

Law and literature as experience: The challenge of empathy in global legal education

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Abstract

This article discusses how law and literature can contribute to contemporary debates about exclusion and inequality in global legal education. It proposes that incorporating literature into law school curricula can enhance experiential learning by offering readers second-hand experiences. We discuss some of the debates in the law and literature movement that stress the possibility and importance of fiction's ability in mobilising affects and emotions that could improve legal analyses. The article thus uses the frameworks of law and literature and experiential learning to read *Ceniza en la Boca*, a novel written by Brenda Navarro, which tells the story of a young Mexican woman who migrates to Spain. We argue that the novel leads to a nuanced understanding of the role of law and advocacy in the setting of illegal migration.

Keywords: Law and literature, experiential learning, empathy, immigration, inequality.

Introduction

One of the most relevant aspects of experiential learning for legal education is its focus on learning from concrete experiences. Several institutions stress their commitment to experiential learning and legal clinics' importance in generating this concrete experience that can put in motion the "experiential learning cycle".¹ In this article, we argue that some approaches to law and

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¹ For a broad history of legal clinics see: Richard J. Wilson, *The Global Evolution of Clinical Legal Education. More than a Method* (Cambridge University Press, 2017).

literature can also translate into useful insights for the experiential learning approach to legal education.

As a distinctive theoretical approach to law, law and literature grew in U.S. law schools after the 1970s. However, in the last three decades, the movement has globalised and has gained relevance in transnational legal education. The presence of literature in law school classrooms might contribute to the realm of experiential learning in two directions: i) producing second-hand experiences of real situations, and ii) understanding how these experiences mobilise affects and emotions. As we will show in this paper, some approaches to law and literature underscore that this interdisciplinarity humanises arid amoral law. However, we believe that literature does not automatically produce specific affects and emotions or “humanise” law. Instead, we show that one of the main virtues of reading fiction is that it offers us, through different narrative strategies, experiences of lives. This article illustrates how scholars can interrogate novels to identify narrative strategies, the emotions that they mobilise, and the effect of these moves in legal analysis.

In this article, we read the novel *Ceniza en la Boca*, by Brenda Navarro, which focuses on the migration of a Mexican woman to Spain and the social, political, and legal aspects that contribute to her feelings of inclusion and exclusion. This novel, through different narrative strategies, portrays a particular experience of immigration and shows the problematic relationship of illegal migration. We offer a step-by-step guide to interrogating works of fiction, showcasing how readers can start from the experiences of characters in their legal analyses. In the particular case of *Ceniza en la Boca*, we focus on how the main character experiences law and how this experience might open new perspectives for her life. Likewise, we highlight how law works in producing or hindering inclusion in this particular case.

The article is divided into three main parts. In the first, we offer a broad sketch of the main trends of law and literature in order to place our intervention within that field. In the second part, we delve in the main trends of experiential learning to show how reading literature produces second hand experiences. In the third part, we put these theoretical insights to work in reading *Ceniza en la Boca* and underscore the main narrative strategies that mobilise affects and emotions. We also show how this particular reading of the experience of migration produces a set of questions about the role of law in excluding or including subjects to social and political communities.

Law and literature: from local articulations to global scenarios

Law and literature emerged in the 1970s in United States law schools as an approach to (re)connect law with its moral underpinnings. Early representatives of the movement argued that the study of law had focused on dry, amoral and technical interpretation of legal rules and policies thereby ignoring the deep human dilemmas that legal decisions entailed.² Lawyers believed that they could find in literature the humane drivers of their profession and encourage moral debates that their legal training had abandoned. Literary and legal scholars have convincingly argued that such exchange was driven by an illusion: lawyers imagined that literature provided a sense of humanity that legal technique was lacking. In this vein, law seemed incomplete and they sought to find in literature the moral dimension that was lost in legal debate.³

The three initial phases of the law and literature movement in the United States shared a sense of lacking in that dimension as well as a faith in literature as a discipline that could 'complete' law. The humanist phase sought to find a moral compass for law in literature; scholars in the hermeneutical trend believed that methodologies of literary interpretation would help them to renew legal interpretation; scholars of the narrative phase focused on the narratological aspect of law and its distributive effects on gendered and racialized subjects.⁴ Law and literature emerged as one of the "law and..." movements, like law and society or law and economics, that foregrounded interdisciplinarity, emphasising the importance of moralising legal analysis.

In these reconstructions, law and literature revolve around specific problems of U.S. legal education. White's seminal work, *The Legal Imagination*, was explicit about this problem: "The dominant view of the law in the English-speaking world today is positivistic and rule-focused."⁵ White argued that the two critical projects in U.S. law schools in the 1970s and 1980s attacked law

² Reconstructions of the early movement stress that the humanist illusion was the first impulse that triggered the law and literature approach. See. Julie Stone Peters, 'Law, Literature and the Vanishing Real. On the Future of an Interdisciplinary Illusion' (2005) 120 (2) PMLA 442.

³ Peters (n. 2).

⁴ Peters (n. 2); Jane Barron, 'Law, Literature and the Problems of Interdisciplinarity' (1999) 108 Yale Law Journal, 1063-1066.

⁵ James Boyd White, *The Legal Imagination. Abridged Edition* (Chicago University Press, 1985), xii.

by arguing either that law was just policy (law and economics) or merely class interests (perhaps his vision of Critical Legal Studies). He thus stressed that law and literature was an antidote both to a rule-oriented approach and to instrumentalist analyses of law. “Law is not merely a system of rules,” he argued, “but rather what I call a language, by which I do not mean just a set of terms and locutions, but habits of mind and expectations –what might also be called a culture. [...] And the law [...] as the profession that we teach [...] is a kind of cultural competence.”⁶ White meant that through reading, writing, and speaking, law was a cultural enterprise that could reconnect with the moral dimensions of living in a legal and political community. From an institutional perspective, the turn to literature in law schools relates to the place of law schools within the U.S. university: law is a graduate degree and law schools are generally separated from interdisciplinary training that takes place at an undergraduate level. The specialisation of legal training in the U.S. might explain the longing for connections with other disciplines of the humanities amongst law and literature scholars in particular.⁷

Law and literature as a field produced an array of pedagogical approaches in law schools, such as the following: i) law professors using works of fiction in the project of reconnecting law with morality;⁸ ii) courses based on legal interpretation including the possibility of familiarising students with literary methods that would help them open up different possibilities of their reading of law;⁹ and iii) students growing aware that adjudication’s dependency on narrativity, i.e. the stories that Courts write and tell to justify the application of legal materials and their effect on distribution. If students want to advance racial and gender justice, for example, they should challenge assumptions that

⁶ White (n. 5), xiii. It is worth noting that law and literature, especially the narrative phase, was also a political project within law schools: feminist legal scholars and critical race theorists grew suspicious of how law promised liberation for discriminated groups after the civil rights movements but was incapable of tackling deep inequalities. See: Robin West, ‘Communities, Texts, and Law. Reflections on the Law and Literature Movement’ (1988) 1 Yale Journal of Law and Humanities 129; Richard Delgado, ‘Storytelling for Oppositionists and Others. A Plea for Narrative’ (1988) 87 (8) Michigan Law Review 2411.

⁷ See: Elizabeth Anker and Bernadette Meyler, ‘Introduction’ in Elizabeth Anker & Bernadette Meyler (eds.), *New Directions in Law and Literature* (Oxford University Press, 2017), 2-5.

⁸ Boyd White (n. 5).

