggests that justice and mercy are intertwined.

*"King Lear"* (written between 1603 and 1606) explores the principles of legal and judicial systems, and consequences for violating them. One important legal aspect of King Lear is the issue of succession and inheritance and the division of property. The play begins with King Lear dividing his kingdom among his three daughters, which sets the stage for the conflicts and betrayals that follow. The play also touches on issues related to the laws of succession and the rights of heirs. The play raises questions about the fairness and impartiality of the legal system, and the ways in which justice can be manipulated or perverted for personal gain. Additionally, King Lear explores the legal concept of filial duty and the obligations that children have to their parents. Lear's daughters are seen as violating their legal and moral obligations to their father, leading to tragic consequences for everyone involved. In short, King Lear's legal aspects highlight the complex interplay between law, morality, and human nature, and reflect the enduring relevance of these issues to modern society.

The above landmark pieces of literature by Shakespeare can assist the students of law to advance their critical thinking communication skills (including persuasive writing, public speaking and cross-examination techniques) and learn the moral dimensions of legal practice.

Another literary work is *"The Count of Monte Cristo"* (1844) written by Alexandre Dumas. This classic adventurous novel explores the themes of revenge, justice, redemption and the limits of the law.

Nathaniel Hawthorne's famous novel *"The Scarlet Letter"* (1851) explores the themes of sin, guilt, and the legal consequences of adultery in Puritan society. The novel also raises questions regarding justice, fairness and the law. Hester's punishment is disproportionate to her crime, and the novel suggests that the Puritan legal system is often more concerned with enforcing moral codes than with dispensing justice.

Another well-known novel is Charles Dickens' (1853) *"Bleak House"* which is notable due to its criticism over the judicial system of the England. The writer's experience as a law clerk helped him identify and clearly describe the inadequacies of the law. The narrative revolves around a protracted court struggle between two individuals vying for the inheritance of a huge property, a battle

that costs all the parties greatly. Dickens' severe description of the long Common Law System paved the path for the 1870s changes in legal system. In short, this novel is a critique of the legal system in 19th century England, particularly its inefficiency and corruption. It may offer students of law with an insight of the historical context of the importance of legal reform.

One of the most important works from Russian literature "*Crime and Punishment*" (1866) by Fyodor Dostoevsky follows the story of a young man named Rodion Raskolnikov, who at different times, throughout the novel, compares himself with Napoleon Bonaparte and thinks that murder is permissible in quest of a higher determination. The novel explores the themes of crime, punishment, redemption, nature of justice and the psychological effects of guilt and remorse.

Another masterpiece from Russian literature "*The Brothers Karamazov*" (1880) by the same author (i.e., Fyodor Dostoevsky) delves into the complexities of the justice system and the law related to crimes, particularly with reference to fratricide. The trial and the legal system as a whole are portrayed as flawed and fallible, with evidence being manipulated and justice being influenced by political and social pressures. The trial raises important questions about the nature of justice and the morality of punishment. The novel also explores complex themes such as faith, morality, free will, and the nature of God.

Earlier, Charles W. Chesnutt's novel "*Marrow of Tradition*" (published in 1901) dramatized the 1898 racial riots in Wilmington by exposing the prejudice that resulted in grave injustices, sufferings, and bloodshed, as Sinclair's work does. In this aspect, the Superior Courts determined that segregated public facilities were permissible in the case of *Plessy v. Ferguson* (1896). Nonetheless, the "*separate but equal*" policy was formed, which ordered the government to provide non-white populations with distinct but equal facilities in public services and facilities. Later, in *Brown v. Board of Education*, US Supreme Court in 1954 declared the principle of "*separate but equal*" unconstitutional because it violated the due process provision.

Upton Sinclair (an American author) highlighted the bad working conditions and exploitation in the meat industry of the United States in his novel "*The Jungle*" (printed in 1905). The story became a beacon of hope for all industrial employees who could never speak out against their plight. As a result of this work of literature, the Pure Food and Drugs Act, 1906 and the Meat Inspection Act, 1906 were passed.

In 1924 "*Billy Budd, Sailor*" by Herman Melville was published which explored the conflict between justice and the law, particularly in the context of military law. This novella is often interpreted as a critique of the legal system and the misuse of power by authority figures. It also explores themes of innocence and corruption, as well as the conflict between individual morality and societal norms.

