
ISTVÁN H. SZILÁGYI*
Embarrassing Stories: Legal Storytelling and Sociology of Law

* [h.szilagyi.istvan@jak.ppke.hu] (Pázmány Péter Catholic University)

Intersections. EEJSP
7(1): 78–96.
DOI: [10.17356/ieejsp.v7i1.667](https://doi.org/10.17356/ieejsp.v7i1.667)
<http://intersections.tk.mta.hu>

Abstract

‘Legal storytelling’ is one of the most contested areas of the interdisciplinary research field of ‘law and literature,’ and originally took shape in the political and legal context of the United States. The proponents of ‘legal storytelling’ endeavor to ‘give voice’ to groups and minorities in a disadvantageous social position by ‘telling’ – by hearing and publicizing, in fact – their stories, unheard by law. However, many lawyers doubt that these ordinary, often trivial stories contain any legally relevant content, while literati question their aesthetic value. This essay argues against these doubts, leaning on material from focus group interviews recorded in a recent piece of research about Hungarians’ legal consciousness. It aims to expose the important role that these everyday life stories play in legal culture on the one hand, and, on the other hand, claims that the analysis of these uncanonized, not-belletristic texts could be fruitful indeed. For this, the first part of the essay offers a survey of how the concept of ‘legal culture’ emerged in Hungarian legal theoretical thinking, and how the sociological research in which the presented ordinary stories were recorded is connected to the latter. After analyzing several ‘story-bits’ taken from two focus group participants’ narrations, the attention turns to some of the stories told by the ‘greats’ – that is, by writers –, and here enters Franz Kafka. The last part of the essay seeks to determine what is common to the two kinds of narratives – the ordinary and the literary –, and what the differences are between them. In conclusion, it emphasizes that this essay can be seen only as an intuitive theoretical experience related to the use of aesthetic notions in analyzing empirical sociological data, rather than a methodologically well-founded application of this approach. The basic idea of this experiment is that both law and aesthetics are permeated by both moral and social psychological constituents.¹

Keywords: law and literature, legal storytelling, Hungarian legal culture, qualitative empirical research methods

¹ An earlier Hungarian version of this paper was published as Szilágyi (2018a).

*In memoriam Tamás Nagy*²

1 Introduction

The headline of this study is slightly misleading perhaps, for one might associate it with Karel Čapek's work (Čapek, 1921; Ort, 2013),³ although we shall bring into play the aesthetics of one of his compatriots⁴ – highly ranked in the canon of 'law and literature' – Franz Kafka, in the following analysis.

As for 'legal storytelling,' it is one of the most contested areas of the interdisciplinary research field of 'law and literature,' and originally took shape in the political and legal context of the United States. The proponents of 'legal storytelling' endeavor to 'give voice' to groups and minorities in a disadvantageous social position by 'telling' – by hearing and publicizing, in fact – their stories, otherwise unheard by law (Delgado, 1989; Nagy, 2010). However, many lawyers doubt that these often trivial stories of everyday life have any legally relevant content (Posner, 1997),⁵ while literati question their aesthetic value (Posner, 1997).⁶

The present essay argues against these doubts, relying on material from focus group interviews recorded in a recent piece of research about Hungarians' legal consciousness. It aims to expose the important role that these everyday life stories play in legal culture on the one hand, and, on the other hand, claims that the analysis of these uncanonized, non-belletristic texts could be fruitful indeed – and mainly here, in Hungary, southeast of Kafka.

For this, the first part of the essay offers a survey of how the concept of 'legal culture' emerged in Hungarian legal theoretical thinking, and how the sociological research in which the ordinary stories that were recorded and presented here is connected to that. After analyzing several 'story-bits' taken from two focus group participants' narrations, the attention turns to stories told by the 'greats' – that is, by writers –, and here enters Kafka, of course. The last part of the study seeks to determine what connects the two kinds of narratives – the ordinary and the belletristic –, and what the differences are between them.

² Tamás Nagy (1971–2018), a path-setter in Hungarian 'law and literature' studies, and a founding member of the Hungarian Association for Law and Literature. Cf. Szilágyi (2012).

³ Čapek, who belonged to the generation of the Czech 'national awakening,' was seven years younger than Kafka. He was nominated for the Nobel Prize seven times, and never won it.

⁴ If we can consider Kafka – who belonged to the Jewish community in Prague and wrote in German – as Čapek's 'compatriot.' This problem probably intrigued Kafka himself the most.

⁵ As Richard Posner observes in relation to the radical feminist Catherine MacKinnon's anti-pornographic writings: 'MacKinnon is a magnet for the unhappy stories of prostitutes, rape victims, and pornographic models and actresses. Even if all these stories are true (though how many are exaggerated? Does MacKinnon know?), their frequency is an essential issue in deciding what if anything the law should try to do about the sufferings that the stories narrate.' Posner (1997: 744).

⁶ Tamás Nagy – agreeing with Posner – points out that narrated 'legal stories' often lack the cathartic effect needed to overcome the prejudices of the audience (Nagy, 2010b). As Posner puts it – a bit coarsely: 'The question is the audience for this scholarship and the sensitive issue of [the] narrative skills of the stories' authors. You need considerable literary skill to write a story that will effectively challenge a reader's preconceptions. People read junk that does not challenge their preconceptions; they do not read junk that does challenge them.' Posner (1997: 743).

A few words about the authorial position. My former research fields – legal anthropology (see e.g. Szilágyi, 2009; 2013), and law and literature (Szilágyi 2010; 2014) – and the current one – the sociological study of the Hungarians’ legal consciousness and Hungarian legal culture⁷ – are connected in two ways. All of them require an interdisciplinary approach, and all are theoretically linked closely to the concept of (legal) culture. The essay inevitably mirrors these interests. This is why, on the one hand, the second section presents an outline of legal culture: simply to mark out the author’s position in the scholarly debate about the usefulness and explanatory potential of the concept in empirical studies. Without engaging in the controversy (for a concise summary of the scholarly debate see Nelken, 1995: 435–452; Silbey, 2001: 8624–8626) that goes back at least to the mid-1970s when Lawrence Freedman first introduced his ideas about the concept of legal culture (Friedman, 1975: 15–16, 193–222, 223–268), the presented analysis simply emphasizes that the constituents of legal culture – values, norms, symbols, and patterns of social practices – build up an intelligent and structured matrix. Narratives not only weave together these elements into the fabric of culture, but also give shape and style to the cultural texture, and can bridge the inconsistencies and the gaps within it.

On the other hand, the interdisciplinary approach always involves an inherent methodological challenge. How can we construct a discursive space in which we can combine the different disciplines’ concepts and methods without destroying their original explanatory forces instead of successfully locating them in synergic play? From this point of view, as the conclusion emphasizes, the present essay can be seen only as an intuitive-theoretical experiment involving using aesthetic notions in the analysis of empirical data rather than a methodologically well-founded application of that. The underlying idea of this experiment is that both law and aesthetics are permeated by moral and social psychological elements.