⁹ Ronald Dworkin, *A Matter of Principle* (Harvard University Press, 1985), 146-166.

underlie narratives that can partially or completely exclude individuals from the benefits of a political community.¹⁰

The pedagogical insights of the law and literature approach produced a set of tools that transcend the specific problems of U.S. law schools. Moreover, in recent years, scholars outside the United States have pushed for a non-parochial understanding of law and literature's insights and have pointed toward other directions that are useful for European or Latin American legal cultures. For example, Greta Olson has argued for the "de-americanization of law and literature narratives", highlighting that there might be another genealogy for the law and literature movement in Germany. Within the civil law tradition, one of the main debates in this country was private law codification, which was also a key aspect in nation state building. The centrality of the codification debate in Germany was influential for the unfolding of jurisprudential discussions about the identity of German law and state. In this context, legal scholars studied novels and plays that reflected upon the social and political effects of unifying private law through different means. Hence Olson shows that the law and literature debate in Germany did not revolve around judicial decisions as in the United States, but around codification.¹¹

For the Latin American case, Esteban Restrepo and María del Rosario Acosta discussed the genre of Latin American law in their introduction to the Spanish translation of Christoph Menke's writings about law and violence.¹² Restrepo and Acosta argue that an old trope in Latin American legal theoretical debates focuses on the opposition or continuum between barbarism and civilization, or law and violence. The dictator novel genre, written in Latin America, shows the problematic continuum between law and violence, i.e. the struggle of law to expel or emerge as a solution or antagonist to violence and its permanent failure to do so. The dictator emerges as a figure of law and violence, a character perfectly aware of this identification that writers choose to portray through pseudo-comical situations.¹³ Inspired by Menke, Restrepo and Acosta

¹⁰ Delgado (n. 6); West (n. 6); Peter Brooks, 'Narrativity of the Law' (2002) 14 (1) Law and Literature 1.

¹¹ Greta Olson, 'De-Americanizing Law and Literature Narratives. Opening up the story' (2010) 22 (2) Law and Literature 338. <https://doi.org/10.1525/lal.2010.22.2.338>

¹² María del Rosario Acosta & Esteban Restrepo, 'Derecho, Violencia, Crítica: Dos Variaciones Latinoamericanas a *Por qué el Derecho es Violento* de Christoph Menke' en Christoph Menke, *Por qué el Derecho es Violento y Debería Reconocerlo* (Siglo XXI Editores, 2020).

¹³ Acosta and Restrepo (n. 12), 17, 22.

show that a law and literature tradition in Latin America can reflect on the problem of violence and its relationship to law.¹⁴

The globalisation of law and literature insights, or the crystallisation of diverse versions of the movement as a result of specific local debates, is not the only evidence of its importance in current legal education. Reflecting on the future of the movement, Anker and Meyler also underscore that geopolitically diverse law and literature approaches help scholars understand the role of legal institutions and ideas in producing or resisting inequalities stemming from global markets and politics.¹⁵ In this vein, law and literature has offered a rekindling of critical legal theory by using works of fiction that evidence a continuum between the current violence and exclusion of global processes and spaces, on the one hand, and past global governance based on slavery, empire and settler colonialism, on the other.¹⁶ However, analysing literary texts in law school classrooms might also contribute to renewing critical theoretical approaches to reading that should go beyond the hermeneutics of suspicion and scepticism toward law. Instead, literary works might show that, despite current inequalities codified by global and domestic law, individuals use law and act upon its shadow to create experiences of solidarity and belonging that confront individualism. In Anker's view, incorporating literature into legal analysis had the potential of providing readers with alternative experiences of law that show how globalisation does not only entail market economies or individualism:

Theoretical analysis must also document and affirm the matrices of mutual benefit, generosity and sharing that productively elude the profit-driven, market-based appetites of global capital. These countervailing energies of globalization are valuable for numerous reasons. They can effectuate counter capitalists practices of equitable partnership and trade that are exportable to other regions and contexts. Those modes of reciprocal indebtedness can furthermore cultivate habits of resistance that thwart full assimilation into neoliberal economic systems. [...] The untapped ethical promise latent in these alternate vectors of

¹⁴ This is an aspect that also emerges in literary scholars writing about Latin American cultural productions after the transition to democracy in Fernando Rosenberg, *After Human Rights. Literature, Visual Arts and Film in Latina America, 1990-2010* (University of Pittsburgh Press, 2016).

¹⁵ Elizabeth S. Anker and Bernadette Meyler, 'Introduction', in Elizabeth S. Anker and Bernadette Meyler (eds.), *New Directions in Law and Literature* (Oxford University Press 2017), 1, 21, 22.

¹⁶ Anker & Meyler (n. 15), 22.

sovereignty has, by many accounts, multiplied under globalization. Globalization does not entail a single, unbroken narrative of homogenization, conformity, incorporation, and power imposed by Northern profit centers on the South; to the contrary, it simultaneously proliferates exceptional, insurgent zones and liaisons that are pregnant with opportunity.¹⁷

In sum, debates about global legal education might find the relevance of law and literature for different reasons: (a) it represents a set of theoretical tools that acknowledge the importance of interdisciplinarity to understanding law; (b) it shows how analysis of fiction has contributed in diverse jurisdictions to deal with specific (doctrinal) legal problems; and (c) it has the potential to help law students, legal scholars and jurists understand how law has often been intertwined with processes of exclusion and how it can be reimaged as a project to tackle inequality. The diverse experiences that novels and works of fiction portray in their stories can hold a promise to help the exclusion that global legal education produces around the world. Through literary works, students and professors are invited to think about law's roles in producing or resisting exclusion through the experiences of others that, otherwise, could remain a mystery to those sitting in a classroom.¹⁸

One of the main experiences that our current processes of globalisation show is migration from the Global South to the Global North. Migrants may reach borders and struggle to get into European countries or the United States but, once inside these countries, they experience exclusion. Violence and economic reasons trigger most of the type of migration that Latin American writers, for example, have tackled in novels like *The Brief and Wondrous Life of Oscar Wao* (Junot Díaz), *Lost Children Archive* (Valeria Luiselli), *Gloria* (Andrés

¹⁷ Elizabeth S. Anker, 'Globalizing Law and Literature' in Elizabeth S. Anker and Bernadette Meyler (eds.), *New Directions in Law and Literature* (Oxford University Press 2017), 213.

¹⁸ In this regard, this view of the role of law and literature in our current experience of globalisation is an approach that fits into some of the main concerns expressed in the "Blueprint on Global Legal Education" proposed by the Law Schools Global League. In its formulation of the diversity problem, the Blueprint implicitly acknowledges the difficulty of inclusion (ethnic, gender, culture and socioeconomic) within law school communities and how exclusion in a global world limits the possibility of tackling contemporary legal problems. See: Soledad Atienza & Sonsoles Arias, 'Blueprint for Global Legal Education', (IBA Commission on the Future of Legal Services, 2020) available at: <https://docs.ic.edu/law-school/IBA-LSGL-Blueprint-on-global-legal-education.pdf>

Felipe Solano) or *Ceniza en la Boca* (Brenda Navarro).¹⁹ In these novels, narrators and characters seek to familiarise the reader with the experience of migrants and empathise or sympathise with their plights. As we will show in the third section, *Ceniza en la Boca* is a particularly powerful novel to think about law's problematic role in reproducing inequalities or generating alternatives to overcome dislocation, but before this we need to understand how literature might produce useful experiences that can help assess the problem of diversity and inclusion in global legal education.

