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## RECENT BOOK

SUBVERSION AND SYMPATHY: GENDER, LAW, AND THE BRITISH NOVEL. Edited by Martha C. Nussbaum and Alison LaCroix. New York, N.Y.: Oxford University Press. 2013. Pp. xxii, 305. \$66.99.

Over the past thirty years, the study of law and literature has gained significant traction,<sup>1</sup> serving as the subject of law school classes, symposia, and articles in prominent law reviews.<sup>2</sup> Nevertheless, it continues to be viewed as a younger sibling to more established interdisciplinary fields like law and economics or legal history.<sup>3</sup> In part, this position is attributable to endemic fragmentation within the field, as disagreements over constitutive elements of the movement keep law and literature from establishing the unified “set of concerns [and] theory of value” that have allowed other fields to “produce[] a substantive content” with “important jurisprudential consequences.”<sup>4</sup> In particular, scholars dispute the very *raison d’être* of the field, some contending and some contesting that literature should be studied to provide direct insights into legal doctrines,<sup>5</sup> to advance legal justice by providing more general insights into the human condition,<sup>6</sup> or to improve the minds of legal thinkers while remaining a discipline distinct from law.<sup>7</sup>

*Subversion and Sympathy: Gender, Law, and the British Novel*,<sup>8</sup> a new law-and-literature anthology edited by Professors Martha Nussbaum and Alison LaCroix, notably refuses to resolve these debates. Though the book’s contributors all consider law and gender in British

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<sup>1</sup> See, e.g., Isobel M. Findlay, *Just Expression: Interdisciplining the Law and Literature*, 63 SASK. L. REV. 49, 65 (2000) (“[T]he history of the law and literature’s place in the academy is one of progress . . . .”); Debora L. Threedy, *The Madness of a Seduced Woman: Gender, Law, and Literature*, 6 TEX. J. WOMEN & L. 1, 9 (1996) (discussing the “explosion of interest in law-and-literature the last ten years or so”).

<sup>2</sup> See Jane B. Baron, Essay, *Law, Literature, and the Problems of Interdisciplinarity*, 108 YALE L.J. 1059, 1060 (1999).

<sup>3</sup> See *id.* at 1060–61 (lamenting that law and literature “has failed to generate the excitement that it is capable of generating within the American legal academy”).

<sup>4</sup> William H. Page, *The Place of Law and Literature*, 39 VAND. L. REV. 391, 392–93 (1986) (book review); see also Baron, *supra* note 2, at 1061–62 (“[T]he law-and-literature movement has tended to undermine itself from within. If there is a single movement here, it is certainly a very fractured one.” (footnote omitted)); Robin L. West, Essay, *The Literary Lawyer*, 27 PAC. L.J. 1187, 1187 (1996) (“[I]t is as hard now as it was twenty years ago to say anything about what the discipline’s defining questions, much less answers or lines of analysis, might be.”).

<sup>5</sup> See, e.g., William Burnham, *The Legal Context and Contributions of Dostoevsky’s Crime and Punishment*, 100 MICH. L. REV. 1227 (2002); Richard Weisberg, *How Judges Speak: Some Lessons on Adjudication in Billy Budd, Sailor with an Application to Justice Rehnquist*, 57 N.Y.U. L. REV. 1 (1982).

<sup>6</sup> See, e.g., MARTHA C. NUSSBAUM, *POETIC JUSTICE* (1995); Robin West, *Economic Man and Literary Woman: One Contrast*, 39 MERCER L. REV. 867 (1988).

<sup>7</sup> See RICHARD A. POSNER, *LAW AND LITERATURE* (rev. ed. 1998).

<sup>8</sup> SUBVERSION AND SYMPATHY (Martha C. Nussbaum & Alison LaCroix eds., 2013).

novels of the eighteenth and nineteenth centuries,<sup>9</sup> Nussbaum and LaCroix insist that the articles “do not have a ‘bottom line,’” either substantive, about “normative social issues,” or methodological, about how law-and-literature scholarship should proceed.<sup>10</sup> Rather, the editors deliberately display “a range of perspectives that exemplify the breadth and range of this interdisciplinary area”<sup>11</sup> in order to persuade as many scholars as possible to participate in and thereby “reinvigorate the law-and-literature movement.”<sup>12</sup> To stay widely accessible, the work likewise shies away from making a strong case for what direct value literature has for law. Instead, it posits merely the baseline recognition that literature enriches law by elucidating the human condition and creating more thoughtful lawyers. The anthology succeeds in presenting diverse and compelling models of scholarship for aspiring law-and-literature practitioners, and in so doing seems well poised to fulfill its aim of energizing debate and scholarship. However, by so prioritizing inclusiveness — even embracing articles that advance a severely limited conception of literature’s utility for law — the work mutes its defense of the movement, ultimately diminishing, albeit not extinguishing, the force of its call to engage in law and literature.

