

Teaching Law in Literature

Concepts, Contexts, and a Sample Lesson

JOURNAL DOI <https://doi.org/10.31944>
ISSUE DOI <https://doi.org/10.31944/20239601>
ARTICLE DOI <https://doi.org/10.31944/20239601.02>

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Abstract

Law and Literature has developed both as a scholarly and pedagogical field, especially since the prevalence of interdisciplinarity in the last quarter of the twentieth century. However, there remains some confusion about how the meeting of the disciplines is operationalized in university or college teaching, especially in the context of the Philippine government mandate to make literature classes more interdisciplinary. This paper argues that literature teachers should be grounded on the strength of their discipline in order to effectively teach this interdisciplinary course without precluding the need that they acquire practicable knowledge of law. The paper discusses the background of inter/disciplinary trends in modern academia and focuses on law in literature as an iteration of the interdisciplinary course. Albert Camus's "The Guest" (1957) is used as a sample text because it represents the conflicts that the characters go through as they encounter the law in its various countenances and complications.

Keywords

Characterization, Interdisciplinarity, Law and Literature, Pedagogy, Tertiary Education

Introduction

In the paper, “Law, Literature, and the Vanishing Real,” Julie Stone Peters starts with an amusing “truer than true” story about an encounter between law professors and literature professors. The story does not end well and both parties end up perplexed and disappointed with the other group: for the law professors, it was clear that the literature professors need to go to law school, and for the literature professors, it was clear that the law professors need to go to graduate school (442–443). Interdisciplinary encounters like this are not uncommon today. Since the 1970s, interdisciplinarity has become widely accepted and applied in the research and teaching thrusts of universities. Forces that are within and outside the academia propel this so-called interdisciplinary turn. The internal forces include the discontent with disciplinary strictures and the increasing exposure and interest of faculty to broader fields of knowledge. These forces are complemented by external ones such as institutional support and promotion from governments, industries, and organizations. Indeed, discussions about interdisciplinarity have gradually become more mainstream and its implementation more institutionalized.

In the Philippines, the direction toward interdisciplinarity is articulated in the Commission on Higher Education Memorandum Order (CMO) 20, series of 2013. The CMO, which sets the guidelines for the General Education Curriculum of colleges and universities, stipulates 24 units of core courses that should be “inter-disciplinary and stated broadly enough to accommodate a range of perspectives and approaches” (Section 3). Aside from these core courses, there are 9 units of required electives that should “[a]pply an inter- or cross-disciplinary perspective” and “must cover at least any two domains of knowledge... [in order to] retain the well-rounded character of General Education” (Section 4).¹ Particular to Literature and Cultural Studies (LCS), the Commission subsequently released CMO 21, series of 2017, which also has a clear interdisciplinary leaning. The LCS CMO provides the scope of the study as “all texts, literary or non-literary” and gives attention to “the tools for interdisciplinary professions” (Section 5). Interdisciplinarity is central to both these developments in the LCS CMO: as

the object of study is broadened from the traditional generic limits of fiction, poetry, drama, and non-fiction to the inclusion of cultural and popular texts, the student of literature needs to learn theories and methodologies suited for such an endeavor. These theories, methodologies, and texts were previously assumed to be under allied disciplines or fields (such as media studies, popular culture, etc.) or even disciplines considered quite far off from literary studies (such as the law, architecture, biology, etc.). Moreover, LCS students are taught analytical, practical, and problem-solving skills that are useful across the professions because the modern workplace expects them to become professionals that go beyond disciplinary confines. These developments are further operationalized through the opening of two tracks for the AB Literature degree: Literary and Cultural Studies and Literature across the Profession.

After CMO 21 was released, the CHED Technical Panel for LCS implemented initiatives for teacher-training, materials development, and maintaining an online repository of syllabi, lesson plans, and classroom materials, among others.² Although there is no lack of good intentions—as shown in Peters’s story—these initiatives are needed because there is still so much perplexity and misguided expectations. In one of the classics of interdisciplinary humanities, *Image, Music, Text* (1977), Roland Barthes notes that “[i]nterdisciplinarity is not the calm of an easy security” (qtd. in Klein and Frodeman 153). This is because disciplinary lenses have guided our own education and professional training. We have focused on the “more and more of less and less” because we have limited time to specialize and we imagine our peers to evaluate our papers and academic endeavors according to such disciplinary standards. It also does not help that the interdisciplinary turn has generated a “name game” which, instead of helping to clarify the concepts, added confusion to those who wish to do interdisciplinary work (Graff qtd. in Klein 21). As a result, interdisciplinary practice sometimes seems vague and forbidding. In this paper, interdisciplinarity refers to the integration of different disciplines which, according to Lisa R. Latucca, is its “litmus test” (78). Therefore, interdisciplinarity goes beyond the mere

“juxtaposing, sequencing, and coordinating” of the disciplines, which is what happens in multidisciplinary.³

One step I wish to make in this paper is to show that teaching an interdisciplinary course does not need an overhaul of the disciplines. It can start through a refinement of focus and, as in other specialization training, proceed further according to the pace and degree that is manageable for the teacher. In the context of teaching an interdisciplinary literature course, instructors need to be grounded on what literature can offer as a discipline, most importantly with regard to the set of skills it offers to students.⁴ The activities in class, therefore, must first be based on the previous literature background of the students and the teacher’s expertise, and only then can it “cross” to the truths and methods that may be accessed through the other discipline. In other words, I think it would be more manageable, and in fact also theoretically sound, to focus first on the “discipline” before doing the “inter-” part.

