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# Deliberative Experience and the Civic Aspirations of Legal Education

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## Abstract

As law graduates wield significant influence in public life, law schools' responsibility for cultivating students' civic capacities and dispositions remains an important but often neglected project. Taking up this project, this article traces a thread of deliberative democratic aspirations within legal education scholarship and explores the potential of participation within law schools' own political processes for realising these ideals. To do so, it examines law students' experiences of an experiment with deliberative democracy's leading institutional innovation – the deliberative mini-public – and demonstrates the ways in which participation fostered deliberative capacities, a more collective orientation, and increased confidence. Ultimately, the article illustrates the mutually reinforcing nature of civic and legal education, affirms law schools' broader role within society and offers both theoretical and practical insights into the place of democratic innovation within the law school.

**Keywords:** legal education; political philosophy; deliberative democracy; mini-publics; civic education

## 1 Introduction

Both in their professional capacity and otherwise, law graduates across common law jurisdictions disproportionately take on significant roles in public life. As the institutions responsible for empowering and shaping these influential citizens, law schools have a unique and regularly overlooked obligation to cultivate students' civic capacities and dispositions. Scholars have, accordingly, explored the interplay between legal and civic education while contemplating the strategies through which civic aspirations might be realised. One particularly prominent thread in this literature urges a vision of citizenship that supports the ideals of deliberative democracy – that is, one supporting the capacity of students to engage in and facilitate inclusive, informed and mutually respectful argument oriented toward the common good (Nussbaum, 2003; Gutmann, 1993; Menkel-Meadow, 2005; Sandomierski, 2014; Hutchinson, 2008).

To foster deliberative capacities and dispositions, scholars have largely focused on in-class strategies and neglected the broader political environment in which law students are socialised. Notably, despite the longstanding recognition of the civic potential of actual participation in university governance, legal scholars have yet to explore, either empirically or theoretically, the developmental possibilities of participating within law school governance. In many ways, this may be unsurprising, as traditional avenues of participation like student surveys or elections do little to inspire deliberative praise (Kennedy and Pek, 2023). However, democratic innovations in the public sphere – namely, deliberative 'mini-publics' like Citizens' Assemblies and Citizens' Juries –

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hint at the developmental potential of participating in more deliberative democratic structures within the law school context as well.

To understand the experiential value of mini-publics for civic and legal education, this article explores an experiment in deliberative democracy – a *Students' Jury* – in which twelve law students heard from experts, deliberated and made collective recommendations to their law school regarding legal education during a global pandemic. Drawing on qualitative interviews with the jurors, the article presents the experiences of civic development arising out of their participation along three lines: knowledge and deliberative capacities, collective identity and orientation and political confidence and readiness to participate. Across these themes, and speaking to legal education theory, it also demonstrates the ways in which students engaged in deliberative democracy saw civic and legal education not as discrete enterprises, but interrelated and mutually reinforcing. Altogether, by bringing legal education scholarship into conversation with leading democratic theory and practice, the article not only demonstrates the experiential potential of deliberative democracy for legal education, but also the potential of legal education to support efforts to make public life more deliberative and democratic. In doing so, it both affirms and develops legal education's broader role within society.

Section 2 of the article sets out the relationship between legal education and civic development, highlighting deliberative democratic ideals as a common thread in scholarship and setting out the developmental potential of student participation in law school governance. After introducing deliberative mini-publics and their transformative potential, Section 3 outlines the Students' Jury project at Queen Mary, University of London's School of Law (UK) and the methods underpinning the empirical research on students' experiences. Section 4 explores the results of student interviews, demonstrating the ways in which students experienced civic development and related this to their legal education. Finally, Section 5 discusses the results, highlights important conclusions and sets out avenues for future research.

## 2 The civic aspirations of legal education

The cultivation of engaged, capable citizens is often touted as one of higher education's aims and, by extension, one of universities' various democratic functions (Gutmann, 1999; Gutmann and Thompson, 2004; Myers, 2014). While this role is undoubtedly shared across disciplines, legal education can be singled out as having a particular responsibility to nurture graduates' civic dispositions and capacities. Law graduates are, as Martha Nussbaum notes, 'highly influential citizens' (Nussbaum, 2003, p. 271). In their professional capacities, lawyers are in many ways architects of public and political life. They are essential in upholding the rule of law, shaping policy, holding governments to democratic account and empowering fellow citizens in relationships with the state and each other (Shils, 1989; Hutchinson, 2008; LSE GV314, 2007). But so too are law graduates influential citizens outside of formal legal practice. This is perhaps nowhere more evident than in legislatures, where they disproportionately serve as elected representatives across common law jurisdictions (e.g. Audickas and Cracknell, 2020; Lumb, 2013; Manning, 2020; Sevi, Blais and Mayer, 2020). At the same time, they occupy more informal roles in community affairs and enjoy the everyday influence and power that comes with their status, education and independence (Rosen, 2006). Entrusted with the education of jurists and lawyers, law schools bear a corresponding civic responsibility for this influence.

Even while recognising that the notions of lawyer and citizen are distinct, a compelling pedagogical perspective characterises them and their respective development as mutually constitutive and reinforcing (Sandomierski, 2014, p. 750; Clark, 2013). David Sandomierski writes, therefore, that '[m]any aspects of being a [good] citizen are integral to becoming a good lawyer: an ethical consciousness, a capacity to deliberate about incommensurable goods, a dedication to the integrity of the justice system, an ability to employ the narrative mode of thinking, and an appreciation of social

and political context' (Sandomierski, 2014, p. 754). Accordingly, while civic virtues clearly have public value beyond legal practice, they can also be seen as part of good legal training. Across a range of pedagogical perspectives on legal education, then, scholars' calls for attention to the relationships between legal education and civic development should be unsurprising.

What it means to be a (good) citizen is debatable,<sup>1</sup> but one of the most prominent threads across scholars' accounts of civic legal education is the aspiration for law graduates to realise the ideals of *deliberative* democracy (Gutmann, 1993; Hutchinson, 2008; Sandomierski, 2014; Menkel-Meadow, 2005). This vein tracks a wider 'deliberative turn' in contemporary democratic theory that sees democracy tied to processes in which citizens offer and reflect on mutually acceptable reasons for one decision or another, rather than to a mere aggregation of individuals' personal preferences (Cohen, 1989). This involves a more active and demanding view of citizenship, requiring that individuals not only be willing to participate, but also possess the civic-minded capacities to listen, revise their own views and articulate persuasive reasons that others could accept (Stokes, 2002; Weinstock and Kahane, 2010; Kock and Villadsen, 2012; Nishiyama, 2021).<sup>2</sup> Individuals must therefore recognise one another as equals from whom they might learn, and participate with a mind toward a shared or common good.

