

mgr Karolina Kocemba

SUMMARY OF DOCTORAL DISSERTATION

INTERACTIONS IN SPACES OF LEGAL EDUCATION

U.S. Supreme Court Justice Felix Frankfurter argued that “the law and lawyers are what the law schools make them.” This means that legal education shapes lawyers; it is also the common denominator of all legal professions, and therefore there is no doubt that it concerns both the practice of law and the functioning of the legal system. During university legal education students can learn how to be competent, ethical, and socially responsible lawyers. When we assume that relationships are reproduced and can later be transferred to the courts and to the places where the law is applied, we see that legal education can indirectly affect society.

We can research legal education by looking at its official program – based on official documents, as well as by looking at the hidden program – conducting empirical research on factual behavior within it – studying not only law in books but also a law in action. Research on the hidden program allows us to observe what lies behind the university façade; to look at reality as its participants do. We may then discover that there is a gap between the official image and the hidden (but real) one. Despite the frequent assertions that academic legal education is democratic and pluralistic according to the idea of the university and theses about the practical nature of studies and the employment of many practitioners, empirical studies show that in reality legal education is theoretical (i. e. dogmatic, out-of-context) and formalistic. This was an argument in favor of conducting further studies that could reveal problems in legal education and mistakes in didactics, as well as intensify critical and reflective approaches. The results of several in-depth interviews also drew my attention to the fact that students are socialized not only during the interactions that take place during the didactic process but also by a factor that is not taken into account in legal education research, namely space.

Space is something obvious and omnipresent. It touches every person and every society, and therefore it is an integral part of life, as well as law. Thus, it is not a passive reflection of social and cultural phenomena but actively participates in the construction of these phenomena. Therefore, in the dissertation, I argue that space is a factor that affects legal education. I try to answer the questions: how does space affect interactions in legal education and what impact can it have on lawyers and their attitudes? What relationships, interactions are promoted/supported by law faculty spaces? What interactions occur in legal education spaces? What impact do spaces and interactions have on each other? I verify the hypotheses using empirical research on interactions in spaces of legal education, which was conducted at six law faculties in Poland and four foreign law faculties.

Such outlined subjects and aims correspond with the dissertation structure. In the first chapter, the reader is introduced to the world of concepts and categories that form the basis for the subsequent parts of the dissertation. First, I explain the choice of research perspective - socio-legal studies, which are programmatically built on a combination of theory and empirics. Next, I explain the choice of the theoretical perspective, which is symbolic interactionism; I present its main assumptions and the categories necessary to conduct the research and analyze its results. I argue that socialization in legal education mainly influences what kind of lawyers law students will be in the future. An individual in the process of socialization is matched to his or her social environment. Moreover, roles and identities are formed in interactions; through interactions, certain patterns are also transmitted. I.e., one cannot teach, for example, democratic attitudes by talking in a lecture about how important democracy is, but only by choosing appropriate methods and "practicing" such attitudes through activating teaching methods. Although the legal profession is a profession of public trust, there is criticism from many quarters regarding the insufficient activity of lawyers in the public sphere. Empirical research indicates a low level of trust in both the legal profession and the judiciary itself. The reasons for this may have their source in the process of socialization during legal education, which does not correspond to social expectations of active participation of lawyers in the public sphere. In the literature on legal education in Poland, the most frequent criticism has been directed at teaching methods; statements that teaching is decontextualized, detached from the skills required for the legal profession and from the political, social, and economic context. Lectures based on legal content have been criticized because of the widespread availability of such content, and because of the impermanence of knowledge conveyed by the lecture method, *ex-cathedra*.

It is important to note that both discussions and research on legal education did not consider the role of space. In the dissertation, I argue that space is not neutral and that it can influence legal learning and socialization. I also conclude that preparation for participation in the public sphere can take place through the proper space – space for the public sphere is not neutral in that it can reinforce or weaken some of its features. I point out that space is relational, i.e. it is formed in a process that shapes human relations, activities, and behaviors; it is shaped by the determination of human location in space. Therefore, I argue that space is one of the factors that socializes through: access to space, proxemics, symbolism, arrangement, influence on the bodies, or mobility of its elements. It is worth underlining the importance of what philosophers and sociologists call everyday life – space and interactions are not constructed as a result of a single event but in the course of routines that function in space. Thanks to this, space can influence, for example, the maintenance of hierarchies.

