

## Chapter #9

### LEGAL CASE VS LEGAL TEXT How to Teach Law in Teacher Training

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#### ABSTRACT

Both scholars and educators agree on the importance of law education for future teachers. However, the predominant majority of methodological literature deals only with the K12 level. Law is complex, it has its own challenging terminology. The novelty of this chapter lies in offering methods for the implementation of these elements and presenting an example of how it is possible to ensure the basic legal and ethics preparedness of students in a teacher training programme. Our institute (Eötvös Loránd University, Faculty of Education and Psychology, Institute of Education), which is responsible for the pedagogical content of teacher training, recognised the lack of these elements in teacher training curricula. To this end we designed a course on legal and ethics knowledge. This course did not have antecedents, thus the author of this chapter, as the responsible professor, had the freedom to compose the methodology and content. The title of the course is “The Legal and Ethics Framework of the Teaching Profession.” This chapter presents the challenges during the first two semesters, the experiences of which involved modifications, and the students’ opinions about the course. Furthermore, the chapter offers best practices and tools for teacher educators in other countries.

*Keywords:* knowledge about the law, conscious citizen, self-esteem development, teacher training.

#### 1. INTRODUCTION

Nowadays, all of us have to face two different phenomena. Firstly, as our world gets more and more difficult, the legal system becomes more complex. Secondly, we can often recognise the infringement of the legal norms. The more rights people have, the more numerous are their violations. Although the authorities have more advanced tools to handle these infringements, this is often impossible and, occasionally, not necessary at all. Hence, it is important to know our rights and obligations in order to know when it is essential to turn to the authorities, and when protecting our rights on our own is possible. The fact that the presence of law and legal regulations nowadays is more stressed than before underlines the importance of acting for one’s own rights (Delaney, 2016). Educating children about knowing their rights and obligations is a basic task of their family. Yet society and schools must not leave this aspect of education to the family alone. Although the family has a key role in this regard, in some cases the parents do not know much about their rights either, and, in other cases, the family may even be the cause of the infringement of children’s rights (Rónay, 2019). Thus, it is imperative to educate the children on basic legal knowledge which can only be generally secured by the school. Therefore, it is crucial to implement legal content in public education. As Pillay (2014) stated, there is no successful teaching without teaching educational rights. This is especially the case in societies where the level of legal knowledge is considerably low (Gajduschek, 2016). In countries where

a well-developed legal culture is lacking, and where values like the rule of law, human dignity, equal right to education, free speech, freedom of the press are weak, it is necessary to arm students with the understanding and basic knowledge of the law. Even so, the volume of literature on methodology is low (and most is from the seventies and eighties), and scholars mostly focus on the teaching of law in schools (see Gibson, 1970; Maxwell, Henning & White, 1975; Newmann, Bertocci, & Landsness, 1977; Pereira, 1988; Le Brun & Clark, 1989). Lately, several organisations responsible for the realisation of fundamental rights recognised the necessity of guidelines for teaching law in schools. So, the UN published the “*ABC: Teaching Human Rights: Practical Activities for Primary and Secondary Schools*” (United Nations, 2004), and the Council of Europe managed the birth of the *Compasito* (Flowers, 2008) and *Compass* (Brander, Keen, & Lemineur, 2015), Manuals for Human Rights Education for children and young people. These very important pieces tell teachers what to teach about law in school, but do not answer the question how to do it. Furthermore, scholars reported that teachers’ knowledge on law is in an alarming condition. Unfortunately, only in the US did scholars publish reports on every decade. Nonetheless, the conclusion of all of these was the necessity of offering legal courses to both future and in-practice teachers (Hyman, 1984; Przybyszewski & Tosetto, 1991; Balch, Memory, & Hofmeister, 2008; Gajda, 2008; Littleton, 2008). Hence, it is fundamental to teach law in a teacher training programme. This was also recognised by the universities, which decided to collaborate and establish the EduLaw project ([www.edulaweu.eu](http://www.edulaweu.eu)). As the project contributors themselves noted, the project aims to introduce modules on law and rights in programmes of teacher training and educational sciences and contributes to building rights-based education systems in countries in transition.

