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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

UNMASKING LEGAL FICTION: THE
INTERSECTION OF MORAL PRINCIPLES AND
PROFESSIONAL STANDARDS

[PC – 37]

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ABSTRACT:-

This abstract offers an informative overview of the topic, commenting on the theoretical underpinnings of legal fiction, its moral considerations, and its practical application in the legal profession. This paper aims to research the intersection of ethics, and professional standards, throwing light on how legal professionals balance the need for flexibility in legal practice with the ethical constraints that influence their actions. The paper launch into examining the concept of legal fiction and its gradual progress within the legal sphere. It then explores the variety of forms in which legal fiction manifests taking into account the key cases where its use has either enhanced fairness or raised ethical dilemmas. This paper also highlights legal trillers for better understanding and interpreting the relation between reel and real worlds, dealing with varied difficulties and contrasting end. Finally, this paper concludes with an acceptance that legal professionals are tasked with balancing their obligations to uphold the law with their moral compass, and in doing so, they often find themselves navigating situations where legal fictions blur the line between fairness and manipulation. The search argues for transparency in legal procedure and recommends that legal fiction should be utilised with caution, establishing that it serves the utmost goal of justice rather than serving as a tool for legal manipulation or professional misconduct.

By this exploration, the paper tried to unmask the dual nature of legal fiction: its ability to promote fairness and its capability to challenge the ethical fundamentals of legal practice, this research also focus on to foster a better understanding of the responsibilities of legal professionals in navigating this complex terrain.

INTRODUCTION:-

“Ethics should never be sacrificed at the altar of success. Once you cross that line, you lose more than you gain.”

-John Grisham (The King of Torts)

In the sphere of law, Legal Fiction, a literary genre that dramatizes the legal field, holds a captivating and remarkable position for bridging the realms of law, literature, and human experience. It is a conception where the court consider specific facts or circumstances to be true, even if it is factually inaccurate, in order to simplify complex legal principles, court

procedures and ethical dilemmas, making them understandable and engaging for general public and achieve a fair result, ensuring justice. This concept is applied by legal entities, including courts, legislators, commentators, and legal philosophers, as well as scholars, critics and authors of literary fiction. It shapes societal expectations about legal professionals emphasizing qualities like honesty, diligence and the pursuit of justice. It acts both as a mirror and a catalyst, reflecting societal beliefs alongside challenging the readers (legal professionals and society at large) to evaluate what ethics and professionalism actually convey in the context of justice. As it serves as a tool for legal consistency and practical governance, its implications need cautious ethical consideration to make sure that professional deeds uphold justice, fairness and integrity. Legal Fiction's twisted plots encourage readers to analyse situations from multiple aspects, a skill fundamental for ethical decision-making in real life legal practice.

Legal fiction is an effective tool in Indian law, often taken into consideration to ensure fairness and justice in circumstances where the harsh application of the law would not result in just outcomes.

- “Presumption of Death” - Section 108 of the Indian Evidence Act, 1872 presumes a person to be dead if they have not been heard from for seven years by those who would naturally have heard from them. This forms a legal fiction of death in situations where no direct evidence of death exists.
- Legal Fiction of “Intent” - Under the Indian Penal Code (IPC), 1860, intent is assumed or inferred, even though it's not directly proven. Section 34 of the IPC, states that when more than one person commits a criminal activity in pursuit of a common intention, every individual is equally liable for the crime. Also ‘common intention’ doesn't necessarily mean a prior agreement.
- “Legal Status of Children Born Out of Wedlock” (Family Law) – In legal system, children born outside the wedlock are treated as legally legitimate for the matter of inheritance, based on a legal fiction that removes the social stigma attached to them in certain contexts.
- “Married Woman's Property” (Property Law) - In legal context, a married woman is considered to maintain a separate legal identity apart from her husband. This legal fiction allows a married woman to acquire, manage, and dispose of property in her own right, regardless of the marital status.

- “Presumption of Innocence” (Criminal Law) - In criminal law, the presumption of innocence is a legal fiction that assumes any accused person is innocent until proven guilty of a crime, even though there exists strong circumstantial evidence to suggest otherwise.

HOW MORAL PRINCIPLES AND PROFESSIONAL STANDARDS ACT JOINTLY?

The intersection of moral principles and professional standards in legal fiction is a valid and convincing area for exploration. Professional standards are typically built on the foundation of moral principles, aligning individual conscience with professional expectations.

Moral principles are the individual’s inner awareness of right and wrong, moulded by personal values, cultural beliefs and life experiences. Align individual conscience with universal principles that transcend certain professions. Exhibiting integrity and fairness gathers public confidence in the individual’s ethical character. Moral principles offer an outstanding framework to navigate decisions, in case professional standards alone cannot resolve an ethical dilemma.