This paper provides a sample lesson on “The Guest,” a short story by the French-Algerian philosopher and writer, Albert Camus. The lesson also includes considerations for pre- and post-reading activities, their assessment, and critical notes about the text. Before the sample lesson, there will be a brief discussion on interdisciplinarity, the law and literature movement, and its specific iteration – law in literature. The paper also offers reflections about teaching the course and further directions for its development.

The Dominance of Disciplinarity and the Interdisciplinary Turn

Understanding interdisciplinarity starts with inquiring into the organization, function, and present state of the disciplines. All academics are familiar with the disciplinary paradigm, and students encounter the disciplines firsthand through the organization of colleges, departments, and courses/degrees offered by the universities. To be more exact, disciplines are known according to their specific objects of research; the bodies of knowledge they have accumulated; the theories, concepts, terminologies, and technical language they use; the research methods that validate them; and their institutional manifestations (Krishnan 9). The disciplinary paradigm is sustained

by its self-reinforcement throughout modern academic life. Universities are organized according to this paradigm; and the training of future experts, the granting of degrees, and the production, authorization, and dissemination of knowledge are patterned through it. Some of the graduates of the universities become scholars who write the papers; some become editors of peer-reviewed books and journals where these papers are published; others become professors who require their students to read these papers in their courses; still others become administrators that oversee that these efforts are efficiently and sustainably done through institutional support, funding, recognition, scholarships, conferences, and many more. This is just a simple sketch of what Foucault would call “a whole army of technicians” that the disciplinary paradigm has produced and is mobilizing to perpetuate itself.⁵

Despite its dominance, this same groundwork of the “disciplinary university” has been in crisis for various and complex reasons. The most decisive reasons, Robert Frodeman explains, are the following: (1) the development of “disruptive innovations” to offset the rising cost of education, (2) the decreasing support for education because it is no longer seen as a public good, and (3) the de-monopolization of the university as the creator and disseminator of knowledge (27–29). It is also caused by the weaknesses in the disciplinary paradigm itself. In the late 1960s, Donald T. Campbell used the metaphor of “ethnocentric tribes” to describe the tendency to advance and protect group interest and to cluster around particular topics (328; Jacobs 13–17). In the past decades, the disciplines have been criticized for being echo chambers (“disciplinary silos”) where peers talk only among themselves, reinforce each other’s assumptions, and block off outsiders with their confusing jargon (Jacobs 17–19). The result has been counterproductive as university departments territorialized their “turfs” (also described as “feudal fiefdoms’ and ‘warring fortresses’ policed by ‘no trespassing notices’”) (Klein qtd. in Jacobs 20) and gaps between the disciplines were formed in areas considered marginal to disciplinary specialization. These gaps kept back innovations and limited the disciplines’ relevance outside the university. Therefore, the interdisciplinary turn has been generated by the realization

that real world problems need comprehensive and complex solutions that go beyond the focus of traditional disciplines.

The Law and Literature Movement and Its Fields

Even if the Law and Literature movement can be traced decades before the heyday of the interdisciplinary turn in the 1960s–70s,⁶ it has gained scholarly attention and institutional recognition around the same time as the latter. It is directly connected to the sense of disquiet about the value and function of the disciplines in organizing academic life, especially in the context of the humanities and the human sciences. Similar to Frodeman’s account for the crisis confronting the “disciplinary university,” Peters explains that the movement gained ground because of factors concerning personnel and opportunities in the professions (e.g., civil-rights and Vietnam-era generation getting tenured positions, Humanities PhDs entering the legal academia because of the shrinking job market); separate developments in both disciplines (the deprofessionalization of legal study and the attempt to make the law comparable to the other disciplines,⁷ and the need to make literary theory applicable to concrete institutions); as well as political factors (e.g., the need to sustain the achievements of the civil rights movement and to create a humanist counterforce to law and economics and to the textual conservatism of the Reagan-era Supreme Court) (443–444).

Law and Literature must also be placed within the “Law Ands–” trend, which is anchored on the idea that the legal world is not “an autonomous realm” and therefore “requires the application of some method or substance provided by other disciplines” (Galanter and Edwards 376). This is a response to legal formalists and positivists who think of the law as an independent system of rules. To acknowledge interdisciplinarity in law means thinking of law as “just one form of social control, each shaped by culture, social structure, custom, tradition, and a variety of reciprocal obligations and duties that exercise control over human behavior” (Henry 398). Similarly, significant changes have been happening in Literature as a response to the general “crisis in the Humanities” which refers to the interconnected phenomenon of decreasing student numbers, declining institutional and

funding support, and overall pessimistic perception of its “capital” (see Jay). This has been the backdrop of the theoretical debates in Literature, whether about its scope and concentration, the nature of its discourse, its canon, and others. In the 1990s, John Carlos Rowe wrote that “Literature as it was . . . can’t be saved” and needs to include “extraliterary” materials (qtd. in Klein and Frodeman 153). The Law and Literature movement attempts to mitigate these problems: Law benefits from Literature’s critical edge, and Literature increases its social and political relevance through Law.