Teachers, students, and parents must face several phenomena in the school and classroom such as aggression, black pedagogy, and the challenges of migration, as well as digitalisation. Nevertheless, we should not forget the fact that the teacher is also an employee. This means that teachers have rights and obligations not only in relation to students and parents, but as members of a school/workplace community, have rights and obligations to the school community, colleagues, principals, the maintainer, and the state. This is apparent not only in the legal framework but also the ethics requirements. As Gullatt and Tollett (1997: 131) state, “educators must learn more about legislation and court decisions affecting their lives.” Therefore, while it is crucial, it is not enough to educate (future) teachers on rights and obligations in general and in connection with students; it is also essential to prepare them to know their own rights and obligations. Summarizing the data and the facts, while there is a consensus on the necessity of teaching law to future teachers, and also on the content thereof, only few scholars proposed methods for this (Gullatt & Tollett, 1997; Balch, Memory & Hofmeister, 2008).

## **2. METHODOLOGY OF TEACHING LAW TO NON-LAW STUDENTS**

### **2.1. Background of the course**

Besides the aforementioned methodological challenges, the Hungarian teacher training system presents further demands. Differently from the previous so-called Bologna programmes, which pay more attention to the pedagogical and psychological content, the requirements in Learning Outcomes of the current programmes allocates only 28 credits (from the 300-360) to the pedagogical, psychological, and practical knowledge, part of which is supplying the candidates with legal knowledge. Hence, there is neither enough credits, time, opportunity, nor tools to offer the necessary legal knowledge. Most higher education institutions in Hungary formally solve this problem by offering a single 90-minute frontal lecture. In worse cases, they do not even teach legal knowledge at all. This issue is similar to the one Gullatt and Tollett (1997:132) mention: there is a “lack of room in the curriculum” for teaching law.

In our Institute, approximately 30,000 students study, among them there are more than 3,000 that take part in the teacher training programme. The number of students for the course may seem extremely low, but 23-25 persons is generally optimal, especially as the course is not compulsory. In the autumn semester of the 2018/2019 academic year (hereinafter referred to as the “autumn semester”), 23 students opted for the course. By the spring semester of the 2018/2019 academic year (hereinafter referred to as the “spring semester”), the number of the students did not change significantly: we had 25 students. In both semesters, the majority of the students came from the undivided teacher training programme, and only a few of them came from others. We can conclude that the course was popular among students, and the target group recognised the course’s potential. The course being non-compulsory allows for every student – independently of their programme – to opt for it, which is evidenced by the participation of one education master’s degree student in the autumn semester.

### **2.2. Recommended methodology in the literature**

Even though the need to teach law to future teachers appears in current literature, there appear to be no detailed proposals for the methods. Scholars working on this topic typically approach it from the viewpoint of K12 education. However, the recommended methods for this age group are quite similar to how we should teach future teachers. Moreover, if we use the same tools, we can provide good examples for the students who can use them later as practicing teachers. The biggest issue in connection with the methods is the relationship between theory and practice. Where shall we approach the topics from? If we start from the direction of theory, students will be bored; occasionally, the content will be unclear because of the special terminology. If we skip theory, we will not be able to explain the case studies, and so the practical aspects will also be unclear. Johnson and Sublett (1969) reported on a programme which was developed in collaboration with teachers, curricula designers, and the representatives of local lawyers. They focused on practical knowledge connected to the local problems. The learning materials developed since then based on the were centred around examples. The books which target the pupils and the older students are full of simple stories (Brander, Keen, & Lemineur, 2015; Flowers, 2008). These books try to use easily understandable examples and explanations. They are in general a combination of theory, a clear presentation of the relevant law, and different difficult exercises pertaining to the legal topic (see: *Compass - Manual for Human Rights Education with Young People*, *Compasito – Manual on human rights education for children*). Gullatt and Tollett (1997) go a step further and emphasise the necessity of

