
Biopolitics and Resistance in Legal Education

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TRAMA: Stories of Situated Pedagogy in Legal Education

Julia Ávila Franzoni

Prelude: The National Faculty of Law in Rio de Janeiro is Located at the ‘Central do Brasil’

The *Central do Brasil* (Brazil’s Central Station) is a historic metropolitan train station that is located at the heart of the city of Rio de Janeiro. From there, multiple train lines depart, connecting the downtown with its North and West Zones, as well as other municipalities situated along the *Baixada Fluminense*.¹ This central node is also integrated with subway and bus stations, making this region the main hub of urban mobility in Rio, where more than 600,000 people, from the most diverse parts of the city, circulate daily. Among them, hundreds of students that attend the National Faculty of Law of the Federal University of Rio de Janeiro (*Faculdade Nacional de Direito da Universidade Federal do Rio de Janeiro, FND-URJ*), whose historic building is located only a couple of blocks away from the Central Station. As Rio de Janeiro was once the seat of the Portuguese Imperial Court and also, at some point, the Capital of the Republic, it is not entirely surprising that the Faculty of Law is situated in the same building that once was the House of the Senate, during both the Imperial period and the early Republic.

Located at the formerly known *Praça da República* (Republic Square), now named *Praça Conde dos Arcos*, there are not many people among the thousands that circulate daily around it that know that the building belongs to the Faculty of Law, especially the urban workers that transit along the area. In a kind of mimesis of legal alienation, the building almost seems to float ethereally in this territory, simultaneously being and not being there, in sight but not really seen, in a way similar to the laws that hardly seem to engage, or relate in actuality, with the real ways in which bodies and relationships are spatially constituted. On its doorstep, homeless people lay on the sidewalk, using the building’s bathrooms as their only alternative for hygienic care. In front of the

1 It is important to note that this train station is the inspiration behind an important Brazilian film, *Central Station*, winner of several national and international prizes, which has the same name as the aforementioned station.

university doors, public lectures are held and marches are organised for large street protests that occur along President Vargas Avenue. The relationships that exist between the building, its surroundings, those who regularly frequent it, and its neighbours, tell important stories about the processes and struggles that have taken place for the country's redemocratisation, and narrate some of the important aspects concerning the deterioration of the central region of the city and the precariousness of the lives of its many workers, while also bearing witness to the life experiences of several young people for whom the Faculty of Law represents the hope for a better future, both in order to achieve personal social mobility and as a way to engage in the collective reconstruction of Brazilian democracy.

For the students that live in the metropolitan region of the city or in its neighbourhoods that are located further away from Rio's main areas, the daily journey of crossing the city and reaching the law school may take up to three or even four hours.² Buses, subways, and, most commonly, trains are constantly crammed with people, often suffering delays and, in some cases, even being cancelled due to circumstances such as heavy rains or firefights that occur in certain parts of the city due to police operations. The alchemical process that takes place when walking through the classroom doors and sitting on one of its chairs transforms and labels the different persons who frequent the classroom into an individual-student abstraction, which is constantly shaken and challenged by the perspective of these bodies whose trajectories defy and tear this homogenising fiction in favour of a multiplicity that is echoed by their very lives and daily journeys. Coming and going through the Central Station, these law students experience and weave lines, and build plots whose narratives are essential to work upon the very lines and plots that constitute legal education.

The different perspectives of these students narrate some of the structural transformations that Brazilian public universities have been experiencing during the last ten years due to the implementation of national affirmative action measures. The radical change of student's profiles modifies their traditional position before professors—they do not belong to the same race and class status anymore—, which highlights their aim for other transformations in faculties of law, summarised in an intersectionally oriented legal education, and effective student welfare policies. What we want to present and discuss is part of this recent history of change in Brazilian legal education, focusing on the experiences of our last four years of teaching in the National Faculty of Law at the Federal University of Rio de Janeiro.

2 In Rio de Janeiro, these areas are generally the poorest and students who spend hours to get to law school and back are often from situations of great social vulnerability.

Thus, this paper aims to present and discuss the theoretical and practical repertoires that have been developed with law students through TRAMA³ (*Teorias e Redes de Ação Materialista/Theories and Networks of Materialist Action*), both in and outside the classroom. TRAMA is a University Research and Extension Program associated with the Research Group ‘Labá – Direito, Espaço & Política’.⁴ More than that, TRAMA is a collective that is organised by a teacher and students, which has been having an important role in the integration, engagement, and mobilisation of freshman law students, and as a space of articulation, exchanges, and formulations that go beyond the usual agenda and scope of academic investigation and research. The collective and the project have been experimenting with different imaginative perspectives for dealing with the study and practice of law, notably in the jurisprudence course, in which the pre-conceptual blueprint is the juridical situations (daily life, classroom, relationships, and conflicts) and the experiment that has been developed⁵ is the theoretical-practical approach that we call situated pedagogy.