Following an introductory exhortation to study literature in order to become empathetic legal thinkers, the anthology turns to its central aim: presenting various readings of legal and literary texts, loosely grouped into sections. Part I, entitled “Marriage and Sex,” arguably features the anthology’s most exemplary and controversial pieces. First, Professor Julie Suk melds legal history and close textual reading in her examination of wife selling in Thomas Hardy’s *The Mayor of Casterbridge*.<sup>13</sup> Suk contextualizes the bizarre auction that opens Hardy’s novel<sup>14</sup> with proof that wife selling was a practiced but morally contested form of popular divorce, regarded by lower-class practitioners as a legitimate civic ritual and by genteel observers as criminally offensive. Suk then shows how Hardy deploys the legal and moral ambiguity surrounding wife selling to create the novel’s tragic hero, and thereby offers a subtle critique of legal ambiguity.<sup>15</sup> Shifting focus from legal history to literary text, Professor Amanda Claybaugh con-

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<sup>9</sup> Alison L. LaCroix & Martha C. Nussbaum, *Introduction* to SUBVERSION AND SYMPATHY, *supra* note 8, at 6.

<sup>10</sup> *Id.* at 21.

<sup>11</sup> *Id.* at 6.

<sup>12</sup> *Id.* at 5–6.

<sup>13</sup> Julie C. Suk, *The Moral and Legal Consequences of Wife-Selling in The Mayor of Casterbridge*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 27.

<sup>14</sup> In the first chapter, the hero, drunk and angry as his wife stops him from buying more alcohol, offers to sell her to bystanders in the market. After his exasperated wife agrees to end the marriage, she is sold to a sailor for five guineas and instantly leaves with him. *See id.* at 29–31.

<sup>15</sup> *Id.* at 27–29, 45.

siders the effect of changing divorce laws on Hardy's *Jude the Obscure* and argues that, while Hardy uses the new availability of divorce to complicate the characters' matrimonial suffering, his commitment to the tragic mode denies the novel any reformist messaging.<sup>16</sup> Claybaugh shows that Hardy's characters find law not cruel but irrelevant and impotent in the face of the private woes of marriage, and so suggests the law's limitations in effecting social change.<sup>17</sup>

In direct contrast, Professor Geoffrey Stone treats literature largely as a data point in his study of the laws regulating sexual works.<sup>18</sup> Stone seeks to upset prevailing understandings of obscenity by showing highly explicit literature to be more deeply rooted in Anglo-American culture than were laws against obscenity.<sup>19</sup> The last piece in the Part, by Judge Posner, challenges the basic assumption undergirding all three earlier analyses: namely, that literature can provide insights into law capable of impelling or informing legal change. Judge Posner argues that, despite their famous depiction of a society enormously constrained by laws and norms, Jane Austen's novels should not be seen to hold suggestions for legal reform because the search for practical legal direction in literature is necessarily myopic, rendering the reader blind to the humor and imagination that give Austen's works true literary merit.<sup>20</sup> Rather, novels such as Austen's hold value for the law only insofar as they create more enlightened lawyers.<sup>21</sup>

The anthology's next three Parts present pieces with similarly diverse approaches to law and literature. Opening Part II, "Law, Social Norms, and Women's Agency," Professor Julia Simon-Kerr relies on historical records to counter the conventional reading of Walter Scott's *The Heart of Midlothian* as a "story of female conformity to strict moral norms."<sup>22</sup> She reveals instead that Scott's heroine, who rigidly refuses to lie to save her sister, in fact revolts against the legal norm of "pious perjury" and thereby asserts individual agency in defiance of male society.<sup>23</sup> The Part's other pieces read literature to find nuance in legal issues of particular interest to women: Professor Marcia Baron

<sup>16</sup> Amanda Claybaugh, *Jude the Obscure: The Irrelevance of Marriage Law*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 48, 49–53.