collaboration between universities, legal authorities and local education authorities to develop workshops which can disseminate information about law within school. While this workshop model can help to fill the gap in sharing legal knowledge among educators, it does not offer regular pedagogical methods. Balch, Memory, and Hofmeister (2008) underline that the valuable legal textbooks available specifically for teacher candidates are no substitute for the methods of practicing law. Therefore, they propose using sample classroom situations and describe four such “scenarios”. This example also shows that the challenge is to find the ideal balance between avoiding dull legal terms and legal theories while retaining knowledge of the essential connections and basic terms applicable either to the school students or the teacher training programme students.

In what follows, this chapter presents the process of the course design. During this process, we had to face some challenges, so it was important to get feedback from students. After both semesters, the students were asked to fill out a questionnaire. The first time, we used the answers to survey the suitability of our ideas and correct the course design. The second questionnaire we used to review the appropriateness of the changes. For the latter purpose, in the next we are continuously asking for feedback. However, this chapter is not a research report. Tools similar to the research methodology were used specifically for the evaluation of the course by the students, and for checking the success of the methodology and its modification. The presentation of the results also serves this purpose.

### **2.3. Course design**

The fact that this course did not have antecedents was a relief and a difficulty at the same time. The designer could work between broad limits but lacked all practical guidelines. Therefore, the autumn semester was an experimental one, and it was obvious that before the spring semester, the course needed modifications.

The most noticeable difference was in the schedule of the course. In the autumn semester, classes were held every week, which equates to twelve lessons (90 minutes each week). Although this was less overburdened, time limits were a constant challenge. The different topics could not be finished in the course of a lesson, the dynamics always broke down. Hence, the format was changed, and the course was held in 6 lessons (180 minutes at every other week). This secured a better dynamic, even though some students complained that the length was exhausting.

Nevertheless, the new schedule enabled the introduction of the topics, the participants, and the sharing of personal experiences, which were in separate lessons in the autumn, to be on one occasion in the spring. The combination of these topics reduced the formality of self-introduction as everyone had a story to tell. During storytelling, students were free to interject comments, which helped highlight their legal relevance. This provided a good foundation to continue the next lesson with the legal environment, and legal language. The situation was the same as with the organisational framework and the topic of interpersonal connections, communication, and aggression. While in the autumn semester, we could not connect these, in the spring the length of the lessons provided the opportunity to explain the connections between these elements of the schools’ daily life. Afterwards, we covered the following topics: the human being as a subject and person; the teacher in the school, the teacher as an employee; the student’s legal position including their assessment and disciplinary responsibility. Despite the fact that teachers’ employee’s rights were more highly emphasised in the autumn semester, the spring semester’s approach to this topic from the direction of human dignity and the teachers’ connection to students, parents, colleagues, and the management yielded better results. In both semesters, the course ended with a summary, which was an excellent opportunity to answer the remaining questions and

evaluate the course together. The work done during lessons and the homework will be presented in the next subchapter, but it is necessary to mention that the presentation of homework (Case-study presentations no. 1 and 2) took an inordinate amount of time in the autumn. Therefore, it was necessary to reorganise it in the spring.