Seeking to register and tell our experiences and, from that, speculate about more critical and inclusive pedagogical approaches, this piece works more as an essay than as an article with metrics and closed results. This does not prevent us from pointing out the strategies that have worked best in our experience and from elaborating theoretical contributions to the field of legal education. Despite the idiosyncrasies of the Brazilian political, social, and institutional context, expressed in everyday university life, we do not understand that there is an exclusively Brazilian specificity in the stories we are going to tell. Moreover, we believe the reflections that these experiences bring can connect our perspectives with other critical approaches, reinforcing radical (rooted, situated) strategies for legal education.

This paper is divided into three parts. First, we shall reconstitute how TRAMA was formed and highlight the epistemic nodes and theoretical references that give meaning to our concepts and practices of legal education, articulating the theoretical repertoires of the pedagogy of autonomy, the situated knowledge perspective, and the materialist approach (linked to the spatial turn

3 The word *trama* (*substantive*), in Portuguese, has many different meanings: artifice, trick, plot, trap, astuteness/guile, scheme, among others. We mobilised the polysemy of the term to symbolise the strategies of the project and collective through these ambivalences—*tramar* (*action*) could mean, on one hand, to weave and to entwine, but on the other hand, could mean to plot, to plan, and to scheme.

4 The ‘Labá – Direito, Espaço & Política’ is an interinstitutional research group (Federal University of Rio de Janeiro – UFRJ/Federal University of Paraná – UFPR/Federal University of São Paulo – UNIFESP) that develops actions of research, teaching, and extension that intended to work the relations between the elaboration of the law and the manufacturing of social space. The TRAMA is a Research and Extension Program developed in the National Faculty of Law of the Federal University of Rio de Janeiro (Faculdade Nacional de Direito da Universidade Federal do Rio de Janeiro, FND-UFRJ).

5 This excerpt is inspired by a passage which is contained in de Castro (2014).

inside of legal theory studies) into spaces of juridical and pedagogical creation. Second, we shall expose the experiences that have been responsible for giving form and substance to our perspectives of pedagogical imaginations, recounting about our spaces of encounter, conflict, and networking development—the spatial triad that composes the different strategies that the group employs inside and outside the classroom, combining activities in research, teaching, and extension. Last, we shall sketch a characterisation of what we are calling a situated pedagogy for the field of legal education.

The Epistemic Nodes and the Practices of Transgression-Consumption/Devouring

In June 2019, after finishing another semester in the jurisprudence course that is taught to freshmen students, I was approached by approximately 15 students that expressed their interest in joining, as monitors, the discipline in the following terms. Notably known as an area with limited capacity of attraction that often gains little to no appreciation by the students, in part because it is traditionally taught with a strong focus on analytic legal theory (experienced by the students as tedious and boring) and abstract discussions about the nature of the law, the students' request presented itself as a surprise. What do these students want with jurisprudence?

Subsequently, all the students that showed interest were invited to participate in a collective conversation and, during the discussion that followed, it became clear that the mobilisation around this theme arose from the affinity they felt with the methodology that was adopted throughout the course: an effort to present the most abstract themes embracing a situated perspective approach, exposing and discussing the subject through the debates that took place between the authors, encouraging the students to think and reflect upon the topics of study based on concrete cases that were presented, combining textual as well as post-textual references, and, moreover, encouraging collective works which involved bodily performances and the sharing of personal narratives, in a way that crossed the abstract encirclement of the content studied, and grounded and situated the debate in real, concrete life. After all, those students—who leave Caxias, Campo Grande, or Itaboraí, regions that are located geographically far away from the University, to arrive at Central Station—when discussing the nature of law as rules and/or principles, rather than just learn and understand these classic debates on the subject of jurisprudence, should learn how to operate this difference in practical terms so that the distances between territories and the journeys do not result in even more distinctions among different realities and individuals.

Who would have thought that the jurisprudence course could be attractive? That first collective conversation gave rise to several others and, in August of 2019, we formed TRAMA. At that time, we had ten researchers, most of them having entered the university through affirmative action policies. We

dedicated ourselves to developing and deepening the discussions between law and materialism, as well as their repercussions for the reconstruction of dynamics of teaching and learning in legal education. Our very ground has been composed of young men and women, law students who mostly live far from the Central Station area, and the group supports these individuals whose desires intersect different views: they profess Afro-Brazilian and neo-Pentecostal religions, some are active in youth socialist collectives associated with left-wing political parties, they engage in community actions that aim to promote popular education, they participate in artistic movements, and act as political activists engaged in anti-racist and anti-sexist movements. The initial organisation of the group was structured in the form of a seminar and resulted in the creation of a collective, responsible for providing a space of welcome and affection to the students. As the activities developed, the group rearranged itself into a three-fold structure around different workgroups, each with its own front: popular education, research, and communication. Currently, over 30 students are part of the project and its collective, which has been directing its different workgroups towards the topic of legal education through extension action⁶ with different collaborators from inside and outside of the university.

