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Hukuk ve Edebiyat: Kitap İncelemesi
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Ayşegül ONCAR
Batman Üniversitesi, Lisansüstü Eğitim Enstitüsü, Türk Dili ve Edebiyatı Anabilim Dalı Yüksek Lisans Öğrencisi, Batman, Türkiye.
oncarayse@hotmail.com
ORCID: 0009-0002-8222-7219

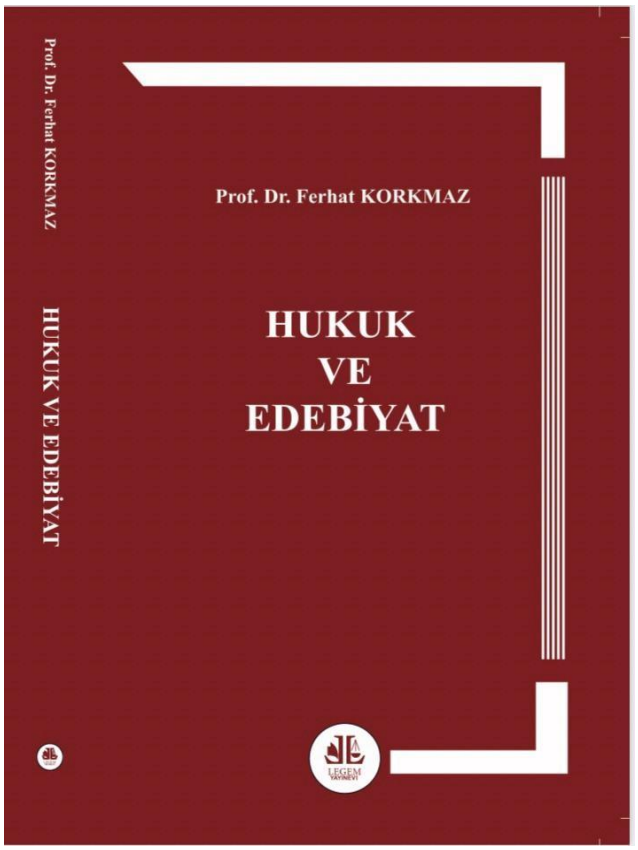
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ABSTRACT
This review offers a detailed evaluation of the work *Hukuk ve Edebiyat (Law and Literature)*, authored by Dr. Ferhat Korkmaz and published in Turkish by Legem Publishing. Law and literature, which have been regarded as two separate disciplines distant from each other for many years, converge in this work on the common ground of "human and language." The review centers on Korkmaz's approach, which transcends traditional boundaries by treating law not merely as a set of rigid rules and sanctions but as a living language system and a literary construction. In the first of the three main sections of the book, the relationship between language and law is discussed, illustrating how defenses in courtrooms and judicial decisions are essentially fictional narratives. In the second section, the contributions to the sociology of law are evaluated through the application of literary theories (especially Marxist and feminist criticism) to the notion of law. In the third and final section, examines how the abstract structure of law is embodied through literary works. In this context, themes such as the conflict between state law and individual conscience, mercy, and alienation in the face of the system are analyzed via classical texts like Antigone, The Merchant of Venice, and The Trial, emphasizing that legality does not always coincide with justice.
Keywords: Ferhat Korkmaz, *Law and Literature*, Book Review, Human and Language.

ÖZ
Bu inceleme, Dr. Ferhat Korkmaz tarafından Türkçe olarak kaleme alınan ve Legem Yayınları'ndan çıkan *Hukuk ve Edebiyat* adlı eserin detaylı bir değerlendirmesini sunmaktadır. Uzun yıllar boyunca birbirine mesafeli iki ayrı disiplin olarak görülen hukuk ve edebiyat, bu eserde "insan ve dil" ortak paydasında buluşmaktadır. İnceleme yazısı, Korkmaz'ın geleneksel sınırları aşarak hukuku sadece katı kurallar ve yaptırımlar bütünü olarak değil, yaşayan bir dil sistemi ve edebi bir inşa olarak ele alışını merkeze almaktadır. Üç ana bölümden oluşan kitabın ilk bölümünde dil ve hukuk ilişkisi tartışılarak, mahkeme salonlarındaki savunmaların ve yargı kararlarının aslında nasıl birer kurgusal anlatı olduğu gösterilmektedir. İkinci bölümde, edebiyat kuramlarının (özellikle Marksist ve feminist eleştiri) hukuk nosyonuna uygulanmasıyla hukuk sosyolojisine sağlanan katkılar değerlendirilmektedir. Üçüncü ve son bölümde ise hukukun soyut yapısının edebi eserler aracılığıyla nasıl somutlaştığı incelenmektedir. Bu bağlamda, Antigone, Venedik Taciri ve Dava gibi klasik metinler üzerinden devlet yasası ile bireysel vicdan çatışması, merhamet ve sistem karşısında yabancılaşma gibi temalar analiz edilerek yasallığın her zaman adaletle örtüşmediği vurgulanmaktadır.
Anahtar Kelimeler: Ferhat Korkmaz, *Hukuk ve Edebiyat*, Kitap İncelemesi, İnsan ve Dil.

