

LAW AND JUSTICE IN FICTION: A PSYCHOLOGICAL APPROACH. “A WAY TO GET A BETTER WORLD”

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Abstract

Our study consists of two sections. The first one is a theoretical approach to the major subject matter (justice and law in fiction). The second section analyzes how theory is applied to a particular legal novel.

It is necessary to begin with the theoretical section because we want to explain the difference between sciences (law) on the one hand and psychology as a different way of approaching the subject on the other hand when applied to fiction (subject-matter). The second section is proof of how theory (psychology) is applied to works of fiction (legal novels/thrillers).

The first section deals with some important matters which are to be taken into consideration, such as how to write legal thrillers, lawyers in legal thrillers, who are the readers of legal novels and last but not least what means a psychological approach to fiction.

If science (psychology - psychologists) perform an analytic approach to explain facts by reaching the core of evil and cure it, writers in their works (legal thrillers) act vice versa: they display details (symptoms) without explaining them. Thus, the reader becomes an active part in finding out the core of evil, the truth. How this requirement can be achieved in a legal thriller is the subject matter of a next paper.

Keywords: *justice, law, lawyer, criminal, fiction, legal novels/thrillers, subject matter, theme, plot, psychology, psychological approach to literature*

JEL Classification: [K0, K00, K10].

1. Introduction

Evaluating *Legal Novels*. Michelle Zierler, who was an entertainment attorney and has a prestigious legal career, is right when she says that *crime*, *rights*, and the *law* all take center stage in some well-known novels¹ that are

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¹ Novel is fictive prose and it has certain length. It describes about the characters, life action in a plot. A good novel is good by virtue of more interesting, more valuable things such as characterization, plot culture or atmosphere (Prose: Novel; POSTED BY AWIN WIJAYA).

both thrilling and educational.² She refers to some novels that, in her opinion, are some of the best in the domain.

Whether you are a lawyer or a nonprofessional, these novels will surely entertain you.

Nevertheless, there have also been critics and other people who tried to make a selection of the best novels defined by them as *legal novels* or *legal thrillers*. The phrase is suggestive and we may understand easily that the main theme, the *plot* of these novels, deals with legal matters, which the lawyers solve in courtrooms.

According to their conclusion, among the best legal novels ever written by English and American writers are:

To Kill a Mockingbird. It is a novel by Harper Lee published in 1960. It gained an immediate success, winning the Pulitzer Prize, and has become a classic of modern American literature. *Compelling Evidence* is a crime novel. *The Firm* is a popular book in which one may see that important firms are not always what you think. *The Firm* is a 1991 legal thriller by the well-known American writer John Grisham.

In *Eyes of a Child*, one sees an ugly custody battle gone wrong in the eyes of a child. It is a 1995 legal thriller novel by Richard North Patterson, an American fiction writer, attorney and political commentator. *A Time to Kill* is inspired by life experiences and also by 'To Kill a Mockingbird'. John Grisham's novel considers what would happen if a victim's father murdered her assailants.

2. How to Write Legal Thrillers. The Plot

Usually, a thriller includes a *murder* that is finally solved by a *detective*. In the present situation, the subject is not an easy one, because writing a legal novel is not available to anyone. In addition, who could give better advice on how to do it than those who are both *lawyers* and writers of legal novels? Therefore, it may be interesting to know what these people think about writing a legal novel.

First of all, a legal thriller needs a *crime that is interesting and believable*. It needs an *interesting and believable solution* described logically in plain English. Michael Rudolph (2016), a retired Park Avenue attorney, an ex-New Yorker, gave the major characteristics of a legal novel in his article *How to Write a Realistic Legal Thriller*.

² Rather than being "Art for Art's sake", modern literature tends to be more exploratory and didactic. The emphasis is more on character and motivation than on form and structure (nebolit.com/topic.../Psychological-Approach-to-Literature).

3. The Main Character

To keep the reader alert, we need *a smart and attractive protagonist* with a strong motivation for achieving justice and catching the bad guys (*Idem*).

„Lawyers can make brilliant heroes,” author Meg Gardiner pointed out in one of her books. With this statement, we have already mentioned one of the first things to remember when writing a legal novel. The author has to be *a lawyer*.

In writing legal novels, he has *to take full advantage of his profession*. That implies lawyers’ personal experiences.

“Lawyers make choices and have tactical advantages that they can take or forgo in the courtroom, and that gives you a lot of opportunities to make them colourful or pivotal in a story in a way that an investigator can’t be” commented Al Giannini, a Deputy District Attorney - Homicide Team.

4. Lawyers in Legal Thrillers

Lawyers enjoy being in the center of situations and this may help a narrative as well” said Walter Walker (*op.cit.*) “As lawyers, we see people under stress, and stress, of course, drives a story. It causes people to say and do things that they wouldn’t otherwise do.

The stress can occur in the initial crime, it can occur in the buildup to the trial, and it certainly occurs in the trial itself” (Walter Walker, *op.cit.*)

What seems most important is the fact that *lawyers know the law*. But ... the law can be horribly complicated, and the most important thing is to simplify it for people. ... If you don’t get the law right, you’ve lost credibility” said John Sheldon, he himself a judge.

