

**Hakim and Kafka at Law School: Using Literature to Teach Legal Concepts for Law Students through Blended Humanistic and Case Based Learning approaches<sup>1</sup> in implementation of the United Nations Sustainable Development Goals.<sup>2</sup>**

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**Abstract**

This paper is about connecting literature to legal concepts and real-life applications presented in real legal cases to teach law students these concepts in a more sustainable way. The humanistic and case-based learning approaches are chosen for their real-life dimension that is a direct reflection of the principles of Sustainable Development (SD). One of the main reasons for the significance of the current study, besides the SD dimension, is its approach in changing the confinement of literature to the use of literary texts in second language acquisition only. The paper presents a course that connects legal concepts to literature and real legal cases to enhance and augment the skills and knowledge required specifically for law graduates. It also presents various unorthodox teaching methods that could be incorporated in teaching this course. In its broadest sense, this paper attempts to encourage the use of Literature to deliver, clarify, and enhance learning technical concepts, terminology, and principles of the different educational disciplines- other than law- through adapting literary texts to the required competencies and knowledge for learners of those disciplines. By doing so, this course would implement the SDGs by, among other factors, enabling learners of one discipline to have a broader and more informed knowledge of other disciplines. Since a classroom is not an end but a path to acquiring life skills, interdisciplinary and horizontal learning and knowledge is a necessary route to producing more competent and sustainable graduates and citizens.

**Keywords:** Sustainable Development (SD); Literature; Law; Case Based Learning (CBL); Humanistic; Competency.

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<sup>1</sup> This paper is based on my work with groups of distinguished law students and graduates between 2015 and 2019 in a course titled “Legal Perspectives” in which much of what will be discussed in this paper has been applied, revised, reapplied, and modified to reach a final format for this proposed course. Much of my students’ feedback, reactions, discussions, and comments form an invaluable contribution to this proposed course. When I say distinguished, it is not a teacher’s endearing description of her students. Those students underwent an extremely tight selection criterion that included English language proficiency, legal academic excellence, along with an innate desire for development and improvement.

<sup>2</sup> Same topic was discussed in sessions for the AUC/ NILETESOL Teaching Literature SIG network (2020- 2022) and other educational forums.

## الحكيم وكافكا في كلية الحقوق: استخدام الأدب لتدريس المفاهيم القانونية لطلاب القانون من خلال نهج التعلم الإنساني القائم على الحالة تنفيذاً لأهداف الأمم المتحدة للتنمية المستدامة.

### مستخلص

تتناول هذه الورقة ربط الأدب بالمفاهيم القانونية وتطبيقات الحياة الواقعية المقدمة في قضايا من الواقع لتعليم طلاب القانون (الحقوق) هذه المفاهيم بطريقة أكثر استدامة. يتم اختيار مناهج التعلم الإنسانية والقائمة على الحالات لأبعدهما الواقعية التي تمثل انعكاس مباشر لمبادئ التنمية المستدامة. أحد الأسباب الرئيسية لأهمية الدراسة الحالية ، إلى جانب بعد الاستدامة، هو ما تقترحه من إمكانية تغيير حصر الأدب في استخدام النصوص الأدبية في اكتساب مهارات تعلم اللغة الثانية فقط. تقدم الورقة مقترح لمقرر يتم فيه ربط المفاهيم القانونية بالأدب والقضايا القانونية الحقيقية لتعزيز وزيادة المهارات والمعرفة المطلوبة لخريجي الحقوق. تقدم هذه الورقة أيضاً طرق تدريس مختلفة غير تقليدية يمكن دمجها في تدريس هذا المقرر. بمعنى أشمل، تحاول هذه الورقة تشجيع استخدام الأدب لتقديم وتوضيح وتعزيز تعلم المفاهيم والمصطلحات والمبادئ الفنية للتخصصات المختلفة - بخلاف القانون - من خلال تكييف النصوص الأدبية مع الكفاءات والمعرفة المطلوبة لدارسي تلك التخصصات. بذلك تتحقق أهداف التنمية المستدامة من خلال، من بين عوامل أخرى، تمكين المتعلمين في تخصص واحد من الحصول على معرفة أوسع وأكثر استنارة في التخصصات الأخرى. نظرًا لأن الفصل التعليمي ليس هدف بحد ذاته و إنما طريق لاكتساب المهارات الحياتية، يعد التعليم والمعرفة متعددة التخصصات والأفقية طريقاً ضرورياً لإنتاج خريجين ومواطنين أكثر كفاءة واستدامة.

**الكلمات المفتاحية:** التنمية المستدامة، الأدب، القانون، التعلم القائم على الحالة، انساني، الجدارات

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“In nature, nothing exists alone.” — Rachel Carson, *Silent Spring*

It was in 1962 that Rachel Carson wrote her seminal book which became named one of the twenty-five greatest science books of all time by *Discover Magazine* under the title *Silent Spring*. It is to this book, *Silent Spring*, that the credit goes for raising an early world-awareness of the implications of the abusive attitude of humans towards nature and its effects on humans, the other creatures, and the planet earth at large. Although a strictly scientific book placed alongside with Einstein’s and Hawkins’, it is more of a poetic reproduction of T. S. Eliot’s *The Waste Land*- notably its title is borrowed from another literary text: John Keats’ poem “La Belle Dame Sans Merci”. In her book, Carson whistle-blows against the negative impact of the excessive use of DDT that was then widely used throughout the world and in the United States of America specifically. In the book, she combines scientific exploration with a poetic artistic representation of what Man is causing the world to become. The inspiration for writing this book was a letter she received from her friend Olga Owens Huckins, Peter Matthiessen points out, to help her reach persons of power to highlight the dangers of pesticides namely DDT. The letter was a copy of the same letter sent to the *Boston Herald* on January 1958 complaining about the effect of pesticides on her lovely songbirds which were killed instantly when exposed to the deadly pesticide (135). In the opening chapter of her novel titled *A Fable for Tomorrow*, she draws a future in which Man has killed his fellow creatures:

Some evil spell had settled on the community: mysterious maladies swept the flocks of chickens; the cattle and sheep sickened and died. Everywhere was a shadow of death. The farmers spoke of much illness among their families. In the town the doctors had become more and more puzzled by new kinds of

sickness appearing among their patients. There had been several sudden and unexplained deaths, not only among adults but even among children, who would be stricken suddenly while at play and die within a few hours.

There was a strange stillness. The birds, for example—where had they gone? Many people spoke of them, puzzled and disturbed...

. . . This town does not actually exist, but it might easily have a thousand counterparts in America or elsewhere in the world. (4)

Carson with this description gives a gloomy description of the future of many cities of the United States of America in case Man's abusive attitude towards nature continues. Despite its initial negative reception by many, accusing Carson of hysteria and exaggeration at best, it led a chain reaction of analyses, investigation, and then newly found awareness of the need for what came to be called many years later Sustainable Development (SD). This literary slash scientific book became the manifesto of one of the greatest developmental movements worldwide in history in which the world is, in a rare moment, uniting for the best interest of humanity. As a literature enthusiast, I must highlight this moment of pride finding literature at the heart and forefront of almost all pursuits of justice, beauty, and humane progress. A fight against the murdering of Man's fellow creatures, and eventually Man himself, against the destruction of a planet that is rich in all the necessary resources for the survival of its creatures, against selfishness and stupidity, to become the world's primary and most important agenda highlight, can only be ignited by a poetic book of science bearing the title of a poem.