Nevertheless, the growth of the Law and Literature movement cannot be completely explained by the “discipline envy” discussed above (Marjorie Garber qtd. in Peters 448).⁸ Ultimately, the development and innovations in the field are to a greater extent because of the strengths of the disciplines rather than their limits. The intuitive similarities between the content and method of the disciplines also helped the interdiscipline to prosper. The most important connection between the two disciplines is their textuality and their reliance on the writing, reading, and interpretation of texts. James Boyd White, arguably the most important proponent of Law and Literature when it was gaining ground in the 1970s, wrote that “[l]aw is in a full sense a language” and that both law and literature are “inherently communal” because “one learns to read a particular text in part from other readers, and one helps others to read it” (qtd. in Weisberg 6). Law and Literature are facets of the same culture and indicate the principles and values upon which a particular society is built. Law, more than just a system of codified rules, reflects the norms and conducts of the general culture (Villez 210). Although deployed in different ways, both disciplines are artifacts of language which are interpreted for a deeper understanding of a culture. Whereas Law uses language in the most denotative way to avoid ambiguity and misunderstanding as much as possible, Literature uses narrative, irony, symbols, and figurative language which requires teasing out. This difference, however, does not mean that only the latter requires interpretation, and that the former is merely rote memorization of doctrine. Ronald Dworkin asserts that because interpretation is central to the legal practice, lawyers should have “a more inclusive account of what interpretation is” and should not treat

it as an activity *sui generis*. Instead, they must see it as “a general activity, as a mode of knowledge” and should study other contexts where interpretation is used, such as in literature and other forms of artistic interpretation (529).

In fact, the fields of Law and Literature may be organized according to which texts are the object of interpretation and how these texts are interpreted. A simple distinction may be drawn between law-in-literature and law-as-literature. The first is an adjustment in terms of the focus in the reading of literary texts, while the latter broadens the definition of texts to legal documents. Gilles Lhuiller explains that law-in-literature is “the investigation of the elements in literature that bear a trace of the Law” (4) while law-as-literature is “the reading of a legal text through the framework of literary analysis” (5). In the law-as-literature field, for example, one could read the 1986 Philippine Constitutional Commission journals to check how the deliberations of the Constitution, one that is supposed to reclaim democracy and guarantee genuine democratization, were affected by Marcos’s figure as a dictator. Needless to say, this convenient distinction is not airtight because, as noted by Robert Weisberg, “[t]he best works on the two sides of the line tend to converge, because they constitute the work that captures the best insights about the relationship between the aesthetic and the political-ethical visions and forces in society” (5). In the emergence of Cultural Studies, the boundaries of literary and non-literary texts blur because both can be seen as carriers of meaning that help understand and construct a culture.

Another possible classification of Law and Literature is used by Peters who points to three major projects within law and literature, each of which “used different kinds of texts, had different kinds of goals, and worked toward these goals with different kinds of interpretive strategies.” These are humanism, which focused largely on literary texts (dominant in the 1970s and early 1980s); hermeneutics, which focused largely on literary theory (dominant throughout the 1980s); and narrative, which focused largely on legal cases (dominant in the late 1980s and 1990s) (444). What Peters refers to as “humanism” is what has been explained above as “law-in-literature,” in which legal themes are examined in literary texts. For example, Franz

Kafka's *The Trial* may be studied as a novel that exposes how the legal bureaucracy has made the law so inhumane to the point of absurdity, or Sophocles's *Antigone* read as a play whose conflict originates from a tyrant's command that is not in harmony with divine or natural law. What she calls "hermeneutics" is the "meeting place for what might be called the science of literary texts and legal science" (Lhuiller 7) because it interlaces literary and legal theories that had offset the traditional sources of authority, meaning, and interpretation itself. The shared sense of resistance of literary and legal theorists to assumptions in their own disciplines was the generative force in this field. For instance, critical legal theory aims to repudiate the same assumptions and attendant unjust practices against which postcolonialism and decolonization (perpetuation of colonialist thought, etc.), gender and feminist studies (patriarchy and sexism), postmodernism (grand narratives), and other literary and social movements are based. Lastly, "narrative" refers to the use of storytelling to arrive at decisions and write jurisprudence in order to humanize the legal practice. Therefore, literary techniques and devices are used as a counter-hegemonic tool against bland and technical legal writing that also tends to exclude actual human experiences. However, similar to Weisberg, Peters notes that these projects at times share "if not an entirely coherent program of action, at least a set of shared preoccupations and a set of recurrent aspirations" (444). Just like the disciplines themselves, these subfields of Law and Literature sometimes overlap as shown when critical legal theory is used as a framework to analyze sexual norms in post-apartheid South Africa in J. M. Coetzee's *Disgrace* or the notion of constituent power as a lens to the Philippine communist insurgency in Ruth Firmeza's *Gera*.⁹

One may also add to these subfields what may be called "laws-of-literature" which deals with how laws, such as copyright, libel, and censorship laws, affect literature.¹⁰ Literature, in this case, is viewed not only as an imaginative composition of words but also as intellectual property, as an activity with concomitant rights and obligations, or even as an instrument to a crime. The extent to which law affects literature cannot be discounted. For instance, César Domínguez argues that copyright history in Europe has conditioned the history of world literature, and he proves this by pointing

to the first two international copyright laws in the world: the Prussian Statute of 11 June 1837 and the British Act of 31 July 1838. Similar scholarly endeavors that examine ways in which literary production, consumption, circulation, translation, and others are influenced by laws—from the level of international treaties and state laws to institutional policies—would bring critical insights to the study of literature and literary history.