2 Aspects of legal culture and research in legal consciousness

The concept of ‘legal culture’ appeared on the horizon of Hungarian theoretical legal thinking in the 1990s, first in legal history, then in comparative law (Szilágyi, 2018b), though the cultural approach to law had been already present for more than a century in legal ethnology and anthropology on the international scholarly scene (Szilágyi, 2002). The cause of this delay should be sought, of course, in the five-decade-long enforced dominance of Marxism over the Hungarian social sciences. With respect to the legal consciousness research that begun in the middle of the 1960s (Fekete and Szilágyi, 2017), this meant that – fitting in the peculiar theoretical framework of ‘socialist jurisprudence’ – the notions of ‘social-level legal consciousness’ or ‘social legal consciousness’ took the place of ‘legal culture.’ Since the concept and theoretical perspective of ‘socialist jurisprudence’ stayed alive more or less without any critical reflection in the last decade of the past century, so it still has an influence on contemporary legal sociology.⁸ The critical review of this intel-

⁷ I joined the research group organized and coordinated by György Gajduschek within the frame of the *Hungarian Population’s Legal Consciousness – A Theoretical and Empirical Analysis* (OTKA no. 105552) project in 2012. Fellow researchers were Balázs Fekete, Zsolt Boda, and Péter Róbert. I undertook, among other tasks, the analysis of the above-mentioned focus group interviews.

⁸ We ought to note here that scholars belonging to the Critical Legal Studies movement – which is inspired partly by neo-Marxian ideas, and has a great influence on contemporary socio-legal studies – also apply

lectual heritage has begun only recently (Szabadfalvi, 2003; Szilágyi, 2011), in parallel with the increasing interest in the cultural approach to legal phenomena.

The most trivial argument – although it has far-reaching methodological consequences – for replacing ‘social legal consciousness’ with ‘legal culture,’ a concept more suitable for operationalization in socio-legal studies, is that the former presuppose a kind of ‘collective personality’ (like Marxist ‘class consciousness’), which is pointless from an empirical point of view. For only an individual person has consciousness in proper psychological terms, and all those socially given (and sensually ungraspable) ‘thoughts’ or ‘ideas’ appearing to them externally in a more or less objectified form belong to the realm of culture.

For our present purposes, the concept of legal culture can be defined as a set of values, norms, symbols, narratives, and patterns of social practices. Legal culture is related to political culture through the concept of legitimacy, and it is organically woven into the texture of the entire culture without sharp contours anyway.

Furthermore, we have to divide the sphere of ‘lay’ and ‘professional’ culture within the realm of legal culture (Friedman, 1975: 223; 1977: 76; 1990: 4). The maintenance of the latter is the function – and monopoly, in fact – of the legal profession that attends to the normative layer of legal culture, and works out the adhering doctrinal-dogmatic layer. The ‘professional legal culture’ is evidently of determining importance in the formation of legal culture as a whole. Although it is also clear that the ‘lay culture’ – that is, the vision of law in the eyes of non-lawyers – can be utterly different from the picture lawyers would like to project inward (toward other lawyers) and outward (toward the outside social environment).

To demonstrate the concept, let us present here a conceptual analysis of a constituent of ‘professional legal culture’ – the attorneys’ professional self-image, as used in a recent empirical study (Szilágyi & Jankó-Badó, 2018).

To begin with, self-image is interpreted as a cultural phenomenon. It refers to more or less objectivized content, which regarding its ontological nature differs from individual or social psychological processes that determine its object of motifs and, therefore, influence individual or group behavior. Consequently, the discourse about attorneys’ self-image must be placed into the one about legal culture. In this sense, the self-image of the attorney’s profession is viewed as one of the elements of professional legal culture, as opposed to lay (non-lawyer) citizens’ legal culture. The self-image of the profession, however, can be interpreted as an ensemble of intellectual elements and content; a tapestry of values, norms, prescriptive cultural patterns, narratives, and symbols, and the sociological patterns can be read out of the conduct of the representatives of the profession.

Values characteristic of the self-image of the attorney’s profession, such as professional preparedness (a high level of legal knowledge), a sense of justice, impartiality, and unconditional respect for the interests of the client, belong to the more general values of the broader legal profession and are embedded in the even more comprehensive values of political culture, such as liberty, equality, and social solidarity.

One of the layers of self-image is found closer to the level of social activities and comprises the rules of the profession. Parts of these rules are ‘written,’ such as the binding rules of Act XI of 1998 on attorneys, or other rules of legal nature such as the codes of conduct

the concept of legal consciousness to ‘ideological’ phenomena of a group, class, or social level (and on individual psychological ones, too) nowadays.

of the Hungarian Bar Association. The profession has unwritten rules as well, including the 'courtesy' rules concerning interactions with colleagues and lay citizens which also form part the profession's self-image.

Descriptive cultural patterns do not prescribe what ought to be done in a particular situation, but they set out the positions and competences of participants. They also designate the place and the scope of activities that take place within society or in the legal sphere. In this case, they can be interpreted as including the rules on pleadings and trial organization laid down in the act on civil procedure, the recipients of which are primarily judges. They also set forth attorneys' positions and their options that influence the course of an ongoing trial.

The values and the layers of prescriptive and descriptive cultural patterns analytically separated above are in this case entwined by narratives – stories known and narrated by attorneys. They also create the 'normative universe,' as coined by Robert Cover, in which these patterns acquire their meaning (Cover, 1983). Every profession has its 'great stories,' such as the development of the Hungarian attorney's profession, which is to be elaborated and delivered in lectures at universities to future attorneys within the discipline of legal history. These narratives are coiled around major turning points and outstanding figures in the profession as a corporate group, and form the basis of the entire professional group. Into these narratives are woven the fabric of local 'urban legends' and personal stories, which inherently relate to other cultural fields (Szilágyi, 2015).⁹

Symbols that express self-image are not to be construed in their own physical realities – such as luxury cars, expensive watches, powdered wigs, gowns, the latest versions of mobile phones or state-of-the-art laptops. They are to be interpreted as signs with multiple meanings. Symbols can signal the fact of belonging to the in-group and, at the same time, are able to animate complex emotions and knowledge content in outsiders. As for attorneys, status symbols are of major significance, and not only signal their belonging to the middle class, but also create an impression of success with clients (such as the luxury car or the expensive watch). However, other symbols (as used to be the case with the attorney's briefcase) distinctly signal their owner's profession.

One must also mention the pattern layers inferred from the behavior of those practicing the profession that are grouped under *tacit* knowledge, and which are acquired by professionals entering the profession through the observation of their colleagues' not so obvious activities. These are the 'tricks of the trade,' which can only be mastered in practice and which are more often than not markedly different from the idealized values and rules of the profession's manifest self-image.