In fact, literature is not only at the heart of the movement towards an awareness of the need for Sustainable Development, but also, more importantly, it is at the heart of the implementation of its strategies and principles as well. Although this is a fact, Hubert Zapf rightly points out that "[T]he relation of sustainability to literary texts and aesthetics has so far rarely been explicitly addressed (16)." On a general scope, the connection between literature and the environment, or literature and Sustainable Development has been ongoing along all other academia hopping over the new stream of ecological studies. Literature on

Sustainability, Literature and Sustainability, Sustainability in Literature are among the major subjects of literary scrutiny. However, I believe the most significant connection between Literature and Sustainability is that Literature *is* a very vivid example of Sustainability. As Gillen D'Arcy Wood points out in her "Forward" to the book *Literature and Sustainability* (2017):

A literary text is not self-aware, but it does have survival for its object: the words, in their making, intuit the chanciness of their conception, the horizon of their extinction, and seek out a niche of difference (not originality, which is why good books most resemble other good books). Literature is not death-driven, but rather auto-poetic, or ecological. The literary, though not itself living, enacts life, its own coming-into-being, together with the sense of an ending. Unlike other verbal artefacts then – memos, menus or internet ramblings – literature, in this self-sustaining sense, neither represents nor expresses. It is language itself hell-bent on survival; it rages against the dying of the light.

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Our own biophilia—one true gift of consciousness—is the source of our fascination with literature, including that which makes no reference to 'nature'. The literary, like organic forms in a complex system, is neither inevitable nor predictable. You read the poem over and it is never the same. You read it over and over because it is like falling in love with the true, contingent world, not some ideologized plastic replica you've been sold as happiness. (xvii)

Literature is the genuine value in a plastic world. It is not *recycled* but rather *reborn* with every reading, adaptation, and reproduction as well as with every effect that is planted in one's mind and heart reproduced in gestures, words, and sounds. It is, Wood names, "among the few examples we have of true resilience (xviii)," resilience being a keyword of Sustainable Development.

One of the main reasons for the significance of the current study, besides the Sustainable Development dimension, is the fact that most studies and applications carried out concerning curriculum development

are primarily carried out by scholars and academics in the Methods of Teaching discipline or linguistics discipline with a specialization in TEFL. This has led through the years, I believe, for those responsible for developing curricula and syllabi in the different educational levels to confine literature to the use of literary texts only as a tool for facilitating second language acquisition- the English language. This excessive use even led Geoff Hall to suggest conspiracy: “Literature –particularly English literature – traditionally held a central and privileged place in language teaching, now often viewed as a kind of ‘Inner Circle’ attempt by England and the USA to dominate norms and values (2).” This in turn has led to the diminution of the value of literature in knowledge and humanistic perception to a primitive level language-learning disregarding the powerful potentials of literature. The current study does not attempt the usual pursuits of theoretical studies on the connection of Literature and Sustainability neither is it about the use of literature in enhancing second language acquisition as the connection between literature and language is usually made. Instead, it is about teaching philosophical concepts through literature’s lifelike depictions which facilitates the understanding and later application of these concepts in life’s literature-like situations. The idea, the content, the connections drawn among the various components of this proposal can be replicated and applied within various educational systems and environments. This paper is concerned with adapting the use of literary texts to enhance and augment the skills and knowledge required specifically for law graduates: a pursuit that needs to be carried by specialized literary scholars rather than education methodology academics. It is more specifically a necessary stage concerned with the literary content that should be adapted and presented to the students.

As per the UNESCO, Sustainable Development was defined by the 1987 Bruntland Commission Report as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” This understanding of the concept has four axes: society, environment, culture, and economy, which are, according to the UNESCO manifesto on Sustainable Development, “intertwined, not separate. Sustainability is a paradigm for thinking about the future in which environmental, societal, and economic considerations are balanced in the pursuit of an improved quality of life (Chapter II).” Intertwining theory and practice, academic disciplines, and educational methodologies to reach a sustainable educational paradigm that

acknowledges and utilizes the various available resources into not only awareness but an implementation of the concept of Sustainable Development and the United Nations Sustainable Development Goals is what this proposed course hopes to achieve. As the UNESCO publication *Education for Sustainable Development Goals: learning objectives* states, education should participate effectively “by defining relevant learning objectives and learning contents, introducing pedagogies that empower learners, and urging their institutions to include sustainability principles in their management structures... Education is both a goal and a means for attaining all the other SDGs. It is not only an integral part of sustainable development, but also a key enabler for it” (Santana et al., 2019, 9009). Since “many studies show that traditional pedagogical approaches are insufficient to adequately develop skills and mentalities that contribute to sustainable development because they cannot deal with complexity and uncertainty of individual development (Santana et al., 2019, 9009). This is described by Jolita Horbacauskiene specifically:

Sustainable education methods are the methods that take advantage of multidisciplinary and lead to the development and usage of communication, collaboration, and empowerment skills which are considered to be prerequisites for sustainable societal transformation. Sustainable education methods should not only encompass learning outcomes of knowledge and skills but also seek to foster values and attitudes that encourage critical and creating thinking. It may be claimed that the successful implementation and practice of sustainable education methods encompassing values, attitudes, and behavioral intentions together with cognitive learning outcomes may be one of the learning objectives focused on holistic sustainable development of societies.

From this description, we might enumerate some pillars of the implementation of Sustainable Development in education:

- a- Take advantage of multidisciplinary.
- b- Lead to the development.
- c- Usage of communication, collaboration, and empowerment skills.

- d- Should not only encompass learning outcomes of knowledge and skills but also seek to foster values and attitudes that encourage critical and creating thinking.

These fourfold concepts are executed in the current proposal to use literature to teach legal concepts for law students through blended humanistic and case-based learning approaches preferably within a competency-based education system.

The overall idea of the application of the multidisciplinary in connecting education, namely teaching methods, to literature, and legal studies is a direct implementation of the pillars of Sustainable Development in Education. Li Chen calls for “an interdisciplinary approach to education to prepare learners for a future world where technological skill and social science knowledge will be required in tandem.” As the UNESCO Chair in Copyright and Neighbouring Rights, he argues that “a humanistic approach to education is sorely needed to promote self-expression and spark creative thinking for the common good (166).” He goes on furthermore to confirm the significance of an interdisciplinary approach especially in higher education, since “life is a coherent whole and livelihood is also a coherent whole, a disciplinary vision that is too narrow may give rise to myriad and varied problem (166).” Chen states that the ultimate goal of education is to achieve wellbeing. He argues that the relationship between knowledge and the meaning of life should be highlighted whatever form of knowledge is being delivered. Individuals will appear less important as society's division of labour becomes more granular. Failure to recognise and comprehend the fullness of life might leave us exposed to a variety of psychiatric problems: “[R]eshaping the human mind and equipping it through humanistic education to promote interdisciplinary dialogue should be the goal and direction for future education (166).” The current proposal precisely preaches applying this current paradigm within specific educational approaches and systems: humanistic and case-based learning as well as a competency-based education system.