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For a long time, law and literature have been regarded as largely separate fields in academic circles. While law is viewed as a distant field dominated by rules, sanctions, and technical language, literature has been associated more with emotion, fiction, and aesthetics. Law is a discipline that encompasses the entire society and whose norms must be adhered to. Literature, on the other hand, is a field in which individuals participate voluntarily. However, since no discipline or domain of inquiry can be entirely isolated from one another, the realms of literature and law are no exception. Indeed, Ferhat Korkmaz's book *Law and Literature*, originally published in Turkish, clearly demonstrates that these two fields actually converge on the common ground of "humanity and language."

This book blurs the boundaries between literature and law, revealing how the two disciplines nourish and transform one another. Contrary to the traditional approach, author Ferhat Korkmaz does not merely treat law as a "theme" or "background element" within literary works; rather, he opens up a discussion on the fact that law itself possesses a literary construction. The analyses presented in the book reframe legal themes in literary texts, elevating them from mere plot devices to symbols of the quest for social justice. Case studies of classical and modern texts demonstrate that legislation alone cannot meet the full depth of moral conscience, that justice does not always align with "legality," and that literature holds up a moral mirror to the law precisely within this realm of conflict. The most striking aspect of the study is its emphasis on how legal texts (judicial decisions, indictments, and defenses) are, in fact, narratives. The language a judge uses when writing a decision, the metaphors they choose, and the way they construct the narrative transform that text from a mere technical document into a literary one. In a context where legal education is often confined to legal provisions and technical rules, the value of such interdisciplinary studies becomes much clearer. The book is composed of three main sections. The first section focuses on language and law, while the second section examines the concepts of law and literature and the relationships between them. In the third and final section, works from both world literature and Turkish literature are analyzed to concretely illustrate the relationship between these works and the field of law.

In the first chapter of *Law and Literature*, the author examines the relationship between language and law. He argues that justice is shaped not only in courtrooms but also within the domains of language and fiction. Korkmaz departs from viewing law as a static set of rules and instead defines it as a living linguistic system. This fundamental premise effectively removes the familiar distance between law and literature; for both disciplines strive to make sense of and reconstruct the World using the same material—namely, language (Korkmaz, 2025, pp. 17-51). "When we draft a legal petition or address a jury or a judge in court, we are actually constructing a narrative. This is not lying; rather, it is placing facts within a plot structure. Literature teaches us how to present character development, motivation, and the flow of events. If you cannot construct a narrative that is more 'human' and 'coherent' than the opposing side's story, the law will only take you so far" (Kornstein, 1998, p. 117).

Over the past few centuries, scientific approaches grounded in cause-and-effect relationships and grounded in certainty and immutability have gradually given way to approaches in the natural sciences shaped by the concepts of uncertainty, probability, and relativity (Ecevit, 2016, p. 27). This approach transforms law from a rigid and unchanging structure into a field that contributes to the production of meaning. The relationship between law and literature, however, is not limited solely to questions of power. Ironically, while people may believe they are more intimately connected with literature in their daily lives, they are actually more closely connected with law (Abacı, 2006, p. 4). Literature enriches the process of legal interpretation and understanding. As Ronald Dworkin notes, we can deepen our legal understanding only by integrating interpretations from other fields of knowledge—particularly literature—with legal interpretation. For the legal imagination is always a literary imagination (Demir, 2015, p. 47).

The second section of the book focuses on the concepts of law and literature and the relationship between them. The application of literary theories to the field of law is another noteworthy aspect of the work. Korkmaz offers a broad perspective by evaluating the concept of law through various modern literary and critical theories. For instance, within the framework of Marxist criticism, the place of law within the social structure has been assessed, and the claim of law's objectivity has been questioned. In the context of feminist criticism, gendered elements in legal language have been addressed, and the social implications of this language have been examined. Laws are a linguistic phenomenon insofar as they represent power and encompass social elements. Moreover, laws are shaped by the struggle for power (Bourdieu, 1987, pp. 816-817). In this regard, the work is not merely a literary study but also serves as an analysis that contributes to the sociology of law. The cold and rigid chain of rules that comes to mind when we think of law is actually only one side of the coin. We often assume that law consists solely of the articles in law books, but the reality is far deeper than that. Law is actually like a living organism; it draws sustenance from societal change, the collective conscience of people, and life itself. If we seek justice solely in the technical files of courtrooms or in dry legal texts, we miss the "human" factor and the true essence of the matter. In this context, Korkmaz's *Law and Literature* makes the practical reflections of legal theories visible, lending an institutional framework a genuinely human dimension (Korkmaz, 2025, pp. 53-102).

The third chapter of the book *Law and Literature* consists of literary analyses. Korkmaz builds a bridge from literature to law by examining various works. In doing so, he renders the theoretical structure of law visible through literary texts. Literature takes the rules of law—which can sometimes seem very rigid and theoretical—and integrates them with the complex world of human experience. Thus, it gives us the opportunity to see not only what the laws say, but also the real life and the underlying "reality" behind those rules. Just how accurate this is becomes very clear when looking at classic works in both world and Turkish literature (Korkmaz, 2025, pp. 103-331).