"*The Trial*" by Franz Kafka (1925) is another work in which the author exposes the abuse of the law. Josef K., the novel's main character, wakes up one morning and is arrested and prosecuted for an undisclosed crime for never explained reasons. Certain critical issues in court procedures are discussed and brought to the attention of readers, such as the accumulation of cases, arrest on doubt, holding someone for an unknown period, lack of an appropriate inquiry, etc. This novel is a great example of legal fiction, as it depicts the absurdity and complexity of the legal system. It can help students to develop critical thinking skills by challenging their preconceived notions of the law and its processes.

Albert Camus' existentialist novel "*The Stranger*" (1942) explores the themes of crime, punishment, and the absurdity of the legal system. As the prosecution for the murder of an Arab continues, we learn more about the period's legal system and the existing gaps. Additionally, the work examines the unavoidable tension between flawed legal systems and a man's unique way of thinking.

"*To Kill a Mockingbird*" written by Harper Lee (in 1960) is a classic novel which is often taught in high schools in USA, but it can also be a valuable addition to the LLB curriculum. The story explores the themes of justice, morality, and racial inequality, which are all relevant to the study of law. It can also provide students with an insight into the role of lawyers and judges in the legal system.

The "*In Cold Blood*" (published in 1966) is another novel written by Truman Capote. It narrates a true tale of merciless assassination of a family, and the subsequent investigation and trial of the two men who committed the crime. The author kept on exploring and narrating the book for a period of six years. He conducted extensive discussions with the murderers, their families, and

members of the Holcomb community. The result is a gripping account of the crime and its aftermath, as well as a portrait of the two killers. This book can offer the law students with an insight about criminal law and role of the lawyers in the criminal justice system.

“*The Handmaid's Tale*” by Margaret Atwood (1985) explores issues of reproductive rights, gender inequality, and totalitarianism. It can be a valuable addition to courses on Constitutional Law, Human Rights Law, and Feminist Legal Model.

One of the earliest works in the field of Law and Literature was “*The Trial in American Life*”, written by legal scholar Robert Ferguson in 2008. In this book, Ferguson argued that legal trials were a form of theater, and that understanding the symbolic and cultural dimensions of trials was essential to understanding the role of law in American society.

The above-mentioned are only a few among many literary writings with some relevance to law. It is obvious that the study of these writings may enhance the advocacy skills of the future lawyers of Pakistan.

## REVIEW OF LITERATURE

The intersection between law and literature has been a topic of discussion for several decades. Both fields are involved in the interpretation of language and the communication of meaning, making them natural companions. This literature review aims to highlight the efforts of the scholars towards the growth of “Law and Literature” discipline. Many scholars were enthralled with combining the law and literary realm at the inception of this movement. Still, this idealism was first challenged by others who preferred a more productive law model. Today, this movement of law and literature has created the opportunity for both disciplines to bestow or positively offer to each other, as literature not only provides a critique of the law and confers the righteousness and principles of its legal contributors, but it also contributes to a productive change in the law.

“*The Legal Imagination*” (1973) is a book by James Boyd White (an American law professor, scholar, literary critic, and philosopher), which is an influential work in the field of law and literature, and explores the ways in which legal language and thought shape our understanding of the law and legal institutions. The book is organized into two parts. The first part examines the role of language in legal reasoning and argumentation, and the ways in which legal language is used to construct legal concepts and categories. White argues that legal language is a form of imaginative discourse, and that it is through language that we create and communicate legal meaning. The second part of the book focuses on the ways in which legal institutions are constructed and maintained through imaginative practices. White examines the role of legal education, legal scholarship, and legal culture in shaping our understanding of the law and legal institutions.

Richard Posner (1986) as author of the “*Law and Literature: A relation reargued*” acknowledges the value of using literature as a source of insight and inspiration for legal thinking and practice. He notes that literature can offer a rich source of examples and analogies for legal reasoning. He also raises a number of concerns about the use of literature in legal scholarship and practice. He argues that literary texts are often too ambiguous and context-dependent to provide clear and definitive guidance for legal reasoning, and that the use of literature in legal analysis can lead to a kind of “romanticism” that obscures the practical realities of legal decision making.