<sup>17</sup> *Id.* at 49–53, 61–62.

<sup>18</sup> Geoffrey R. Stone, *The History of Obscenity, the British Novel, and the First Amendment*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 65.

<sup>19</sup> *Id.* at 70–79. Stone finds in early Anglo-American law "no definition of the concept [of obscenity], no rationale for its regulation, and only sporadic skirmishes over the issue." *Id.* at 78.

<sup>20</sup> See Richard A. Posner, *Jane Austen: Comedy and Social Structure*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 84, 95 ("To cast [Austen] as a defender of English land law . . . is to kill the reader's understanding and enjoyment of her novels . . ."); *id.* at 85, 89, 91, 95–96.

<sup>21</sup> *Id.* at 84–85, 96.

<sup>22</sup> LaCroix & Nussbaum, *supra* note 8, at 16.

<sup>23</sup> Julia Simon-Kerr, *Pious Perjury in Scott's The Heart of Midlothian*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 101, 103–04, 116–18.

exposes the deliberate ambiguity of the rape/seduction in Hardy's *Tess of the d'Urbervilles*,<sup>24</sup> Nussbaum reveals the challenge to the double standard of male versus female bastardy posed in Anthony Trollope's novels,<sup>25</sup> and Professor Nicola Lacey uncovers two models of female criminality in Trollope's works, one associated with deception and one with madness.<sup>26</sup> In Part III, "Property, Commerce, and Travel," contributors explore the gendering of seemingly nongendered legal areas through their literary treatment. In particular, Professor Douglas Baird examines the juxtaposition of bills of exchange and feminine domesticity,<sup>27</sup> Professor Saul Levmore the gravity of primogeniture,<sup>28</sup> and Professor Bernadette Meyler the relationship between transportation and female agency.<sup>29</sup> Finally, Part IV, "Readers and Interpretation," shifts focus from specific legal issues to the practice of law and from literary portrayals to literary devices and theory, with Professor Robert Ferguson arguing that the ubiquitous proposal scene exposes the professional's limited power<sup>30</sup> and Professor Blakey Vermeule assessing the ways in which theories of punishment underlie the "poetic justice" central to George Eliot's *Middlemarch*.<sup>31</sup> LaCroix effectively caps the conversation with her discussion of lawyers' historical interest in literature and suggests that, like Justice Story, readers become learned in both letters and law.<sup>32</sup>

The anthology adopts inclusiveness as its defining principle and thereby promises at least modest success in "energiz[ing] debate"<sup>33</sup> and "reinvigorat[ing] the law-and-literature movement."<sup>34</sup> To foster this inclusiveness, the book takes no stand on how one should study law and

<sup>24</sup> Marcia Baron, *Rape, Seduction, Purity, and Shame in Tess of the d'Urbervilles*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 126, 128–39.

<sup>25</sup> Martha C. Nussbaum, *The Stain of Illegitimacy: Gender, Law, and Trollopian Subversion*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 150, 154–70.

<sup>26</sup> Nicola Lacey, *Could He Forgive Her? Gender, Agency and Women's Criminality in the Novels of Anthony Trollope*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 176, 194–98.

<sup>27</sup> Douglas G. Baird, *Law, Commerce, and Gender in Trollope's Framley Parsonage*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 207, 212–14.

<sup>28</sup> Saul Levmore, *Primogeniture, Legal Change, and Trollope*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 216.

<sup>29</sup> Bernadette Meyler, *Defoe's Formal Laws*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 230.

<sup>30</sup> Robert A. Ferguson, *Proposals and Performative Utterance in the Nineteenth-Century Novel: The Professional Man's Plight*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 274, 284 ("A proposal to enter [marriage] juxtaposes individual desire [and] social convention, and a successful proposal requires that these separate understandings cohere. [In Austen and Dickens, t]he professional man as proposer proves incapable of this coherence.").

<sup>31</sup> Blakey Vermeule, *A Comeuppance Theory of Narrative and the Emotions*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 288.

<sup>32</sup> Alison L. LaCroix, *The Lawyer's Library in the Early American Republic*, in SUBVERSION AND SYMPATHY, *supra* note 8, at 251.

<sup>33</sup> LaCroix & Nussbaum, *supra* note 9, at 21.