The humanistic and case-based learning approaches are basically chosen for their real-life dimension that is a direct reflection of the principles of Sustainable Development. As Vyacheslav Mantatov, Larisa Mantatova and Anastasia Nasibulina state in “Humanism and Environmental Ethical Frameworks”, “[T]he main imperative for education for sustainable development is ‘to study to become human.’

Interpreted in this way, education for sustainable development is the only way to save the world (34).” The humanistic learning approach is at the core of Sustainable Development as much as the human being is at the core of life. The Humanistic approach started within the field of psychology with an innate belief in the need of humans to be humane: humanism is life’s primary driving factor. Born on the hands of Abraham Maslow (1908- 1970) and Carl Rogers (1902- 1978) around the 1960s, it basically came as a reaction to the pragmatic cold dehumanizing learning approaches that brought the educational process into a form of a mechanized torture of test scores, teacher-centered classrooms, and behaviorist paradigms (DeCarvalho, 1991), (Aung, 2020), and (DU Jingna, 2012).

Humanistic teaching is not only a theory of intentions and philosophy. It is a theory that encourages certain in-class practices. As Nimrod Aloni points out, humiliation, criticism, and authoritarian education tactics are unwelcome in such a classroom: “Based on the humanistic stance that people’s unique dignity lies in their critical reason, moral sensitivity, creative imagination, autonomous will and unique personality, it is essential for humanistic education to prioritise the value of human dignity – including freedom of thought, moral autonomy and personal authenticity– over any other religious, nationalistic, economic, or ideological set of values (36).” He thus calls on creating an educational policy which is comprised of five elements:

- (1) An intellectual approach that fosters liberal thinking, and autonomous critical analysis based on factual evidence.
- (2) A Moral approach that confirms equal human worth to others, social justice, and peaceful neighbourliness reflecting values of human empathy and compassion.
- (3) A political approach that emphasizes active democratic citizenship by being socially responsible and engaged while maintaining values of understanding and tolerance.
- (4) A cultural approach that encourages active curiosity, broad intellectual horizons, experiential depth, commitment to excellence, and cultural diversity.
- (5) Worldwide Citizenship that comprehends ones’ localities while understanding other cultures and embracing the ecological issues that are of global and international interest. (41)

Keeping these five elements in mind while formulating each class’s agenda is crucial for enhancing the required skills and competencies of

the learners within a sustainable development paradigm. This requires enhancing the skills and general mindset of instructors of such courses that apply humanistic values. In other words, instructors are constantly required to come up with innovative methods of deliverance and assessment that do not violate the humanistic approach while at the same time maintain a scientific as well as fair classroom environment. Based on these threads, I believe classroom practices for law students learning legal concepts through literature through a humanistic approach could include:

**(1) Socratic Discussions (Inquiry Based Learning):**

The Socratic discussions that are named in their modern term Inquiry Based Learning is a form of instruction that I believe is most befitting the proposed syllabus. The mode of deliverance is based on the practices of the great Greek philosopher Socrates who was in habit of engaging in philosophical discussions in public and at private gatherings including philosophical discussions of the true meaning of “justice, beauty, courage, temperance, virtue, and friendship (Delic and Bećirović, 2016, 511).” This method of teaching has proven, during his time, and continues to prove, confirm Haris Delic and Senad Bećirović to be helpful and effective as participants reach deeper understanding of concepts and principles: “the teacher doesn't provide students with necessary information. Instead, by analyzing and exploring given text, they look for information (511).” This could take different forms but basically the class starts with a question posed by the instructor or agreed upon among groups of students concerning the legal concept that should be discussed that session. Students who are prepared, having read the literary work and the legal case connected, they start to contemplate on the questions and principles concerning the topic of the session. Since the class is instructed using a humanistic teaching approach, as Ya Min Aung describes the humanist teacher, he is “a facilitator, not a disseminator, of knowledge. Participatory and discovery method would be favored instead of traditional didacticism (13559).”

**(2) Ubuntu Activities:**

After reading an account from a foreign visitor of an African country, I started to use this term: Ubuntu Activities. The visitor recounts what happened during his visit to an African country when he asked a group of African kids to race towards a tree with a special prize for the winner of that race. To his astonishment, the kids each time would hold hands and go to the tree together. The foreigner kept repeating the explanation of the idea of the race but each time he only gets the same result. The kids just hold hands and go to the tree together. Finally, he asks them why they do not race. They say “ubuntu” which means “I am because of who we all are”. As Jacob Mugumbate and Andrew Nyanguru explain, “Ubuntu relates to bonding with others. This is in line with what the word expresses in most African languages: being self because of others. This is also in line with the popular Zulu saying: ubuntu ngumuntu ngabantu. Such sayings as ‘I am because we are’ and ‘I am human because I belong’, express this tenet (84).” Instructors could be as creative and innovative as could be to introduce Ubuntu activities that triumph connectedness over individuality.

Ubuntu activities examples could include a musical chair competition in which each group revolves around one chair while the music plays. Once it stops, the one closest to the seat of the chair sits, the music plays again, and then the seated person must find a way to place the new person beside him or with him and the game goes on. The winning group is the group capable of seating the largest number of participants together without falling. Another example is the “legal hot seat” activity in which two learners are seated with their back to the board on which a legal concept is written. Each group try to help their representative on the hot seat to guess the word by saying as much information as possible concerning this concept. The winning group is the group that collaborates within the shorter period to help their representative guess the word.

**(3) Art:**

Art is not a discipline; It is life in another language. While literature reflects life in words, art reflects life in lines and colours. Since we have already referred to Socrates, we could recall another two great Greek philosophers with powerful views on arts and education and the connection between them: Plato and Aristotle. While Plato in the Republic excluded artists as imitators of an imitation (life)

which is an imitation of truth with his well-known cave imagery, Aristotle not only accepted art but also emphasized its importance for its cathartic effect that both teaches and entertains. Of course, both Aristotle and Plato are referring to Arts with the term's broader meaning that combines art and literature. For this, artistic productions are of major importance in such a classroom reconnecting art to literature with life.