In our seminars, the evidence that we shared was that most of the topics and contents taught in the classroom did not correspond or directly relate to the daily lives of the vast majority of the students—everything was framed and presented as if the rules, from a logical standpoint, had a previous abstract existence and only then the actual flesh and bones, people, and everything else in society were posteriorly merely ‘fitted’ into them. In that sense, most of the subjects and courses the students take are structured as workshops that aim to offer a rationalisation of the legal logic that is employed by the State-Capital which, in Brazil, operates explicitly through a necropolitical⁷ structure. Also, the extracurricular internships available do not meet the desire that the students have to learn tools and mechanisms that could enable them to fight in and against the Justice System in favour of social demands, instead operating solely as the locus for implementing the logic of maximum effectiveness in the application of the already established law, presenting this limited approach as the best possible horizon of social justice. If the standards of rights, as well as their theoretical foundations, are somewhere ‘out there’ (in a normative, logical, and transcendental sense), then they would be unchangeable and there would be nothing we could do about them.⁸ When it comes to pedagogical

6 Public higher education in Brazil is traditionally structured into three main pillars: teaching, researching, and extension. ‘Extensão universitária’, a common term in Brazilian academic vocabulary, means outreach, and extension work through activities organised by the university itself but also initiatives carried out in conjunction with other institutions and social movements, aimed at a public beyond the university community.

7 Mbembe (2019).

8 Davies (2002).

practice, the repercussion of this kind of discourse manifests itself in the mobilisation of theoretical repertoires that reiterate an organisation of fixed roles between teachers and students, in which prevails a structure for transferring knowledge that reinforces a logic that Paulo Freire called ‘the banking model of education’.⁹

These critical reflections about praxis, as they are developed by TRAMA, embrace and incorporate the affective components that permeate the experiences of its group members as a way of recognising the important role that the idea of ‘just rage’ and legitimate indignation have in the process of education, as taught by Paulo Freire. This anger that motivates the protest against social injustices, against lovelessness, against exploitation and violence, can play a highly transformative role.¹⁰ These perceptions are responsible for fuelling feelings of indignation that have contributed, in a collective sense, to the recognition of the difficulties that hinder our effort, favouring feelings of reciprocity and fellowship, transforming the group into an important space of mutual support and fostering among its members. The collective awareness of the anger and the reasons behind it could increase our abilities to adjust some practices following the ideals of solidarity and the desire for social and political transformation.

TRAMA is situated in a vast tradition of critical legal theory, following the footsteps of authors that have consistently denounced the field of legal education and its strategies that reproduce hierarchies and shorten the horizons of justice and social emancipation.¹¹ We have been mobilising some of the references in the critical legal studies movement, in its different generations, to work critically on the theme of legal education, drawing inspiration from the works of authors such as Duncan Kennedy, Roberto Mangabeira Unger, Patricia Williams, Angela Harris, and Derrick Bell.¹² These critical repertoires have been reworked through their association with important Latin-American and Brazilian theoretical references that are linked with Paulo Freire’s concept of Pedagogy of Autonomy and to the Law Found on The Street movement.

In our practice, this tradition is reinterpreted and reconstructed through anthropophagic practices of spatialisation and corporification:¹³ it’s about devouring the garments that cover and mask the real, concrete, and material dimensions of the legal discourse, absorbing part of its elements in order to resituate and reconstruct them from the perspective of the desiring bodies engaged with the emancipatory transformation of lived experience. The objective, then, is to increase the chances of success of these critical practices through

9 Freire (1998).

10 Freire (1998), p 41.

11 de Sousa (2021).

12 As just one example among many, see Kennedy (1982).

13 In regards to the relations between anthropophagy, space production, and jurisprudence, see Franzoni (2019).

an alliance with other theoretical imaginations and practical perspectives in legal education.

We have three epistemic nodes in TRAMA, the vertices from where our pedagogical imaginations and practices originate and converge: *situated knowledge*,¹⁴ the *pedagogy of autonomy*,¹⁵ and *legal-spatial materialism*.¹⁶ These three lines of approach intertwine into a meshwork of concepts and practices that have been responsible for outlining the main pedagogical propositions to our course regarding the subject of jurisprudence and directed our activities of research and extension. The goal is to collectively build tools and spaces in order to prevent the students from finding themselves submerged into the conservative and elitist structure that is typical in the field of law. By taking into account the conceptual dimensions and practical efforts employed in our endeavour, we have been able to aggregate these epistemic nodes into processes that are simultaneously acts of transgression and incorporation/devouring,¹⁷ using them as a strategy for mapping and for naming our educational theory and practice.

The transgression aspect of the experiment weaves the lines of the jurisprudence course with these pedagogical procedures, combining the Situated Knowledge approach with the Pedagogy of Autonomy, using them as epistemic, ethical, and political tools. Transgression, or to transgress, means here, first, a) the critical and reflexive dimension that goes beyond the implicit knowledge contained in the consolidated common sense, which is then employed for understanding some of the hidden assumptions that lie behind the theories that are studied, but also to provide the engagement with these theories in their explicit aspects, taking into account the political and non-neutral character of these ideas and conceptions of rights; b) second, that the exposition of the main authors, themes, and subjects of the course is done in a way to avoid a static and linear construction of ideas, doing so through a spatial and temporally oriented contextualisation, as well as through the analysis of the debates that are responsible for the development of the concepts and theories debated in class; and, finally, c) concerns the self-reflecting pedagogical posture of relating the ideas that are discussed with the perceptions and experiences of the students, building a partial path of translation and production composed of a specific approach concerning theory and practice—aware of the perspectives of race, sexuality, and class.

