Engaging Legal Consciousness:
The Influence of Public Legal Education on Legal Capability and Legal Consciousness in Young People

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List of Abbreviations

A2J – Access to Justice
CLEO – Community Legal Education Ontario
CLPS – Canadian Legal Problems Survey
HiiL = Hague Institute for Innovation of Law
IMI - *Inuusuktunut Maligalirinirmut Ikajuqtiit*
IQ - *Inuit Qaujimajatuqangit*
JDGs - Justice Development Goals
OBA – Ontario Bar Association
OCAP – Ownership, Control, Access, Possession
ODSP – Ontario Disability Support Program
OECD - Organisation for Economic Co-operation and Development
OJEN – Ontario Justice Education Network
OSF - Open Society Foundations
PLE – Public Legal Education
PULS – Public Understandings of Law Survey
REB – Research Ethics Board
SCC – Supreme Court of Canada
SLE – Subjective Legal Empowerment
UK – United Kingdom
UNCRC – United Nations Convention on the Rights of the Child
US – United States of America

Abstract

This interdisciplinary law and education dissertation empirically explores the relationship between legal capability and legal consciousness in young people participating in three distinct configurations of public legal education.

The project makes three original contributions to the field of access to justice research and legal pedagogy. First, the study demonstrates that legal capability and legal consciousness are distinct but mutually constitutive dimensions of legal agency. Second, it situates this relationship within youth-focused public legal education programs to examine whether specific forms of legal learning may engage or influence young people's understandings of law, their sense of legal empowerment, and the ways they approach law-related problems. Third, using these insights, it develops a framework for understanding different configurations of youth legal learning.

The findings have implications for both access to justice research and public legal education and demonstrate that the way youth think about and engage with law shapes how they participate in legal learning environments. The findings suggest that researchers should better integrate legal consciousness into studies of legal need and legal capability, and that public legal education should place greater emphasis on engaging young people's existing legal consciousness as well as developing their legal capability. Ultimately, the dissertation argues for a broader understanding of the role and purpose of public legal education in light of how young people actually experience and engage with law.

***

Cette thèse interdisciplinaire, à la croisée du droit et de l'éducation, explore de manière empirique la relation entre la capacité juridique et la conscience juridique chez les jeunes participant à trois configurations distinctes de programmes d'éducation juridique publique.

Ce projet apporte trois contributions originales au domaine de la recherche sur l'accès à la justice et à la pédagogie juridique. Premièrement, l'étude démontre que la capacité juridique et la conscience juridique sont des dimensions distinctes mais mutuellement constitutives de l'autonomie juridique. Deuxièmement, elle situe cette relation dans le cadre des programmes d'éducation juridique publique destinés aux jeunes afin d'examiner si des formes spécifiques d'apprentissage juridique peuvent susciter ou influencer la compréhension du droit chez les jeunes, leur sentiment d'autonomie juridique et la manière dont ils abordent les problèmes liés au droit. Troisièmement, à partir de ces observations, elle élabore un cadre permettant de comprendre les différentes configurations de l'apprentissage juridique chez les jeunes.

Ces résultats ont des implications tant pour la recherche sur l'accès à la justice que pour l'éducation juridique du public, et démontrent que la manière dont les jeunes perçoivent le droit et interagissent avec celui-ci détermine leur participation aux environnements d'apprentissage juridique. Ils suggèrent que les chercheurs devraient mieux intégrer la conscience juridique dans les études sur les besoins juridiques et les capacités juridiques, et que l'éducation juridique du public devrait mettre davantage l'accent sur la prise en compte de la conscience juridique

existante des jeunes ainsi que sur le développement de leurs capacités juridiques. En fin de compte, cette thèse plaide en faveur d'une compréhension plus large du rôle et de l'objectif de l'éducation juridique du public, à la lumière de la manière dont les jeunes vivent et interagissent concrètement avec le droit.

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***

This doctoral dissertation is the latest in a series of haphazard but semi-logical events that have transpired over the past 13 years of my life. First, I got sober. Second, I got hit by a public transit bus while riding my bike in downtown Toronto (I was sober by the way). Third, I got into law school. Fourth, I got named in a large and complex lawsuit related to the second event in the series. Fifth, I got to know Pro Bono Law Help Ontario very well and, as a result, started volunteering with them throughout law school. Sixth, after meeting countless self-represented litigants during my time at Pro Bono and becoming increasingly horrified by the state of access to justice in Canada, I decided to postpone articling and write a Master's on self-representation and legal alienation. Seventh, this ultimately led me to question why we, as Ontarians, do not learn more about our rights in school. Hence, after six years of pursuing this question, and all the rabbit holes it has generated, I find myself writing the Acknowledgments section of a thesis I could not have dreamed of 13 years ago (and I'm still sober!).

Getting to this point has been difficult and incredible, tiring and confusing, a complete grind, and unimaginably rewarding. Thinking about everyone who has been a part of this series of weird events fills my heart.

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Chapter 1: Situating the Study

1.1 Introduction

> *Annie, 19, rents a small apartment in Ottawa and relies on the Ontario Disability Support Program (ODSP) as her primary source of income. When her auntie Millie arrives from Baker Lake for medical appointments, she needs a place to stay. The apartment is way too small. Annie starts looking for something bigger but her ODSP cheque won't cover any more rent, so she considers getting a part-time job. Meanwhile, Millie takes out a payday loan to buy a plane ticket back up North after her original medical travel plans fell through. The flight has now been cancelled three times. Millie doesn't know how to get her money back and is not able to pay back her loan. The lender is calling her five times a day, threatening legal action.*

This scenario was created by a small group of urban Inuit youth and explored in a workshop at a community-based public legal education (PLE) program in Ottawa. During the session, participants heard from Inuit Elders, legal aid lawyers, Inuit youth leaders, and Indigenous youth support workers about how each would think about and understand the law-related issues, drawing on multiple sources of legal and community knowledge. Rather than searching for a single "right" answer, the group discussed: Which laws apply? Who holds power? What options are realistic? What risks attach to those options? Is the colonial legal system the right place to go in circumstances like these? In this case, law was cultural, embedded in lived experience, and open to collective scrutiny.

In a high school classroom several kilometres away, students prepared for a mock trial involving criminal harassment and the use of social media. They were assigned roles, provided with a package of relevant statutory provisions, and asked to prepare submissions for both sides. Instead of examining the legal actors and issues in context, the students were asked: What are the elements of the offence? What evidence is admissible? Which side is more persuasive? How

would a lawyer do it? In this case, law was formal and adversarial, and the implicit messaging was that justice is achieved through procedural rules and existing structures.

In a third setting, junior high school students analyzed how local bylaws, school policies, and personal privilege structure daily life. They heard from youth rights advocates, union-side labour lawyers, and access to justice scholars. The course asked them to consider: Who benefits from existing legal arrangements? Whose experiences are excluded? What alternatives are imaginable? How can we make change? In this case, law was political; students recognized themselves within it and saw it as one tool among many in shaping social change.

These activities represent distinct pedagogical constructions of law and what it means for young people to engage with it. Each form of legal learning involves two interconnected dimensions: legal capability, or the knowledge, skills, and confidence needed to recognize and navigate legal issues and systems; and legal consciousness, or how people understand and interpret the role of law in everyday life, including whether they see it as fair, accessible, trustworthy, or a meaningful resource. Each pedagogical model offers a different lesson in legal consciousness, a different pathway toward legal capability, and a different narrative about what law and the current state of the legal system make possible.

1.2 Context of the Study

Crisis-level access to justice has perplexed the Canadian legal community for more than six decades. Over the years, proposed solutions have ranged from making lawyers more widely available, to redesigning legal institutions, to creating alternative dispute resolution

mechanisms.[1] Other attempts include demystifying the law and providing services that proactively address problems before becoming "justiciable."[2] Yet, the crisis deepens.[3]

Building legal capability by teaching people how to recognize legal problems in their daily lives, where and when to go for help, and how to deal with everyday issues in a legal context through public legal education (PLE) is often framed as a strategy to increase access to justice. This approach may be most effective for those who trust that the system will work for them.[4] In Western liberal democracies like Canada, legal institutions have historically reflected and reinforced existing privilege, and largely continue to do so.[5] Every step away from the most privileged socio-demographic profile is a step further away from access to justice.[6] This raises the question: "might not access to justice be judged by the extent to which the citizens of a country felt empowered by their legal system?"[7]

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[1] Roderick Macdonald, "Access to Justice in Canada Today: Scope, Scale and Ambitions" in Julia Bass, WA Bogart & Frederick H Zemans, eds, *Access to Justice for a New Century: The Way Forward* (Toronto: Law Society of Upper Canada, 2005) 19 at 19-23 [MacDonald]; See also, Trevor CW Farrow, et al, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report,* (2016) Osgoode Legal Studies Research Paper Series 150 at 6 [Farrow, et al, *Everyday*]; Action Committee on Access to Justice in Civil and Family Matters, *A Roadmap for Change* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2013) at 4 [*Roadmap*].

[2] Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians* (Ottawa: Justice Canada, 2009) at 1 [Currie, *Justiciable Problems,*]; Hazel Genn, *Paths to Justice: What People Do and Think about Going to Law* (Oxford: Hart, 1999) at 12 [Genn]
Genn defines a justiciable event as "a matter experienced by a respondent which raised legal issues, whether it was recognized by the respondent as being "legal" and whether any action taken to deal with the event involved the use of any part of the civil justice system."

[3] See Beverley McLachlin, "A Message from the Chair," in Action Committee on Access to Justice in Civil and Family Matters, *A Roadmap for Change* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2013) at 4.

[4] Hugh McDonald & Julie People, "Legal Capability and Inaction for Legal Problems: Knowledge, Stress, and Cost" (2014) 41 L and Justice Foundation of NSW1 at 5. For example, contemporary surveys find that many people believe that taking action to resolve legal problems "would be too stressful." This response is much more often provided by "women, disadvantaged groups, and those where English is not their first language."

[5] Rebecca L Sandefur, "Access to What?" (2019) Daedalus, J of the American Academy of Arts & Sci 49, online:<https://www.amacad.org/sites/default/files/publication/downloads/19_Winter_Daedalus_Sandefur.pdf> [Sandefur, "Access to What?"].

[6] MacDonald, *supra* note 1 at 29.

[7] *Ibid* at 95.

Framing access to justice through an empowerment lens shifts attention from legal capability towards legal consciousness. Instruction about legal rights and procedures may be necessary, but it does not determine whether learners will actually use law, assert rights, or seek help when they encounter law-related problems in their own lives. As my research suggests, legal consciousness plays a significant role in shaping that translation.

1.3 Purpose of the Study

This dissertation examines the relationship between legal consciousness and legal capability in young people and how PLE may engage with both constructs. Legal capability scholarship largely relies on legal needs survey data and quantifiable ways to assess the public's ability to recognize, resource, and respond to specific law-related disputes.[8] Legal consciousness studies, by contrast, examine how individuals interpret legality and make sense of law's authority and relevance in their lives.[9] Legal consciousness shapes, and is shaped by, the experiences people have with institutions, which, in turn, are generalized to perceptions of the legal system as a whole.[10]

Although both bodies of literature explore access to justice concerns, the research does not necessarily intermingle in meaningful ways. This dissertation brings them into direct conversation with one another. In doing so, I argue that legal consciousness shapes whether and how legal capability is mobilized in practice.

[8] Ann-Katrin Habbig & Ingrid Robeyns, "Legal capabilities" (2022) 23:4 J of Human Dev and Capabilities 611 at 613 [Habbig & Robeyns].
[9] Susan S Silbey, "After Legal Consciousness" (2005) 1 Annual Rev L & Soc Sci 323 at 326 [Silbey, *After*].
[10] Tom R Tyler & Yuen J Huo, *Trust in the Law: Encouraging Public Cooperation with the Police and Courts* (New York: Russell Sage Foundation, 2002) at 132 [Tyler & Huo]. See generally, Chapter 9: Generalizing from Personal Experiences to Societal Orientations.

Using three distinct case studies of youth-centred PLE programs in Ontario, I investigate how different pedagogical constructions of law engage with young people's understandings of legal actors and institutions; how they position themselves in relation to the legal system writ large; and whether they view law as a useful resource for addressing everyday problems in their own lives. By examining these questions across different forms of PLE, I further explore how each setting may encourage particular configurations of legal capability and consciousness in young participants.

I focus on youth in Ontario because education is provincially regulated in Canada, which means that curricula, educational policy, and many PLE programs develop within distinct provincial contexts.[11] A single-jurisdiction study therefore allows for closer attention to the specific legal, institutional, and community contexts in which youth legal learning occurs, a focus that also reflects my own experience as a former Ontario secondary school student and facilitator of youth-focused PLE in the province.

1.4 Research Question(s) and Methodological Approach

The central research question guiding this study is: Can youth-focused PLE influence the legal consciousness of young people in Ontario, and, if so, how does this relate to the development of everyday legal capability?

Connected to this central question are a series of related queries:

1. How can legal capability be conceptualized and identified in youth populations?
2. Can legal consciousness be empirically mapped without reducing it to an attitudinal measurement?

[11] *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5 at s 93 [*Constitution Act*]; *Education Act*, RSO 1990, c E.2 [*Education Act*].

3. How does the interaction between legal capability and legal consciousness present across different pedagogical models?
4. Do different ways of teaching about law contribute to different orientations toward law in youth populations?
5. What implications do these findings hold for current PLE practices and the broader development of the field?

To address these questions, this study examines three distinct youth-oriented PLE programs through a comparative case study design: a conventional mock trial model, a critical PLE mini-course, and a pluralist, community-based PLE series. Each program offers a distinct pedagogical setting in which to explore young people's legal capability and legal consciousness.

The research combines pre- and post-program survey instruments measuring aspects of legal capability and semi-structured, qualitative interviews that attempt to illustrate and document young people's legal consciousness. Pre- and post-program survey data offer directional indicators of knowledge and perceived ability to navigate the law and interviews position those indicators within the personal experiences and stories of the study participants. Through an analysis of 103 surveys and 16 interview transcripts, youth describe how prior encounters with authority, perceptions of bias, and assessments of personal and institutional risk influence whether engaging with the law feels worthwhile.

As the cross-case analysis demonstrates, legal capability and legal consciousness do not operate as stable traits that youth carry with them across settings. They develop through specific encounters with institutions and authority figures. Capability becomes visible when a young person decides whether a manager asking them to clean up after their shift has legal relevance and whether asserting that they are no longer being paid is worth the potential consequences.

Consciousness about things like workplace power dynamics, personal reputation, and their own financial need shapes how they make that decision.

For this reason, the analysis treats capability and consciousness as mutually constitutive dimensions of legal agency, rather than as separate outcomes. Because the findings are based on self-reported experiences within limited program contexts, I am not claiming to draw causal conclusions. The constructivist case study framework means that my findings are potentially transferrable, not universally applicable. My real contribution lies in illustrating that legal capability and legal consciousness are best understood as layered and intertwined, emerging through experience, institutional context, and, as will be seen throughout this dissertation, pedagogy.

1.5 Significance of the Study

Access to justice scholarship in Canada continues to emphasize early intervention and more comprehensive PLE for young people as strategies for improving people's ability to navigate law-related problems in daily life.[12] Calls for improved evaluation of PLE and more nuanced research on youth legal engagement reinforce the importance of this work.[13] Scholars across access to justice, civic education, and law and society research note the difficulty of measuring how legal knowledge shifts into behaviour and decision-making.[14] Yet much of the

[12] See, for example, *Roadmap, supra* note 1 at 7-8; Action Committee on Access to Justice in Civil and Family Matters, *Challenge & Change. Canada's Justice Development Goals: 2020* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2020) at 3 [*Challenge & Change*].
[13] David Mcquoid-Mason, "Street Law as a Clinical Program" (2008) 17 Griffith L Rev 27 at 45-46 [Mcquoid-Mason]; Sharon Collard, et al. *Public Legal Education Evaluation Framework* (London: Personal Finance Research Centre and Law for Life, 2011) at 5-8, 13.
[14] Public Legal Education Network & Independent Academic Research Studies, "Measuring Young People's Capabilities" (London: Independent Academic Research Studies and PLEnet, 2009) at 42 [Parle]; Matthew A Diemer, et al, "Development and Validation of the Critical Consciousness Scale" (2017) 49:4 Youth & Soc 461 at 478-79; Kristina Llewellyn, et al. *The State and Potential of Civic Learning in Canada: Charting the Course for Youth Civic and Political Participation* (Ottawa: Canadian Policy Research Networks, 2007) at 28 [Llewelyn, et al, *The State*]; Joel Westheimer, "Education That Matters" (2017) 40:2 Canadian J of Ed 1 at 11 [Westheimer, *Education*].

existing literature evaluates PLE using legal capability measurements designed to assess knowledge, confidence, and attitudes. These measurements remain unsettled themselves, with ongoing calls for clearer baseline measures for vulnerable groups and stronger evaluation of PLE interventions.[15]

Legal capability approaches provide valuable insight into whether individuals, mostly adults, recognize law-related problems and know where to seek assistance, but they offer limited understanding of how people interpret law's authority and usefulness in their own lives.[16] Socio-legal research on legal consciousness better addresses the interpretive dimensions but rarely intersects with legal capability studies.[17] This disciplinary separation creates barriers to understanding the relationship between what people know about the law and how they decide whether to use it.[18]

Youth represent an important population for examining the relationship between emerging legal capability and consciousness. Similar to work in democracy education, early experiences of civic participation, dialogue, and exposure to multiple and competing perspectives play a formative role in shaping how young people understand their place within social and political systems.[19] Research shows that youth who encounter such opportunities through classrooms, school governance, community organizing, and everyday discourse, are

[15] Pascoe Pleasence & Nigel J Balmer "Justice & the Capability Function in Society" (2019) 148:1 Daedalus 140 at 146 [Pleasance & Balmer, "Justice"]; Lisa Wintersteiger, *Legal Needs, Legal Capability, and Public Legal Education: A Report by Law for Life The Foundation for Public Legal Education* (London: Law for Life: The Foundation for Public Legal Education, 2015) at 5 [Wintersteiger, *Legal Needs*].
[16] Pascoe Pleasence & Nigel Balmer, "Development of a General Legal Confidence Scale: A First Implementation of the Rasch Measurement Model in Empirical Legal Studies." (2019) 16:1 J of Empirical Legal Studies 143 at 148 [Pleasance & Balmer, *GLC*].
[17] See for example, Nigel J Balmer, et al, *The PULS Volume 2: Understanding and Capability* (Melbourne: The Victoria Law Foundation, 2024) [*PULS v2*].
[18] Catrina Denvir, Nigel Balmer & Pascoe Pleasence. "When Legal Rights are Not a Reality: Do Individuals Know Their Rights and How Can We Tell?" (2013) 35 J of Social Welfare and Family Law 139 at 156 [Denvir, et al].
[19] Westheimer, *Education, supra* note 14 at 11.

more likely to see these issues as "part of life" instead of matters reserved for "experts."[20] Before individuals age into full legal citizenship, they begin forming narratives about law, which help shape whether legal knowledge translates into action. As Austin Sarat indicates, "the failure to come to grips with the way people think about the law can result in considerable distortion in the conclusions we reach about what they think."[21]

This connection is especially important for youth, whose legal capability and consciousness are still forming. Although many young people have not yet had direct encounters with formal legal systems, the data show they inevitably will.[22] According to the Action Committee on Access to Justice in Civil and Family Matters (Action Committee), early education "offers the potential to transform how people respond to legal conflict, whether in their own lives or in their professional roles."[23] The Action Committee identifies school-age and university students as "the primary audience" for early justice education.[24] Legal scholars agree that schools are incubators for early legal education interventions, particularly those aimed at preventing legal issues before they arise and improving access to justice as youth transition into adulthood.[25] Studying youth offers a valuable opportunity to observe how legal capability and legal consciousness begin to take shape and interact during more formative stages of legal learning.

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[20] James Youniss, "Civic Education: What Schools Can Do to Encourage Civic Identity and Action" (2011) 15:2 Applied Developmental Science 98 at 100 [Youniss]; Peter Levine & Constance Flanagan. "Civic Engagement and the Transition to Adulthood" (2010) 20:1 The Future of Children 159 at 168-69 [Levine & Flanagan].
[21] Austin Sarat, "Studying American Legal Culture: An Assessment of Survey Evidence," (1977) 11:3 L & Soc Rev 427 at 455.
[22] Laura Savage & Susan McDonald, (2022) *Experiences of serious problems or disputes in the Canadian provinces, 2021* (Catalogue no. 85-002-X), Statistics Canada (Juristat) at 3, which finds that "one in five (18%) people living in Canada's provinces had experienced at least one dispute or problem that they considered serious or not easy to fix in the three years preceding the survey" [Juristat].
[23] *Challenge & Change, supra* note 12 at 31.
[24] *Ibid*.
[25] Janet E Mosher, "Lessons in Access to Justice: Racialized Youths in Ontario's Safe Schools" (2008) 46:4 Osgoode Hall L J 807 at 808, 814 [Mosher]; *Challenge & Change, supra* note 12 at 31.

This dissertation contributes to the existing literature in three interdisciplinary ways. My central contribution is in demonstrating that legal capability and legal consciousness are distinct but mutually constitutive dimensions of legal agency. By bringing these two frameworks into direct conversation, I show that legal consciousness influences whether and how legal capability is mobilized in practice. Second, I situate this relationship within PLE to examine whether specific forms of legal learning engage or influence young people's understandings of law, their sense of empowerment, and how they approach law-related problems. Third, using these insights, I develop a framework for understanding different configurations of youth legal learning. These contributions support a normative claim about the learning process itself, rather than a specific learning outcome. I am not arguing that PLE should lead young people toward greater trust, distrust, engagement, or disengagement, but that it should support young people's capacity to critically evaluate their own relationships with law, particularly in relation to the access to justice crisis we find ourselves in. Ultimately, I argue it may be time to re-conceptualize the role and purpose of PLE in light of how young people actually experience and engage with law.

Throughout the research project, it became increasingly clear that young people do not come to PLE programs as blank slates. They already carry narratives about law shaped by family experience, school discipline, media (and social media) narratives, and community histories. PLE interacts with these narratives, and exploring that interaction is essential to evaluating what PLE can influence and what it cannot.

1.6 Key Definitions

The concepts of legal capability and legal consciousness are used in multiple ways across access to justice, PLE, and socio-legal scholarship. Rather than attempting to resolve definitional debates, it may be useful to outline several working definitions that clarify how I use the terms analytically in the chapters that follow.