Art, as an imitation of life, is a magnificent tool for the representation of ideas and connecting theory to practice. With its two-fold effect—teaching and entertaining- making this an integral part of the course helps students produce artistic works that epitomizes their understanding of key-concepts while connecting theories to life through art. This could be integrated on both ways, the learner as recipient and the learner as producer. In *Education Through Art*, Herbert Read calls this kind of deliverance “aesthetic education” (8) as a method to overcome one of the biggest shortcomings of our educational system which is “our habit of establishing separate territories and inviolable frontiers... Art is the representation, science is the explanation—of the same reality (11).” It is noteworthy that Law school at Cairo University was originally part of the Languages College. As the official School of Law, Cairo University website states:

It was divided into two departments: primary and high; the primary department included the first two years; it aimed at graduating bailiffs and clerks of the court. The subjects of study were French language, translation, history, geography, Arabic handwriting, French handwriting, bookkeeping, judicial system, principles of pleading, and judicial procedures. The high department was three years of study. It aimed at graduating heads of clerks of courts, members of prosecution, and other clerks whom careers require legal culture. Subjects of that department were Arabic language, French language, Italian language, translation, history, Islamic Shariah, civil law, criminal law, law of pleadings, commercial law, and Romanian law.

**(4) Off-Campus Classrooms:**

As we strive to connect theories to practice, and books to life, going out of the closed classroom to the openness of real-life is integral. Taking students for an unorthodox classroom relevant to the topic of the session will connect students with their course and surroundings. The Bubble Age as we may rightfully call it, an age that started off with the departure of Man from living in tribes and groups and villages into cities and skyscrapers in which each live solitarily separate from his fellow humans, has reached its peak. Now humans are bubbled into their isolation within the same room with the help of their electronic devices. What started with a television set in each room of the same house transferring each member of the same household to a distant place mentally and psychologically, is now evolving with numerous infinite apps and devices. Reversing the process is not only through asking students to switch off their mobile phones while in the classroom. Taking the students out of the classroom, getting them connected with the environment and themselves, de-bubbles their minds.

**(5) Moot Courts and Mock Trials or Problem-Based Learning:**

This is a form of simulation exercise that prepares law students for their later postgraduation jobs as lawyers, prosecutors, or court legal officials. As Yvonne Daly and Noelle Higgins assert on the necessity of having exercises such as moot courts and mock trials that they “should have a prominent place in the modern law curriculum. The learning outcomes of such activities are vital in the education of law students. They provide them with enhanced advocacy and legal reasoning skills, among others, which are vital to a practising lawyer (58.14).” Many studies have asserted the importance and efficiency of such activities for Law students (Santana et al. 2015), (Spengler 2004), and (Daly 2011).

An innovative exercise in this arena is the Shakespeare Moot Court Project that is presented yearly at McGill University. In this project, students of Law collaborate with graduates of Literature in a project in which they are presented with a case, and they take Shakespeare as the law. They study Shakespeare and his work and contemplate ideas concerning the case at hand. The project, as their website describes it, “seeks to model and to explore the nature of interpretation, the development of a legal tradition, and the way in

which value and meaning intersect in the creation of law and literature alike” (Shakespeare Moot Court Project, 2002) By combining learners of both majors, law and literature, “the project is intended to allow a depth of connection between the discourses of law and the humanities that is rarely achieved. Law and English students learn about the processes of reasoning and analysis in another discipline, and they come to appreciate the cultural embeddedness of these forms” (Shakespeare Moot Court Project, 2002).

### **(6) Case Based Learning:**

For law students, teaching legal concepts should not be connected only to life through an ‘imitation of life’ AKA ‘literature’, to borrow Plato’s image, by teaching literary texts. In this course, studying a real legal case will further clarify and present applications on real-world situations promoting higher levels of comprehension and cognition (Nkhoma et al. 2016), (Bloom 1956), and (Herreid 2007). While Case-Based Learning usually uses fictitious scenarios and stories highlighting certain technical and scientific concepts, the use of real cases does not only aid in clarifying these concepts but also engage students in a fact-driven and deductive pursuit of answers.

The following is a proposed syllabus that is assigned to teach basic and necessary legal concepts. This syllabus is based on several studies conducted to identify the primary and most significant competencies needed for the legal professions (Marsden & Buhler 2018) and (Mudd & LaTrielle 1988). It is also based on the research conducted and published by the *Educating Tomorrow’s Lawyers* initiative of the Institute for the Advancement of the American Legal System. This initiative is dedicated to aligning legal education with market needs. The institute worked with a Consortium of law schools and representatives from the legal market and the educational sector to produce an effective legal education. This Think Tank institute produced several studies and respectable research on that issue. I am interested in two publications: *Foundations for Practice: The Whole Lawyer and the Character Quotient* and *Building a Better Bar: The Twelve Building Blocks of Minimum Competence*. It must be highlighted that the current syllabus is based on

the competencies derived and considered of primary necessity and importance based on those studies that basically cover the American legal work market. While I believe those competencies have the same importance within the Egyptian legal work market, a similar work with a consortium of law schools and representatives of the Egyptian work market is needed to produce a similar manifesto on the building blocks of minimum legal competence. It is noteworthy that the task group for the *Foundations for Practice: The Whole Lawyer and the Character Quotient* had received more than twenty-four thousand responses from 50 states on surveys to formulate the results of the project that was designed to:

1. Identify the foundations entry-level lawyers need to launch successful careers in the legal profession.
2. Develop measurable models of legal education that support those foundations.
3. Align market needs with hiring practices to incentivize positive improvements in legal education. (*Foundations for Practice 4*)

For that study, the foundations for practice were divided into seventeen categories:

1. Business Development and Relations
2. Communications
3. Emotional and Interpersonal
4. Intelligence
5. Involvement and Community Service
6. Legal Thinking and Application
7. Litigation Practice
8. Passion and Ambition
9. Professional Development
10. Professionalism
11. Qualities and Talents
12. Stress and Crisis Management
13. Technology and Innovation
15. Transaction Practice
16. Working with Others
17. Workload Management

The foundations or competencies which I have underlined are the ones directly addressed in this course. This is not to say that many of the other

competencies are completely excluded. The addressed categories are: Legal Thinking and Application, Litigation Practice, Passion and ambition, Qualities and Talents, and Transaction Practice. These three categories include skills and competencies that are necessary for future law graduates including:

- a. Critically evaluate arguments (55.4%)
- b. Effectively use techniques of legal reasoning and argument-case analysis and statutory interpretation (65%)
- c. Effectively research the law (83.7%)
- d. Identify relevant facts, legal issues, and informational gaps or discrepancies (71%)
- e. Draft pleadings, motions, and briefs (72.1%)
- f. Interview clients and witnesses (50%)
- g. Request and produce written discovery (65.3%)
- h. Have a commitment to justice and the rule of law (62.1 %)
- i. Commonsense (84.6%)
- j. Conscientiousness (85.5%)
- k. Strong moral compass (79.2%)
- l. Draft contracts and agreements (50.3%)

As the researchers of the report studied the different foundations with their subdivisions, they studied the relationship between the 147 foundations whether they are Characteristics “capturing features or qualities (such as sociability) (22)”, or Professional Competencies that “are skills seen as useful across vocations (such as managing meetings effectively) (22)”, or Legal skills that are “required for the specific discipline of law (such as preparing a case on appeal) (22)”. They sustained that “Almost half (45%) of the survey items addressed professional competencies, while characteristics and legal skills each accounted for just over one-quarter of survey items (28% and 27%, respectively) (22).” This means that general employability competencies comprise 45% while 55% include specific legal related skills and competencies. As we have seen, the basic skills for the law graduate are directly reflective of effective LANGUAGE skills- reading, writing, listening, and speaking with a legal concentration. Thus, language skills are necessary and are of major significance.

