
ORDER AND OPPRESSION: THE DARK LOGIC BEHIND DYSTOPIAN JURISPRUDENCE

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ABSTRACT

When one thinks about the future, there are two types of future a person can imagine: utopia or dystopia. The idea of utopia is the positive view of the future, a vision of a clean space and an era of technological developments. On the other hand, the idea of dystopia is the idea of a future that includes war, climate catastrophes and disruption.

Dystopian fiction mirrors many concerns regarding law and the legal frameworks by portraying systems characterised by injustice and suffering. The showcase of such manipulated legal systems critiques existing social and political structures, spotlighting the restrictions of the freedoms imposed by the authority. These dystopian narratives often emphasise the repercussions of theocratic rule, the manipulation of law for oppression and the journey of an individual's resistance against the misuse of power.

This research paper aims to look into the dystopian reality depicted in various literary pieces, such as *The Handmaid's Tale* by Margaret Atwood, *Nineteen Eighty-Four* by George Orwell, *The Hunger Games* by Suzanne Collins, *The Maze Runner* by James Dashner and more, wherein various types of theocratic rules are enforced to strip women of gender laws under divine authority, the law is fluid and manipulated and how the law is used as a spectacle, institutionalising oppression through forced entertainment and economic disparity.

Beyond the literary analysis, this paper also seeks to draw attention to the contrast between such fictional governance and real governance and draw connections between the legal structures of the dystopian narratives and the various legal systems of the real world in the past and present. By analysing various types of historical examples and theocratic rules, to contemporary concerns regarding the arbitrary laws that exist, this research underscores and emphasises how dystopian jurisprudence serves as a reflection and a warning against the misuse of law in the real world.

Keywords: Dystopian fiction, Legal systems, Fictional and Real governance, Jurisprudence, Misuse of law

Chapter I: Introduction

1.1 Background and Context

Dystopian Jurisprudence refers to the systematic manipulation of legal frameworks within a specific fiction encompassing oppression, often disguised under the term “order”. Unlike the known legal systems that theoretically talk about protecting rights and providing justice to individuals, dystopian law contrasting to this inverts justice using statutes, courts and enforcement to legitimise tyranny¹ i.e. oppression from the government rule, institutionalise inequality and weaponize ambiguity mentioned explicitly in literature such as George Orwell's “Nineteen Eighty-Four”, Margaret Atwood's “The Handmaid's Tale”, “The Trial's Bureaucratic Maze”.

The key features of Dystopian Laws include concepts such as Theocratic Legality, wherein divine authority overrides human rights as discussed in Gilead's Biblical Justification², Fluid laws that can change retroactively and Spectacle Justices of public punishments as a deterrence showcased through Hunger Games' televised executions.

On the contrary, the utopian legal systems prioritise fairness in law-making as discussed in various theories and ideologies such as “Veil of Ignorance” and “Original Position” by John Rawls, Rights protection and constitutional safeguards against state overreach and transparency wherein the laws are known and promulgated to everyone it affects.

There are real-life roots of dystopian concepts that depict that dystopian law is not fictional but that it is an exaggeration of real authoritarian legal philosophies. Dystopian jurisprudence emerges when law is stripped of its free potential and becomes an architecture for oppression. The historical roots of such concepts can be traced back to influential philosophical works which provide ideas for understanding the contemporary themes of authority and order in dystopian literature.

The philosophical foundation begins with Plato's, “Republic”,³ written in 380 BCE, where the

¹ Davide Giordanengo, *The State of Exception*.

² Manshi Yadav, Palak Arora & Mandvi Singh, “*Gilead Is within You*”: A Theocratic Narrative Setting of Cultural Memory in Atwood's *The Testaments*, 12 F1000RESEARCH 475 (2024), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10514572/> (last visited Apr 1, 2025).

³ plato_-the_republic.pdf, https://www.sciencetheearth.com/uploads/2/4/6/5/24658156/plato_-the_republic.pdf (last visited Apr 1, 2025).

concept of “philosopher-kings” emerges. Plato in his literature advocates for the rules that possess profound wisdom and knowledge, suggesting that such leaders would justify the implementation of censorship and ‘noble lies’, to maintain the order.⁴ These rulers are seen as guardians of societal well-being, navigating the delicate balance between truth and societal stability, reflecting essential theories of governance that are seen throughout history.