"Law-related problems" refer to issues arising in ordinary life that have a legal dimension, whether or not the legal aspects are initially, or ever, recognized as such.[26] In Canada, these problems typically include disputes related to work, housing, family relationships, contracts, access to services, and interactions with various institutions.[27] In this research, law-related problems were explored through young people's experiences with navigating rules, obligations, and authority, be they in school, in community, or through the formal legal system.[28]

"Legal agency" or "agency" refers to how young people translate their understandings of law (legal consciousness) and their available resources and skills (legal capability) into action, inaction, or strategic navigation in situations with legal dimensions.[29] My analysis does not presume alignment with or trust in legal institutions, meaning individuals may exhibit legal agency even when they feel alienated from law or choose not to mobilize it.[30]

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[26] See Genn, *supra* note 2 at 12.
[27] Farrow, et al, *Everyday, supra* note 1 at 16. Some academics refers to these issues as "everyday legal problems," but for many individuals, these law-related problems are experienced as moments of crisis. For example, the threat of eviction when someone is struggling with immigration status and navigating social assistance regimes is arguably more than an "everyday legal problem," it's a crisis.
[28] Ab Currie, "Nudging the Paradigm Shift: Everyday Legal Problems in Canada" in *The Cost of Justice* (Toronto: Canadian Forum on Civil Justice, 2016) at 1 [Currie, *Nudging*].
[29] Susan Silbey, "Studying Legal Consciousness: Building Institutional Theory from Micro Data" (2018) 3:100 Droit et société 685 at 713 [Silbey, "Studying"].
[30] Dave Cowan, "Legal Consciousness: Some Observations" (2004) 67:6 The Modern L Rev 928 at 932-33.

“Legal capability” is treated as the knowledge, skills, and perceived ability required to decide whether and how to attempt to resolve law-related issues, through formal legal processes or not.[31] Existing scholarship often operationalizes capability through measures of issue recognition, procedural knowledge, confidence, and personal characteristics and circumstances.[32] This study loosely adopts those dimensions but examines how they function in context rather than as isolated indicators.

“Legal consciousness,” in this study, refers to how people interpret and orient themselves toward law and legality in everyday life.[33] I follow Susan Silbey’s classic definition of legal consciousness as the belief and practice of how law is experienced, invoked, avoided, or resisted by people in their lives.[34] Here, legal consciousness is about legitimacy, fairness, and how youth position themselves relative to law.

“Legal empowerment” seeks to address access to justice by approaching legal problems not only through service delivery but also through a lens of power and agency.[35] Using a bottom-up strategy, legal empowerment is a community-driven, rights-based approach or pedagogy that

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[31] Nigel J Balmer, et al, *The PULS Volume 3: A New Perspective on Legal Need and Legal Capability* (Melbourne: The Victoria Law Foundation, 2024) at 32 [*PULS v3*]; Dawn Watkins, Charlotte Mills & Clare Wood, “A framework for developing children’s legal capability,” (2025) 45 Legal Studies 432 at 432-33 [Watkins et al.]

[32] Community Legal Education Ontario (CLEO), “A framework for Ontario: Introducing a working legal capability matrix” (Toronto: CLEO, 2016) at 3, 12-13 [CLEO, “Framework]. CLEO offers examples of “personal characteristics and circumstances” including but not limited to: “the ability and support to cope with stressful life events;… the ability to reach out for help despite possible discomfort and stigma;… the ability to keep appointments;… access to financial resources;… the ability to remain calm and focused under pressure” (see 9-10).

[33] Isabella Quadrelli & Anna Uboldi, “Doing the right thing: Young people’s legal consciousness and pandemic risk management” (2024) 14:4 Oñati Socio-Legal Series 1148 at 1152 [Quadrelli & Uboldi]; Patricia Ewick & Susan S Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: The University of Chicago Press, 1998) at 231 [Ewick & Silbey]. “Legality” is made up of “the meanings, sources of authority, and cultural practices that are commonly recognized as legal, regardless of who employs them or for what ends.” To Ewick and Silbey, legality is considered a structure emerging from social interactions that is produced anytime “people mention, invoke or mobilize concepts or legal rules in everyday life.”

[34] Susan Silbey, “Legal Culture and Legal Consciousness” (2015) Int’l Encyclopedia of Soc & Behavioural Sciences 726 at 728.

[35] Stephen Golub, “Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative” (2003) Carnegie Endowment for International Peace Working Paper, <online> at 3 [Golub, *Beyond*].Stephen Golub, “The Commission on Legal Empowerment of the Poor: One Big Step Forward and A Few Steps Back for Development Policy and Practice” (2009) 1:1 Hague J on the Rule of Law 101 at 105 [Golub, *CLEP*].

is grounded in grassroots needs and activities and extends beyond a simple transmission of knowledge. [36] Unlike more traditional visions, legal empowerment in this dissertation also involves access to support, strategy, collective action, and a recognition that rights are only meaningful where they can be exercised in practice.[37]

For the youth in this study, both legal capability and legal consciousness are treated as emergent and fluid rather than fixed. Many participants had limited direct experience with formal legal institutions, yet they consistently encountered law indirectly and sometimes through second-hand accounts in schools, immigration processes, social services, family experience, and part-time work. As noted in socio-legal research with non-lawyers, participants do not necessarily distinguish sharply between civil, administrative, and criminal law systems.[38] As such, the youth in this study often described "the law" as a unified institutional force. My analysis therefore remains loyal to participants' own categorizations rather than imposing doctrinal distinctions that may not reflect lived experience. These interactions all contribute to how youth understand law, which is always context-specific and continuously evolving.

1.7 Organization of the Dissertation

I develop this dissertation over the next seven chapters, beginning in the second chapter, by situating the project within broader Canadian access to justice scholarship and problematizing system-centered responses to law-related problems. I then examine legal capability as a dominant research framework for understanding how people navigate law, including measurement models that have shaped the field and the critiques that have followed. The chapter

[36] Golub, CLEP, *supra* note 35 at 105.
[37] Mosher, *supra* note 25 at 843.
[38] Sarah Buhler, "Reading Law and Imagining Justice in the Wahkohtowin Classroom," (2017) 34 Windsor Access to J Yearbook 175 at 79 [Buhler, *Wahkotowin*]. Consistent with my experience in this research project, Buhler also points out that the "dividing line between civil and criminal justice systems, although intuitive for justice system insiders, does not always bear out for individuals who experience law and the justice system firsthand.

then turns to legal consciousness, tracing its conceptual foundations and major interpretive approaches, with particular attention to how young people experience legal authority and alienation. I end by bringing these strands together to outline how different ways of teaching about the law may interact with legal capability and legal consciousness in youth populations.

Chapter 3 explains the research design by outlining my case study approach and introducing the three youth-focused PLE programs. I describe the survey and interview methods used to gather data and explain how the two forms of collected data are interpreted in relation to each other. I also set out the analytic strategy used to examine how legal capability and legal consciousness appear across cases. The chapter concludes by addressing the practical and ethical challenges of conducting research with young people, some of whom are Indigenous, in program settings and by identifying methodological limits that shape the analysis.

Chapters 4 through 6 present the three case studies that examine different approaches to PLE. Chapter 4 examines a mock trial program that I am labelling "conventional" PLE. The analysis explores how system-approved courtroom simulation organizes students' encounters with law through adversarial procedure and institutional authority. Survey data provide an initial picture of legal capability and selected quantitative indicators of legal consciousness. Interview accounts offer deeper insights into how participants understood concepts like fairness and legitimacy, and how those perceptions influenced students' notions of their own ability to navigate law-related problems and legal institutions. I also use these accounts to analyze how a conventional model interacts with young people's existing orientations to law.

Chapter 5 turns to what I call a "critical" PLE program that encouraged students to critically analyze both the form and content of law and engage collectively with system-critique. Using the same modes of data collection as the mock trials, I examine how participants discuss

inequality, power, privilege, and the role of law in shaping social outcomes. Survey responses and interview narratives are read together to trace how students identify legal dimensions of everyday problems and the usefulness of legal mechanisms for recourse. Ultimately, my analysis considers whether and how critical pedagogical design influences youth understandings of law and their own legal agency.

Chapter 6 shifts lenses slightly to analyze a "pluralist," community-based PLE program developed with urban Inuit youth. In this setting, discussions of Canadian law intersect with Inuit legal traditions and community knowledge. My analysis centres on in-depth interviews with three core youth leaders, following a shift in data collection, which meant surveys were intentionally not administered to avoid data extraction and interpretation through a colonial lens. The chapter explores how participants describe law, responsibility, and rights across overlapping normative frameworks, and exposes what conventional approaches to studying legal capability and legal consciousness overlook when law is presented through pluralist legal learning.

Chapter 7 brings the cases together through a cross-case analysis, drawing out patterns that only become apparent when the three pedagogical settings are read together. The analysis reveals how legal capability and legal consciousness in young people are co-produced through pedagogy, lived experience, and institutional context. It also develops a framework for understanding four distinct pedagogical configurations of youth legal learning. I reflect on what these patterns suggest about the limits of existing measurement approaches in the context of youth. The chapter ends with an analysis of the benefits and barriers to law-related learning provided by each model of PLE.

In the final chapter, I reflect on the broader implications of the study. I consider how youth legal engagement might be studied differently and what these findings suggest for the

design and evaluation of PLE. Drawing on the patterns identified across the three cases and my own normative commitments, I consider what the findings mean for practice, proposing that youth-focused PLE should recognize pluralism as a lived condition and more intentionally incorporate critical pedagogies where the learning goals extend beyond procedural legal knowledge. I next suggest that research into youth legal capability and consciousness would benefit from greater use of qualitative approaches that capture how young people reason about the law in context. I end with the recommendation that educators must orient programming away from inevitability and toward forms of legal learning that expand young people's sense of possibility in relation to law.

Chapter 2: Theoretical Implications

2.1 Introduction

The very existence of law creates a need for access to justice.[39] Yet the burden of that need is not evenly distributed. Studies show marginalized groups are the most dependent on, yet often the least supported by, contemporary access to justice measures.[40] A key issue is that individuals must first recognize that they even have a legal problem for access to justice to be meaningful. This recognition is tied to legal capability, and once a problem is recognized, individuals must then make a conscious decision about whether to seek help or attempt to resolve the problem themselves, or not.[41] This decision-making process draws on legal consciousness, which relates to how people understand, feel about, and position themselves in relation to law, legal institutions, and authority.[42] These two concepts are not mutually exclusive. To be legally capable, a person must tap into their legal consciousness as a motivator to act.

One of the aims of PLE is to increase access to justice by building legal capability through knowledge about how to recognize legal issues and access appropriate supports.[43] However, as the United Nations Commission on Legal Empowerment of the Poor observes, "knowledge usually is not enough…. Access to justice also implies that there is a credible threat

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[39] See generally, Gunther Teubner, ed, *Juridification of Social Spheres: A Comparative Analysis in the Areas of Labor, Corporate, Antitrust and Social Welfare*, (New York: Walter de Gruyter, 1987), see also, Lisa Wintersteiger & Tara Mulqueen, "Decentering Law through Public Legal Education" (2017) 7:7 Oñati Socio-Legal Series 1557 at 1564 [Wintersteiger & Mulqueen].
[40] Sandefur, "Access to What?", *supra* note 5.
[41] CLEO, *Framework*, *supra* note 32.
[42] Lynette J Chua & David M Engel, "Legal Consciousness Reconsidered" (2019) 15 Ann Rev L & Soc Sci 335 at 337 [Chua & Engel].
[43] See, for example, Ontario Justice Education Network, "What is OJEN?" (December 16, 2025) ojen.ca (website), online: < https://ojen.ca/en/about/ojen/>; Adv*i*cenow, "Adv*i*cenow theory of change," (December 16, 2025) advicenow.org.uk (website), online: <https://www.advicenow.org.uk/sites/default/files/2025-02/Advicenow%27s%20theory%20of%20change.pdf>. Advicenow was formerly known as *Law for Life: The Foundation for Public Legal Education.*

of intervention."[44] Research shows many groups, including youth and other marginalized groups, may feel alienated from the legal system.[45] A key indicator of legal alienation is having "no confidence in the system" and no "psychic strength to face the uncertainty and angst of a lawsuit."[46] For Roderick MacDonald, "access to justice is not what the official system offers to citizens; access to justice is the empowerment – through education, information and validation – that citizens claim for themselves."[47] In other words, learning more about the law, through PLE interventions, does not necessarily increase willingness to engage with it. And, in some cases, knowledge about the limits of the law may reinforce distance or critique.[48] In this context, the purpose of what legal knowledge is disseminated and why may need to be re-evaluated.[49]

I begin this chapter by situating my study within past and present access to justice literature, focusing on common legal needs and the limits of system-level responses. I then examine legal capability in relation to legal needs and access to justice. I review key measurement models and the growing critiques of capability-based approaches. Next, I trace the conceptual origins and dominant typologies of legal consciousness, through a review of the literature. I pay particular attention to youth engagement and alienation towards law. I then bring these theories together through an integrative analytic framework, while explaining how different pedagogical models of PLE are expected to interact with each. I consider the possibility that conventional PLE may work most effectively for those who already trust the system or know

[44] Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone: Report of the Commission on Legal Empowerment of the Poor, vol. 1,* (New York: United Nations Development Programme, 2008) at 3.
[45] Marc Hertogh, *Nobody's Law: Legal Consciousness and Legal Alienation in Everyday Life,* (London: MacMillin Publishers Ltd, 2018) at 179 [Hertogh].
[46] Macdonald, *supra* note 1 at 86; Mosher, *supra* note 25 at 844-47.
[47] MacDonald, *supra* note 1 at 101.
[48] Wintersteiger & Mulqueen, *supra* note 39 at 1567.
[49] Ian Morrison & Janet Mosher, "Barriers to Access to Civil Justice for Disadvantaged Groups," in Ontario Law Reform Commission, *Rethinking Civil Justice: Research Studies for the Civil Justice Review* (Toronto: Ontario Law Reform Commission, 1996) 637 at 652 [Morrison & Mosher].

how to navigate it, whereas different pedagogical models may be required for those who do not.[50] Critical approaches to PLE engage skepticism, structural analysis, and questions of power, while pluralist approaches make space for non-state legal traditions and cultural ways of knowing. This chapter is meant to establish the theoretical foundation for the empirical case studies that follow.

2.2 Access to Justice in Canada

Access to justice exists when people can understand and address their law-related problems using fair legal standards and processes. It requires that individuals are able to obtain and act on law-related information and services when needed, so they can work toward outcomes that are procedurally and substantively just.[51] According to the Department of Justice Canada, an accessible justice system is one in which the public can find the information and assistance necessary to prevent legal issues and resolve them, either informally or through formal legal mechanisms, efficiently, affordably, and fairly.[52]

Concerns about access to justice are not new. For decades, leading Canadian justice institutions, academics, practitioners, and community organizations have described access to justice as one of the most urgent and persistent challenges facing the justice system.[53] Canadian scholar Trevor Farrow has emphasized that accessibility requires more than the existence of

[50] Wintersteiger & Mulqueen, *supra* note 39 at 1570-73.
[51] Julie Mathews & David Wiseman, "Community Justice Help: Advancing Community-Based Access to Justice" (Community Legal Education Ontario, June 2019) at 11.
[52] Juristat, *supra* note 22 at 4.
[53] See, for example, Canadian Bar Association, *Reaching Justice Report: An Invitation to Envision and Act,* (Ottawa: Canadian Bar Association, 2013); Chief Justice Richard Wagner, "Access to Justice: A Societal Imperative" (October 31, 2025) scc-csc.ca, online: <https://www.scc-csc.ca/about-apropos/judges-juges/list-liste/richard-wagner/sd-2018-10-04/>; *Roadmap, supra* note 1 at 2, 5; *Challenge & Change, supra* note 12 at 5. The Action Committee narrowed and reformulated the JDGs; Trevor Farrow & Leslie Jacobs, eds, *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020) [Farrow & Jacobs, *The Justice Crisis*].

"good laws, rules, judges, educators, lawyers and courtrooms."[54] These elements "are not ends in themselves, but rather steps along the path to justice and access to it."[55] Roderick MacDonald similarly conceptualized access to justice as encompassing just results, fair treatment, reasonable cost and speed, intelligibility to users, responsiveness to needs, certainty, and effective institutional resourcing.[56] However, these standards have remained aspirational rather than consistently realized.

This longstanding concern culminated in the Action Committee's influential 2013 report, *A Roadmap for Change* (*Roadmap*), which introduced nine Justice Development Goals (JDGs) as a national framework for reform.[57] The JDGs have been refined, in yearly progress reports, which have broadened access to justice to incorporate intersectional understandings of reconciliation, access to information and education, and holistic concepts like wellness and leading a "good life."[58] Across iterations, the JDGs share the common commitment of improving access to justice by educating, preventing, mitigating, and simplifying the everyday legal processes that millions of Canadian's experience.[59]

The Action Committee's work builds on more than 25 years of international legal needs research documenting the pervasive, routine nature of legal problems in daily life.[60] An analysis of over 55 legal needs surveys conducted internationally establishes three foci for effective

[54] Trevor CW Farrow, "What is Access to Justice?" (2014) 51:3 Osgoode Hall LJ 957 at 983 [Farrow].
[55] *Ibid.*.
[56] See Macdonald, *supra* note 1 at 20; see also, Susan McDonald, *Development of An Access to Justice Index for Federal Administrative Bodies,* (Ottawa: Department of Justice Canada, 2017) at 8-9 [.
[57] *Roadmap, supra* note 1 at 5 [*Roadmap*].
[58] See for example, Action Committee on Access to Justice in Civil and Family Matters, *Canada's Justice Development Goals: 2023 Progress* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2024) at 3.
[59] Action Committee on Access to Justice in Civil and Family Matters, *Justice Development Goals: A Decade of Progress: Trends Report 2024* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2025) at 10.
[60] *Roadmap, supra* note 1 at 25.

access to justice policy.[61] The policy must be grounded in an understanding of people's problem-solving behaviour, the options or lack of options available to people when faced with civil legal problems, and the reasons for underlying patterns of options and behaviours.[62] These developments are consistent with international access-to-justice research conducted across the United States of America (USA),[63] the United Kingdom (UK),[64] Australia,[65] and worldwide.[66] As such, access to justice issues have become a structural and persistent "crisis" that has been documented and discussed, and redocumented and rediscussed, for decades by Canada's leading minds.[67] The Action Committee's ongoing commitment shows significant promise, however, cost, complexity, limited access to information, and systemic inequality are entrenched features of the justice landscape, despite decades of innovative reform initiatives.[68]

2.2.1 The Legal Problems of Daily Life

Law-related problems refer to a wide range of issues that arise in daily life that have a legal component.[69] In Canada, the most comprehensive source of recent data on law-related problems is the *Canadian Legal Problems Survey* (*CLPS*), conducted by Statistics Canada in

[61] Action Committee on Access to Justice in Civil and Family Matters, "Measuring Access to Justice: A Survey of Approaches and Indicators in A2J Metrics Initiatives" (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2013) at 4 [Action Committee, "Measuring"].
[62] Pleasence & Balmer, "Justice", *supra* note 15 at 141.
[63] Sandefur, "Access to What?", *supra* note 5
[64] Pleasence & Balmer, "Justice", *supra* note 15 at 140.
[65] Pascoe Pleasance et al, *Reshaping Legal Assistance: Building on the Evidence Base, A Discussion Paper* (Sydney: Law and Justice Foundation of New South Wales, 2014) at 8-10 [Pleasance et al, *Reshaping*]
[66] United Nations, *Transforming our world: the 2030 Agenda for Sustainable Development* (2015) UN Doc A/RES/70/1, online: < https://www.un.org/sustainabledevelopment/peace-justice/> at SDG 16.
[67] *Roadmap, supra* note 1 at 4.
[68] Currie, *Nudging*, *supra* note 28; see also Farrow & Jacobs, *The Justice Crisis, supra* note 53; Canadian Forum on Civil Justice. *Everyday Legal Problems and the Cost of Justice Survey* (Toronto: Canadian Forum on Civil Justice, 2016) at 2 [CFCJ, *Cost of Justice Survey*].
[69] Currie, *Justiciable Problems, supra* note 2at 1; Genn, *supra* note 1 at 12.