Law schools are required to produce graduates that have the:

- a) Knowledge and understanding of substantive and procedural law.
- b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communications in the legal context.
- c) Exercise of proper professional and ethical responsibilities to clients and the legal system.
- d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

*(Foundations for Practice 36)*

On the other hand, in the latter half of 2019 and early 2020, the IAALS conducted 50 focus groups of which 41 were new lawyers, While the remaining nine were those who supervise new lawyers to decide the minimum competence needed for a new lawyer. The report *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* shows that there are 12 interlocking components or “building blocks” required:

1. The ability to act professionally and in accordance with the rules of professional conduct
2. An understanding of legal processes and sources of law
3. An understanding of threshold concepts in many subjects
4. The ability to interpret legal materials
5. The ability to interact effectively with clients
6. The ability to identify legal issues
7. The ability to conduct research
8. The ability to communicate as a lawyer
9. The ability to see the “big picture” of client matters
10. The ability to manage a law-related workload responsibly
11. The ability to cope with the stresses of legal practice
12. The ability to pursue self-directed learning

*(Building a Better Bar 3, 4)*

We might conclude that the necessary competencies needed for graduates of law school that will be addressed in this course are:

1. Understanding various perspectives.
2. Analytical, logical, and legal reasoning.
3. Understanding human behavior (Mudd & LaTrielle 9)
4. Language and communication skills especially reading and writing skills:
  - a. Reading Skills: As Leah M Christensen points out, “Legal texts are unique in both their form and structure; they are their own special genre. In order to read any text well, readers need four types of reading knowledge: (1) word recognition; (2) text structure; (3) grammatical knowledge; and (4) reading strategies (607)”. Enhancing students’ reading skills through extensive reading of literary texts not only prepares students for their future profession, but it also arms them with pool of legal vocabulary and sentences structures from texts that portray legal themes.
  - b. Writing Skills: There are different types of legal writing including academic legal writing, juridical legal writing, legislative legal writing, as well as writing to communicate with clients (Butler 1). Given Mellinkoff’s (1963) observation that “the law is a profession of words” (qtd Butler 1), “both legal skills and language skills acquisition forms a vital part of professional education and training in today’s global age (Butler 1).
5. Legal awareness: comprehension and understanding of legal concepts.
6. Researching and investigating.

In combining the humanistic approach with the case-based approach in teaching this course that uses a literary work with an actual legal case, the necessary skills and competencies required for a law student can be achieved. The suggested course is:

Week #	Session Title	Topic	Legal Concept	Literary Text(s)	Legal Case
1	Orientation	Legal Competencies and Skills	<ul style="list-style-type: none"> <li>• Perspective and Interpretation</li> </ul>	<ul style="list-style-type: none"> <li>• <i>We Were Liars</i>, E. Lockhart (2014)</li> </ul>	<p>“He Is No Lawyer Who Cannot Take Two Sides”</p> <ul style="list-style-type: none"> <li>• Open Class Discussion and Icebreaking</li> </ul>
2	One For All	Justice: What Is the Right Thing to Do?	<ul style="list-style-type: none"> <li>• <i>Necessity As Basis of Defense.</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>A Time to Kill</i> (1989), John Grisham</li> <li>• <i>Diamond Dust</i> (2010), Ahmed Murad</li> </ul>	<p>Legal Cannibalism?</p> <ul style="list-style-type: none"> <li>• Regina V. Dudley and Stephens (1884)</li> <li>• United States V. Holmes</li> </ul>
3	Say “I Do”	When is consent, Consent?	<ul style="list-style-type: none"> <li>• Consent As Basis for Acquittal and Denial of Liability</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Beloved</i> (1987), Toni Morrison</li> <li>• <i>It Ends with Us</i> (2016), Colleen Hoover</li> </ul>	<p>Rape, Marriage, And Slavery</p> <ul style="list-style-type: none"> <li>• R V Clarke [1949] A Husband Was Found Guilty of Raping His Estranged Wife</li> <li>• Dred Scott V. Sandford (1856-7), Americans of African Descent Were Not American Citizens.</li> </ul>
4	<u>Legal Careers 1:</u> Let’s Kill All the Lawyers	The Role of the Lawyer in the Legal System	<ul style="list-style-type: none"> <li>• <i>Parameters of Legal Representation</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>The Firm</i> (1991), John Grisham</li> <li>• <i>The Merchant of Venice</i> (1596-9), William Shakespeare</li> <li>• <i>Henry VI- Part II Act IV</i>, William Shakespeare</li> </ul>	<p>The Right for a Lawyer</p> <ul style="list-style-type: none"> <li>• Gideon V. Wainwright (1963)</li> </ul>
5	<u>Legal Careers 2:</u> “Blind” Justice?	The Role of Judges in the Legal System	<ul style="list-style-type: none"> <li>• <i>Rule Of Law</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>The Trial</i> (1925), Frantz Kafka</li> <li>• <i>Maze of Justice</i> (1989), Tawfiq Al Hakim</li> </ul>	<p>Is The Judge Allowed to Judge?</p> <ul style="list-style-type: none"> <li>• United States V. Shelley M. Richmond Joseph and Wesley Macgregor (2019)</li> <li>• United States v Thomas J. Maloney</li> </ul>
6	The Invisible Legislation	The Invisible Legislation of Societal Law and Its Effect on Legal Discriminatory Practices Towards the Marginalized.	<ul style="list-style-type: none"> <li>• Equity</li> </ul>	<ul style="list-style-type: none"> <li>• <i>An Incident of Honour [ḥādīṣ ṣrf]</i> (1958), Youssef Idris</li> <li>• <i>Atrocity</i> (1901), Mohamed Hussein Kamel</li> <li>• <i>The Scarlet Letter</i> (1850), Nathaniel Hawthorne.</li> </ul>	<p>Cases Of Honor Killing</p> <ul style="list-style-type: none"> <li>• Ghazala Khan Case, Denmark</li> <li>• Ahmet Yıldız, Turkey.</li> <li>• Jenson v. Eveleth Taconite Co.</li> </ul>
7	Crimes And Criminals	Theories of Criminal Law	<ul style="list-style-type: none"> <li>• Criminal Responsibility</li> <li>• Criminal Procedure and Evidence</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Crime And Punishment</i>, Fyodor Dostoevsky (1866)</li> </ul>	<ul style="list-style-type: none"> <li>• People of the State of California vs Orenthal James Simpson</li> <li>• The Rodney King beating case.</li> </ul>

**Hakim and Kafka at Law School: Using Literature to Teach Legal Concepts for Law Students through Blended Humanistic and Case Based Learning approaches in implementation of the United Nations Sustainable Development Goals.**

