

## LONG TERM IMPACT OF PUBLIC LEGAL EDUCATION

### Preliminary Assessment of the Literature

*The following comment is based on a cursory review of the literature on Public Legal Education available through the Legal Resource Centre's library.<sup>1</sup>*

Public legal education (PLE) is a phenomenon that emerged in Canada in the late 1960's. It began as an incident of the poverty law movement but quickly broadened to encompass the legal education needs of all Canadians. As the practice of PLE has evolved it has taken several forms, each of which has somewhat different goals and intended impacts. Before it is possible to discuss the impact of PLE, therefore, it is necessary to outline what its proponents suggest they are accomplishing.

Early forms of public legal education tended to focus on the legal information needs of individuals. Since law is becoming increasingly pervasive, everyone needs at least a minimal understanding of certain areas of the law to manage their affairs effectively. Accordingly activities are undertaken which

- inform people of their rights so they can seek appropriate legal redress for their problems (e.g. how to recognize common legal problems);
- inform people of legal services so they know where to go to get help for their problems (e.g. promote the availability of legal aid or lawyer referral service);
- teach people about the law so that they can avoid common legal problems (e.g. giving appropriate notice to a landlord); and
- teach people specific legal procedures so they can handle their own problems ( e.g. how to conduct a small claims action).

However, PLE practitioners realized quickly that there was a deeper rationale for public legal education. In a democratic society governed by the rule of law, the

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<sup>1</sup> The Legal Resource Centre's collection includes public legal education materials recently deposited there by the Canadian Law Information Council.

public not only has a right to know the law, they have a responsibility to support the institution of law. This insight guides forms of PLE that are directed to meeting citizenship needs. Activities are designed to

- teach people about the role of law in society;
- teach people about specific aspects of the legal process which require public participation (e.g. participating in a jury);
- teach people about other ways of engaging in the legal process (e.g. law reform processes); and
- teach people the value to society and to themselves of supporting the institution of law.

The main, though not exclusive site of this type of PLE, is the schools. Social studies and language arts courses as well as the more traditional law courses provide appropriate contexts for this type of study. However, once PLE is integrated into the curriculum it acquires still more objectives. To name but a few, law-related education is used to

- teach law-abiding behaviour;
- develop favourable attitudes toward law enforcement and the justice system;
- develop critical thinking skills;
- aid with values clarification;
- enhance literacy skills;
- reduce the incidence of juvenile delinquency; and even
- build character.

Law-related education is touted as not only imparting knowledge but improving behaviour and attitudes.

Although these objectives differ considerably, the general mission of PLE is to diminish the perceived alienation between the public and the law.<sup>2</sup> Proponents hope that people will come to look to the law as a source of real help in managing their affairs and in maintaining a stable and productive community. Indicia of this change might include an increase in the use of legal services (including the use of lawyers in private practice), clients seeking legal assistance in planning their affairs rather than only after difficulties occur, clients who are better prepared when they attend a lawyer's office, greater public involvement in legal affairs (whether as volunteers with community agencies, witnesses at trials or participants in law reform activities) and positive responses in attitudinal studies.

But the benefits of PLE reach the law, too. Law's legitimacy as a social institution should be enhanced if it truly reflects the needs and aspirations of all members of society, not just a prominent sector of it. Indicia of this impact might again include tests showing an increase in the level of legal literacy of the public, attitudinal studies showing increased support for the legal system, statements of community leaders in support of legal institutions, and greater community support for law-related programs and services. The impact of PLE on changes to the legal system would also need to be assessed.

Numerous evaluations of PLE activities have been conducted over the years to determine the immediate impact of specific PLE activities.<sup>3</sup> However, there are few efforts to identify the long term impact of any particular PLE program, let alone the impact of PLE more generally. The burgeoning demand on PLE services testifies to their perceived value by the public but the long term impact on the lives of individuals has not been tracked. Similarly, the increasing recognition in the education community of the need for law-related education suggests that PLE efforts in that direction are standing the test of time. However, there is only one study which tracks the difference PLE makes to students' lives,<sup>4</sup> and none which monitors the impact on society more generally.

Meaningful impact studies would need to consider the instrumental benefits of PLE, its symbolic value, and any collateral effects. Studies would need to look at

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<sup>2</sup> There is a minor strand of thinking in PLE that sees the task as being to undermine the role of law in society.

<sup>3</sup> See attached bibliographies.

<sup>4</sup> The study done by the Center for Action Research and the Social Science Education Consortium of Boulder, Colorado showed that under certain specified conditions, law-related education could have a positive effect on decreasing juvenile delinquency. See Robert M. Hunter, "Law-Related Educational Practice and Delinquency Theory" (1988) 13 Law Studies 27 (attached). The Department of Justice, Canada, has recently completed a study linking crime prevention practices with public legal education practices. However, it should be noted that this is a conceptual study not an evaluative one. The John Howard Society of Alberta has also recently completed a review of the literature regarding the relationship between information and lifestyle choices. While not directly evaluative of PLE efforts this work supports the assertions of PLE practitioners.

both the tangible and intangible benefits at the individual level and the societal level. Studies would also need to address unintended impacts whether desired or not. Such studies would be expensive and their results likely inconclusive.

This lack of substantive research has been an on-going source of considerable frustration to those in the field who want to know how best to direct their resources. Few PLE agencies have the capacity to conduct such research. Even if they did, funders have not placed sufficient priority on gathering such information to provide the necessary funding. Funders have not even required substantive theoretical or philosophical defences for PLE making evaluation even more difficult.<sup>5</sup> However, the Department of Justice, Canada is currently reviewing its research priorities, and may be open to supporting longitudinal studies or, at least, the type of preliminary analyses that would be necessary to ground such studies. If so, we could begin to get a clearer picture of the role PLE plays in the shaping of our legal culture.

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March 15, 1993

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<sup>5</sup> One exception to this lack of theoretical underpinning is the work done by the Legal Resource Centre on teaching legal concepts through the use of fiction. See Margaret Ferguson, *Looking at conflict* (Legal Resource Centre, Edmonton: 1993).