In Aldous Huxley’s “Brave New World”, the notion of a state-controlled “happiness” is similar to Plato’s ideas, showing how governance can manipulate the people to maintain order.⁵ This concept reflects concerns regarding autonomy and freedom in society and highlights how systematic control can yield satisfaction for the select minority. Thus, Huxley’s narrative critiques the lengths to which the government may go to suppress any dissent and promote societal well-being, echoing Plato’s philosophical justifications.

Thomas Hobbes’ work, “Leviathan”, written in 1651, argues for absolute sovereignty to avoid chaos in the society arising and stemming from human self-interest.⁶ This idea of Hobbes is critically relevant when talking about dystopian law, particularly in George Orwell’s “1984”, where the idea of “Big Brother” represents a distorted version of Hobbes’ sovereignty. In “1984”, Thomas’s principles are embodied with totalitarianism, reflecting how absolute power can lead to overwhelming oppression rather than societal stability. The image of Big Brother depicts a society where governance extends beyond mere authority, enforcing compliance through surveillance and fear.

The exploration of dystopian jurisprudence through these historical perspectives reveals the complex interplay between authority, individuals and the societal structure. Philosophers like Plato, Huxley and Hobbes provide the foundational theories that resonate throughout modern dystopian literature. Their ideas serve as the initiation point through which one can start examining the contemporary concerns regarding governance and the implications of such absolute power to the government.

⁴ Philosopher king | Definition, Plato, Republic, Examples, & Facts | Britannica, (2025), <https://www.britannica.com/topic/philosopher-king> (last visited Apr 1, 2025).

⁵ “Brave New World,” Plato’s “Republic,” and Our Scientific Regime, THE NEW ATLANTIS, <https://www.thenewatlantis.com/publications/brave-new-world-platos-republic-and-our-scientific-regime> (last visited Apr 1, 2025).

⁶ Hobbes and the Leviathan: absolute sovereignty | Political Philosophy Class Notes, FIVEABLE, <https://library.fiveable.me/political-philosophy/unit-5/hobbes-leviathan-absolute-sovereignty/study-guide/az4EEQls6UpiILLa> (last visited Apr 1, 2025).

1.2 Statement of Problem and Objectives of the Paper

After, delving into such theories and literature, this paper aims to find out, how dystopian fiction exposes the paradox of the ‘lawful oppression’ in reality and how it is important to highlight the problem concerning the intersection of law and power as portrayed in dystopian fiction, offering a foundation for further exploration and analysis throughout the paper.

The objectives of the paper is to analyse the legal mechanisms in the dystopian literature existing and to identify the parallels with the historical and contemporary oppressive legal systems, to theorise dystopian jurisprudence as a warning for real-world governance.

The exploration of dystopian fiction through the lens of jurisprudence holds very significant relevance for both literary scholars as well as legal professionals. The examination of how these narratives articulate and critique the structures of law, power and societal controls.

Chapter II: Theoretical Framework

2.1 Key Existing Concept

Dystopian Jurisprudence encompasses various elements where the law operates as a spectacle as the jurists and philosophers say it, and this spectacle often reflects an authoritarian governance structure. In the dystopian narratives, this is evident as the laws serve primarily to maintain the power of the state, often it is at the expense of the individual’s freedoms.⁷

There are various existing concepts of dystopian rules, such as the Theocratic Rule, portrayed in texts like “The Handmaid’s Tale”, which depicts how governance intertwined with religious aspects to justify severe restrictions on individuals.⁸ The fluid laws indicate the volatility of legal systems in dystopian laws, where such laws can rapidly change or be interpreted selectively as per the select minority to suit their ruling powers, rendering individuals vulnerable and dependent on authority.⁹

⁷ The Jurisprudence of Dystopian Fiction | SAHSOL, <https://sahsol.lums.edu.pk/node/12897> (last visited Apr 1, 2025).

⁸ Building theocracy in fiction – Prose Poetry Code, (Mar. 27, 2017), <https://prosepoetrycode.potterpcs.net/2017/03/building-theocracy-in-fiction/> (last visited Apr 1, 2025).

