

BOOK REVIEWS

Clamouring for Legal Protection: What the Great Books Teach Us about People Fleeing from Persecution.

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Robert Barsky's delightful *Clamouring for Legal Protection: What the Great Books Teach Us about People Fleeing from Persecution* is a plea to hear the insights that great works of (mostly) Western literature offer about what it means to be a vulnerable migrant crossing borders. Barsky begins a conversation, outlining five areas where fiction, theater, and poetry can provide ways to think through the issues that refugees, asylum seekers, and undocumented migrants face as they encounter laws and regulations on their journeys.

Barsky opts for books from the Western literary canon because these books are well known to many. As long as we are familiar with them, they give us a way of connecting migrants with people we already know and care for, he writes. These works, Barsky argues, are “intellectual touchstones,” occupying “sacred space ... in our cultural imagination” (12). This is not a narrow canon: Barsky includes African American literature like Toni Morrison's *Paradise* alongside Aphra Behn's 1688 novel *Oroonoko* about an African prince sold into slavery, though he does not venture far into literature from outside Europe, North America, and the ancient Near East. Still, he chooses works that are freely available online, always listing web sources from the likes of Project Gutenberg or the Poetry Foundation.

In using great books, Barsky hopes to “develop ethical sensibilities” in his readers (vii, quoting David Caudill). He makes a case for how encountering literature can help readers grow in a deeper, more subtle, and more human engagement with people fleeing persecution and seeking legal protection. He provides compelling accounts from his interviews with leaders in refugee and immigration law who have been inspired by works of literature like *Don Quixote*, *Grapes of Wrath*, *Macunaíma*, and the *Aeneid*.

Barsky's work forms part of the law and literature movement, and it is inspired in part by his work as a professor at Vanderbilt Law School. He writes that he has encountered too many law students who have been told to forget their interests and knowledge from before they studied law. He wants them to remember what they have known from before because this will make them better lawyers, able to seek the humanity of those they encounter in legal proceedings. The book Barsky has written would serve as excellent reading for a course in immigration law, refugee law, or law and literature. And while I initially wondered if it would be better just to read works of literature such as *Alice in Wonderland* or *Frankenstein* instead of *Clamouring for Legal Protection*, Barsky answers that question by telling the stories



of great books very well. He takes readers briefly through plots and epic poems, including quotations and giving a sense in a page or three of a work that would take much longer to digest. The writing shows the gifts of fiction writer: Barsky is a novelist himself.¹ Given his fluid prose, this work provides a very helpful introduction to a range of literature that a student or interested reader could follow up on. And what Barsky expresses as a hope for law students would also apply to practicing lawyers who wish to be reminded of the stories of the human beings they encounter in their work.

The book is organized around a migrant journey. Barsky starts chapter 1, “Spreading Disease, or Inoculating Us from Intolerance?,” with themes of plague and pandemic. Like much of the book, this chapter foregrounds Barsky’s first-person voice, as his experiences during the COVID-19 pandemic frame the chapter. As he interacts with Albert Camus’s *The Plague* and other works, Barsky sketches how migrants with low status are viewed much as are viruses and plagues: unwanted and dangerous.

In chapter 2, “Following Pathways, Networks, and Guides,” Barsky focuses on literary accounts of the people who guide others on their journeys. He offers a fascinating reading of Moses’s encounter with God in the book of Exodus. He highlights that it was not enough for Moses to hear a voice in the burning bush. Moses doubts himself, doubts that the people of Israel will trust him, and doubts that the people will believe that God has spoken to him. To these doubts, God offers Moses signs and assistance from his brother Aaron, and God suggests telling the Israelites about the good land lying ahead of them and the chance of plundering their Egyptian enslavers. Barsky asks, “Is God asking that Moses act as what could today be called a human smuggler” (73)? In raising this question, Barsky prompts us to reflect on how we judge those who are deemed smugglers when we only have the language of smugglers for those who lead people out of situations of harm where they lack a legal route of escape.

Chapter 3, “Opening Doors and Scaling Walls,” focuses on barriers to entry. Alongside discussions of Franz Kafka and Jean-Paul Sartre, Barsky summarizes the plot of Thomas Hardy’s *Jude the Obscure*, seeing in Jude’s effort to gain admission to an Oxbridge college a parallel to migrants who cannot gain a legal hearing. As Barsky does throughout the work, he ties literature to concrete cases and examples, in this case, Barsky’s interviews with Pakistani women in Quebec who are not given a chance to make their claim.

In chapter 4, “Confronting Inhospitable Spaces and Hostile Hosts,” Barsky focuses on environments and climates. Emphasizing the effect of climate change on human movement, he ties this issue to the themes of literary works of three Romantic authors who gathered in a rented villa in Geneva in the cold and stormy summer of 1816, Mary Shelley, Percy Bysshe Shelley, and Lord Byron.

Finally, Barsky begins chapter 5, “Encounters with Aliens, Monsters, and Terrorists,” with US president Donald Trump’s Muslim Ban of 2017, connecting how migrants are framed with tales of monsters. Here Bram Stoker’s *Dracula* features alongside other works.

