

# Introductions

## Note from the Editors

The law, once elegant and opaque, tidy when vicious, has lost its simplicity. The humanist's vision of the law, culled from the imagination of Kafka, Dickens, or Dostoevsky, has become in recent years more complex, more mindful of both the coercive *and* the constitutive power of law. Conversely, the lawyer has come to view the humanities as something more than a mere kindergarten in which the necessary instruments of the trade have been acquired in order to be put to some real use.

This mutual recognition has produced a cacophony of voices in law schools throughout the country. Consider these scenes: a professor of civil procedure is baffled by a colleague's paper that seems to be about critical aesthetic theory; a course in contracts gets new inflections from scholars deconstructing *Hadley v. Baxendale*; a leading law journal mixes "traditional" subjects with postmodern collage "commentaries" and sections on literature and art.

Interdisciplinary studies are sweeping away the lines and divisions that once isolated law and the humanities. The lawyer and the humanist, however, continue to eye each other with suspicion, wary to credit the words and authority of an interested observer untutored in the nuances of a jealously guarded field. The dialogue between disciplines has remained impoverished.

We propose a journal that will provide a forum for interdisciplinary investigation as its fundamental objective, not as an afterthought to a project with another agenda. Eclecticism alone, however, is a precarious foundation for any intellectual enterprise. Too often boundaries are crossed, genres blurred, for their own sake. We make this assertion from an institutional base in a law school, but our staff is drawn from a broad array of disciplines. We are committed to the belief that this project can

survive only if scholars both inside and outside the legal academy are integral to our inquiry.

The *Yale Journal of Law & the Humanities* assumes the existence of a legal culture implicated in the creation of symbols and structures which provide meaning in everyday life. Because legal culture informs both material and symbolic products, cultural analysis must do more than identify the images of the law that appear in a non-legal context. It must focus on the law's interaction with other cultural forms in structuring perception and investigate the formation, boundaries, and persistent intervention of legal culture in various spheres of life.

We are dedicated to providing a forum for scholarly work in legal and cultural studies that recognizes the connections between the words we use and the world we make. The study of law must be informed by an examination of the socio-cultural narratives that shape legal meaning and empower legal norms; conversely, the study of culture requires an understanding of the law as a normative edifice and coercive system.

This approach commits us to no specific program, nor do we ally ourselves with any critical trend or fashionable temper of thought. But to say that we eschew a program is not to say that we are without guiding principles. Law is an interpretive concept, and in a world in which "there are no facts, only interpretations," we must grow more reflective in our examination of the meanings embedded in our culture—not so that we slouch more miserably toward postmodern malaise, but rather so that we can develop a critical stance that allows us to imagine a more tolerant, plural community.

The editorial advisory board represents distinguished scholars from literary studies, history, anthropology, art history, political theory, and law, all engaged in interdisciplinary analyses of culture. They provide a range of models for us to consider as we expand the imaginative boundaries of this enterprise.

The articles in this first issue sketch some of the possible directions of our inquiry. Robert Weisberg and Richard Weisberg engage in a colloquy on law and literature; Robin West offers an alternative approach for considering this debate. Hendrik Hartog presents the quite concrete interaction between the law's capacity to define a subjective state and the everyday life of women in the nineteenth century. Anthony Chase suggests that popular culture provides an arena for the critical analysis of law in a larger "sociology of culture." Frances Olsen, meanwhile, offers a minimalist perspective on reductionism. Our distinguished book reviewers, Martha Nussbaum, Andrew Ross, and Harvey Mansfield, demonstrate the exciting possibilities of criticism that bridges disciplines.

We hope that this and future issues will illuminate the contours of our lives and provide scholars, practitioners, and other interested persons with new perspectives when they stand before the law.