<sup>34</sup> *Id.* at 5–6.

literature, embracing pieces with drastically different aims,<sup>35</sup> emphasizes,<sup>36</sup> and evidentiary sources.<sup>37</sup> More fundamentally, it takes no real stand on *why* one should do so. It resorts instead to a method of seduction to revitalize the field: the editors rely on each article to make the case for law and literature by drawing the sympathetic reader in and showing, not telling, her why she should contribute to the movement. On those terms, the anthology succeeds unequivocally, providing these readers with exemplary articles. However, in seeking to entice without first establishing a vital rationale for engagement, the work may fall short of a full “reinvigoration” of the movement.

The editors’ central decision to take no stand on what law-and-literature scholarship should look like facilitates the anthology’s success by increasing the appeal of its component articles. This decision ensures the quality and dynamism of the pieces by freeing authors to write in their areas of expertise without skewing their analyses to serve one approach dictated by the editors. More importantly, the anthology’s lack of methodological consensus expands the possible scope of its allure. Insofar as the work’s success depends on its ability to make readers admire and thus emulate or debate its contributors, Nussbaum and LaCroix’s broad-church approach is key, as it increases the number of scholars apt to be seduced. Indeed, by opening wide the doors of the law-and-literature establishment, the editors have added at least three new scholars to their ranks.<sup>38</sup> Ultimately, by compiling pieces that espouse divergent conceptions of law and literature yet are uniformly top-notch, the anthology succeeds as a sort of law-and-literature buffet, sure to offer an aspiring scholar at least one excellent model of scholarship that suits her theory of the field’s interdisciplinarity and that inspires her to respond in kind.

There are costs, however, to the anthology’s ethos of inclusiveness. First, the work purchases inclusiveness at the expense of internal coherence. In any omnibus work, some methodological discrepancies are to be expected, perhaps even lauded; indeed, the fact that a reader, while likely to admire at least one piece’s approach to law and literature, is equally likely to find at least one piece’s approach misguided may well aid the editorial aim of sparking debate. Judge Posner’s article, however, is incongruous with the basic premise of the anthology

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<sup>35</sup> Compare, e.g., Baron, *supra* note 24 (arguing for a more complex legal understanding of rape), with Posner, *supra* note 20 (arguing that law and literature should have a limited scope).

<sup>36</sup> Compare, e.g., Claybaugh, *supra* note 16 (using the existence of a legal reform to inform literature), with Stone, *supra* note 18 (using the existence of a literary genre to inform law).

<sup>37</sup> Compare, e.g., Simon-Kerr, *supra* note 23, and Suk, *supra* note 13 (using historical legal records), with Meyler, *supra* note 29, and Vermeule, *supra* note 31, (using literary theory), and with Baron, *supra* note 24, and Ferguson, *supra* note 30 (using chiefly the text of the novels at issue).

<sup>38</sup> Namely, Stone, Baird, and Levmore.

and thus creates an unsettling fault line within the text. Although the other pieces vary in angle or emphasis, they all proceed on the assumption that scholars can and should use literature to provide insights into law. Judge Posner's piece, by contrast, explicitly seeks to limit the use of literature in legal scholarship.<sup>39</sup> Its thesis — that reading literature to inform legal thought can be foolish, even detrimental<sup>40</sup> — so severely restricts “acceptable” legal-literary analysis as to seem incompatible with the editors' central exhortation to study novels to “open the eyes of the law.”<sup>41</sup> Moreover, Judge Posner's assertion that “it would not make sense to induct Jane Austen into the law-and-literature movement”<sup>42</sup> places his piece in direct tension with the works of his co-contributors, several of which analyze Austen.<sup>43</sup> Though no other piece fully subscribes to Judge Posner's restrictive view, one can find echoes of his position elsewhere in the anthology, such as in Levmore's unnecessary concession that novels aid only some legal fields.<sup>44</sup> By including such work, the editors suggest that scholars in law and literature — indeed, the few authors in the volume — cannot agree on its most basic premise, and thus replicate the very threat to law and literature's vitality named in the introduction: they perpetuate the idea that law and literature “ha[s] no clear purpose”<sup>45</sup> and may in fact be so incoherent as not to constitute a movement at all.

