



Original Article

The Playwright as Prosecutor: Cross-Examining the Legal System in Galsworthy's Justice and Vijay Tendulkar's Silence! The Court is in Session

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Abstract

This research paper explores the intersection of jurisprudence and dramatic literature, positioning the playwright as a social prosecutor who indicts systemic oppression. Through a comparative analysis of John Galsworthy's Justice and Vijay Tendulkar's Silence! The Court is in Session, the study examines how formal state courts and informal societal tribunals inflict physical and psychological violence on vulnerable individuals. Grounded in Robert Cover's theory that legal interpretation inherently produces pain, the research demonstrates how playwrights utilize the theatrical stage to re-humanize the accused and expose institutionalized cruelty. Ultimately, the paper highlights literature's power to catalyze legislative reform and cultural emancipation.

Keywords: Law and Literature, Theatrical Tribunal, Institutional Violence, Systemic Oppression, Subaltern Voice

Introduction: The Theatrical Tribunal and the Jurisprudence of Literature

The intersection of jurisprudence and dramatic literature provides a remarkably fertile epistemological ground for examining the ethical, moral, and structural failures of social institutions. Within the academic discourse of the "Law and Literature" movement, legal frameworks and literary texts are not viewed as discrete, isolated entities, but rather as intersecting modes of reality-construction.ⁱ While the law dictates normative behaviour through the implicit and explicit threat of institutional violence, literature interrogates the morality, efficacy, and human cost of that violence. Within this interdisciplinary paradigm, the playwright frequently assumes the profound role of a social prosecutor. By utilizing the theatrical stage as an alternative courtroom, the dramatist indicts the very legal systems that ostensibly exist to protect civilization and deliver justice.

Two of the most profound and enduring examples of this dramaturgical prosecution are John Galsworthy's British social tragedy *Justice* (1910) and Vijay Tendulkar's Marathi masterpiece *Silence! The Court is in Session* (1967). Though separated by geography, cultural context, and more than half a century of historical evolution, both playwrights utilize the structural mechanics of the courtroom to cross-examine the machinery of justice.ⁱⁱ Galsworthy's naturalistic play painstakingly dismantles the British penal system of the early twentieth century, specifically targeting the draconian divorce laws that trapped vulnerable individuals and the psychological torture inherent in the practice of solitary confinement. Tendulkar's play, conversely, employs a meta-theatrical "play within a play" to expose the patriarchal sadism of the Indian middle class, demonstrating how societal mores and informal tribunals function as a punitive legal apparatus designed to crush female autonomy.ⁱⁱⁱ

In both dramatic texts, the legal system—whether manifested as a formal state court of law with majestic edifices or a makeshift communal tribunal in a suburban village hall—is exposed not as a dispenser of equity, but as an instrument of systemic oppression. By systematically cross-examining the prosecutors, the judges, the juries, and the systemic rigidities of their respective eras, Galsworthy and Tendulkar deliver a damning verdict on the hypocrisies of institutional power.

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Ultimately, the playwrights turn the investigative lens outward, prosecuting the society that designs, upholds, and benefits from these oppressive structures. This research report will exhaustively analyze the historical contexts, theoretical underpinnings, dramaturgical mechanics, and socio-legal implications of both plays, demonstrating how the theatrical medium serves as a critical appellate court for those silenced by formal jurisprudence.

Theoretical Framework: Law, Literature, and the Violence of Interpretation

To comprehensively understand the prosecutorial nature of these plays, it is necessary to contextualize them within the theoretical framework of law's inherent violence. Legal interpretation and literary interpretation, while sharing linguistic and hermeneutic foundations, diverge radically in their real-world applications and consequences.