⁹ Theocracy | Definition, Examples, & Facts | Britannica, <https://www.britannica.com/topic/theocracy> (last visited Apr 1, 2025).

Biopolitics is a concept that was introduced by Michel Foucault, and is critical in analysing state control over bodies, especially in oppressive regimes. In “The Handmaid’s Tale,” Gilead’s manipulation of female bodies through reproductive control and domination illustrates Foucault’s notion of biopolitics, where the state exerts power not just through laws but through the management of an individual’s life itself.¹⁰

State of Exception, a concept articulated by Giorgio Agamben¹¹, refers to a condition where the normal legal protections and rights of the individual are suspended, and it is justified by stating that it is done for the purposes of state security.¹² In George Orwell’s “1984”, the threat to or state of war serves as a enough rationale for suspending rights, and effectively normalising the state’s oppressive governance.

2.2 Critical Legal Theories

There are a few legal theories involved under the dystopian law, as well as Legal Realism and Intersectionality. Legal Realism states that law is not just a set of rules but that it is shaped by human experiences and mainly judicial decision-making. This realism theory often navigates the ambiguous legal frameworks, wherein such laws can be used against citizens. “The Trial” by Franz Kafka¹³ illustrates how an arbitrary and opaque judicial system can lead to a profound sense of despair as individuals confront such a bureaucratic system.

Another legal theory which talks about dystopian laws is Intersectionality which examines how various identities, such as gender, race and class, intersect to shape an individual’s experiences, especially in systems of oppression as depicted in dystopian narratives.¹⁴ The concept of the “Parable of the Sower” by Octavia Butler¹⁵ demonstrates how various identities intersect and

¹⁰ Ülkü Güleşce, *The Biopower and Biopolitics Concepts and Reflections of Them on Women in Margaret Atwood’s The Handmaid’s Tale*, 6 AKDENİZ KADIN ÇALIŞMALARI VE TOPLUM. CINSİYET DERG. 444 (2023), <http://dergipark.org.tr/en/doi/10.33708/ktc.1312679> (last visited Apr 1, 2025).

¹¹ Leland De La Durantaye, *The Exceptional Life of the State: Giorgio Agamben’s State of Exception*, 38 GENRE 179 (2005), <https://read.dukeupress.edu/genre/article/38/1-2/179/5574/The-Exceptional-Life-of-the-State-Giorgio-Agamben> (last visited Apr 1, 2025).

¹² Dilan Ates, *The State of Exception: An Insight into Its Theoretical Background* (2023), <https://repository.gchumanrights.org/handle/20.500.11825/2734> (last visited Apr 1, 2025).

¹³ Renee A Pistone, *LEGAL REALITIES: THE FICTIONAL WORLDS KAFKA CREATES ARE VITAL TO UNDERSTANDING OUR EMOTIONS*.

¹⁴ Intersectionality and beyond: law, power and the politics of location, (Emily Grabham ed., 2009).

¹⁵ Intersectionality And Solidarity Within Parable Of The... | ipl.org, <https://www.ipl.org/essay/Intersectionality-And-Solidarity-Within-Parable-Of-The-096E97A4F60E7099> (last visited Apr 1, 2025).

influence the struggles of individuals within the social order, and it highlights the necessity to consider various dimensions of identity when analysing the legal and social systems.

2.3 Literary Theories

Tom Moylan, an academic with prominent studies in the terrain of the utopian domain, also recognised the theory of Dark Utopianism¹⁶, in which he critically comments on the current societal structures and laws. He discusses how dystopian literature acts as a mirror reflecting the failures and potential dangers of the present-day legal frameworks, urging the readers to question the result of their systems of governance and social organisation.

Robert Cover, a legal professional, articulated “Narrative Justice”,¹⁷ which emphasises the role of stories and literature in shaping legal consciousness and moral understanding. Such dystopian narratives often draw attention to injustices and inequalities, hence compelling the readers to confront the ethical dilemmas regarding the laws and power. Such stories do cultivate awareness of how such narratives can influence societal norms and individual perceptions of justice, hence there is a great importance of storytelling in the legal discourse.

Such theories and more provide a comprehensive lens to assess the implications of dystopian literature on the law and society and create relevance for these themes in understanding contemporary legal realities.

