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# INTERVIEW WITH GRETA OLSON
## *FEEL EMPOWERED TO TELL YOUR OWN LEGAL-CULTURAL STORY*

**BY DIETER AXT**[1]

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Currently, her research areas of interest focus on Law, Narrative Politics, Feminism, Queer and Gender, the critical study of North American politics and culture, and the Media. Throughout her academic trajectory, she has received several awards related to her research.

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Dieter Axt – *In the opening issue of the interview section for Anamorphosis we interviewed Jeanne Gaakeer who, together with you, founded the European Network of Law and Literature (EURNLL). More recently, we have also had the opportunity to interview Daniela Carpi, founder of Associazone Italiana Diritto e Letteratura (AIDEL). How do EURNLL and AIDEL foster the exchange of ideas among their researchers and associates? Which initiatives would you highlight?*

Daniela Carpi and AIDEL are wonderful resources in terms of getting the word out about new Law and Literature publications and events. Under Daniela's leadership, the AIDEL network publishes a journal, holds a yearly conference, and in its newsletter publicizes the work of those working in Europe along with what are often the better known publications of US American and British colleagues.

From the beginning, Jeanne Gaakeer and I (EURNLL) have had a slightly different emphasis. We highlight research based in Europe and spread the word about European conferences, researchers, and resources. This occurs through our dialogic publications, and through our both featuring the work of those who are outside of the North American paradigms in conferences and other scholarly and public events. Jeanne has just published her book *Judging from Experience: Law, Praxis, Humanities* (2019) and my *From Law and Literature to Legality and Affect* is scheduled to come out in 2020. In both of these monographs as well as in other essay publications, we individually argue for the need for differentiated narratologies of law and point out that narratives of law cannot be based solely on the Anglo-American common law based model. Individually, we host events in Germany and the Netherlands that feature Continental European and other non-Anglo-American narratives and cultures of law. I am about to hold a workshop on *Rechtsgefühle* (feelings about law/justice) that centers on European work on affect and law, and Jeanne shall provide a keynote there.

This is not in any sense to be critical of our wonderful North American colleagues and friends. Rather, it is to push back at a history that suggests that Law and Literature was a US American invention that began only during the 1970s. Many European and other interventions into the intersections of the poetic/literary and the legal took place outside the

United States well before the 1970s. This is to look at the specifics of particular Law and Literature histories, for instance, in the Netherlands and in France and in Austria and Germany, or in the Igbo Nation. The issue here is that these efforts were not called Law and Literature per se but bore other names.

Dieter Axt – *You obtained a Bachelor of Arts from Vassar College (NY) in 1986, where you studied Philosophy and Studio Arts, and you studied Art History and Philosophy at University College London. Later, you focused your studies on English Literature until you approached Law and Literature. Tell us a little about your academic and professional trajectory: how was this path from Art and Literature to Law? What is your assessment on the development of the studies of Law and Literature in the European Continent?*

Actually, after studying visual arts and philosophy in the States and in Britain, I went on to study comparative linguistics and philosophy as well as English and American studies after coming to Germany, as well as of course learning German. While I am a German civil servant and have three German children and have also lived for the greater part of my life in Germany, my nationality remains US American. I therefore describe myself as a hyphenated German. Like many people who work interdisciplinarily, I am a border crosser. This means that I do not have a deep sense of certitude about the inevitability and rightness of any one set of disciplinary and methodological tools and approaches as compared to others. The same goes for my disciplinary moorings. I take training that I did in philosophy and studio art and linguistics as well as in literary and cultural studies to my analyses of law and legal processes to treat them as cultural phenomena.

As I document in my essay from 2015 on the "Futures of Law and Literature" and in my forthcoming book *From Law and Literature to Legality and Affect*, there has been an expansion of the type of aesthetic text that is the object of analysis in Law and Literature. Whereas a once somewhat narrow canon of Shakespeare's tragedies and Victorian novels constituted the bulk of the objects of research on the literature side of Law

and Literature, with regretfully little work being taken into account from other languages or cultures, the field has now expanded enormously. Law and Literature now encompasses Law and Film, Law and Television, Law and Art, Law and the Material, Law and the Aesthetic, and Law and Sound. Many shall disagree with me in this albeit very broad assessment of what is the literary in Law and Literature. For instance, does the literary have to be primarily constituted by the written or the spoken word? Be this as it may, the leading periodicals in Law and Literature now include work focusing on science fiction, television, youth literature, romance, and porn. The genres and art forms that can now be spoken about in Law and Literature include sculpture and painting, as well as literary fiction.