“*What can a lawyer learn from literature*” (1988), another work by James Boyd White states that law and literature are both about logic and emotion, aesthetics and politics; both may be combined. The allocation of non-linguistic elements of society is not at the center of justice but rather moral and relational. It is found in the attitude as well as different dimensions of the mind through which manuscripts are read and interpreted, whereby attention is given to conflicting claims by taking into account the experiences of contending parties and the quality of openness to innovative formulations, novel voices, in such a way that the legal or judicial opinion is an ethical, political, as well as an intellectual thing. White, remarks that human societies are established as institutions to achieve particular goals by managing human conduct. Texts can refer to, describe, or remark on the real world; they can have specific consequences or propose or demonstrate certain notions. Yet, the study of society is a study of behaviour, and it operates via prediction rather than comprehension. In summary, White may be implying that law is not solitary; it must include the surrounding and related areas, including literature.

Undoubtedly, the advent of an interdisciplinary approach to law and literature is a fascinating academic movement that has taken root in USA and UK. Ian Ward (1995) attempts to find the educational motives in *“Law and Literature: Possibilities and Perspectives”*. He investigates the law and literature movement's well-established political, ethical, and critical potentials. He also attempts to reveal the literature in law and the law in literature in significant literary notions. Another important figure in the field is Martha Nussbaum, a philosopher and legal scholar who has written extensively on the intersection of law and literature. In her book, *“Poetic Justice: The Literary Imagination and Public Life”* (1997), Nussbaum argues that literary texts can help us to better understand the emotional and ethical dimensions of legal issues, and that the study of literature can be a valuable tool for legal education.

Paul J. Heald wrote a book titled *“Literature and Legal Problem Solving: Law and Literature as Ethical Discourse”* (1998), which is an exploration of the ways in which literature can inform and enrich legal problem solving and ethical discourse. The book is organized into three parts. The first part provides an overview of the relationship between law and literature, and the potential for literature to inform legal thinking and practice. The second part examines a range of legal concepts and themes as they are represented in works of literature, including issues such as justice, authority, and responsibility. The third part explores the ways in which literature can be used as a tool for legal problem solving, examining the potential for literary texts to provide insights into legal issues and ethical dilemmas. This book is a valuable resource for scholars and students in the fields of law and literature, as well as for anyone interested in the ways in which literature can inform and enrich ethical discourse and legal problem solving.

W. N. Duong (2005), in his work titled *“Will the two ever meet since the law is law and art is art? The Comparative Creative Process in Law and Literature”*, illustrates that:

*“Literature is produced by authors immersing themselves in their subconscious sensory processes; the production of law necessitates a more methodical and rational process. While law seeks to be logical and rational, literature aims to produce moment-to-moment work and offers a free-flowing experience.”*

Kieran Dolin's book titled *“Critical Introduction to Law and Literature”* (2007) provides a comprehensive overview of the field of law and literature, exploring the ways in which these two disciplines intersect and inform each other. The book is organized into three parts. The first part provides an introduction to the field of law and literature, outlining its historical development and theoretical foundations. The second part explores a range of legal themes and concepts as they are represented in works of literature, including issues such as justice, authority, and representation. The third part focuses on the ways in which literature can inform legal theory and practice, examining the potential for literary texts to challenge and expand our understanding of legal concepts and norms. One of the key themes of the book is the idea that law and literature can both be seen as forms of cultural representation, and that they can both shape and reflect our understanding of the world around us. By examining the ways in which legal concepts are represented in literature, and vice versa, Dolin argues that we can gain deeper insights into the cultural and social forces that shape our legal systems.

In 2009, Richard A. Posner (a big supporter of Law and Literature movement) wrote a book bearing the title *“Law and Literature - Third Edition”*, which is a comprehensive examination of the relationship between law and literature, exploring the ways in which these two fields intersect and inform each other. The book is organized into four parts. The first part provides an overview of the field of law and literature, including its history and theoretical foundations. The second part examines a range of legal concepts and themes as they are represented in works of literature, including issues such as justice, authority, and representation. The third part focuses on the ways in which literature can inform legal theory and practice, examining the potential for literary texts to challenge and expand our understanding of legal concepts and norms. The fourth part explores the ways in which legal systems are represented in literature, examining the role of legal narratives in shaping our understanding of the law and legal institutions.

