Peter Goodrich, *Advanced Introduction to Law and Literature* (Edward Elgar, Cheltenham, UK and Northampton MA, USA), 2021.pp.xvi and 1-119.

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The legal scholar Peter Goodrich has added an Edward Elgar "advanced introduction to law and literature" to his wide-ranging list of publications, which includes the ground-breaking *Reading the Law* (1986), a book which drew to attention the centrality of rhetoric and hermeneutics in law, as well as a series of more recent works on legal iconography, symbolism and vision; on the law related to friendship and love; and on the general relation between law and humanities. Elgar's "advanced introductions" series aims to provide succinct guides which "pinpoint essential principles of a particular field" and "offer insights that stimulate critical thinking". Could this template be followed for a subject the author describes as one of law's "copulative" (i.e. "law and x or y") undertakings?

No doubt relishing the oxymoronic series description, Goodrich explains that an "advanced introduction" is one "which advances the discipline and introduces novelty into the extant tradition and writings". (p.viii) The resulting book is not an overview, history, or critique of the field, and diverges from what a reader might anticipate based on conference themes and article titles that often still follow a formula '[LEGAL SUB-TOPIC] in [NAME OF LITERARY WORK/GENRE].' Little space is given even to Richard Posner's canonical *Law and Literature* (first edition, 1988) or shorter publications on the topic, which receive attention only within a brief critique of Posner's own criticisms, summarised by Goodrich as that law and literature as an academic activity is "of marginal practical value, whatever soul enhancing effects it may have on lawyers and critics". (p.85)

Goodrich's reasons for not focusing on the established field of law and literature include his view that law's "copulative undertakings" should be assessed on the basis of other qualities than practical value for which support still needs to be built. At the same time, he recognises that interdisciplinary versions of law may simply leak the field's desire for an imaginary other, seduced towards or craving scholarly exoticism. Seeking to avoid such trivialisation,

Goodrich uses the volume to delineate a new concept, "jurisliterature", developed as he acknowledges from work by the French legal historian Anne Teissier-Ensminger. In her framing, "jurisliterature" is not concerned with fictions about law but with critical (including playful) engagement with how law is conceived by law scholars, how its reasoning, rituals and routines are transmitted to future generations, and how over time they can become settled, even ossified.

Goodrich's *Advanced Introduction* emphasises range and diversity in this new field's themes and topics. Even so, by reconfiguring (and inevitably simplifying) his arguments it is possible to identify key landmarks in the "lawscape" he depicts.

1) While law is invented by people, its stories of legal origins typically relay myths of justification. For common lawyers, the sources of law lie "in time immemorial", which stands in for the vanishing point of history. Presuming such origin, legal historians may regard legal discourse as offering a seamless tradition passed on in "an unbroken lineage from an antiquity so ancient as to originate in nature and so also in immediate proximity to God." (p.xx).

2) Close connections are often maintained in legal systems between law and religion, which combine into an overall normative belief system, with law "too old, too prior, and too holy to question." (p.31) While this is not universal, Goodrich observes there could be no modern discipline of law "without the religious inculcation of the clerics, the early scriptoria or writing workshops that copied texts and authorised publications by pontifical and then later Royal decree." (p.11)

3) Because legal method reflects these influences, it must be viewed as multi-dimensional: consisting not only of reasoning but in a variable mix of analogy, figurative language, allegory, verbal and visual symbolism, and action. Much in the discourse of law, as Goodrich views it, consists of fabulae, stories, plays, fabrications, images and fictions. Exposition of law is a literary and imaginative endeavour, and a rhetorical exercise.

4) While early legal thinking recedes finally into the oracular, and legal analysis still runs out where authority takes over from reasoned truth, for Goodrich there is a dimension of continuous instability, even irrationality, in how legal cases are resolved, especially where new questions fall to be decided. The boundaries of law and objectivity are "transgressed

time and again, with the movement being into theatre, into literature, into theology and philosophy, politics and economics, so as to shore up the abstractions of rule." (p.62)

5) The institutional forms law takes involve what rhetoricians called *actio*, or performance; and such performance calls for an organised disposition of legal and social actors, with roles, props, and costumes. Legal proceedings are to this extent a kind of theatre. Law's rites, sermons, spectacles and images are the building blocks, not only ornamentation, of legal institutions; and Goodrich suggests that legal performance conveys, in a direct and visible way, "the offices and dramatis personae of governments as dignitaries, the temporary holders of timeless offices, inhabitants of institutions that do not die." (p.71)

6) Finally, because of all these considerations taken together, fuller legal understanding requires a new, more sceptical attitude towards law: symbolically-aware and sensitive to the worldly, political significance of doctrinal issues. This, Goodrich emphasises, is especially the case as regards the inculcation of legal principles and values among the young. Legal education, he argues, is not just a matter of learning to think and talk like a lawyer, as is commonly asserted, but of learning to understand the formation, transmission and relay of law in a more humanistic way – and, like a philosopher, to engage with it in critical dialogue.