The Field of Pain and Death

The preeminent legal scholar Robert Cover, in his seminal essay *Violence and the Word*, articulates that "legal interpretation takes place in a field of pain and death".^{iv} Cover posits that unlike literary interpretation, which is fundamentally a theoretical, aesthetic, or philosophical exercise, legal interpretation is inextricably coupled with the exertion of physical or psychological force. When a judge pronounces a verdict, it is not merely a speech act; it is an administrative trigger that initiates a cascade of institutional violence. This violence manifests as physical incarceration, bodily subjugation, financial ruin, or social annihilation. The threshold concept of the "state of exception" bridges the space between law and not-law, revealing how the state monopolizes violence under the guise of justice.

Both Galsworthy and Tendulkar dramatize Cover's thesis by placing the destructive, violent power of legal interpretation at the absolute center of their narratives. In the formal and informal courtrooms depicted in these plays, the individual's subjective truth, trauma, and humanity are forcibly stripped away. The accused is translated into the rigid, clinical syntax of the law, rendering them defenceless against the machinery of the state or the collective. The playwright steps into this void to re-humanize the accused. As scholars of the dramaturgical theory of constitutional and legal interpretation argue, both legal and dramatic interpreters are charged with the immense task of persuading an audience that their specific readings of a text or an event are authoritative.^v

The Playwright as Vates

In Roman antiquity, the poet was frequently referred to as a *vates*—a diviner, a foreseer, or a prophet. Galsworthy and Tendulkar embody this concept, utilizing their foresight and profound understanding of human nature to challenge the authoritative claims of the legal system. They subvert traditional authority by constructing dramatic tribunals that compel the theater audience to act as the ultimate, supreme jury. The audience is tasked with judging not the accused protagonists—who are clearly presented as victims of circumstance and systemic cruelty—but the legal and social systems that condemn them. The theatrical trial becomes a meta-indictment of the legal trial.

The dramatist as prosecutor operates through several specific theoretical and theatrical mechanics. First, they deconstruct the perceived sanctity of the law, stripping away its "romantic glamour" to reveal the bureaucratic indifference and cruelty beneath. Second, they expose systemic sadism, demonstrating how supposedly objective legal procedures are routinely manipulated by individuals harboring profound personal prejudices and psychological deficiencies. Finally, the theater provides a crucial platform for the amplification of the subaltern voice. It grants the silenced accused—those marginalized by class, poverty, or gender—the opportunity to articulate their defense in a space free from the restrictive, exclusionary evidentiary rules of the formal courtroom.

Galsworthy's Britain: The Historical Context of Penal Cruelty

To fully grasp the magnitude of the indictment in John Galsworthy's *Justice*, the socio-legal environment of early twentieth-century Britain that necessitated its creation must be exhaustively cross-examined. Galsworthy was uniquely positioned to launch this critique; he was formally trained in the law and called to the Bar in 1890.^{vi} Although he chose literature over legal practice, his rigorous legal education provided him with a lasting, structural interest in jurisprudence, the mechanics of the legal system, and the philosophy of punishment.

Galsworthy's Empirical Investigation

Galsworthy's prosecution of the state in *Justice* was not merely an aesthetic or emotional endeavor; it was an empirically grounded sociological critique. He operated as an investigative sociologist before writing the play. In 1909, Galsworthy sought and received official permission from the Home Office to personally interview sixty convicts at Lewes and Chelmsford prisons regarding their direct experiences with solitary confinement.

His extensive survey yielded damning evidence: thirty-seven of the sixty men reported severe physical, mental, and emotional harm resulting directly from prolonged isolation. Galsworthy utilized this raw, quantitative and qualitative data to construct his play. He applied the "naturalistic technique," which he described as holding a "steady lamp" to society, allowing things to be seen clearly and in due proportion, entirely freed from the mist of prejudice and partisanship. His objective was to force the British public and the political elite to confront the reality of the institutions they funded and supported.