Legal education scholarship has echoed these aspirations. In her influential call for higher education to 'cultivate humanity', Martha Nussbaum invokes deliberative democracy when arguing that law schools should be places where jurists develop capacities to critically reflect, identify with wider communities, and imagine issues from others' perspectives (Nussbaum, 2003). With similar aims, Amy Gutmann (1993) argues that the disposition and capacity to deliberate about justice and the implications of legal action are essential to both serving clients well and achieving just outcomes. Carrie Menkel-Meadow likewise points out that lawyers have important roles to play in – and thus should be educated for – designing, facilitating, and participating in more deliberative approaches to social and legal problem-solving (Menkel-Meadow, 2005). Where lawyers inform decisions concerning the public interest, Allan Hutchinson (2008) notes that they must be able to converse about what the public interest *is*, and do so through persuasive interventions oriented toward the common good. Furthermore, Anthony Kronman (1995) makes the point that imaginative sympathy – an ability to understand and reflect on others' perspectives – is necessary for any legal career, and he and others, like Harry Arthurs and Sandomierski, see civic-mindedness and deliberative wisdom as essential to the profession (Sandomierski, 2014). Relatedly, other scholarship emphasises the importance of listening for professional development (Hamilton, 2012; Weisberg and Koh Peters, 2007). While the deliberative thread of legal education scholarship is predominantly North American in origin, international attraction to deliberative democratic values (Curato *et al.*, 2017) and the similarly disproportionate civic and political influence among law graduates across common law countries suggest that its normative aspirations apply more broadly.

With these values in mind, questions arise as to *how* deliberative democratic dispositions are cultivated by law schools. Scholars have pointed to a variety of possibilities: the case method (Sandomierski, 2014), incorporating fiction into the syllabus (Nussbaum, 2003), practical courses in alternative dispute resolution (Menkel-Meadow, 2005, p. 2019), and clinical legal education (Gutmann, 1993). Neglected in this literature, however, is an established but imperfectly realised tradition for cultivating civic capacities in higher education: the experience of actual participation in university governance. Whatever the value of these other strategies, it remains essential that law schools look beyond the classroom to the political environment and decision-making structures in which law students, *as* law students, are acculturated. This might be especially important to the extent that law schools otherwise have a history of modelling undemocratic

<sup>1</sup>Sandomierski suggests that this is a question for law schools to pursue, with results varying across institutions: see *ibid.*, at 760. I would add that political theory and scholarship would be a valuable source of inspiration for these institutional debates.

<sup>2</sup>In focusing on the deliberative dimension, I do not mean to suggest that this is a comprehensive or totalizing view of democratic citizenship and thus democratic education, only the crux of legitimate governance: see also Nishiyama (2021).

tendencies (Kennedy, 2004). But, in any case, it also follows from the experiential potential of this kind of engagement, as well as the limiting effects of a civic education that would instead implicitly condition students to remain disengaged. If law schools want graduates to possess virtues for good citizenship and legal practice, then they need to treat students as citizens of their schools and provide them with opportunities and supports needed to exercise those virtues. Such an approach might be analogous to ‘authentic’ learning strategies like clinics (Kam *et al.*, 2012).

In the wider context of higher education, a perceived importance of participation in university governance for civic development has a long history, and it now informs widespread use of student governments, committees and representatives (Menon, 2003). Law schools have likewise witnessed a growth in student participation since the 1960s (Morris, 1969; Regan, 1971; Smith, 1976), and some, albeit few, legal scholars have also noted its general potential for civic and legal education alike (Howard, 1970, p. 907; Macdonald and McMorrow, 2014, p. 730). Despite this potential, however, common approaches to involving students in the governance of law schools – mirroring those in universities more broadly – are limited and fail to realise legal education’s deliberative democratic aspirations (Kennedy and Pek, 2023). The election of student representatives, for instance, reinforces non-participation for all but an often-unrepresentative segment of ambitious students (Boland, 2005; Bergan, 2004; Lozano and Hughes, 2017) while also failing to generate especially deliberative interactions, whether during the process or for those elected (Kuh and Lund, 1994; Laosebikan-Buggs, 2006; May, 2009; Menon, 2003). Moreover, student surveys provide little opportunity for meaningful engagement, and normalise superficial, de-contextualised, often uninformed, and one-directional input (Chen, 2011; Porter, Whitcomb and Weitzer, 2004; Sabri, 2013). Altogether, such structures in law school governance feed into participatory environments which, some suggest, ‘reflect [...] short-sighted, self-serving consumerist logic, rather than a rational citizenship ethos anchored to the common good’ (Macdonald and McMorrow, 2014, note 44). Consequently, innovation in law school governance is needed to provide for more deliberative participation.

The fact that less deliberative student participation has also been charged with undermining more transformative visions of legal education – ones that reach beyond professional skills training (Arthurs, 1998, pp. 19–21; Macdonald and McMorrow, 2014, note 44; cf. Gorman, 1985) – suggests that *how* law students participate might also have wider, curricular implications for students’ civic and legal educations. These impacts cannot be explored here, though it is worth noting that the response to both curricular and experiential shortcomings might dovetail. Indeed, Macdonald and McMorrow suggest that the answer to concerns about student democracy’s curricular impacts lay not in withdrawing responsibility, but in finding ways to reorient student participation toward the common good (2014, p. 730). This is a challenge, they note, that is inherent in all democratic governance.

With this in mind, the search for more deliberative democratic practices should not be constrained by the law school’s own walls. Indeed, the deliberative shortcomings of law school governance and student participation – occurring in universities and law schools where students are often treated as customers and subject to marketised spin (Bradley, 2013; Veletsianos *et al.*, 2017; Kimmons, Veletsianos and Woodward, 2017) – do, in many ways, mirror the challenges of democratic politics more generally. To address current shortcomings and provide students with opportunity for meaningful, deliberative experiences, law schools can likewise look to the public sphere – and the democratic innovations therein – for inspiration.

### 3 Mini-publics: From the public sphere to the school of law

#### 3.1 Democratic innovation and legal education

In response to democratic deficits, deliberative democrats have gone beyond theory to inspire real-world democratic innovations designed to institutionalise deliberative democratic ideals in

practice. Central to these efforts has been the global proliferation of Citizens' Assemblies, Citizens' Juries and other 'deliberative mini-publics' (Smith, 2009). While differing in size and focus, mini-publics are composed of ordinary citizens selected by democratic lottery – a stratified random selection process that produces a descriptively representative microcosm of the broader public (Farrell and Stone, 2020). Over days, weeks or months, these citizens learn about a particular issue, engage with experts and stakeholders and, with support from independent facilitators, deliberate with a view to making policy recommendations on often intractable political questions (Smith and Setälä, 2018). Given dedicated learning stages and the epistemic benefits of structured deliberation, mini-publics involve citizens in a uniquely intensive process that facilitates informed deliberation and decision-making (Levy, 2010).

Citizens' assemblies on climate change, commissioned by both the United Kingdom's House of Commons and Scottish Parliament, serve as recent and prominent examples (CA UK, 2020; SCA 2021). Notably, mini-publics have especially close ties to the legal world, being used with respect to a number of high-profile efforts on constitutional reform (Suiter and Reuchamps, 2016). Irish citizens' assemblies, for example, have tasked citizens with considering a range of constitutional questions and helped bring about both the legalisation of same sex marriage and the liberalisation of abortion (Farrell, Suiter and Harris, 2019; Farrell *et al.*, 2020). Indeed, the notion of the Citizens' Jury taps into a distinctly legal history in which the collective deliberations of ordinary citizens play an important role (Gastil *et al.*, 2010; Warren, 2008).

Beyond providing informed and representative public judgment, mini-publics also have potential as intensive schools for citizenship. An established line of empirical research has demonstrated that, as participants exercise deliberative capacities and experience collective reasoning, various kinds of 'civic transformation' result (Knobloch and Gastil, 2015, p. 193). This includes growth with respect to a variety of 'civic virtues': increases in participants' understanding of public issues, political self-confidence and mutual trust, subsequent engagement in communicative and political activity, their appreciation of deliberative approaches and even their sense of collective identity (Knobloch and Gastil, 2013; Curato and Niemeyer, 2013; Grönlund, Setälä and Herne, 2010; Morrell, 2005; Boulianne, Chen and Kahane, 2020; Hartz-Karp *et al.*, 2010; Raisio, Ollila and Vartiainen, 2011). To the extent that law school governance serves as a means of developing lawyers' deliberative democratic virtues, then, mini-publics are an intriguing prospect. Yet, absent any practical experimentation with mini-publics within law schools to date,<sup>3</sup> this potential can only be speculative.