The ‘devouring’ aspect of the experiment, on the other hand, integrates and complements the first aspect, allowing the weaving of the reflexive and

14 Haraway (1988) pp 575–99.

15 In addition to the works of Paulo Freire, we have also mobilised the theoretical framework provided by bell hooks, such as hooks (1994).

16 In this sense, we refer to the theoretical movement known as critical legal geography, which combined the repertoires of critical theory with studies on the production of space, in accordance with what has been developed by Philipopoulos-Mihalopoulos (2015).

17 Here we refer to the idea of devouring oneself and others in an anthropophagic sense.

self-reflective transgressions into the strategies that are linked to the spatial turn in legal theory and its repercussion for pedagogical practice. To devour, in the anthropophagic sense intended here, means, a) to present and debate the different garments that disguise, in a discursive and practical manner, the law in illusions and simulacrum of reality, especially when it comes to those more abstract and universalist theoretical approaches; b) to absorb them in a process that simultaneously incorporates, overcomes, and reconstructs them, so that the study and analysis of the law are spatialised in a joint production situated along the very things and bodies that it actually affects; and, finally, c) to proceed in a way that multiplies the different meanings contained in the educational practice to expand the repertoire of legal education to include references and learning devices other than the traditional textual ones, adding elements such as songs, TV shows, and movies, and procedures other than the mere practice of reading and writing, which include, but are not limited to, theatrical and dancing performances.

Our experimentation with these repertoires to build a situated pedagogy for teaching and learning in legal education is, therefore, both conceptual and empirical. We have been mobilising *conceptual experiments*, which themselves focus on problematising the traditional approaches concerning legal education and in proposing new ways to structure the content and making technical-aesthetic experiments, based on specific educational practices that contest and stretch the outlines of the typical banking model of education, and aim to re-elaborate the dynamics in and outside of the classroom through critical and dialogical practices.¹⁸ We combine the possibilities that are brought about by academic freedom with the antagonistic pressures that currently exist in the extremely conservative political and social context of Brazil, in a process of constant and uninterrupted renewal of the university. Thus, our efforts seek to reconfigure and reposition the educational process in a way that escapes the conceptual binds and ties that are often responsible for limiting and depoliticising this line of study, proposing an alternative that is situated beyond the limits of the typical banking model of education that is prevalent in contemporary university education.

Legal-Pedagogical Spaces: Conflicts, Encounters, and Networking

Traditional law schools in Brazil, such as the Faculty of Law of Rio de Janeiro, tell a tale of the reproduction of prestigious social spheres that are aimed at/destined for an economic and cultural elite, in the space of academic research. These are institutions that have developed, ever since Portuguese colonisation, to educate those in power, to train the 'heirs', 'noblemen', and 'aristocrats' of a country with a vast colonial heritage, which is also prominent in legal culture.

18 Freire (1998).

Thus, legal education,¹⁹ in a hegemonic way, is oriented towards the training of young people ‘destined’ to occupy prestigious and high command positions, be it in the public or private sector. The gradual change of this situation is due, above all, to the social struggles in the last ten years that have managed to institutionalise affirmative action and curriculum reform policies that gradually changed the students’ profile and, partly, the contents that are taught. Nevertheless, the distance that exists between the faculty and the students is still a striking one, especially in regard to racial and class representation.

The dominant approach concerning the jurisprudence course in Brazil revolves around questions such as the debate about the scientific character of law, discussions about the nature and validity of the law, the relation between normativity and legitimacy in the face of post-conventional morality, etc. In the main universities,²⁰ the course is presented with an emphasis on analytical concepts and an almost exclusively Anglo-Saxon repertoire of themes and authors, with little to no incorporation of Brazilian and Latin-American legal and political debates. The main objective is usually to introduce students to the modern legal rationality, training them to ‘fit’ the theoretical and practical conflicts that exist in concrete legal practice, into those pre-established normative frameworks.

In dealing with such themes, contemporary legal theory is limited to the logic of consensus and normalisation, unable to grasp the logic of conflict that exists in everyday society. These theoretical approaches via analytical theory fulfil the important task of offering the technical-conceptual repertoires that imprison the normativity of law to a liberal concept of rationality. By doing so, they fail to go beyond the objective of a mere adequate implementation of the already established law. When approached from the perspective of so-called contemporary anti-positivist theories, this discussion sometimes postulates the articulation of theoretical discussions with moral and political dilemmas, without questioning the traps and pitfalls of their universalistic projects, which in

19 To those unfamiliar with legal education in Brazil, it is important to note that, in the country, law schools tend to be organised in a five-year course that is divided into theoretical disciplines (located, mostly, in the first years of the course, in which the jurisprudence class itself is situated) and dogmatic and practical ones. These courses are aimed at a ‘generic’ professional education inside the field of law.