In India, there are multiple landmark cases where courts have given priority to moral principles over strict interpretations of law, displaying the judiciary's role in upholding justice beyond technicalities.

- ¹Vishaka and Ors. v. State of Rajasthan and Ors. (1997) - In the absence of specific legislation to address sexual harassment at the workplace, the Supreme Court laid down several guidelines for preventing such incidents at workplace (popularly known as ‘Vishaka Guidelines’). The court relied on international conventions and ethics of dignity and equality to fill a legal vacuum, protecting women's rights.
- ²Indian Young Lawyers Association & Ors. v. State of Kerala & Ors. (2018) - The Supreme Court bench made women of all ages to enter the Sabarimala temple, overturning the traditional practice that refused women of menstruating age. The judgment prioritized equality, dignity, and the moral principle of non- discrimination over certain religious customs.

¹ (Gayatri, 2024)

² (Owner, 2018)

- ³Navtej Singh Johar & ors. vs. Union of India thr. Secretary Ministry of Law and Justice (2018) - The Supreme Court decriminalized consensual homosexual relationships under Section 377 of the Indian Penal Code (a colonial-era law which criminalised homosexual acts as an "unnatural offence"). The judgment emphasized individual dignity, autonomy, and moral justice over outdated societal norms, affirming LGBTQ+ rights.

Professional standards are formalised rules and guidelines that organise the conduct of legal professionals, ensuring fairness, client confidentiality and impartiality. Professional standards offer clarity and sets boundaries that ensure moral decisions are consistent with legal obligations. Adherence to formalised guidelines ensures transparency, predictability, and reliability in professional actions. Serve as a basis to ensure that even morally- driven actions respect broader ethical norms and legal requirements.

In India, professional standards in the legal field are often given priority to uphold the rule of law, maintain public trust, and ensure justice. Here are notable examples where professional standards were prioritized:

- ⁴P.D. Gupta vs Ram Murti & Anr (1997) - This case involved the professional conduct of an advocate who breached his fiduciary duty by misusing a client's trust and property. The Supreme Court emphasized the high professional and ethical standards expected of advocates, holding that lawyers must uphold their fiduciary relationship with clients and act in good faith. Advocates are duty-bound to act in the best interest of their clients and maintain the dignity of the legal profession.
- ⁵D.C. Saxena v. Chief Justice of India (1996) - The core issues of this case revolve around the boundaries of permissible criticism of the judiciary and the enforcement of contempt of court provisions. A lawyer made baseless allegations against judges, violating the professional standard of respect toward the judiciary. The lawyer was penalized, reaffirming that professionalism includes maintaining decorum and respect for the judiciary. It safeguards the integrity of the legal profession and judicial process.
- ⁶Indira Jaising v. Supreme Court of India (2017) - A writ petition filed by Ms. Indira Jaising, Senior Advocate, challenged the system of designating senior advocates,

³ (Kaur, 2024)

⁴ (Anand, n.d.)

⁵ (owner, 1996)

⁶ (Mishra, 2023)

alleging bias and lack of transparency. The Supreme Court ruled that professional standards, including merit, integrity, and years of service, must be the sole basis for designations. The decision ensured that professional standards were prioritized over favouritism or personal considerations.

In fiction, characters are often torn between following their conscience and adhering to professional obligations. But when professionals act morally and abide by standards, they reinforce trust in the system they represent. Collectively, they provide flexibility and framework for navigating complex ethical conditions. They make sure that personal values complement collective norms, creating serenity between individual conscience and professional expectations. Suppose for example, a lawyer defending a guilty client follows professional standards (confidentiality and duty of representation) while upholding moral principles by ensuring the client receives a fair trial. In fiction, characters frequently experience situations where following the professional standards might lead to unjust outcomes or conflict with personal morality. Conflicts between professional standards and personal morality demand careful consideration, empathy, and a commitment to ethical values. By seeking guidance, analysing consequences, and prioritizing integrity, we can go through these obstacles responsibly while carrying both personal and professional values.

Moral principles and professional standards go hand in hand by complementing each other. Moral principles provide the foundational values, while professional standards convert those values into actionable guidelines. Together, they ensure ethical decision-making, protect the public interest, and promote trust and accountability in professional fields.

FICTION AS THE FOCAL POINT?

Legal Fiction serves as a reliable medium for understanding the delicate balance between moral principles and professional standards. It often highlights the conflict between 'what is legal' and 'what is right'. By dramatizing these conflicts, it not only entertains but also educates, offering valuable insights into ethical challenges faced by legal professionals and the broader implications for justice in the society. Legal Fiction usually portray characters struggling with ethical dilemmas where personal morality may clash with the strict codes of professional conduct, creating dramatic tension and raising thought provoking questions about justice, integrity and accountability. Idealized lawyer heroes in fiction often inspire real life legal practitioners to uphold ethical and moral standards.