Literature, affects and experiential learning

In assessing Robert Cover's assertion that "legal interpretation takes place in a plain of pain and death,"²⁰ Ravit Reichman stresses that legal vocabulary pushes its affective dimension to the background and adopts neutral terms to resolve disputes. Despite these efforts, "law ensnares us in a net of affects, from fear to dread, anticipation to guilt, relief to devastation. [...] It is no stretch of imagination or intellect to say that law is built around, through, and in response to a potentially inflammatory, unwieldy core of affect."²¹ The notion of affects is elusive and scholars try to connect or distinguish them from emotions by asserting a difference between perceiving and feeling. The latter alludes to a rationalised experience that triggers a specific feeling like shame or disgust, whereas the former underscores a physical dimension that impacts our body or psyche that we cannot comprehend.²² In this view,

[a]ffect, at its most anthropomorphic, is the name we give to those forces—visceral forces beneath, alongside, or generally other than conscious knowing, vital forces insisting beyond emotion—that can serve to drive us toward movement, toward thought and extension, that can likewise suspend us (as if in neutral) across a barely registering accretion of force-

¹⁹ Junot Díaz, *The Brief and Wondrous Life of Oscar Wao* (Riverhead Books, 2007); Valeria Luiselli, *Lost Children Archive. A novel* (Vintage, 2020); Andrés Felipe Solano, *Gloria* (Sexto Piso, 2022); Brenda Navarro, *Ceniza en la Boca* (Sexto Piso, 2022).

²⁰ Robert Cover, 'Violence and the Word' (1986) 95 (8) *The Yale Law Journal* 1601.

²¹ Ravit Reichman, 'Law's Affective Thickets' in Elizabeth S. Anker and Bernadette Meyler (eds.), *New Directions in Law and Literature* (Oxford University Press 2017), 109-110.

²² Reichman (n. 21), 111.

relations, or that can even leave us overwhelmed by the world's apparent intractability.²³

Several scholars defend literature's ability to generate affective reactions and processed emotions. In her famous articulation defending the importance of humanities in education, Martha Nussbaum believes that humanities contribute to generating sets of emotions that are necessary to enhance democracy. She argues that arts produce the emotional resources that allow individuals to imagine different types of lives and constructions of subjectivity that help to understand oneself and others. Arts, literature included, push us to understand that humans are complex and profound beings that construct desires and thoughts to realise their life projects. Literature can help us to empathise with others and find common human grounds beyond physical existence.²⁴

Optimist takes on literature, i.e. as a vehicle to generate affective responses that lead to empathetic emotions, argue that novels aided the project of universalizing human rights. For example, Lynn Hunt shows that Rousseau published two novels in 1761 that helped people to empathise with characters that experienced events foreign to readers. In *Julie*, Rousseau used the epistolary novel to help readers understand the complexity of characters through their thoughts and anxieties written in their letters. In this type of novel, the narrator apparently disappears and readers are in "direct" contact with characters thereby producing "a heightened sense of identification, as if the characters were real, not fictional. [...] The novel made up of letters could produce such striking psychological effects because its narrative form facilitates the development [...] of a person with an inner self".²⁵

Rousseau's novels, however, focused on the interaction between European subjects. Hence another question emerges if we ask how novels deliver "others", for instance colonized subjects, to a specific society and how literary works imagine assimilation, rejection, pluralism or indifference. This view invites us to have a nuanced approach to literature and the humanities in general. Reading literature in law school classrooms does not immediately produce the torrent of empathy that inclusive political regimes need. Social

²³ Gregory J. Seigworth & Melissa Gregg, "An Inventory of Shimmers" in Melissa Gregg & Gregory J. Seigworth (eds.), *The Affect Theory Reader* (Duke University Press, 2010), 1.

²⁴ Martha Nussbaum. *Not for Profit. Why Democracy Needs the Humanities* (Princeton University Press, 2010), 95-120.

²⁵ Lynn Hunt, *Inventing Human Rights. A History* (W.W. Norton and Company, 2007), 42-43.

transformations under current globalisation processes show that “us” and the “others” inhabit the same spaces without integration. The question for contemporary novels that document our current political communities are more complex: who are the “others”? How does literature deliver them to society? What type of affects or emotions are literary works mobilising and how can they contribute to understanding the current challenges to global legal education?²⁶

If current political communities and globalisation processes produce a common space between “us” and “the others” where they do not fully integrate, the question is how law and literature, especially a trend that acknowledges the relevance of reading literature in law school classes, might contribute to the discussion about inclusion and the deliverance of others. Literature does not automatically amend legal and political exclusions,²⁷ as Rousseau’s epistolary novels show. Instead, we should approach literary works without taking for granted that they will counteract law’s problematic moral stance and rather formulate questions concerning the experience that these works might produce in readers and how they imagine, explicitly and implicitly, the role of law in addressing inclusion. In this view, both law and literature might succeed or fail in delivering empathetic representations of others.

Cognitive assessments of how literature produces affective responses support these cautious questions.²⁸ It is true that reading about experiences of others in literature stimulates areas of the brain that are also activated when we witness pain of our loved ones. However, we do not feel the pain of others. Rather, we have an emotional response when we witness or imagine their struggles. In this regard, our response resembles sympathy: I have a feeling about your pain, but I cannot physically feel your pain. If this psychological approach is correct, literature helps us to sympathise with or feel for others. This approach shows that there is a gap between imagining the pain of others through works of fiction and mobilising or doing something –acting– for the pain to cease. Emotional or affective responses do not automatically lead us to change the way we act in the world. Thus, we might value the presence of literature in law school classrooms not necessarily on the assumption that it will produce social and legal transformations, but also on the basis of the emotional response that it

²⁶ David Palumbo-Liu, *The Deliverance of Others. Reading Literature in a Global Age* (Duke University Press, 2012), 2-3.

²⁷ Cf. Anker (n. 17).

²⁸ Suzanne Keenan. ‘A Theory of Narrative Empathy’ (2006), 13 (3) *Narrative* 208.

produce –i.e., how narrative fiction “disarm[s] readers of some of the protective layers of cautious reasoning that may inhibit” empathetic/sympathetic responses in legal reasoning.²⁹

Reflections about literature’s affective dimensions echo approaches to experiential learning that stress how successful literary works give insights of real-world experiences “without a complete overlap between the two experiences.”³⁰ Literature operates at different levels in its generation of experiences: it shows how others undergo a specific event of life, it shares characters’ feelings about these events, and it pushes readers to experience the experiences of others. Awareness of different levels of experience lead readers to nuanced understanding of others’ complexity that day-to-day life might not allow.³¹ Readers’ emotional responses do not rely exclusively on storytelling techniques, stereotypes, or narrative plot. Stories resonate depending on how they interact with readers’ prior experiences, intuitions, sensibilities, and knowledge about a specific issue.³² Syllabi design should not assume that students’ minds are blank, novels might help guide inquiries about prior knowledge, sensibilities, and prejudices that are in the background of learners when they approach a topic. In its contemporary global articulations discussed above, the law and literature movement assumes the conflictive nature of learning processes insofar as literature or literary tools provide different perspectives of the working of law that will help students and scholars to mobilise emotions or affects that might contribute to reconceptualising legal ideas, just as experiential learning argues.³³

Using works of fiction in the law school classroom can, on the one hand, familiarise students with new experiences about a specific topic and provide new perspectives or standpoints, and, on the other, provide legal theoretical insights about the possibilities of law’s subtle or explicit operation upon previously unimagined subjects. In both registers, literature aims to produce a new element that will open critiques about law’s operation and could

²⁹ Keenan (n. 28), 209-213.