20 To cite some examples of this, let us take a look at the set of subjects that compose jurisprudence courses (also often called e.g. Introduction to Law or General Theory of Law) available on the websites of some of Brazil’s most prestigious universities, USP, UFMG, and UFRJ, in this order: (i) 01. The Universality of the Legal Phenomenon, 02. Law as an Object of Knowledge, 03. The Dogmatic Science of Law and Its Theoretical Status, 04. Analytical Dogmatic or Legal Science as a Legal Norm Theory; (ii) I—Legal Norm Theory, II—Legal Order Theory, III—Legal Technique; (iii) Law and Knowledge. The Concept of Law: plurality of points of view. Dogmatic and Zetetic. The Problem of the Public Law/Private Law Dichotomy. Law and other normative orders. Legal Norm Theory. Logical Structure of Legal Norms. The Legal Relation. Intertemporal Law. Forms of Legal Production.

most cases do not go beyond the established truths of an elitist, white, and patriarchal humanism. There is an insistence on focusing on a formal apprehension of the so-called ‘civilizational advantages’ of modern law—which presents itself as a remedy against arbitrariness—, but which in reality tends to be an approach that is not spatially situated. The result is alienation and depoliticisation.

This rough sketch of the field of jurisprudence highlights the predominant elements of the traditional approaches but fails to present their important fissures, disputes, insufficiencies, and discontinuities. It is important to note that legal education concerning the topic of jurisprudence operates, above all, as an initiation rite to the secrets that control the conceptualisation of law in liberal rationality: *the good handling of theory and technique will transform the student into an artisan of the rule of law, simultaneously an accomplice and co-responsible for its implementation and maintenance. In this caricature, the hierarchical transference of knowledge is the preponderant educational procedure, with an almost exclusive focus on unilateral practices and expositive lectures. The law professor is that imponent figure that speaks gallantly about the ontological, epistemic, and political reasons concerning the topic of jurisprudence.*

It is not surprising, then, that the jurisprudence course is not usually able to entice the interest of students. Traditional methods and approaches, frequently considered as boring and tedious, rather than drawing the students to the topics discussed in the classroom, promote detachment and disinterest. To rebel against this traditionalism is much more an ethical and political choice, that repositions the conceptual and practical starting points, than a mere adoption of an ‘anti-method’ focused on demonstrating that everything is necessarily a social construction. To deify or demonise technique and science is a dangerously wrong way of thinking, as Paulo Freire reminds us. Thus, the partial rejection of formalism matters, above all, because this formalism is responsible for deactivating, in the teaching-learning process, the spark of creativity and enthusiasm that stimulates the kind of thought and action necessary for the construction of a different world and a better future.²¹

Transgression, in a pedagogical sense, means taking seriously the libidinal commitment to agree upon/incorporate truths and techniques—exercises in legal fiction—in order to build other and better truths and techniques. This effort requires the consumption of knowledge and its traditional repertoires, not to deny them *in totum*, but to absorb its matters in a way radically situated within the horizon of issues that exist in our daily lives, evidenced by the experiences shared by the students. For analytical purposes, we have organised the different procedures and resources into three contiguous and overlapping

21 In this sense, we highlight the important work of Professor Philippe Oliveira de Almeida: see de Almeida (2018).

pedagogical spaces or ‘contest zones’:²² (i) spaces of conflict; (ii) spaces of meeting; and, (iii) networking spaces.²³

Spaces of conflict. The spatial dimension of conflict intends to focus on the importance of difference and contradiction in the teaching-learning process. What has been possible to do—and weave—evidences our strategies (conceptual and practical) for the spatialisation of the main themes of the course, doing so through a work that combines the presentation of the epistemological basis that underlies these hegemonic theories of law, engaging with the debates held between the authors, and, finally, with the critical inflection of the reflections developed through the analysis of actual cases.

Based on the set of subjects that parametrises the jurisprudence course in the National Faculty of Law of Rio de Janeiro, the course has been divided into four main themes: Law and Science, Legal Form, The Production of the Law, and The Sources of Law. In that sense, the course offers the epistemological basis needed for the situated comprehension of the authors and their discourses, covering these topics through debate with contemporary theorists and lines of thought. We begin with discussions about what is a theory, what are the roles that the abstract mediations, language, and discourses have in our comprehension of reality and the legal phenomenon. In addition to this, there is the choice to present the topic related to the scientificity of law and the legal form through the debate between theoretical schools that are affiliated with German idealism and historical materialism. And then we introduce the theme of the sources and production of law through the development of the linguistic turn in philosophy and its repercussion for the field of analytical and moral theories.