However, one experiment forming the focus of this article did indeed bring democratic innovation into the law school. In March 2021, the School of Law at Queen Mary, University of London – a research-intensive university within the United Kingdom's prestigious Russell Group – built on existing experience within the public sphere and convened its own mini-public as a means of incorporating informed, reflective student input into School decision-making. Coming a year into the COVID-19 pandemic that resulted in considerable disruption to higher education (Watermeyer *et al.*, 2021), the mini-public took the form of a *Students' Jury on Pandemic Learning* that focused on how the School of Law should adapt the following year's programme in light of the potential for another year of pandemic disruption (SJFR, 2021).

Out of over 1,000 undergraduate students in Law, twelve were selected through a democratic lottery, creating a mini-public of the student body: a gender-balanced and broadly proportionate representation of student demographics based on programme year, disability, domestic and international fee status, racialisation and specialism (Flanigan *et al.*, 2021).<sup>4</sup> While not selected for

<sup>3</sup>One interesting experiment with mini-publics, however, has seen academics from a number of institutions deliberate about Indigenous cultural competency within legal education institutions more generally: see Wood and Levy (2018). See also Pek *et al.*, 2021.

<sup>4</sup>Although lottery mechanics can take various forms, the method applied here, adapting general practice, involved the use of a lottery algorithm into which all undergraduate students' profiles were entered. The demographic data to which the algorithm



specifically, the result also included other kinds of diversity within the program, including juror age and prior university study. The lottery mechanism also ensured the inclusion of those who would not typically put themselves forward and, likewise, forestalled a jury dominated by students who typically would.

The resulting Jury of twelve was given a broad mandate, so as to allow them to provide direction in the areas they felt most important, being asked ‘Given potential pandemic challenges, how should the School of Law approach teaching and learning in the 2021/2022 academic year?’ (SJFR, 2021). Briefing materials also invited the Jury to consider specific prompts, including what considerations ought to be kept in mind, or practices instituted, if education continued either online or in person, as well as what priorities the School should privilege in case of uncertainty – for instance, regarding whether it would be safe to return in-person or not (SJSJH, 2021).

Using an online video platform, the Jury met in five sessions over the course of two weeks, shared their own experiences, heard from a variety of experts and stakeholders, deliberated as a group and produced a collective, agreed-upon statement of recommendations for the School. Experts and stakeholders were taken from both within the university and outside it, and were intended to provide students with a variety of perspectives on key dimensions of higher education within a pandemic. This included presentations from, and discussions with, academic staff from both Queen Mary and another university that had taken a different approach, public health experts, including an epidemiologist and a representative of a prominent independent scientific advisory group, national presidents of both staff and student unions, and experts on digital education (SJFR, 2021).

To maximise the independence and quality of the process, the democratic lottery for juror selection and group facilitation were both provided by external partners, including organisations involved in the selection, design and facilitation processes of the aforementioned parliament-commissioned citizens’ assemblies. Jury deliberations and decision-making therefore took place without any university staff present, and were guided by independent facilitators to help maximise and equalise participation among students. These facilitators were active in each of the sessions, using a variety of techniques and collaborative tools. During the sessions involving expert panels, jurors deliberated in breakout rooms about questions to be asked to presenters and ensuing takeaways from the presentation. Subsequent sessions dedicated exclusively to deliberations were focused on unpacking the values that should underpin the School’s approach and then developing, selecting and refining recommendations.

Ultimately, the Jury produced – and approved by secure vote – a set of thirteen collective recommendations alongside reasons for their inclusion and a variety of ‘Supporting Actions’ for their implementation (SJFR, 2021). Prior to the launch of the Students’ Jury, School leadership, including the Head of School and the Director of Education, had agreed to receive and consider in good faith the resulting recommendations. Accordingly, these were presented to School of Law leadership in writing and orally, and a subsequent report containing these recommendations was distributed to staff and students before being made public.<sup>5</sup> In line with the broad mandate given to the Jury, the ultimate recommendations spanned various interrelated dimensions of School life, including pedagogy, governance and wellbeing. Recommendations thus included direction on issues like platform usage, virtual interaction in teaching and flexibility in assessment; calls for transparency and authenticity in university communication, increased student input into decision-making and the availability of risk assessments; workload modelling for students and

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was applied had already been collected by the University as a matter of course. For an evaluation of the specific stratified random selection algorithm used, see Flanigan *et al.*, 2021. Often, mini-public selections will use a two-step method in which a first round of invitations will solicit a pool of willing respondents. However, given the limited size of the student body and the ability of organisers to contact them directly to encourage participation, this initial step was omitted. This also has the benefit of avoiding an initial round of self-selection.

<sup>5</sup>To see the full report and its recommendations online, see Students’ Jury on Pandemic Learning: Final Report 2021.

staff alike, support for staff mental health and physical well-being and the possibility of individualised choice in in-person activity (SJFR, 2021).

### 3.2 Study, focus and methods

While the Students' Jury initiative was launched to solicit students' deliberative input into School decision-making, the project offered a unique opportunity to study participants' first-hand experiences and perceptions of the deliberative mini-public process. This opportunity was especially unique given the novelty of mini-publics within the university, and specifically law school, context (Kennedy and Pek, 2023). A research project was therefore undertaken to explore a variety of questions related to students' views of various features of the Jury's design, the model's future usage, and both motivations for, and consequences of, their participation.<sup>6</sup> The results of this article stem from a narrower focus on civic- and education-related experiences, with analysis conducted to determine the perceived impacts that participation had on students' civic development and their relationship to legal education. The aim here was qualitative, seeking to identify and unpack student experiences and relate these to existing theory on deliberative democracy and legal education, rather than to quantify impacts.

The study forming the basis of this research relied primarily on semi-structured interviews with individual jurors following the Jury process, as well as observation and document review – mainly regarding procedural aspects of the Students' Jury initiative and its resulting report – to contextualise and confirm findings. Relevant questions and follow-ups moved from probing, open-ended to more pointed formats – for instance, inquiring into general feelings about having participated, what they felt they got out of the experience, whether they felt they gained or developed any skills and whether they saw any connections between their Students' Jury experience and legal education. Recorded interviews were conducted through online video calls, typically lasted forty-five minutes to an hour, and took place between one and four weeks following the finalisation of the Jury's report. No compensation for interviews was provided.

Each of the twelve jurors was invited to sit for an interview, with nearly all – ten – ultimately doing so.<sup>7</sup> Of the two who did not participate, one indicated willingness but was ultimately unable to participate for pandemic-related reasons while the other did not reply to the invitation. In line with recruited participants in the Students' Jury, those interviewed were undergraduate law students representing all years of the program, had equal gender representation, and reflected identifiable characteristics of the student body at the School of Law in a broadly proportionate way. While the relatively small sample size overall suggests some limitation in terms of empirical generalisability of the findings, the representativeness inherent in the Students' Jury itself – arrived at through stratified random selection of the student body – helps mitigate concerns about sampling bias. In any case, the sample does allow for the unpacking of student experiences of deliberative development and to develop these in relation to legal education theory, even while leaving quantitative considerations to future research.