2021.[70] The *CLPS* surveyed just under 30,000 adults in ten provinces across the country.[71] The study found that one in five Canadians will experience at least one serious "justiciable problem" within a three-year period. [72] The most commonly reported problems related to property damage, being harassed or discriminated against, consumer problems, employment issues, debt, and housing.[73] Importantly, over half of respondents who reported having a serious legal problem said they did not understand the legal implications of their problem when it first came up.[74] This aligns with UK and Australian studies showing significant early-stage deficits in issue spotting and problem framing.[75]

The *CLPS* also provided detailed information about how Canadians respond to their legal problems. While most Canadians took some action to address their most serious problem, they overwhelmingly took non-legal actions, like seeking advice from friends or family, researching online, or contacting the other party.[76] Only one-third consulted a legal professional, and fewer than one in ten people contacted a court or tribunal.[77] Problem resolution rates were similarly low, with only 21% of survey respondents noting their problem had been resolved by the time of

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[70] Statistics Canada, *Canadian Legal Problems Survey* (Ottawa: Department of Justice Canada, 2021), online: <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=5337> [Statistics Canada, *CLPS*].
[71] Department of Justice Canada, Research and Statistics Division, "Family Disputes and the Canadian Legal Problems Survey, 2021" (November 2022) Just Facts Publication, online: < https://www.justice.gc.ca/eng/rp-pr/jr/fdclps21-cfec21pj/docs/rsd_jf2022_family-disputes-en.pdf> at 1.
[72] Statistics Canada, "*Canadian Legal Problems Survey (CLPS): Detailed information for 2021,* (January 17, 2022), www23.statcan.gc.ca (website), online: <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=5337#a2>. The sample consists of a representative sample of 29,972 people from the general population as well as an oversample of 12,428 Indigenous Peoples.
[73] Juristat, *supra* note 22 at 3. Specifically, CLPS found common problems related to property damage (21%), being harassed or discriminated against (16%), consumer problems (15%), employment issues (15%), debt (15%), housing and homelessness (9%), police (10%).
[74] Juristat, *supra* note 22 at 10. Specifically, 52% of the respondents said they didn't understand the implications of the problem.
[75] Wintersteiger, *Legal Needs, supra* note 15 at 3, 20, 34; see also Nigel Balmer, *English and Welsh Civil and Social Justice Panel Survey: Wave 2* (London: Legal Services Commission, 2013) [Balmer, *Social Justice*].
[76] Juristat, *supra* note 22 at 9. Specifically, 87% of Canadians did take action to resolve their problems. Percentages on non-legal actions include seeking advice from friends/family (51%), researching online (51%), or contacting the other party (47%).
[77] Juristat, *supra* note 22 at 9.

the survey and 12% stated that they had abandoned or given up on trying to resolve their problem.[78] These patterns are not new. In fact, *Roadmap* had already established that "over 20% of the population take no meaningful action with respect to their legal problems, and over 65% think that nothing can be done, are uncertain about their rights, do not know what to do, think it will take too much time, cost too much money, or are simply afraid."[79]

Comparable international research reveals that these patterns are not unique to Canada. Legal needs surveys in Australia and the UK show nearly identical trends in problem prevalence, recognition, response strategies, and unmet need.[80] These figures speak to several persistent barriers documented across the literature, including limited awareness of available services, insufficient supply of affordable legal assistance, the complexity and time demands associated with navigating formal systems, and the high cost of representation.[81]

In Australia, the Victoria Law Foundations' 2023 *Public Understanding of Law Survey* (*PULS*) report represents one of the most detailed contemporary assessments of legal need and legal capability.[82] The *PULS* report shows that while results indicated relatively high levels of public legal knowledge, people are "nevertheless frequently ignorant of the law concerning everyday justiciable issues."[83] Similar to the *CLPS, PULS* data shows that only twenty-one

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[78] Juristat, *supra* note 22 at 13, 3.
[79] *Roadmap, supra* note 1 at 4, citing Currie, *Justiciable Problems, supra* note 2 at 55-67, 88.
[80] Balmer, *Social Justice, supra* note 75; see also, Wintersteiger, *supra* note 15 at 3, 20;
[81] Juristat, *supra* note 22 at 10.
[82] Nigel J Balmer, et al, *Public Understanding of Law Survey: Volume 1 Everyday Problems and Legal Needs* (Melbourne: Victoria Law Foundation, 2023).The PULS is a large-scale face-to-face survey exploring how people understand, experience and navigate law and everyday life problems with a legal dimension. It is made up of a predominantly face-to-face sample of 6,008 respondents across Victoria. Volume 1 updates the broader picture of access to justice and legal need, examining how justiciable problems arise, how people respond to them, their duration and resolution, and providing refined measures of met and unmet legal need along with the United Nations Sustainable Development Goals (SDGs) #16.3.3 estimates. Volume 2 presents population-level findings on multiple dimensions of legal capability and their sociodemographic correlates. Volume 3 integrates the full survey dataset to identify the drivers of problem-solving behaviour and outcomes by incorporating newly developed legal capability measures into statistical models [*PULS v1*].
[83] Victoria Law Foundation, "PULS Volume 2: Understanding and Capability Report Summary" (June 2025) victorialawfoundation.org.au (report), online:

percent of respondents sought help from a legal professional.[84] The survey also found that only "a fraction of legal needs in Victoria were being met, even where respondents obtained legal help."[85] Of those whose problems had been resolved only forty-two percent were entirely happy that the problem was resolved fairly.[86] There were also several groups who did not understand the relevance of law, including "younger people, [people whose] main language spoken at home was not English; and people experiencing financial distress."[87] Past large-scale justice surveys like the *Legal Australia-Wide Survey* and the *English and Welsh Civil and Social Justice Panel Survey*, reflect similar behaviour patterns and overall results.[88] Across all jurisdictions, civil legal problems are common, poorly recognized, and rarely resolved through formal legal systems.

2.2.2 Marginalization and Unequal Burdens

Current research also reveals that legal problems disproportionately affect marginalized groups, which can exacerbate disadvantage.[89] Moreover, these problems often exist as part of a broader set of related social, health, or economic problems, and therefore sit "at the intersection of [law] and everyday adversity."[90] For example, individuals experiencing legal problems are

<https://cdn.prod.websitefiles.com/64e6d2582dd4319151be6a26/68539aa99815ddd9fb1fac55_Summary%20-%20PULS%20Vol%202%20-%20Understanding%20and%20Capability.pdf> at 2 [*PULS v2, Report*].
[84] *PULS v1, supra* note 82 at 99.
[85] *PULS v3, supra* note 31 at 11.
[86] *PULS v1, supra* note 82 at 129, 141. Of 2,476 problems reported through the *PULS*, 54% had been resolved by the time of interview (Figure 5.1). However, 29% were ongoing, and a number of others were described as persisting despite all parties having given up trying to resolve them (13%) or being too early to form a judgment on (5%).
[87] *PULS v2, Report, supra* note 83 at 2.
[88] See Christine Coumarelos, at al, *Legal Australia-Wide Survey: Legal Need in Australia,* (Sidney: Law and Justice Foundation of New South Wales, 2012) at xiv, xvi-xxiv [Coumarelos, *LAWS*]; see also, Pascoe Pleasance, et al., "Wrong About Rights: Public Knowledge of Key Areas of Consumer, Housing and Employment Law in England and Wales" (2017) 80:5 Modern L Rev 836 [Pleasance et al, "Wrong About Rights,"].
[89] Pleasance, et al. *Reshaping Legal Assistance, supra* note 65 at xiii, 10, 8, 11, 28.
[90] Pascoe Pleasance, Nigel J Balmer & Rebecca L Sandefur, *Paths to Justice: A Past, Present and Future Roadmap* (London: UCL Centre for Empirical Legal Studies, 2013) at 67 [Pleasance, et al, *Paths to Justice*].

more likely to experience health issues as a direct consequence.[91] These individuals are then twice as likely to experience stress-related issues, trouble with family relationships, and loss of income.[92] Rebecca Sandefur argues that access to justice is now a crisis of exclusion and inequality. Sandefur explains, "only some people, and only some kinds of justice problems, receive lawful resolution. Access is also systematically unequal: some groups – wealthy people and white people, for example – get more access than other groups, like poor people and racial minorities."[93] Put simply, not every person is equally likely to experience such problems, not every person is equally able to access the assistance they need, and not every person is equally able to benefit from such services.[94]

Unfortunately, and understandably, marginalized groups are less likely to feel confident about using legal channels to achieve justice, and often choose not to engage even after identifying a problem as legal.[95] According to the *CLPS*, First Nations people, Métis, and Inuit living in the provinces were substantially more likely than non-Indigenous people to report one or more serious problems in the three years preceding the survey.[96] A "multivariate regression" analysis examining age, gender, Indigenous identity, visible minority status, and immigrant status confirmed these disparities.[97] When controlling for other factors, Indigenous people were 41% more likely than non-Indigenous people to experience a serious legal problem.[98]

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[91] Ab Currie, "The Monetary Costs of Everyday Legal Problems and Expanding Access to Justice" in Trevor Farrow & Leslie Jacobs, eds, *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020) at 93 [Currie, "Monetary"].
[92] Wintersteiger, *Legal Needs, supra* note 15 at 3.
[93] Sandefur, "Access to What?," *supra* note 5 at 51.
[94] Pleasence & Balmer, "Justice," *supra* note 15 at 145
[95] Wintersteiger, *Legal Needs, supra* note 15 at 14; Mosher, *supra* note 25 at 812.
[96] Juristat, *supra* note 22 at 6. Indigenous people experienced serious legal problems at a rate of 27% compared with 18% of the non-Indigenous population in Canada.
[97] Juristat, *supra* note 22 at 6.
[98] *Ibid.*

Similarly, 20% of people belonging to a visible minority group reported at least one serious problem, this proportion was slightly higher than 18% of non-visible minority respondents. There were an even higher proportion of Black respondents, 28%, who reported a serious legal problem. After controlling for relevant variables, visible minority respondents had 24% percent higher odds of experiencing a serious problem compared with non-visible minorities.[99]

Almost one-quarter of respondents with household incomes under $20,000 reported at least one serious problem, a proportion far higher than that reported by individuals with higher household incomes.[100] Further, people with disabilities tend to have lower average personal income and are less likely to have post-secondary education or full employment, making them twice as likely than people without disabilities to report serious legal problems.[101]

Most importantly in the context of this dissertation, all children and youth are rights-holders, but their levels of knowledge about their own legal rights are concerningly low.[102] For example, the *PULS* report made significant findings about "young" people's legal capability, concluding that respondents in the 18-24 year old age category displayed "relatively poor awareness of law in everyday life, low practical legal literacy and legal knowledge."[103] Moreover, studies from the UK show that, even after recognizing the need for help, young people have "little knowledge of existing structures for advice."[104] For young people who

[99] Juristat, *supra* note 22 at 6.
[100] *Ibid* at 7.
[101] *Ibid.*
[102] United Nations Committee on the Rights of the Child, "Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland" CRC/C/GBR/CO/6-7, 23 June 2023 at para 14; see also, Watkins et al, *supra* note 31 at 434.
[103] *PULS v2, supra* note 17 at 11; see also, *PULS v1, supra* note 82 at 34. The authors note: "We considered that young people under the age of 18 are better studied through targeted and tailored surveys or other methods."
[104] Parle, *supra* note 14 at 5.

encounter these barriers at formative stages of development, the ability to identify legal issues, seek help, and imagine law as a meaningful resource is especially critical.[105]

As the legal needs research outlined above suggests, there is a significant lack of public knowledge when it comes to recognizing, understanding, and responding to justiciable problems.[106] Many people struggle to find accurate information, and many more fail to identify the legal dimensions of their problems in the first place. As a result, the true prevalence of legal problems is likely much higher than survey data suggests, because countless issues never progress to the stage of conscious identification.[107]

2.3 Legal Capability

Legal capability involves individual characteristics, including knowledge, skills, and attitudes, needed to effectively decide on whether and how to use law-related pathways to potentially resolve legal problems fairly.[108] The concept first emerged in the 1980's as a sequence of *naming* a legal problem, *blaming* someone else for the perceived injustice, and *claiming* certain rights when attempting to resolve the dispute.[109] Other early models provided initial examples of "competencies" for dealing with legal problems.[110] Later scholars within community legal education and legal needs research expanded this idea into a more detailed analysis of the "capabilities" approach.[111] Drawing on theory developed by Amartya Sen and Martha

[105] *Roadmap, supra* note 1 at 21; *Challenge & Change, supra* note 12 at 30-31.
[106] Juristat, *supra* note 22 at 13.
[107] Farrow & Jacobs*, The Justice Crisis, supra* note 53 at 123-24.
[108] Pleasance et al, *Reshaping, supra* note 65 at 123
[109] William Felstiner et al, "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming" (1980) 15:3/4 Law & Soc Rev 631 at 635-36 [Felstiner, et al,]; Pleasance, et al, *Reshaping, supra* note 65 at 130.
[110] See, for example, Marc Galanter, "The Duty Not to Deliver Legal Services" (1976) 30:7 University of Miami L Rev 929 at 936.
[111] *PULS, v1, supra* note 82 at 29, citing Martha Nussbaum, *Creating Capabilities: The Human Development Approach,* (Cambridge: Harvard University Press, 2011) at 21 [Nussbaum].

Nussbaum, legal capability has since been conceptualized as "the freedom and ability to navigate and use the legal frameworks which regulate social behaviour and to achieve fair resolution of justiciable issues."[112]

Leading UK researchers Pascoe Pleasance and Nigel Balmer break down the legal capability concept into three primary domains: first, the ability to recognise the legal dimension of a problem; second, the ability to research, and find resources on rights, responsibilities and appropriate options for problem resolution, including when expert legal assistance is required; and lastly, having confidence to plan, communicate, manage, and respond to problems throughout the dispute resolution process.[113] Pleasance and Balmer have subsequently used this legal capability framework to analyze public knowledge and problem resolution behaviour in countless legal needs studies across the globe.

However, Pleasance and Balmer's legal capability concept is not a universal standard and there are multiple versions of legal capability that differ from their three-pronged framework. For example, the first formal legal capability assessment in Canada was conducted in 2016, *Nudging the Paradigm Shift: Everyday Legal Problems in Canada* (*Nudging the Paradigm Shift*).[114] Using Pleasance and Balmer's basic structure, *Nudging the Paradigm Shift* broke down the key aspects of legal capability into five domains.[115] This framework was adopted in several other subsequent studies conducted in Canada.[116]

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[112] Amartya Sen, *Development as Freedom,* (Oxford: Oxford University Press, 1999); *PULS, V.2, supra* note 17 at 14. The capability approach is a normative framework which can be used to assess a wide range of topics from individual well-being to policy changes. It seeks to foster people's human development by trying to enlarge their real opportunities – their so-called capabilities. It promotes the idea of focussing on the freedoms people have to achieve a valuable life, which enable them to achieve valuable functioning.
[113] Pascoe Pleasance & Nigel Balmer, *Legal Confidence & Attitudes to Law: Developing Standardised Measures of Legal Capability* (Cambridge, UK: PPSR, 2018) at 1fn [Pleasance & Balmer, *Measures*].
[114] Currie, *Nudging, supra* note 28.
[115] *Ibid* at 29.
[116] See, for example, Farrow & Jacobs, *The Justice Crisis, supra* note 53. Interestingly, the *CLPS* takes a similar approach, although the researchers do not explicitly use the term "legal capability" in the analysis.

UK researchers Sharon Collard et al, assert that legal capability has four domains. The first three domains are the standard abilities to perceive, seek, and apply the law. The fourth domain is concerned with "engaging and influencing… affecting or changing" law through a "law-reform-type capability."[117] Similarly, UK scholar Martin Jones argues that legal capability extends beyond legal knowledge and procedural skills to include subjective attributes such as confidence, trust, motivation and persistence.[118] While Jones' model identifies three functional stages of legal problem-solving, his central contribution lies in showing how these subjective elements cut across each stage. For example, a legally capable person must first have confidence in the system before deciding to pursue a solution within it. As well, this confidence underlies the motivation and persistence required to follow through with any legal actions taken. Jones also adds a fourth dimension that he calls "active citizenship."[119] He explains that legal capability requires active citizenship to understand the role of law in society, as well as to engage in debate about ethical tensions and critical thinking about law-related issues.[120]

Evidently, there are countless formulations of the nature and identity of legal capability and the concept has expanded dramatically, to the identification of more than one hundred domains. [121] This proliferation highlights the conceptual richness of legal capability, but it also raises a practical challenge. With so many possible dimensions, researchers and policymakers must determine which aspects of capability can be meaningfully measured and used to inform access to justice interventions.

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[117] Pleasance et al, *Reshaping Legal Assistance, supra* note 65 at 130-31.
[118] Martin Jones, *Legal Capability* (London: PLENET, 2010) at 1.
[119] *Ibid* at 7.
[120] *Ibid* at 7.
[121] *PULS v3, supra* note 31 at 32.

2.3.1 Key Models for Measuring Legal Capability

Three major international civil access to justice measurement initiatives have shaped global approaches to understanding common legal needs associated with law-related problems.[122] These initiatives are led by the Hague Institute for Innovation of Law (HiiL), the Organisation for Economic Co-operation and Development (OECD), and the Open Society Foundation's Justice Initiative (OSF) in partnership with the World Justice Project.[123] Their collective work culminated in the 2018 release of the OECD–OSF *Legal Needs Surveys and Access to Justice* report, which is now a central reference point and guide for contemporary access to justice measurements.[124]

In "Measuring Access to Justice: A Survey of Approaches and Indicators in A2J Metrics Initiatives," Canada's Action Committee unpacks the OECD's concept of legal capability.[125] According to such research guides, measurable sub-domains of legal capability include:

1. *"Ability to recognize legal issues;*
2. *Awareness of law, services, and processes;*
3. *Ability to research law, services, and processes; and*
4. *Ability to deal with law related problems (e.g. confidence, communication skills, and resilience)."*[126]

[122] Action Committee, "Measuring", *supra* note 61 at 4-5. For example, the OECD report provides a methodological and conceptual framework for conducting legal needs surveys that incorporates the following factors: 1) Justiciable problems; 2) Problem seriousness; 3) Problem resolving behaviour; 4) Process; 5) Whether and how justiciable problems have concluded; 6) Perceptions of process and outcome; 7) Costs; 8) Legal capability and empowerment; 9) Legal need.
[123] Hague Institute for Innovation of Law (Hiil), "About us," (December 11, 2025), hiil.org (website), online: <https://www.hiil.org/who-we-are/>; Organisation for Economic Co-operation and Development (OECD), "Who we are," (December 11, 2025), oecd.org (website), online: < https://www.oecd.org/en/about.html>; Open Society Justice Initiative, "Who we are," (December 11, 2025), justiceinitiative.org (website), online: <https://www.justiceinitiative.org/who-we-are>.
[124] OECD/Open Society Foundations, *Legal Needs Surveys and Access to Justice,* (Paris: OECD Publishing, 2019) at 5 [OECD/OSF]. Importantly, Pascoe Pleasance and Nigel Balmer were the principal authors of the OECD Guide.
[125] Action Committee, "Measuring," *supra* note 61 at 13.
[126] *Ibid* at 13.

Survey question sets have been tested for validity and demonstrate working scales based on "the latest psychometric modelling techniques."[127] Importantly, scholars tend not to look at a single capability, but at a "capability set," which is the combination of various traits a person has.[128] Subsequent studies have targeted specific substantive areas of the law, like employment, housing, and consumer law, while others are geared towards more general legal capability scales.[129]

Survey questions typically begin by taking the survey participant through a large number of potential legal problems to test problem identification.[130] The next section follows with questions related to finding resources or other assistance with the problem.[131] Finally, most surveys end with a section about whether the participant understood the scope of the problem and what actions, if any, the participant took towards problem resolution.[132]

Importantly, these standard question sets rarely reveal the social, structural, or relational conditions that shape real legal experience, such as access to services, discrimination, institutional treatment, or the support networks people rely on.[133] These limitations raise an important question: if people lack confidence in the legal system or perceive it as unfair, how meaningful are measures of legal capability that focus only on objective variables?[134] Such concerns point toward the need to pair capability-based measures with approaches that capture subjective elements like trust, empowerment, and people's lived understandings of law.

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[127] Pleasance & Balmer, *Measures, supra* note 113 at 2.
[128] Habbig & Robeyns, *supra* note 8 at 613.
[129] Pascoe Pleasance, et al, "Wrong About Rights", *supra* note 88 at 836; see also Pleasence & Balmer, "Justice," *supra* note 15 .
[130] See for example CFCJ, *Cost of Justice Survey*, *supra* note 68 at 2; see also Statistics Canada, *CLPS, supra* note 70.
[131] See for example CFCJ, *Cost of Justice Survey, supra* note 68 at 14.
[132] *Ibid* at 18.
[133] *PULS v3, supra* note 31 at 32.
[134] *Ibid* at 31.

2.3.2 Subjective Legal Empowerment

To attempt to capture the more affective elements of legal capability, many legal needs surveys now include "subjective legal empowerment" (SLE) items, including the *PULS* report.[135] Robert Porter, a UK scholar and expert on legal empowerment, has done extensive research into SLE. Porter defines SLE as "empowerment in relation to a legal problem, rather than empowerment to use specifically legal mechanisms," which shifts attention from formal institutions to people's perceived ability to act.[136]

Porter's work with fellow academic Martin Gramatikov distinguishes between objective and subjective legal empowerment. Objective legal empowerment refers to socio-structural conditions that make legal action materially possible, for example, things like laws, access to lawyers, and legal institutions.[137] Subjective legal empowerment, on the other hand, captures the internal sense of capability that a person feels, including whether they believe they can resolve a problem, access help, or achieve a fair outcome. Individuals may feel confident despite limited legal knowledge, may refrain from taking action despite having knowledge, or may lack both knowledge and confidence.[138] These different configurations demonstrate that SLE is analytically distinct from objective measures of legal capability, such as cost, duration, or availability of representation.[139]

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[135] *PULS v1, supra* note 82 at 151.
[136] Robert B Porter, "Measurement of legal empowerment through subjective perceptions of individuals" (2018) 32:3 Impact Assessment and Project Appraisal 213 at 213 [Porter, "Measurement,"].
[137] Martin Gramatikov & Robert B Porter, "Yes I Can: Subjective Legal Empowerment," (Tilburg University: TISCO Working Paper Series on Access to Justice, Dispute Resolution, and Conflict System Design, 2010), No. 008/2010 at 5-6 [Gramatikov & Porter].
[138] Porter, "Measurement," *supra* note 136 at 214.
[139] Gramatikov & Porter, *supra* note 137 at 6.

To assess SLE, Porter and Gramatikov draw on "self-efficacy theory," which focuses on perceived ability to complete a task.[140] Their model asks respondents to imagine a range of common problems and rate the likelihood that they could achieve a resolution.[141] A five-point probability scale measures respondents' perceived likelihood of resolving each problem using their own resources, from "very low chance" to "very high chance."[142] Respondents also report whom they would approach for help and how risky they perceive seeking that help to be.[143] Through survey and focus group work in five countries, the researchers identified four recurring sources for legal disempowerment: resource shortages, limited skills or abilities, unequal power dynamics, and institutional failures.[144] These factors were often intertwined and help illustrate how SLE is shaped by both internal beliefs and external conditions in concert.