## **2.4. The students' work**

### **2.4.1. The work at the lessons**

The methods used during teacher training programmes, especially its pedagogical contents, is based on the students' expectations that the work in the lessons should be rather interactive, the lessons should be rather exciting, and they should have to work in groups, etc. Therefore, lecturers should avoid frontal lecturing, however, this is especially difficult during the theoretically grounding. Therefore, group work was the method of choice for students to be introduced to the regulations. The first step was the control, management, and institutional system of public education. For this, the students worked in groups and had to sketch the system using the Internet and a legal database. Next time, the students worked in groups again and tried to describe the system of a school as well as the interpersonal connections within a school. They could not use Internet resources; they had to discern the components and connections based on their own experiences and previous knowledge. When we continued the course with the topic of aggression, students were asked to draw a web, which demonstrated the types, forms and directions of aggression (Coloroso, 2014; Aáry-Tamás & Aronson, 2010). Due to the complexity of this topic, the group work was preceded by a discussion in the lesson. Effective use of this occasion is crucial. To give an example, we talked about human and personal rights, which are strongly connected to aggression. These were illustrated with movie scenes, after which the students were asked complete a questionnaire to describe the type and direction of the aggressions the scenes presented. It was also necessary to answer the question which rights were offended and by whom.

Opposite to the autumn semester, in the spring, the rules of disciplinary proceedings were emphasised more. Since this topic required deeper knowledge of legal norms, the group work came after a theoretical foundation. In the spring semester, this was complete with a simulation, which was connected to project work as homework. This tool is similar to the scenarios mentioned by Balch, Memory, & Hofmeister (2008).

### **2.4.2. The Homework**

Besides the regularity of the lessons, the other meaningful change was the rethinking of the homework. While according to the original concept, students had to find two separate relevant cases from the Annual Reports of the Commissioner for Educational Rights, where the involved person – either as a victim (injured party), or as an offender – is, first, a student, second, a teacher. Using case-studies promises to be an appropriate approach of legal context for educators (Lauwers, Zaçellari, & Miço, 2019). Students had to create a power point presentations based on the given points of view. Unfortunately, for two occasions, 23 presentations proved too much, and often cases were the same (with only maybe the approach differing). Since the students' time management was weak, the presentations took up an inordinate amount of class time.

Thus, it was necessary to modify the original concept, which was done in coherence with students' proposed changes. Therefore, in the spring, students were assigned two different tasks, and the homework was combined with the lesson work:

1. Find one relevant case among the aforementioned Reports where the involved person can be a student or a teacher, similar to the autumn semester; they had to create not only a power point, but also a case brief. The presentation was limited to 5 minutes.

2. In addition, they had to complete a project work. First, they had to establish groups, and afterwards had to find a case in which the disciplinary responsibility of a student comes into play, and finally work out the script of a disciplinary hearing. The project week ended in the playing out of the trial at the lesson. After that, they had to assess this in a given template of the project diary by writing the roles and the rate of contribution.

#### **2.4.3. The assessment of the students**

In the autumn semester, the assessment was based on participation – 60% was required, and the preparation of the homework. The final mark's criterion was less elaborate and foreseeable. Partly based on students' opinion, partly on the marks handed out, a more complex system was created. The condition for assessment was participation in at least four classes (out of six). After all tasks, the students obtained points. The maximum available points were fixed in advance.

The reconstruction of the assessment system did not bring any major changes. While, at first, every student obtained 5 (which is the best result, while 1 means class failure), in the spring semester, it was necessary to refuse the assessment for one student who missed three classes out of six, and only three obtained 4 and 3. These latter students did not complete the homework (the participation in the project work). It is visible that the more detailed assessment system leads to differentiation in the marks, but the wide range of each mark reduces the differences.

#### **2.5. The evaluation of the course**

Besides the aforementioned discussion with the students in the last, summarising lesson, students also had the opportunity to provide anonymous opinions. As part of the Quality Assurance System, ELTE University uses an official questionnaire (see Table 1), which ask about the course content, structure, and miscellaneous topics. Furthermore, the students were also asked using their own questionnaire.