Because the author was a member of academic staff at the University and served as one of the Jury's organisers,<sup>8</sup> a number of strategies were employed to minimise the potential for response bias in which participants respond in ways that they think are desirable to their interviewer. Following on from the Jury ethos, in which student authorship and independence from University

<sup>6</sup>Ethics approval was provided by Queen Mary University of London (reference: QMERC20.183).

<sup>7</sup>The sufficiency of this sample size can be understood based on the study aims, its relationship to established theory, and data quality: See e.g. Malterud, Siersma and Dorrit Guassora (2016), at 1753. The saturation of data across the interviews was also indicative.

<sup>8</sup>In terms of contact with the jurors as an organiser, this involved communications for the purposes of recruitment and co-ordination, as well as attendance during the open sessions (e.g. during the welcome panel and expert presentations). However, this did not involve any facilitation role during such sessions nor attendance during private deliberations. This was intended to support the independence of the jury's experience and outputs.

staff was explicitly emphasised, this included rapport-building, assurances of confidentiality and voluntariness and emphasis on the importance of honesty and an openness to negative feedback, both at the introduction to the study and again at the outset of the interview (Bergen and Labonté, 2020; Podsakoff *et al.*, 2003). A draft manuscript, highlighting their own identifier, was also circulated to participating jurors for member checking (Hallet, 2013). Any misinterpretations or desired clarifications were subsequently addressed. This explicit opportunity to voice ‘corrections or concerns’ – coming electronically in writing, removed from effects of direct interviewing, and indeed after several of the interviewees had graduated – might also have provided opportunity to correct any potential social desirability bias occurring in initial interviews (Tourangeau, Rips and Rasinski, 2000; Kreuter, Presser and Tourangeau, 2008).

After familiarisation, interview data was analysed and organised iteratively on the basis of common subjects and concepts that emerged. This followed a qualitative thematic analysis approach, with an experiential approach to interpreting interviewees’ answers at face value (Terry *et al.*, 2017). While the interpretation and categorisation undertaken in analysis was informed by familiarity with deliberative democracy literature, both theoretical and empirical, a general inductive process allowed for identification of results potentially shaped by the unique political and educational context of higher and legal education, and that might not, therefore, be captured by pre-defined labels (Thomas, 2006). Ultimately, findings were structured around the three themes that emerged in the analysis of interviews: knowledge and deliberative capacities, collective identity and orientation, and political confidence and willingness to participate, with sub-themes, and their perceived relationship to legal education specifically, also being noted within each.

#### 4 Experiences of civic development in a students’ jury

As the first initiative of its kind within a law school, the Students’ Jury provided students with a novel opportunity for participation in School decision-making and planning. Even for those with a history of participating within university affairs, then, the Jury was a unique experience, shaped by the distinct features of the mini-public process. For instance, jurors frequently noted the ways in which the democratic lottery involved those who would otherwise not participate and created a more representative jury, or how the deliberative approach facilitated learning, reflection and discussion in greater depth and breadth than other avenues of participation. Student accounts of their experiences of having participated in the Jury were therefore shaped by the distinct context in which they were invited to learn, reflect and develop collective views.

##### 4.1 Knowledge and deliberative capacities

In terms of the first theme arising from jurors’ reported experiences, participation in the jury was linked to both knowledge gain as well as the development of deliberative skills and capacities. Learning occurred regarding the collective issues on which the Students’ Jury focused, the variety of individual views on the issues, and the wider context for decision-making. Jurors were unanimous in expressing that they left the process much more informed about the educational challenges of COVID and the School of Law itself than when they began. One juror summarised a common sentiment among those interviewed, saying that

‘I think I [now] know so much more about the University . . . About the background, about the difficulties it has faced, and about the difficulties that the students face.’ (SJ1)

Another remarked that ‘there were a lot of issues that were raised that I wouldn’t normally even think about’ (SJ7). This learning, jurors noted, came not just from the various expert and stakeholder presentations, but also from the diverse set of peers within the Jury who students engaged with during jury deliberations.



The latter seemed to be especially prominent with respect to the different social realities experienced by students within the same program. For instance, it was notable for some to have heard about what it was like to deal with actually having Covid-19 during term time, or how societal restrictions impacted others in life situations differing from their own.

‘I remember one of the [other jurors] said, for example, that, you know, I’m having trouble studying because my local public library is closed. Meanwhile, I’ve been thinking all this time, well, the university library’s open, everyone can get to university . . . which is absolutely not the case. Obviously, I just happen to live [close to university]. So [I’ve learned a lot about] the way in which people have been impacted and how they react. So, who cares about public libraries? Turns out a lot of people depend on public libraries to actually get their work done.’ (SJ9)

Learning more about the relevant issues was also frequently linked to learning about stakeholders’ varying ‘perspectives’ on them. For some, the *fact* that others saw things differently – how, despite hearing the same information, ‘different people with different experiences have actually got extremely different views on what should happen’ (SJ9) – was itself an important lesson.

Beyond substantive considerations, jurors also reported learning about university decision-making processes in a number of ways. Many jurors noted that they learned much more about the how the university functions and how decisions are made within it. Realisations regarding the complex distribution of powers and responsibilities within the university appeared to be significant, with one characterising this as ‘very eye-opening’ (SJ9). So too did jurors learn about the possibilities for different democratic processes within the university, learning, for instance, that a mini-public ‘is possible and they exist because, as I said, I wasn’t aware that these existed’ (SJ10).

More than knowledge, however, jurors expressed the view that participation developed or improved a variety of capacities connected to the deliberative democratic aspirations of legal education. This was so even while some jurors expressed that having more time to deliberate – and therefore exercise these capacities – would have been desirable during the Students’ Jury process. While some noted growth in areas like critical thinking, communication was a prominent theme. Jurors noted that the process allowed them to work on forming arguments, articulating their views and navigating disagreement. For the typically shy students, becoming comfortable speaking up and voicing views in groups was a notable outcome, and one that connects in important ways to the common law tradition (Wilberforce, 1989). For some, contributions were linked to collaborative or ‘constructive’ approaches to these issues:

‘That was the thing that I improved on the most during the process. Before, I would [participate in] different debates, but . . . you wouldn’t have the chance to actually solve any task constructively, as [we did] here. Just discussion and coming up with the middle ground.’ (SJ8)

Honing new *ways* of engaging with others was frequently noted by participants.

For those more used to speaking or taking charge of group dynamics, the Jury offered a form of personal development approaching Kronman’s abovementioned ‘imaginative sympathy’. This went beyond learning about others’ views, and instead involved developing new, more appreciative ways of relating to others and their perspectives. Jurors had different ways of expressing this, focusing, for example, on a concern for others, genuine listening, or greater patience. As one noted,

‘[the Jury] made me see things in a different way. It’s not always about what I think . . . I need to sit back and think about others. I think that’s really important because throughout

your student experience ... as much as you try to, I don't think you have the opportunity ... to look at other people's perspectives. It's such an important skill that I've noticed now that a lot of us don't have.' (SJ3)

Another expressed that

'[b]y participating, I got ... listening. Sometimes I tend to speak a lot more than I should, and so hearing, but more than that's just a word, like actually *listening* to someone, like actually *hearing* what they're saying.' (SJ2)

And another concluded:

'One thing that improved, definitely in terms of my group ability was ... my patience and ... my sort of slowing down the process, really understanding what the other person has to say. Because I would have ... I feel that in other situations where things are dragging and people are taking a while to get to their point, I would be "Okay, okay. Chop, chop. What's your point?" ... So definitely patience ... because it was equally important to the outcome as my voice.' (SJ9)

Those straddling the line between the two spoke of refining their ability to know *when* to speak, or instead finding a balanced approach of contributing without 'overshadowing' (SJ4) others. Yet, even a juror who considered themselves shy also noted that they became 'more willing to listen' (SJ6).