Tendulkar's India: Post-Colonial Patriarchy and the Illusion of Modernity

Conversely, Vijay Tendulkar's *Silence! The Court is in Session* (originally written in Marathi as *Shantata! Court Chalu Aahe* and first staged in 1967) indicts the post-independence Indian socio-legal structure. While Galsworthy targeted statutory law, Tendulkar targets the insidious, unwritten laws of societal orthodoxy. The play emerged during a period of significant social transition in India, yet it exposes the painful reality that legal independence from colonial rule did not equate to social or gender liberation.

The Stimulus of the Mock Trial

Tendulkar's inspiration for the play came from a real-life encounter with an amateur theater group. En route to Vile Parle, a suburb of Bombay, Tendulkar overheard the conversation of a troupe preparing to stage a mock trial. From this ordinary observation, the outline of a devastating critique began to take shape. He recognized that the ostensibly objective, secular domain of the law was frequently co-opted by the middle class to enforce moral orthodoxy and social hierarchy.

The play explores the extreme vulnerability of educated, middle-class women who attempt to defy patriarchal norms. Women in this societal context are viewed not as autonomous individuals, but as commodities, liabilities, and objects of sexual and economic exploitation.

Their reproduction, sexuality, and mobility must be tightly surveyed and controlled by the patriarchal collective. Tendulkar brilliantly exposes the paradox of twentieth-century Indian society: it enthusiastically adopted the bureaucratic and legal trappings of the West (a legacy of colonialism) but subverted those very institutions to enforce archaic, misogynistic dictates.

Cross-Examining the Prosecutors: A Comparative Matrix

To fully understand how Galsworthy and Tendulkar prosecute the legal system, it is vital to directly compare the agents of the law in both plays. The playwrights construct their prosecutors and judges to reflect the specific systemic failures they wish to highlight.

Dimension of Prosecution	Harold Cleaver & The Judge (Justice)	Sukhatme & Mr. Kashikar (Silence!)
Nature of the Tribunal	Formal, statutory State Court of Law.	Informal, makeshift Communal/Social Tribunal.
The Prosecutor's Motivation	Professional duty, adherence to legal positivism, maintenance of chronological logic.	Personal frustration, sadism, psychological ego satisfaction, reinforcement of male dominance.
The Prosecutor's Methodology	Clinical, rational cross-examination. Strips away "romantic glamour" to focus solely on the sequence of the crime.	Moralizing, hypocritical grandstanding. Weaponizes private gossip and utilizes religious/cultural rhetoric to shame the accused.
The Judge's Persona	Detached, institutional. Views himself as a custodian of the "Majestic Edifice" of the law.	Prejudiced, personally invested. Abandons impartiality to act as a witness; enforces the "Brahminical Order".
The Nature of the Charge	Statutory Crime: Forgery (Subverting property and financial laws).	Social/Moral Crime: Infanticide and Unmarried Pregnancy (Subverting patriarchal control of female reproduction).
Treatment of the Subaltern	Blindness to class struggles and domestic abuse. The law treats all as equals, ignoring extreme inequality.	Active persecution of the independent female. The social law explicitly targets the woman while excusing the male culprit.

The comparative analysis reveals that systemic oppression is rarely chaotic; rather, it is highly procedural. Both the British state and the Indian middle-class employ meticulous procedures—evidence gathering, cross-examinations, oaths, and sequential argumentation—to rationalize violence. The *form* of justice is utilized to obscure the *absence* of justice. Cleaver relies on a strict timeline of events to prove criminal intent, just as Sukhatme relies on establishing Benare's whereabouts and social interactions to prove moral bankruptcy. The playwrights suggest that legal proceduralism creates a profound cognitive dissonance, allowing participants to inflict immense suffering while washing their hands of moral culpability, attributing the

violence instead to the "rules" of the system or the "majestic edifice" of the state.

The Verdicts: Physical Annihilation vs. Social Execution

The ultimate success of the playwright as a prosecutor lies in demonstrating the catastrophic consequences of the legal system's failure. Both plays resolve in profound tragedy, utilizing the destruction of the protagonist to deliver the final indictment.