Legal Fiction often presents characters dealing with complex ethical dilemmas, such as whether to defend a guilty client, expose corruption, or break the law for greater good. These narratives can throw light on ethical boundaries and personal values. One such can be John Grisham's legal thriller novel, "The Firm", first published in the year 1991. It remains one of his most popular works due to its intriguing look into the power dynamics of the legal world and the choices made by individuals stuck between personal ambition and moral responsibility.

The novel, a fast-paced legal thriller, reveals the dangers of blind loyalty and the significance of making ethical choices even in the situation of immense personal and professional pressures. The plot revolves around Mitchell McDeere, a bright and ambitious Harvard Law School graduate who is offered a highly attractive position at a small, seemingly perfect law firm, Bendini, Lambert & Locke. He and his wife, Abigail, moved to Memphis to begin this exciting new chapter of their lives. However, as Mitch starts settling into his new job, he starts noticing that it is an extremely secretive organization, and its employees are very loyal to the firm, sometimes to an extreme degree. As Mitch becomes more involved in the firm, he is approached by two FBI agents who reveal that the firm is under investigation for its connection to organized crime. He learns that the law firm is highly involved in illegal activities, primarily money laundering, tax evasion, racketeering and what not for the Morolto crime family (a powerful mob organization) beneath its façade as a prestigious and successful legal practice. The FBI offers Mitch a deal: if he cooperates and spies on the firm, they will protect him from prosecution. Torn between loyalty to the firm and the fear of being involved in its illegal activities, Mitch came across a moral dilemma. Mitch's life becomes even more complicated when he realizes that the firm is aware of the FBI's interest and has been monitoring him. He too discovers that many of the firm's previous lawyers died under suspicious circumstances because they had tried to leave or expose the firm's activities. Meanwhile, he also faces pressure from the firm's partners, who expect complete loyalty and are willing to go to any extent to protect their secrets. Mitch devises an intricate plan to escape the dangerous trap set by both the firm and the FBI. Instead of simply cooperating with the FBI to bring down the firm, Mitch finds a legal way to undermine it while securing his own freedom. Mitch discovers that the firm has been systematically overbilling clients—a seemingly minor offense compared to its other crimes but still a significant violation of federal law. Mitch secretly hands over the evidence of overbilling to the FBI, but he also ensures he

does not fully comply with their demands for more incriminating information about the mob's money laundering operations, safeguarding attorney-client privilege. This keeps him away from being a direct target of the mob while still aiding the FBI's investigation. Ultimately, He escapes with his wife, Abby, and brother, Ray, to the Cayman Islands, staying free and in hiding with the money.

The ending of "The Firm" is tense and cleverly crafted, a satisfying blend of justice and personal triumph. Mitch outsmarts both the law firm and the FBI, exposing the firm's crimes while safeguarding his own future. Though his actions are ethically complicated, they underline the novel's themes of survival, the pursuit of justice, and the grey areas of morality. It showcased the complexity of ethical decision making, where neither legal nor moral standards provide easy answers.

Legal Fiction also sometimes portray characters as both a criminal and a victim, facing the consequences of one's actions. Any instance of betrayal can create a lasting damage, both for the betrayer and those they deceive, and it often complicates the pursuit of redemption. These narratives can spark light on morality, legal strategy and human behaviour. One such example can be John Grisham's legal thriller novel, "The Partner", first published in 1997. It is an interesting story about betrayal, greed, and redemption, featuring twists and turns that keep readers engaged. Critics noted that the novel showcases Grisham's skill of bringing out the darker side of the legal world.

The Partner is a fast-paced thriller that combines legal fascination with psychological depth. It is a story of deception, redemption, and the extents to which one man will go to reclaim control of his life. The plot revolves around Patrick Lanigan, a young, ambitious lawyer at a prestigious firm, Carter, Tabor & Lane in Biloxi, Mississippi, apparently on the fast track to success. However, his colleagues' betrayal and the firm's corruption drove him to arrange a daring escape plan. Rather than simply leaving or exposing the firm, Patrick prepared a brilliant plan to fake his own death and escape with a \$90 million fortune that he has stolen from the firm. Patrick stages a car accident on a remote stretch of highway, creating the illusion of his tragic death. The car is set on fire, and his body is left in such a condition that it is difficult to identify. The authorities and everyone who knew him officially declared him to be dead. After faking his death, Patrick disappears to Brazil, where he assumes a new identity and for four years he enjoys a pleasant life, spending the stolen money and trying to

