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## Analogy Between Law and Music: An Analysis

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*The general belief that exists is that there is hardly anything common between law and music because of the differences between the two disciplines. Where music, on one hand, is full of emotions, law, on the other hand, depicts a dry subject and is presumed to be devoid of emotions. However, this is not true. There can be numerous discourses on their relationship with each other. Their similarity lies in their shared dependence upon order and structure. Just as music without rhythm and scale results in a cracking sound, society without law leads to disorder and chaos. Notes are arranged in music according to scale, rhythm, tempo, etc.. In the field of law, human behaviour is regulated by constitutional principles, statutes, judicial precedents, and various other norms. The way a musical composition requires synchronisation of instruments and sounds, the legal paradigm requires coordination of institutions, rights, and obligations. This paper is based on the assumption that both disciplines have affinity to each other and advances further with the notion that law is not rigid but rather as creative as music, just like a musical composition.*

**Keywords:** *analogy, constitution, law, music, society.*

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### INTRODUCTION

The general belief that exists is that there is hardly anything common between law and music because of the differences between the two disciplines. Where music, on one hand, is full of emotions, law, on the other hand, depicts a dry subject and is presumed to be devoid of emotions. However, this is not true. So the question arises, can there be a relationship

between law and music in the academic domain? The clear answer is 'YES'. There can be numerous discourses on their relationship with each other. Their similarity lies in their shared dependence upon order and structure. Just as music without rhythm and scale results in a cracking sound, society without law leads to disorder and chaos. Notes are arranged in music in accordance with scale, rhythm, tempo, etc and in the field of law, human behaviour is regulated through the constitutional principles, statutes, judicial precedents, and various other norms. The way a musical composition requires synchronisation of instruments and sounds, the legal paradigm requires coordination of institutions, rights, and obligations. This paper is based on the assumption that both disciplines have affinity to each other and advances further with the notion that law is not rigid but rather as creative as music, just like a musical composition.

## NOTION OF MUSIC

*"Music gives a soul to the universe, wings to the mind, flight to the imagination and life to everything."*

- Plato

According to the Cambridge dictionary, 'Music is a pattern of sounds made by musical instruments, voices, or computers, or a combination of these, intended to give pleasure to people listening to it.'<sup>1</sup> There may be numerous debates on the meaning of music, but the common, everlasting and simplest of the meanings would be that music is melody. It is implicit in the entire universe. Its form may vary, but it is omnipresent in one form or the other form. The power of music exists in the entire universe that affects not only human beings, but the whole flora and the fauna, either expressly or impliedly and either consciously or unconsciously.

## NOTION OF LAW

Law is a cluster of norms having the backing of the State. Whosoever violates the law is liable for a penalty by the State. 'Law' acts as a medium for regulating human behaviour. It may be in the form of multiple rules and principles and represents justice, rationality, statutes, rules, regulations, ordinances, etc. It may be perceived and interpreted by the judiciary, legislature,

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<sup>1</sup> Cambridge Advanced Learner's Dictionary (4th edn, CUP 2013)

and society differently. Hence, 'Law' is an umbrella term that includes statutes, rules, regulations, orders, ordinances, justice, morality, rationality, judgments, etc. It is the perception and interpretation through which the discipline of law is contemplated and studied.

## ANALOGY BETWEEN LAW AND MUSIC

This paper explores the proximity of the discipline of law to music. It argues that interconnectivity between law and music can result in surprising analogies and affinities between them, leading to further academic research. The objective is to discover parameters of comparison between the two branches of knowledge and enhance the curiosity of other researchers. The analogy has been analysed on the following parameters:

**Meaning:** If law is a rule enacted to let a society behave, music is a pattern of sounds enacted to please the society. In both cases, the objective is the welfare of the society. The mode of doing welfare may be different. In law, the welfare is through enacting rules to enable people to behave in a particular manner, and in music, it is through composing notations to enable people to seek pleasure in a particular manner. Both are meant to benefit the masses.