This epistemic strategy is also a pedagogical one. By relating the field of jurisprudence to broader debates that were responsible for shaping the modern paradigm and its hegemonic discursive practices, students have the opportunity to situate the course’s themes into conceptual, historical maps, becoming more attentive to the responsibilities that come from adopting a certain paradigm of understanding and being able to perceive the discontinuities and conflicts, both theoretical and practical, that exist in legal rationality. By emphasising the contradictory nature of the field of legal theories and the themes discussed in it, we have opted to deepen our study concerning the epistemic nature of law and the limits of normativity through the debates that took place between the authors. For example, the debate between Hans Kelsen and Evgeni Pachukanis concerning the scientific nature of law and the foundations of its normativity; the discussion between Herbert Hart and Ronald Dworkin about the nature of law, the role of theory, and the limits of jurisdictional activity; and, finally, the debates that are developed by contemporary critical theories that politicise the

22 Haraway (2016).

23 This spatial triad is in dialogue with the ruminations about space that are developed by the geographer Doreen Massey in the book *For Space*: Massey (2005).

limits of normativity and legal discourse when it comes to the reflection (and effect) upon social change and transformation.

These debates operate as a gateway that makes it possible to relate the themes discussed with the Brazilian and Latin-American movements, in a state of constant, difficult, and inglorious, anti-colonialist struggle. In that sense, this strategy involves the constant application of educational practices that situate the course's themes—the debates between the authors and their conceptual repertoire—in the universe of radical political and legal conflicts. As an example of such an approach, we have been working on the following cases: a decision by the Brazilian Supreme Court that has declared constitutional a state law that exempted the rituals of religions of African Ancestry/Afro-Brazilian religions from the hypotheses of animal abuse; the creation, also by the Brazilian Supreme Court, of a criminal offence concerning the practice of homophobia, justifying this decision by considering it to be a crime analogous to racism; the decision of a state court that validated the limits of a legal agreement made between the victims of a large environmental crime and the mining companies that were responsible for it, imposing obstacles to the legal representation of those affected by this disaster and also limiting the scope of monetary compensation; and the debates held between scientists, in the hearings of the Supreme Court, concerning the different and conflicting views about the decriminalisation of abortion.

The aim of this project is not so much to apply these theoretical reflections to real experiences, but rather to experiment with these theoretical-practical reflections using conceptual parameters as guidelines to interpret cases, gaining greater awareness and a better understanding of the complexities involving the practice of law. These procedures are experiments evaluated collectively: the students are randomly selected to answer a specific question about the case in discussion and the rest of the class is entitled to provide up to three voluntary contributions, with the final grade being assigned to the class as a whole. This experience, which aims to move away from a logic of competitiveness and individualism, has proved itself a great opportunity to watch students develop collaborative study practices, promoting affective bonds between the students.

Meeting spaces. The spatial dimension of encounter highlights the importance of having a multiplicity of perspectives, simultaneously, in order to forge better educational dynamics. As the main pedagogical practice, we seek to embody reflective strategies into ethical postures and conducts that increase the engagement of the different individuals involved in the teaching-learning process. We have been plotting/weaving and mobilising some procedures such as the correlation between the student's geographic trajectories with the course's trajectories; the engagement with a wide range of teaching repertoires; and the use of the body and its different senses in the construction of the student's knowledge and awareness.

On the first days of the class, a mosaic is collectively built with the class with the different routes that the students take from their homes until they

reach the Central Station, highlighting the means of transport and the distance that each one has to travel. This ludic and playful dynamic presents itself as a means to cut through the shyness and initial discomfort of the students, who will perceive themselves more or less with other colleagues, creating a space that allows for jokes, ironies, and non-belligerent conflicts. Furthermore, this pedagogical strategy also wants to 'devour' the institutional labels of traditional legal education that are responsible for transforming the different individuals, as they pass through the classroom door, into a fictional, homogenous, and pasteurised group of students. The transgressive practice, which destabilises this homogenous fiction, can activate a circuit of affection and reflection that will contribute to the presentation of the methods that will be utilised throughout the course, inviting the students to move from the established common sense into an embodied discussion of the different theories.

This theoretical-practical path, which follows the lines of the propositions of situated knowledge that were developed by Donna Haraway, recounts stories that intertwine different authors, theories and experiences, building networks of partial connections, seeking to translate and impart knowledge between the very diverse composition of students in our classroom. Furthermore, different people also experience the concepts described in legal categories (marriage, citizenship, crime, human rights) in markedly different ways, often treated through generic and objectifying approaches in the field of legal doctrine. The established practice concerning legal education tends to mask and hide unquestioned social privileges related to the different ways in which people integrate themselves into social relationships, considering the intersection of different elements such as race, gender, class, and sexuality. Educational practices should enable individuals to question the existence of a supposedly logical, normative, transcendent, and previous plan which would contain theories and/or social norms, in a manner abstracted from social relations. In doing so, these practices multiply the perspectives with which the students experience theories and norms.