Though his book is expansive, Barsky concludes it by saying that this is just the beginning of a discussion on literature, law, and migration. In that spirit, I wonder what a chapter perhaps titled “Making a New Home,” would have added to the book. On my reading, Barsky only briefly gestures toward what he hopes a better state of affairs would be for those who experience persecution, flee, travel, migrate, and settle somewhere. I would also like to know what he thinks migrants hope for. Barsky gives a brief indication of what he hopes for, ending one chapter with a plea for “the universality of human experience, and the universal human rights that should come in its wake” (63), and ending the book with a hope for “a fundamental human right to move around not just when they need to, but when they feel the

¹ Robert F. Barsky, *Hatched* (Mechanicsburg: Sunbury Press, 2016).

need to enjoy a wonderful adventure” (256). Barsky’s succinct statement of hopes is a classically liberal and Enlightenment vision, and he might find literature that depicts migration without constraint. But is this really what refugees and migrants hope for? Literature is full of stories of people, not just moving around freely, but displaced, making a home among new neighbors and in a new environment. Hoping that people can successfully make a home is, I think, a better hope than that they can move without restriction.

Making a home—and adapting and struggling with life in a new place—is the subject of two novels that not only explore how migrants make a new home among their fellow human beings but also how they find a home in God. The first is Chaim Potok’s *In the Beginning*, the story of David Lurie, a Jewish boy growing up in the Bronx of the 1930s and 1940s after his family has immigrated from Poland.² As David comes of age, he learns that his father leads an organization enabling Jewish people from their home community to immigrate to the United States. He thinks through what it means that his father is ready to act to defend his people, whether with weapons in times past or in dissembling answers to US government agents in the present. He shares in the pathos of a community hammered by diminished hopes for the lives of his extended family living under the Third Reich. And along the way, David reckons with the God he encounters in the Torah. He chooses his own battle, not against Cossacks or Nazis but with biblical scholars. He reads and interacts with commentators who ask critical questions about the text and its history, against his home community’s warning that these critical commentators are dangerous or antisemitic. And along the way, David feels convicted that it is his role to bring new life to his people’s roots, turning to hope despite the horrors of the Shoah.

The hopes and struggles of someone settling into a new community and searching for home is the focus of Leila Aboulela’s *Minaret*. Aboulela tells the story of Najwa, who flees Sudan when the victors in a coup accuse her father of corruption.³ She has lived a wealthy, Westernized life, but in London she experiences a decline: her mother succumbs to illness, her brother ends up in prison, and what money they had is spent. When she finally breaks up with her Sudanese boyfriend, an atheist member of the Communist Front who is also exiled in London, Najwa responds to the invitation from women at the Regent Park mosque to come and meet with them. There Najwa turns toward something new, awakened to the “spiritual pleasure” of prayer (Aboulela, 243) and experiencing a “restoration of innocence” (Aboulela, 242). The reader learns what it is like to wear hijab for the first time; Najwa describes how much she enjoys encountering men in public without the “sparks” and “frissons” she felt before (Aboulela, 247). And Najwa voices that though she cannot return to the womb and shelter her parents provided, she experiences the mercy of Allah.

These two novels are moving not only because they articulate the heart-wrenching process of fleeing violence and threats and the hopes of enabling others to make the same journey but also because they reflect the experiences of their authors. *In the Beginning* is Potok’s most autobiographical novel, and, like her main character, Aboulela migrated from Sudan to the United Kingdom.⁴ But above all, these novels are moving because they deal with people trying to put down new roots. They help a Christian reader like me understand the spiritual journeys of a Jewish boy and Muslim woman seeking a home in God. They offer a counterpoint to a narrative of free travel and of throwing off restrictions. Instead, they point toward finding a new identity, becoming a part of a place, and discovering significance in a life with God.

² Chaim Potok, *In the Beginning* (New York: Fawcett Crest, 1975).

³ Leila Aboulela, *Minaret* (London: Bloomsbury, 2005).

⁴ Joel Shatzky, *Contemporary Jewish-American Novelists: A Bio-critical Sourcebook* (Westport: Greenwood Press, 1997), 289; Keija Parssinen, “Writing as Spiritual Offering: A Conversation with Leila Aboulela,” *World Literature Today* 94, no. 1 (2020): 26–29, at 27.

I hope, as Barsky does, that a conversation about literature and immigration and refugee law will continue to inspire those working alongside migrants in legal professions and beyond. Barsky's book is a wonderful place to start that conversation. *Clamouring for Legal Protection* takes a fascinating journey through the literary canon as it plays out the stories of migrants seeking refuge. Wide-ranging, astute, and accessible, this book will be of interest to scholars and lawyers alike. It would be an excellent text in a course on law, migration studies, or literature, a welcome read for enthusiasts of Dante, the Bible, Steinbeck, and more, and an important reminder for lawyers of the stories that moved them to pursue law in the first place.

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