**Creativity/Interpretation:** Legal thinking and artistic creativity stand on the same pedestal. In music, the artist uses his creativity to compose musical notations. The same are sung/played in multiple dimensions, too. It is the creativity of the artist that leads to a melodious notation, composition, singing or playing any instrument. For example, an artist sings *alaaps* and *tanaas* in various manners to showcase his creativity and to retain the interest of the masses as well. A *raag* can be sung or played by using different techniques of music, such as *gamak*, *meend*, etc. The purpose is to bring in more and more creativity and add additional notes to an existing *raag*. In law, too, advocates and the judiciary interpret the law based on their creativity and give additional meaning to the existing law. For example, Article 21<sup>2</sup> is one of the essential basic rights guaranteed to the people and states that it is just a single line article, but the judiciary, in several cases, interpreted this provision and incorporated numerous facets into this provision for the welfare of humanity.<sup>3</sup> Through the creative interpretation by the judiciary of the right to life under Article 21, the court has

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<sup>2</sup> Constitution of India 1950, art 21

<sup>3</sup> *A K Gopalan v The State of Madras Union of India: Intervener* (1950) AIR 27; *Maneka Gandhi v Union of India* (1978) AIR 597; *Francis Coralie Mullin v The Administrator, Union Territory of Delhi & Ors* (1981) 1 SCC 608

incorporated various additions into its meaning, such as the right to privacy, the right to go abroad, the right to shelter, the right to a clean environment, the prohibition of solitary confinement, social justice and economic empowerment, the prohibition on custodial death, and many more. The way a legislator enacts a law; similarly, a composer enacts or composes his music. A musician gives interpretation to his notation, and a legislator/judge gives interpretation to a legal provision. Different judges may give multiple opinions on the same statute, and hence, the same text is interpreted differently with corresponding reasoning. Similarly, musicians may sing or play a composition in different ways. The audience can also interpret the same in varied dimensions. Hence, creativity always leads to interpretations in a broadened horizon.

**Flexibility:** When there is room for creativity, then it cannot be said that the discipline is rigid. It is not entirely viable to employ stringent rules while interpreting the laws in the presence of creativity. Rigidity does not permit freedom of expression, while in law and music, it is through freedom of expression only that a musician and a lawyer/legislator/judge are in a position to bring the best out of a provision/law for the betterment of the community. A musician keeps his composition flexible enough so as to have room for a broader scope and better performance. In the confinement of rigid rules, music will lose its sheen, charm and melody. Rules and restrictions are reasonable to enable the road of interpretation to be open.

**Rules and Restrictions:** No art or profession is without rules. Rules make the discipline more refined, but at the same time, too much rigidity in rules can spoil the beauty of the art. Hence, whether it is law or music, they have to be within certain restrictions which are reasonable. In classical Hindustani music, while composing any notation, certain rules are complied with. For instance, a raag of a particular that has its own limited swaras, and cross-thaat singing is considered inappropriate. Swaras of one raag can be brought within the ambit of another raag only through compliance with certain norms or through the creativity of the performer. Similarly, in the law stream too, justice is based on the statutory rules laid down by the Parliament. Judiciary and parliament are prohibited from delivering judgments and making laws against the spirit of the Constitution of India. Doing so will make the judgment as well as the legislation void. Organs of democracy work within their limitations and

restrictions. In music, too, the norms of music are to be complied with, and non-compliance will result in a mundane composition.

**Constant and Reflect Contemporary Society:** Law is constant and changes with the changing times, and is therefore treated as the reflection of contemporary society. Depending upon the needs of a particular society, it changes. That is why several amendments take place at varied intervals, such as the recent repealing of old statutory laws like ‘Criminal Procedure Code’, ‘Indian Evidence Act’ and ‘Indian Penal Code’ and replacing them with new legislation. The purpose is to discard the unwanted and unnecessary provisions and incorporate the ones that are required by society. Similarly, in music, too, the experimental changes keep taking place. The DJ music, party music, fusion music, etc are all the result of the changing musical needs of the masses. The kind of Bollywood music which existed in the 1950s changed to a different form in the 1970s, and then in the 1990s and so on and today there is a new range of music in its form, composition and lyrics. Music and law are therefore both constant and keep changing with the changing times, reflecting contemporary society.

**Relate to People Society:** Both disciplines have connectivity with the people. On the one hand, the law endeavours to shape the lives of people in terms of behaving in a society, music, on the other hand, makes efforts to shape the lives of people in terms of aesthetics, which in turn leads to behaving in society itself. Socio-cultural factors play a prominent part in the relationship of people with music and law.