<sup>39</sup> Judge Posner does concede the legal utility of some literature when he distinguishes Austen's novels, which “do not . . . yield insights into law,” Posner, *supra* note 20, at 85, from “the works of fiction that illuminate jurisprudential issues or specific doctrines” or that “present information about the social or political or economic background out of which current legal disputes arise,” *id.* at 95. However, his vehement explanation of how Austen's depiction of society is “just a backdrop,” *id.* at 89, not a “concern of historians,” *id.* at 95, suggests that these categories are to be construed extremely narrowly. Moreover, the article's closing lines undermine the meaningfulness of these distinctions, as he proclaims, “The place of great literature in the education of lawyers is in college courses and leisure reading.” *Id.* at 96.

<sup>40</sup> See, e.g., *id.* at 89 (“[T]he reader who criticizes . . . the society [or law in Austen's novels] is not only missing the point but is apt to be misled . . .”).

<sup>41</sup> LaCroix & Nussbaum, *supra* note 9, at 13.

<sup>42</sup> Posner, *supra* note 20, at 96. The trenchant nature of this claim is exacerbated by Judge Posner's often hyperbolic or biting tone. See, e.g., *id.* at 85 (“Jane Austen was not a social critic.”); *id.* at 95 (“To make [law a] subject of *Pride and Prejudice* is to treat a great work of the literary imagination as a piece of second-rate history.”).

<sup>43</sup> See, e.g., Ferguson, *supra* note 30, at 280–82; Levmore, *supra* note 28, at 218.

<sup>44</sup> Levmore, *supra* note 28, at 219. While Levmore believes that literature can illuminate inheritance law, he asserts that it would not shed light on “tort law or tax law, to take two examples, because gripping tales rarely depend on whether a jurisdiction uses strict liability or negligence, or relies more on a value added tax or excise taxes.” *Id.* This statement espouses a restrictive view of those fields, which is arguably belied by existing law-and-literature works on the subjects. See, e.g., Jill Horwitz, *Nonprofits and Narrative: Piers Plowman, Anthony Trollope, and Charities Law*, 2009 MICH. ST. L. REV. 989; Gretchen A. Craft, Note, *The Persistence of Dread in Law and Literature*, 102 YALE L.J. 521 (1992) (linking literary suspense, fault, and strict liability).

<sup>45</sup> LaCroix & Nussbaum, *supra* note 9, at 12; see also Baron, *supra* note 2, at 1062 (fearing “[a]ny theme broad enough to tie all the strands together can be found and stated only at a level of abstraction so high as to” render law and literature “an empty vessel, a phrase devoid of content”).

The second, more subtle consequence of the anthology's ambivalent inclusiveness is that, by seeking to seduce so many, it may arouse too few. The anthology's seduction model is geared toward legal thinkers who are sympathetic to the notion of interdisciplinarity, but who either had not thought to study law and literature together or are unsure how to unite the two fields, and it offers them encouragement and examples. Because the seduction model leaves tacit its defense of the underlying field's inherent value, it is unsuited to sway skeptics who have not seen the point of such interdisciplinary work and who, unless given good reason, will instinctively reject the premise of law and literature. Given that the law-and-literature movement has existed since the 1970s yet continues to face suspicion and belittlement, this skeptical position would seem to require response, if not refutation, for law and literature to gain the full "reinvigoration" the editors acknowledge it needs. The anthology, however, offers only one explicit justification for the mingling of literary and legal analysis — novels "open the eyes of the law"<sup>46</sup> — that, undermined by caveats such as Judge Posner's and Levmore's, becomes an extremely dilute claim. This absence of justification then seems an inescapable, if not insurmountable, flaw by the anthology's own terms: in a work that takes as its fundamental aim helping a striving movement find new recognition, one expects to find a strong case for why the uninitiated should recognize it.<sup>47</sup> Instead, the anthology's limited retort to the skeptics' implicit "why bother with literature?" question suggests a lingering insecurity that may undermine the anthology's catalyzing influence.

On the whole, by showcasing articles individually strong enough to serve as effective evangelists for law and literature, the anthology navigates well between the Scylla and Charybdis of practicing and preaching. Nevertheless, there is an overarching rationale for the movement that would have sustained inclusiveness and heterogeneity, and, moreover, would have justified the anthology's largely unexplained focus on gender issues.<sup>48</sup> Namely, the introduction could have taken up the justification for law and literature posited by feminist legal scholars: be-

<sup>46</sup> LaCroix & Nussbaum, *supra* note 9, at 5.