What is important to note here is that contradictions and internal tensions generally arise among the above-mentioned elements and layers of self-image in spite of the basic tendency to strive for intellectual unity and internal coherence during the formation of the professional self-image. Presumably, the more coherent and clear the self-image is, the more it can ensure cohesion among those practicing the profession, which may handsomely contribute to the assertion of interests within professional circles. Conversely, the

⁹ This is how the name of the honest attorney, Petrocelli, the protagonist of an American TV show who defends the rights of his clients to the very end, became a pun and sarcastic moniker for a Hungarian attorney who represents Roma rights – namely, 'Putricelli' (the first part of the name, 'putri,' designates a gypsy hut). The brave lawyer who actually got this nickname from his colleagues is the very same Elemér Magyar to whom I later refer (below, in the fourth section of the paper).

more contradictory, fragmented, and vague the self-image of the profession is, the less it will be able to integrate its members and the more vulnerable it will become in the face of adversity. The role of a solid and clear professional self-image from the point of view of how it has evolved socially is always an empirical question: an overly strong corporate spirit may also become a hindrance to reacting adequately to social change.

Finally, one must acknowledge the dynamic relation between the self-image of the profession and the image created of the profession by lay citizens. The two are mutually conversant in defining the playing field, which is indispensable for the adjustment to social change or the actual inducement thereof.

What matters of all the above in furthering our analysis? First, it is important to see that the structure of lay legal culture is similar to the professional one, although its normative layer is much thinner, and it is rather more fragmented and loaded with more logical contradictions. The presence of these two characteristics – the relatively low level of knowledge (Fekete & Gajduschek, 2015), and the existence of logical contradictions in lay views about law (Berkics, 2015a; 2015b) – was detected by the latest legal sociological studies of the Hungarian population, too. However, these differences are only gradual – even if they are important –, and they do not touch the basic congeniality of these two aspects of legal culture with regard to their constituents, structure, and fine connective tissue (Cotterrell, 2006: 81–108). Consequently, stories about law are also important for understanding lay legal culture. These narratives not only connect and order the elements of legal culture – values, norms, symbols, and patterns of social practices –, but also weave the legal culture within the texture of the whole culture. Furthermore, narratives also give shape and style to the cultural texture, and can cover the inconsistencies and the gaps within it, as we shall see it in the next section.

So the research program in which the following tiny stories were recorded aimed to examine the Hungarian population's legal consciousness.¹⁰ In the last period of the project, in the autumn of 2016, four focus group interviews were recorded,¹¹ two in Salgótarján and two in Budapest. The material with which we shall work is taken from one of the latter two events. The interview in question was recorded by video camera in windowless, meeting-room-like premises. It lasted approximately one and a half hours, with eight participants, who sat around a long table. The moderator sat at the head of the table with her back to the camera. The script of the interviews ran as follows: after the introduction, the moderator asked for the participants' opinions about fare dodgers on public transport; then about buying goods of suspicious origin (e.g. goods 'fallen off a truck,' probably fake or possibly stolen); she prompted them to recall their childhood experiences and parental models in relation to these topics; finally, she questioned them about a failed barter deal (somebody asked a mechanic to maintain a new motorcycle in exchange for a good bike). Our research group had rather explicit hypotheses about the plausible outcomes of the interviews in this phase of the project: namely, nothing good.

Inquiries led by Kálmán Kulcsár and András Sajó in the 1970s and 80s revealed a peculiar schizophrenia in Hungarians' legal minds. This was expressed by the following maxim: 'The law ought to be rigorous, and has to be enforced against everybody – except

¹⁰ The interviews were conducted within the frame of the *Hungarian Population's Legal Consciousness – A Theoretical and Empirical Analysis* project (OTKA no. 105552). Cf. note 7 above.

¹¹ The interviews were recorded by Königsberg Consulting Ltd. in September 2016.

me' (Fekete & Szilágyi, 2017). Sajó characterized the Hungarians' relation to law with the 'hypocrite-parasitic' attributive in one of his essays written after the democratic changes (Sajó, 2008). Moreover, György Gajduscek, in another study (Gajduscek, 2008) – which examined the public administration practice of applying sanctions – drew attention to the fact that the message of the authorities' observed practice was 'Whoever abides by the law is stupid.' A natural accompaniment of this schizophrenia was the above-mentioned logical inconsistency of views spectacularly exposed by Mihály Berkics's survey: 73 percent of the representative sample simultaneously agreed with the statements 'Rights are due only to those who fulfil their obligations' and 'Certain freedom[-related] rights are equally due to everyone' (Berkics, 2015a). As György Gajduscek put it in an essay:

All these mirror the citizens' 'schizophrenic legal mind.' They do not trust the state and law (which they see as a product of the state), but they expect the resolution of all their problems by the state. They demand thorough regulations and sanctioning of even the least digressions from the rules and strict punishments, however, when they have to face the law then they may outflank it or require bonitarian treatment. All of this is embedded in an unusually pessimistic, cynical and anomic cultural environment. (Gajduscek, 2018, 169; see also Jakab & Gajduscek, 2019)

In fact, our expectations were proved true.

3 Niki, Gabi and the others

Now meet Gabi and Niki.

– I'm Gabi, thirty-seven years old. I have been living in Pest for twelve years, and now I'm just serving my period of notice after quitting my job. And I do massage, go on outings and go biking anyway. That's all.

– I'm Niki, thirty-five. I live with my son. I have been working as a credit evaluator for two months, but was in banking before. I love doing everything in my spare time. The range is quite wide. I like reading, but also hiking, going to concerts, frolicking about, theatre. I'll try anything that's available.

Two young ladies, in light summer clothes – we are in the first days of September –, sitting side by side on the moderator's left. Had we not known that they were randomly selected into the panel, we would think that they were friends. As the conversation begins to warm up after getting through the introduction and the topic of fare-dodging, the moderator turns to the problem of the 'goods that fell off a truck': 'Suppose that an acquaintance of yours gets a new coat, or some perfume, a mobile phone or something else very cheaply. So cheap that you may think that the coat or perfume fell off a truck – that is, it was stolen. What do you think about this? Is it acceptable? This is an example.'

Whereupon childhood memories descend on Niki:

We grew up near Ferencváros transfer station. This meant that all kinds of things quite often 'fell off trucks' and everybody living in the housing project worked at MÁV [Hungarian State Railways] or had some relatives there, given that the project was built for railway workers. Things very often 'fell off a truck.' And quite good things sometimes. At that time [when everybody wanted to buy them] Hi-Fi sets, TVs, tracksuits, specifically, everything. And MÁV workers, too, thought, of course,

that they were working for very little money, so something fell off at every stop, but there is no steady demand for railway transportation anymore... it's considerably faded away. A lot of things fell off at every stop, and then some people got in trouble with the police. But, really, why would one pay ten, twenty, or no matter how many thousand for something that could be bought for two. And it was [products were] original or good quality.

One round later in the conversation, the moderator raised a question about the influence of the social environment: 'If acquaintances or friends buy these kinds of goods, to your mind, does it influence one's decision in such a case?' – the question throws Niki back into her memories again.