8	The Law or The Law?	Law Versus Religion	<ul style="list-style-type: none"> <li>• Sources Of Law</li> </ul>	<ul style="list-style-type: none"> <li>• <i>A Man for All Seasons</i> (1966), Thomas More</li> </ul>	<b>Law Vs. Religion</b> <ul style="list-style-type: none"> <li>• Nicklinson &amp; Lamb V United Kingdom</li> <li>• Samesex Marriage (USA)</li> </ul>
9	State (In)Justice	John Locke, the Foundation of Government, and Human Rights	<ul style="list-style-type: none"> <li>• <i>Penology</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>1984</i> (1949), George Orwell</li> </ul>	<b>State Laws Vs. The Constitution</b> <ul style="list-style-type: none"> <li>• Marbury V. Madison</li> </ul>
10	Justice As Fairness?	How Is Justice Presumed and Achieved	<ul style="list-style-type: none"> <li>• Distributive And Corrective Justice</li> <li>• Utilitarianism, And Luck Egalitarianism</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Les Misérables</i> (1862), Victor Hugo</li> <li>• <i>Billy Budd</i> (1924), Herman Melville</li> </ul>	<b>A Case of Philanthropy or Justice Served</b> <ul style="list-style-type: none"> <li>• Bill Gates</li> <li>• People Of the State of Colorado Vs. Aguilera-Mederos, Rogel Lazaro</li> </ul>
11	The Human Price	Pillars Of Environment	<ul style="list-style-type: none"> <li>• Preserve Resources.</li> <li>• Assess Carbon Footprint and Reduce GHG Emissions.</li> <li>• Reduce and Better Manage Waste.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Silent Spring</i> (1965), Carson</li> </ul>	<b>Environment Friendly?</b> <ul style="list-style-type: none"> <li>• Hinkley Vs PG &amp; E</li> </ul>
12	Justice For the Future	SDGs	<ul style="list-style-type: none"> <li>• Economic Viability,</li> <li>• Environmental Protection And</li> <li>• Social Equity</li> </ul>	<ul style="list-style-type: none"> <li>• <i>The Plague</i>, Albert Camus</li> </ul>	<ul style="list-style-type: none"> <li>• UN Legal Guide to the Sustainable Development Goals</li> </ul>

This twelve-week course explores legal concepts through combining a literary text with an actual legal case. The connection between the legal concept and the literary work and the legal case will help learners connect abstract legal concepts to lifelike situations from literature and then realize the parameters of the concept and the practice in life through real cases. This does not only give the learner a better understanding of the concepts at hand, but it also moreover drives the learner to cross the line between theory and practice which achieves more sustainable learning. As a better demonstration of how this might be done, I will give some comments to elaborate on this in the first five weeks of this course. In doing so, an illustration of the philosophy expected to govern the deliverance of the course and the ideas within it will be explained. This is not to say that this is the *only* way this course is delivered, or the connections made. This is not to say even that these

specific concepts and specific works and specific cases should be used. This is only an example of a necessary interdisciplinary pursuit that stops academic and educational studies from becoming rigid quarantined processes into cooperative fruitful coalitions of science and knowledge. Choices are dependent on the competencies pursued and the knowledge required.

**Week One: Orientation**  
**Legal Competencies and Skills**

The Main topic is highlighting the primary competency of anyone working in the legal field which is the ability to see an issue from different perspectives. As a lawyer or a judge, one must be able to put themselves in the shoes of others to reach justice. In this week, E Lockhart's novel *We Were Liars* will be discussed with an open discussion on the competencies and skills required for a law graduate. The novel, which is told from the first-person point of view of Cadence Sinclair, narrates the life of Cadence and her friends who had started a fire at Clairmont leading to huge damages to the estate and a medical condition that she suffers from throughout the novel. The writer constantly insinuates a scenario to the reader through the facts and the narration of the protagonist. Only towards the end of the novel, the reader realizes to have been completely misled, and victims are perpetrators and vice versa. The way the writer builds up the tension in the novel, mirrors the way an investigator of truth would receive bits and pieces from here and there to reach the reality of the situation. Playing facts is significantly and masterfully achieved in many instances. The title thus becomes a manifesto for the book that ends with the reader's as well as the protagonist's realization that she was not the victim of a fire, but that she was the perpetrator. Her friends whom she misses and writes to without them replying to her, are actually dead. Why she did it? She answers: "I wanted so much for us: a life free of constriction and prejudice. A life free to love and be loved. And here, I have killed them. My Liars, my darlings. Killed them. My Mirren, my Johnny, my Gat (164)." The narrative is full of misleading details that turn out to be something completely different. By reading this novel, and analysing it, it builds the first block in the consciousness of the students of gaps in reasoning and logical fallacies in the narrative. This novel moreover aids in discussing other connected ideas including morality, appearance vs reality, and most importantly some individuals' decision to create what they believe would

be a better world through taking matters to their hands; the underlying ideology of abusers and terrorists all over the world.

A discussion of these ideas along with Charles Lamb quote, “he is no lawyer who cannot take two sides” leads the session. This week is an orientation week that will introduce students to the broadlines of the course along with its grading system and assessment methods.

### **Week Two: One for All**

#### **Justice: What Is the Right Thing to Do? (Sandel 2009)**

Connecting this week to the previous one, we ask with Michael Sandel, “what is the right thing to do?” Taking matters to one’s hands, having to choose what to do, ‘Right’ is not as clear or easy to decide as it seems to be. In this week, two novels will be discussed: *A Time to Kill* (1989) by John Grisham and *Diamond Dust* (2010) by Ahmed Murad. In the two novels, the protagonists decide to take matters to their hands to achieve justice. In *A Time to Kill*, the protagonist’s daughter is brutally raped and left to die. The little girl is saved despite the amount of destruction she suffers from that had led to her losing the ability to ever give birth. Because of the black father’s knowledge of the racial discrimination against blacks in the south at the time of the events in the novel, he realizes the perpetrators will be set free. He kills them in the court. A white lawyer defends his case. Many questions arise concerning the idea of justice and the rule of the law.

Similarly, *Diamond Dust* is contemplating the same idea from a different perspective in which the protagonist commits murders with the slogan ‘sometimes we commit little evil to fix graver one.’ Through this, the student will be introduced to various concepts that would answer the question: what is right? What is moral? What is just? This will entail the discussion of two major philosophers, Jeremy Bentham and the Consequentialist Moral Reasoning contained in his theory of Utilitarianism. In its simplest form, Utilitarianism argues that the right choices are made depending on the consequences of the choice. It advises to choose actions that would benefit the largest number of people and maximizes utility: pleasure over pain and happiness over suffering. Law makers and observers should maximize the overall happiness—the greatest good for the greatest number. Discussions like the validity of a cost-benefit analysis of “human life” or “love” or “security” and the value of the wants/ needs in the minority against the majority will be necessary

(Bentham 2007). Is it then moral or ‘right’ to persecute minorities because this what the ‘majority’ agrees to (Muslims in Myanmar are burnt alive, Jews burnt, African Americans enslaved, or Christians tortured by the Romans in the Coliseum or ISIS fighters slaughtering their minority opponents)? Of course, John Stewart Mill and others answered to this and diluted the acute effect of utilitarianism. Mill for instance refers to a distinction between higher pleasures and lower pleasures (Mill 1863), and this could be discussed as well.