³⁰ Kalle Puolakka, ‘Experiencing Experiences with Literature’ (2024), LXI/XVII (2) *Estetika: The European Journal of Aesthetics*, 114.

³¹ Puolakka (n. 30), 113-114.

³² Keenan (n. 28), 217.

³³ David A. Kolb, *Experiential Learning. Experience as the Source of Learning and Development* (Prentis Hall, 1984), 26-30

eventually encourage students to imagine alternatives.³⁴ In his seminal writings, Kolb argued that the experiential learning cycle had four moments: concrete experience, reflective observation, abstract conceptualization and active experimentation.³⁵ As we will show in our reading of *Ceniza en la Boca*, novels produce experiences in students that can trigger reflection, conceptualization and experimentation. Our main takeaway is that literature's experience might lead to the mutability of ideas and its permanent reformulation through different experiences.

Narrative techniques are essential in disarming readers. In epistolary novels we mentioned the apparent disappearance of the narrator, but this is not the only technique that contributes to producing emotional responses. Likewise, first person narration that delves into consciousness and emotional states might connect readers and contribute to creating sympathetic experiences regarding trains of thought of other subjects and, for example, our shared experience of humanity.³⁶ Problematic or unreliable narrators or characters that generate opposite affective and emotional responses might also be useful insofar as they can lead the reader to ask how much fictional representation of human beings resonate with personal flaws of themselves? As we will see in the next section, a reader might experience moments when it is difficult to empathise/sympathise with the first person narrator of *Ceniza en la Boca*. This shows us that novels also produce temporary and changing experiences in the reader and thus the focus of law and literature in global legal education is not necessarily to produce empathy/sympathy, but to understand complexity.³⁷

In the next section, we will try to illustrate these insights by reading *Ceniza en la Boca* by Brenda Navarro. The novel questions how law operates, in the background and explicitly, in the life of an immigrant Mexican woman who lives in Spain and endures her brother's death, her mother's indifference, and her otherness as she works in informal jobs. How can this novel produce a new experience that might lead us to think about law's operation in the context of immigration?

³⁴ On imagination as a key to understand see: Andrew H. Tyner, 'Action, Judgment and Imagination in Hannah Arendt's Thought' (2017) 70 (3) Political Research Quarterly, 523.

³⁵ Kolb (n. 33), 21-22.

³⁶ Keenan (n. 28), 213, 224.

³⁷ Cfr. Hannah Arendt, 'Understanding and Politics' in Hannah Arendt and Jerome Kohn (eds.), *Essays on Understanding 1930-1954* (Harcourt Brace & Co, 1994), 307-327.

Ceniza en la Boca: A contemporary Bildungsroman

The first step in analysing a novel from a law and literature perspective might be to establish its genre. *Ceniza en la Boca* by Brenda Navarro is a novel published in 2022 by Sexto Piso, an independent Mexican publishing house.³⁸ It tells the story of an unnamed Mexican woman in her twenties who leaves her country of origin and goes to Spain with her brother, following an earlier migration of their mother to that same country. The woman is both the protagonist and the narrator. She retells her life as a migrant and domestic worker, and stresses the traumatic experience of her brother's suicide that opens the book. Through untimely interior monologues that span the entire book, the novel reads as a *Bildungsroman* – a genre that contains an edifying purpose of the main character's self-formation – where narrative devices underscore interpretation and irony that accordingly produce empathy/sympathy and a feeling of estrangement in the reader. As we will show, the main experience that a reader may share with the main character is the sense of dislocation for migrants and the question of how law contributes to build or hinder their subjectivity.³⁹

First, a brief sketch on what we understand as a novel of self-formation is worthwhile: The *Bildungsroman*, often translated as the “novel of formation”, is perhaps one of the most characteristic literary genres of late 18th-century European literature. Coined in Germany, the term designates the type of novel that would become the literary paradigm of modern narrative. Its construction is grounded in two fundamental axes of that historical period: the self, as the centre of existence, and progress-driven human reason. The *Bildungsroman* is characterised by presenting the dichotomy between the self and the world, in which the individual must reconcile his/her aspirations, desires, and goals with a milieu that lies outside of the subject and with the obligations imposed by the society they inhabit. In this sense, emulating Hegelian self-consciousness theory, the individual, as consciousness, must confront and master the world and social schemes to constitute themselves as self-conscious. To achieve this process of mastering the world, the individual must necessarily undergo a rational process of formation, improvement, or sharpening of their abilities.

³⁸ Brenda Navarro, *Ceniza en la Boca* (Sexto Piso, 2022). The novel has not been translated to English. All translations are ours.

³⁹ Caleb Smith, “Who wouldn’t want to be a Person? Histories of the Present in Law and Literature”, in Elizabeth Anker and Bernadette Meyler (eds.), *New Directions in Law and Literature* (Oxford University Press, 2017), 46.

This is intrinsically related to the idea of progress and, in this case, is self-induced and triggered by their encounter with the world.⁴⁰

Accordingly, in the *Bildungsroman*, we have a protagonist who, upon facing the world around her, undergoes an internal process of formation that allows her to adapt and live according to the established norms by mastering the predominant social schemes. Under this framework, some theorists suggest that a more accurate translation of the term is "novel of self-formation to the extent that the *Bildungsroman* is narratively structured around the axis of the self-world conflict. The protagonist, actor and recipient of his or her own formative process generated in that conflict obtains, through self-consciousness, a knowledge of themselves, or in other words, their own identity".⁴¹

The relevant question for the purposes of this article concerns the experience that a novel of self-formation produces in the reader. Different narrative devices, which we will see portrayed below in *Ceniza en la Boca*, aim to generate in the reader growth and consciousness in parallel with the character/narrator's development. By empathising/sympathising with the character –experiencing her suffering first hand—the reader learns from her mistakes and understands the complexity that lies in the adaptation of an individual to a set of fixed social schemes. In this sense, as Rodríguez Fontela points out:

The second narrative characteristic that reveals the maturity of the *Bildungsroman* is observed in the independence of the narrative entities author/narrator/protagonist/reader. The *Bildungsroman*, as a self-conscious novel, especially affects the reader. They engage in a reflective reading prompted by the narration itself and mediated by the irony implicit in the genre. During the course of reflective reading, readers develop their own self-formation and achieve self-discovery from their life, cultural, and literary expectations.⁴²

The interest in readers' formation is not new; it suffices to look back at fables, fairy tales, or early myths to grasp the long-term impact of morality lessons in

⁴⁰ María de los Ángeles Rodríguez Fontela, *La novela de autoformación: una aproximación teórica e histórica al "Bildungsroman" desde la narrativa española* (Recihenberger, 1996), 53.