Chapter III: Literary Analysis of Dystopian Legal Systems

The literary analysis and theories of the dystopian legal systems explore various thematic elements and their implications within the notable works of dystopian fiction. By analysing how these narratives reflect real-world concerns regarding law, governance and societal values one can understand the effect of dystopian laws.

3.1 Theocratic Jurisprudence

In dystopian literature, the fusion of religion and law often gives rise to systems that impose absolute control. As portrayed in Margaret Atwood’s “The Handmaid’s Tale”, Gilead’s Pseudo-

¹⁶ Tom Moylan- Utopia Studies: Sharpening the Debate, https://www.depauw.edu/site/sfs/review_essays/moyl56.htm (last visited Apr 1, 2025).

¹⁷ Gal Hertz, *Narratives of Justice: Robert Cover’s Moral Creativity*, 14 LAW HUMANIT. 3 (2020), <https://doi.org/10.1080/17521483.2020.1752437> (last visited Apr 1, 2025).

Biblical legalism, especially in its “Articles of Faith”¹⁸, presents a twisted reinterpretation of the Torah law to justify the state’s oppressive control over the women’s bodies and social roles. This reflects the theocratic systems where divine authority is used as a means to suppress any dissent put forth by the individuals.¹⁹ This can be seen in the real world as well, where the Taliban’s 2022 ban on girls’ education is justified and based upon a selective citation of religious texts, hence an example of where a sacred text is used to legitimise gender apartheid.²⁰

“The Trial” by Kafka presents a different form of tyranny, a form of secular but equally opaque as the other forms.²¹ This form parallels China’s “State Security” tribunals, wherein the defendants are usually not aware of the charges against them or the legal procedures that must be done hence contravening the principles of natural justice.²²

This blend of divine mandate and bureaucratic absurdness finds a theoretical explanation and grounding in Agamben’s concept of the “state of exception”, wherein the normal rights are suspended under the guise of national security and emergency, as discussed previously.²³ In such a framework, the Gilead operates under a type of “religious emergency”. Robert Cover’s notion of narrative justice future explains how the legal meaning is constructed through different scriptural stories, transforming belief into a state-sanctioned oppression.²⁴

This intersection of the divine as a tyranny can be understood through phrases such as “Under His Eye”, used in *The Handmaid’s Tale*, as this phrase depicts the mechanism of divine surveillance. It refers to the belief that God is always watching and also suggests uncovering

¹⁸ gilead-uf-2012.pdf, <https://israelfinkelstein.wordpress.com/wp-content/uploads/2013/07/gilead-uf-2012.pdf> (last visited Apr 1, 2025).

¹⁹ Nancy Messieh, *Inside Afghanistan’s Gender Apartheid: Listen as Women Reveal the Impact of the Taliban’s Oppressive Decrees*, ATLANTIC COUNCIL (Mar. 7, 2024), <https://www.atlanticcouncil.org/in-depth-research-reports/report/inside-afghanistans-gender-apartheid-listen-as-women-reveal-the-impact-of-the-talibans-oppressive-decrees/> (last visited Apr 1, 2025).

²⁰ Taliban ‘deliberately deprived’ 1.4 million girls of schooling: UN | Education News | Al Jazeera, <https://www.aljazeera.com/news/2024/8/15/taliban-deliberately-deprived-1-4-million-girls-of-schooling-un> (last visited Apr 1, 2025).

²¹ The Issue of Bureaucracy in Franz Kafka’s “The Trial” - Free Essay Example, EDUBIRDIE, <https://hub.edubirdie.com/examples/the-issue-of-bureaucracy-in-franz-kafkas-the-trial/> (last visited Apr 1, 2025).

²² China’s abuse of national security to curtail human rights: 4 things you need to know, ISHR (2022), <https://ishr.ch/latest-updates/chinas-abuse-of-national-security-to-curtail-human-rights-4-things-you-need-to-know/> (last visited Apr 1, 2025).

²³ Giorgio Agamben, *State of Exception (Stato di eccezione)*. Translated by Kevin Attell. University of Chicago Press, 2005. 104 pages | International Journal of Constitutional Law | Oxford Academic, <https://academic.oup.com/icon/article/4/3/567/646395?login=false> (last visited Apr 1, 2025).