In *Justice*, the punishment extends far beyond the prison walls. Upon his release on ticket-of-leave (parole), Falder is a broken man, an outcast permanently labeled by society. In Act IV, he desperately attempts to secure employment with his former boss, Cokeson, while dodging his parole officer.

When the police arrive at the office to arrest him for failing to report and for forging a reference to obtain a new job, the insurmountable weight of the system crushes his last remaining hope. Unable to face a return to the torture of the silent cell, Falder throws himself down the stairs, committing suicide.

His death is the ultimate, undeniable proof of the failure of the penal system. Rather than reforming the individual or restoring balance to society, the system engineered his complete destruction. As Cokeson stands over Falder's broken body, he utilizes a profound reference from Shakespeare's *Hamlet*, stating, "The rest is silence".^{vii} The majestic edifice of the law has successfully protected itself by annihilating the anomalous individual. Galsworthy demonstrates that justice was not served; merely, the administrative quota of deterrence was fulfilled at the exact cost of a human life.

In *Silence! The Court is in Session*, physical incarceration is replaced by social incarceration. The locked door of the village hall ensures that Benare cannot escape the panopticon of patriarchal judgment.^{viii} The verdict against Benare—social exile, the termination of her livelihood, and the forced destruction of her unborn child—functions as a form of social execution that perfectly mirrors Falder's literal suicide.

The title of the play, *Silence!*, takes on its full, grim significance in the final moments. It symbolizes the successful patriarchal conspiracy to permanently silence the female voice in the name of ideology, social justice, and moral probity. As Benare herself laments just prior to breaking down: "Milord, life is a very dreadful thing. Life must be hanged. No Jeevan... Hold an enquiry against life. Sack it from its job". The mock trial has successfully murdered her vivacity, her autonomy, and her future. Tendulkar demonstrates that societal rejection and moral condemnation are just as lethal as state-sanctioned penal servitude.

The Efficacy of the Theatrical Tribunal: Legislative vs. Cultural Impact

A critical component of evaluating these works as prosecutorial texts is examining their real-world outcomes. The efficacy of literature to enact tangible change is powerfully demonstrated in both instances, though in vastly different spheres.

Galsworthy's Legislative Triumph

Galsworthy's *Justice* achieved a rare, direct legislative impact, serving as a catalyst for concrete legal reform. The play was deliberately engineered to expose the "evils of separate confinement" to the ruling elite. When the play premiered in London in 1910, the audience included highly influential political figures, most notably Home Secretary Winston Churchill and Sir Evelyn Ruggles-Brise, the Chairman of the Prison Commission.

Churchill was profoundly moved by Galsworthy's dramatization of Falder's descent into madness. He viewed Galsworthy as a respected "man of letters" and welcomed his suggestions for prison reform. The two engaged in correspondence, with Galsworthy urgently arguing for the total abolition of the "separate system," stating that such

unnecessary suffering was entirely incompatible with a civilized nation.

The theatrical prosecution was successful. The play is widely credited with directly influencing Churchill's decision later in 1910 to significantly reduce the amount of time prisoners spent in separate confinement. Furthermore, Churchill's reform momentum, heavily influenced by Galsworthy's critique of how the system treated the poor and vulnerable, led to proposals for major legislative changes, including the "time-to-pay" principle that was later codified in the Criminal Justice Amendment Bill of 1914. Ultimately, the "separate confinement" system that Galsworthy campaigned against was completely abandoned in 1922 and formally abolished by law in 1931. Galsworthy successfully used the stage to prosecute the state, resulting in a tangible, humanitarian alteration of the law.

Tendulkar's Cultural Mirror

Tendulkar's *Silence! The Court is in Session* operates in a more insidious socio-cultural domain where legislative reform alone is vastly insufficient. As previously noted, the modern Indian Constitution already granted formal legal equality to women; the oppression Benare faces is cultural, deeply ingrained, and extra-legal. Therefore, Tendulkar's prosecution could not aim for a simple change in statutory law.