Evoking the 'integrated' vision of civic and legal education discussed above, many jurors also connected skills gained through their participation to their legal education and those needed for future careers. Argument, listening, collaboration, organised and practical thinking, the ability to 'take decisions' (SJ8), or various 'soft skills' (SJ9), for example, were all frequently linked to preparation for legal careers. Some jurors connected their experience to the ability to deal or sympathise with a diversity of people who might have different perspectives on the issue at hand – notably, judges, juries, and clients. One noted:

'[In terms of skills gained,] I think just arguing in general ... thinking for two sides and considering every perspective, not just your own, which ... a lawyer has to do.' (SJ7)

And another that,

'[In the Students' Jury] people came from a variety of different backgrounds ... different perspectives ... Like we both heard the exact same [thing] ... And then ... we all had a different take ... So from a legal perspective, like if you're ... speaking in front of a jury or a judge, it just, I guess, helps give you a sense how people might come at things and the different ways people think.' (SJ2)

One juror connected the experience more closely to their 'political education' (SJ4) than their legal education, though also tied it to their Public Law course.

Often, points regarding legal education were made by drawing a distinction between the perceived 'theoretical' tendencies of legal education and the 'real-world' experience of the Students' Jury. In addition to gaining practical skills and dispositions through this 'real-world' initiative, at least some jurors saw a relationship between the Jury experience and more lofty ideals like fairness and justice. In this way, the democratic process brought themes and values spoken of in students' classes to life, akin to practical education initiatives like placements.

‘The reason this was so interesting for law students specifically was . . . democracy. We always hear this word, we always hear fairness, justice, equality, equity, all that stuff. We’ve never actually seen it come into play . . . [The Jury] really made me see a whole different side to legal education . . . That’s really been empowering.’ (SJ3)

#### 4.2 *Collective identity and orientation*

The process of engaging with others’ views was also often accompanied by shifts toward a more collective identity and more public-oriented thinking, each fundamental to deliberative democratic aspirations. Given the higher education context in which these took place, such shifts were expressed in terms of the wider School of Law and University communities that shared a role and stake in the issues with which students were engaged. Even so, the wider importance of this kind of development was not lost on students.

With respect to collective identity, the process impacted the way jurors viewed themselves in relation to the School of Law and the University. Indeed, some noted this emphatically. For many jurors, though not all of them, this involved a shift away from feeling like a ‘customer’ – a less integrated, and more transactional, identity.

‘Up until the jury, I really did feel like a customer more than a student . . .’ (SJ6)

Some indicated that they subsequently felt more like a student – and one with a say – while a number expressed that they came to feel like a ‘valued member’ of the School of Law ‘community’ (SJ1, SJ3).

‘Now I feel part of the University; a lot more than I did before. It’s had a big impact of making me feel part of the community . . . 100 per cent.’ (SJ1)

That the term ‘community’ was used by participants is notable and foreshadowed other experiences of participation discussed below. One suggested the experience affirmed and enhanced existing, positive views, adding:

‘[The sense of community] didn’t change for me, but I guess it was just kind of nice seeing it . . . It just made it more *real*, I guess. Like I was actually . . . part of something.’ (SJ2)

That jurors felt ‘more connected’ (SJ4), closer to the School, less isolated, or had a greater sense of community was common; with some noting that they came to trust, feel appreciated by, or feel cared for by, the School of Law more than they had previously.

This connection also involved an outward turn, whether mentally or emotionally. One juror noted, for example, that the process ‘opened our minds to other peoples’ interests and thoughts’ (SJ10). Comments like this expressed a change in disposition or sense of relatedness, rather than a growth in interpersonal skills. The vast majority of interviewed jurors, though again not all, were explicit in noting that they developed a new or greater sense of ‘empathy’ toward one another, teaching staff and the School of Law. This was also connected to realisations that faculty and students may ‘want the same things’ (SJ6) and that problems were often shared ones. For instance, one came to see that

‘I am not alone, and that the issues that I thought were mine and mine alone are actually shared between all my colleagues and, actually, the staff, and the university as well.’ (SJ1)

It was notable that this sense of connection to others was associated with the recognition of shared challenges and objectives, as their approach to those shared issues likewise became coloured by their sense of connection.

As students saw themselves as part of a collective, with shared challenges or aims, many described a shift in focus from their own personal preferences to a common good. Participation gave one juror an ‘overwhelming feeling [of] responsibility’ (SJ2) – a theme which carried over into others’ accounts. One student explicitly connected this sense of responsibility to the feeling of membership:

‘I feel like I’m so much part of the university, or my School . . . that I feel a sense of responsibility, not only to myself, but to the staff and to my fellow students. And it’s good. It’s really good.’ (SJ1)

For this student, this also took an unexpectedly academic expression outside the decision-making process:

‘. . . this is maybe weird . . . I [now] feel more compelled to try harder and to do better in my course, not just for the sake of myself, but for the sake of my School and my University. I must do well, I must come out of this with the best grades possible, because . . . umm . . . I deserve it and my School deserves it. It was always in my mind, but it has come about more because of this Students’ Jury.’ (SJ1)

Though unique in its manifestation, this need to give the School the performance it ‘deserves’ nonetheless was linked to a more common phenomenon: a greater sense of belonging, and a corresponding sense of duty or responsibility toward the broader community and institution.

For another juror, the shift toward a common good was expressed more straightforwardly as being put ‘in a head-space to start to think about . . . the entirety of the community.’ (SJ4) Some saw this change in others too:

‘I could see, some of the people would actually recognize the factors that go into the next year and kinda thought of the School of Law as a whole rather than of themselves.’ (SJ8)

For some, the perceived change in their own orientation was significant and had practical impacts on their subsequent behaviour, evidenced within the decision-making process.

Most notably, this translated into changes in the policy directions jurors sought to advocate for in their report’s recommendations. Several interviewees noted remarkable changes in their position when compared with their views at the outset, which at the time were entrenched and based on their personal preferences. One shared that

‘I went into the jury thinking “I’m going to get us in-person in September . . . I’ll not settle for anything less!” . . . But . . . I definitely came out kind of understanding . . . that’s not taking into consideration the smattering of issues and difficulties with this virus and the way that we’re taught.’ (SJ4)

Similarly, another shared that

‘At the beginning I was like, “I’m not going to stand for anything in that certain area” but at the end it was really important to [others] to have it included.’ (SJ6)

And again, another expressed that

‘I was quite fixated on “Okay, I’m going to this Jury and I’m going to try and get as much in-person learning as possible.” That was my goal. Because I’m a person who likes to interact with people, and is very conversational . . . Well, that wasn’t the goal by the end of it . . . And I think overall the recommendations have definitely changed throughout, hearing what people are going through, what teachers are going through, what students are going through.’ (SJ9)

These changes were, in jurors’ accounts, based on both the learning that occurred within the process as well as the interpersonal deliberations that took place.