⁴¹ Rodríguez Fontela (n. 40), 53-4. See also: Karl Morgenstern, 'On the Nature of the *Bildungsroman*' (2009) 124 (2) PMLA 647. <https://doi.org/10.1632/pmla.2009.124.2.647>

⁴² Rodríguez Fontela (n. 40), 53.

childhood. However, in the case of the *Bildungsroman*, something beyond presenting an ideal example of conduct occurs insofar as it uses a mythical structure of the hero's journey where readers are not mere spectators of events but become emotionally involved with the narrative. The heroic path of the narrator/character emerges as the symbol of every individual's transition to consciousness and knowledge about him/herself through an ascending journey inspired by the idea of progress – crystallised either in the passage of time, personal growth, physical changes, diasporas or returning home.⁴³

Novels of self-formation rely at least on two moments to produce the aforementioned effects: interpretation and irony. The narrator pushes the reader to join the main character in finding a sense of coherence in the latter's life experiences. Unlike omniscient narrators that seem to know everything that is going on around the characters –for example Tolstoi's narrator of *War and Peace*⁴⁴– the *Bildungsroman* produces the identification of readers with the hero because the former participate in the doubts and dislocation of the latter. Interpretation of the character's experience is possible because these novels submerge readers in the hero's consciousness allowing identification and the possibility of empathy/sympathy. Readers are put, to an extent, in the shoes of the main character.⁴⁵

After interpretation, irony enters the picture, thereby allowing the reader to reflect critically about the character's behaviour and their possibility of insertion or exclusion in social schemes. After interpretation produces empathy/sympathy, irony and critical reflection lead to a sense of estrangement or distance between the reader and the character. Irony, as a literary device, underscores a gap between a complex hero seeking self-realisation and an external world in which s/he seeks to realise his/her subjectivity. Through the critical distancing that irony provides, novels of self-realisation allow the reader to identify the limitations of inclusion and the pervasiveness of estrangement to the extent that the character's growth and self-formation might lead them to disbelief and disillusionment with the world. Those characters enter the social schemes, yes, but because some parts have been amputated to

⁴³ Rodríguez Fontela (n. 40), 40.

⁴⁴ Leo Tolstoi, *War and Peace* (Vintage Reprint, 2008).

⁴⁵ Rodríguez Fontela (n. 40), 38.

fit them in sideways. Twentieth century *Bildungsroman* particularly ends with dislocated subjects and readers.⁴⁶

In sum, reading *Bildungsroman* novels in law school classrooms might produce a set of experiences leading students to question one of the main categories for the working of law: subjectivity. A discussion of novels in the law school classroom should ideally start with a reflection about genre, its main purpose, its structure, and the types of experiences that it portrays and seeks to produce among readers. This is the framework that will allow us to think about *Ceniza en la Boca*, the experience of migration in the book, and the role of law in the main character's questions about inclusion and exclusion.

Mechanisms of Empathy

Once we have established the conceptual framework for our analysis, we can return to the novel to delve into the narrative mechanisms. The story is non-chronological, more a result of random associations in the character's mind, and it is organised into four sections that recount moments of the main character's life in relation to the geographical places she inhabits. Firstly, we have a narration of her childhood, set in Mexico and briefly transitioning to Madrid for a very brief adolescence. Secondly, we follow her emerging adulthood in Barcelona. Thirdly, we see her return to Mexico following Diego's suicide, and finally, the fourth part describes her return to Madrid to a family shattered into fragments. As previously anticipated, the hero's journey archetype perfectly frames this novel filled with diasporas and returns, which could be described as searches for a home, an identity, or a consolidated family unit.⁴⁷ Thus, it combines the two types of journeys typical of the *Bildungsroman*: one physical, from Mexico to Spain and vice versa, and one chronological, as the protagonist matures and develops as an individual. In this regard the question of the novel revolves around subjectivity and the dynamics of exclusion and inclusion, or those who are recognized and those who live in the shadow of recognition, frequently objectified.⁴⁸ The novel conveys both recognition and empathy, on the one hand, and alienation and estrangement, on

⁴⁶ Rodríguez Fontela (n. 40), 66.

⁴⁷ For the hero archetype in narrative see: Joseph Campbell, *The Hero with a Thousand Faces* (Princeton University Press, 1949).

⁴⁸ Caleb Smith, "Who wouldn't want to be a Person? Histories of the Present in Law and Literature", in Elizabeth Anker and Bernadette Meyler (eds.), *New Directions in Law and Literature* (Oxford University Press, 2017), 51.

the other through different narrative mechanisms. We will first address the narrative mechanisms for generating empathy.

Ceniza en la Boca portrays three narrative techniques to generate empathy: the interior monologue, the use of similes, and the employment of onomatopoeias. Interior monologue is perhaps a characteristic features of the genre and one of the most effective ways to blur the boundaries of fiction. As Elisabetha Vinci notes, “interior monologue gives the reader direct access to the fictional mind without any filter,” that is, the possibility of delving into characters’ motivations and their interaction with social mores. This “direct immersion,” she argues, allows us a privileged access to the character thereby reducing the distance between him/her and the reader.⁴⁹ Interior monologue produces identification and makes it more difficult to engage critically with the character or narrator as it is not easy to distinguish their experiences from reality.

At several points, the main character and narrator of *Ceniza en la Boca* allows us to access her thoughts, doubts and consciousness. A particular scene, when the narrator takes the ashes of her brother Diego to Mexico, helps us to understand how interior monologues create a sense of intimacy between reader and character. Diego has committed suicide in Spain, after the migration of the whole family, and she returns to Mexico to take the ashes to her grandparents. The narrator, through interior monologue, brings us close to her lost hopes, rage and sadness as she walks through an airport in New York on her trip from Madrid to Mexico. She does not only describe the place, but shares with the reader her experience of a city, and perhaps a country, that emerges in her consciousness as a place of despair:

What bothers you so much about that? It’s their job!, Tom-Tomás told me one day, and I only looked at him with my *siseráspendejo* look, because I wasn’t either gonna explain to him his *fucking racismo*, *asshole de mierda*, and I wasn’t gonna explain the *siseráspendejo* (...) He never seemed more *pendejo* and more idiot and more *gonorrea* Tom-Tomás than when I was roaming through the corridors of New York airport. But more *pendejos* were Diego and I: Oh yes, when we go to New York and when we buy our Cake Boss in New Jersey, and when we eat real Dunkin’ Donuts, and when we take a stroll in Manhattan, and we are the heirs of JLo or

⁴⁹ Elisabetha Vinci, ‘Empathy and Literary Reading: The Case of Fräulein Else’s Interior Monologue’ (2019), 6 *Humanidades*, 146

whatever, oh, yes, Diego, how happy, we are gonna have a great time, away from Mom and from the new life and from the old one, another life, Diego, not the one we were born in, not the one that we have to be in, not the one we ran away from, our life, the one we choose.⁵⁰

At least two main aspects are important in the previous excerpt: the specific references to popular culture —Dunkin' Donuts, JLo, Cake Boss—, which bring the narrated fiction closer to the reader's semantic world, making it more relatable; and the colloquial and formulaic language such as "*siseráspendejo*" combined with the intercalated "*fucking racismo*", which speaks to the narrator's place of enunciation where she experiences the tensions with her lover. Not even her lover, Tom Tomás, can understand her, but she does not tell him what she feels. Only the reader can access this tension thereby experiencing a feeling of intimacy with the narrator with whom we share a semantic world and her place of enunciation that her lover, mother, or friends cannot fully understand.