These pedagogical choices are crucial in raising students' awareness, making it possible for them to understand how certain foundational assumptions of these theories can tell us a lot about ourselves, our culture, and why we think the way we do about law.²⁴ Moreover, the exchange of multiple experiences between the different students from different regions, religions, traditions, and social conditions, enables an ethical and political reorientation among students, in a way that can reconfigure the distribution of power in our society.²⁵ As an example, on different occasions, the development and application of these

24 Davies (2002).

25 A similar experience is reported by bell hooks in the aforementioned work and has served us as a source of inspiration and motivation.

pedagogical practices provided the basis for subversive and provocative discussions about topics such as meritocracy, structural racism, and economic inequality.

The reports provided by the different students concerning their experiences on the cases studied and the debates that were carried out allowed us to gain awareness about several social dynamics that are usually made invisible, as well as an understanding of their connection with the production of law in a way that simultaneously combines compassion and criticism.²⁶ Students with physical disabilities refused to be limited to that social stereotype of victims, instead choosing to question the practical and symbolic limits of their capabilities; students, when confronted with complex situations, problematised 'identity' as the sole foundation grounding oppression; the dilemmas about economic equality and freedom of religion drew attention to the structural dimension, material and immaterial, of racism in Brazilian society and specifically in legal education. As bell hooks, Angela Harris, and Paulo Freire all ponder, the exercise of affective capacity and otherness (to put yourself as another, visualising and experiencing things from this perspective) presents itself as a fundamental practice for the ethical development of the teaching-learning dynamic.

This powerful association between reflection and emotion is developed through the mobilisation of the different pedagogical strategies that aim to reorient the use of the student's senses in the teaching-learning process. In addition to the usual textual and bibliographic materials, other sources are employed as pedagogical references available in non-traditional formats, such as podcasts, videos, and a collaborative musical playlist entitled *O Direito & o direito* (The Law and the law), which serve as the basis for the final evaluation of the course. In this last evaluation, the students must present, as a group, a collective performance and/or develop a project related to the topics and themes that were studied in the classroom. The objective, then, is to displace the teaching-learning dynamic from the practice of mere memorisation, repetition, and reproduction, articulating other senses and stimulating the student's creativity as well as the use of other mechanisms of perception and learning. Although it may initially be perceived as a reason for anxiety among students, since it deals with a different pedagogical approach from what they are used to, this mode of evaluation shows itself to be a great way to promote cohesion among students, proportioning insightful and memorable moments involving creative practices such as singing, artistic performances, board games, video arts, all contributing to awaken the passion necessary for a purposeful and effective learning process.

At the centre of this expansion of pedagogical strategies, resources, and platforms, TRAMA developed, during this period of remote and online teaching that was brought upon us by the COVID-19 pandemic, three actions that

26 Harris (2012) pp 326–52.

sought to ensure the continuous activities of the group. The objective was to broaden and deepen the reflections on the political, legal, and social repercussions of the COVID-19 pandemic. With this in mind, we held a series of open seminars entitled *Tramando Com* (Weaving With) and published on the group's social media a special series dedicated to the critical analysis of the health crisis. Furthermore, understanding the importance of listening, learning, and discussing these topics from the perspective of the students themselves, we organised the *NósEntreTramas*, an open seminar based on texts and films. In these self-organised meetings, we proposed an exchanging of functions between professors and students in a way that challenges traditional roles, and, by doing so, were able to improve the seminars dynamics: there was a significant increase in the student's engagement in debates, students that rarely stepped up, and the whole group committing collectively to the quality of the seminars.

Network spaces. The spatial dimension of networking highlights the importance of the process of sharing in teaching-learning dynamics. The inseparability that exists between academic research, teaching, and programmes of academic extension is an inescapable reality in Brazil and a principle that organises our pedagogical proposal. It is through the lines that we weave with our partners that we materialise this project (those with whom we do what we do) and redirect the meanings of our practices (what and why we do what we do). Furthermore, through TRAMA we have articulated a research network in partnership with two other research groups, forming the *Estudos Jurídicos Críticos* (Critical Legal Studies) collective project whose main objective is to produce, disseminate, popularise, and update studies that link critical thinking to the field of law.²⁷ And, finally, the TRAMA collective also develops its own extension programme through a partnership with the social platform that is responsible for building the International People's Tribunal of the Justice System.²⁸

The different projects of academic research that are developed through Labá help us in the definition of which topics and pedagogical strategies will be used in our courses. Our work in the field of people's lawyering allows us to build projects in conjunction with social movements that are involved in real and concrete struggles for social rights. Let us present two examples that show this: through the *ContraCorrentes* project and a partnership with the *Movimento dos Atingidos Por Barragens* (Movement of Persons Affected by Dams) and acting in defence of the rights of those that were affected by environmental crimes, we presented, in our classroom, a discussion about the sources of law and the complexity of defining the formal and material contents in legal reparation through

27 The ECJ collective is a partnership between Labá – Direito, Espaço & Política and the groups CERCO (coordinated by Professor Philippe Almeida, FND-UFRJ) and Pura Teoria do Direito (PTD) (coordinated by Professor André Coelho, FND-UFRJ).