**Emotions:** Music has the potential to spark emotions that enables to measure the skill and excellence of the artist or performer. Although law is generally assumed to be an arid and complex discipline, it is not completely devoid of emotions. For example, during a criminal trial, the trauma and torture suffered by a victim can emotionally impact public opinion. Even the judiciary and lawyers can be convinced. ‘Music, as all other forms of art, is the result of a creative process intended to nurture emotions and, consequently, to give pleasure to the musician and the listeners’.<sup>4</sup> One of the primary objectives of law is to regulate the relationships amongst society through the Judiciary, the Legislature and the Executive. However, the artistic and exquisite element in law is not directly identified.

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<sup>4</sup> Erika Arban, “‘Seeing Law in Terms of Music’ A Short Essay on Affinities between Music and Law’ (2017) 58(1-2) Les Cahiers de droit <<https://www.erudit.org/en/journals/cd1/2017-v58-n1-2-cd03066/1039832ar/>> accessed 24 April 2026

**Own modes to Achieve Ends/Goals:** A musician uses his acumen to explore his art and achieve the desired goal of giving pleasure to the audience. A legal expert uses their skill to explore the laws and achieve the desired goal.

**Architecture of Text:** Comprehending statutory rules is not an easy task. It requires legal acumen to understand the legal language and read between the lines. Similarly, understanding musical notations is also not everybody's cup of tea. In both disciplines, there is a specific architecture, i.e., a language that needs to be understood and can be so comprehended if the person knows the same. Although the result occurs in benefitting the people, but a common man finds it difficult to comprehend the language.

**Own Set of Principles:** Principles are the foundations of any discipline/structure. Legal rules are also based on certain principles. For example, in India, the adversarial principle is recognised. The presumption of innocence is attached to the accused until his guilt is proved. Based on this principle, the Indian Penal Code, Criminal Procedure Code, etc., are enacted. Moving beyond the principles is subject to certain norms. In music, too, certain principles are formulated. For example, a particular that will have a group of ragas in it based upon the kind of swaras, etc. Moving beyond the principles is subject to compliance with music principles.

**Practice:** Another trait that is common between the two is that both require perseverance and continuous practice to come closer to perfection. The more the practice, the better the performance. A musician has to continuously practice their composition to give a blooming effect to their singing/orchestra. A lawyer/judge/legislator needs continuous practice to find out the truth and arrive at a logical conclusion.

**Power:** Just like in music, there are notes both higher and lower that play in harmony with each other and a soothing pleasure is drawn; similarly, in society, also organs of democracy exist that work together and work harmoniously to bring peace in society. The powers in the two disciplines, therefore, work in harmony with each other. The confluence of the Legislature, Executive and Judiciary is a kind of orchestra where each plays its role in accordance with the consonance of the Constitution, i.e., the people. The playing may sometimes bring disharmony. But a modest amount of discord or disharmony may not be entirely nasty and capable of correction and editing.

**Implicit in Every Human Being:** Music and law are both implicit in every human being, impliedly or expressly. A common man seeks pleasure in music even if he does not understand its meaning. A common man complies with morality even if he does not know the rule. For example, one should not steal objects, or one should not pollute the environment, is a general principle of morality that is ordinarily implicit in all human beings. Its non-compliance is deliberate. The natural setting is that law, in the form of morality, already existed in society, even when the concept of the State in its present form did not exist.

## CONCLUSION

The analogy between law and music discloses that both disciplines are far more interconnected than commonly assumed. There is a dire need in contemporary society to remove interdisciplinary barriers among disciplines. This will lead to new research and better results. Efforts are being made progressively to focus more on a scientific approach to the discipline of law. Research methods used in other branches like economics, sociology, geography, political science, etc., have been successfully applied to the discipline of law. Efforts are also being made to detect proximities and affinities between law and the fine arts to enable law to be seen as a product of culture as well. There is a close nexus between law and music. Deeper studies on their interconnectivity can yield surprising results. The interdisciplinarity and multiple approaches to studying a discipline must be broadened for deeper contemplation and drawing feasible solutions to the problems. The interplay between the two disciplines aims to bring harmony and collective coexistence.