Although this research cannot establish causal relationships, it offers insight into how individuals conceptualize their own legal capability and empowerment in relation to actual or anticipated legal problems. Perceived likelihood of success strongly influences whether people attempt to act, how long they persist, and which strategies they choose to resolve problems.[145] As Porter posits, with a concept like legal empowerment so ingrained in individual beliefs and action, the assessment of their opinions, which are largely predictive of future behaviour, are "the

[140] Porter, "Measurement," *supra* note 136 at 215, 217, 219; See also, Albert Bandura, *Self-Efficacy: The Exercise of Control,* (New York: Worth Publishers, 1997) at 32. Put simply, the theory of self-efficacy comprises four factors upon which individuals judge their likelihood of success at a task: (1) "enactive mastery" - prior experience of attempting the task; (2) "vicarious mastery" - seeing others attempt the task; (3) "affective state" - how they feel when they attempt the task; and (4) "verbal persuasion" - reports from others on their likelihood, or otherwise, or completing the task.
[141] Gramatikov & Porter, *supra* note 137 at 14. Respondents were asked about a variety of common legal problems (for example, employment, family matters, neighbour disputes, land, identification documents, crime, and small business).
[142] Gramatikov and Porter conducted surveys and focus groups in Azerbaijan, Bangladesh, Egypt, Mali, and Rwanda.
[143] Gramatikov & Porter, *supra* note 137 at 14.
[144] *Ibid* at 22.
[145] Porter, "Measurements", *supra* note 136 at 215.

core of the assessment of the concept itself."[146] Porter explains that a strength of using SLE as a measure of legal empowerment is that "it does not rely on current or previous experience of legal processes."[147] Further, SLE can also operate at a group level, all of which suggests relevance for youth populations whose legal attitudes are often shaped before they acquire direct legal experience.[148]

2.3.3 Youth Legal Capability

Legal capability in youth is harder to conceptualize and track because many, if not most, have not yet had direct experience with the legal system. The limited research that exists on youth consistently shows low levels of legal knowledge and significant gaps in understanding of basic rights and processes. In the UK, Lewis Parle conducted a seminal study examining legal capability in young people. Parle used standardized legal capability measurements and found that generally youth had difficulty verbalising their thoughts and arguments, and often used aggressive body language, which negatively affected their ability to resolve law-related problems.[149] Parle determined that the young people in his study "had little or no knowledge of most basic rights and entitlements… [and] seemed unaware of any system of civil law to which they had recourse."[150]

Canadian research into legal knowledge in youth populations reveal similar patterns. Michele Peterson-Badali, et al, found that adolescents aged 12–18 had significant misunderstandings about their due process rights and the role of lawyer's within the youth justice

[146] Porter, "Measurements", *supra* note 136 at 218.
[147] Robert Porter, "I Know What to Expect: The Impact of Prior Experience on Legal Empowerment" (2016) 17:2 J of Human Dev & Capabilities 191 at 191 [Porter, "Expect"].
[148] Porter, "Measurements", *supra* note 136 at 218.
[149] Parle, *supra* note 14 at 6.
[150] Pleasance et al, *Reshaping, supra* note 65 at 38.

system.[151] In an earlier study, Peterson-Badali and Rona Abramovitch observed that 10–12-year-olds showed good understanding of some court roles, like that of a judge, but weak knowledge of others, like that of a defendant, and they recommended further research on how legal knowledge varies among different groups of youth.[152] Likewise, in her 2008 study, Janet Mosher and a team of researchers conducted interviews and focus groups with racialized youth in Toronto about their experiences in the context of school disciplinary matters. The research showed youth knew how to "name" certain problems because they could understand injustice, and they knew who to "blame," but they saw "the futility of claiming" any rights of their own.[153]

More recent work seeks to understand not only what young people know about the law but also how they learn and express legal capability. Dawn Watkins et al, used a specially designed digital game as a research tool to study the state of children's legal knowledge and understanding. The authors hypothesized that, while children may lack formal legal capacity, they may nevertheless possess legal capability.[154] Importantly, the results of this study "demonstrate that children can develop legal capability, or at least elements of legal capability (such as gaining legal knowledge) when given the opportunity to do so."[155]

Building on this foundation, Watkins, Mills & Wood ("Watkins et al") propose one of the most comprehensive, youth-specific legal capability frameworks to date.[156] They argue that adult frameworks over-privilege law and formal legal institutions. Instead, in this study, the authors claim to "decentre" law, explaining learners don't need to "enter the legal world" to be legally

[151] Michele Peterson-Badali, et al, "Young people's experience of the Canadian youth justice system: interacting with police and legal counsel" (1999) 17:4 Behavioral Science & L 455 at 462 [Peterson-Badali].
[152] Michele Peterson-Badali & Rona Abramovich, "Children's Knowledge of the Legal System: Are they competent to Instruct Legal Counsel?" (1992) 34 Can J of Criminology 139.
[153] Mosher, *supra* note 25 at 843.
[154] Dawn Watkins et al, "Exploring children's understanding of law in their everyday lives" (2018) 38(1) Legal Studies 59 at 61-62.
[155] *Ibid* at 77.
[156] Watkins et al, *supra* note 31 at 432.

capable.[157] That said, they curiously frame their measurement around young people's basic knowledge of the *United Nations Convention on the Rights of the Child* ("*UNCRC*"). To Watkins et al, a legally capable youth is defined as having the "ability to deal effectively with law-related issues which they encounter in their everyday lives, *in the context of their everyday lives* [emphasis in original]."[158]

The authors treat young people as legal subjects rather than "future adults," and incorporate concepts like self-efficacy, collective efficacy, and self-determination into their analysis.[159] They re-work previous versions of legal capability frameworks, like Jones', Pleasance and Balmer's, and even Community Legal Education Ontario's (CLEO), and integrate a fourth dimension, "resources," alongside the traditional triad of knowledge, skills, and personal confidence and characteristics.[160]

Watkins et al, identify three developmental levels of youth legal capability:

1. Baseline: Awareness that the *UNCRC* exists and how it applies to specific situations; recognise "this is a problem"; identify support; seek help; escalate.
2. Intermediate: Application of domestic law knowledge; appreciate consequences; identify remedies; sometimes act themselves.

[157] Watkins et al, *supra* note 31 at 436.
[158] *Ibid* at 436.
[159] *Ibid* at 433. Or as the authors put it: "human beings" not "human becomings." The authors also explain that self-determination is made up of three components: "autonomy (freedom of choice), competence (mastery), and relatedness (sense of belonging)."
[160] Watkins et al, *supra* note 31 at 435, 436, 440. Watkins et al, retain the traditional triad of knowledge, skills, and confidence and determine that CLEO's term "personal characteristics and circumstances" is broader and choose to use that to include but also replace the "confidence" dimension. They also add a fourth dimension "resources" to their legal capability analysis.

3. Advanced: Knowledge of sources of law and legal system; can name relevant statutes/*UNCRC* articles; critique adequacy and communicate concerns to policymakers.[161]

Their work suggests that youth legal capability develops gradually and is mostly shaped by context, confidence, and young peoples lived experience.[162] However, overwhelmingly, legal capability (and SLE) frameworks remain grounded in quantitative assessments that rely on observable behaviours and self-reported knowledge. This measurement misses an opportunity for a deeper exploration of how youth understand and experience legality. Similar tensions and limitations occur across all the measurement methods outlined above.

2.3.4 Critiques, Tensions, and Measurement Limits

Despite being almost universally accepted in legal needs literature, Katrin Habbig and Ingrid Robeyns boldly claim that the current "conceptualisation of legal capability is unsound."[163] Many scholars, including leading legal capability experts like Pleasance and Balmer, agree to a lesser extent that legal capability remains difficult to measure empirically.[164] Challenges stem from both the conceptual elasticity of legal capability and the methodological constraints of quantitative legal needs surveys. Attempts to address these limitations have led to the development of survey-based measures like the Legal Anxiety (LAX), Self-Efficacy (LEF), General Legal Confidence (GLC), Inaccessibility of Justice (IOJ), and Inequality of Justice (PIJ) scales.[165] Yet these tools all face similar constraints. People's perceptions are highly variable

[161] Watkins et al, *supra* note 31 at 437-43.
[162] *Ibid* at 437.
[163] Habbig & Robeyns, *supra* note 8 at 616.
[164] Pascoe Pleasance, et al, *Paths to Justice, supra* note 90 at 57; Pascoe Pleasence & Nigel J Balmer, "Justice," *supra* note 15 at 146.
[165] Pleasance & Balmer, *Measures, supra* note 113 at 2-10.

across time and dependent on a wide range of different contextual factors.[166] Porter gives the example that differences in answers can arise depending on "whether an individual is asked… when they are in a good mood, when they are in a hurry, if they have recently had a legal problem or an almost infinite number of other possible variables."[167] As a result, there are constant calls for "further research" and "more nuanced questions."[168]

Foundational sociolegal work has long recognized the fluidity and subjectivity of people's responses to legal problems. William Felstiner, et al, argue that grievances and disputes transform through a process that is "subjective, unstable, reactive, complicated, and incomplete."[169] They note that empirical research cannot realistically account for the infinite number of ways people experience and interpret injustice, which are often amplified for populations who routinely experience marginalization and systemic inequality.[170]

Habbig and Robeyns argue that structural barriers, like financial insecurity, proximity to legal help, and systemic discrimination, often prevent individuals from exercising even well-developed internal capabilities.[171] In their view, capability is only realized when internal abilities are paired with genuine opportunities to act.[172] Many people, particularly those facing intersecting disadvantage, rarely encounter those conditions.[173] As seen in the *CLPS* survey, of

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[166] Porter, "Measurement," *supra* note 136 at 218.
[167] *Ibid* at 218-19.
[168] Denvir, et al, *supra* note 18 at 156.
[169] Felstiner et al, *supra* note 109 at 637.
[170] *Ibid* at 634.
[171] Habbig & Robeyns, *supra* note 8 at 621-22, 624. The authors also give several examples that illustrate why a person may choose not to exercise their legal capabilities, such as private issues like family law problems of sexual assault victims where trauma is involved.
[172] *Ibid*. The authors draw on Martha Nussbaum's distinction between "basic, internal and combined capabilities." Basic capabilities are innate and provide the basic preconditions for development. For example, an innate capability to learn a language. These basic capabilities lead to internal capabilities such as legal skills or attitudes towards solving a legal problem. By combining basic and internal capabilities with relevant external conditions, such as availability of legal aid or being free of socio-economic constraints, a person's legal capabilities can be realized, potentially resulting in access to justice. See Martha Nussbaum, *Women and Human Development: The Capabilities Approach,* (Cambridge: Cambridge University Press, 2000) at 84-85.
[173] Sandefur, "Access to What?", *supra* note 5.

the respondents who took no action to resolve legal problems, 19% thought taking action would make the problem worse and 18% thought the process would be too stressful.[174]

Recent efforts to develop more sophisticated and nuanced measurable indicators of legal capability are therefore important, particularly as they increasingly seek to capture subjective dimensions such as confidence and perceptions of fairness.[175] In doing so, these measures begin to encompass domains that overlap with legal consciousness. As Pleasance & Balmer note, "further insight into the nature and patterning of legal capability (and its multiple dimensions) will help support moves to bottom-up policy and practice."[176] Similarly, Parle calls for multidisciplinary research to examine whether and how a person's background and past experiences shape their attitudes towards law-related issues.[177] At the same time, reliance on measurable indicators necessarily risks reducing complex and relational experiences of legality into bounded response categories.

These critiques suggest that quantitative legal capability measures, whether objective or subjective, cannot fully capture how people interpret legality. Habbig and Robeyns note, in the context of Black youth, that "while obstacles like the lack of information might be overcome by personal commitment… or maybe help from outside… an individual will not be able to simply change the broader societal and systemic structures."[178] In such situations, is there really a genuine opportunity to realize legal capability and access to justice?[179] These questions point to a

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[174] Juristat, *supra* note 22 at 10.
[175] See for example, Victoria Law Foundation, *PULS Volume 3: A New Perspective on Legal Need and Legal Capability: Report Summary,* (July 1, 2026), cdn.prod.website-files.com (website), online: <https://cdn.prod.website-files.com/64e6d2582dd4319151be6a26/68539b4cbf384e0d7c69f620_Summary%20-%20PULS%20Vol%203%20-%20A%20New%20Perspective%20on%20Legal%20Need%20and%20Legal%20Capability.pdf> at 1-2 [*PULS v3, Report*].
[176] Pleasence & Balmer, "Justice," *supra* note 15 at 146.
[177] Parle, *supra* note 14 at 42.
[178] Habbig & Robeyns, *supra* note 8 at 623.
[179] *Ibid.*

need for a deeper examination about how people understand, interpret, and position themselves in relation to law.[180] I argue that understanding these dimensions requires a turn toward legal consciousness analysis, which examines how individuals and communities make meaning of legality in everyday life.

2.4 Legal Consciousness

In current legal capability research, while SLE may capture how legally confident people feel and measures of trust may reflect relative positioning toward legal authority, neither fully accounts for how people interpret the meaning or relevance of law in their lives. Perceived capacity to act is analytically distinct from the narratives, assumptions, and moral frameworks through which individuals understand the role of law in their lives. Legal consciousness extends beyond confidence and trust to examine how people position themselves in relation to legal institutions and power and how legality is woven into their understanding of everyday life. In this sense, legal consciousness helps explain not only whether people feel able to act, but why law is imagined as a viable, risky, or futile resource in the first place.

2.4.1 Definitions and Typologies

Canadian legal scholar Leslie Jacobs defines legal consciousness as a set of "beliefs and attitudes about legal rights [that] affect practices and what people do, which in turn shape beliefs and attitudes."[181] In other words, a person's worldview influences their decisions over whether or

[180] David Engel, "How Does Law Matter in the Constitution of Legal Consciousness?" in Bryant Garth & Austin Sarat, eds, *How Does Law Matter? Fundamental Issues in Law and Society* (Chicago: Northwestern University Press, 1998) at 122. In fact, some of the limitations associated with legal needs scholarship fostered the branching off into legal consciousness studies within the paradigm of law and society scholarship.
[181] Leslie Jacobs, *Mapping the Legal Consciousness of First Nations Voters: Understanding Voting Rights Mobilization,* (Ottawa: Elections Canada, 2009) at 11 [Jacobs, *Mapping*].

not to mobilize the law.[182] Perceptions of specific events and experiences can also determine a person's decision to use the law or to turn their back on it.[183] Therefore, the way a person handles a particular interaction with the law, for example, a complaint against a landlord or a grievance at work, is a function of the worldview and position that person has on law and legality, or a function of their legal consciousness.[184]

In this way, legal consciousness embodies the way people think about, understand, and use, or don't use, the law either consciously or unconsciously, in relation to their daily lives.[185] Yet, the ways in which people do *not* think about the law, its absence from their understanding and construction of life events, is also a key component in legal consciousness studies.[186] For a complete understanding of how relevant the law and legality are in people's everyday lives, the importance of law must be treated as a variable, not a constant.[187] Therefore, both the presence and absence of the law from common understanding and construction of life events is key to any legal consciousness analysis.[188]

In 1998, Patricia Ewick and Susan Silbey conducted perhaps the most influential exploration of legal consciousness to date. Based on interviews with 400 people about everyday problems, regardless of whether they were framed as "legal," Ewick and Silbey discovered three

[182] Chua & Engel, *supra* note 42 at 337.
[183] *Ibid* at 337.
[184] Jacobs, *Mapping, supra* note 181 at 11.
[185] Sally Engle Merry, *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans,* (Chicago: University of Chicago Press, 1990) at 4-5 [Merry]; Susan Silbey, "Studying Legal Consciousness: Building Institutional Theory form Micro Data" (2018) 100:3 Droit et société 685 at 708 [Silbey, "Studying Legal Consciousness"]; Ewick & Silbey, *supra* note 33 at 223; Laura Beth Nielsen, "Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment" (2000) 34:4 Law and Society Rev 1055 at 1058 [Nielsen].
[186] *Ibid* at 1059.
[187] Kay Levine & Vicky Mellema, "Strategizing the Street: How Law Matters in the Lives of Women in the Street-Level Drug Economy" (2001) 26:1 L & Soc Inquiry 169 at 171.
[188] Nielsen, *supra* note 185 at 1058-59 .

patterned "stories" people tell about legality in everyday life.[189] Firstly, some people position themselves "*before the law*." These folks view law and legality as impartial, objective, lofty, untouchable, and based on the grand ideals of the rule of law and justice.[190] Secondly, people may perceive themselves as being "*with the law*." Here, law is a competitive game to be played and mastered to achieve legal ends. For example, calling bylaw officials on a noisy neighbour or fighting a traffic ticket, and winning, in Provincial Offences Court.[191] Lastly, people may place themselves "*against the law*." This group sees the law as a product of power, where legality is understood as arbitrary, fickle, and unfair.[192]

Subsequent scholars have extended and critiqued this framework. Erik Fritsvold introduces a fourth orientation, "*under the law*," where individuals understand legal authority as "vitally corrupt" or fundamentally illegitimate.[193] Fritsvold explains this position sees the law less as a flawed system, and more as a coercive structure that enforces an unjust legal order. Marc Hertogh, in contrast, argues that Ewick and Silbey overstate the centrality of state law in everyday life.[194] Hertogh proposes four normative profiles: "*Legalists*," who regularly turn to law because they are aware of and broadly identify with official state law; "*Loyalists*," who have limited knowledge but trust that the system will work for them;[195] **"***Cynics,"* who, like legalists, are aware of the law but reject it because the norms and values that they consider important are

[189] Ewick & Silbey, *supra* note 33 at 29-30. Importantly, Ewick and Silbey explicitly tried not to specify that the problems being discussed were "legal" problems. This was done intentionally to get a better picture of legal consciousness and its implicit relations to legality.
[190] Ewick & Silbey, *supra* note 33 at 28, 226.
[191] *Ibid* at 29, 227, 232.
[192] *Ibid* at 29.
[193] Erik D Fritsvold, "Under the Law: Legal Consciousness and Radical Environmental Activism," (2009) 34 Law & Soc. Inquiry 799 at 806.
[194] Hertogh, *supra* note 45 at 13.
[195] *Ibid* at 57-59.

not sufficiently reflected in the law; and "*Outsiders*," who have limited awareness and little identification with law, finding it "illegitimate, foreign, incomprehensible, and distant."[196]

Building on the Outsider typology, Hertogh develops a theory of legal alienation, which he defines as "a cognitive state of psychological disconnection from official state law and the justice system."[197] Unlike Karl Marx's *objective* concept of alienation, legal consciousness scholars like Hertogh focus on *subjective* alienation.[198] This disconnection is not confined to socially marginalized groups but "can affect both 'haves' and 'have nots.'"[199] Thus, subjective legal alienation has less to do with material circumstances and more to do with different sentiments of alienation.[200] Hertogh outlines four forms of alienation: *Legal Meaninglessness*, a perceived inability to predict legal outcomes; *Legal Powerlessness*, a perceived inability to control legal outcomes; *Legal Cynicism*, the belief that law doesn't matter and therefore does not command respect; and *Legal Value-isolation*, a perceived gap between formal legal values and personal values.[201]

Of course, legal consciousness scholars universally agree that these stories and profiles do not operate in silos.[202] They are heuristic simplifications that fluctuate relationally with context, time, identity, and experience.[203] A person may occupy different orientations across time or different areas of law. For example, they may be "with the law" in a consumer dispute but "against the law" or "under the law" when confronted with policing or criminal justice. This

[196] Hertogh, *supra* note 45 at 14, 155.
[197] *Ibid* at 14.
[198] See Karl Marx, *Economics and Philosophic Manuscripts of 1844* (Mineola, NY: Dover, 2007) at 74; see also Hertogh, *supra* note 45 at 51.
[199] Hertogh, *supra* note 45 at 149-50.
[200] Marc Hertogh, "Through the Eyes of Bureaucrats: How Front-line Workers Understand Administrative Justice" in Michael Adler, *Administrative Justice in Context*. (Hart Publishing, 2010) at 216.
[201] Hertogh, *supra* note 45 at 55-56.
[202] Merry, *supra* note 185 at 5.
[203] Chua & Engel, *supra* note 42 at 346-47.

fluidity reinforces the importance of understanding legal consciousness as something dynamic and relational, and "influenced not only by [a person's] own experience, but by [their] understanding of others' experiences with, and beliefs about, the law."[204]

2.4.2 Attempts to Quantify Legal Consciousness

Despite longstanding recognition that legal consciousness is best understood through qualitative inquiry, the empirical literature has been dominated by quantitative studies that rely on survey indicators to approximate how people relate to law in everyday life. For example, there is quite a large compilation of research into "public attitudes" and "perceptions of the justice system," extending as far back as 1992.[205] Much of the existing research relies on researchers' interpretive judgments to find meaning in quantitative indicators, raising ongoing questions about conceptual clarity and construct validity in survey-based measures of legal consciousness.[206] Large-scale surveys often attempt to capture attitudes towards legal institutions using standardized items to measure "legal confidence" or "attitudes toward the law."[207] These measures generally divide perceptions of justice into sub-domains, such as fairness of outcomes or the degree of respect shown by legal actors, mirroring the structure used in legal capability scales.[208]

In Canada, the *Cost of Justice* survey follows the UK-influenced approach to attitudes measurements. For example, survey respondents are asked whether "the legal system works

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[204] Chua & Engel, *supra* note 42 at 348, citing Kathryne M Young, "Everyone Knows the Game: Legal Consciousness in the Hawaiian Cockfight" (2014) 48:3 L & Soc Rev 499 at 500 [Young].
[205] See, for example, Angus Reid Group, *Canada and the World: An International Perspective on Canada and Canadians* (Winnipeg: AE Reid, 1992) at 125; See "Appendix – Characteristics of All Reviewed Studies" in Filip Horák, et al, "Legal Consciousness: A Systematic Review of Its Conceptualization and Measurement Methods" (2021) 31:1 *Anuario de Psicología Jurídica (Madrid, España)* 9 at 22-34 [Horák, et al].
[206] See for example, Jacobs, *Mapping, supra* note 181.
[207] Pleasance & Balmer, *Measures, supra* note 113 at 6, 7-9; see also, *PULS, v2, supra* note 17 at 51-53, 86-88, 101-102, 115-116, 133-135;
[208] Pleasance & Balmer, *Measures, supra* note 113 at 1 footnote.

better for the rich," or whether they believe "the legal rights guaranteed in the *Canadian Charter of Rights and Freedoms* [*Charter*], actually make a difference in people's lives."[209] Other items probe reasons for non-action when faced with a legal problem. Options such as "thought nothing could be done," "didn't know what to do," "was too scared," or "thought it may make the problem worse" implicitly map forms of legal consciousness and alienation.[210] Arguably, these answer options convey a sense of legal meaninglessness, powerlessness, and hopelessness, as articulated in Hertogh's typologies.[211]

Recent access to justice research reflects a growing interest in legal consciousness. Volume 2 of the *PULS* report undertakes an ambitious quantitative attempt to map "narratives of law," inspired by Ewick and Silbey. Using twelve survey items, *PULS* constructs four narrative profiles loosely adapted from Ewick and Silbey's "before/with/against the law" schemas. Survey responses are thought to evoke feelings in respondents that law is remote, is arbitrary and to be resisted, is a game to be played, or is a practical means to obtain objectives.[212] The findings reveal that respondents rarely adhere to a single narrative but display multiple orientations, which often produces contradictory results.[213] For example, some respondents described law as "the last place I would turn to for help" while agreeing that law is "good for resolving problems."[214]

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[209] CFCJ, *Cost of Justice Survey*, *supra* note 68 at 2; see also *Canadian Charter of Rights and Freedoms,* Part I of the *Constitution Act, 1982,* being Schedule B to the Canada Act 1982 (UK), 1982, c 11.
[210] Currie, *Justiciable Problems, supra* note 2 at 102-3; Currie, *Nudging*, *supra* note 28 at 30; *CLPS, supra* note 70 at AST Q50.
[211] Hertogh, *supra* note 45 at 55-56.
[212] *PULS v2, supra* note 17 at 17; *PULS v3, supra* note 31 at 52.
[213] The *PULS* analysis also demonstrated patterned variation across demographic groups. For example, the tendency to see law as remote increased among older respondents and those with fewer educational qualifications. Seeing law as something to resist was more common among respondents whose main language at home was not English and those facing mental or financial distress. Conversely, younger respondents and those in outer-regional or remote areas were more likely to view law as practical. These correlations show how narratives of law intersect with social position and lived experience.
[214] *PULS v2, supra* note 17 at 17.