*Table 1*  
*Data of official questionnaires.*

<b>Students (all/responders)</b>	<b>Fall Semester</b>			<b>Spring Semester</b>		
	23/21			25/23		
<b>Level of students' satisfaction:</b>	Fully(%)	Mostly(%)	Less(%)	Fully(%)	Mostly(%)	Less(%)
<b>Clearness of the course's goal:</b>	95	5		95	5	
<b>Structure of the course:</b>	86	14		85	15	
<b>The requirements were unambiguous:</b>	100			75	25	
<b>Achievability of the course's requirements:</b>	100			90	10	
<b>The knowledge is new and relevant:</b>	95	5		85	15	
<b>Helpfulness of the course:</b>	95	5		85	10	5
<b>The lecturer was inspiring:</b>	95	5		75	25	
<b>The communication of the lecture was clear:</b>	100			80	10	10
<b>Interactivity of the lessons:</b>	90	10		100		
<b>Informative answers to the questions:</b>	100			95		5
<b>Successful time management:</b>	67	29	5	90	5	5
<b>Respectful atmosphere of the lessons:</b>	100			100		

Although the rethinking of the course was based on the fall semester's results, comparing the results, development needs to be continued, taking into account the spring results. However, this can be accompanied by stricter assessment of the students and more homework.

Students' own questionnaires, developed for the course in the autumn, were completed both on paper and online, and in the spring semester only online. This reduced the reliability of the latter's results. While in the autumn, twenty-three answers (eighteen in the last lesson in written form, five online) were sent back, in the spring only five were completed. This supports the conclusion that online completion is less effective than filling

them out during class. Comparing the two results, we can identify some similarities, e.g. the popularity of the use of legal case studies, the partial dissatisfaction with organising the group work, and, in general, the unpopularity of group work. However, all in all, the changes were a success, and the disciplinary process and aggression as new topic were truly popular. We can also state that the students thought that the most useful topics were the separation of law and ethics and – in both semesters, according to the majority of the students – the (legal) case studies. This latter topic was found to be the most popular as well. Students in the spring semester stressed the popularity of the simulation of the disciplinary hearing and also remarked on how enjoyable sharing their experiences was. The majority of the respondents indicated that the legal text analysis the least useful exercise. The less popular elements were the organisation of group work, the frontal lessons and the too many similar cases.

Further interesting answers were in connection with advice for the future. While in the autumn semester, the students proposed more recitation, strictness and more exercises, the spring semester participants suggested fewer exercises.

After both semesters, the respondents thought that their attitude to law and ethics changed definitely in a positive direction, and their legal knowledge definitely developed. The majority of them considered that the chance of using the knowledge later on was very high, and their confidence in their own and the students' rights and obligations improved.

### **3. CONCLUSION AND FUTURE RESEARCH DIRECTIONS**

As a multitude of research remarks, the level of teachers' legal knowledge is lower than what should be required. This result is independent from the level of rule of law or democratisation, as supported by the data of U.S. Scholars recognising the importance of developing teachers' knowledge about school law. Nevertheless, methodological experts focus only on the K12 level, while there is a distinct lack of methodological works in teacher training. This chapter highlights the necessity not only of research into the broader field, but the development of methods. Recognising the lack of methodological foundations, we developed a course, the possible methods and also the demands of which were presented.

The experience of the first two semesters proves that students need these law-focused courses. It is also clear that the more practical elements there were, the more popular the course was. As expected, the right way to approach the topic is from the practicum to the theory. Students enjoy legal cases which serve as the connection between the law and their daily life. Hence, if we try to introduce law in teacher training, it is worth focusing on the legal cases as well as situational exercises. The rate of legal text analysis should be reduced as much as possible.

Further research is required on the legal knowledge in the world of school to make the course more well-grounded. To this end, besides continuing the current research project entitled "Anxiety versus ego strength", research which targets the topic of knowledge and opinion about the law (KOL) directly among the teachers, students, and parents is planned. The latter is expectable next year. Furthermore, the research and methods of the topic are being implemented in our PhD programmes. The designing of a new subject for future teachers is also proposed. It can be a new teacher training programme: that of the teacher specialised in teaching law.

With these steps, future schools will be able to provide the legal education which is missing today. We hope, for the first steps, this chapter can be a guideline.



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