The other approach is the Categorical moral reasoning embraced by Immanuel Kant and others. This approach decides on the right moral choice as depending on certain duties and rights and thus an act is considered immoral due to its nature rather than the consequences of its implementation (Kant 2003) People cannot be used as means even if for the welfare of the majority. Kant rejects utilitarianism because he believes that all human beings have dignity because we are human beings with reason. We are autonomous beings capable of acting and choosing freely. As Micheal Sandel argues, the Utilitarians were half right in that we avoid pain, but Bentham’s claim that pain and pleasure are our sovereign masters according to Kant is a questionable notion. For Kant, freedom is the opposite of necessity, the opposite of obeying one’s desires. To act autonomously is not to choose a means to a better end but to choose an end for its sake. That’s what distinguishes humans from animals. So, utilitarianism fails when it uses people for the good of other people. For him, what makes an action morally worthy has to do with the motive, the quality of the will, with the intention: doing the right thing for the right reason. The goodwill is not good because of what it accomplishes but because of itself. The motive shouldn’t only agree with the moral law, but because of the moral law. A shopkeeper who fears bad reputation and thus maintains quality does an action deprived of moral worth since he is not doing it for its moral value but rather in search for customers (Sandel 2009).

These two approaches will be applied to two legal cases that took place in the United Kingdom and the United States of America and are considered classical legal precedents that are cited extensively. Both cases do not only put the judge and the reader in front of that question: what is the right thing to do? they also shake the rigid assumptions of the clarity between right and wrong as a monochrome color choice of black or white. This is because both cases are cases of cannibalism in which the perpetrators killed or ate humans but were relatively acquitted with minor jail time. They are thus cases that clarify the legal concept of necessity in law. In the case of US vs Holmes, passengers of a shipwrecked boat were

driven by the crew to die in the sea because their remaining presence on the boat would have drowned it (Alexander Holmes Trial n.d.), (Mitigating circumstances and other defenses 2019), and (*United States v. Holmes*, 1842). The other case is the case of R v Dudley and Stephens in which the crew agreed to kill the cabin boy for food after their shipwreck in a horrid case of cannibalism (Mallin 1967) and (Simpson 1984).

### **Week Three: Say “I Do”** **When is consent, consent?**

In the previous week, justice was discussed from two perspectives, categorical reasoning, and consequential reasoning. In other words, making a choice is made either based on the consequences of the decision, and thus choosing what would cause the maximum happiness to the maximum number of people, or on the definition of this choice whether it is good or bad, right, or wrong, by itself. During that week, an introduction to a third possible question is presented which is, what if the victim consented, under certain circumstances to the choice, or the harm, inflicted on him/her? While in the previous week, this should be just a passing idea introducing students to this week, this week will be entirely assigned to the discussion of consent as basis for acquittal and denial of liability. Why sometimes courts do not accept confessions? Why is not consent always ‘consent’? Is consent derived by coercion, physical, economical, or psychological, consent? The two novels that will be studied this week are *Beloved* (1987) by Toni Morrison, and *It Ends with Us* (2016) by Colleen Hoover. As Leo Katz argues that it is a general assumption that consent legitimizes all: rape into lovemaking, theft into a gift, battery into surgery or sports. He explains that consent is at many times flawed with coercion, deception, incompetence, paternalistic rights, inequality, or bargaining on non-bargainable objects (sex, body organs, or babies) which then means consent is not really consent (qtd in Elleithy “Justice of Laws” 256).

In *Beloved*, Morrison presents a powerful story of rebellion and defeat. It echoes a true story of a slave who killed her daughter to save her from the clutches of slavery. In the novel, the mother is haunted by the dead daughter’s spirit. Slavery is the starkest example of denial of consent. When actions are committed against someone without their consent, it is only slavery. This is studied against Hoover’s novel *It Ends with Us* which discusses domestic violence and a choice made by the protagonist to stop her daughter from facing the same dilemma she was

put in because of her mother's choice to remain in an abusive relationship. Hoover's novel raises questions about the nature and parameters of consent and the connection between consent and justice: are consensual actions always just? Does consent mean justified and just? In Hoover's novel, the protagonist's abusive relation is a repetition of her mother's relation with her father. The only difference is a choice made by the daughter to reject the abuse. What is significant in the novel is that it portrays the deep complexities of consent. As with so many principles in this course, life, unlike cartoons, is not in black and white. The good choices, the right ones, do not come with cute eyes and pink outfits, while the bad ones come in stripped black and white gangster ones. Consent could be wrongly presumed or even wrongly given. This does not mean that the action is justifiable.

The two cases that will be studied are R V Clarke [1949] in which a husband was found not guilty of raping his estranged wife (Macvoy 178). The significance of this case however was that it was the first case to raise questions of the extents of assumed consent to all sexual activities within marriage by consenting to the marriage in the beginning. A discussion of the case includes discussions of the principle of consent in criminal and customary law. This case opened the door for other cases in which a man could be found guilty of forcing his wife into having sex of committing rape. The first case with such verdict was Regina v R 1991. The other case is Dred Scott V. Sandford (1856-7) that ruled that Americans of African descent were not American citizens and thus are rightfully subject to slavery despite being originally free (Judgment in Case Scott v. Sandford 1857). In this case, the concept of slavery, a presumed ownership of someone and thus a coerced consent of all actions perpetrated against them is at the center. What are the connections between slavery and consent? How is denial of the right of choice slavery? Why is slavery immoral and ethically wrong? Judgment in the U.S. Supreme Court Case Dred Scott v. John F. A. Sandford came after a marathon trial that took eleven years and was one of the pushes towards the American civil war that led to the abolishment of slavery. This verdict was thus overturned by the 13<sup>th</sup> and 14<sup>th</sup> amendments to the American constitution which abolished slavery and declared all persons born in the United States to be citizens of the United States (Constitution of the United States, amend. 13, sec. 1) and (Constitution of the United States, amend. 14, sec. 2)

#### **Week Four:**

#### **Legal Careers 1: Let's Kill All the Lawyers**

#### **The Role of the Lawyer in the Legal System**

So far in this course, students have been introduced to the main pillars of justice; consequential, categorical, and consent. However, the layman is unable to translate his needs and rights, or the harm perpetrated against him into legal articles and precedents. This role is assigned to the lawyer. For this, students will study Act IV of Henry VI Part II by William Shakespeare in which one of the most famous lawyer quotes is taken, “the first thing we do, let's kill all the lawyers” Henry VI, Part 2, Act IV, Scene 2. While this quote, like most of Shakespeare’s work, is quoted in judicial opinions more than any other literary work, not only because of their wisdom but also because of the eloquence of the language (Traskos 1826), studying this quote within its context of the play, and the historical event in the background is of great significance. This is especially significant for an elaboration on the real mission of lawyers in all times, which is defending rights. In this famous quote that is usually used in modern times to mock pervert lawyers who misconduct, demand to be ferociously highly paid, or misrepresent their clients, was originally used by Dick the Butcher who was in the play a follower of the rebel Jack Cade. The reason it is used is however the exact opposite to how it is usually used nowadays. This evil character who is rebelling against legitimacy is starting his scheme with the first thing needed to ensure tyranny and chaos: the absence of those who are assigned with defending legitimacy and order- the absence of lawyers.

