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INTRODUCTION

THE POWER OF STORIES: GLOUCESTER TALES

Susan Ayres[†]

“So priketh hem Nature in hir corages—
Thanne longen folk to goon on pilgrimages”

—Geoffrey Chaucer¹

For a second year, scholars made a pilgrimage to Gloucester for a three-day academic conference sponsored by Texas Wesleyan Law School, the University of Gloucestershire, and the Central Gloucester Initiative.² This year’s conference theme, “The Power of Stories: Intersections of Law, Culture and Literature,” was inspired by the medieval folktale about Dick Whittington and his cat.³ While the City of Gloucester planned various events to celebrate the 400th anniversary of the folktale, such as a re-enactment of Dick Whittington’s pilgrimage from Gloucester to London, conference organizers in both the United States and England planned a thought-provoking conference.

They did not plan for bombs in London two days before the start of the conference. Nevertheless, scholars remained undeterred in making their pilgrimage from different parts of the European Union, Australia, and the United States. After a visit to Berkeley Castle and a medieval fair complete with jousting, participants gathered at Gloucester Cathedral for choral evensong, a guided tour of the Norman and Gothic styled cathedral (including the tomb of King Edward II—a “hooly blisful martir”⁴), and dinner outside the cloisters where several *Harry Potter* movies have been filmed. Over the next two days, scholars presented inspiring panels and continued their conversations over a dinner at the Gloucester City Museum and a banquet at the medieval Blackfriars priory hosted by the Texas Wesleyan Law Review.

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1. GEOFFREY CHAUCER, *CANTERBURY TALES*, reprinted in *THE COMPLETE POETRY AND PROSE OF GEOFFREY CHAUCER* 9 (John H. Fisher, ed., Holt, Rinehart, & Winston 1977).

2. See Symposium, *The Common Law of Contracts as a World Force in Two Ages of Revolution: A Conference Celebrating the 150th Anniversary of Hadley v. Baxendale*, 11 TEX. WESLEYAN L. REV. 1 (2005), for the first Symposium from Gloucester, England.

3. See Susanna Fischer, *Dick Whittington and Creativity: From Trade to Folklore, From Folklore to Trade*, 12 TEX. WESLEYAN L. REV. ### (2005), for a discussion of both the Dick Whittington folktale and the historical Richard Whittington story.

4. CHAUCER, *supra* note 1, at 10.

This special symposium issue includes a selection of the almost sixty papers delivered at the conference. As both the number of papers and breadth of topics demonstrate, law and literature is not dead.⁵ Rather, it is alive, kicking, and inspiring scholarly investigation.⁶ A general overview of this symposium issue shows all three strands of the law and literature movement.⁷ One strand, law in literature, examines legal issues and representations of lawyers that appear in literary works.⁸ Another strand, law as literature, uses the tools of literary theory to analyze judicial decisions and legislative enactments.⁹ The third strand, the narrative project, focuses on narrative, and on the use and power of storytelling in law.¹⁰ While many of the papers might be categorized as taking a law in literature approach, others take a narrative approach, and yet others take a law as literature approach.

Law in literature articles predominate this issue. In addition to the co-authored article discussing law in the *Harry Potter* novels,¹¹ the law in literature offerings include Helen Hershkoff's examination of class identity and social mobility in two series of novels—*The Montmorency* series by Eleanor Updale¹² and *His Dark Materials* trilogy by Philip Pullman; Emma Lindsay's discussion about "the gender-specific impact of war on women" and the role women have played in responding to and subverting violence in both Aristophanes' *Lysistrata* and contemporary wars; Susan Tiefenbrun's analysis of *The Pianist* to show the failure of international law to prevent war crimes and the therapeutic effect of memoirs; Christine Metteer Lorillard's critique of the Indian Welfare Act as illustrated by Barbara Kingsolver's novel, *Pigs in Heaven*; Richard Storrow's analysis of *The Handmaid's Tale* and the exploitation of third parties for assisted reproduction, especially in the context of "fertility tourism"; Robert Batey's demon-