Sample Lesson for the Teaching of “The Guest” (1957) by Albert Camus

This paper offers a sample lesson in law-in-literature through Albert Camus’s short fiction, “The Guest” (1957).¹¹ For literature teachers, I think that law-in-literature is the best gateway for Law and Literature primarily because it foregrounds, more than in the other subfields, their disciplinary expertise which is close reading and interpretation of a literary text. Moreover, in the Philippine tertiary education context, it is more likely that students of the course have had more training in literature than in the law. Literature is a required course in senior high school and in the college curricula while law subjects are usually offered as electives. Law school education in the Philippines, unlike in other countries, requires a bachelor’s degree and is administered apart from a regular college degree. In my experience of teaching the Law and Literature course as an elective, many of the students enroll because they are considering going to law school after the completion of their degrees.¹² Literature is also a viable pre-law degree because it provides the students the necessary reading skills not only in terms of volume but also in the comprehension of the most important points in a text as well as attention to details. Be that as it may, I think it is important to set the expectations of the students early in the course: it is still a Literature course even though legal problems and themes are focused on in the discussions of the texts.¹³ However, it should be clear that the literature teacher also needs a knowledge of the law’s basic concepts and dynamics and should have read around the general discussions in this field. This gives the teachers greater responsibility in terms of the preparation for the entire course and the individual lessons.

“The Guest” is a fairly canonical text. Camus is a Nobel laureate and a literary icon. Among Camus’s works, “The Guest” is one of those that received critical acclaim and scholarly attention. The story is critical of Western hegemony and presents some complications of colonization.¹⁴

Set in a remote place in French-colonized Algeria when the Algerian war¹⁵ was imminent, the story presents three characters, each dealing with internal conflicts caused and complicated by their positions as both human persons and as citizens subjected to law. It begins with Daru, a pied-noir schoolteacher,¹⁶ seeing two men approach the schoolhouse where he is staying. One of them is Balducci, a gendarme, and the other is an Arab prisoner who is accused of murdering his cousin. Balducci has been ordered to bring the Arab to Daru, and to give Daru the orders to turn in the prisoner to the police headquarters in the next town. Daru is conflicted about the task because he feels that it is not right. Balducci reminds him that he may be punished if he does not perform his duty, especially in the time of an impending war. After Balducci leaves in frustration, Daru feeds the Arab and spends the night sleeping in the same room as the prisoner. Although he has a chance to escape during the night, the Arab does not run away. The next day, Daru leads the Arab to a point on a hill and points him in the direction of the police headquarters as well as the direction where he will find shelter with nomads. He leaves the Arab with the choice of whether to surrender to the police or go to his people. Daru walks away leaving the Arab perplexed, but when he looks back, he sees the Arab ultimately choosing the direction which leads toward his imprisonment. When Daru returns to the schoolhouse, he sees a threat scribbled on the board by the Arab’s people because they thought he had handed him over to the authorities.

In discussing this story, aside from knowledge of the formal elements of fiction, the teacher must be able to think through the different “legal regimes” that determine and influence human actions. The most evident iteration of this, for example, is state law—it is usually what “the law” refers to. The authority of Balducci to tie the Arab and to command Daru to ensure his imprisonment is based on state law. As will be expounded on later, state law is not the only law that commands obeisance, nor is it monolithic (there

are nuances to it) or all-encompassing (other “regimes” have power that is outside and even contradictory to it). In other words, using “The Guest” as a law-in-literature text necessitates from the teacher a tenable knowledge of the legal concepts central to the story.

Pre-Reading: Small Group Discussion

A pre-reading task is important to check the students’ assumptions about the disciplines, especially if the short story is discussed in the first weeks of the semester before assigning longer and more complex texts. A small group discussion and presentation may accomplish this objective. For this activity, the teacher divides the class into smaller groups of 3 to 4 students. The students are asked to share among themselves their impressions about literature and about the law as distinct disciplines. Their impressions may come from previous classes, the media, and their own experiences, among others. In an online class, this can be done by the groups in smaller breakout “rooms” or given as an assignment to be accomplished in an asynchronous session. The students should also be informed that a representative of each group will present the major points of their discussions in a synchronous session. After each presentation, the teacher provides time for other students to give comments or insights on the points provided by the group. The teacher should also be able to take note of and to synthesize the important points that are raised.

In processing the small group discussion and presentation, the teacher can expect certain responses from students. For example, literature is usually connected to imagination and creativity while the law is associated with the strict implementation of rules and imposition of punishment when those rules are broken. These impressions are, of course, warranted but the teacher must be alert in emphasizing students’ insights that loosen these distinctions. For instance, both law and literature deal with human affairs especially when those affairs present a conflict. Conflicts play out in legal trials and disputes and are central ingredients to plot and dramatic situation. Laws are agreed upon and, like literature, can show the principles and values of a community. As mentioned above, both disciplines are also works of human language,

used for specific purposes and, as such, necessitate interpretation. Therefore, in general, the task of the teacher is to specify warranted distinctions but also to look for openings where the disciplines can intersect. In the case of law-in-literature and in preparation for the discussion of “The Guest,” it is also important that the students are made aware of the capacity of literature to represent conflicts that arise in the context of and because of the law. In these literary representations of human encounters with the law, the law acquires complexity and “humanistic judgment” (Weisberg and Barricelli qtd. in Peters 444), through which it loses its sense of being abstract and monolithic. As will be discussed later, the three characters respond to their situations and to each other in relation to their perceptions of the law.

Main Activities: Freewriting, Dramatic Reading, and Class Discussion

Freewriting, dramatic reading, and class discussion may be done as main activities. First, students are asked to freewrite internal monologues of what they think are happening in the minds of each of the three characters: Daru, the Arab prisoner, and Balducci. The teacher may briefly explain to the students the dynamics of transforming the story that they read to a performative text (such as a monologue, which puts voice to the thoughts and emotions of the characters). In freewriting, the students are given time to write without worrying about style or grammar and must only focus on the content of what is written, especially the thoughts and emotions of the characters. Because the freewriting output are internal monologues, there should still be a semblance of linearity to the output (i.e., sentences rather than bullet points). The teacher can give the students 15 to 20 minutes or longer for this activity (or around 5 to 7 minutes per character), depending on the teacher’s expectations.