It just worked that way for us then, and the products kept coming, and specifically everybody did it that way. Thus, nobody thought of buying a Hi-fi set in the shop when it could be delivered for half or three-quarters of the price. And this was quite normal. You shouldn't think of [that we lived in] extreme poverty by the way, for we had cars and spent our holidays by the seaside. We weren't lowlifes. But this was the normal, the accepted [thing to do], and everybody lived this way there. That if there was something, then it was from there [off the train]. The [having a] Hi-Fi set wasn't vital, of course – we simply bought it there, and that was it.

Then, at the finish of the interview, just before leaving, when the moderator asked each of the participants what had been the most interesting thing: 'We've arrived at the end of this conversation more or less, nevertheless I would like to have another round for you to summarize your opinion about what you found to be the most interesting.' – Niki suddenly 'comes out' (as popular media call these kinds of announcements nowadays):

I'm ashamed now, because I feel a bit that everybody is trying to be very honest. [...] I don't know, but it seems to me that way from the conversation, yet I am used to use these opportunities, let's call them that, even in administration for example. I've got a lot of connections everywhere, so that's my way of using them, and this is the most natural thing for me, and I am used to fare-dodging too, when I need to do it. Obviously, not when I'm in a new job and rolling in money, for I buy one [a ticket] then. And I too teach my child to be honest, and he never does fare-dodging anyway, because he's a bit of square, so he seems to be a bit too stiff about these regulations to me. I like that a bit in him, but I'm not so honest. And I tell you, that I feel ashamed of myself anyway.

One question only before we turn to Gabi's story, setting aside any kind of popular psychology: how much might Niki really feel ashamed of herself?

Let us hear, however, Gabi's story now, which is a reflection of Niki's from many points of view. Interestingly, it begins at the end, with a memory from adolescence called forth by the following question of the moderator: 'Let's move to the next topic now. Did it ever occur in your childhood that somebody in your environment, you yourself, or anybody else, lifted a roll, some chocolate, a bun or something else from a shop. What happened to her? Was she caught and accounted for, or what?'

To which Gabi responds:

It happened every day that the others stole. In high school. Doesn't matter. I said OK, I ought to do it too. I went into the shop for a [carton of] milk, I was so much of a

loser. And it [the compulsion to steal] didn't come from inside, but from the need to belong somewhere, to do the same as them, so I tried to steal one, but they caught me, of course. I felt bloody embarrassed because I didn't really want to do it. But it didn't matter – they said that I shouldn't go there ever again behaving like this. I said OK, and I thought through this 'follow the others' thing again.

Moderator: Did the shopkeeper grab you then?

Gabi: There was no visible sign of what we were talking about. She just accosted me, I told her that it was OK, she was right, I gave it back to her and went off, she went back in. There was no humiliation in the story.

However, after several comments, the moderator's next question – 'And how was it within your family? – I asked this already, but you just haven't answered yet' – pushes Gabi further, and she has a kind of attack of sincerity:

Bloody good question! I saw my parents stealing. So we went to the shop, I was only a kid, and saw them putting something away and I felt awful. I don't know why I have become so different, or how it works. For I simply knew in my mind that it would be fucking sticky if they were nabbed. They weren't caught, of course. I just learned from this... that I felt uneasy seeing this. That it's no way for me.

Let us take a closer look at the two stories once again. How should we understand that the two stories are reflections of each other? Niki's narrative begins in the past and ends in the present: she says that fencing is not a problem to me, since I grew up in such circumstances in which this was common, and I make use of every sensible opportunity even nowadays – indeed, I try to guide my son in this direction. Gabi's story starts in the present and moves toward the past: I am honest, because I was caught engaged in petty mischief once in my adolescence, since I was a loser then. I saw my parents stealing in my childhood, and a fear of being collared was already fixated in my mind.

Niki and shame: 'I am not afraid to say that I am not honest, because honesty is not enough for "surviving" – street smarts are what is needed. In fact, I am not ashamed of not being honest; indeed, I wish that my son were not so honest either.' Gabi and shame: 'actually, I am ashamed because being honest is lame. I am honest, in fact, only because I am scared of being caught. I became scared in my childhood, when I saw my parents stealing at the shop.'

Niki and sincerity: 'I'm not sincere, of course – I do not feel ashamed at all for breaching stupid regulations when I need to. Do not think about me, however, that I do not consider honesty to be important, while you play at being innocent.' Gabi and sincerity: 'I am really afraid of breaching the rules, therefore I am really honest, although I know it is lame.'

Accepting honesty – the virtue of following the rules (be they moral or ethical) for their own value – driven by feigned shame or fear represents subordination in both cases. In the former case, subordination to a hypocritically ashamed (self-consciously understood, in fact) 'common sense,' while in the latter, to a sincerely ashamed 'irrational fear.'

However, emerging from the thermal bath of academic moralism – as Richard Posner might strongly approve of¹² – and stepping onto the dry land of Hungarian socio-legal

¹² Considering the way that Posner describes academic moralism: 'A lot of it strikes me as prissy, hermetic, censorious, naive, sanctimonious, self-congratulatory, too far Left or too far Right, and despite its frequent political extremism, rather insipid' (Posner, 1998a: 1640).

studies, we see that the researchers have picked up on another common denominator of Gabi's and Niki's stories in the middle of the 1970s. Namely, the influence of social environment (and practice); that is, the influence of 'others.' This effect has been named 'normalization' – forgetting or setting aside the well-known Roman law concept of *desuetudo* – when the normative effect of social practice derogates the law's normativity. For example, in one survey only 43 per cent of the Hungarian population were inclined to punish minor theft at the workplace, while 11 per cent did not express any kind of disapproval at that time (Sajó, 1986: 372).

4 Legal storytelling as literature

If we were to look for legal stories, then we would find that Hungarian jurisprudence has not yet paid much attention to narratives told about law. The underlying cause of this might not be the late and fragmented reception of the 'law and literature' formed in Anglo-American jurisprudence – for the delay is not long, only two decades, and as for fragmentation – and the actual lack of dealing with legal narratives –, this is rather the result of a deeper theoretical current that defines Hungarian legal thinking: namely, the legal positivism that took shape in the first part of the twentieth century (Szabadfalvi, 2007; 2011), which primarily sees rules as being within the phenomenon of the law – eminently, the positive legal rules issued and enforced by the state. This peculiar narrowed perspective has prevented, for example, Hungarian legal ethnography from studying everyday life stories about law, although ethnographers have probably met regiments of these kinds of stories in the field.¹³ Instead of this, they have tried to reconstruct – using the term 'construct' may be more adequate here – the rules of custom and folk law by leaning on carefully prepared questionnaires (Bognár, 2016).

So we have to cast our watchful eyes on the literature! This is true even if a recent high-impact legal story – which raised the attention of both lawyers and (film) critics – was published by Elemér Magyar, an attorney in Eger. However, considering the fact that Magyar, who wrote a drama on the basis of the files related to Dénes Pusoma's criminal case, retired to be a fulltime writer soon after the premier of the film adaptation, Magyar's case hardly questions the above statement (Szilágyi, 2015).