Innovations aside, many scholars question whether quantitative tools can ever meaningfully capture legal consciousness. Leslie Jacobs argues that survey-based measures often lack methodological rigor.[215] Many legal consciousness scholars have criticized legal needs and attitudes surveys as being "conceptually confused."[216] Hertogh even undertook a comprehensive review of perceptions of the law surveys and found 129 different measures of "trust."[217] He concluded that the "limited significance of these data" make it difficult to draw meaningful conclusions about legitimacy or public confidence in legal institutions.[218]

2.4.3 Qualitative Legal Consciousness Studies

The primary difficulty with quantitative measurements, as Susan Silbey explains, is that "legal consciousness is talked and acted into existence."[219] It emerges through narrative, interaction, and practice, which cannot be fully elicited through fixed-choice responses. A recent systematic review by Filip Horák, et al, found that current legal consciousness research lacks clear conceptualization and allows considerable room for improvement in measurement methods. The authors found inconsistent and wide variation in measurement strategies: of the 156 articles on legal consciousness, 32 used qualitative methods, 76 used quantitative, and 48 used mixed methods.[220] They argue that the field would benefit from methodological integration and more precise alignment between conceptual definitions and measurement tools.[221]

Silbey similarly advocates for a balance between quantitative and qualitative research methods to gauge legal consciousness by employing repeated interviews, observations, and life

[215] Jacobs, *Mapping, supra* note 181 at 17.
[216] Hertogh*, supra* note 45 at 33.
[217] *Ibid.*
[218] *Ibid.*
[219] Silbey, "Studying", *supra* note 185 at 713.
[220] Horák, et al, *supra* note 205 at 12, 17.
[221] *Ibid* at 10.

narratives of people in organized settings.[222] Catrina Denvir calls for qualitative designs using "prompted open-ended questions that do not fit as readily within a quantitative survey format," noting the limitations of closed-response measures in capturing interpretive processes.[223]

2.4.4 Youth Legal Consciousness

Research directly addressing youth legal consciousness is sparse, yet the available studies point to patterns of skepticism, alienation, and constrained agency.[224] For example, Mosher found that, to marginalized youth, "legal rights are at best useless fictions, at worst something that can wind you up in a great deal more trouble if you attempt to invoke them."[225] Further, Mosher found a "picture of widespread resignation" in the interviewed students who were "deeply conscious of the reality that in taking on conventional power, they are likely to lose (or even more disturbingly, be further harmed)."[226] Mosher also found that help-seeking tendencies were shaped by negative attitudes toward professionals like police and lawyers.[227] Their narratives conveyed "deep skepticism regarding the ability of the legal system to dispense justice," demonstrating an inherent sense of disillusionment and an orientation toward legal meaningless and powerlessness.[228]

The *Voices Matter: The Impact of Serious Legal Problems on 16- to 30- year-olds in the Black Community* (*Voices Matter*) report extends these findings beyond school discipline to a wider set of common legal problems. *Voices Matter* was one of a series of qualitative studies exploring the legal experiences of specific marginalized populations across Canada.[229] Using

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[222] Silbey, "Studying", *supra* note 185 at 713.
[223] Denvir, et al, *supra* note 18 at 156.
[224] Quadrelli & Uboldi, *supra* note 33 at 1151.
[225] Mosher, *supra* note 25 at 846.
[226] *Ibid* at 841.
[227] Parle, *supra* note 14 at 6.
[228] *Ibid* at 812.
[229] See Statistics Canada, "Experiences of serious problems or disputes in the Canadian provinces" (2022) Statscan.gc.ca at 3; Canada, *A Qualitative Look at Serious Legal Problems – Métis Community* (Ottawa: Department

narrative focus groups and scenario-based examples, researchers found that many Black youth's "peripheral involvement in their parents' legal issues, had a significant impact on participants… [who] were already apprehensive of employers, landlords, government services, people in power, and avenues for assistance."[230] The analysis showed that participants consistently understood their legal experiences through a lens of race and economics, regardless of age, gender, or the type or seriousness of the legal issue.[231] Youth were acutely aware of systemic discrimination and how that shaped their ability to successfully handle legal problems, as well as the probability of having them in the first place.[232] Without directly asking about "legal consciousness," the qualitative study nonetheless revealed patterned orientations of distrust, wariness, and anticipation of unfair treatment.

More recent research extends these insights even further by looking at youth legal consciousness in relation to COVID-19 restrictions. A 2024 Italian study by Isabella Quadrelli and Anna Uboldi examines how young people (aged 18-25) experienced law during the pandemic. Using 70 discursive interviews with photo stimuli, the authors sought to illuminate "the universe of meanings" that shaped youth interpretations of legality.[233] Through these

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of Justice Canada, 2022); William Hébert, et al, *A Qualitative Look at Serious Legal Problems: Trans, Two-Spirit, and Non-Binary People in Canada* (Ottawa: Department of Justice Canada, 2021); Community-Based Research Centre*, Serious Legal Problems faced by Lesbian, Gay, Bisexual, and Other Sexual-Minority People in Western Canada: A Qualitative Study* (Ottawa: Department of Justice Canada, 2021); Florentien Verhage, *A Qualitative Look at Serious Legal Problems Faced by Immigrants in Greater Victoria and Vancouver, British Columbia* (Ottawa: Department of Justice Canada, 2021); Alina Sutter & Victoria Esses, *A Qualitative Look at Serious Legal Problems Facing Immigrants in London and Toronto, Ontario* (Ottawa: Department of Justice Canada, 2021); The Saint John Human Development Council, *Serious Problems Experienced by People with Disabilities Living in Atlantic Canada* (Ottawa: Department of Justice Canada, 2021); Jihan Abbas and Sonia Alimi, *A Qualitative Look at Serious Legal Problems for People with Disabilities in Central Canada* (Ottawa: Department of Justice Canada, 2021); Doris Rajan*, Serious Problems Experienced by Diverse People with Disabilities: Western Canada A Qualitative Study* (Ottawa: Department of Justice Canada, 2021); David Austin*, Urban African Canadians: A Qualitative Study of Serious Legal Problems in Quebec* (Ottawa: Department of Justice Canada, 2021).

[230] Meredith Brown, et al, *Voices matter: the impact of serious legal problems on 16- to 30-year-olds in the Black community* (Ottawa: Department of Justice Canada, 2021) at 17, 42 [*Voices Matter*].

[231] *Voices Matter, supra* note 230 at 22.

[232] *Ibid*.

[233] Quadrelli & Uboldi, *supra* note 33 at 1157-58.

interviews, the authors explore how youth engaged with, sustained, criticized, questioned, or resisted the law.[234]

Quadrelli and Uboldi identified four categories of narratives that loosely parallel Ewick and Silbey's schema. [235] The first category, "*cooperative criticism*," falls into a more critical version of Ewick and Silbey's "*before the law*" narrative and sees the law as necessary but insufficient. For example, interviewees wore masks during COVID, rejecting individuals' selfish interests, for the collective good.[236] Second, "*fatalistic claims*," rejected anti-COVID legislation and most closely aligned with individualistic "*against the law*" narratives.[237] Third, "*individual translation*," was seen as an opportunistic base that resembled "*with the law*" mentalities relating to manipulating regulatory provisions to align with one's needs.[238] Finally, "*trust in procedure*" correlates to "*before the law*" sympathies, where young people adhere to the law as necessary and sufficient.[239] In many cases, "moral judgments" guided decisions and could even supersede law, although law generally retained its "symbolic power."[240]

Youth legal consciousness, therefore, may be described as multifaceted and highly contextual, interpreted through moral reasoning, social identity, family and community experiences, and relationships with authority.[241] Their decisions are complex and fluid and often

[234] Quadrelli & Uboldi, *supra* note 33 at 1152.
[235] *Ibid* at 1159.
[236] *Ibid* at 1159-60. For example, students called out their fellow peers who defied orders of mask-wearing and went to parties (etc.) as being selfish and creating collective risk.
[237] Quadrelli & Uboldi, *supra* note 33 at 1160. For example, students pointed to contradictions like they weren't allowed to go to their university but every Friday morning there was a large public market in operation in the village.
[238] Quadrelli & Uboldi, *supra* note 33 at 1161. For example, an interviewee used "semantic malleability" to extend the definition of "domicile" to include her mother's house, her grandparents' house, and her boyfriend's house.
[239] Quadrelli & Uboldi, *supra* note 33 at 1162. For example, the authors describe a sense of trust and "being led" by institutions and their representatives with respect to COVID directives, at the expense of individual freedoms.
[240] Quadrelli & Uboldi, *supra* note 33 at 1166.
[241] *Ibid* at 1166.

reflect a blend of concerns for fairness, collective obligations, pragmatic calculus, and skepticism.

2.4.5 Critiques and Pluralism

Legal consciousness is a field that is constantly being challenged, refined, and evolving in important new directions.[242] Lynette Chua and David Engel's groundbreaking work on relational legal consciousness is said to have reinvigorated the discipline.[243] To Chua and Engel, legal consciousness is relational in that it is shaped by a person's interactions with other individuals, communities, groups, and institutions.[244] This means that a person's legal consciousness may fluctuate and change over time and with experience. As well, different areas of law may be associated with different understandings and perceptions. For example, the way a person perceives consumer law issues may be very different than the way they relate to criminal law.[245] Legal consciousness should therefore be imagined "on a continuum ranging from highly individualistic and autonomous conceptualizations of thought and action on one end to highly interactive and co-constitutive conceptualizations on the other."[246]

Within this relational framework, legal consciousness becomes something people produce together, not something individuals possess in isolation.[247] Kathryne Young's work on cockfighting communities, for instance, shows that legal meaning can arise in interactive settings through "second-order" perceptions of what others believe about legality.[248] Meaning-making is

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[242] Dave Cowan & Alison Tarrant, "Preface" (2024) 51(Suppl.1) J of L & Soc S1 at S1.
[243] *Ibid.*
[244] Chua & Engel, *supra* note 42 at 344.
[245] Ewick & Silbey, *supra* note 33 at 30; Merry, *supra* note 185 at 5; Hertogh, *supra* note 45 at 60.
[246] Chua & Engel, *supra* note 42 at 344.
[247] Quadrelli & Uboldi, *supra* note 33 at 1153. The authors explain that "the relational character of legal consciousness, that is, its formation is always the result of the interplay between individuals and their socio-cultural context." They go on to note that relationality can be defined differently as well: "at one end of a continuum, external factors are considered constitutive of individual identities and experiences, and, at the other one, the genesis of consciousness is situated within the relationship between two or more minds (Chua and Engel 2019)."
[248] Young, *supra* note 204 at 500.

therefore co-constructed and contingent, varying along a spectrum from individual decision-making to a deeply relational, collective process.[249]

A parallel critique focuses on the field's historic overemphasis on state law. Marc Hertogh argues that far too often the "salience of the law is *presumed* rather than *problematized*."[250] He urges the field to explicitly engage "new legal pluralism," recognizing that individual's orient themselves simultaneously toward many different normative orders, like cultural norms, family expectations, and community-based forms of authority. He argues that these non-state orders may be more authoritative than formal law.[251] The pluralist expansion of the field has been further advanced by scholars who conceptualizes "plural legal consciousness" to capture the idea that individuals draw simultaneously on multiple normative systems when interpreting legality.[252] For instance, American scholar Holly Dunn imagines plural legal consciousness as an interconnected and shifting web and proposes five interconnected components: knowledge of the law, perceptions of legality, judgments about law's value, ideological commitments, and cultural socialization.[253] This conscious pluralism also helps explain legal alienation. Individuals may disengage from state law, not because they misunderstand it but because it conflicts with their moral or cultural beliefs.

Another major line of contemporary critique concerns the uneven patterning of legal consciousness across social groups to explain how perceptions are shaped by social position and

[249] Chua & Engel, *supra* note 42 at 344.
[250] Hertogh, *supra* note 45 at 11.
[251] *Ibid* at 67.
[252] See, for example, Emmanuel Melissaris, "The More the Merrier? A New Take on Legal Pluralism" (2004) 13:1 Soc & Leg Studies 57; Patricia Ewick & Susan Silbey, "Sociology of Legal Consciousness and Hegemony" in Jiri Přibáň,ed, *Research Handbook on the Sociology of Law* (Cheltenham: Edward Elger Publishing, 2020) at 168; Hertogh, *supra* note 45 at 67; Holly Dunn, *Emergent Legal Pluralism: Legal Consciousness and Unanticipated Outcomes of Rule of Law Building in Eastern Democratic Republic of Congo* (PhD Thesis: University of Minnesota, 2018) [unpublished] at 85 [Dunn].
[253] Dunn, *supra* note 252 at 87-88.

access to resources.[254] Researchers show that economic, cultural, and social capital influence how individuals navigate legal institutions and mobilize rights.[255] Thus, contemporary legal consciousness research deepens socio-legal research by linking micro-level narratives with macro-level structures of power. All of which provide a more comprehensive framework for understanding how young people interpret and engage with law in their everyday lives.

2.5 Public Legal Education

PLE has long played a central role in supporting access to justice in Canada by increasing public understanding of legal rights, responsibilities, and processes by "demystifying" the law, using plain language, culturally relevant material in accessible formats.[256] PLE takes many forms, from basic legal information initiatives like pamphlets and posters, to structured community workshops and programs that develop more specific legal skillsets, to youth-specific initiatives like podcasts and mock trials.[257] Most PLE providers in Canada are small, non-profit organizations that are community-based. Their small size allows them to be more agile and adopt a user-centred approach that is responsive to the needs of specific populations. PLE

[254] Morrison & Mosher, *supra* note 49 at 651.
[255] See Kathryne M Young & Katie R Billings, "Legal Consciousness and Cultural Capital" (2020) 54:1 L & Soc Rev 33.
[256] Public Legal Education Association Canada, "Resources produced by our members for producers of PLEI: PLEI Organizations in Canada: Their Unique Role and Contribution," (December 15, 2025) pleac-aceij.ca (website), online: <https://www.pleac-aceij.ca/our-work/resources-produced-by-our-members-for-producers-of-plei/> [PLEAC]; Macdonald, *supra* note 1 at 21-22; see also Wintersteiger, *Legal Needs, supra* note 15 at 6, 7; Mcquoid-Mason, *supra* note 13 at 36-39.
[257] Public Legal Education and Support Task Force, *"*Developing Capable Citizens: The Role of Public Legal Education" (July 2007) *plecanada.org* (website), online: < http://www.plecanada.org/wp-content/uploads/2018/10/Developing-Capable-citizens-the-role-of-public-legal-education-2007.pdf> at 15 [PLEAS Task Force]; Lisa Wintersteiger, *Pedagogies of Justice: Critical Approaches to Public Legal Education* (Birkbeck: University of London, 2019) <Doctoral Thesis> at 28-30 [Wintersteiger, *Pedagogies*]; see for example, Ontario Justice Education Network, "Law Syrup," (December 15, 2025) ojen.ca (podcast), online: < https://ojen.ca/en/law-syrup/>; Canada, "Support, training and guides on domestic violence in the workplace," (December 15, 2025) canada.ca (website), online: <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-violence/support-training-guides-domestic-violence-workplace.html>.

organizations often work closely with "community justice helpers" such as settlement workers, teachers, librarians, and frontline service providers, they "serve as a bridge between the justice and community sectors."[258] Common PLE audiences include newcomers, youth, seniors, people with disabilities, and low-income individuals who cannot access legal representation.[259]

2.5.1 Conventional PLE Practice in Canada

Many conventional PLE initiatives are expressly oriented towards building legal capability as a "life skill."[260] They aim to help individuals recognize legal issues, seek help, and resolve issues before they escalate. These efforts play an important role in strengthening public participation in legal processes and in boosting civic engagement.[261] However, these approaches typically rely on a one-directional model of knowledge transfer, in which legal information flows from legal experts to the largely uniformed or misinformed public. This model frequently assumes that participants trust legal institutions and view the justice system as an appropriate forum for resolving disputes.[262]

This pedagogical orientation can be usefully understood through revolutionary Brazilian educator and philosopher, Paulo Freire's seminal critique of the "banking model" of education, where knowledge is treated as "a gift bestowed by those who consider themselves

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[258] Community Legal Education Ontario, "A Framework for Supporting Community Justice Help," (December 15, 2025) cleoconnect.ca (website), online: <https://cleoconnect.ca/wp-content/uploads/2021/05/Community-Justice-Help-Framework.pdf> at 1; PLEAC, *supra* note 256.
[259] PLEAC, *supra* note 256.
[260] Ontario Justice Education Network, *Strategic Plan 2023-2026,* (Toronto: Ontario Justice Education Network, 2023) at 3 [OJEN, *Strategic Plan*];PLEAS Task Force, *supra* note 257 at 9; see also *PULS v2, supra* note 17 at 24, 163; See also CLEO, *Framework, supra* note 32 at 4, 8; PLEAC, *supra* note 256.
For example, OJEN shares its definition of legal capability with CLEO. Like the UK version, CLEO outlines three similar stages of legal capability, which they conceptualize in a matrix.
[261] Lee Arbetman, *Street Law: A Course in Practical Law, Tenth Edition* (Columbus: McGraw-Hill Education, 2021) at xix [Arbetman].
[262] Wintersteiger, *Pedagogies, supra* note 257 at 28-30; Pleasance & Balmer, *Measures, supra* note 113 at 160; see also, *PULS, V.2*, *supra* note 17 at 14, 15-19.

knowledgeable upon those whom they consider to know nothing."[263] In such models, information about rights and legal procedures are deposited into learners rather than through dialogue, reflection, or critique.[264] Lisa Wintersteiger and Tara Mulqueen describe this form of PLE as "largely decontextualized from wider social theory, critique, and the experience of law in everyday life, particularly for those who are marginalized or vulnerable."[265] This approach risks "mythicizing" the legal system as neutral and coherent, while obscuring the ways it operates unevenly in practice.[266]

In this context, scholars have noted that capability-focused PLE can, in some contexts, unintentionally "*responsibilise"* marginalized individuals by framing them as accountable for overcoming systemic barriers they did not create.[267] Canadian legal scholar Sarah Buhler points out that even the most legally capable individual may feel unable, or unsafe, to assert their rights in situations involving power imbalance, such as disputes with landlords, employers, or law enforcement.[268] And her colleague Sarah Marsden cautions, equating any amount of PLE or rights knowledge with justice, or as a substitute for empowerment, risks oversimplifying the messy legal complexities faced by marginalized groups.[269]

Undoubtedly, informed public understanding of the law and the legal system is crucial for the proper functioning of democratic societies and, in this sense, conventional PLE offers an

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[263] Freire, Paulo. *Pedagogy of the Oppressed* (New York: The Continuum International Publishing Group Inc., 2003) at 80, 72 [Freire].
[264] *Ibid* at 51.
[265] Wintersteiger & Mulqueen, *supra* note 39 at 1567.
[266] Freire*, supra* note 263 at 139.
[267] Wintersteiger & Mulqueen, *supra* note 39 at 1566.
[268] See Sarah Buhler & Rachel Tang, "Navigating Power and Claiming Justice: Tenant Experience at Saskatchewan's Housing Tribunal" (2019) 36 Windsor Yearbook of Access to J 210 at 215-16; see also Sarah Buhler, Sarah Marsden & Genna Smith, *Clinical Law: Practice, Theory, and Social Justice Advocacy* (Toronto: Emond Montgomery Publications Limited, 2016) at 113 [Buhler, et al, *Clinical*]. See also discussion in *Voices Matter, supra* note 230. In *Voices Matter,* many of the young, racialized interviewees cited a sense of "futility or mistrust of processes and officials… [and] indicated that, where possible, they did not seek formal recourse or support."[268]
[269] Sarah Marsden, "Just Clinics: A Humble Manifesto" (2020) 32:10 J of L and Soc Pol 7 at 19 [Marsden].

essential service for informing and educating the public.[270] Nevertheless, the tensions between the "law on the books" and the "law in action" have prompted calls for complementary approaches to PLE that move beyond uni-directional knowledge transfer and individual capability and towards a more critical approach to PLE.[271]

2.5.2 Critical Approaches to PLE

In response to these limitations, critical approaches to PLE treat legal education as inherently political and aimed at raising "critical consciousness."[272] Inspired by Freire, critical PLE provides a tool for empowering marginalized communities to "transform… the reality of oppression" through "reflection and action."[273] Freire's model emphasizes problem-posing education, where learning is a process of dialogue rather than a top-down dissemination of knowledge. In this model, there are no teacher-student dichotomies; instead, all participants are encouraged to critically examine "social, political, and economic contradictions, and to take action against the oppressive elements of reality."[274]

Further, as critical pedagogues Joe Kincheloe and Ira Shor argue, "education is always political," even when framed as neutral, transmission-style teaching still reflects and reproduces the dominant values of the institutions it serves."[275] Critical PLE therefore rejects the notion that providing legal information is intrinsically empowering. Instead, it emphasizes "dialogic" learning in which participants are encouraged to examine how law operates in their own lives,