In terms of what has gone on in European Research, there is a new awareness of the need to articulate specifically European and other local histories of Law and Literature. I published another comparative essay in 2015 that discussed Law and Literature in Brazil. This was an albeit very imperfect piece because I do not speak or read Portuguese and was therefore reliant on translations into German and English and some kind 'native informants.' There, I wrote something quite similar – that Law and Literature has to be thought of as more than one history or field of research. Individual Law and Literatures depend on the specific legal, cultural, and political circumstances and histories of the places where they are produced and to which they speak and respond. This includes the various ways in which aesthetic interventions into the legal are expressed. They articulate critique of either legal practice in itself or what is viewed as an inequitable legal environment more generally. This can be not only through literature, in the traditional sense, but also through graffiti and music.

I see many, many people working on specific histories in Europe. These include to name only a few colleagues Gisèle Sapiro, Frans-Willem Korsten, Ralph Grüttemeier, Claudia Lieb, Ted Laros, Sylvia Sasse, amongst many, many others. The Nordic nations have entered into a dialogue with one another about their not always untroubled Law and Literature histories as well, due to colonization. This explicitly European Law and Literature work accompanies new and pressing issues such as the

possible dissolution of Europe due to ethnonationalism. The question arises of whether there is a need for a common European narrative or narratives that might also be garnered through Law and Literature work. Would such narrative be helpful in creating a more cohesive sense of European identity?

Dieter Axt – *How do narrative and metaphor merge with the juridical speech?*

If I may answer the question somewhat indirectly, I find that there has been a narrative turn in critical legal studies, with many legal researchers now embracing the idea that law is narratively constructed and interpreted and that narratological concepts and models are helpful. Yet there is a quite palpable distrust of metaphor in much critical legal work, a suspicion of metaphor's capacity to distort or to be used ideologically, and of metaphor and other tropes' affective importance in terms of rhetoric. My argument has been that narrativization and metaphorization are both important to cognitive world and sense making. Both are intrinsic to creating and interpreting law, also in terms of how juridical discourse is constructed. Thus, I argue for conjoined narratological and metaphorological investigations of the legal.

Dieter Axt – *One of your major areas of research and interest concentrates on the topics of feminism, gender and sexual diversity. The western representation of Justice – and of Law itself – has always invoked feminine icons of the Greco-Latin world: the Greek goddess of Justice, Dike; Themis, Dike's mother, representing the statute; Iustitia. In Oresteia, it is Pallas Athena who utters the renowned Minerva Vow. On the other hand, switching from symbology to reality, the juridical practice in Courts and Universities seems not to translate in importance this feminine symbolic representation of Law. What is your assessment of women's participation in Law and their place in the juridical career?*

Your question is complex. I want to avoid any essentialization that says that the Feminine is this and the Masculine is that. Such differentiations rest on a binaric thinking pattern, which leads to

needless stereotyping of so-called typical masculine and feminine behaviors. As deconstructive practice has shown us, this binary becomes unstable as soon as one starts to take the terms apart. There is a historical questioning of masculinist assumptions about the rationality and centrality of legal process in literature, for instance, in Antigone and in Susan Glaspell's *Trifles and A Jury of Her Peers*. Further, feminist legal critique has shown how much law (property, family, criminal, tax) has been based on the conditions of propertied, white, heterosexual cis men, and this has led to the elision of the representation of interests of everyone who is not a propertied, white heterosexual man. I have pointed out a problematic tendency to gender Law as masculine and brutish and Literature as feminine and ethical in some Law and Literature work. A huge discrepancy also remains, for instance, between the prevalence of women judges and particularly women judges of color in fictional television and film representations of law and the actual numbers. In other words, the prominent visibility of women legal actors in fictionalized accounts of law can often lead to very non-progressive politics. So, let's be critical of the masculine-feminine binary in general.