Putting into writing one’s imagination of the conflict is crucial to understanding the text. Students should be able to imagine themselves in the position of the characters and put into their own words the conflict that each of them is going through. This putting into words one’s experiences is central to Literature, whether writing creatively or critically. In reflecting about what one does in literary scholarship, Jonathan Kramnick posits that

“the interpretive work we call close reading is a form of writing” (222). In close reading, the critic/the student subtly rewrites how best to make sense of the story in her head, highlighting certain elements, descriptions, dialogues, etc. In an interdisciplinary class, it is important to anchor the activities on the strength of the disciplines, whether through the truths that each presents or through the methods that are used to discover or validate those truths. In a law-in-literature class, it is still the method of close reading of the literary text which anchors the activities and discussions. The freewriting activity is a way to materialize how the students close read the text.

Second, individual students are asked to read their internal monologues dramatically. It is better to assign different students to different roles—that way the different voices may be emphasized. Like the freewriting activity, the dramatic reading is an acute practice of close reading because, in this case, the emotions of the characters are performed according to how the students understood them. The monologues produced by their freewriting is further elaborated by their performative rendition. After the dramatic reading, the teacher engages the class in a discussion based on the content of their internal monologues, as presented in their written and performed outputs. Students are to give their insights regarding the conflicts that each of the characters experienced and the larger dynamic that those conflicts provide the story. During the discussion, the teacher provides critical notes about the story and highlights crucial points that come up from the student’s insights. The students then submit their freewriting outputs to the teacher for assessment. In an online class, the teacher may record the dramatic reading and discussion, after asking permission from the students, and review the recordings for assessment.

Assessment

The teacher provides assessment of student performance through their participation in the discussions and their submitted output. The pre-reading assessment is low-stakes and formative. It is based on how students are able to specify the focus and strengths of the disciplines. However, extra points are also given to those who are able to articulate the intersections between

them and point out possibilities for exchange and mutual enhancement. As discussed above, literature can provide a human face when representing legal dilemmas and the law can be an interesting area to examine conflict in human affairs. Literary works and legal documents capture in their own ways the beliefs, values, and culture of a community.

For the dramatic reading, points are given to the performativity aspect of the reading—for example, whether the proper emotion or tension is reflected in the intonation of the voice. This is based on the emotional/conflictual content of the characters' monologues and is related to the assessment of the freewriting and class discussion.¹⁷ The freewriting assessment is based on the written output while the discussion is based on the recitation or participation of the students. All of these should be able to present and explain—through performance, writing, and engagement in the discussion—the ways in which each of the characters' situations are enmeshed in the law. The following are important points to consider, along with the critical notes in the next section.¹⁸

1. The character of Daru is central to the story because the plot builds up to his decision of whether or not to surrender the Arab to the authorities. As such, Daru's monologue may show his confusion since he is asked to follow orders without fully understanding the Arab's situation. This is compounded by his fellow feeling for the Arab and fear for himself because he might be punished if he does not follow the orders. He also feels sad and alone at the end of the story. Extra points are given if the answer shows that Daru is conflicted because even if he knows that murder is morally wrong, he is uncertain about how it should be legally punishable. He senses that the colonial state law's penal retribution to the committed crime may not be the most proper punishment, especially that the Arab has his own community that can pass him judgment according to their customs (i.e., the communal law of the colonized as opposed to the state law imposed by the colonizers).
2. Balducci's monologue may exhibit the insult he feels because of Daru's disobedience, his own disregard for the Arab (since the Arab

is just another prisoner for him to “process”), and his tendency of being a stickler for the law. Extra points are given if the impending war is mentioned, and because of that all the more he wants Daru to act as a dutiful citizen, like a loyal soldier in the time of war.

3. The Arab’s monologue may be about guilt, his longing for his home/people, and his recognition that Daru has treated him as a guest rather than as a prisoner. He may also dislike Balducci and his captivity, especially at the start of the story. In the end, however, he is surprised and panic-stricken that Daru passed to him the decision of whether or not to surrender. Extra points are given if the answer notes that the Arab’s decision to turn himself in to the authorities is grounded on the host-guest relationship he has formed with Daru.

These points need to be unpacked and explained during the class discussion. They also need to be generated through the close reading of the text, requiring textual evidence and contextualization.

Before moving on to other critical notes about the story, I will develop these points about the characters as they were thrown in an exceptional encounter with each other and with the law. Prior to the events of the story, Daru has been complacent with his life (he lived “like a monk” but “felt like a lord”), and the remote schoolhouse where he stays has insulated him from the world (69). There are indications of the colonial order (as Daru himself is a *pied-noir* and his supplies come from France), but these do not come to the surface so as to affect Daru’s everyday life. In the story, Daru’s secluded complacency is broken, very likely for the first time, through an encounter with a stranger: the Arab. Not only is the Arab different from the persons with whom Daru is used to dealing with because of the Arab’s origins and culture, but, when they meet in the story, they are also on opposite sides of the law: a schoolteacher and a murder suspect. Notwithstanding these differences, Daru’s response to the stranger is fellow feeling which leads to his dilemma of whether or not to surrender the Arab. Daru relates to the Arab in the context of their shared humanity. When Daru gives the Arab tea, he asks Balducci if the prisoner could be untied (72); and when the Arab asks Daru later on, “Why do you eat with me?”, Daru simply answers, “I’m

hungry” (78). The common human feeling of hunger is enough reason for them to share a meal without the boundaries set by the law. Daru has also seen the Arab in his most mundane moments (e.g., sleeping with mouth open in complete abandon and washing his teeth with two fingers), further familiarizing the stranger to Daru in his short stay (82, 83).