Classic Hungarian literature abounds in legal stories, of course, beginning with János Arany's ballads, to the novels of Dezső Kosztolányi and Géza Csáth, which have been analyzed by scholars interested in 'law and literature' as an antidote to the dryness of the legal curriculum. Anna Kiss's work (2009) has been ground-breaking in this respect – the latter the title of whose first book (also used in legal education) is quite eloquent: *Literary Heroes Who Committed Crimes*. Yet even more eloquent are the legal instruments concerning chrestomathy, serving as material for complex practical training in criminal law and for preparation for the bar exam, which she edited (Kiss, 2010), thereby coordinating the work of a populous scholarly community: *Crimes from the Library-room*. This latter title especially hints at the attitude of Hungarian lawyers, expressing that they prefer to turn to literature rather than to ordinary people when they seek legal stories.

¹³ There are always exceptions – for example, see Lanzendorfer (2017). However, on how useful it can be to collect everyday life stories in the study of legal culture (or legal consciousness), see Ewick and Silbey (1998).

However, this may not necessarily be true only for Hungarian lawyers: on the one hand, we have seen the scruples formulated in American jurisprudence against ‘legal storytelling,’ and, on the other hand, like their overseas – or over-Elbe – colleagues, the Hungarians too are inclined to look beyond their own national literature, and to select stories from the inexhaustible store of world literature. At this point, we arrive at Franz Kafka’s works, which are of key importance in our inquiries. Partly because they thematically join together the Hungarian and the international ‘law and literature’ studies, and partly because Kafka’s aesthetics can help us – we hope – to shed light on certain features of Hungarian legal culture.

The most renowned ‘Kafka-logist’ in Hungarian ‘law and literature,’ Tamás Nagy, identifies three interpretations of Kafka’s works (Nagy, 2010c). Two of these are closely linked, being embedded in the same polemics – the so-called ‘Posner debate’¹⁴ –, while the third one is only loosely related to that context. Robin West’s keynote thesis is that the picture drawn about the human condition by liberal economics – homo economicus – is too simplistic. Thus, it too easily identifies the nature of consent based on free choice – which morally justifies the free market and the liberal legal order – with the motive of wealth-maximization based on rational deliberation. West uses Kafka’s novels to reveal that the consent of a party sometimes arises from the ‘freedom of submission,’ which can be destructive in both a moral and a material sense, however (West, 1985).

Posner’s aim is not simply to refute West’s Kafka interpretation again, but to question Kafka’s works’ – and thereby generally literature’s – legal relevancy. In order to do this, he emphasizes primarily that Kafka’s ideas about human nature and his feeling about life is nothing but a projection of his own neuroses and personal historical position, which has nothing to do with modern American life (Posner, 1998b: 199). From this point of view, *The Trial* is no more than a ‘sick Kafkaesque joke’ (Posner, 1998b: 135).

Theodor Ziolkowski, whom Posner mentions in a note, but otherwise leaves out of consideration in fact, elaborates the third interpretation (Ziolkowski, 1967: 37–67; 1997). This omission is no wonder, for Ziolkowski – unlike West and Posner, who rather use Kafka’s short stories such as *In the Penal Colony*, *The Judgement*, or *A Hunger Artist* – concentrates on the analysis of *The Trial*. According to Ziolkowski, the novel can be read in the context of the professional discussion about the contemporary reform of Austrian penal law in which Kafka himself was an interested participant. More precisely, the novel can be seen as a critical reflection on the penal regime of the time that was tending towards an absurd burlesque. This aspect of the text might be evident to Kafka’s contemporaries. As Tamás Nagy points out, evoking a biographical anecdote ‘[...] according to which, when Kafka first read out the first chapter of the novel in company – among many of whom were lawyers like his friend, for example, Max Brod – he had to stop from time to time since he could not continue the reading for the big laughter’ (Nagy, 2010c: 114).

¹⁴ The heated debate, which sometimes was not without personal insults, lasted for years and certainly makes up an autonomous chapter in the history of ‘law and literature.’ Nearly all the leading scholars in the field took part in it, including the challenged Posner himself. Just to mention here several names and contributions in chronological order as illustration: West (1985), Posner (1988), Weisberg (1989), Fish (1988), Balkin (1989), D’Amato (1989), Posner (1989), Posner (1991), Nussbaum (1993), Weisberg (1993), Posner (1998b), Seaton (1999). A survey of the debate is presented to Hungarian readers by Tamás Nagy (2010c).

Each of the above-presented, partly contradictory interpretations contains elements that are worth considering. West is probably right about that the ‘freedom of submission’ apprehended by Kafka is indeed a real psychological factor that can affect the work of law. Ziolkowski, in turn, rightly sees that Kafka’s feeling about life is more directly related to the reality of law’s life than abstract, psychological circumstantiality. We must not brush aside Posner’s insight either, which may seem to be superfluous at first sight: it is possible that the whole Kafkaesque ‘sick joke’ somehow belongs to the spirit of the place and age in fact. Ziolkowski would keenly agree: this spirit is not American, nor modern (or ‘post-modern’ or whatever we call the contemporary *Zeitgeist*). However, to dig deeper, it is inevitable that we look into the nature of the Kafkaesque ‘sick joke’; that is, into the aesthetic program on which Kafka’s oeuvre is built, which in turn can be best grasped by the concept of the ‘absurd.’¹⁵

If we are to understand the aesthetic working of ‘absurd,’ it is enough to take Kafka’s *Metamorphosis* as an example. It is evidently impossible that one awakes one morning to find himself transformed into a bug. However, this nonsense does not seem to embarrass anybody, including the protagonist of the story, except for the reader. Nevertheless, the absurd does not work only with effects drawn from the tension of cognitive contradictions. In that case, the situation would not be more exciting for the reader than a well-formulated logical trap or paradox – for example: what happens when an irresistible force meets an unsurmountable obstacle? Paradoxes can serve as a starting point for building up the sense of absurdity, as in the case of Joseph Heller’s *Catch 22*, which, however absurd, calls forth ambivalent emotions, too. For example, the reader of *Metamorphosis* may be cast adrift between empathy, commiseration, and compassion on the one hand, and disgust, hatred, and rejection on the other. At the center of the aesthetic impact stands the precipitation of the feeling of incapacity in fact. The reader is unable to understand the story and identify himself with the protagonist, yet he cannot reject him either. What the reader experiences is nothing but this inability. Géza Páskándi accurately expresses this in one of his essays, writing that we can glimpse in the heroes of absurd literature ‘the people who are standing unarmed in the face of the situation, not capable to choose or make a decision’ (Páskándi, 1967: 839).