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[270] Pascoe Pleasance, et al. *Reshaping, supra* note 65 at xiii, 10, 8, 11, 28, 67, 105-6; see also Rebecca Sandefur, "The Importance of Doing Nothing: Everyday Problems and Responses of Inaction," in Pascoe Pleasance, et al (eds), *Transforming Lives: Law and Social Process* (London: Stationary Office, 2007) at 113.
[271] Wintersteiger & Mulqueen, *supra* note 39 at 1560.
[272] Freire, *supra* note 263 at 35.
[273] *Ibid* at 54, 79, 118.
[274] *Ibid* at 74, 79, 35.
[275] Joe L Kincheloe, "Afterward: Ten Short Years—Acting on Freire's Requests" (2008) 43:1-2 J of Thought 163 at 164 [Kincheloe, "Afterward,"]; Ira Shor, *Empowering Education: Critical Teaching for Social Change* (Chicago: University of Chicago Press, 1992) at 12-13 [Shor, *Empowering Education*].

whose interests it serves, and when it may function as a resource or as a source of harm.[276] In this sense, critical PLE equips participants not only to "answer questions" about law, but to "question answers" and the assumptions on which they are built.[277]

Pedagogically, critical PLE is grounded in participants' lived experiences and treats learners as co-producers of knowledge.[278] Legal experts are not positioned as sole authorities and the learning environment makes space for participants to bring their own experiences with law, through schools, policing, housing, immigration, or social assistance, into the learning process.[279] This approach aligns with Cathy Cohen's work with political development in Black youth populations, which emphasizes identity, positionality and lived experience as central to political learning. In such spaces, students and educators move fluidly between roles, as one student explains: "when it comes to talking about identity, the students become teachers and the teachers become students."[280]

Street Law offers another example of how more critical forms of pedagogy can be put into practice in legal education, even when the curriculum itself does not explicitly adopt a critical stance. Developed in the USA and expanded through global teaching models, Street Law methodology centres on "highly participatory, interactive, and engaging activity-based instruction, where the learning is accomplished largely through the cognitive, expressive, and reflective work of the learners themselves."[281] Its popular education approach aligns with Freire's emphasis on active engagement, through methods like role plays, simulations, debates, case

[276] Freire, *supra* note 263 at 79.
[277] Shor, *Empowering Education, supra* note 257 at 26.
[278] Freire, *supra* note 263 at 72.
[279] See OJEN, "Public Legal Education and Information (PLEI) for Racialized Youth" (1 July 2026) ojen.ca (website), online: < https://ojen.ca/en/program/plei-racialized-youth/> [OJEN, "PLEI"].
[280] Cathy Cohen et al, "Let's Go There: Race, Ethnicity, and a Lived Civics Approach to Civic Education" (Chicago: GenForward University of Chicago, 2018) at 4 [Cohen].
[281] Amy Wallace, "Classrooms to Cyberspace: Preserving Street Law's Interactive and Student-Centered Focus During Distance Learning" (2021) 27:4 Intl J of Clinical Legal Ed 83 at 83 [Wallace].

studies, and small-group problem solving, which encourage critical thinking and legal reasoning more than memorization of legal rules.[282] Street Law pedagogy extends into critical scenarios, informed by students' lived contexts and everyday legal risks, where students become co-creators of their own knowledge.[283]

These commitments distinguish critical PLE from simulation-based or institution-centered models such as mock trials. While such programs may build advocacy skills and familiarity with courtroom procedure, they tend to socialize participants into law's symbolic order without creating space to interrogate whose interests that order serves.[284] By contrast, critical PLE for young people centres the everyday sites where law is most-often experienced, like administrative decision-making, precarious employment, housing insecurity, and surveillance.[285] In practice, critical PLE attempts to emphasize agency and collective action over unquestioning compliance and reification of the justice system. It rejects individual "*responsibilisation*" and creates space to interrogate and reclaim the law as one tool among many for pursuing justice.[286]

2.5.3 Pluralist and Decolonizing Approaches

Racialized critical scholars have raised sustained critiques about the practice of critical pedagogy itself. bell hooks, for example, noted that critical pedagogy has historically been dominated by Western, white, male perspectives.[287] Abdeljalil Akkari similarly argues that

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[282] David Mcquoid-Mason, "Methods of Teaching Human Rights: Some Examples from Street Law Legal Literacy Programmes" (2007) 5:2 J of Commonwealth L & Legal Ed 127at 128, 129-42 [Mcquoid-Mason, "Methods"].
[283] Wallace, *supra* note 281 at 100, 102.
[284] Joel B Grossman & Austin Sarat, "Access to Justice and the Limits of Law" (1981) 3:2 Law and Pol 125 at 129. Mock trials exemplify Joel Grossman and Austin Sarat's argument that "the system serves in some ways to exalt its own processes and idolize adversarial culture… by uncritically accept[ing] the normative premises of the existing legal and social order."
[285] *Voices Matter, supra* note 230 at 6.
[286] Wintersteiger & Mulqueen, *supra* note 39 at 1567-1573.
[287] bell hooks, *Teaching to Transgress: Education as the Practice of Freedom* (New York: Routledge, 1994) at 9 [hooks]. This was a positionality that Freire acknowledged himself.

Freirean frameworks tend to conceptualize "the oppressed as a social class," without detailing the specificities of race, gender, and colonial status.[288] From a decolonial standpoint, Tuck and Yang warn that critical pedagogy frequently glosses over settler colonialism. They note, "for Freire, there are no Natives, no Settlers, and indeed no history, and the future is simply a rupture from the timeless present."[289] From this standpoint, the value of critical pedagogy is not negated but its limits are exposed when applied uncritically within colonial legal systems.[290]

In this context, incorporating legal pluralism into PLE curriculum offers one way to move beyond these limitations. Legal pluralism recognizes the coexistence of multiple legal systems, including state, customary, religious, and Indigenous law, operating within a single social field.[291] In Canada, the state officially recognizes bijuralism, with common law operating in the English-speaking provinces and territories and civil law operating in Quebec.[292] Section 35 of the *Constitution Act, 1982* recognizes and affirms "Aboriginal rights" grounded in pre-sovereignty practices of Indigenous communities. This legislation supports the view that Indigenous legal authority is inherent.[293]

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[288] Akkari, Abdeljalil. "Pedagogy of the Oppressed and the Challenge of Multicultural Education" (1984) 32:3 Interchange 271 at 282-83.
His work only begins to refer to race as a form of oppression post-1990.
[289] Eve Tuck & Wayne K Yang, "Decolonization is not a metaphor" (2012) 1:1 Decolonization: Indigeneity, Education & Society 1 at 20.
[290] hooks, *Teaching to Transgress, supra* note 287 at 9. In fact, hooks notes that "new radical pedagogies are influencing critical pedagogy to truly recognize difference."
[291] Val Napoleon, "Legal Pluralism and Reconciliation" (2019) Māori L Rev 1 at 5 [Napoleon, "Legal Pluralism"]; see also Val Napoleon & Hadley Friedland, "An Inside Job: Engaging with Indigenous Legal Traditions Through Stories" (2016) 61:4 McGill L J 725 at 748 [Napoleon & Friedland]. See also authors like Antony Anghie, "Rethinking International Law: A TWAIL Retrospective" (2023) 34:1 Euro J of Int'l L 7 who offer Third World Approaches to International Law (TWAIL) critiques of the dominance of Western legal paradigms and advocate for a more inclusive understanding of legal systems.
[292] See for example, *Civil Code of Québec,* CQLR c CCQ-1991, art 1457.
[293] *Tsilhqot'in Nation v British Columbia,* 2014 SCC 44 at paras 34-35.

John Borrows argues that Indigenous legal traditions "stand beside civil law and common law" and "legally organize and structure society."[294] While certain Indigenous law is frequently unwritten and described as being "of a different nature," it possesses the same internal modes of legitimisation, argumentation, collective reason, and accountability as state law.[295] Scholars like Val Napoleon and Aaron Mills emphasize the complexity of this phenomenon. They note that overlapping legal orders can lead to both cooperation and conflict in governance.[296]

Pluralist PLE centres on questions about whose law is being taught, whose forms of legality are being made visible, and whose are marginalized or erased.[297] It opens pedagogical space to "participate in the multiple normative communities by which [participants] recognize and create their own legal subjectivity."[298] This creates room for legal comparison and dialogue between orders that can extend beyond Indigenous-specific programming and help all participants better understand the limits of formal state-sanctioned legal structures. Although working examples of pluralist PLE are virtually non-existent at the time of writing this

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[294] John Borrows, *Indigenous Legal Traditions in Canada: Report for the Law Commission of Canada* (Ottawa: Government of Canada Publications, 2006) at I; see also, John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010) at 8.

[295] Mariano Aupilaarjuk et al*, Inuit Laws: Tirigusuusiit, Piqujait, and Maligait, Volume 2, 2nd* ed by Jarich Oosten, Frédéric Laugrand & Willem Rasing (Iqaluit: Nunavut Arctic College Media, 2017) at 6; Napoleon, "Legal Pluralism," *supra* note 291 at 9; Aaron Mills, "Driving Home the Gift" (2016) 33:1 Windsor Yearbook of Access to J 167 [Mills]. Mills reflects on the interplay between Canadian colonialism and sacred Indigenous spaces by exploring Anishinaabe law and emphasizes shifting attention from *what* is learned to *how* it is learned.

[296] Brian Z. Tamanaha, *Legal Pluralism Explained* (Oxford: Oxford University Press, 2021) at 2-3 [Tamanaha]; Napoleon, "Legal Pluralism," *supra* note 291 at 7, 15.

[297] See, for example, LEVEL, *Indigenous Youth Justice Toolkit* (Ottawa: Level, 2018), *leveljustice.org* (website), online: <https://www.dropbox.com/scl/fi/x41qk7to97u0m09mr98lz/INDIGENOUS-YOUTH-JUSTICE-TOOLKIT.pdf?rlkey=viu8gltaj0b0ttuda56e0crfv&e=1&dl=0>; Ontario Justice Education Network. "From Student to Staff: Issues Facing Young Workers in 2021," (August 16, 2021) ojen.ca (webinar), online: <https://ojen.ca/en/webinar/student-to-staff-2021> at 00h:02m:22s. Author's note: I attended the OJEN Summer Law Institute in 2021 and have to say I was quite impressed with how critical the speakers were. Michelle Thompson, then Director of Capacity Building and Engagement, gave a land acknowledgement and made a point to recognize that: "while [OJEN was] talking about Canada and Ontario's approach to labour law, [they] also want[ed] to acknowledge the distinct legal traditions of [Indigenous] Nations, all of whom had their own ways of understanding labour and the distribution of work and the benefits of that work… [which goes to show that] our current way of organizing labour is not the only way."

[298] Martha-Marie Kleinhans & Roderick MacDonald, "What is *Critical* Legal Pluralism" (1997) 12 Can J L & Soc 25 at 38.

dissertation, chapter 6 offers a unique example of how pluralist PLE can operate in practice. The *IMI* program was able to centre community-defined understandings of rights and responsibilities by treating Inuit legal traditions as necessary for justice in urban Inuit communities.

2.6 Integrative Analytic Framework

2.6.1 How this Dissertation Uses Legal Capability and Consciousness

Habbig and Robeyns consider that "access to justice has two main components. On the one hand, it focusses on access to a legal system, and on the other hand, it entertains the idea of fairness and rightness."[299] In the literature, legal capability and legal consciousness refer to distinct dimensions of the relationships people form with the law. As outlined in section 2.3, legal capability generally describes the knowledge, skills, and attitudes that an individual possesses to recognize a legal issue, identify good sources of legal information, and take steps toward addressing the problem.[300] And, as discussed in section 2.4, legal consciousness relates to the meanings people attach to law, including their assumptions about fairness, their expectations of and trust in institutional behaviour, and their sense of whether law is a domain in which action is possible or worthwhile.[301]

Legal capability metrics often privilege internal attributes, like a person's skills, abilities, and knowledge regardless of their socio-demographic positioning, while treating structural barriers, like poverty or systemic exclusion, as contextual rather than constitutive features of legal agency.[302] Legal consciousness centers the relational and institutional contexts through

[299] Habbig & Robeyns, *supra* note 8 at 620.
[300] Pleasance & Balmer, *Measures, supra* note 113 at 1fn.
[301] Laura Beth Nielsen, "Relational rights and legal consciousness research: theoretical and methodological innovations" (2024) 51(Suppl.1) J of L & Soc S1 at S4 [Nielsen].
[302] Habbig & Robeyns, *supra* note 8 at 616-17; see also, Nussbaum, *supra* note 111 at 21. Viewed through Nussbaum's framework, the current legal capabilities approach leans heavily on her conceptualization of internal

which people come to trust, distrust, or strategically navigate legal systems but it does not necessarily focus on the knowledge and skills necessary to resolve legal disputes.[303] This distinction is especially important in the context of youth. Young people often score low on legal capability-based assessments, yet they are often highly capable of forming their own perceptions of law, which, in turn, influence whether they engage with or avoid it altogether. [304]

My research, therefore, frames legal capability and legal consciousness as two necessary and complementary components of legal agency which, in the access to justice context, can involve engaging with, avoiding, resisting, or strategically navigating law. Capability analyzes the tools people have to deal with issues, including institutional mechanisms and other resources. Consciousness explains how and why they make use of those tools and why they may decide to put their tools down.

2.6.2 Expected Interactions with PLE Pedagogies

Legal capability and consciousness also provide a framework for examining how different pedagogies interact with youth legal learning and engagement. I expect that different approaches to PLE will influence young people's legal capability and consciousness in different ways, depending on the form and orientation of the learning experience.

I distinguish between engaging legal consciousness in the learning process and assessing it as an outcome of PLE. A pedagogical process that engages legal consciousness brings young people's existing understandings and experiences of law into program content and encourages learning through discussion and reflection. This may lead participants to shift or change their

capabilities at the expense of the *combined capabilities* within her Capabilities Approach, which include both internal attributes and relevant external factors leading to actual opportunities.
[303] Chua & Engel, *supra* note 42 at 16, 19.
[304] Parle, *supra* note 14 at 5; Quadrelli & Uboldi, *supra* note 33 at 1157-58; Mosher, *supra* note 25 at 843.

existing views, or it may help them clarify or better articulate the views they already have. Importantly, engaging consciousness does not necessarily mean shifting it one way or another. Assessing legal consciousness as an outcome involves examining change and/or continuity, and I want to be clear that, in this dissertation, neither a shift nor its absence is automatically read as program success or failure.

Encouraging young people to critically examine their relationships with law is consistent with a critical pedagogical approach and I see considerable normative value in doing so. I believe that any education on the current state of the law in Canada is not complete without an accurate portrayal of the access to justice crisis we find ourselves in. In this sense, teaching greater trust or willingness to use legal institutions without exploring why certain people may have good reason to distrust or avoid those institutions is, in my mind, problematic. However, my empirical research does not seek to establish whether shifts in legal consciousness are something PLE should pursue or how it might support that. Rather, I set out to explore whether and how legal consciousness is engaged in the learning process and how participants describe changes or continuity in their understandings of law.

I begin with the following expectations:

Conventional PLE emphasizes legal information and procedural skills and I expect its strongest contribution to be to young people's legal capability.[305] These programs may improve young people's ability to recognize, resource, and respond to everyday issues but they also tend to presume trust in legal institutions and that resolving legal issues is best done through formal legal processes. For that reason, I anticipate that conventional PLE is less likely to engage with

[305] See, for example, OJEN, *Strategic Plan, supra* note 260 at 3.

participants' underlying orientations toward law or profoundly influence or shift pre-existing legal consciousness.

I expect critical approaches to PLE to engage more directly with young people's legal consciousness by inviting young people to bring their own lived experience into the learning environment and centering dialogue and systemic critique.[306] For those who enter the program with high levels of trust and respect for the legal system, I expect this may be unsettling. On the other hand, this approach may bring existing forms of distrust and resistance into the discussion and, in doing so, may create opportunities for young people to interrogate law's legitimacy, fairness, and possibility.[307] These critical understandings may help young people more realistically assess their options when faced with a legal problem, even if the program gives less attention to conventional legal capability skills development.

Finally, I expect pluralist PLE to challenge state-centred understandings of legal capability and consciousness more fundamentally by destabilizing the assumption that law is singular, neutral, and exclusively state based.[308] Pluralist PLE encourages young people to see state law as one of many forms of order, which could affect how they understand legality and how they decide to interact with it. This will likely be particularly significant for Indigenous youth, but may also encourage other young people to question the presumption that settler law is the only source of legal authority society needs.

Across the models, I anticipate that learning more about the law will not necessarily make young people more trusting of it, and becoming more critically aware will not mean people

[306] Wintersteiger & Mulqueen, *supra* note 39 at 1560.
[307] *Ibid* at 1565-66.
[308] See Aaron Mills, "Rooted Constitutionalism: Growing Political Community" in Michael Asch, John Borrows & James Tully (eds) *Resurgence and Reconciliation: Indigenous–Settler Relations and Earth Teachings* (Toronto: University of Toronto Press, 2018).

will automatically reject it. In the analysis that follows, I do not focus solely on whether PLE increases legal knowledge and skills in young people. I also ask whether and how different pedagogical approaches engage with young people's understandings of law and their judgments about when, why, and whether law is worth interacting with.

2.7 Conclusion

Beyond knowledge and skills, the *PULS* report recommends "a strong commitment [to] community engagement, education and information," and reiterates "the importance of initiatives aimed at building and maintaining trust."[309] For youth, these affective and interpretive dimensions may shape whether legal capability later translates into action.[310] Intervening at this stage has the potential to influence whether future legal problems are met with engagement, avoidance, or resignation, long before formal capability is called upon.

Building legal capability through lessons about the law and legal rights may be necessary, but it is not sufficient. I believe that PLE must also consider how to encourage people to bring their own understanding of a just legal order into conversation with that of the official system, including the contradictions and inequalities that exist when the law on the books does not match the law in action.[311] Thus, the ultimate goal becomes a "population capable of identifying justice, of acting justly, and of insisting that social institutions of all types facilitate its achievement."[312]

The following chapter sets out my research design. It explains how I use a cross-case, mixed-methods approach to examine youth legal capability and legal consciousness across three

[309] *PULS, v2, Report, supra* note 83 at 10.
[310] See Youniss, *supra* note 20 at 101. Youniss cites several studies that show a "longitudinal linkage between experiencing democratic practices during adolescence and carrying their effects into adulthood."
[311] Rebecca Sandefur, "Access to justice" in *Research Handbook on Modern Legal Realism* (Northampton: Edward Elgar Publishing, 2021) at 324 [Sandefur, "Access to justice"]; MacDonald, *supra* note 1 at 97.
[312] MacDonald, *supra* note 1 at 84.

distinct PLE contexts. It also describes my exploratory, constructivist orientation, which recognizes the need to interpret young people's legal learning through their existing experiences and relationships. Together, Chapters 2 and 3 establish the theoretical and methodological foundation for analyzing the case studies that follow.

Chapter 3: Methodology

3.1 Introduction

As an interdisciplinary field, PLE research tends to cluster around program impact assessments, which frequently rely on rudimentary measurements of legal capability collected through quantitative surveys and qualitative feedback both before and after the PLE intervention.[313] This data is primarily used internally by PLE organizations to report back to funders, following logic models informed by prescribed theories of change and funding priorities.[314]

Yet, research shows that both legal capability and legal consciousness are complex and inter-related systems shaped by individuals and collective relationships with multiple legal, social, and institutional frameworks.[315] Any attempt to assess PLE impact would benefit from measures that capture how people understand law both before and after the PLE intervention and how they believe they might act when legal problems arise. This complexity animates my central research question: Can youth-focused PLE programming influence the legal consciousness of young people in Ontario, and how does this relate to the development of everyday legal capability?

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[313] See, Catherine Dauvergne, Aara Johnson & Shannon Srivastava, *Flourishing: A plan to strengthen public legal education and information: The BC PLEI Ecosystem Project* (Vancouver: Peter A. Allard School of Law, 2025) at 95-97 [*Flourishing*]; Liz Curran, *Final Report 'Knowledge Really is Power: NLS Legal Research and Impact Evaluation Report – Measuring the Effectiveness and Impact of NLS Legal in Improving Access to Justice, Key Social Development Goals, and Its Role in Student and Staff Development* (Nottingham: Nottingham Trent University, 2025); Richard Grimes, "Evaluating legal literacy programs: aims, challenges, models and a call to action" (2018) 2:1 Intl J of Pub Legal Ed 28.

[314] Anil Balan, "Bridging the Gap: Law Students as Agents of Public Legal Education and Community Empowerment" (2025) 32:2 Intl J of Clinical Legal Ed 53 at 66-67; See also, OJEN, *Strategic Plan, supra* note 260 at 3.

[315] Chua & Engel, *supra* note 42 at 344; *PULS, v2, supra* note 17 at 25; Horák, et al, *supra* note 205 at 15.

Since this question primarily centres on legal consciousness, it requires insight into how young people think about, feel about, and act (or think they would act) in relation to law before and after a PLE intervention. In this study, I employ a cross-case, mixed-methods design that draws on pre- and post-program survey and interview data from three distinct youth-focused PLE programs. I use a multiple case framework to examine how participants articulate their knowledge and perceptions of law, and how those perceptions shift, or stay static, through participation in different legal learning environments. This method allows for any changes in legal capability and consciousness to be tracked in ways that are quantitatively measurable and qualitatively interpretive.

This chapter begins by outlining a constructivist-critical-interpretivist framework to show how I conceptualize legal capability and consciousness across the three case studies. I also bring Indigenous methodologies into the third case. I then lay out the research design architecture, explaining why case studies were the best fit to analyze these particular PLE programs, and how I integrated survey and interview data. I follow with an explanation on how I coded and analyzed the data. I then address several important logistical and ethical considerations that arose while working directly with young people, including intersectional and cultural competencies. I end with a section on limitations in choice of research methods before transitioning to the analysis of the case studies in the next three chapters.