This is not to say that Daru disregards the Arab’s crime. After Balducci has described the murder, Daru felt “a sudden anger against this man, against all men and their filthy spite, their inexhaustible hatreds, their bloodlust” (73). However, Daru also inherently senses something wrong with simply surrendering the Arab to the legal authorities because he sees his crime not through the penal sense of state law but through natural law. Here, natural law is conceived as transcending human or positive law (i.e., what is legal), as it attaches the law to universal morals and principles (i.e., what is right).¹⁹ It is also ideally the basis of positive law although the latter may also be determined by customs and agreements and by promulgations of a legitimate authority. Daru is disgusted by the murder not because it is illegal but because it is morally wrong. Retributive punishment, therefore, is less important for Daru compared to making a judgment of the crime by understanding the Arab as a person. This seems to be what he is looking for when he asked, although not entirely without a trace of hostility, the questions: “Why did you kill him?” “Are you afraid?” and eventually, “Are you sorry?” (79). He feels that surrendering the Arab to pay for his crime is “dishonorable” and humiliating; the crime is merely “idiotic” in the face of the grander scheme of what is humanely right (82-83). On the other hand, if the Arab is to be tried for his crime at all, Daru wants that this be done through communal law. When Daru gives the Arab the option not to choose his captivity in Tinguit, he tells him that the first nomads “will welcome [him] and give [him] shelter, according to their law” (84-85). Going to these tribes does not release the Arab from his crime but at least, the judgment against him will be based on their own customs and traditions.

While the thought of surrendering the prisoner vexes Daru, the Arab seems to have conceded to his imprisonment. Although he had opportunities to escape under Daru’s watch—in fact, Daru covertly wished for it—the Arab

does not run away. But why is this so? What is important to note in the Arab's character is the way he responds to Daru's treatment of him. He has "an anxious and rebellious look" when he arrives in the schoolhouse (71) but because Daru has treated him as a guest, he eventually sees Daru as a host. Before going to sleep, the prisoner not knowing that Daru is supposed to give him up to the authorities and is technically his captor, his last words to Daru were a request: "Come with us" (79). The most crucial decision that the Arab has to make, however, is the one that Daru has passed on to him because Daru could not make the decision himself. When Daru gives him the choice of going either to his captivity or to his freedom, "a sort of panic appeared on [the Arab's] face" because he was not prepared to make that decision (85). For any other prisoner, the decision would have been simple, especially if he believes that injustice has been committed against him (or against his people), but the circumstances of the encounter between Daru and the Arab have changed that. As previously mentioned, Daru has treated the Arab as a guest and an implicit relationship has been formed between the two. The Arab may have felt the injustice of the foreign law imposed on him and his community (hence the rebellious countenance at the start of the story) but when Daru places the responsibility of the decision on the Arab, that decision comes with an implicit personal obligation. Even if not intended by Daru, the Arab has felt the host-guest relationship between the them. The host-guest obligation is more personal and more immediate than the law and, at the moment when the Arab makes his decision, he certainly feels it to be more binding.

Daru "felt a lump in his throat" when he walks away from the Arab and Daru's heart aches when he sees the latter walking toward his imprisonment (85). A part of Daru wants the Arab to escape but it is difficult to assume that Daru would have felt better had he seen the Arab walking in the opposite direction. Certainly, a part of him would have felt relieved had that happened but Daru's relationship with the Arab also comes full circle with him seeing the latter choosing imprisonment. It is at this moment that Daru knows that the Arab has fulfilled Daru's own responsibility, a responsibility that he cannot complete without betraying his guest. Part of the heartache

that Daru feels as he walks home is losing a good guest, a stranger who has become almost a friend. Roland A. Champagne also notes that the humane codes of respect and hospitality that Daru and the Arab mutually develop contrast with the desolate life in the desert (570) where Daru has been living alone most of his life.

In sum, we see three tensions that foreground the dilemma in which Daru and eventually the Arab find themselves: the first is between natural law and positive law; the second is between the law organic to the community and the law imposed by the colonizers; and the third is between the host-guest obligation and the obligation based on state law. It is not incorrect that Balducci embodies the latter of these binaries (i.e., the repressive power of colonial state law), although a more thorough reading of the story shows that he is also a complex character. To understand Balducci as “a bearer of state ideology and repressive power” and “an automaton carrying out his state duties” is a simplification because, though not as evident as Daru and the Arab, Balducci is also “torn by different feelings and commitments” (Roberts 537). As an officer of the law, Balducci is directly bound by the orders given to him while he admits that he too doesn’t like it and feels ashamed even after years of following those orders (75). He, however, struggles with the conflict in the name of absolute duty (Kim 248) and this is something that he expects also from Daru who is like a son to him (74). He tells Daru that there is an impending rebellion and that they are “[i]n a sense . . . already mobilized.” He also reminds him that “[i]n wartime, people do all sorts of jobs” (72). In other words, they are in a “state of exception” or a state of emergency when laws are on overdrive and the state expects more from the citizenry. Balducci also tells Daru that they are “on the same boat” because of the situation: “If they rise up, no one’s protected” (74). In the end, however, Daru does not give his word to perform his duty but he ponders on how that must have let Balducci down and feels “strangely empty and vulnerable” because he has insulted him (82).