Instead, the play revolutionized modern Indian theater by holding an unflinching mirror up to the urban audience. Tendulkar forced the supposedly progressive middle class to recognize its own sadism, hypocrisy, and complicity in the ongoing subjugation of women. The play serves as a perpetual legal plea demanding the genuine emancipation and liberation of women. It stresses the urgent need for a total transformation of cultural and social patterns—patterns that the formal legal curriculum frequently neglects, such as domestic emotional violence, unequal moral standards, and the policing of female sexuality.^{ix} While it did not change a specific law like *Justice* did, *Silence!* successfully prosecuted the hegemonic patriarchy in the court of public opinion, becoming a foundational text for feminist discourse and social critique in post-independence India.

Conclusion

In both *Justice* and *Silence! The Court is in Session*, the dramatist successfully usurps the role of the prosecutor to aggressively cross-examine the mechanisms of institutional and societal authority. Through the meticulous, naturalistic staging of trials—one formal, statutory, and rigid, the other informal, communal, and vicious—John Galsworthy and Vijay Tendulkar dismantle the grand illusion of justice. They reveal the profound violence, both physical and psychological, embedded within legal and moral interpretation.

Galsworthy exposes a British penal system so obsessed with the philosophy of deterrence and administrative uniformity that it systematically crushes the very vulnerable individuals it is ostensibly meant to shelter. By translating the abstract law into the visceral reality of the silent cell, he forces society to confront its complicity in the tragic, literal death of William Falder, ultimately sparking historic penal reform.

Tendulkar unmasks an Indian patriarchal society that utilizes the vocabulary of law, morality, and tradition to hunt down and extinguish the independence of the modern woman. By staging a mock trial that descends into a sadistic inquisition, he demonstrates how the collective utilizes social execution to maintain its dominance, resulting in the tragic, psychological death of Leela Benare.

Ultimately, both plays deliver a resonant, enduring verdict: when the legal system—whether state-sponsored or culturally enforced—is devoid of compassion, empathy, and a nuanced understanding of structural inequality, it ceases to be an instrument of justice. Instead, it becomes a majestic edifice of institutionalized cruelty. By transferring the trial from the closed courtroom to the public stage, Galsworthy and Tendulkar compel the audience to bear witness to this cruelty, passing the final, damning judgment not on the tragic protagonists, but on the oppressive systems that drove them to their ruin.

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The authors declare that there are no conflicts of interest regarding the publication of this paper.

Works Cited

1. "Literature and Legal History: Analysing Methodology." *Entertainment and Sports Law Journal*, www.entsportslawjournal.com/article/id/724/.
2. "Comparative Analysis of Galsworthy and Tendulkar." *Scribd*, www.scribd.com/document/712092735/Assignment-of-English-Second-Internal.
3. "Breaking Free from the Stringent Fetters of ..." *Virtual Commons*, Bridgewater State U, vc.bridgew.edu/cgi/viewcontent.cgi?article=2946&context=jiws.
4. "Law and Literature in the Work of Robert Cover." *Touro Law Digital Commons*, digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?article=3361&context=lawreview.
5. "Towards a Dramaturgical Theory of Constitutional Interpretation." *Seattle University School of Law Digital Commons*, digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2799&context=sulr.
6. "John Galsworthy's Justice." *Oxford Academic*, academic.oup.com/bjc/article-pdf/36/1/61/1661947/36-1-61.pdf.
7. "Frome vs. Cleaver: A Legal Analysis." *Scribd*,

www.scribd.com/document/460737368/justice-1.

8. "Silence! The Court is in Session by Vijay Tendulkar Plot Summary." *LitCharts*, www.litcharts.com/lit/silence-the-court-is-in-session/summary.
9. "Vijay Tendulkar's 'Silence! The Court Is in Session'." *Research Journal of English Language and Literature (RJELAL)*, www.rjelal.com/RJELAL-Vol.1.1%202013/Medikonda-1097.pdf.