As Ferhat Korkmaz emphasizes, the most fundamental common ground between law and literature is the "interpretation" process. Some literary works demonstrate that law is not merely a set of rules but gains meaning through human conscience and a sense of justice. In *Antigone*, the conflict between state laws and individual conscience is highlighted; this shows that law is not limited to mere obedience. *The Merchant of Venice*, on the other hand, emphasizes that rigid rules can sometimes lead to unjust outcomes and that law must be balanced with mercy.

Korkmaz examines the enforcement of contractual provisions by focusing on *The Merchant of Venice*, a five-act play by William Shakespeare that is one of his most frequently staged works. Through interpretations of *The Merchant of Venice*—one of the most significant works in law and literature concerning contracts and legal interpretation—he explores the relationship between law and literature.

In Franz Kafka's *The Trial*, the individual becomes alienated and feels helpless in the face of a complex legal system; this demonstrates that when the law drifts away from its human dimension, it can undermine the sense of justice. Whether "realistic" or not, Kafka succeeded in doing

something no one before him—and likely no one after him—had done: he exposed the workings of the modern state's legal machinery from the perspective of its victims. He does this without the slightest hint of sentimentality, with dignity and certainty, in a style marked by simplicity and austerity—which makes it all the more compelling. The novel's universality and its powerful subjective weight—combined with the perspective of those crushed under the wheels of "justice's" triumphant machinery—have contributed to making *The Trial* one of the literary works that most profoundly shaped the imagination of the twentieth century" (Löwy, 2008, pp. 66-67).

Korkmaz continues to examine the relationship between law and literature through masterpieces such as *Antigone*, *The Merchant of Venice*, and *The Trial*, as well as the works of renowned authors like Bertolt Brecht, Ahmet Midhat Efendi, and Ahmet Ümit. In these works, fundamental concepts such as justice, mercy, law under the shadow of dictatorship, punishment, authority, and the individual are analyzed. Thus, through the aforementioned works, the relationship between law and literature is made more concrete through the interpretation of specific literary texts.

For writers and poets, the law is where the conflicts, power struggles, and problems within society are most clearly revealed. When a writer views events through the lens of the law, they can convey the realities of society in a much more powerful and grounded way. When humanity's millennia-long "quest for justice" is explored through a legal lens in literary texts, it yields far deeper and more rational works. These works help us understand the law through the medium of literature. These two fields, which on the surface seem to have no overlapping boundaries, come together through the subject known as "human." Thus, legal rules cease to be lifeless texts and come to life through the sensitivity of literature. Literature, in turn, transforms into a record of social memory through the gravity of the law. In this way, reality does not remain confined to judges' benches and courtrooms; through literature, it finds a place in the collective memory of all humanity. In short, law tells us about the rules, while literature tells us about the "human spirit" touched by these rules. When the two come together, justice ceases to be merely a word on paper and transforms into a value that finds its true meaning in life.

What distinguishes this work is not merely the claim that legal texts carry narrative weight, but the systematic textual analysis through which Korkmaz substantiates it—showing how law absorbs and reflects the moral values of the society from which it emerges. Diving into the depths of literature, beginning with Ahmet Midhat Efendi, Korkmaz reminds us that justice is sought not only in law books, but in that vast moral void where words end. The benefits literature offers to a legal professional and the applicability of knowledge derived from fiction to the law are among the key topics. Of course, the existence of law cannot be explained by literature. However, literature occupies a supportive role in relation to law (Yazıcı et al., 2017, p. 345). As a social science field in the modern world, law operates within a framework of abstraction; yet it is precisely through literature that this framework is made accessible, inviting readers to engage with its human dimensions directly. When we examine the literary works included in the author's book, it becomes unmistakably clear how law reveals its living face.

While the relationship between law and literature has been extensively examined within the Anglophone scholarly tradition—from Posner's (1988) foundational study to Weisberg's (1992) work on poethics—Turkish-language scholarship on this interdisciplinary field remains relatively limited. Korkmaz's *Law and Literature* addresses this gap by engaging systematically with both the Western canon and the Turkish literary tradition, making it a noteworthy contribution to the broader field.

This book serves both as an educational resource and as an inspiring reference work that enables us to reimagine the law. Consequently, while this work offers legal professionals a roadmap toward understanding the human spirit, it also offers the literary world a perspective demonstrating the impact of fictional texts on social order. This connection between two distinct fields demonstrates that legal regulations can only attain a truly human dimension when infused with literary depth.

Korkmaz's *Law and Literature* is a comprehensive study that examines the relationship between law and literature not only through fictional texts but also through the common ground of language in these two disciplines. With its rich content and extensive bibliography, the work serves as an important guide for those working in both fields. Offering literature scholars a key to understanding how society functions, this study also provides legal professionals with the deep perspective and expressive power they need to practice their profession. Finally, as I believe this book, titled *Law and Literature* and published in Turkish, makes significant contributions to the multidisciplinary field of law and literature, I strongly recommend that it should be translated into various languages—particularly English—so that it can reach a broader international audience.

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