²⁴ Robert Cover, *Nomos and Narrative*, 2 ANAMORPHOSIS 187 (2017), <http://rdl.org.br/seer/index.php/anamps/article/view/299> (last visited Apr 5, 2025).

the guardians or eyes that are stationed throughout Gilead. This surveillance system parallels the Taliban's Morality Police, where the religious authority becomes an omnipresent enforcer of state norms but not the people's elected representative.

3.2 Fluid Law and Propaganda

The idea of totalitarianism is an antonym to the idea of utilitarianism, where it relates to a system of government that is dictatorial and which requires complete obedience from the state. The totalitarian regime often dismantles the legal systems not through destruction but by rewriting what law and truth are by themselves, hence making the law fluid in nature.²⁵ In Orwell's "1984", this is embodied with retroactive legislation where the party declares "We've always been at war with Eurasia" this phrase invalidates the actual historical fact. This technique is echoed in Russia's 2022 "fake news" laws criminalising dissent about the Ukraine invasion.²⁶ Such laws, over time, rewrite history and facilitate the manipulation of the truth through education systems while rendering legality as a tool to enforce amnesia and render history with bias.²⁷

In dystopian systems, language manipulation is also central. Newspeak, understood as the ambiguous language used chiefly in political propaganda, eradicates legal concepts like 'justice' and 'liberty' are removed, making any form of rebellion unthinkable.²⁸ These concepts are reflected in real events, such as the destruction of linguistic and legal institutions in Cambodia, where the erasure of language enabled the eradication of rights.²⁹

The theory of discursive power propounded by Foucault illustrates how the control of a medium of language essentially becomes a control over law and reality itself later on.³⁰

²⁵ Tatjana Tömmel & Maurizio Passerin d'Entrevies, *Hannah Arendt*, in THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY (Edward N. Zalta & Uri Nodelman eds., Spring 2025 ed. 2025), <https://plato.stanford.edu/archives/spr2025/entries/arendt/> (last visited Apr 5, 2025).

²⁶ Russia Criminalizes Independent War Reporting, Anti-War Protests | Human Rights Watch, <https://www.hrw.org/news/2022/03/07/russia-criminalizes-independent-war-reporting-anti-war-protests> (last visited Apr 5, 2025).

²⁷ Explainer: How Russia is applying new laws to stifle dissent on Ukraine | Reuters, <https://www.reuters.com/world/europe/how-russia-is-applying-new-laws-stifle-dissent-ukraine-2022-08-26/> (last visited Apr 5, 2025).

²⁸ Mehran Shadi, *THE PRINCIPLES OF NEWSPEAK OR HOW LANGUAGE DEFINES REALITY IN ORWELL'S 1984*, 11 J. INT. SOC. RES. 180 (2018), <https://www.sosyalarastirmalar.com/abstract/the-principles-of-newspeak-or-how-language-defines-reality-in-orwells-1984-74920.html> (last visited Apr 5, 2025).

²⁹ Cambodian Genocide, USC SHOAH FOUNDATION, <https://sfi.usc.edu/collections/cambodian-genocide> (last visited Apr 5, 2025).

³⁰ Rachel Adams, *Michel Foucault: Discourse*, CRITICAL LEGAL THINKING (2017), <https://criticallegalthinking.com/2017/11/17/michel-foucault-discourse/> (last visited Apr 5, 2025).

Similarly, an analysis of totalitarianism underscores how propaganda supersedes genuine legal frameworks, hence rendering the law an instrument of ideological coercion and disregarding its rigid nature and manipulating it as the select minority pleases.³¹

3.2 Law as a Spectacle

In dystopian settings, punishment does not operate in the shadows or inside closed walls but rather as the focal point of collective attention, with the law itself stages as a grand theatre with a mass audience. The concept of public punishment in the dystopian world can be seen in various literature. “The Hunger Games” by Suzanne Collins epitomises this phenomenon by introducing the annual “Reaping”, a state set-up lottery that selects children, also called ‘tributes’, to participate in a televised fight to the death, falsely appearing to serve justice and societal order.³² This event was not only a means of enforcing obedience in public, but it was also a ritualised display designed to give a reminder and showcase the state’s power in the minds of the population, hence creating a culture where violence and fear become normalised.³³

This spectacle of ‘Reaping’ is orchestrated for maximal visibility, where it is mandatory to broadcast to every citizen, making it a moment of anxiety and public humiliation for the districts, which are designed to terrify. The reaping is not devised out of pure imagination and vacuum but was consciously echoed in practices from ancient practices, most notably the Roman *damnatio ad bestias*, in which the state executions were staged as public entertainment.