In the fourth chapter, I discuss the methodology of qualitative research of interactions in spaces of legal education. I present a diagram of the study in which I explain the methods by which I conducted the research, namely participant observation, documentary analysis, free-form interviews, and comparison. Furthermore, I explain why these methods allow me to answer the research questions, and I also state in what order I use them. In the next section of the paper, I explain the sampling – the departments studied were chosen primarily for space; in doing so, I distinguish three periods in which the buildings were constructed and also take into account the distribution of the departments.

In the next section, I present the results of the study. I begin the chapter by reconstructing the official model of legal education, which is based on educating lawyers in a spirit of openness and citizenship – law faculties emphasize that they care about small group instruction, individual contact with the instructor, and the use of activating teaching methods and that practical skills are taught to law students. This official model provides a benchmark for the research findings. Next, I recall the spatial characteristics of the faculties studied. The next batch of work deals with access to space, mobility of elements, use of space to discipline the body, and interaction in spaces. Each of these variables was analyzed in the spaces of the law faculties, such as class and lecture spaces, dining spaces, workspaces, student activity spaces, halls, and outdoor spaces.

The last chapter is an analysis of the results of conducted research. The main conclusion that emerges from them is that the interactions are directed by the existing arrangement of spaces of legal education, support attitudes that do not coincide with the officially declared goals - to develop democratic attitudes in students and prepare them to participate in the public sphere.

The results indicate that space influences the choice of teaching methods and the way of teaching. On the other hand, the dominant mode of teaching – administration and lecture – influenced the organization of teaching spaces, whose degree of diversity is very low. Thus, the organization of space on the model of a lecture hall affects the occurrence of dialogue, or rather the lack of it. When changing the layout of the space to a conversational one (round table) it was noticed a significant increase in student activity and the occurrence of discussion. However, the changes are not easy to carry out because space is imposed from above, does not provide opportunities for a variety of activities, and contains little or no mobile elements. Findings indicate that efforts (primarily administrative) to change the space were primarily made by those who are active in the international academy. These individuals were much more likely to use active teaching methods and to see a connection between the organization of the space and the modes of instruction. However, there were instances when, despite the great possibilities of arrangement, the instructors still used the subjunctive methods of teaching. Thus, observation

leads to the conclusion that lack of adequate didactic training is supplemented by observation of teaching by others and reproduction of found patterns. Patterns concerning space are also reproduced - the arrangement and layout of rooms in the new buildings are the same as in the old buildings, which were built under a different regime when lawyers were expected to have different qualities than those expected of lawyers in democratic societies. I see the reason for this state of affairs in the lack of deeper reflection on legal education, which would also include reflection on space.

Another important finding of the research is that space produces hierarchy and sustains authority - comfort and access to space are dependent on one's place in the hierarchy. In the teaching spaces, the ability to speak is dependent on access to a lectern that is spatially demarcated. In the common spaces, on the other hand, no provision is made for multiple activities - for example, such spaces could be corridors, whose only function is currently to wait. Access to the spaces given to students is thus marginal and tightly controlled. Students escape such socialization by participating in study circles and by functioning in virtual reality, which replaces their agora.

It is worth noting that the studied law faculties did not differ significantly from each other, the same patterns were reproduced. The difference was noticeable only in the case of a private university, where the student was treated as a client. The research was also conducted by me in Brno, Sydney, and Rotterdam. The space of law faculties in Australia and the Netherlands is much more open and egalitarian. Students have an excellent environment for discussion both in and out of class. The arrangement of spaces for students indicates that actual access to different kinds of spaces is provided for them. The mobility of the elements, on the other hand, is a kind of entrustment of power over the space - giving the possibility to adjust the space to current needs. Another difference is the fact that most of the surveyed foreign universities try to keep up with technological changes, adjusting both space and teaching methods to them.

This dissertation is intended to open the door for readers into the hidden but real world of legal education. It also shows how space matters, how it works, and what we can read from it. The in-depth analysis of interactions in educational spaces provides a glimpse into what attitudes are promoted and how future lawyers are prepared to participate in the public sphere and to act on behalf of society.

Wrocław
05.04.2022 r.
Karolina Kocubka