Dieter Axt – *One of the main topics of juridical debate nowadays resides on the effectuation of policies to recognize minorities and socially stigmatized groups, seeking to promote a more equal and democratic society. This subject often conflicts defenders of judicial minimalism with those who support the possibility of a more activist position by the Courts. What is the extension of the operation of Courts in subjects such as the effectuation of the rights of minorities?* Should gender be visible or invisible to the blind Justice*, to quote a recent question proposed by Camille Paglia? Has Literature been successful in this debate?*

There is a fundamental dilemma here. When the courts protect minorities they also reify the status of the minority as being in need of protection and in some sense having less agency. Yet testimony and witness narratives are increasingly recognized in legal studies as a means of expression for those who have not previously been recognized in and by law. The steady expansion of catalogues of human rights to include

communal rights, and the universalization of human rights discourse in all areas of law bespeak efforts to render law and politics more democratic. Yet, as with gender, it is simplistic to assert that legal representation automatically equals more progressive politics and more rights for minority groups.

Dieter Axt – *On the literary field, the writer and social critic Camille Paglia identifies that women were often "victims of the law, instead of its agents". This, in fact, has been one of the main insurgences of the suffragist movement, when strongly developed in early 20th-century England. To what extent has the democratic political process been achieving success in reorganizing these traditional spaces of representation? Has such space been contemplated by Literature in its pages?*

One goal of liberal feminism and what I would call liberal queer advocacy is to achieve equal rights under the law for both genders and/or for sexual minorities. In many post-industrial societies, this goal has already been achieved. However, equal rights under the law does not equate with an equality of representation or of articulation. Nor does it end discrimination. This concerns not only law but also social attitudes and internalized forms of discrimination. Hence, legal studies need to be combined with an awareness of how social identities and attitudes and prejudices are created and maintained.

Dieter Axt – *Since Ancient Greece, western Literature has vastly represented female characters. By way of illustration, we can make reference to Antigone, Hester Prynne, Hedda Gabler, Emma Bovary, Anna Karenina, Capitu, Elizabeth Bennet. On the other hand, there have not been that many female writers to stand out in our literary universe. Can you identify a reason for that? What is your assessment of the representation of the feminine in western Literature?*

There is no simple answer to this question. First, historically women were simply not expected to or socialized to articulate themselves in the same manner or with the same force as men. This has affected notions of

literary authority. Until quite recently, and now only sporadically, women authors, like people of color, and working-class people were vastly underrepresented in the literary canon. Second, valuations of 'great' literature have tended to praise a masculinist aesthetic as in Modernist poetry, which was gendered and classist and hence simply less available as a means of expression to most women authors. Third, there is a vast difference between the quite variable representations of women in literature and how women produce literature on an individual level.

Dieter Axt – *Democracy requires constant toleration of differences… Recently, however, the Hungarian government has banned gender studies in universities. In Germany, while the implementation of the "third gender" is discussed, conservative sectors claim the end of the "gender delusion" (*Genderwahn*) in language and Education. In Brazil, a bill named "Nonpartisan School" (*Escola Sem Partido*) is currently in the House of Representatives, directed against "political and ideological indoctrination" in schools, largely motivated by themes connected to gender and sexual diversity. On the other hand, Scotland was the first country to embed LGBTI teaching in the school curriculum. What does this global conjuncture allow us to apprehend? Within this scenario, what is the relevance of opening space for the discussion of themes such as feminism, gender and sexual diversity in classrooms for the task of forming citizens? And how could Literature resonate on this debate?*

I am interested in the clashes of values and norms that are going on in sexual cultures now and how these conflicts are also reflected on in law. You are correct that the Alternative for Germany party campaigns against "Gender-hysteria," "gender-terror" and "gender-insanity" as well as against the supposed "early sexualization" of students in schools. Hungary has banned gender studies, Brazil may do so as well, and one result of the #MeToo discussion and debate has been legislative efforts to regulate sexuality more and to make explicit consent prerequisite to sexual activities. On the other hand, queer marriage has just been legalized in Taiwan and recently in Germany, the United States, and Ireland. This process has occurred far more rapidly than was thought possible only

twenty years ago. The proliferation of Christopher Street Day festivals throughout European cities speaks for a new openness and celebration and making visible of formally non-normative sexual lifestyles. I see these trends as clashing with one another. One trajectory is to close down the recent proliferation of genders and sexual orientations and also to regulate sex more. The other is to do just the opposite. I believe we need the arts and literary and cultural critique to comprehend these contradictory tendencies. Literature and aesthetic vehicles can imagine gendered and sexual worlds before they occur in reality. The arts also deal with current, highly evident anxieties about how people are or are not having sex and living out their gendered identities.