Setting such points out as a series of propositions poorly reflects the texture of jurisliterature as Goodrich presents it; the book communicates in a more polyphonic way. Goodrich does nevertheless make allowance for readers "addicted to finger posts and committed to roadmaps" (p.xiv), by providing a brief summary which can be further summarised here. After a brief Prologue, Chapters 1 and 2 describe the professional field and discipline of law, introducing the literary and interpretive practices adopted by lawyers and judges. Chapter 3 examines legal allegory in particular, showing how fictive and literary material plays a largely unacknowledged role in legal reasoning. Chapter 4 focuses on law's visual culture, both historically (e.g. its "built environment of law", of courthouse architecture, the apparel of legal professionals, portraiture of judges, thrones and regalia), as well as in the present (e.g. by discussing judicial use of photographic and video evidence, and the impact of online posting and streaming). Chapter 5 outlines what Goodrich calls accelerating change in law: how the field's contemporary "transitions" respond to a new materialism, connecting together different levels of life, thought and feeling which are all mediated by imaginative conceptualisation, from culture broadly through particular social spaces and gender roles to the living, sentient and sexual body. Finally an Epilogue suggests how this new

"jurisliterature", implicitly superseding "law and literature", may function as a counter-current when law obscures the political and theatrical character of its interventions behind black letters of legal text.

The book's subject matter and approach are severely abridged in such a summary. As well as shaping the book's overall trajectory, striking observations and insights are condensed into many incidental phrases, parentheses, and short passages. Unsurprisingly, given his earlier work, Goodrich's comments on the contribution made by theology, philosophy, physiology, rhetoric and history to legal thinking are illuminating throughout. So too is his discussion of the relation between Roman law and divergent civilian and common law systems. Strikingly different, but as thought-provoking, is Goodrich's multi-layered, legal and psychoanalytical re-reading of the widely discussed Judge Schreber "judicial and sexual identity" narrative. Perhaps most acute are the author's observations on what happens when legal meaning meets what lies beyond it, whether in relation to performance and madness; the role played by condensation and displacement in symbolism; how legal cultures fill in absence of meaning with kinds of "suspended ontology", including legal fictions; or how frequently law draws on imaginative tropes when it encounters "what it cannot formulate and does not know". (p.88)

For all this brilliance, the *Advanced Introduction* is nevertheless an unsettling as well as enjoyable book. It has been described, for example, as "acrobatic", "a wild ride", and "exuberant"; and Goodrich is an accomplished stylist. But what influence or impact is such an introductory guide capable of achieving, and on what range of readers?

On these questions, the *Advanced Introduction* seems caught up in contradictions of its subject matter, aims, and format. Its eloquence, for example, involves a stretched lexicon that challenges readers not only with whether they "know" particular words and phrases (e.g. *aereall, exornation, haptic point, hypnopompic, nascently pataphysical turn, oneiric visions, rhizomatic multiplicity of visibilities, tellurian,* or *vexillological*), but what patterns of use or specialised loading each term carries, including whether some may be coinages (like *matterphor*), specific references (like *habitus*), creative choices (perhaps *proleptically real*), or pastiche (perhaps in context *apotropaic device*). Alongside such vocabulary, in addition to necessary legal references there are many equally necessary references to cultural theory, but often with little context or explanation (e.g. to *aporia, carnivalesque, defamiliarisation,* and to arguments and positions in writers including Bakhtin, Deleuze, Freud, and others). The reader also advances through pervasive Latin expressions, typically followed by an English

gloss but only in some cases linked as quotation or customary use to Classical and/or Early Modern legal, rhetorical or theological sources. In a short book celebrating the subversive value of playfulness in confronting law's relentless commitment to "plain meaning", achieving a balance between exposition and querying or undermining such exposition is a tall order. Goodrich seems to capture, but not resolve, this issue appositely when at one point he affirms, but at the same times breaks, the expectation of clarity in introductory writing – i.e. of narration "in a nutshell" – with the words, "The story, *in nuce* and eggshell, is that…" (p.90).