<sup>47</sup> It is true that a full-throated defense of the field could turn off some readers resistant to the claim that law needs interdisciplinary humanizing. Such naysayers, however, are unlikely to read the book in the first place. Rather, in seeking to gain converts, the anthology is geared toward skeptics, who are uncertain why lawyers should spend their time reading literature, but have picked up the anthology because they are open to being convinced that such interdisciplinary pursuits are worthwhile. Any nonskeptical readers, meanwhile, would likely not be dismayed by a brief, if robust, introductory justification of the field.

<sup>48</sup> Aside from a meager acknowledgement that "far too often, the law's eyes are male," LaCroix & Nussbaum, *supra* note 9, at 3, the anthology provides basically no reason for its central gender theme, suggesting only that the essays "focus on the connection between British novels and issues of gender . . . because writers and readers of novels during that period were themselves deeply interested in . . . gender." *Id.* at 8.

cause “women[ were] officially silenced by the law,”<sup>49</sup> the works by and about women discussed in *Subversion and Sympathy* “bring perspectives and experiences to the study of law that are absent from official legal sources” and that should be read to inform and challenge prevailing doctrine.<sup>50</sup> This contention, while essentially an extension of the editors’ current claim that literature aids law by “open[ing its] eyes,” would have provided a confident and direct response to the currently under-answered “why bother?” question: to uncover women’s silenced condition under, and perspectives on, the law. Moreover, adoption of this theory — which likewise requires no substantive or methodological consensus, asking only that lawyers read the novels — would have entailed little alteration to the existing anthology, as nearly all the articles already consider the relationship between law and women or women’s issues.<sup>51</sup> True, a few pieces may have had to be adapted or excluded.<sup>52</sup> For the price of those adaptations, however, the work, in gaining a clear motivating philosophy, would have amassed a much greater gravitational force.

Instead, it seems Nussbaum and LaCroix have decided that law and literature stands to gain more from coaxing likely converts than from confronting skeptics, and so have deliberately chosen an inclusive model over an evangelical or apologetic one. While this choice may justifiably disappoint the zealous advocate of the field, she can take solace in the indisputable quality of the pieces amassed and can call upon them as guiding archetypes for her own work. And hopefully, as the anthology and its disciples produce excellent articles that embrace “the revolutionary message — read literature, not only legal materials,”<sup>53</sup> so too will the legal academy.

<sup>49</sup> Kristin Brandser Kalsem, *Looking for Law in All the “Wrong” Places: Outlaw Texts and Early Women’s Advocacy*, 13 S. CAL. REV. L. & WOMEN’S STUD. 273, 299 (2004).

<sup>50</sup> *Id.* at 304; see also, e.g., Susan L. Brody, *Law, Literature, and the Legacy of Virginia Woolf: Stories and Lessons in Feminist Legal Theory*, 21 TEX. J. WOMEN & L. 1, 5 (2011) (“[Because n]arratives about women’s lives facilitate a more complete understanding of the sufferings of women,” they can inform “conventional legal understandings and . . . persuade those who have power to make a difference.” (internal quotation marks omitted)); Ilene Durst, *Valuing Women Storytellers: What They Talk About When They Talk About Law*, 11 YALE J.L. & FEMINISM 245, 245 (1999) (“[B]ooks illustrate the negative import for our legal system when the law[ . . . ] does not reflect the female participants’ morality . . . .”); Teree E. Foster, *But Is It Law? Using Literature to Penetrate Societal Representations of Women*, 43 J. LEGAL EDUC. 133, 137 (1993) (“Scrutinizing the literary origins of societal representations of women to determine how they develop and why they persist promotes understanding, the first step in . . . negating stereotypes embedded in the legal system.”).

<sup>51</sup> See, e.g., Baron, *supra* note 24 (rape); Lacey, *supra* note 26 (female criminality); Meyler, *supra* note 29 (female agency); Simon-Kerr, *supra* note 23 (same); Suk, *supra* note 13 (wife selling).

<sup>52</sup> Pieces requiring alteration include Stone’s, because it relates only tangentially to women’s issues, and Judge Posner’s, because it disputes that women’s fiction like Austen’s informs legal reform.

<sup>53</sup> Amnon Reichman, *Law, Literature, and Empathy: Between Withholding and Reserving Judgment*, 56 J. LEGAL EDUC. 296, 302 (2006).