This feeling of incapacity, in turn, stands only a step away from the ‘freedom of submission’; acquiescence in moral and physical destruction. As Páskándi aptly phrases this in another piece of writing:

Thus for the man, absurd is what carries its own ineluctability in its contingency: it is law and necessity in its fortuitousness. It is such a ‘coincidence’ which has smuggled itself in the Pantheon of necessities to show itself as real god. The essence of absurd phenomenon is the chance that camouflages itself as ineluctability and law to our mind. Therefore the prototype and the source of absurd is: death. (Páskándi, 1969: 171)

Casting a glance over the history of literature is enough to see that Posner is right in that the ‘sick joke’ and ‘freedom of submission’ are not American inventions at all. For the homeland and primary hotbed of the absurd lies in Middle Europe. This is why Kafka and the outstanding writers of the following generations – Różewicz, Mrožek, Hrabal,

¹⁵ Peter Fitzpatrick (2016) nicely brings to light the absurdity of Kafka’s vision of law in his essay, even if he does not use the term itself in his analysis.

Okudzhava – ‘flirt with *absurd* and make the conditions of the region look like a living nonsense. After all, people live, are born, love, and die here too, as if this place were an enchanted garden in which everything stands on its head, and the inhabitants hardly notice this’ (Almási, 1992: 224, emphasis in the original).

5 Embarrassing stories and the absurdity of everyday life

Now, we have arrived at the last of our problems indicated in the introduction. What are the similarities between Kafka’s writings and our story scraps, and what are the differences? The essence of their similarity is easily recognizable in light of the above: it lies in their absurdity. The more intriguing part of the question is revealing their differences. Looking for an answer, we should consider the circumstances of the writings’ conception first – that is, we should cast a glance at the author’s social position.

Kafka, the offspring of middle-class parents, graduated in law and worked as a lawyer until the end of his life. He had moderately radical – anti-clerical, pacifist – political views, and – well – some problems with the fair sex (to be fair: who has not had any problems with some kind of sex?). After being diagnosed with tuberculosis, he took his illness seriously and tried to spend more time in fresh air. All in all, he lived a normal ‘bourgeois’ life – except that he obsessively wrote at night. However, the question of who was doing what during their night-time solitude was not counted among the criteria of normality by Kafka’s contemporaries.

Why is this interesting? Because it is evident that – notwithstanding the salient tensions derived from his insecure political and sexual identity, and his spiritual sensibility – Kafka needed a great deal of artistic creativity to write his stories. On the other hand, our contemporary legal storytellers are the protagonists of their own stories. In other words: what was fiction by Kafka is reality today. To put it in a lengthier way: it seems that Kafka’s absurd nightmares have slowly become reality during the past hundred years. What does this mean and how could it happen? Let us see a ‘literary’ example first! Read carefully this text below dated 3 November 1959.

István Örkény has belonged to the group of right-wing writers within the Writers’ Association since 1953. He was elected as a member of the Writers’ Association’s presidency, and the editorial committee of the Literary Paper in the autumn of 1956. He agreed with the counter-revolutionary line of action of these organisations. He looked with favour on the movement started on 23th October 1956, and, to support [...] it, he wrote and read out the ‘Obsecration for Budapest’ on the Radio, and published it in the newspaper entitled ‘Truth’. He also wrote the infamous counter-revolutionary calumination entitled ‘We lied at day, we lied at night’ as the introduction to the Free Kossuth Radio’s broadcasting. After 4 November 1956, he actively took part in the ‘Revolutionary Committee’ of Writers’ Association, and he approved its working. In the company of Tibor Déry, Géza Képes and Áron Tamási, he took part in the informative meeting with Krishna Mennon, Indian ambassador in December 1956. He actively took part in the preparatory works of the Writers’ Association meeting on 28 December 1956, and of the resolutions issued by it. After the autonomy of Writers’ Association was suspended, he continued his inimical activity: he was among the organisers of the writers’ strike, and the boycott of the Literary Committee at the time of its formation. Örkény’s opinion and behaviour has not changed until recently. He has not been capable, and has not wanted to face and admit his faults; consequently,

he has excluded himself from Hungarian literature. On the grounds of the above said, we do not propose to issue a driving licence to István Örkény.¹⁶

If we take a ‘scientific’ approach to the problem now, via the above-presented contemporary socio-legal studies on the legal consciousness of Hungarian population and legal culture, then we may again refer to György Gajduschek’s insights about the underlying causes of Hungarian legal culture’s chaotic and confused character:

Six different political regimes have dominated in Hungary in the past century. [...] There are some similarities among most of these regimes. The most obvious, though paradoxical, similarity is that their legitimizing ideology was always founded on the harsh denial of the previous one. Most of these regimes, except for the 1990–2010 period, had authoritarian features or had a totalitarian nature. The legitimacy of each regime was mostly not based on free elections, on a democratic arrangement, or on a high level of welfare for the people. Instead, these regimes relied on actively spread ideologies that proclaimed the superiority of the given regime in various respects and served as major legitimizing forces. The end-result of this is that the footprints of official ideologies have continuously been present in citizens’ minds. However, these ideologies have been inherently contradictory. As they were inculcated in an unconscious and unreflective manner, the contradictions do not cause mental problems in everyday life (Gajduschek, 2017: 49–51).

Well, this confused mind-set may be mentally manageable at the outset, except that it can easily make everyday life absurd and anathematize contemporary Hungarians to the constant taste of its bitterness.

Finally, sinking again into the warm thermal bath of academic moralism, let us wave farewell to the Dear Reader by quoting István Bibó, the greatest Hungarian political and moral philosopher of the past century:

Evil, paltriness, and cowardice consist not in any free and dauntingly devilish choice but in the very fact that we wretchedly, unconsciously, and without free choice do and only do what our social, community, educational and personal characteristics, warped and warping experiences, ingrained biases, meaningless platitudes, and comfortable and foolish formulas dispose us to do. [...] It is in this context that we have to raise the issue of our own, our nation’s, and our society’s responsibility. If Hungarian society is indeed a serf-minded and herd-wise one that dumps the issues of responsibility on its masters and occupiers, there is no point in raising the question; it will reject it. But I do not believe Hungarian society was or is so deeply lost in this herd-mindedness and in being downtrodden (Bibó, 2015: 258–259).

He wrote this in 1948.

6 Conclusions

In the introduction to this paper, we became aware of the doubts concerning the genre of ‘legal storytelling’ engaged in by both lawyers and literati. This essay argues against

¹⁶ Jelentés Örkény István gépkocsivezetői engedélyéről (Report on István Örkény’s driving licence) (2004). *Rubicon*, 15(8–9) 76, quoted by Nagy (2010a: 183). Nagy aptly notes that had we not known that this were a police document, we would think it one of Örkény’s own ‘one-minute’ stories.

these scruples using the material of focus group interviews taken from recent research into Hungarians' legal consciousness that reveals the important role these everyday life stories play in legal culture.

It takes the analysis of attorneys' professional self-image as a starting point to explore the elements, structure, and the dynamics of legal culture, emphasizing that narratives not only connect and order the elements of legal culture – the values, norms, symbols, and patterns of social practices –, but weave legal culture within the texture of the whole culture. The discussion progresses from this general level to highlighting more specific characteristics of Hungarian legal culture. The alarming symptoms of legal alienation and norm-confusion set the background for the empirical studies that include assorted everyday legal stories.