The story ends desolately for all three characters. How each of the characters are bound by the different regimes of law and obligation has set them up toward this direction. Jungah Kim comments that “each of the

three characters is at the same time stranger, victim, friend, and enemy to each of the others” (245) and the undecidability of their relationship is substantially caused by how each of them has perceived the expectations of the law in various iterations to oneself and to others. Daru bears the full burden of this: he has disappointed Balducci, has failed to “save” the Arab from what he believes is an unjust situation, and discovers when he returns to his classroom that he has been condemned by the Arab’s community for surrendering their brother.²⁰

Critical Notes

Aside from these character conflicts, the teacher should also highlight some critical notes during the discussion. First, the original French title (“L’Hôte”) translates both to “The Guest” and “The Host” but it is also etymologically connected to the Latin *hostis* (meaning the stranger/the enemy). This deconstructs the binary of guest/host²¹ and is seen acutely in the role-reversal between Daru and the Arab. Daru has an ambiguous relationship with Algeria because he is deeply attached to it (“Anywhere else, he felt exiled.” [69]) while in fact, as an outsider, he is “a colonizing guest as a pied noir in Algeria” while the Arab prisoner is “ironically his indigenous host.” The story opens with Daru being given “the opportunity to be the host with the Prisoner as his guest” (Champagne 569). This also unsettles the friend/enemy binary as is reflected in Daru’s series of questions to Balducci about the Arab: “What has he done?” “Does he speak French?” “Is he against us?” (73). He asks how the Arab is officially an “other”—is it because of his crime, or because of his different language and customs, and what is this “us” versus “them” in the first place?

Second, the story presents the legal repercussions of colonization in which the colonized people are subjected to the colonizer’s laws. The Arab does something wrong in his community but is made answerable to penal laws external to his community, bringing the colonial state law and the community’s customary law into conflict. According to Balducci, the Arab’s community was hiding him from the colonial police and his village was in an uproar because they want him freed even after killing one of their own (the

Arab's cousin). The community clearly did not want the Arab to be subjected to the law of the colonizers (72, 73). Kim makes the analogy that for the Arab to be punished under French law in Algeria is "to experience what it is to be hostage to others in his home" then further explains that codes of honor and justice may be different in the Arab's Islamic law and tradition and in French law (261).

Conclusion

Literature's strength lies in its power, through language, to show the complexity of human affairs. Law, in its various forms, also captures this complexity because it emanates from human beliefs and values. Law provides normativity to these beliefs and values and attempts to put order to conflicting human interests. Although they fulfill different functions, the disciplines of law and literature emanate from the same reality. In "The Guest," we see how the attitudes and decisions of the characters are based on complex forces (such as individual reason and emotion as well as societal pressures). The story represents the law as a complex and dynamic phenomenon that influences human actions. The reading of the literary text is used to access this truth; while the lesson is focused on a specific theme or problem about the law, it also hones the expertise and skills that are expected of a literature student. The challenge therefore to instructors who are trained in literary analysis and close reading is to select texts that provide opportunities to approach those legal themes and dilemmas. Of course, this also means some retooling on the part of the teachers since they need to read about and think through the selection of texts and to have a rudimentary knowledge of the law. However, the theoretical and methodological essentials of Literature as a discipline remain the basis of the course.

Aside from "The Guest," there are many texts and many available resource materials that can be used for the course.²² However, scholars and teachers in the Philippines and the Southeast Asian region need to widen the scope of these materials beyond Western and canonical texts. This will also make our classrooms more attuned to the realities of law in the Philippine national and regional contexts. For example, state law is just one of the "languages of law"

that Filipinos encounter especially in rural places where it is less influential (Franco). There are also texts that are set in particular historical periods that can offer insights on the law's function during moments of crisis and how the people have used it to find venues of resistance. Although it remains a task of teachers and scholars to construct a reading list of Philippine law and literature texts, a good place to begin is the country's rich tradition of protest literature.²³ Texts outside the traditional literary genres, popular texts, and other art forms can also be used because these contribute to the overall "lay legal culture" (Villez 211).

Teaching Law in Literature or an interdisciplinary Literature course is exciting, challenging, and intellectually stimulating. More importantly, it need not be confusing nor daunting as long as the core of Literature as a discipline remains intact in the process of the interdisciplinary interaction.

Acknowledgment

Early versions of this paper were presented in the 9th Literary Studies Conference hosted by the English Letters Department, Faculty of Letters and the Graduate Program in English Language Studies of Universitas Sanata Dharma, Yogyakarta, Indonesia on October 20-21, 2021; and in the Workshop for AB Literature sponsored by the Technical Panel for Literature of the Commission on Higher Education (Philippines) on November 20, 2020. I am grateful for the opportunity to present in these fora and for the invaluable support and feedback of friends and colleagues as well as the anonymous reviewers of this journal.