Still, the lawyer can start with the headline and change it. „Consider starting with a trial everyone has heard of, and then ask, “What if?” (Walter Walker, *op.cit.*). As different jurisdictions use different terms, meaning something else in another county. “You’ve got to find what your jurisdiction is, real or mythological.

“You pick one and stick to it” added John Lescroart. If in doubt about terms, a friend should be asked. And finally, yet importantly **avoid getting lost in technical details**. “Know more than you show.”

5. The Readers of Legal Novels

The next logical question is who are the appropriate readers of legal thrillers? This question is a serious one should we admit that novels are not always written for everybody. In our opinion, there are specific literary works that are better understood and subsequently are more useful if read by those who actually understand them.

As far as legal novels are concerned the best readers are the lawyers themselves, but for them, all that the author says is less fiction and more

reasons to analyze if what the author says is true or not. However, the idea still remains to write legal thrillers for everybody.

Therefore, the important part is to keep the legal theory fairly uncomplicated so that it can be followed by readers without a law degree. If you make a reader reach for a glossary of legal terms, you will destroy the pace of your story and lose the reader. (Rudolph, 2016).

6. Analyzing Legal Novels/Thrillers

In all instances, we begin by focusing attention upon the *theme*, *subject matter*, and *plot*. Nowadays, we may watch many films and read novels in which the *main theme is* justice as performed in courts and trials. The *Subject Matter* is the topic, the writer's idea to present facts in a legal novel/thriller.

The Plot is a literary term used to describe the events that make up a story or the main part of a story. These events relate to each other in a pattern or a sequence.

The structure of a novel depends on the organization of events in the plot of the story. A plot is one of the most important parts of a story and has many different purposes.

Firstly, the plot focuses attention on the important characters and their roles in the story. It motivates the characters to affect the story and connects the events in an orderly manner.

The plot creates a desire for the reader to go on reading by absorbing them in the middle of the story, ensuring they want to know what happens next.

In a legal thriller, the *defendants* undergo various experiences; face witnesses; are punished or acquitted of the punishment. This way, readers are both entertained and educated.

The target is eventually an attempt to get a better world, a world of justice!

7. A Psychological Approach to Fiction

During the twentieth century, there was a shift away from the "who did it" genre to the "why did he do it". Major writers have included Hermann Hesse, Franz Kafka, James Joyce and Virginia Woolf. *Pathos*, the emotional or psychological dimension also plays a role. Beliefs are formed not only by *rationalization* but also by "*attraction*".

Arguments we "like", whether because they are presented beautifully or because they resonate with our hopes, will usually be more persuasive than ones we find unpleasant.

Whatever its intellectual achievements, taken seriously it offers a very bleak outlook (*Psychological Approach...*)

The *psychological approach* leads most directly to a substantial *amplification of the meaning* of a literary work. When we discuss psychology and its place in a literary work, we are primarily studying the *author's imagination*. As all literary works are based on some kind of experience, and, as we mentioned above, all authors are human, we are necessarily caught up in the wide range of *emotional problems* (caused by experience).

Not all recourse of psychology in the analysis of literary work is undertaken to arrive at the understanding of the literary work, to a certain extent; we must be willing to use psychology to discuss *probability* (*Psychological Approach....*)

This aspect enhances the suspense in the legal thriller.

8. Characteristics of Psychological Fiction.

A study was done regarding the difference between psychology (as a science) and psychological aspects dealt with in approaching *themes/meaning* in novels.

When a patient goes and sees a psychologist, he tells him what he considers to be wrong with him (e.g. jealousy).

The psychologist, by asking numerous questions, comes closer and closer to the core of the problem, until he finds out what actually released jealousy. When he has reached that very moment/event, the patient is cured.

The writer of psychological novels is not interested in curing his patient. From the very beginning, he knows the whole story, its denouement, he knows what released the 'evil'. What he does is to offer progressive symptoms, which describe the nature of evil. A careful reader is already accustomed to what Umberto Eco called *The Open Work* namely a literary work that remains significant for its powerful concept of "openness" - the artist's decision to leave arrangements of some constituents of a work to the public or to chance.

This way, the reader who was usually passive, interferes in the plot and thinks of the end he considers as fit.

Conclusions

All legal novels have in common an *illegal action* that the *lawyers* solve *in trials*, through careful observation. Nevertheless, lawyers are also people and often they must fight and compete even with those they love. What makes a novel more interesting than a mere action is *the lawyer's dilemma* facing such instances.

In order to catch and maintain the readers' attention, novelists have taken over scientific devices and used them specifically. It is a *psychology* that plays an important role here no matter what the subject of the novel is.

However, the aim of a psychological study consists of three natures. Foremost, *the objective of understanding behaviour*, that is by defining factors

that combine the development and expression of behaviour. Secondly, the psychologist striving to develop a procedure for the *accurate anticipation of behaviour*.

Thirdly, psychology aims at developing techniques that will permit the control of behaviour that is, a way of “shaping” or course of psychological development through manipulating those basic factors to the growth and the expression of behaviour.³

However, all these three aspects are to be brought to the reader in a most believable way.

If all the above-mentioned elements are carefully thought of and accurately applied to a story, the effect is the expected one – it meets the readers` expectations, arises their interest, and eventually help him strive to catch the wrongdoers and fight for a better world.

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