Once we inhabit the narrator/main character's stream of consciousness we can sympathize with her feelings that will partly explain her frustration and grief for Diego's suicide. The longing for New York rapidly transforms, in her monologue, into an utter criticism of a place that she envisions as the Mecca of capitalism. Her criticism is not a distant and objective view, but a testimony of how a socioeconomic and political system affects her life by producing sadness and grief. Foreseeing further reflections about her migrant status in Spain, the narrator uses New York to convey the rise and fall of illusions of economically motivated migrations that have to struggle with the exclusions of political systems. The promise of a better life under capitalism, in this stream of consciousness, dissolves and turns into despair: "here in New York [we will live] buying things, letting *gringos* believe that they are awesome, yes, that they are *chingones*, look at everyone wanting to live in New York, with all its rats, cockroaches, raccoon plagues, a city more expensive than Madrid and Barcelona". Finally, she tells us that she was on her own with these thoughts as she was in the airport on her way to Mexico, holding a small box with

⁵⁰ Navarro (n. 38), 139 (our translation. There is not an official translation of the novel. All translations are ours. We decided to leave some Spanish terms in this and other direct citations to capture the narrator's colloquial expressions that are important in the realm of empathy/sympathy).

Diego's ashes in her hand, a small box that had fulfilled the migratory requirements in "*Niuyor*".⁵¹

We can notice two further things in this interior monologue: The positive things that she envisioned in the first quote are replaced with the negativity of capitalism. From the celebration of individualism, she turns to the critique of consumption as a measure of individual satisfaction and to questioning American supremacy in light of urban sanitary decay and inflated market prices. The emotional tension that had been building culminates in a return to reality, which lowers the tone from anger to a sadness that inevitably moves the reader delivering its final blow with the vulgarism '*Niuyor*', –spelling New York as it is vulgarly pronounced in Latin American Spanish– which is both mocking and devastating.

The second mechanism of empathy is the construction of images using similes or analogies. This narrative technique, which adheres to a Platonic tradition, relies on readers' background and experiences —formed by their contact with the empirical world— to help them understand sensations or feelings experienced by the character.⁵² An example of this can be seen in the following excerpt, where the narrator tries to illustrate her feelings after she discovers her brother Diego, is dead. Readers might have not experienced a tragic event like this, but she produces a sense of closeness when she compares what she feels after Diego's suicide with physical sensations on our bodies:

And my body at that moment is a dry, almost stony whirlwind of dirt that stings your eyes, doesn't let you see, forces you to put your hands on your face, and leaves your entire being defenceless. And bang [*zas*]: the wind like knocking. And bang [*zas*]: the catastrophe bossing around the legs and the trunk and the hair and me with my hands over my eyes because the dust devil won't let you go. Thump, thud, thud [*Pum, pas, cuash*]. Hit after hit, fast, like in boxing.⁵³

As we can see, the image of the whirlwind combined with descriptions of physical sensations operate as symbolic references in the readers' minds, enabling them to empathise/sympathise with the main character's experience.

⁵¹ Navarro (n. 38), 139.

⁵² See, for example, the simile of light in Plato. Cf. A.S. Ferguson, 'Plato's Simile of Light Again' (1934) 28 (3-4) *The Classical Quarterly* 190.

⁵³ Navarro (n. 38), 24.

Although, as shown above, there is a distance from a neurological perspective between feeling what the characters feel (empathy) and feeling for what the characters endure (sympathy), this narrative strategy that connects suffering with the real-world attempts to blur this distinction. The passage would be quite different if the intensity of emotions were expressed solely through adjectives. The physical opens the door for sympathy. The two similes used in this excerpt highlight different aspects: one is associated with a natural disaster, “the dry and stony whirlwind,” and the other with physical pain from being struck, “boxing.” Both situations are extraordinary; even if readers have not experienced them personally, they recognize them as extreme: the whirlwind is the exaggeration of wind, and boxing is the exaggeration of a punch. The narrator thus enters decisively in the realm of affects. Affect theory stresses the distinction between affects and emotions, where the latter is a pre-rationalized sensation of experience that we generally experience in our bodies, “an impingement of extrusion of a momentary or sometimes more sustained state of relation as well as the passage of forces or intensities. That is, affect is found in those intensities that pass body to body [...] Indeed, affect is persistent proof of a body's never less than ongoing immersion in and among the world's obstinacies and rhythms, its refusals as much as its invitations.”⁵⁴ The narrator can only use language to convey her feelings, but when she relates it to sensations on her body, the physical realm that we all share is the avenue for sympathy.

The passage also uses onomatopoeia, which is closely related to the analogies with the physical world. Using sounds appeals to the more visceral and concrete pre-linguistic nature of affects that seek empathy/sympathy. Onomatopoeia is a “phonemic adaptation of a sound to an action [...] not exactly a simple imitation of natural sounds, but the conversion of these into words with an alphabetization of natural sounds adjusted to the alphabet of each language.”⁵⁵ In this sense, onomatopoeia is the linguistic representation of a sound inherent to the empirical world, similar to the sensations that the narrator feels in her body. Onomatopoeia produces in the reader a physical

⁵⁴ Gregory J. Seigworth and Melissa Gregg, “An Inventory of Shimmers”, in Melissa Gregg and Gregory J. Seigworth (eds.), *The Affect Theory Reader* (Duke University Press, 2010), 1.

⁵⁵ M. D. Torres Álvarez, “De interjecciones, onomatopeyas y paralingüismo en *La Celestina*” (2004) 28 (1) *Celestinesca* 131. <https://doi.org/10.7203/Celestinesca.28.20038>

sensation, a sound, that can relate him/her with the character. We hear the punches and the effects of the whirlwind in our body.

Throughout the novel there is extensive use of this tool, but we would like to focus on just another example that becomes predominant in the book and seeks to close the gap between reader and narrator/main character. In six specific instances, the narrator shares with us a symptom of corporeal discomfort located in her stomach:

Gruuum, grooom, the stomach. Always the stomach: in the English exam to show that I was capable of knowing the same things as the Spaniards, even though they saw me surprised that I knew more; there, the bad stomach (...) The bad stomach the first day my mother went to Spain, (...) or the day Diego got sick and had a fever and I thought it was my fault (...) And so, always, the stomach. **Goro goro**. Like a hollow sound that wants to come to the surface so as not to go unnoticed.⁵⁶

The highlighted onomatopoeic sound of her stomach appears in several instances. In this case, the narrator uses onomatopoeia not only to create a sense of identification by connecting to the material world as in the previous passage, but also taking us inside her body to hear the discomfoting rumble of her stomach that is particularly intimate, only heard, perhaps, by the narrator. In leading us to her gut, the narrator is taking us to an organ that has been historically associated with the construction of subjectivity and the perception of the world around us. As a recent cultural history of the gut argues, “the stomach is [...] an organ with which we are in near constant conversation [...] Though [...] the brain’s perception of the body is formed by receptors attached to all the internal organs, it is the growling stomach that seems to speak the loudest. Perhaps its uniquely active presence goes some way to explaining why the gut has so often been personified.”⁵⁷ Again, the sense of a bodily experience that we can relate to *and* the intimacy of that bodily experience, perhaps a shared secret between narrator and reader, show us how onomatopoeia is a narrative mechanism that allows us to build empathy/sympathy toward the character and a sense of identification.

⁵⁶ Navarro (n. 38), 25.

⁵⁷ Elsa Richardson, *Rumbles. A Curious History of the Gut* (Profile Books, 2024), 5.

Mechanisms of exclusion/estrangement

The narrative mechanisms that convey empathy operate parallel to other devices that lead us to understand how the subject remains an alien to her social and political milieu. In this interaction the reader can gain distance from the narrator and assess the reasons of exclusion and sense of estrangement. The two main narrative mechanisms that emerge in the novel are microhistories of injustice and irony. The former alludes to specific instances, apparently quotidian or removed from the main storyline of the novel, that show how there is a distribution of power that constructs the narrator as the oppressed or the victim. Irony is a device where “real” meaning is hidden or faces a contradiction. It stresses the contradiction between different meanings of words or an incongruity between expectations and what actually occurs.⁵⁸ As we will show, irony in the novel presupposes the construction of dichotomous spaces, characters, or situations, which, by contradicting themselves, reveal the cracks in the social fabric or the idyllic life represented in fiction.

