


Chapter 4

Philosophy in Prison: Law Students and Incarcerated People in Dialogue for Social Justice

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ABSTRACT

This chapter is centred around the elective course “Philosophy in Prison” offered to last-year law students of ESADE Business and Law School in Barcelona, Spain. It is taught inside a Catalan prison, and the participants are, in equal numbers, law students from the university and imprisoned people from a penitentiary centre. During 10 weekly sessions the group engages in a dialogical exploration around topics essential to human existence such as identity, happiness, justice, or forgiveness. The mainstream law education provides young students a purely theoretical and partial understanding of the law, which reinforces the harmful prejudices about incarcerated people and other minorities embedded in the judicial system they will represent. This chapter dives into why Socratic Dialogue is an extremely efficient method to instil in the future lawyers a commitment to social justice and inclusion, essential components for healthy, just, and thriving democracies.

INTRODUCTION

The following chapter centers on an elective philosophy course “Philosophy in Prison”, offered to final-year Law students of the ESADE Business and Law School in Barcelona (Spain) since 2014. So far, the authors have taught 18 editions of the course. The Spanish legal system, the context in which this course was designed, has only one type of institution in which convicted people may serve sentences of deprivation of liberty. These penitentiaries do not distinguish between the nature or the severity of

DOI: 10.4018/978-1-7998-9678-4.ch004

the penal offences, as do the American and other legal systems. Therefore, throughout this chapter the terms “prison” and “jail” will be used as synonyms, as they refer to Spanish penitentiary institutions.

“Philosophy in Prison” is an elective course taught inside Catalan prisons and its participants are, in equal numbers, Law students from the university and people incarcerated in a penitentiary. The teaching method used is Socratic Dialogue. Each session revolves around one central topic that is vital to human existence such as: identity, happiness, justice, forgiveness.

The idea behind creating a course in which students and people in jail speak to one another as equals stemmed from Professor Abenoza’s realization that in Spain Law students were graduating with a mostly theoretical, abstract preconception of the penal system and the judicial system they would soon represent.

This biased understanding is worrisome as it may lead to them distancing themselves from the penitentiary system and becoming apathetic or harboring prejudices. In general terms, Spanish legal education puts little stress on issues bearing on social justice or on the potential impact of current students’ future professional practice on the quality of justice.

Perhaps Law students’ general lack of concern for social justice is partly due to their youth, coupled with their background of relative privilege. These stem from the fact that in the Spanish education system, Law is offered as an undergraduate program; consequently, almost all students are around 18 years old when they enter Law School, right after finishing High School. Moreover, in general terms, the students attending a private Law School (which is ESADE’S case) come from fairly privileged backgrounds compared with those of the imprisoned people taking part in this project.

Yet, on top of the students’ social context, one should also bear in mind that Law is often taught as an economic instrument rather than as a field of ethical concern (Frémeaux et al., 2018). Due to these and other reasons, in the authors’ experience many Law students graduate without having deeply examined the premises on which the education was based, or the power their future careers will give them to make a difference.

The course seeks to change the way students see Law so that they can critically weigh up the education they received and can begin to grasp the responsibility that comes with their careers. Behind “Philosophy in Prison” lies the desire to offer an alternative approach to the hegemonic discourse which is none other than the utilitarian interpretation of Law (Altorf, 2019b). Within this frame, the Law is no longer seen and taught as a purely economic instrument. Instead, it becomes a domain of ethical discussion that challenges students and invites them to go beyond their own interests and consider collective needs (Frémeaux et al., 2018).

Back in 2012, no course like this had been given before. That meant that Professor Abenoza had to: enlist the support of the Catalan Government, the Law School, and the Provost, find a jail willing to host the course; attract the first group of students. It took her two years before she could teach the first edition of “Philosophy in Prison”.

The course was so successful that just a few months later, Catalonia’s biggest media producer and TV network decided to make a documentary about the course titled *Philosophy Behind Bars*. The documentary won several awards and has been broadcast in many countries in Europe, America and Asia and is openly available on Vimeo (<https://vimeo.com/250283567>).

This chapter will dive into this unique elective course on three levels: theoretical framework; methodology; impact. It will start by outlining the theoretical framework behind the inception of the course and the importance of introducing moral reflection in legal education. In the next section, the main aspects of the Socratic methodology applied to education and in penitentiaries are highlighted. The third and

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