This discussion takes us to the other two works: *The Firm* (1991) by John Grisham and *The Merchant of Venice* (1596-9) by William Shakespeare. *The Firm* is a novel about one of the major moral questions that faces lawyers: what are the moral limits of legal representation? As a lawyer, it is a duty and obligation to defend anyone in need of legal representation to have a fair trial. Practically, the borders are not clearly drawn. What are the limits of a lawyer? What is more just, to defend a criminal ensuring he gets a fair trial and that he/ she benefits of all the opportunities given them through gaps or excuses in the law or decline from defending him/ her upon knowledge that this person is guilty? Is a lawyer a defender of law or a skillful practitioner? In Arabic there is a saying that lawyers are the ‘standing judicial power’-(*ālqḍā’ ālwāqf*) in reference to the fact that lawyers are a form of the judicial power whose role is to defend justice and the rule of law not individuals. On the other

hand, *The Merchant of Venice* is significant to any law student not only as it addresses issues in contract, trading, and procedural laws but also because it is a commentary “on the legal issues which were relevant to Early Modern England (Matthew-Stubbs 7).” He thus, argues F. A. Mathew- Stubbs, Shakespeare in this play has shaken belief in the power of the English judicial system: “Shylock, who had a legitimate contract... was led to believe that he had a case, and instead was entrapped by a woman impersonating a Doctor of Law, and received harsh judgements against him by three individuals... Shylock is left bereft of any possessions, as well as his religion because he was found to be guilty of intending to murder a citizen of the state (29)”. On the other hand, Antonio was acquitted of his obligations confirmed by a contract by manipulating the laws. Is it okay to manipulate the law when we believe one is innocent?

The case that will be studied is *Gideon V. Wainwright* (1963). This case marks the first time the American Supreme Court decided that having a legal representation is a right for everyone who is unable to afford a lawyer as per their interpretation of the fourteenth amendment. In this case the defendant was unable to assign a lawyer for his case and thus he had to defend himself against the court of law. He lost the case, understandably, due to his lack of proper legal knowledge, and was sentenced to five years. He wrote his appeal by himself in prison and matters progressed into a unanimous decision to the right of criminal defendants who cannot pay for legal representation to be assigned a lawyer by the court. With the presence of a lawyer, he was acquitted.

### **Week Five:**

#### **Legal Careers 2: “Blind” Justice?**

While justice is defended by the lawyer as far as it is related to his client, the other defender of justice with regards to both defendant and plaintiff is the judge. Justice, that is symbolized by goddess Justitia carrying a scale in one hand and a sword in another, is protected by the judge that balances the rights and responsibilities of all parties with the sword of the law. It is important to discuss with the students of law the reason why the icon of justice that is placed on all courts all over the world is a lady with a balance. Why a lady? Why a sword? Why a balance? Do they realize the first meaning and representation of justice in the world in history was the beautiful goddess Maat with her two feathery hands stretched in every pharaonic grave and temple with the feather of balance on her head? Why also a lady? do they know that according to pharaonic beliefs, a person’s heart on death must be weighed against her

feather because deeds of the heart are more important than heartless actions? (“Justice of Laws” 215-7). How is the judge connected to Justitia and Maat?

The role of the judge and the nature and challenges of the judicial system is masterfully presented in *The Trial* (1925) by Frantz Kafka and *Maze of Justice* (1989) by Tawfiq Al Hakim. In these two novels, the maze of the search for rights- for justice- is portrayed, as I have argued in a previous paper, as if it is some form of a Sisyphean punishment in which questions of the futility of laws and a legal system that does not serve the rights of the weak and the harmed in a timely manner are raised ( “Justice of Laws” 278-9). While the protagonist of *The Trial* is a defendant in a crime he does not know and no one can or do tell him what it is in a surreal Kafkian narrative, the protagonist of the *Maze of Justice* is a prosecutor who witnesses firsthand the shortcomings and limitations of the system he is part of. Both novels deliver representations of judges and the judicial system calling to question their effectiveness and objectivity. The trial scenes in both novels are both humorous and heartbreaking.

The two cases that will be discussed is United States V. Shelley M. Richmond Joseph and Wesley Macgregor (2019) and United States v. Maloney. The first case is the case of judge Shelley M. Richmond Joseph and Wesley MacGregor, a court employee, who were facing between 20-30 years of prison for accusations of perjury and misconduct. The other case is of judge is Thomas J. Maloney who was indicted of bribery and served twelve years of a fifteen-year prison term. While both cases could seem at first glance similar, they, in fact, present two opposite statuses. The first case, this judge was part of an escalating legal rebellion against the Trump administration immigration laws and regulations. Those laws, from the legal community’s point of view were unjust as they discriminated against immigrants who are the core of the American population (Dwinell 2019). The question is whether this judge, by breaking the law, was helping justice. The other case is the complete opposite in which a corrupt judge, Maloney, who served from 1977 until his indictment of bribery in 1991.

The discussion of the possible points that could be raised during teaching is by no means exclusive or comprehensive. There is much more from the legal point of view as well as from the literary point of view that could be done. Those five weeks aim only to show an example of a path that could be taken to connect the different disciplines for the empowerment and teaching of students in order not only gain knowledge

but also several skills and competences required in life later. It is noteworthy that creating such courses and teaching them faces many challenges. For one, students' language proficiency is an obstacle in case students do not have the language proficiency to understand and interact with the literary works. Another challenge is that such courses would need horizontal interdisciplinary knowledge or at least passion to tackle and incorporate two disciplines whether in teaching or creating such courses. While it is a challenge, it could be an incentive for literature scholars and teacher to get that knowledge and expand their educational horizons.

As the title of this paper suggested, we brought Hakim and Kafka to Law School. Of course, this paper is not about Hakim and Kafka; it is not about *only* them that is. In its broadest sense, this paper attempts to encourage the use of Literature not only in enhancing second language acquisition as it is usually used, but moreover to deliver, clarify, and enhance learning technical concepts, terminology, and principles of the different educational disciplines through adapting literary texts to the required competencies and necessary knowledge for learners of those disciplines. By doing this, it is an invitation for literary scholars to replicate or create scientifically prepared curricula and syllabi of literary works for the different disciplines and areas of study. This would not only facilitate the understanding and application of abstract theories into lifelike situations, but it would also combine humanistic approaches with a humane background. This would increase knowledge acquisition and later implementation in life. By doing so, this course would implement the Sustainable Development Goals by, among other factors, enabling learners of one discipline to have a broader and more informed knowledge of other disciplines. Since a classroom is not an end but a path to acquiring life skills, interdisciplinary and horizontal learning and knowledge is a necessary route to producing more competent graduates and humane sustaining citizens of the planet and of their fellow humans.

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