PART G

CONCLUSION

It is not an easy task to draw conclusions from a life’s work spanning two careers in literature and in the law. A little bit of each part of my life is reflected in the analytical method I use, in the legal issues I see illuminated in the literary texts I have chosen to study, in the exciting relationships I find in these literary and legal works, and in my constant attempt to create a balance between the content and style of the international laws and the humanities that I put under a microscope.

This book provides students with an introduction into the many complex facets of international law dramatically illustrated in literary works. International law encomasses the legal principles governing relationships between nations. International law also includes international relations, and it embraces not only nations but international organizations, multinational corporations, nongovernmental organizations, and even individuals, including women and children who invoke their human rights or soldiers and commanding officers who commit war crimes, crimes against the peace, crimes against humanity, or genocide in violation of the laws of war. Thus, international law includes international human rights law and international humanitarian laws (i.e., the laws of war).

International customary law derives from customary law and supplements codified norms. Private international law (a dangerously ambiguous term) is distinguished from public international law, and it includes international business law and international intellectual property laws. Comparative law is the scholarly study of the similarities and differences between the legal systems of different jurisdictions, as for example American or European law versus Chinese, Japanese, or Iranian law.

Many of the most controversial legal issues of today are analyzed in this book using semiotic theory. Terrorism, civil disobedience, feminism, human trafficking, use of children as soldiers, and torture, along with the predominance of a culture of violence, the piracy of intellectual property, and the role that culture plays in interpreting international treaties are some of these controversial issues. I study these issues in depth by decoding literary and cinematographic works in which these legal issues are illustrated. Terrorism is an international law crime that has exploded all over the world and caused universal consternation about national security. However, the need to protect national security and the fear of terrorism have resulted in an erosion of basic civil and human rights in countries that have been victimized by terrorists. Terrorism is intrinsically related to
civil disobedience. We can imagine the need to disobey an unjust law like the Patriot Act, which arguably violates human rights. It is the perception of these kinds of relationships that occupy the focus of this book.

I have attempted to study the style of literary and legal texts, focusing on such devices as ambivalence, ambiguity, contradiction, duality, paradox, irony, satire, metaphors, and symbolism to show how writers, legislators, and politicians can avoid censorship by using coded language. My aim is to decode the international laws embedded in literary works and to reveal hidden messages about the law and the literature.

I have also uncovered many legal themes and legal jurisprudential theories represented in the language of the humanities. For example, the study of The Pianist is a foray into war crimes, crimes against humanity, and genocide as well as the role that music can play in the life of a victim of war. The study of Arthur Golden’s Memoirs of a Geisha is a journey into such legal issues as defamation-in-fiction, freedom of speech, copyright infringement, common law copyright, right of privacy and publicity, misappropriation in fiction, enforceability of oral contracts, quantum meruit and unjust enrichment, prostitution, sex trafficking, and the comparative laws of Japan. The geisha tradition in Japan is part of its rich cultural heritage; however, cultural relativism cannot be a justification for practices involving torture, slavery, and violence against women. Similarly, the draconian One-Child Policy in China has resulted in the disappearance of many women and the development of an international business known as sex trafficking to meet Chinese men’s demands for a bride. The violence toward women in Asia and elsewhere is part of a cultural pattern that devalues women and reflects a long-standing tradition of male-child preference.

Culture and tradition cannot justify sex trafficking of women or the piracy of intellectual property in China, even though it is interesting to note that communist ideology does not typically permit the ownership of intellectual property. Similarly, cultural differences cannot really justify the misreading of international treaties because valid interpretation must be done in conjunction with the knowledge of a treaty’s historical and political context. Thus, this study shows how the Chinese read or misread the Berne Convention on copyright infringement according to their own culture that admires imitation in the arts. Like China, the United States refused to sign the Berne Convention for more than one hundred years after its enactment. But unlike China, the United States fully understood the significance of this international treaty and refused to sign it because it did not want to reduce publishers’ rights!

The content of literature, film, and the law often reflect prevailing social, political, and economic conditions. Authors and filmmakers use mediated forms of communication to convey personal messages to readers and viewers about the need for social change. Legislators write laws, and lawyers and judges interpret and carry them out in order to change injustices in society. These vehicles of communication—literature, film, and the law—are sign systems reflecting
infrastructural conditions that affect the rights of all people (and especially women and children) to be treated equally and justly. Important information about society, its traditions, and its hidden policies perpetuated by governments can be conveyed effectively through mediated signs. Semiotics teaches us that messages are not conveyed by words alone. A picture can be worth a thousand words. Communication happens by transmission of information through signs and symbols. This is the essence of the semiotic system. Writers speak directly to readers through words and indirectly through tropes, literary figures, and symbols that need interpretation to uncover the meanings hidden in analogies. Filmmakers communicate messages through the immediacy of pictures that create an aura of authenticity and drama. In turn, this book decodes international law through a semiotic analysis of different works in the humanities.