3.2 Methodological Orientation

3.2.1 Constructivist Epistemology and Grounded Theory

Grounded theory was introduced through the publication of Barney Glaser and Anselm Strauss' seminal work *The Discovery of Grounded Theory* in 1967.[316] The methodology started as a reaction to conservative structural-functionalist models and positivist 'grand theory' assumptions in social science.[317] Rather than testing hypotheses, the grounded theory method aims to "generate a theory, grounded in data" through an inductive process that is "iterative, comparative, interactive, and abductive."[318] In contrast to traditional research paradigms of "theory, then hypotheses, then research," grounded theory reverses this sequence, beginning with "research, then theory, and hypotheses."[319] Key features include simultaneous data collection and analysis, open and axial coding, memo-writing, and constant comparison of data.[320] Grounded theory is widely used in disciplines like sociology, public health research, information technology, and in a small number of legal consciousness studies seeking to capture how law is experienced rather than simply understood.[321]

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[316] Barney G Glaser & Anselm L Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Chicago: Aldine Publishing Co, 1967).
[317] Antony Bryant, "The Grounded Theory Method," in Patricia Leavy, ed. *The Oxford Handbook of Qualitative Research (1ed)* (New York: Oxford University Press, 2014) at 118, 122 [Bryant].
[318] Kathy Charmaz, "Grounded Theory Methods in Social Justice Research," in Norman K Denzin & Yvonna S Lincoln, eds. *Handbook of Qualitative Research, 4th ed.* (New York: Sage Publications Ltd., 2011) at 4 [Charmaz]; Brené Brown, "Shame Resilience Theory: A Grounded Theory Study on Women and Shame" (2006) 87:1 Families in Society 43 at 44 [Brown].
[319] Bryant, *supra* note 317 at 126, 119.
[320] "Open coding" is the initial coding technique used by the researcher to examine and categorize the data. "Axial coding" is a process of relating codes to each other to develop categories and subcategories, or thematic codes. See Charmaz, *supra* note 318 at 19.
[321] Bryant, *supra* note 317 at 120; Grounded Theory Online. "What is Grounded Theory?" (February 25, 2021) groundedheoryonline.com (website), online: <http://www.groundedtheoryonline.com/what-is-grounded-theory/> [Grounded Theory Online]; Ewick & Silbey, *supra* note 33 at 23-27, 29.

Three broad versions of grounded theory have developed over time. Glaser's classic "objectivist" grounded theory assumes a neutral researcher who discovers a unitary external reality without preconceived research questions.[322] Objectivists intentionally delay literature reviews until after the study to avoid "forcing data into preconceived categories and theories."[323] This approach has been criticized for masking "tacit assumptions" behind claims of neutrality.[324] In contrast, Kathy Charmaz's "constructivist" grounded theory departs from objectivism by "co-constructing" data through participant-researcher interaction. Constructivists view reality as "multiple," "partial," and "value-laden," and findings aim toward "interpretive understanding" rather than "theoretical generalization."[325] Juliet Corbin and Anselm Strauss' "post-positivist" model takes a middle-ground, placing less emphasis on discovery or co-construction of data, and more emphasis on pre-structuring procedural techniques for data gathering.[326] This approach has been criticized for constraining the participant voice through emphasis on "forced conceptual description."[327]

My research aligns most closely with Charmaz's constructivist grounded theory, with some procedural guidance from Corbin and Strauss. The constructivist model accommodates the social justice aims of my study, as well as the pedagogical contexts in which the data were produced and the relational nature of working with youth. It supports both inductive meaning-making and theoretically informed interpretation, which, in my case, turned out to be necessary given that legal capability and legal consciousness surfaced unevenly across the PLE

[322] Charmaz, *supra* note 318 at 12, 14.
[323] *Ibid* at 15; see also, Barney Glaser, "The Literature Review in Grounded Theory" (19 November 2010), online: YouTube <http://www.youtube.com/watch?v=7S1kJ0k3yHk>.
[324] Bryant, *supra* note 317 at 126; Charmaz, *supra* note 318 at 14-15.
[325] Charmaz, *supra* note 318 at 12, 14, 15.
[326] Juliet Corbin & Anselm Strauss, "Grounded Theory Research: Procedures, Canons and Evaluative Criteria," (1990) 13:1 Qual Sociology 3 at 6-11 [Corbin & Strauss].
[327] Grounded Theory Online, *supra* note 321.

interventions. Crucially, constructivist grounded theory allows for variation rather than assuming symmetry of the data, so long as the variations are explained thoroughly.[328]

While this research was informed by an extensive review of the literature on youth legal capability, legal consciousness, and PLE, I approached data collection with only tentative, theoretical assumptions. For example, these included the expectation, drawn from prior scholarship, that many young people may be under-equipped to respond to common legal problems. But I did not allow these assumptions to rigidly structure the research process, and, instead, intentionally used broad prompts, avoided leading questions, and revised interview scripts depending on the context.[329]

Consistent with grounded theory process, my interviews included "grand tour" questions like whether participants trust the legal system, perceive it as generally fair, or believe standing up for their rights is worthwhile.[330] These initial questions were designed to surface the participants' own framing of fairness, risk, and relevance of law.[331] Unprompted responses to these questions led to unanticipated areas of inquiry. For example, how students distinguished trust in the law from respect for the law or how they define abstract principles like fairness and truth. These unexpected lines of questioning subsequently shaped coding and theoretical sampling. In some ways, the analysis became a process of co-construction with the participants, where their responses helped shape the questions I ended up pursuing and the theoretical

[328] Corbin & Strauss, *supra* note 326 at 10, 14; Charmaz, *supra* note 318 at 3, 7.
[329] Charmaz, *supra* note 318 at 14-15.
[330] Grounded Theory Online, *supra* note 321 at "Ethical Review/IRB."
[331] Brown, *supra* note 318 at 44.

distinctions I developed.[332] Using grounded theory allowed me to study law as something youth consciously interpret and question in everyday life.[333]

3.2.2 Critical-Interpretivist Approaches to Legal Consciousness

Simon Halliday explains that there are four broadly accepted approaches to legal consciousness research: 1) a critical approach; 2) an interpretive approach; 3) a comparative cultural approach; and 4) a law-in-action approach.[334] While these categories overlap and often speak to each other, my study adopts a blended critical-interpretivist approach, with an important caveat drawn from Marc Hertogh's work on legal alienation. [335]

A central question guiding the critical legal consciousness tradition is: "how is it that those who are systematically disadvantaged by the existing order nevertheless accept the legitimacy of the institutions and values which perpetuate their subordination?"[336] To solve this puzzle, Patricia Ewick and Susan Silbey introduced their widely cited typology of legality: "*before the law*," "*with the law*," and "*against the law*," as outlined in the previous chapter.[337] They argue that law gains legitimacy through its internalized social presence, although they remain attentive to the hegemonic force of state law constraining alternative forms of legality.[338] Their attention to the construction of legality through everyday social practices, rather than exclusively through formal legal institutions, makes their approach a good fit for my research into critical and pluralist PLE.

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[332] See Freire, *supra* note 263 at 48, 54, 95, 96-97.
[333] See generally, Mosher, *supra* note 25; Hertogh, *supra* note 205.
[334] Simon Halliday, "After Hegemony: The Varieties of Legal Consciousness Research" (2019) 28:6 Soc & L Studies 859 at 860 [Halliday].
[335] *Ibid* at 861.
[336] Alan Hunt, "The Theory of Critical Legal Studies" (1986) 6:1 Oxford J of Leg Studies 1 at 11.
[337] Ewick & Silbey, *supra* note 33 at 47-48.
[338] Halliday, *supra* note 334 at 862.

Critical legal consciousness research therefore prioritizes people's ordinary experiences with law, especially those who experience systemic marginalization.[339] Instead of asking direct questions about law, researchers focus on "practical consciousness," or tacit, often unspoken knowledge that shapes how people act.[340] This knowledge is often difficult to verbalize. Researchers, therefore, observe how legal ideas surface organically and shape accounts of everyday life through qualitative methods such as narrative inquiry and observation to capture nuanced perceptions of law in lived experience.[341] Again, this is a useful approach to take when studying youth, as many have not yet had direct personal experience with the legal system.

An interpretivist approach asks "how ordinary people's behaviour responds to their subjective perceptions of law."[342] Interpretive researchers look at what they call "discursive consciousness," or what people *say* about law, and use this as a window into its significance for social action.[343] In other words, the way ordinary people articulate law and legality in their lives reveals the subjective meaning attached to what they do.[344] Interpretivists focus on interviewing, focus groups, and other "talk-based" methods for data collection, similar to the methods I use in this study.[345]

Marc Hertogh offers an important caveat to both traditions. In *Nobody's Law*, Hertogh problematizes the assumed salience of law and argues that people may instead experience forms

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[339] See generally, Ewick & Silbey, *supra* note 33; Merry, *supra* note 185; Leisy Abrego, "Legitimacy, Social Identity, and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California (2008) 33:3 L & Soc Inquiry 709; Jacobs, *Mapping, supra* note 181; Rosie Harding, *Regulating Sexuality: Legal Consciousness in Lesbian and Gay Lives* (London: Routledge, 2011).
[340] Halliday, *supra* note 334 at 862.
[341] Ewick & Silbey, *supra* note 33 at 26; Halliday, *supra* note 334 864.
[342] Halliday, *supra* note 334 at 865.
[343] *Ibid.*
[344] *Ibid.*
[345] Mary E Gallagher, "Mobilizing the Law in China: "Informed disenfranchisement" and the development of legal consciousness" (2006) 40:4 L & Soc Rev 783; Matthew S Erie, "Property Rights, Legal Consciousness and the New Media in China" (2012) 26:1 China Information 35.

of legal alienation.[346] He asserts that legal consciousness research must therefore account for people's active distancing or feeling indifference toward formal state legal systems.[347] This caveat is especially relevant for youth-focused research, because, as I encountered in the interviews, limited interaction with legal institutions related primarily to age, as well as cultural distance from state legal systems, may make law seem remote and irrelevant to young people.[348] For these youth, focusing solely on moments of legal engagement risks reinforcing the assumption that law is omni-present in their lives, which may not reflect their realities.

I therefore adopt a blended critical-interpretivist approach to reflect the varied ways youth express legal consciousness. However, for *IMI*, the third case study, the limits of critical and interpretivist approaches became increasingly obvious and data collection and analysis demanded theoretical responsiveness and cultural reorientation.[349]

3.2.3 Indigenous Methodological Principles

Indigenous scholars' Gladys Rowe and Angela Easby emphasize that there is no universal Indigenous research model and that Indigenous evaluation is "inherently rooted in community and cannot be conceived of otherwise."[350] It follows that research with and for Indigenous communities must be responsive to local histories, languages, and relationships to land.[351] Shawn Wilson describes Indigenous research as circular and iterative, where ontology, epistemology,

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[346] Hertogh, *supra* note 45 at 9.
[347] *Ibid.*
[348] Mosher, *supra* note 25 at 843; *Voices Matter, supra* note 230 at 6,
[349] Ruth McCausland, "'I'm sorry but I can't take a photo of someone's capacity being built': Reflections on evaluation of Indigenous policy and programmes" (2019) 19:2 Evaluation J of Australia 64 at 67 [McCausland].
[350] Angela Easby, *Indigenous Research Methodologies: Final Report* (Victoria: University of Victoria, 2016) at 1; Gladys Rowe, "Reflecting on Indigenous Evaluation Frameworks" in Canada, Department of Justice, *Exploring Indigenous Approaches to Evolution and Research in the Context of Victim Services and Supports*, by Jane Evans et al (Ottawa: Department of Justice, 2020) at 52 [Rowe].
[351] Andrea Johnston, "Evaluation from a Place of Reconciliation" in *Exploring Indigenous Approaches to Evaluation and Research in the Context of Victim Services and Supports* (Ottawa: Department of Justice Canada, 2020) at 36 [Johnston]; Rowe, *supra* note 350 at 52.

axiology, and methodology are "inseparable and blend from one to the next. The whole paradigm is greater than the sum of its parts [and] relationality seems to sum up the whole Indigenous research paradigm*."*[352] To JoLee Sasakamoose, decolonizing research involves:

> *… dismantling structures that perpetuate the status quo, problematizing dominant discourses, and addressing unbalanced power dynamics. On the other hand, decolonization involves valuing and revitalizing Indigenous knowledge and approaches and weeding out settler biases or assumptions that have impacted Indigenous ways of being.*[353]

In keeping with these principles, the *IMI* case study required a different methodological approach than the other two PLE programs.[354] While the initial research design for *IMI* included pre- and post-program surveys as in the other cases, early conversations with the *IMI* youth and community partner made it clear that a uniform structure, particularly one relying on quantitative metrics, would be inappropriate and potentially extractive.[355] For example, it became apparent to me after participating in the *IMI* workshops that surveying the young participants after the program would not work as they had assigned clean-up duties and buses to catch. I chose instead to focus my data collection on three conversational interviews with members of the Youth Council. This meant a methodological pivot towards more critical and decolonial research

[352] Shawn Wilson, *Research is Ceremony: Indigenous Research Methods*, (Winnipeg: Fernwood Publishing,2008) at 70.
[353] JoLee Sasakamoose, "Indigenous Approaches to Evaluation" in *Exploring Indigenous Approaches to Evaluation and Research in the Context of Victim Services and Supports* (Ottawa: Department of Justice Canada, 2020), citing Asma-na-hi Antoine, et al, *Together: A Guide for Curriculum Developers* (Victoria: BC Campus, 2018) at 7.
[354] Special thanks to Gladys Rowe for speaking with me about integrating Indigenous evaluation methodologies into my work (October 2025).
[355] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999) at 10 [Smith]. In the end, the shift in research methods better aligned with critical, decolonial methodological discussions within academia that question who defines problems, who benefits from research, and whose voices are centered in knowledge production.

practices guided by Indigenous evaluation principles to create a relationship of trust through responsive and respectful engagement with the youth.[356]

3.2.4 Bridging the Approaches: Methodological Pluralism

Putting it all together, my research incorporates constructivist grounded theory, critical-interpretivist legal consciousness research, and Indigenous methodological principles. Constructivist grounded theory provides a framework for inductive inquiry and co-construction of meaning with youth and critical-interpretivist legal consciousness methods shape how data were analyzed. This allowed the research to follow the youth's language, experience, and logic. Indigenous methodological principles became essential in the *IMI* case and challenged the assumption that comparative data has to be symmetrical or standardized. Across all three cases, these orientations shaped how questions were asked and what data were interpreted.

3.2.5 Researcher Positionality and Reflexivity

Critical studies "reject the ideas of value-free science that underpin both quantitative and qualitative approaches to research."[357] I entered this work as someone who is both critical and invested in PLE practice. I am a middle-aged, queer, white, settler lawyer who is sporadically employed by the Department of Justice Canada. I continue to work on PLE contracts with the Ontario Justice Education Network (OJEN) and Community Legal Education Ontario (CLEO) and find this work both intellectually and personally rewarding. Through this work I am inspired

[356] Larry K Bremner, "Exploring Indigenous Evaluation" in Exploring Indigenous Approaches to Evaluation and Research in the Context of Victim Services and Supports (Ottawa: Department of Justice Canada, 2020) at 15 [Bremner]

[357] Leslie Brown & Susan Strega, "Transgressive Possibilities," in Leslie Brown and Susan Strega, eds, *Research as Resistance: Critical, Indigenous, & Anti-Oppressive Approaches* (Toronto: Canadian Scholars Press, 2005) at 9.

by the scope of possibility I see in the next generation, both in terms of critical social awareness and principled resistance to status quo law and order.

In some of the programs that make up this study, I was a facilitator, designer, and collaborator; in others, I was an outsider-researcher.[358] These shifting positionalities shaped the nature of the data that emerged, especially in interviews, where trust, vulnerability, and honesty are relational and cannot be detached from the dynamics of power present in each setting.[359] Throughout this project, I do not claim to be neutral, and as Sharan Merriam has argued for in the context of qualitative case study research, I am inevitably implicated in the production of knowledge.[360]

Instead, I recognize that research is unavoidably shaped by "proximity, expectation, emotion, and care."[361] I embodied a different researcher position in each context—outsider in Mock Trials; facilitator in Mini-U; and co-collaborator in *IMI.* This meant that my data collection and analysis had to be reflexive. I also subscribe to the critical education research maxim that "a researcher's role is not [only] to describe the world as it is, but also to demonstrate what needs to be changed."[362] In this sense, my positionality became part of the analytical

[358] Kathryn Herr & Gary Anderson. *The Action Research Dissertation: A Guide for Students and Faculty* (Thousand Oaks, CA: Sage, 2005) at 2, 13.
[359] Mehmoona Moosa-Mitha, "Situating Anti-Oppressive Theories within Critical and Difference-Centered Perspectives", in Leslie Brown and Susan Strega, eds, *Research as Resistance: Critical, Indigenous, & Anti-Oppressive Approaches* (Toronto: Canadian Scholars Press, 2005) at 66.
[360] Sharan B Merriam, *Qualitative research and case study application in education* (San Francisco: Jossey-Bass Publishers, 1998) at 22 [Merriam].
[361] Deb Rutman, et al, "Supporting Young People's Transitions from Care: Reflections on Doing Participatory Action Research with Youth from Care," in Leslie Brown and Susan Strega, eds, *Research as Resistance: Critical, Indigenous, & Anti-Oppressive Approaches* (Toronto: Canadian Scholars Press, 2005) at 173.
[362] Caroline M Shields, "Data Collection in Critical Research," in Michelle D Young & Sarah Diem, eds, *Handbook of Critical Education Research: Qualitative, Quantitative, and Emerging Approaches* (New York: Routledge, 2023) at 551.

process. This is consistent with critical legal consciousness work, Indigenous research ethics, and teacher-researcher traditions that view reflexivity as a source of depth rather than distortion.[363]

3.3 Case Study Design

A case study investigates a contemporary phenomenon in its real-life context and draws on numerous sources of evidence to do so.[364] Case studies serve as an "umbrella strategy" that allow for the integration of multiple data sources including surveys, interviews, observational notes, and document or curriculum analysis, within a single research frame.[365] Credibility is enhanced when researchers use self-awareness to describe and interpret their experience as researchers.[366]

In terms of methodological framework, Robert Yin asserts that case study research becomes most relevant when research questions seek to explain "'how' or 'why' some social phenomenon works."[367] His approach adopts a "realist-postpositivist epistemological posture," emphasizing minimal interaction with participants and controlled subjectivity to avoid researcher bias.[368] In contrast, Robert Stake adopts a constructivist stance, viewing reality as subjective and multiple while similarly recommending limited interaction between researcher and participant.[369]

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[363] Fairn Herising, "Interrupting Positions: Critical Thresholds and Queer Pro/Positions," in Leslie Brown and Susan Strega, eds, *Research as Resistance: Critical, Indigenous, & Anti-Oppressive Approaches* (Toronto: Canadian Scholars Press, 2005) at 136; see also Linda la Velle, "Teacher-as researcher: A foundational principle for teacher education" (2024) 50:3 J of Ed for Teaching 367 at 367.
[364] Colin Robson, *Real World Research, Third Edition,* (West Sussex: John Wiley & Sons Ltd, 2011) at 136 [Robson].
[365] Lisa Webley, "Qualitative Approaches to Empirical Legal Research," in Peter Cane & Herbert M Kritzer, *The Oxford Handbook of Empirical Legal Research,* (New York: Oxford University Press, 2010) at 939.
[366] See Tina Koch, "Establishing Rigour in Qualitative Research: The Decision Trail" (2006) 53:1 J of Advanced Nursing 91 at 92 [Koch]; Joe Soss, "On Casing a Study versus Studying a Case," (2018) 16:1 Qual and Multi-Method Research 21 at 23.
[367] Robert K Yin, *Case Study Research and Applications: Design and Methods, 6th ed* (Los Angeles: SAGE Publishing, 2018) at 4 [Yin, 6th ed].
[368] Catherine Hudon, et al., "Case Study with a Participatory Approach: Rethinking Pragmatics of Stakeholder Engagement for Implementation Research" (2021) 19:6 Annals of Family Medicine 540 at 542 [Hudon, et al]
[369] See Robert E Stake, *The Art of Case Study Research,* (Thousand Oaks: SAGE Publications Inc, 1995) [Stake]; Hudon, et al, *supra* note 368 at 542.

Sharan Merriam, by contrast, advances a more explicitly "intersubjective construction" of reality, allowing for participatory methods designed to enhance internal validity.[370]

My research approach aligns most closely with Merriam's, viewing case studies as co-produced knowledge shaped through researcher participation and relational dynamics with participants, particularly when working with youth.[371] My own positioning as teacher-observer-researcher keeps the cases contextually grounded and intersubjective. The implications of my shifting positionality across cases are discussed further below.

In socio-legal research, Marc Hertogh uses case studies to explore legal alienation across everyday settings in the Netherlands.[372] Like Hertogh, my case studies are not used to create generalizable findings but to structure and frame data collection across three distinct sites of knowledge production. Rather than establishing universality, case studies allow for a "snapshot of practice to be seen" and a collection of participants who "are chosen because it is believed that understanding them will lead to a better understanding, perhaps better theorizing, about a still larger set of cases."[373]

Accordingly, my research treats case studies as sites of credible "transferability," not statistical generalization. Transferability here refers to "whether or not particular findings can be transferred to another similar context or situation, while still preserving the meanings and inferences from the completed study."[374] For research to be transferable, its original context must be described in sufficient depth to allow readers to assess its relevance to their own settings.[375]

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[370] See Merriam, *supra* note 360 at 22; see also, Sharan B Merriam & Elizabeth Tisdell, *Qualitative Research: A Guide to Design and Implementation (4th ed),* (San Francisco: John Wiley & Sons, 2016); Hudon, et al, *supra* note 368 at 542.
[371] Hudon, et al, *supra* note 368 at 542.
[372] Hertogh, *supra* note 45 at 78.
[373] Stake, *supra* note 369 at 237.
[374] Catherine Houghton, et al, "Rigour in Qualitative Case Study Research" (2013) 20:4 Nurse Researcher 12 at 13 [Houghton, et al].
[375] Koch, *supra* note 366 at 92.

The researcher's responsibility is to provide "thick description," including rich accounts of the research context, clear explanations of methods, and illustrative excerpts from the data.[376] Ultimately though, the decision about transferability rests with the reader. That said, I attempt to provide a vivid and robust presentation of the findings, supported by well-chosen quotations, to increase the likelihood of transferability.[377]

3.3.1 Case Selection: Mock Trials, Mini-U, & IMI

This research was initially conceived as a focused investigation within the OJEN *PLEI for Racialized Communities of Youth* project (*PLEI Project*). The *PLEI Project* was a Department of Justice Canada initiative designed to "develop youth-led, culturally relevant PLE programming for African, Caribbean, Black, and Indigenous youth across Ontario."[378] While this initiative was innovative and closely aligned with my substantive interests, it ultimately proved unsuitable as a unified case study for this dissertation. This was due, in part, to the complexity of the organizational relationships involved in the *PLEI* Project and the fact that the programs within the *PLEI Project* themselves would not allow for as much diversity of pedagogical styles. However, one of those programs, the *IMI* case study, remained part of my research through a distinct research arrangement with the community with its own scope and ethical approvals. As a result, the *PLEI Project* informed my thinking and early design decisions but did not ultimately become the research platform I had originally intended it to be.