Firstly, the sense of injustice functions as a means of estrangement by instrumentalising the empathy/sympathy we have already built towards the main character/narrator and presenting her as part of a larger whole. It thus frames her within narrative archetypes such as “the victim,” “the oppressed,” or “the perpetrator” to reveal the nature of the system she inhabits and prompt us to question it. While the book is filled with examples of this technique, the following passage aims to produce the feeling of injustice in the readers. When our protagonist begins her first job as a live-in maid or housekeeper for an elderly woman, we see the absurd economic and social gap between a whimsical elder woman and the narrator. The former exoticizes the latter and can only understand her subjectivity around stereotypes. She tries to absurdly connect to the main character by showing her a fine piece of furniture. In this passage we see inequality and a sense of exclusion:

Well, we love Mexico! Its songs. Its *mariachis*. Isn't that right? Yes, ma'am. Come on, go to bed, it's late and your daughter is coming tomorrow. Come on, go to sleep, I told her. And she, foolish: But I haven't shown you the ottoman! And she got up and I followed her to the living room where the ottoman was and then she sat down and said to me: Look

⁵⁸ Britannica, T. Editors of Encyclopaedia. "irony." Encyclopedia Britannica, July 2, 2024. <https://www.britannica.com/art/irony>.

at that fabric, old, from the 18th century. Like the one from the Royal Palace. Look, and she stretched out her hand to me and I took it and she sat down on the ottoman.⁵⁹

The passage sets up the scene for the further outburst of rage and violence of the elder woman. The feeling of inequality through the Mexican and mariachi stereotypes, as well as the narrator's inability to resist the woman's whims, set the tone for what happens next: the elder woman sits on the fancy ottoman chair and urinates on it. The narrator sees the puddle of urine on the chair as the woman tries to throw herself to the floor while insulting our main character: "silly", "stupid", and finally the racist slur: "Leave me alone, you stupid *india* [...] you've ruined my furniture, get the hell out of here."⁶⁰ Calling her an *india* shows that the distance between the narrator and the social structure might be insuperable. She will always be a colonial subject from abroad that cannot have a place in Spain. The sense of injustice is activated by the perspective of a third party (us, the readers), who understands that the blame for the damage to the furniture lies with the elderly woman, not the narrator. However, in the internal narrative of the book and in the social system it seeks to expose, the blame remains consistently with our main character and with those who perform care work. The main character emphasises the current issues facing domestic workers and seeks to educate her readers.

Irony is the second mechanism that turns empathy into a sense of estrangement. As we argued above, it is based on dual spaces that show contradictions that the main character inhabits and that stress the problems of a system that cannot integrate her and leaves her in a liminal space. The main character has a British boyfriend, ironically called Tom Tomás, by his? English and Spanish name. Tom Tomás is both a sexual and political desire for the main character: she wants to be with him, sleep and live with him, and at the same time their relationship might be a vehicle for the integration between a Mexican woman and a European milieu. But she mocks his moralism and sense of correctness that turns into a claim of moral superiority between a British man living in Spain by choice, and Latin American economic migrants that try to make a living in Spain. The British man's concerns are removed from the immediate

⁵⁹ Navarro (n. 38), 53.

⁶⁰ Navarro (n. 38), 53. The *india* is a pejorative Spanish term that also sets racial borders between European and European descent whites and others.

fear of partial subjectivity that a Mexican economic migrant might feel in Spain:

Tía, girl, pretty one, we're going to eat vegan food, beauty, darling, vegan so as not to kill animals even if the quinoa I eat is exploiting the land of your cousins "the Mexicans." And Carlota and I were laughing. "Damn, *tía*, he doesn't even realise I'm Colombian and he lived there!," Manuela insisted. Honey, darling, we're going to recycle everything, so the cleaning lady can throw out our trash. Hoooooooooneeeyyyy. The son of a bitch, a piece of shit, who doesn't even know how to dance, comes to tell us how to be good girls. You need to learn English, honey, so I can take you to my country without feeling ashamed. And I laughed, because it was true and that's why I despised him.⁶¹

Here, Tom Tomás contradicts himself unknowingly, or rather, he reveals his true intentions and the falseness of his values and intentions. The affectionate terms he uses, "honey, darling, beauty," are nothing but a facade that masks the violence of his dominance over the protagonist and his sense of superiority expressed in English, not in Spanish in the original version of the novel. To inhabit his moral world, even in Spain, the narrator and her friends are forced to speak in English.

Irony thus shows how the character cannot move beyond a liminal space: she is neither in Mexico nor in Spain. In her trip back to Mexico toward the middle of the novel she realises that violence is an unsettling experience and that she cannot belong to that society anymore. And her insertion in Spain, as we have seen, is also problematic. As a *Bildungsroman*, the novel, in the end, sacrifices the narrator's "hopes and desires by making them succumb to worldly realities, or by overwhelming the self with the demands of the external world."⁶² In *Ceniza en la boca*, we see how the protagonist's process of self-formation leads to a profound disappointment with the world and the abandonment of her desires in the face of reality's demands. Irony, through the sense of contradiction and checked expectations, shows us that the narrator's journey does not end in a satisfaction of the initial individual intuitions and society's

⁶¹ Navarro (n. 38).

⁶² Rodríguez Fontela (n. 40), 41.

adoption to individuality, but in the subjugation of an estranged subject to a whole – the contemporary unequal world.⁶³

By the end of the novel, the meaning of Diego's suicide reaffirms the sense of liminality and the need for transformation to fit the world. While we could expect how the novel would tell the story of a woman coping with his brother's suicide and show us the path for grief, the end of the book emphasizes that Diego's death "ruined my plans [...] He made me feel crippled, lame, totally incapable of feeling that I would have a life worth living, not because of him, but because he made me see things that I was avoiding, he made me understand [...] that once you understand your place in the world, that stomach ache that I used to get at times of great stress, becomes perpetual."⁶⁴ Vital impulses of her gut, conveyed through onomatopoeia, are subordinated to social schemas, becoming a "perpetual anguish of living" and an incapacity to face the world, which ultimately perpetuates the liminality in which the protagonist lives. In the end, the main character realises that to join the world she needs to remain silent, because silence has a power: "remain isolated, an island that survives despite the waves of idiots that surround us."⁶⁵

The following table is a summary of the law and literature approach to highlight the narrative mechanisms that might lead us to an experienced-based legal analysis of the inequalities of global migration in the novel:

What is the genre of the novel?	What is the main characteristic of the novel?	Which are the narrative mechanisms for empathy?	Which are the narrative mechanisms that focus on estrangement?
<i>Bildungsroman</i> or novel of self-formation	The problematic insertion of a usually young individual in a hostile world.	Interior monologues, similes with the physical world, and onomatopoeia.	Microhistories of injustice or inequality and ironies that stress liminality.

⁶³ Rodríguez Fontela (n. 40), 42.

⁶⁴ Navarro (n. 38), 167.

⁶⁵ Navarro (n. 38), 181-183.