The stories of Gabi and Niki accurately reflected these problems. The acceptance of honesty – the virtue of following the rules (be they moral or ethical) for their own value – driven by feigned shame or fear, meant subordination in both cases. In the former case, to the hypocritically ashamed (self-consciously understood, in fact) 'common sense,' while in the latter to a sincerely ashamed 'irrational fear.'

At this point, Franz Kafka's works were introduced to enable deeper understanding of the overall cultural context in which Hungarian legal culture is embedded. From the synthesis of three different readings of Kafka – Robin West's, Richard Posner's, and Theodore Ziolkowski's – the aesthetic concept of 'absurd' emerged as a key notion for clipping together everyday life and literary narrations.

Seeking the differences between everyday life and literary stories led us to consider the historical process that has turned absurd fiction into reality in Middle Europe, and more particularly, in Hungary. An official police document and some scholarly notes were used to shed light on the nature of this phenomenon.

In conclusion, we have to point out that this essay can be seen as an intuitive theoretical experiment that uses aesthetic notions to analyze empirical sociological data, rather than a methodologically well-founded application of that. The basic idea behind this experiment is that both law and aesthetics are permeated and cross-infected by moral and social-psychological constituents. This is why the phenomena of these two cultural fields permanently resonate with each other. A great deal of philosophical and aesthetic research and qualitative empirical data is needed to ground this method sufficiently.¹⁷ Nevertheless, we hope that this attempt can stand as a demonstration of the possibility.

References

- Almási, M. (1992). *Anti-esztétika (Anti-aesthetics)*. T-Twins, Lukács Archívum.
- Balkin, J. M. (1989). The domestication of law and literature. *Law and Social Inquiry*, 14(4), 787–822. <https://doi.org/10.1111/j.1747-4469.1989.tb00005.x>
- Berkics, M. (2015a). Laikusok és jogászok nézetei a jogról (Laymen's and lawyers' views on Law). In Hunyady, Gy. & Berkics, M. (Eds.), *A jog szociálpszichológiája: A hiányzó láncszem* (pp. 141–160). ELTE Eötvös Kiadó.

¹⁷ As a starting point for further studies, Desmond Manderson's research (2000) certainly offers itself.

- Berkics, M. (2015b). Rendszer és jogrendszer percepciói Magyarországon (Perceptions of order and legal system in Hungary). In Hunyady, Gy. & Berkics, M. (Eds.), *A jog szociálpszichológiája: A hiányzó láncszem* (pp. 337–364). ELTE Eötvös Kiadó.
- Bibó, I. (2015). The Jewish predicament in post-1944 Hungary (translated by Pásztor Péter). In Dénes, I. Z. (Ed.), *The art of peacemaking: Political essays by István Bibó* (pp. 233–254). Yale University Press.
- Bognár, Sz. (2016). *A népi jogélet kutatása Magyarországon (Legal ethnography in Hungary)*. Magyar Néprajzi Társaság.
- Čapek, K. (1980). Hungarian translation of *Embarrassing Stories* [1921]: *Kínos történetek* (pp. 125–241). Európa.
- Cotterrell, R. (2006). *Law, Culture & Society*. Ashgate.
- Cover, R. M. (1983). The Supreme Court, 1982 term – foreword: Nomos and narrative. *Harvard Law Review*, 97(4), 4–68.
- D’Amato, A. (1989). As Gregor Samsa awoke one morning from uneasy dreams found himself transformed into an economic analyst of law. *Northwestern Law Review*, 83(4), 1012–1021.
- Delgado, R. (1989). Storytelling for oppositionists and others. A plea for narrative. *Michigan Law Review*, 87(8), 2411–2441. <https://doi.org/10.2307/1289308>
- Ewick, P. & Silbey, S. S. (1998). *The common place of law: Stories from everyday life*. Dartmouth.
- Fekete, B. & H. Szilágyi, I. (2017). Knowledge and Opinion about Law (KOL) research in Hungary. *Acta Juridica Hungarica – Hungarian Journal of Legal Studies*, 58(3), 326–358.
- Fekete, B. & Gajduschek, Gy. (2015). Changes in knowledge about law in Hungary in the past half century. *Sociologija*, 57(4), 620–636. <https://doi.org/10.2298/SOC1504620F>
- Fish, S. (1988). Don’t know much about the Middle Ages. *Yale Law Journal*, 97(5), 777–793. <https://doi.org/10.2307/796513>
- Fitzpatrick, P. (2016). Necessary deceptions: Kafka and the mystery of law. In Aristodemou, M. et al. (Eds.), *Crime fiction and the law* (pp. 87–103). Routledge.
- Friedman, L. M. (1990). *The republic of choice: Law, authority, and culture*. Harvard University Press.
- Friedman, L. M. (1977). *Law and society: An introduction*. Prentice Hall.
- Friedman, L. M. (1975). *The legal system: A social science perspective*. Russel Sage Foundation.

- Gajdusчек, Gy. (2018). A jogtudat és a jogi kultúra hatása a magyar jogrendszerre (The impact of legal consciousness and legal culture on Hungarian legal system). In H. Szilágyi, I. (Ed.), *Jogtudat-kutatások Magyarországon 1967–2017* (pp. 145–169). Pázmány Press.
- Gajdusчек, Gy. (2017). ‘The opposite is true ...as well.’ Inconsistent values and attitudes in Hungarian legal culture: Empirical evidence from and speculation over Hungarian survey data. In Fekete, B. & Gárdos-Orosz, F. (Eds.), *Central and Eastern European socio-political and legal transition revisited* (pp. 41–55). Peter Lang.
- Gajdusчек, Gy. (2008). *Rendnek lennie kellene. Tények és elemzések a közigazgatás ellenőrzési és bírságolási tevékenységéről* (*There should be order. Facts and essays on administrative control and amendment practice*). KSZK – MKI.
- H. Szilágyi, I. & Jankó-Badó, A. (2018). Further thoughts on the self-image of the Hungarian attorneys. *International Journal of Law and Society*, 1(4), 137–149. <https://doi.org/10.11648/j.ijsl.20180104.11>
- H. Szilágyi, I. (2018a). Kínos történetek. Jogi történetmesélés és jogszociológia (Embarrassing stories: Legal storytelling and social psychology). In Bodnár, K. & Fekete, B. (Eds.), *Iustitia meghallgat. Tanulmányok a „jog és irodalom” köréből* (pp. 213–217). MTA TK Jogtudományi Intézet.
- H. Szilágyi, I. (2018b). Adalékok a jogi kultúra fogalmához (Further thoughts on the concept of legal culture). In Nagy J. T. (Ed.), *A jogi kultúrtörténet és a jogi néprajz új forrásai* (*New sources of legal cultural history and legal ethnography*), vol. 1 (pp. 109–124). PTE Kultúrtörténeti, Pedagógusképző és Vidékfejlesztési Kar.
- H. Szilágyi, I. (2015). There is no mercy. *Acta Juridica Hungarica* 56(1), 86–107. <https://doi.org/10.1556/026.2015.56.1.8>
- H. Szilágyi, I. (2014). There is no mercy. In Faralli, C. et al. (Eds.), *Il diritto tra testo e imagine. Rappresentazione ed evoluzione delle fonti* (pp. 227–235). Mimesis.
- H. Szilágyi, I. (2013). The legal anthropological study of the Hungarian Roma minority. *Acta Juridica Hungarica*, 54(2), 156–163. <https://doi.org/10.1556/ajur.54.2013.2.3>
- H. Szilágyi, I. (2012). Law and literature in Hungary – an introduction. *Acta Juridica Hungarica*, 53(1), 1–6. <https://doi.org/10.1556/ajur.53.2012.1.1>
- H. Szilágyi, I. (2011). A marxista társadalomtudományi fogalmak használhatatlansága (Uselessness of Marxist social scientific concepts). In Péntzes, F. et al. (Eds.), *A szabadság felelőssége. Írások a 65. éves Dénes Iván Zoltán tiszteletére* (pp. 324–337). DUP.
- H. Szilágyi, I. (2010). The chronicle of a death foretold: A retrospection. In Mittica, M. P. (Ed.), *ISLL Papers Special Issue. Dossier on LAW AND LITERATURE. A Discussion on Purposes and Method. Proceedings of the Special WS on Law and Literature held at 24th IVR World Conference in Beijing, September 2009* (pp. 105–127). ISLL. <https://doi.org/10.6092/unibo/amsacta/5553>