An edited book titled *“The Trial of the Chicago 7: The Official Transcript”* by Greenberg, McNamee & Levine (2020) provides a firsthand account of the controversial trial of seven political activists in the late 1960s, which raised important questions about the limits of freedom of speech and the role of the legal system to protect civil liberties. Various well-known and highly praised literary

works by prominent authors have dealt with the legal issues of their time. Virtually any reader would recognize that these writers were heavily inspired by their time's judicial system and were conscious about its influence on personal as well as communal levels. It would be correct to believe that they reflected their feelings about the legal system of their period through deft narrative development. It would be needless to mention that the lawyers are inspired by books, plays, and novels that depict figures of lawyers in renowned literary works by prominent writers, which provide a sense of pleasure and a better knowledge of the role he might play in his community (Wilson, 1983).

**Research Design**

The doctrinal method of research was adopted to conduct this study, whereby the relevant material (i.e., news articles, critical writings, books and research publications, etc.) was collected via online and offline resources. After filtering the data, relevant critical works, various publications, and newspaper articles that gave valuable insights into this study, were chosen for analysis. The same was analyzed to understand the impact of literary works on the teaching of legal concepts, the development of critical thinking skills, and the integration of interdisciplinary perspectives.

**FINDINGS**

The study has found that incorporating literature into the LLB curriculum can enhance students' critical thinking, empathy, and understanding of the law's social context. It can also improve their communication skills, such as writing, oral advocacy, and negotiation. However, the study also identified some challenges, such as resistance from students who see literature as irrelevant to their legal education, and the need for careful selection of literary works that are relevant to the legal context. The study also identified some strategies for overcoming these challenges, such as providing clear explanations of the relevance of literary works to legal education, and selecting literary works that are engaging and relevant to students' interests.

<b>Research Questions</b>	<b>Answers based on Findings</b>
<i>Does the incorporation of literature in the LLB curriculum in Pakistan is a necessity?</i>	<i>It is inferred from the discussion that the intended incorporation of literature in the LLB curriculum in Pakistan is indeed a necessity.</i>
<i>Is there a scope of literature in the current LLB curriculum in Pakistan?</i>	<i>It is concluded from the deliberation that there is a wide scope of literature to be incorporated into the current LLB curriculum in Pakistan.</i>
<i>Would the said incorporation bring any change in the socio-cultural relationship of the lawyers with litigants, among themselves, with judges and with society at large?</i>	<i>It is deduced from the debate that the said incorporation would bring a positive and considerable change in the socio-cultural relationship of the lawyers with litigants, among themselves, with judges and with society at large.</i>

**Proposed Course Contents of “Law and Literature” for LLB Curriculum**

The course contents of "Law and Literature" may vary depending on the specific program or institution offering the course, but generally, it may cover the following topics:

1. Introduction to the interdisciplinary field of Law and Literature, including the relationship between Law and Literature, the use of literary texts in legal education and practice, and the significance of narrative and storytelling in both Law and Literature.
2. The history of Law and Literature, including its development as a field of study and its key theorists and practitioners.
3. Literary genres and their relation to legal issues, such as crime fiction, drama, and courtroom narratives.
4. Legal themes in literature, such as justice, punishment, and the rule of law.
5. Legal theory and its application to literary texts, including legal studies, Law and Ethics, and feminist legal theory.
6. Critical analysis of literary texts that deal with different legal issues.
7. Contemporary issues in Law and Literature, such as the relationship between law, literature, and social justice, and the impact of technology on the production and dissemination of legal and literary texts.

8. Writing and research skills, including the use of legal & literary sources, critical analysis, legal reasoning and academic writing.

## **CONCLUSION**

Despite criticism, it is obvious that literature plays an important part in the study of law. The combination of law and literature has certain advantages for both subjects. Similarly, literature excels at investigating the human psyche and situations through writing. This capability, when linked with the legal framework that governs human activities in real life, can actually pave the way for the rule of law, which is required for the establishment of a just and moral society. Furthermore, literature is regarded as a conduit for human choice and freedom of expression. This trait can be implemented constructively into the court system to assist more compassionate legal choices.

Literature, like legal textbooks and dictionaries, has long been acknowledged as an essential source that can be used in a court ruling. Many studies show that literature has a greater power than traditional sources to elicit meanings and intense emotions. Notwithstanding the problematic nature of popular literature and poetry, judges in many nations, including Pakistan, have effectively used it for a number of purposes.

As a result of the preceding studies, it is fairly evident that literature plays an essential part in the study of law and thus every law student should imbibe the subtleties of literature in order to aid him in his goal of establishing himself as a skilled lawyer. This phenomenon is now widely acknowledged across the world.

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