Interestingly, some jurors again made explicit connections between these experiences and their views of what legal education ought to achieve. One student drew the link between the sense of responsibility experienced within the Students’ Jury and the civic aims a legal education ought to pursue:

‘As a citizen . . . [legal education] should provide the sense of responsibility as you go into a legal career. And that is what the Students’ Jury has done. And that sense of responsibility is very important. The kind of social responsibility . . . should be on the agenda of the School of Law.’ (SJ8)

Similarly, another student spoke of legal education as having a wider, civic role in crafting graduates who, with different perspectives, can ‘see . . . justice’ and ‘the most fair and reasonable outcome’ (SJ7). Likewise, they noted that the deliberation process served to further these aims – focusing as it did on ‘the general good’ and finding ‘the most fair outcome for all parties’ (SJ7).

### **4.3 Political confidence and readiness to participate**

A further theme arising out of the interviews was the impact that participation had on jurors’ views regarding their own – and their fellow students’ – abilities to participate in and be effective in political activity of various kinds – a theme closely resembling the notion of ‘perceived political self-efficacy’ (Caprara *et al.*, 2009) and one crucial for active democracy. Impacts in this area came in a number of different forms, including feeling empowered, more confident or capable, more likely to participate in future activity and increased confidence in, or a desire to empower, other students.

The view that participation in the Jury increased their self-confidence or gave them a sense of empowerment was shared by many but not all jurors. One expressed that

‘I think it definitely [gave me confidence]. I mean, me being more of an introvert at first. I think especially there was one time where I was asked to report back to the general group and that’s something I wouldn’t, I don’t think, do . . . But once I did do that, I think it did give me more sense of competence. Yeah, definitely.’ (SJ7)

For some, the gained confidence and sense of empowerment was emphatic. One juror expressed that

‘I don’t know about my colleagues, but for me it’s had a very large impact. I’m pretty sure I’ll remember it for the rest of my life.’ (SJ1)



Another, when asked what their general feeling was following participation, responded with “‘Empowered’”? And that’s a really strong term to use.’ (SJ3) Another speculated that the feeling of empowerment was widespread.

In contrast, some jurors indicated that their levels of confidence remained unchanged, attributing this to the fact that they were already confident going into the process. Here, the diversity of participants may have been influential, influencing who was affected and how. However, even for those who described themselves as typically confident, an increased confidence with respect to *new* ways of participating was possible. Reflecting this, one such student expressed that, while generally confident, they were now ‘more confident in situations where patience, understanding, listening, trying to come up with something more collectively’ were central to the process (SJ9). Indeed, newfound confidence was frequently linked to the perceived development of new skills or attributes like those noted previously.

In several cases, increased confidence corresponded to indications that participants were also more willing and likely to pursue involvement in School or University affairs. This was the case, for example, with respect to ‘joining the Students’ Union, or voting, giving feedback’, (SJ5) and other *ad hoc* initiatives.

‘I think that next year, I will try to participate more . . . I think that the process encouraged me to do that. It was really refreshing to just go outside of the usual thinking about the course. And kind of because it is, at the end of the day there’s only theory of law in the course. Whereas like going into decision-making within the law school was a very interesting thing to me. Yeah, so I’ll probably try and participate more . . .’ (SJ8)

For one juror toward the end of their degree, this came in the form of a retrospective assessment:

‘I feel like if I did something like this early on during my university experience, I’m probably going to take a more active role in the student community further down the line.’ (SJ3)

Notably, among those experiencing it, an impact on confidence and subsequent participation within the university context was not limited to the overtly political sphere, but educational activities as well. One student noted that the Jury experience made them more likely to participate in the School of Law’s legal advice clinic the following year. Another, who had intended to participate in the clinic prior to the Jury felt more prepared to do so based on the organisational and communicative development they experienced. Another noted feeling more confident in their ability to succeed in the course and to reach out to tutors and other university staff.

For some, future participation in political activity would not only be more likely, but, informed by this experience, be more deliberative in character:

‘Going forward, it has definitely given me the confidence . . . that if I saw a need . . . this has helped me understand that maybe I can take that role . . . And not the way I have been—a bit aggressive . . . but just talk about it in a very rational way . . . without coming across as if one party is right and one party is wrong.’ (SJ3)

At least one was more equivocal, stating that they themselves were not any more likely to participate in other initiatives than they had been before, but that now they ‘would want to encourage other students to participate’. (SJ4)

A desire to empower *other students* was common among participants. All jurors, for example, expressed the view that other Students’ Juries should be used in the future for other topics and in other settings. The fact that one of the Jury’s final recommendations was to create further opportunities for student involvement, including the use of further Student Juries, is also telling

(SJFR, 2021). This might in part be explained by the fact that the Jury process affirmed or increased students' confidence in their peers' ability to contribute in a positive way. With respect to increased confidence, one juror noted a clear change in their views about fellow students' capacities:

'I was quite naive when I first started my university experience in the sense that I thought students don't really know much about what they want and what they need . . . I think this process has really opened up my eyes.' (SJ3)

Similarly, another remarked that

' . . . there are a lot of really interesting, smart students that could definitely provide to the university that I didn't know about'. (SJ4)

The experience of seeing their peers' potential demonstrated in a setting that allowed for, or facilitated it was therefore an important part of the experience.

For some jurors, an increased faith in fellow students was tied to a new appreciation of the ways in which a greater diversity of students – and specifically those who would not normally participate – could make valuable contributions. For another, the experience bolstered an existing view that students should be able to participate by demonstrating how a diversity of students could find common ground.

'I've always had a strong belief that we should have a say in what's going on. So I think it's just enhanced that more, because it was really interesting hearing how different people have completely different opinions on the same topic, and how we can still all come together and decide that this is what we want.' (SJ6)

In all, then, the experience of the Students' Jury may have been linked to increased support for wider and more inclusive student involvement within the School of Law or University.

Importantly, the perceived impact regarding increases in confidence and willingness to participate was not limited to behaviours within the university context, but also impacted expectations for future participation outside it – for instance, in their future legal workplaces, but most notably other political spheres. To be sure, some jurors indicated that their behaviour outside the University was unlikely to change. Some signalled otherwise, noting that they were much more likely to get involved in community projects and other public conversations – for instance, 'debates . . . and just in general, having open discussions' (SJ7). *Talk-oriented* participation was referenced several times:

'[The Students' Jury has] made me look more broadly to things that I can take part in, to make myself feel better, to represent a wider community group. So it is definitely something I would consider going forward, I'm definitely looking for opportunities that I can have the chance to have these friendly debates and talk about things that matter to me and matter to the people around me.' (SJ3)

For some, this seemed to be linked in part to a growth in awareness regarding the existence of deliberative forms of engagement.

Though one was somewhat ambivalent, jurors across the board also indicated a willingness to participate in other deliberative mini-publics in the public sphere. Some intimated they would have participated in any case. However, many jurors expressed that, following the Students' Jury experience, they would now be more confident to do so.

'I'd love to give it a go, because I actually do think that I'd feel more confident in participating in something outside the University . . . I'd have more of a positive attitude towards that than I would have had, had I not been invited onto this process.' (SJ1)

Reflections on participation in relation to deliberative initiatives may have gone further to consider the organizational side as well. Having been exposed to this firsthand, the experience caused at least one juror to reflect on arguably 'non-traditional' career paths – notably, with work in fields that support 'democratic conversations' being a new and interesting possibility (SJ3). That such a role be pursued by a law graduate is notable and would presumably be met with approval by deliberative legal scholars who note the potential for such contributions from lawyers and jurists (Menkel-Meadow, 2005).