- H. Szilágyi, I. (2009). The Roma way. In Wagner, A. & Bhatia, V. K. (Eds.), *Diversity and tolerance in socio-legal context: Explorations in the semiotics of law* (pp. 65–80). Ashgate.
- H. Szilágyi, I. (2002). Let us invent the Hungarian legal anthropology. *Rechtstheorie*, 33(2–4), 187–196.
- Jakab, A. & Gajdusчек, Gy. (2019). The rule of law, legal consciousness and compliance. In *Hungarian Social Report 2019* (pp. 277–294). TÁRKI.
- Kiss, A. (Ed.) (2010). *Bűntények a könyvtárszobából (Crimes from the library-room)*. Complex.
- Kiss, A. (2009). *Bűnbe esett irodalmi hősök (Literary heroes who committed crimes)*. Publicitás–ArtMédia Kft.
- Lanczendorfer, Zs. (2017). Gyilkosságból népköltészet. Helyi népballadák a jogtörténet szolgálatában (Folk poetry from murder: Local ballads in service of legal history). In Fekete B. et al. (Eds.), *Iustitia körülnéz* (pp. 117–129). Szent István Társulat.
- Manderson, D. (2000). *Songs without music: Aesthetic dimensions of law and justice*. University of California Press.
- Nagy, T. (2010a). *Josef K. nyomában. Jogról és irodalomról (In the trail of Josef K.: On law and literature)*. Attraktor.
- Nagy, T. (2010b). Narratív tematika a kortárs amerikai jogelméletben (Narrative topics in contemporary American legal theory). In Nagy, T., *Josef K. nyomában. Jogról és irodalomról* (pp. 125–160). Attraktor.
- Nagy, T. (2010c). Néhány eljárás: Kafka-olvasatok a jogirodalomban (Some processes: Readings of Kafka in legal literature). In Nagy, T., *Josef K. nyomában. Jogról és irodalomról* (pp. 85–123). Attraktor.
- Nelken, D. (1995). Disclosing/invoking legal culture: An introduction. *Social & Legal Studies*, 4, 435–452. <https://doi.org/10.1177/096466399500400401>
- Nussbaum, M. C. (1993). Scepticism about practical reason in literature and the law. *Harvard Law Review*, 107(3), 714–744.
- Ort, T. (2013). *Art and life in modernist Prague: Karel Čapek and his generation, 1911–1938*. Palgrave Macmillan.
- Páskándi, G. (1969). Az „abszurd jelenség” és a halál (The ‘absurd phenomenon’ and death). *Korunk*, (2), 167–171.
- Páskándi, G. (1967). Gondolatok az abszurd fogalmáról (Thoughts about the concept of absurd). *Korunk*, (6), 834–839.
- Posner, R. A. (1998a). The problematics of moral and legal theory. *Harvard Law Review*, 111(7), 1637–1717. <https://doi.org/10.2307/1342477>

- Posner, R. A. (1998b). *Law and literature: A misunderstood relation* (2nd revised and enlarged ed.). Harvard University Press.
- Posner, R. A. (1997). Legal narratology. *University of Chicago Law Review*, 64(2), 737–747. <https://doi.org/10.2307/1600294>
- Posner, R. A. (1991). Remarks on law and literature. *Loyola University Law Journal*, 23, 181–195.
- Posner, R. A. (1989). Gregor Samsa replies. *Northwestern Law Review*, 83(4), 1022–1024.
- Posner, R. A. (1988). *Law and literature: A misunderstood relation*. Harvard University Press.
- Sajó, A. (2008). Az állam működési zavarainak újratermelése (The reproduction of state malfunctions). *Közgazdasági Szemle*, 55(7–8), 690–711.
- Sajó, A. (1986). *Látszat és valóság a jogban (Appearance and reality in the law)*. Közgazdasági és Jogi Könyvkiadó.
- Seaton, J. (1999). Law and literature: Works, criticism and theory. *Yale Journal of Law and Humanities*, 11(2), 479–507.
- Silbey, S. S. (2001). Legal culture and legal consciousness. *International Encyclopedia of the Social and Behavioral Sciences*. Elsevier.
- Szabadfalvi, J. (2011). Hungarian legal philosophical thinking: From the beginnings to the mid-20th century. In Shemshushenko, U. S. et al. (Eds.), *IV Науков читання присвячені пам'яті Володимира Михайловича Корецького: Збірник наукових праць* (pp. 49–75). Київський Університет права.
- Szabadfalvi, J. (2007). The role of Bódog Somló in the revival of Hungarian legal philosophy. *Archiv für Rechts- und Sozialphilosophie*, 93(4), 540–550.
- Szabadfalvi, J. (2003). Revaluation of Hungarian legal philosophical tradition. *Archiv für Rechts- und Sozialphilosophie*, 89(2), 159–170.
- Weisberg, R. H. (1993). Three lessons from law and literature. *Loyola of Los Angeles Law Review*, 27(1), 285–303.
- Weisberg, R. H. (1989). Entering with a vengeance: Posner on law and literature. *Stanford Law Review*, 41(6), 1597–1626.
- West, R. (1985). Authority, autonomy and choice. The role of consent in the moral and political visions of Franz Kafka and Richard Posner. *Harvard Law Review*, 99(2), 385–428. <https://doi.org/10.2307/1341128>
- Ziolkowski, T. (1997). *The mirror of justice: Literary reflections of legal crisis*. Princeton University Press.
- Ziolkowski, T. (1967). *Dimensions of the modern novels: German texts and European contexts*. Princeton University Press.