evade any trace of his former existence. However, his plans ultimately got disrupted when he is discovered and captured by a group of mercenaries hired by his former law firm. The firm, seeking retribution for his betrayal and theft, forces Patrick to return to the U.S. to reveal where the money is hidden. Once back in the U.S., Patrick is put on trial for the theft of \$90 million. The firm seeks to recover the money through legal means, but Patrick, with the help of his lawyer, Luke, puts up a fight. Throughout the novel, the legal battle takes centre stage as Patrick is determined to not just protect his fortune but also expose the truth of the firm's corrupt activities. As Patrick's legal strategy unfolds, more of the firm's shady dealings came into notice. The firm's partners had been involved in large-scale corruption, including money laundering for a drug cartel. This discovery makes the FBI even more interested in the firm's criminal activities. The case begins to shift from being a simple recovery of stolen funds to a larger investigation into organized crime and financial misconduct. In a final twist, Patrick's lawyer, Luke, reveals that the \$90 million that Patrick stole was not just taken from the firm, but was also part of a much larger scheme involving international money laundering. Patrick's pursuit of freedom and the stolen fortune becomes even more complicated as he is forced to confront not only the FBI and the law firm but also the criminal organizations he was involved with. He realizes that while he may have escaped the law for now, his past actions may have set in motion a chain of events that could destroy him and everyone he cares about.

It ends with Patrick facing the legal and personal consequences of his actions. His attempts to escape from both the law and the criminal organizations ultimately lead to his capture. However, Patrick's legal battle exposes the deep corruption within the firm and the criminal world, resulting in justice in the form of the firm's disbandment and the criminals being held accountable. While the novel closes with a sense of justice served, it also leaves the reader questioning the ethics and moral choices of the characters presented.

Both John Grisham's novels, 'The Firm' and 'The Partner', legal thrillers, offer immense contrasts in terms of plot, themes, characters, and tone. Both novels explore corruption within the legal profession, but they approach these themes from different angles. 'The Firm' focuses heavily on the ethical dilemmas that arise when someone enters a system of corruption, while 'The Partner' is more focused on the personal cost of greed. Mitch is portrayed as a hero trying to do the rightful, manipulates legal loopholes (billing fraud) to bring down those who abuse the legal system without breaking attorney-client privilege and to eventually bring justice, but Patrick's story is more about redemption, self-interest, and moral ambiguity, he

is not portrayed as a clear “good guy” which creates a more complex narrative on the costs of his actions, he leverages his knowledge of the law to hide his tracks and negotiate immunity when caught.. Mitch succeeds in bringing down the corrupt firm with the help of the FBI, he exposes the firm’s ties to the mob and secures a better future for himself and his wife, the resolution is a relatively positive one, but Patrick’s story is a bit complex and ends on a morally ambiguous note. Although he avoids full punishment, his life is marked by the consequences of his choices. The ending is not as redemptive as ‘The Firm’, because Patrick’s greed and manipulation continue to haunt him. Mitch While the two novels have distinct plots, the recurring themes of corruption, legal intrigue, betrayal, and a lawyer’s fight for survival tie them together as quintessential John Grisham stories.

CONCLUSION:-

To conclude we can say that, legal fictions represent an essential and sometimes controversial aspect of law, used to navigate the complexities of human society. From a practical perspective, in examining this intersection, we uncover that the law is not a static or infallible entity; it evolves through its practitioners' ability to interpret, challenge, and refine its boundaries. It can be perceived as a way to bridge the gap between what the law prescribes and what morality demands, allowing courts to make judgements that reflect fairness and ethical values. Yet, it can also be criticized for being a tool of manipulation, used to bypass legal principles or create outcomes that serve powerful interests.

The challenge lies in striking a balance between the need for legal fictions and the moral principles that guide justice. While legal fictions provide realistic solutions in cases where legal rules are inadequate or impractical, they must be used with caution to avoid generating systemic injustices or moral inconsistency. An overreliance on legal fiction can also potentially dilute the moral integrity of legal decisions, leading to a detach between what is legally right and what is morally just.

Professional standards demand that lawyers should act in such manner that is ethically sound, upholding justice, fairness, and the protection of clients' rights. Legal fiction, in this context, is not a loophole but a structured way of ensuring ethical presence in complicated cases. It allows legal professionals to adhere to the spirit of the law rather than a literal interpretation that might result in a breakdown of justice.

We have noticed that Legal Fiction emphasizes the need for empathy and courage in balancing professional duties with moral convictions. Several legal thrillers explore the cutthroat nature of legal profession, where the desire to win can lead to ethical compromises. But in contrast there are stories depicting the personal sacrifices that legal professionals make while choosing between professional obligations and moral convictions such as strained relationship, loss of reputation or threats to personal safety.

Ultimately, unmasking legal fiction is not about dismantling the law's foundation but about fostering a legal system that is as ethically robust as it is procedurally sound. By integrating moral principles into professional standards, the legal profession can strive for a justice system that serves not only the letter of the law but also the spirit of humanity.

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