28 *V.* <https://tribunalpopulardajustica.org.br/>

monetary compensation; through the *Cartografias Jurídicas* (Legal Cartographies) project, in articulation with the *Campanha Nacional de Despejo Zero* (National Campaign of Zero Eviction), and in defence of the right of adequate housing, we established a debate concerning the validity and legitimacy of law, as well as the regressive practices of the Judiciary in eviction actions.

The experiences in the field of people's lawyering also had repercussions on the development of TRAMA's actions alongside the *Tribunal Popular Internacional do Sistema de Justiça* (International People's Tribunal of the Justice System). The People's Tribunal is a platform gathering different entities from both civil society and the universities engaged in building collective processes of mobilisation, investigation, and reporting of rights violations perpetrated by the Brazilian Justice System itself. Our collective is one of the groups that integrate this coalition and, as such, has been developing actions that aim to expand the spaces of education and debate concerning topics such as access to justice and the struggle for the recognition and protection of rights, as a way to develop and strengthen academic research and legal action but also to assist politically in drawing communication strategies to make these struggles more visible.

By promoting the student's engagement with politically active segments of civil society, TRAMA also contributes to the politicisation of traditional legal education. The student's repertoire of action is broadened and there is a process of development of political subjectivities capable of producing collective responses to confront the situation of constant rights violations. The conditions under which our projects have been developed also reflect the social-political situation in which the educational system is under attack: dwindling financial resources and the lack of research grants force us to rely mostly on the voluntary, activist work by faculty and students.

Coda: Situated Pedagogy for Legal Education

Currently, Brazil experiences what has been conventionally called the *Crise da Nova República* (New Republic Crises),²⁹ being governed by a conservative coalition led by the far-right, a declared enemy of democracy and human rights. The central role of the Justice System and its legal institutions in enabling the severe political blows that we have suffered makes the ethical and transgressive politicisation of legal education a fundamental strategy for carrying out an analysis of our contemporary situation. In face of this challenging scenario, aggravated by precariousness and the COVID-19 pandemic, the act of betting

29 The *New Republic* is the name given to the political and institutional process in the country that began with the redemocratisation process in 1988, which ended the dictatorial government.

on a situated pedagogy is a way to expose and discuss the ‘glass ceiling’ of legal institutions, while also discussing ways to rebuild its ‘workshop floor’.³⁰

The TRAMA’s approaches, which intend to connect and unfold the university community’s social context and the concrete situation of the faculties of law, are the actual basis of understanding the effectiveness of our situated pedagogy method. Every procedure in our legal education strategy is an attempt to create powerful pedagogical mechanisms that relate the political crisis to the epistemic crisis—on how the crisis of political hegemony and its relationship with the justice system produces and is produced by legal education, to address these multiple crises from the perspective of the bodies that experience them, seeking strategies to ensure the well-being of students during the course, and to guarantee the theoretical advantage of intersectional approaches, which allow us to combine the critique of law with the concrete life of students.

Understanding the situated pedagogy in legal education as a combination of spaces of conflict, meeting spaces, and network spaces is an attempt to create a ‘contestation zone’ as a pedagogical praxis. When we defy the traditional positions of all the subjects located in legal education—the student, the professor, the authors, the things (materials, references), the method, the partners (social movements, civil society organisations)—we can also challenge the main register of what it is to teach law. As a zone—space—of contestation—conflict, meeting, and networking—the educational practice is necessarily collective, wittingly open to their surroundings and more engaged with social justice platforms. This strategy of legal education allows students to develop criticisms on the bases provided by the theories studied, mapping the relations between the predominant hegemonic discursive logic and its correlated, concrete, power dynamics.

Moreover, the strategies that attach criticism and emotion allow the subjects to examine their universe of references (neighbourhood, family, clothing, food), transforming the education process into an experience of enthusiasm and pleasure, as defended by bell hooks. A critique of hegemonic ideologies, or legal atmospheres,³¹ needs to mobilise alternative affects (senses and feelings) in order to reorient our commitments to the world. We can say with Paulo Freire, bell hooks, Angela Harris, and Philippe Almeida that all education is a sentimental education, and, therefore, a proposal for critical legal education needs to be situated and based on the deepest hopes of students.

TRAMA’s effort is a journey that evokes the importance of laying down a path in walking and struggling against alienation in everyday life. This strategy of situated pedagogy invites us to think that the future is not given, our fates are not yet defined, and we can—and must—take control of them. A multiplying,

30 I owe the formulation of this insightful/astute expression to my colleague and friend Philippe Almeida.

31 As named by Andreas Philipopoulos-Mihalopoulos (2015).

daily practice in the teaching–learning dynamics is part of that. Without giving in to an illusory romanticism, but adopting an embodied view, this materialist-spatial dimension evokes the necessity to think and act in a way that embraces the situated perspectives on law (the bodies involved, the individual’s position in society, the concrete conflicts), in a way of teaching and learning about its transformation. In a kind of tropicalist-romanticism, the situated pedagogy approach unites us through anthropophagy, which absorbs, transgresses, and ‘devours’ in the very same act—‘*Down with the vegetable elites. In communication with the soil.*’³²

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