The many faces of law

The question now is how do we perceive the role of law in this narrative that conveys a sense of estrangement for the main character? Is law part of the problem or part of the solution in the context of the novel? In other words, after the second-hand experience of immigration through the novel, we can address legal problems in a quasi-phenomenological approach and ask how the characters and readers experience it, instead of ask this from an abstract vantage point. In the novel, the main character is both marginalised from the legal sphere, but nonetheless operates in the shadow of the law, thereby behaving according to her imagination and expectations of how Spanish law would operate if she does not act in a certain way.⁶⁶ In the novel, the narrator seeks to regularise her migratory status and such legal and political desire shapes how law works both as a promise of inclusion and exclusion.

One of the clearest interactions between our protagonist and the law occurs within the group called '*Las primas*'.⁶⁷ This is an association of Latin American migrants working in domestic roles whom the narrator encounters in Barcelona. Although they are not related by family ties, they refer to each other as cousins (*primas*) and recommend each other for new jobs as if they were family. The group's central purpose is to advocate for the regularisation of their immigration status and to assert the guarantees related to domestic work.⁶⁸ These women, completely or at least partially estranged from their biological families, seek protection and agency within a community that treats them as a family. And within this new family emerges the possibility for the main character to gain voice through a collective entity that mimics having blood ties and can resist social and political discrimination. The novel pushes us toward experiencing the family, as feminists have insisted, as a political and legal community that can be formed in different ways and between different people beyond their blood ties.⁶⁹

⁶⁶ Cf. Robert H. Mnookin & Lewis Kornhauser, 'Bargaining in the Shadow of the Law: The Case of Divorce' (1979) 88 *The Yale Law Journal* 950.

⁶⁷ It is worth noting that the etymology of the word '*prima*' traces back to the Latin expression *consobrinus primus*, which was used to denote the first degree of kinship — although today we consider cousins as fourth-degree relatives. Castellano, L., and C. Mársico, *Diccionario Etimológico* (Editorial Altamira 1995).

⁶⁸ Navarro (n. 38), 56-57.

⁶⁹ For an early criticism of the duality between the family and the market, the private and public realms, see: Frances Olsen, 'The Family and the Market. A Study of Ideology and Legal Reform' (1983) 96 (7) *Harvard Law Review* 1497.

The identity of the *primas* occurs in the shadow of legal categories: “As long as you speak Spanish, everything is OK, because we are not going to set a refugee camp, they told me that they told them at the hotels [where the *primas* worked].”⁷⁰ The *primas* try to distinguish themselves from other migrants that reach Spain and seek asylum; although once a state concedes the status of refugee to a person there is protection from international law, the quote shows that employers do not want to hire these migrants and view them pejoratively within the society depicted in the novel. The need for asylum inevitably connects with a problematic situation in the place of origin, which combined with any language different from Spanish, presumably languages spoken by migrants from Africa, heightens the perception of the migrant as “other.” This “other” is uncomfortable for both the Spanish State and employers who expect their silence and minimal presence.⁷¹ The preference of not holding a refugee status underscores a tension with human rights oriented literature that stresses the importance of locating the migration problem in the realm of international human rights – as it has been recently argued in the case of Venezuelan migration to Colombia.⁷² Although this is not an empirical fact, the story of the narrator in the novel at least works as a cautionary tale when we seek specific solutions for migrant regularisation and pushes toward thinking about the distributive effects of legal provisions.⁷³

Once the *primas* prefer portraying themselves as migrants who seek work, another problem arises which is captured in the following passage:

And the *primas* were few, but they already had papers to officially work. They cannot threaten us that they will sue us, so we can now demand rights. Which rights? Well, all of them. They don't pay us overtime because they say we are slow. And after assigning us ten rooms, now they assign us twice as much. We can barely make it. And health problems?

⁷⁰ Navarro (n. 38), 56.

⁷¹ Safia El Aadam, “Spain, a Danger to Migrants”, *Idees* (12/12/2023) available at: <https://revistaidees.cat/en/espanya-un-perill-per-a-les-persones-migrades/> highlighting the particularly unequal status for migrants of African descent.

⁷² Carolina Moreno & Gracy Pelacani, “La Respuesta del Estado Colombiano frente a la Migración Proveniente de Venezuela: La Regularización Migratoria en Detrimento del Refugio” (2023), 90 *Derecho PUCP* 497. <https://doi.org/10.18800/derechopucp.202301.014>

⁷³ See: Libby Adler, *Gay Priori. A Queer Critical Legal Studies Approach to Law Reform* (Duke University Press, 2018).

Well, everyone has them: one had a backache, the other had arthritis.⁷⁴

The narrator tells us that the *primas* already had their papers in order to work, which helped them to resist the law's punitive face crystallised in a possible deportation. However, the conditions of the labour market deny their legal rights. If they do not want to work under those conditions, then employers could fire them and hire others in a market where there is a surplus in the work supply. Law produces a set of desires, i.e. papers to regularise their working condition, but at the same time this regularisation might make employers pay more for some jobs. The *primas* are trapped within the law and thus opt to unionise so they can press for better work conditions. But their success in their demands depends largely on white Spanish women that became interested in advocating the cause of the *primas*. This role, perhaps echoing what law school students do in legal clinics, represents the individuals that are not afraid of speaking up and have agency within the system. The narrator distances herself from the white Spanish university students and limits the possibilities of solidarity with them: “Neither Olga nor I really liked the university girls who spent their time advising them. What the hell is wrong with them? Do they believe that they are going to bring down the hoteliers with tweets?”⁷⁵ The narrator’s scepticism continues when she stresses that the white girls come and go, while the *primas* have to deal daily with their employers. The distance between the migrant and the advocate is insuperable and thus underscores the limits of voicing claims before legal institutions and questions the role of law and lawyers in generating solidarity.

The narrator, echoing our analysis of empathy and estrangement, has thus a contradictory experience of the law through her integration with the *primas*: they live in the shadow of the law, they seek a special status that will allow them to work, but they cannot demand their rights for themselves; they need the voice of white women who have a better standing vis-a-vis the system. These legal struggles, with all its blind spots and nuances, portray several moments in the novel where the narrator feels as a part of a group despite not achieving full subjectivity. Hence, the shadow of the law works simultaneously as promise, disillusion, and sense of belonging.

⁷⁴ Navarro (n. 38), 57.

⁷⁵ Navarro (n. 38), 57.

Conclusions

As we have seen throughout this article, literary works serve as a valuable tool for legal education in two main ways. On the one hand, they create spaces within curricula for reflecting on exclusion and inequality. When understood through the mechanisms of empathy and sympathy, these works broaden perspectives on an academic and professional world that increasingly faces new challenges associated with globalisation. This approach allows us to better understand others, address their needs, and build connections—whether those others are clients or classmates. On the other hand, literature facilitates experiential learning without the infrastructure requirements of legal clinics. It mobilizes emotions and helps students comprehend the complexity of professional practice, leading to more empathetic solutions to legal dilemmas.

To fully capitalize on the potential of literary works for addressing the challenges of diversity and inclusion in legal education, we suggest examining how a novel interrogates students' preconceived ideas about a specific legal topic. In this article, we focused on the issue of economic migration from the Global South to the Global North. With this, we propose an analysis that emphasises the genre and narrative strategies employed to evoke empathy, sympathy, and/or estrangement. After this framework is introduced to students, the question becomes how such approaches lead to new legal questions and ideas on the given topic. In this way, literature acts as a second-hand experience that can activate Kolb's experiential learning cycle, prompting students to challenge legal conceptualizations and propose actionable solutions. From this perspective, the intersection of law and literature adds greater complexity and depth to the educational process.