Notes

1. See Cuyegkeng, “The Context and Challenges of Interdisciplinarity in the Philippines” and Sollano and Cuartero, “Interdisciplinarity in the Philippine Academia: Theory, History, and Challenges.”
2. See, for example, *AB Literature, Philippines* (abliterature-philippines.com/) for online open-access resources for teachers of literature, creative writing, literature across the professions, literary and cultural studies, and other related subjects.
3. For a discussion of the typologies of interdisciplinarity, see the chapter by Julie Thompson Klein.
4. Literature teachers in tertiary education are the main audience of this paper. I know that there are also efforts to make the law school curriculum more interdisciplinary and to reconsider the scope of the bar exam to make space for subjects other than the professional law courses (see Hilbay). But that case would require another perspective since law students are trained and expected to have a set of skills that is different from that of college students.
5. Such a representation may be unsettling because it puts human agency at the mercy of systems and institutions, reminiscent of what Daniel Dennett said: “[a] scholar is just a library’s way of making another library” (128). However, I think a step back to how the disciplines have determined to a great extent academic life is useful, especially in thinking about possible alternative agenda beyond this paradigm because efforts toward interdisciplinarity will have to contend with the same processes.
6. Benjamin Cardozo’s essay, first published in *Yale Law Review* in 1925, argues that knowledge in literature is a good preparation for writing judicial opinions because it imbues a literary style (“clarity, skills of persuasion, sincerity, and passion or ‘fire’”) to an otherwise very technical form of writing (see Villez 209, 212–213). As mentioned in a previous footnote, a more interdisciplinary law curriculum has also been argued in the Philippines. For example, Florin T. Hilbay laments that there is no flexibility because the “bar-oriented” Philippine legal education do not provide a space for interdisciplinary subjects. He suggests reforms on the “spectacle” and the scope of the bar exam which would effect changes in the law school curriculum.
7. Stuart Henry points out that law schools continue to ask the question of whether they should engage their students in disciplines beyond their focus on legal doctrine. This will have implications on the composition of their faculty: whether hiring should prioritize practitioner experience (the trade school approach), or research experience in law (the professional law school approach),

- or to have a disciplinary-based PhD and a law degree (the interdisciplinary approach) (398–399).
8. Peters notes that “[a]ll interdisciplinarity . . . is disciplinary symptom: somatization, in the disciplinary body, of some invisible pain, thwarted desire being acted out as neurosis. [. . .] In this sense, law and literature might be seen as having symptomatized each discipline’s secret interior wound: literature’s wounded sense of its insignificance, its inability to achieve some ever-imagined but ever-receding praxis; law’s wounded sense of estrangement from a kind of critical humanism that might stand up to the bureaucratic state apparatus, its fear that to do law is always already to be complicit, its alienation from alienation itself” (448).
 9. See José Duke Bagulaya, “Righting in the Novel Form.”
 10. In a lecture, Bagulaya argues that, although this seems to be the domain of lawyers, knowing the effect of law on literature would greatly benefit writers and those working in creative industries.
 11. In this paper, Carol Cosman’s translation of “The Guest” is used.
 12. Some students also take the subject because the top law schools in the country require more than the usual number of English and/or Literature units, although this may change depending on the universities’ admission requirements. The websites of the University of the Philippines College of Law (“Juris Doctor [J.D.] Program”) and the Ateneo de Manila University School of Law (“Admission to the Juris Doctor [J.D.] Program”) show that admission to law school requires 12 units and 18 units of English, respectively.
 13. Deborah Dezure notes that inasmuch as instructors need to be “intentional in the design of interdisciplinary teaching,” they should also be “explicit in clarifying expectations” so that students will have the proper disciplinary perspectives. This helps them in the “challenging process of integrating disciplinary perspectives [and] creat[ing] robust interdisciplinary solutions” (569).
 14. In a way, the story reflects Camus’s own personal relationship with Paris and Algeria. Camus was born in Algeria and lived many productive years in Paris. However, he was “never entirely at ease” with the Parisian intellectual milieu. According to John Strachan, Camus is a “perennial outsider” and “appeared out of place throughout his short, eventful life” (108, 105).
 15. See Tom Shepard, *The Invention of Decolonization*.
 16. Pied-noir, literally “black-foot,” refers to people of French origin who lived in Algeria during French colonial rule. They eventually returned to France after Algeria was granted independence in 1962. Sometimes, the term is also generally used to refer to French-Algerians.
 17. It should be noted that the course, ultimately, is one on criticism rather than on dramatic performance and that some students are more introverted than their classmates. Therefore, the teacher should give suitable weight to the content of

the reading while also giving credit to the artistic-kinesthetic intelligence of the performance.

18. Employed in a law-in-literature class, the interpretation in this paper is guided by the attention given to how the characters encounter and respond to law, specific to their positions. Evidently, it is not the only definitive interpretation of “The Guest.” The essay of D. F. Hurley that surveys the different interpretations of “The Guest” concludes by “underlin[ing] the fact that all arguments about the meaning of fictional characters and events are marked as much by ultimate futility as by combative delight” (92). This does not mean that interpretation is pointless; rather, it must be understood as an activity that is tested through multiple frameworks in relation to the text. Hurley continues that “[w]hatever the imaginary Daru and his imaginary prisoner ‘really’ are and mean has much more to do with current readers and lasting tensions among nations, races, and ethnic and religious groups than with Camus’s intentions of definable ‘truths’” (92), and I would add that these tensions include those of social norms, gender and sexuality, power relations, and others.
19. A. P. D’Entrèves notes that although law and ethics are distinct spheres, natural law is the vindication of the “ethical minimum” of law (93–94) and that it “provides a name for the point of intersection between law and morals” (116).
20. Champagne comments that “the story ends with the promise of death for both hosts” (576). We cannot escape feeling the absurdity of the characters’ struggles only to end up in this situation.
21. See also how Jacques Derrida explains the slipperiness of the host/guest binary in “the laws of hospitality” using the character of Oedipus: “[a]nd the guest, the invited hostage, becomes the one who invites the one who invites, the master of the host. The guest becomes the host’s host. The guest (*hôte*) becomes the host (*hôte*) of the host (*hôte*). These substitutions make everyone into everyone else’s hostage” (125).
22. Check, for example, *Teaching Law and Literature*, edited by Austin Sarat, et al.
23. See Alice Guillermo, “The Temper of the Times: A Critical Introduction.”

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