Dieter Axt – *You deal with the "pornification" of mainstream culture in post-industrial western societies, clearly identifying this phenomenon in the relationship that young people have been developing with the exposition of their image in social media. This scenario would indicate that we have gotten used to the regularity of porn in our realities. What is the place of obscenity in this society of hyper exposition? Does this new mainstream culture rupture or reproduce sexist patterns?*

There is a huge debate going on right now about whether the so-called pornification of culture is leading to a number of behavioral crises, such as men becoming so addicted to porn that they are no longer able to have sex in actual relationships, such as girls and boys learning about sexual initiation through porn representations of extreme sexual acts, or as young women measuring their bodies and perceived attractiveness against a porn actress ideal. The other side says that the ubiquity of digital porn and the variety of it has helped sexual minorities to find their communities and fulfil their desires. Pro-porn individuals also argue that more differentiated porn now also caters to women's sexual tastes. It is estimated that women represent roughly a third or more of porn users. Pornification, according to these arguments, has led to a democratization of sex, which is no longer controlled by the experts. See the work of Foucault. Law interacts with this to the degree it censors porn, controls what is available, and can be used to limit access.

Your question seems to me to take "obscenity" as a given. This word contains a normative judgement about what should be permitted to be seen, with which I cannot easily agree. Mainstream culture always contains contradictory elements – dominant, emergent, and residual patterns. So, I would say that contemporary cultures include some narratives and images that disrupt traditional sexist patterns and some that reify these patterns.

Dieter Axt – *In 2014, Deborah de Robertis featured in an art intervention in front of Gustave Courbet's "Origin of the World", at Musée d'Orsay, in Paris, exposing her genitalia, enacting the French artist's painting. The performance was praised by the visitors at the museum, but cost her a complaint for sexual exhibitionism. What is the limit of the Law in Art? And what if Deborah de Robertis' enactment had been reproduced by a passer-by on public road?*

The classic differentiation is that when explicit material is recognized as belonging to the realm of art it becomes free from many forms of legal control. Then, it is authors and literary experts, or artists and art historians who have the last word about what is possible and permissible and desirable in art. What has been considered to be "obscenity" is then valued as art. Then it may also become mundane. In other words, the arts develop their own means, canons, and rules and forms of self-control. And, this process is historically and culturally highly variable.

Dieter Axt – *Does Law tame and dominate the bodies?*

Law can be used to tame and control bodies. Black bodies have historically been treated as property in US American law, rather than as parts of fully recognized legal persons. Women's bodies, sexuality, and reproduction continue to be subject to gendered forms of legal control. See the new anti-abortion legislation in Alabama, which if successful, shall not end abortion, but shall make it difficult for other than materially better off

women to attain in safe forms. Law interacts with other forms of social regulation in controlling bodies.

Dieter Axt – *How does technology impact memory and writing? In what ways has Literature been affected by the electronic information society?*

Digitality has definitely changed how we express ourselves and in what forms. People who write professionally, whether authors or journalists or jurists – now do so in many forms, also digitally in order to make themselves heard. Arguably, the so-called iconic turn has given a new weight to the visual as the primary mode of expression. As everything from case archives to photos of our children is stored digitally and is only partially accessible in haptic modes, there is also an argument that memory has been altered, that it has become disembodied, and that part of our memory function has been outsourced to our hard drives or the cloud.

There is a difference when I read a book or about a legal case while holding a book or a print-out text in my hands or look at a printed out photograph of my granddaughter rather than on my mobile phone. Literature has responded to the digital turn by incorporating new forms of expression – blogging, Instagram, Tweets, memes – into newer aesthetic modes, often in mash-up form. The affects and social mores of reading are also changing as we read and interact with literature and other media on screen.

Dieter Axt – *Finally, what future perspectives could you project for the Law and Literature movement in the European continent? What particular works of Literature would you recommend for jurists?*

I would continue to encourage European Law and Literature practitioners to concentrate on contextualizing and historicizing whatever literature is important in their specific local environment. This includes taking popular culture seriously. Look at whatever legal television series people are talking about. Take the pleasure people take in that series or other aesthetic forms seriously. Think about the form of the text and how

the form conveys messages about law and legal processes. See if local legal preoccupations are addressed. Also think about the politics of the literature or series or music or visual art work you are looking at and how this interacts with the legal environment. Feel empowered to tell your own legal-cultural story.

Translated by Felipe Zobaran