## 5 Deliberative experiences and legal education: Discussion

In selecting the term 'Students' Jury' to characterise the deliberative initiative in which these students were involved, organisers did more than adapt the analogous 'Citizens' Jury' to the university context. Setting aside other terms regularly employed with mini-publics – citizens' panels, cells, assemblies, conventions, and so on – the Students' Jury played off the fact that the *jury* has an important *legal* history in common law jurisdictions and occupies an important place in the legal imagination. Importantly, the jury's history is not *only* a legal one, strictly understood, but a civic one in which empowered group deliberations in legal settings have served as active schools for democracy (Gastil *et al.*, 2010). The *Students' Jury*, within in the School of Law, therefore tapped into this heritage of law and civic education.

The analysis at the heart of this article has investigated the ways in which participation within a deliberative mini-public gave rise to experiences of civic development. In all, it has shown that students perceived civic growth reflecting a number of themes resonant of deliberative ideals. Students reported increased knowledge regarding the shared challenges at hand, the diversity of perspectives on those challenges, and the realities of decision-making within the University. They perceived a growth in a number of deliberative capacities, including critical thinking, communication and genuine listening. So, too, did they express a more collective identity and orientation, seeing themselves more as members of a law school community, feeling less isolated and having a greater sense of responsibility, being more open to others' views and needs and more oriented toward the common good in their thinking and policy preferences. Students reported feelings of empowerment, increased confidence and greater faith in their peers; these feelings were accompanied by a desire to empower other students and an increased willingness to participate in other activity, political and otherwise, both within the university and beyond.

Specific themes, albeit common within the jury experience, were certainly not all universal, and the particular combination of perceived impacts for any given individual will have been unique. In light of the diversity of jurors – an intentional product of the democratic lottery used to constitute the Students' Jury – a certain heterogeneity of experience should be unsurprising. As participants themselves alluded to in interviews, experiences of growth (or lack thereof) were indeed frequently relative to their own starting points, identities, and habits – lesser or non-existent in areas where they were more experienced and greater where they were less so. Individuals who came into the Jury process already confident noted this in explaining unchanged confidence levels, or increased confidence only in aspects they were less accustomed to. Similarly, those noting personal tendencies to speak up often expressed the most striking growth in terms of listening. Conversely, those who saw themselves as quieter and less active often voiced more notable increases in confidence, comfort speaking, or willingness to participate going forward. That vocal students learned to listen and shy students learned to speak, however, is positive and demonstrates that deliberative exercises hold potential for personalised growth when it occurs. Regardless of the

heterogeneity of their starting positions, and variations in what they gained, participants on the whole experienced gravitation toward deliberative ideals.

In all, these results make a number of relevant contributions to scholarship and thinking on the relationships between legal and civic education. Most directly, this study demonstrates that law school-based mini-publics hold the potential to provide students with a rich opportunity for civic transformation in line with deliberative democratic ideals. In this case, ordinary students, invited to participate in law school governance and provided with the support of deliberative structures, even online, directly experienced civic growth involving knowledge and capacity, collective identity and orientation and self-confidence and readiness to participate. The study, therefore, contributes practical directions to legal scholarship that emphasises the importance of law students' civic capacities and dispositions, and in particular those related to deliberative democratic citizenship. It does so both in terms of the potential value of deliberative mini-publics specifically but also, more generally, in highlighting the potential for law school governance to operate as a space of civic and legal education. So, too, does it offer an initial bridge between legal education and a growing field of deliberative pedagogy (Shaffer *et al.*, 2017) focused on ways of cultivating deliberative capacities, adding a real-world model to efforts in the latter that are often focused on classroom activity.

To be sure, it is important to note that participants' accounts of the impacts of participation, as *subjective* experiences, are, in certain respects, only indirect indications of actual impacts. While subjective perceptions of increased confidence and willingness, for instance, are less complicated, and while shifts toward a more public orientation are substantiated by the policy preferences exhibited in the Students' Jury report, it remains possible that jurors' *perceptions* of knowledge or skill gains may not perfectly correlate with *actual* gains (Sitzmann *et al.*, 2010).<sup>9</sup> Furthermore, given the timing of interviews following participation, the results here speak only to shorter-term impacts, and it is unclear how long participants' feelings like empowerment would continue following participation. Future research with a focus on measurement might explore these and other questions, though the thrust of jurors' accounts support an initially optimistic picture of the potential of this kind of exercise in deliberative democracy, and gives reason to explore it further. Future research might also be designed to control for other potential limitations of this study, such as sample size and interviewer positionality discussed above.

The findings might also be considered in light of the broader context of the mini-public in two respects. First, the initiative took place during the Covid-19 pandemic – an episode having exceptional personal and interpersonal consequences for university students in the UK, such as increased separation and loneliness (Bonsaksen *et al.*, 2022). One might therefore question whether some of the student jurors' experiences – for instance, those related to feelings of community or of refining social skills – emerged because of this exceptional baseline (Bu, Steptoe and Fancourt, 2020, p. 31).<sup>10</sup> However, as discussed earlier, the transferability of these findings is supported by the variety of studies showing civic development resulting from mini-public participation in other (non-crisis) contexts and countries, with both adult and youth age groups (see e.g. Knobloch and Gastil, 2013; Risio, Ollila and Vartiainen, 2011). This gives some reason for confidence in the developmental potential found here, even if there remains the possibility that some experiences were more emphatic because of the pandemic context. That some upper-year participants (SJ3) spoke to their experiences in explicit contrast with their (non-pandemic) years of legal education may add to this as well.

<sup>9</sup>Sitzmann *et al.* note a moderate correlation between perceived and actual learning, and highlight the possibility that the former might be biased toward enjoyable and interesting educational opportunities that trigger positive affective responses. In the present case, the imperfect correlation may be partially mitigated as jurors were not asked about specific information or skills gained, but instead identified them independently.

<sup>10</sup>It is worth noting, however, that young adults are in any case at an increased risk of loneliness as a baseline standard.

Secondly, the mini-public occurred within the context of legal education in England specifically, and one might ask whether this is sufficiently distinct from other jurisdictions such that different results might be expected elsewhere. Again, extant research demonstrating civic effects in non-educational contexts gives some assurance that, as a whole, these findings are not contingent on a specific context within legal education. It may be that some developmental results would be lessened in jurisdictions where law is a second rather than first degree, as students there may be older and already possessing certain skills; however, in addition to the research on adults' civic development mentioned above, it is notable that the Students' Jury itself included jurors of differing ages and degree holdings and, as discussed above, that differences in their starting points often led to different areas of growth. Lastly, while there are certainly differences in legal education across the common law world, the connections jurors made to legal education did not invoke aspects especially unique to England, but instead values – for example, justice, fairness, or social responsibility – and vocational skills – for example, communication – shared across jurisdictions. There is, therefore, good reason to think these findings have relevance across common law jurisdictions at least.