In ancient Rome, the criminals and prisoners of war, or those deemed as the enemies of the state, were publicly killed by wild animals as part of a carefully or chartered game. These executions took place in vast arenas such as the Colosseum, drawing more crowds who were treated as the witnesses to state justice as they were the consumers of such gore and brutal entertainment.

The Hunger Games also includes normalising concepts and situations of economic deprivation and commodification, hence also normalising violence and the solidification of class hierarchies and classist theories.³⁴ Every aspect of this literature is engineered to enforce

³¹ Tömmel and d’Entreves, *supra* note 25.

³² Hunger Games (event), THE HUNGER GAMES WIKI (2025), [https://thehungergames.fandom.com/wiki/Hunger_Games_\(event\)](https://thehungergames.fandom.com/wiki/Hunger_Games_(event)) (last visited Apr 5, 2025).

³³ Hunger Games (event) | The Hunger Games Wiki | Fandom, [https://thehungergames.fandom.com/wiki/Hunger_Games_\(event\)](https://thehungergames.fandom.com/wiki/Hunger_Games_(event)) (last visited Apr 5, 2025).

³⁴ Hunger Games (event), *supra* note 32.

obedience, resistance, and commodities sporadically doled out. By linking the suffering of the poor and the satisfaction and entertainment of the elite, the system places the responsibility and rights of the citizens at the lowest level.³⁵

Such dystopian legal systems do not belong to the realm of fantasy, but rather, they are reflections of existing pathologies modified to reveal core truths. Whether it is through divine law, linguistic manipulation, spectacle justice or other ideological controls, these systems expose the fragility of legality in the face of authority. It is important that legal scholars, therefore, treat dystopian fiction as a characteristic of future laws rather than a decorative one. It must be treated as a mirror revealing the future of where our legal systems might be headed. These texts and literature act more as case studies showcasing the dark potential and logic of law and not just mere entertainment.

Chapter IV: Real-World Parallels

4.1 Historical Case Studies

Dystopian legal structures are not only creations of novel inventions, but they, in general, do echo real historical regimes in which law was used as an instrument to facilitate authoritarian control, often shaping the fate of the entire population. They also serve as a caution for the future, as the saying goes, “History Repeats Itself.”

These laws codified the Nazi ideology of racial purity, explicitly stripping the Jews of their legal protection and citizenship rights. The Nuremberg laws were meticulously drafted statutes that provided a bureaucracy and laws for inhumane actions.³⁶ This is a real-life example of recalling the systematic jurisprudence of Gilead in *The Handmaid's Tale*, where misogyny is not only practised but also legalised and institutionalised.³⁷

During the Stalinist purges, the USSR utilised public show trials as the instruments of propaganda.³⁸ The confessions from the criminal were usually extracted through torture, yet

³⁵ The National Archives, *The National Archives - Homepage*, THE NATIONAL ARCHIVES, <https://www.nationalarchives.gov.uk/education/resources/1834-poor-law/> (last visited Apr 5, 2025).

³⁶ Nuremberg Laws | Holocaust Encyclopedia, <https://encyclopedia.ushmm.org/content/en/article/nuremberg-laws> (last visited Apr 6, 2025).

³⁷ What Were the Nuremberg Laws? | My Jewish Learning, <https://www.myjewishlearning.com/article/what-were-the-nuremberg-laws/> (last visited Apr 6, 2025).