5. See Julie Stone Peters, *Law, Literature, and the Vanishing Real: On the Future of an Interdisciplinary Illusion*, 120 PMLA 442, 451–52 (2005) (suggesting that "law and literature" is transforming into "law and culture"). "If law and literature per se does not survive the assimilation of disciplinary multiplicity as an inherent part of its disciplines, in its end may be its beginning." *Id.*

6. Susan Sage, the president of the American Association of Law, Culture, and Humanities, and Susan Tiefenbrun, the president of the Law and Humanities Institute, both participated in this symposium issue. See Symposium, *The Power of Stories: Intersections of Law, Culture, and Literature*, 12 TEX. WESLEYAN L. REV. ### (2005).

7. For a discussion of the different law and literature approaches, see IAN WARD, LAW AND LITERATURE: POSSIBILITIES AND PERSPECTIVES 3–22 (1995); See generally PAUL GEWIRTZ, NARRATIVE AND RHETORIC IN THE LAW in LAW'S STORIES: NARRATIVE AND RHETORIC IN THE LAW 2 (Peter Brooks & Paul Gewirtz, eds., 1996) (discussing the influence law has on narratives and rhetoric).

8. See GEWIRTZ, *supra* note 7, at 3.

9. See *id.* at 4.

10. See *id.* at 4–5.

11. Jeffrey Thomas et al., *Panel on Harry Potter and the Law*, 12 TEX. WESLEYAN L. REV. ### (2005).

12. Eleanor Updale participated in the conference by reading from her novels and responding to audience questions about her writing life.

stration of dilemmas raised in legal representation in two classics—*To Kill a Mockingbird* and *Native Son*; Michael Newcity's examination of nineteenth century Russian literature's failure to depict law in a positive light despite extensive legal reform; discussions by Susanna Fisher and by co-authors Megan Richardson and Andrew Kenyon of copyright issues for folklore, including the Dick Whittington story; Thomas Klein's analysis of ways in which positive law is criticized and natural law is valorized in *The Wind in the Willows* and *Shiloh*; and Erika Rackley's analysis of "The Happy Prince" to discuss empathy as an adjudicative technique.

Symposium articles that follow a narrative approach to law and literature include Gina Heathcote's discussion of male and female narratives of the Gulf War in contrast to the legal narrative created by international law condoning the use of force; Justice Callinan's exploration of the importance of narrative in decisions by Australian trial courts; Cassandra Sharp's empirical analysis of how popular culture transforms and constructs first year law students; and Marco Wan's contrast between "the hermeneutic strategy of the court room" and the "ambiguity and undecidability" of the novel.

Symposium articles that take a law as literature approach are fewer, but include Allen Kamp's examination of the rhetoric used in the evolution of the Uniform Commercial Code and Mark Sundahl's analysis of the role of classical Greek literature in shaping testamentary law's invalidation of a will made "under the influence of a woman."

The issue ends—as did the conference—with a roundtable discussion by Susan Sage Heinzelman, Michael Hyde, Melanie Williams, and Ian Ward concerning the future of law and literature. Rejecting the implicit claim in a recent article by Julie Stone Peters¹³ that law and literature may be a dying discipline, Susan Sage Heinzelman remarked, "I would suggest that where we are going is where we have always been, which is to be constantly re-narrating that derivative creativity that we heard about in the very first session, how a story generates another story." Ian Ward agreed with Peters that law and literature has not been "an identifiable discipline," but foresaw its evolution "into a broader concern with more culture, more humanity." Likewise, Michael Hyde emphasized the expanding boundaries of the project, especially the importance of including rhetoric. He commented, "when you are . . . looking at literature, you are looking at rhetoric." Melanie Williams suggested another dimension of the project in her claim that "law and literature is really just cultural anthropology."

Overall, the Power of Stories Conference and the proceedings published in this issue of the Texas Wesleyan Law Review suggest future

13. See Peters, *supra* note 5, at 451.

“felaweship, and pilgrims”¹⁴ and expanding boundaries in the law, literature, and culture community.

14. CHAUCER, *supra* note 1, at 10.