Such findings should be relevant not only to those interested in civic education *per se* but, given its mutually reinforcing relationship with the objectives of legal education and training noted earlier, legal educators more broadly. Interestingly, as interviews bore out, participants themselves frequently noted connections between the impacts of the Students' Jury – a democratic initiative that was not itself a conventionally 'legal' exercise – and their own legal educations. Jurors shared how their participation developed skills that would be useful in legal practice, brought legal values and ideals to life, fostered the sense of social responsibility and fairness that they believed legal education should cultivate and fueled confidence and possibilities for subsequent work.<sup>11</sup> That many saw an exercise in deliberative democracy as a 'practical' complement to their 'theoretical' studies in law is telling, and lends student support to an integrated vision of civic and legal education. Alongside their practical implications, then, the article's findings in this respect should encourage further scholarship on the ways in which legal education and civic aspirations intersect from a normative and theoretical perspective as well. For deliberative scholars outside law, the findings in this respect might also offer insight into the ways in which deliberative education can be imbued with particular meaning specific to their localised context.

Furthermore, in addition to highlighting the potential for a direct developmental opportunity provided by participation, this article shows that mini-publics may hold the potential to enrich students' legal education in other, indirect ways. For instance, this kind of participation might reinforce other, distinct educational opportunities. Increased confidence and readiness may encourage participation in other political activities – themselves educational – as well as more traditionally 'legal' educational opportunities. Indeed, juror accounts offered some evidence of this in relation to clinical legal education and more informal engagement with faculty. Moreover, to the extent that other impacts of participation – for instance, capacities to listen, critically discuss, imagine sympathetically, and so on – enrich the subsequent process of education generally, students may thereafter derive greater benefit from the activities they would otherwise already engage in.

It is worth highlighting as well that because mini-public design involves a descriptively representative group of participants, both the direct and indirect benefits pointed to in this study would be distributed across a diverse array of students within the student body, rather than only those kinds of students who typically participate in law school affairs. Indeed, one student with a

<sup>11</sup>Interestingly, the conceptions of legal education frequently invoked in drawing these connections often, it seems, reflected one related to professional training, evidenced by references to skills needed, or situations encountered by 'lawyers'. At the same time, however, references to legal ideals shared across governance more generally, public law, social responsibility, and careers not traditionally considered 'legal' (such as organising deliberative democratic engagement) hint at a richer view of legal education extending beyond mere professional training.



long history of extra-curricular involvement noted the contrast between the Jury composition and the students who usually self-select for participation:

‘If you had an open call and asked for volunteers [for the Students’ Jury], I myself could probably provide you with a list of 12 students which I think would volunteer. And ten of them would be accurate because I know the people who want to do this kind of thing [ . . . But, in the Jury] I didn’t know any of the other 11 students . . . so I felt that it was much more representative of the community.’ (SJ9)

Accordingly, in addition to simply spreading educational opportunity more evenly across the student body, mini-publics may represent a significant step toward addressing attainment gaps for less advantaged students, often linked to uneven participation in university affairs outside the classroom (Mountford Zimdars *et al.*, 2017, p. 105).

On the basis of both their direct and indirect developmental potential, then, this study supports the continued experimentation with deliberative mini-publics and similar deliberative experiences in relation to law schools’ structures of student participation. What substantive focus they should have, and how they should be incorporated within the context of differing institutional arrangements, should be considered locally by individual law schools, including their students, rather than be set out here. Indeed, further research into this variation, and in new contexts, will offer a fuller understanding of how to maximise their potential as well.

Across this diversity, however, a common consideration might be highlighted: given the limited number of participants in any given process, institutions might explore the potential to involve greater numbers of students by increasing jury sizes<sup>12</sup> and making such processes a repeated or even permanent feature of their governance. More regular use may allow a significant proportion of law students to expect, over the course of their degree, an invitation to participate, serve their school and be enriched by the experience in return. Of course, it may be that law schools would need to experiment with modified processes, perhaps with internal facilitators, to make frequent use more viable.<sup>13</sup> Even with more limited numbers, however, deliberative mini-publics have shown the potential to be a valuable feature of legal education and should be incorporated into School governance. Indeed, limited numbers do not dissuade law schools from facilitating other small-group pedagogical activities – for instance, with specific subjects of study, clinical activities, or other forms of student participation.

Beyond the experiential value of participating in the deliberative process *per se*, this article also suggests that student mini-publics may enhance experiences of legal education through the outcomes resulting from this new way for students to shape decisions, including on curricula and the broader law school environment. Certainly, an in-depth analysis of the Students’ Jury’s substantive outputs and its impacts on subsequent School decision-making are beyond the present focus; however, to the extent that students noted that their views on legal education changed following deliberations, the study does suggest that students’ contributions through mini-publics are likely to differ from those solicited through traditional avenues like student surveys. Insofar as legal education scholars aspire for governance in which students, oriented toward a common good, serve as trustees of the law school rather than mere consumers (Macdonald and McMorro, 2014), participants’ accounts of learning and re-orientation are promising. Greater use of deliberative processes like these may also – either cumulatively or through modelling particular

<sup>12</sup>Within the public sphere, deliberative mini-publics range in size to include over a hundred participants: see e.g. Smith and Setälä (2018), n37.

<sup>13</sup>While external facilitators worked with the Queen Mary Students’ Jury *pro bono*, regular involvement of the kind of professional facilitators used here would entail a cost that may not always be feasible. Sacrificing the independence offered by external facilitation, however, would require careful consideration and training to maintain the integrity of the mini-public process. See e.g. Landwehr (2015).

values (Kennedy and Pek, 2023) – contribute to a broader cultural, and not just individual challenge to consumerist tendencies in legal education. That the Students' Jury's recommendations included an explicit call to move away from treating students like customers (SJFR, 2021) is also notable, and demonstrates the critical political and not just educational potential of such approaches.

This article therefore offers an intriguing starting point for those interested in exploring the roles of students in co-creating legal education, broadly understood, the ways in which different mechanisms may influence the nature or quality of their contributions, or the relationship between different kinds of law school citizenship and the conceptions of legal education pursued. It is worth noting here too that the future use of Students' Juries to address other issues within the School of Law received universal support among those interviewed. Indeed, one student targeted legal education generally, suggesting that the Jury is 'a process we should or could expand to legal education in general, to help students be involved and to [have a say] in their own education' (SJ10). To be sure, the extent to which the substantive outputs from these kinds of processes are taken up in law school decision-making will depend in part on effective planning and commitments among university leadership to be responsive. However, by focusing explicitly on more informed, deliberated contributions, it may in some cases be harder to justify derogating from such student input. In any case, further experimentation and related research on deliberative approaches to curricular reform, decolonisation and transformation is all warranted.

Whatever the promise these democratic innovations offer in terms of university democracy and curricular reform, this article focuses on the *experiential* value of deliberative mini-publics as a feature of legal education – experience that holds promise for enriching students as legal professionals (and citizens) with public responsibility. Given the influence law graduates wield, this enrichment is essential. Especially in light of often superficial and polarised political landscapes, legal education must educate for the kind of democracy society requires: engaged, thoughtful and oriented toward a common good. Law schools – as publicly-funded institutions entrusted with educating the lawyers and jurists who play disproportionate roles in that democracy – bear their own, unique civic responsibility to address democratic crises, just as they do for addressing more specific societal challenges like the climate crisis (Dernbach, 2011; Holder, 2013) or the ongoing impacts of colonialism (Truth and Reconciliation Commission of Canada, 2012). Indeed, the former may also be key to the latter. However, a more deliberative and democratic role for law graduates in public life can only be the case, as Amy Gutmann argues, 'if legal education is self-consciously aimed at teaching the deliberative virtues' (Gutmann, 1993, p. 1770). As law students' experiences in a Students' Jury suggests, creating opportunities for students to engage in the deliberative democratic governance of their own law schools is a promising place to start, and a rich site for further research.

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