³⁸ Great Purge | History & Facts | Britannica, <https://www.britannica.com/event/Great-Purge> (last visited Apr 6, 2025).

were legally admissible and constituted the basis of the convictions.³⁹ Such a mechanism is mirrored in *The Hunger Games*, where the trials, punishments and public executions are staged to maintain compliance by the public built through collective fear and anxiety of the same fate.⁴⁰

4.2 Contemporary Examples

The present is in no kind of safe zone when it comes to such laws being attributed and justified through the laws satisfying the select few. Many elements of dystopian legal frameworks previously thought speculative are not present in many systems worldwide.

China's Social Credit System represent a fusion of law and strict surveillance and behavioural control.⁴¹ The citizen's legal rights and access to services are linked not just for the reasons of legal compliance but also to merit "trustworthiness", strongly resonating with 1984's vision of a society governed by state monitoring.⁴²

The ruling of *Dobbs v. Jackson Women's Health Organisation* by the Supreme Court is reversing the constitutional protection of abortion rights, reflects how such a ruling was influenced by a religious-infused jurisprudence invoking 'respect for prenatal life', stating that it is enough justification to deny female rights and choices.⁴³ This echoes *The Handmaid's Tale*, where the loss of reproductive autonomy is veiled under the language of faith and morality and women's rights are secondary to such divine mandate.

India's application of the UAPA and the colonial era sedition provisions shows how legal mechanisms can be used to systematically suppress dissent, often without proper trials or charges.⁴⁴ Many accused under such laws experience indefinite detention or "opaque legal

³⁹ The Show Trials : The Great Terror : Orlando Figes, http://www.orlandofiges.info/section12_TheGreatTerror/TheShowTrials.php (last visited Apr 15, 2025).

⁴⁰ *Id.*

⁴¹ © Stanford University, Stanford & California 94305, *Information Control and Public Support for China's Social Credit System*, <https://scei.fsi.stanford.edu/china-briefs/information-control-and-public-support-chinas-social-credit-system> (last visited Apr 6, 2025).

⁴² China's abuse of national security to curtail human rights, *supra* note 22.

⁴³ Supreme Court overturns *Roe v. Wade*, ending right to abortion upheld for decades : NPR, <https://www.npr.org/2022/06/24/1102305878/supreme-court-abortion-roe-v-wade-decision-overturn> (last visited Apr 7, 2025).

⁴⁴ UAPA, sedition law misused to stifle dissent, needs to be repealed, say former SC judges, <https://www.newindianexpress.com/nation/2021/Jul/24/uapa-sedition-law-misused-to-stifle-dissent-needs-to-be-repealed-say-former-sc-judges-2334929.html> (last visited Apr 10, 2025).

walls”, which closely resemble the Katka’s depiction of an endless bureaucratic alienation in *The Trial*.⁴⁵

Both the historical and contemporary examples reveal the law’s manipulation and allow it to be repurposed from an instrument of justice to an instrument of authoritarian control. This only shows more reasons to be careful with the future implications of the law and study the legal effects of such interpretations of the law.

Chapter V: Conclusion

Overall, this paper shows that dystopian literature is not mere speculative fiction but also a reflective and diagnostic tool for analysing the authoritarian potential within the legal systems. Through detailed literature and analysis of famous works such as *The Handmaid’s Tale*, *1984* and *The Hunger Games*, this paper observes how various legal mechanisms can become tools of systematic control, surveillance, spectacle and economic degradation.

After thorough research, this paper proposes the formalisation of “Dystopian Jurisprudence” as a subfield in critical legal studies and law and literature. Dystopian Jurisprudence recognises literature as a site of legal thought, one that reveals the dark contours of what law can become under conditions of fear, surveillance and inhumane practices.

Drawing from the dystopian law failures clearly outlined in both fiction and real-world analogues, it is recommended that judicial independence be strengthened, and comprehensive privacy laws and algorithm transparency must be prioritised. Along with these, law schools must include literature in dystopian theory to train lawyers and judges to recognise early signs of any legal degradation.

Hence, taking in the literature as a mirror to law, one must ask not only *what is legal* but also *what law ought to be*, blending the knowledge acquired from the naturalist and analytical schools of law. The study of dystopian jurisprudence insists that we start treating fiction as foresight and act before the cautions become concrete.

⁴⁵ Why India’s Democracy Is Dying | Journal of Democracy, <https://www.journalofdemocracy.org/articles/why-indias-democracy-is-dying/> (last visited Apr 10, 2025).