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[376] Jane Dawson, "Thick Description," in Elden Wiebe, et al (eds), *Encyclopedia of Case Study Research, Volume 2,* (Thousand Oaks: SAGE Publications Inc, 2009) at 942-44. See also Clifford Geertz, "Thick Description: Toward an Interpretive Theory of Culture" in Clifford Geertz, *The Interpretation of Cultures: Selected Essays,* (New York: Basic Books, 1973) *at* 3.
[377] Houghton, et al, *supra* note 374 at 13.
[378] See OJEN, "PLEI", *supra* note 279.

For this reason, I broadened the scope of the study and adopted a flexible multi-case design across three different PLE programs delivered in Ottawa between 2023 and 2025:

1. The OBA/OJEN Competitive Mock Trial Program ["Mock Trials"];
2. The uOttawa/Carlton Mini-Enrichment Program ["Mini-U"]; and
3. *Inuusuktunut Maligalirinirmut Ikajuqtiit* ["*IMI*"].

Each program represents a distinct mode of PLE delivery, which I am categorizing as: 1. "conventional;" 2. "critical;" and 3. "pluralist." The theorization of these modes, and their implications for legal capability and consciousness, will be developed in the individual case study chapters that follow. As Peter Freebody notes, case studies allow researchers to document concrete instances of educational experience and generate theoretical or professional insights capable of influencing both practice and conceptual frameworks.[379] Data were collected through program descriptions, participant observation, facilitator notes, pre- and post-program surveys and semi-structured interviews, with both the quantity and form of data varying considerably across sites.

Table 3.1 outlines the contextual and design features of each case study:

Table 3.1: Overview of the Three Case Studies			
	Case 1: Mock Trials	**Case 2: Mini-U**	**Case 3: *IMI***
PLE Category	Conventional	Critical	Pluralist
Pedagogical Model	Skills-based/court-based	Critical pedagogy	Culturally responsive, relational, decolonial
Participant group	~200 high school aged youth, diverse backgrounds (urban)	20 elementary and high-school aged youth, diverse backgrounds (urban)	~20 Inuit high school aged and young adults (urban)
Sample size	65	20	3

[379] Peter Freebody, *Qualitative Research in Education,* (London: SAGE Press, 2003) at 81.

Table 3.1: Overview of the Three Case Studies			
	Case 1: Mock Trials	**Case 2: Mini-U**	**Case 3: *IMI***
Setting	High school setting/courthouse	University setting	Inuit youth program at Inuit-owned space
Duration and Structure	4 month prep/ 2 day competition	1 week program	6 month planning/6 week workshop-style
Primary Objectives	Build knowledge, legal life skills, address misconceptions about justice system[380]	Explore critical awareness, legal consciousness, and agency	Support Inuit legal traditions and colonial legal life skills
Key Pedagogical Features	Legal role playing, courtroom procedures	Dialogic sessions, reflective tasks	Storytelling, relational learning
Researcher Role	Researcher-Observer	Teacher-Researcher	Collaborator-Co-learner
Modifications to Data plan during Fieldwork	Adjusted data collection approach due to low pre-program survey uptake	Original pre- and post-comparative design largely retained	Community-led adaptations to align with Indigenous evaluation methods

Participants ranged in age from 13 to 22, with the majority being high school students in the Ottawa region. Data collection occurred over roughly two years. For *IMI*, I collected observational data from May to December 2023 during program planning and participation, followed by interviews from January to May 2024. For Mini-U, I collected program observations, pre- and post-program surveys, and interview data from April to May 2024. For the Mock Trials, I collected all forms of data in May 2025. In total, the study involved 88 participants, producing over 125 discrete instruments of data. All data collection was conducted in English.

The Mock Trials program produced the largest dataset, including 10 pre-program surveys, 55 post-program surveys, and 9 participant interviews drawn from a total cohort of more than 200 students. The Mini-U program, by contrast, yielded a near-complete set of matched pre- and post-program surveys (20 and 18 respectively) and four follow-up interviews, offering a

[380] Ontario Justice Education Network, "Mock Hearings," (November 26, 2025), ojen.ca (website), online: <https://ojen.ca/en/program/mock-hearings/>.

balanced within-case comparison. The *IMI* program generated three in-depth qualitative post-program interviews but no survey data. Data analysis for *IMI*, therefore, privileged narrative and relational insights over quantitative measurement.

Table 3.2 summarizes the composition of data collection within each case:

Table 3.2: Sample Sizes in Context					
Case	**Program Size**	**Pre-Surveys**	**Post-Surveys**	**Interviews**	**Analytic Emphasis**
Mock Trials	~200	10	55	9	Quantitative trends; qualitative contextualization
Mini-U	20	20	18	4	Within-case comparison (balanced mixed-methods)
IMI	~20	0	0	3	Qualitative insight; cultural and relational meaning

Although the three PLE programs differ in sample size, data composition, and pedagogical aims, they nonetheless allow for a cross-case analytical approach. Each case provides a distinct context in which to examine how PLE approaches engage with young people's legal capability and consciousness differently. I believe the strength of this study lies precisely in its contextualization, illustrating the "importance of site-specific studies."[381] This aligns with Stake's view of the multiple case study as an opportunity to build collective understanding by examining cases both as particular and as part of a larger whole.[382]

[381] Ewick & Silbey, 2020, *supra* note 33 at 165.
[382] See Robert E Stake, *Multiple Case Study Analysis*, (New York: Guilford Press, 2006).

3.4 Data Collection and Analytical Approach

Throughout the process of co-designing and facilitating two of the three PLE interventions in this dissertation, it became increasingly evident to me that rigid or prescriptive analytical frameworks would not fully capture how legal capability and consciousness were experienced by these youth. Thus, my analysis proceeded in two interconnected phases: the first, more prescriptively quantitative; and the second, more reflexively qualitative.

3.4.1 Quantitative Data: Survey as Scaffold

The pre- and post-program survey instruments were designed and administered as a University of Ottawa Research Ethics Board ("REB")-approved tool to collect initial comparative data on youth legal capability and attitudes towards the law. The surveys were distributed on paper and online via *SurveyMonkey*, and respondents completed surveys before and/or after participating in their respective PLE program.

To support analytic clarity, responses were grouped into eight conceptual domains drawn from validated indicators in access to justice research, including legal needs questions from the *CLPS* survey*,* legal capability and SLE questions from the *PULS* report*,* the OECD guidance, and legal consciousness measurements from Horák, et al.'s systematic review. [383] Items were quantitative, using Likert scales and closed questions, to allow for directional comparison across

[383] Pleasance & Balmer, "GLC Scale", *supra* note 16 at 146; Pascoe Pleasance & Nigel Balmer, "Measuring the Accessibility and Equality of Civil Justice," (2018) 10 Hague J on the Rule of L 255 at 256, 275-76 [Pleasance and Balmer, 2018]; Carol Wilson, *The Public and the Justice System: Attitudes, Drivers and Behaviour: A Literature Review* (Edinburgh: Scottish Government Social Research, 2012) at 6; Horák, et al, *supra* note 205 at 11-1. In 2018, Pleasance and Balmer attempted to codify a quantitative method to measure the different dimensions of attitudes towards the law. They completed a Principal Components Analysis (PCA), to establish whether responses to the attitude questions were multidimensional and, if so, examine and identify relatively independent subsets of items. These items are then correlated with one another within largely independent subsets and combined into components, with the components thought to reflect the domains for public attitudes of the law. Through this process, the authors broke down "attitudes" questions into five components: trust, access, equality, fairness, and respect. However, an initial Rasch analysis, indicated that formulated questions related to the 'trust', 'fairness,' and 'respect' components, would not "yield scales with acceptable psychometric properties."

responses.[384] The specific wording was simplified and contextualized for youth participants who may not be as familiar with standard adult-oriented legal needs language.[385]

In this study, the survey does not claim to conclusively measure either legal capability or legal consciousness exhaustively, rather, the questions function as a framework. The survey organizes responses into analytically meaningful domains, to provide a baseline indication of young people's orientation to law, and to signal potential shifts across the three case studies.[386] This foundational orientation is then explored and expanded in the interviews.

Table 3.3 summarizes domain-specific definitions, including relevant citations, and analytic functions:

Table 3.3: Survey Domains and Analytic Functions

Question Type		What it captures	Analytic Function
Problem experience	Pre-program survey only.	Experiences with justiciable issues that youth or their households have encountered, whether or not they label them as "legal" (e.g. money, work, housing, family, discrimination).[387]	Maps the social contexts through which youth may directly or indirectly experience law or regulation and provides a backdrop for interpreting capability and consciousness.
Legal capability	Pre-program survey only.	How youth understand, recognize, and respond to problems identified in the previous section, including perceived seriousness, help-seeking, and expectations of fairness/outcomes.[388]	Highlights decision-making, confidence, and awareness of justice pathways.[389] Captures 3 domains of legal capability as set out by Pleasance and Balmer.
Subjective legal empowerment	Both Pre- and Post-program surveys.	Youths' general beliefs in their confidence and ability to influence or secure a fair	Indicates whether PLE interventions affect self-efficacy and perceived agency,

[384] See, for example, OECD/Open Society Foundation, *Legal Needs and Access to Justice* (Paris: OECD Publishing, 2019) at 72-82. The OECD/OSF framework for measuring legal need is structured as a seven-stage logic tree. The stages are: (1) problem duration, (2) problem seriousness, (3) legal awareness and understanding, (4) legal confidence, (5) perceptions of process fairness, (6) access to expert help, and (7) adequacy of the help or support received [OECD/OSF].
[385] *Voices Matter, supra* note 230 at 13.
[386] See Watkins et al, *supra* note 31 at 437-38.
[387] See, for example, *CLPS, supra* note 70 at CON_Q10, DEB_Q10, EMP_Q10, PRI_Q05E-Q05F, FAM_Q10, CHL-Q10, DSH_Q10-30, SER_Q10.
[388] OECD/OSF, *supra* note 384 at 130-131, 133 - Q11-14, 120.
[389] *PULS v1*, *supra* note 82 at 112.

Table 3.3: Survey Domains and Analytic Functions			
Question Type		**What it captures**	**Analytic Function**
		outcome if faced with a justiciable problem.[390]	even in the absence of direct legal experience.
Perceptions of access to justice and procedural views	Pre-program survey only.	Perceptions of accessibility of the courts, the need for legal representation, and the influence of resources and skill on legal outcomes.[391]	Assesses how youth's perceptions of accessibility and fairness in legal processes may shape their willingness to engage.[392]
Perceptions of distributive justice	Pre-program survey only.	Perceptions of whether the legal system treats people equally in terms of outcome or allocation of resources across groups.[393]	Identifies whether youth see the law as upholding substantive equality and justice or reproducing inequality.[394]
Rights consciousness	Pre-program survey only.	The extent to which youth identify problems as rights issues, feel protected by the law, and consider mobilizing rights (proactively or reactively) to address them.[395]	Points to development of rights awareness and legal empowerment.[396]
Legal Legitimacy	Both Pre- and Post-program surveys.	Beliefs about whether legal institutions are trustworthy and whether respect is warranted. Conceptions around feeling	Indicates willingness to mobilize legal capability based on conscious measures of systemic legitimacy.

[390] OECD/OSF, *supra* note 384 at 120; Gramatikov & Porter, *supra* note 137 at 1. Gramatikov and Porter described an aspect of legal confidence as subjective legal empowerment, or "the subjective self-belief that a person possess[es] and can mobilize the necessary resources, competencies and energies to solve particular problem of legal nature."

[391] Pleasance & Balmer, 2018, *supra* note 383 at 9 - Q1, Q2. See also, Tom R Tyler, "Procedural Justice, Legitimacy, and the Effective Rule of Law," (2003) 30 Crime & J 283 at 284-85. The "Perceptions of Access to Justice and Procedural Views" domain was based on concepts drawn from the access to justice literature. However, there are similarities to Tom Tyler's notion of "procedural justice." This study did not use Tyler's procedural justice framework but it could potentially act as a useful tool to strengthen the analysis of young people's views on trust and respect. In Tyler's research, trust and respect are tied to legitimacy and people are more likely to regard legal authorities as legitimate, trust them, and voluntarily cooperate with them, when they believe the processes by which legal authorities (police, judges) make decisions and treat members of the public are fair. For Tyler, procedural justice operates as a psychological construct and should not be confused with procedural fairness, which is a legal construct.

[392] Laura Klaming & Ivo Giesen, "Access to Justice: The Quality of the Procedure," (February 1, 2008) Tilburg Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems (TISCO) Working Paper Series on Civil Law and Conflict Resolution Systems, No. 002/2008 at 3; Martin Gramatikov, Maurits Barendrecht & Jin Ho Verdonschot, "Measuring the Costs and Quality of Paths to Justice: Contours of a Methodology" (2011) 3:2 Hague J on the Rule of L 349 at 361.

[393] Pleasance & Balmer, 2018, *supra* note 383 at 9 - Q3.

[394] Jin Ho Verdonschot, et al., *Measuring Access to Justice: The Quality of Outcomes,* (November 10, 2008) Tilburg Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems (TISCO) Working Paper Series on Civil Law and Conflict Resolution Systems, No. 014/2008 at 5-8.

[395] Pleasance & Balmer, 2018, *supra* note 383 at 5 - Q1.

[396] Lotem Perry-Hazan, Rotem Kirma & Avihu Shoshana, "Rights consciousness, sense of constraint and the reproduction of inequalities: perceptions of rights among pupils of low socioeconomic status who completed a human rights education unit" (2024) 54: 1 Cambridge J of Ed 53 at 55.

Table 3.3: Survey Domains and Analytic Functions			
Question Type		**What it captures**	**Analytic Function**
		acknowledged by the law and "heard."[397]	
Program impact	Post-program survey only.	Self-reported shifts in confidence, attitudes, and perceived usefulness of the PLE program.	Provides a directional sense of how youth understood the intervention's relevance to their lives and future legal capabilities.[398]

3.4.1 Qualitative Analysis: Semi-Structured Interviews

The post-program interviews were designed to move beyond the confines of survey-based responses by providing richer insight into how youth understand, interpret, and relate to law following participation in PLE interventions. Across the three case studies, interviews were conducted with participants who voluntarily expressed interest at the end of their programs. Sessions lasted 30–60 minutes and followed a semi-structured format based loosely on the survey domains. I read each question aloud and invited respondents to revisit their earlier survey answers (if applicable), elaborate on their reasoning, and describe whether anything had shifted since participating in the PLE program.

This approach generated far more detailed accounts than were possible through quantitative means alone. For example, when a participant reported experiencing a legal problem, I asked follow-up questions about how they interpreted the problem, what emotions were generated, and how they decided what to do about it. Similarly, when participants reported trusting, but not respecting, the legal system, I asked them to describe the distinction between the two terms and explain how (or whether) that difference mattered to them.

[397] Pleasance & Balmer, 2018, *supra* note 383 at 5 - Q3-4; Tyler & Huo, *supra* note 10 at 59-60, 103; Mosher, *supra* note 25 at 849.
[398] Gramatikov & Porter, *supra* note 137 at 4.

The interview structure was shaped by Ewick and Silbey's narrative approach to everyday legal consciousness, which locates legality within the rhythms of ordinary experience.[399] Equally influential was Janet Mosher's work with racialized youth in Toronto, where discussion was generated by a flexible interview guide but "very much directed by the youths who were participating."[400] These approaches directly informed my interview method as I wanted to give participants space to critique the questions, contradict themselves, or reframe their earlier thinking in light of their PLE-related experience.

Using Mosher's youth-centered facilitation model, the interviews included key prompts based on the survey questions but allowed the discussion to move in directions initiated by the participants themselves.[401] Open-ended dialogue enabled participants to articulate complexity, for example, when youth attempted to reconcile law on the books versus law in action or when both hesitation and confidence co-existed in rights-based discussions.

Initial coding drew from the survey domains but quickly expanded beyond them.[402] Using Silbey's grounded theory sequencing, I began the coding process by identifying and labelling key words and phrases and collecting examples from the interviews under each code. Codes included themes like "age-related hesitation," "awareness of systemic racism," "strategic law-related judgment," and "manipulating the truth." I then categorized these coded themes and looked for possible relationships between the categories. From there I interpreted and summarized the meanings of the examples under each category. I then reflected on the results produced during the first two coding phases and focused on developing theoretical comparisons,

[399] Ewick & Silbey, *supra* note 33 at 23-27.
[400] Mosher, *supra* note 25 at 814.
[401] *Ibid* at 814, 848.
[402] Horák, et al, *supra* note 205 at 15. The authors suggested grouping legal consciousness into six components: 1) general legal knowledge; 2) legal awareness; 3) ad hoc legal knowledge; 4) opinion about the law; 5) trust in the law; 6) legal identity.

attempting to relate emerging categories of youth legal consciousness to existing socio-legal frameworks.[403]

Participants frequently muddied conventional legal consciousness categories, and thus, attempts to apply Ewick and Silbey's typologies and Hertogh's alienation model revealed that most responses crossed theoretical boundaries. Instead of fitting into "*before*," "*with*," or "*against*" the law, youth often expressed what Horák, et al, describe as a mixture of "real legal consciousness" (what the law is) and "ideal legal consciousness" (what the law ought to be).[404] For instance, some participants expressed uncertainty or distance from "real" law, yet demonstrated strongly held "ideal" conceptions of standing up for their rights in all situations. Others expressed familiarity with law's procedures but lacked confidence in their ability to use them. These patterns became central to the emergent framework of youth legal consciousness that arose from the data.

3.4.2 Mixed Methods Integration

Marc Hertogh emphasizes that legal consciousness research gains explanatory power when empirical methods are used in "interactive" and "linked" ways, rather than in isolation.[405] Horák, et al., conclude the most robust studies integrate approaches while remaining attentive to context. [406] This sentiment is heightened in youth-focused research, where responses often reflect hypothetical reasoning or educated guesses rather than lived experience.[407] Thus, a mixed-

[403] Silbey, "Studying Legal Consciousness," *supra* note 185 at 728. See also, Burke Johnson & Lary Christensen, *Educational Research: Quantitative, Qualitative, and Mixed Approaches*, (United States: Sage Publications, 2008) at 414.
[404] Horák, et al, *supra* note 205 at 16.
[405] Hertogh, *supra* note 45 at 77.
[406] Horák, et al, *supra* note 205 at 12, 17. For example, Horák explains that 32 of the 156 articles on legal consciousness research used qualitative methodological approaches, while 76 were quantitative and 48 were mixed methods studies.
[407] Robson, *supra* note 364 at 246.

methods approach was necessary because neither quantitative nor qualitative data alone could meaningfully address the complexity of youth legal capability or the contours of their legal consciousness. In combining these methods, this study does not attempt to reconcile legal capability and consciousness into a single measure. Instead, it examines how they interact. Using selected questions from well-developed survey instruments to frame a deeper dive into youth legal consciousness through interviews, my mixed-methods approach provides both structure and meaning to youth orientations toward law.

3.5 Ethical Considerations

3.5.1 Consent, Confidentiality, and Trauma-informed Practice

This study involved working directly with young people who make up populations that the Tri-Council considers "vulnerable."[408] Youth in this study, many of whom identified as racialized or Indigenous, occupied intersecting positions of social marginalization and legal precarity.[409] As such, issues of consent, confidentiality, and psychological safety were central to my research design.

[408] Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, Social Sciences and Humanities Research Council of Canada, *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, December 2022* (Ottawa: Government of Canada, 2022) at 9. The Tri-Council Policy Statement is Canada's national research ethics framework, jointly issued by the Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council of Canada (NSERC), and the Social Sciences and Humanities Research Council of Canada (SSHRC). It affirms the Agencies' commitment to promoting ethical research involving human participants and draws on leading international ethics norms to guide researchers in Canada and internationally [TCPS2].

[409] Priscilla Alderson & Virginia Morrow, *The ethics of research with children and young people: a practical handbook*. (SAGE Publications, 2011); Adam Cotter, *Spotlight on Canadians: Results from the General Social Survey: Public confidence in Canadian institutions* (Ottawa: Statistics Canada, 2015) at 11.

Before any data was collected, I obtained approval from the REB.[410] Under standard REB procedure, both third party-consent (from parents or guardians) and participant assent are usually required.[411] However, I submitted a justification to request an exception to this rule. I argued that part of the purpose of this research project was to empower and recognize the autonomy of youth in the legal sphere. Youth have their own individual opinions about, and experiences with, the justice system that do not require parental oversight.[412] I reasoned that voicing their own anonymized opinions in a safe space is a personal choice that the youth can make independently of their parents. Further, some of the youth involved in my study did not live with parents or caregivers.[413] This rationale was accepted by the REB and youth were therefore permitted to provide informed consent independently.

Before beginning each interview, I read through the REB- approved consent form with each participant and explained how data was collected, stored, used, and destroyed. Participants were advised not to disclose identifiable details about personal legal problems and anonymization was encouraged to prevent inadvertent self-disclosure.[414] I was prepared to make effective referrals to legal aid and legal information and assistance if necessary.[415] I emphasized the purpose, methodology, benefits, and risks of taking part in my research and subsequently obtained consent from all participants before proceeding with data collection.[416]

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[410] University of Ottawa, Research Ethics File #: S-07-23-9196 (see Appendix 1).
[411] See Office of Research Ethics and Integrity, "Ethics Review" (November 24, 2025) uottawa.ca (website), online: < https://www.uottawa.ca/research-innovation/ethics/ethics-review>.
[412] Robson, *supra* note 364 at 212-26.
[413] See Lisa Schelbe, et al, "Youth Participation in qualitative research: Challenges and Possibilities" (2015) 14:4 Qualitative Social Work 504 at 514 [Schelbe, et al].
[414] Robson, *supra* note 364 at 218.
[415] Culturally appropriate resources were highlighted for *IMI*. However, there were no instances throughout my study that required a referral for legal support.
[416] Robson, *supra* note 364 at 12-13.

Contact information (e.g., email addresses) was de-linked from survey responses to protect privacy, and only first names were recorded during interviews. Participants were also informed that they could request access to their data and to my final dissertation if they desired. All interview participants received a $25 Amazon gift card for their time and insight; this was not disclosed to the participants until after the interview so as not to influence 'voluntary' participation rates.[417]

All survey and interview data were anonymized upon collection. Digital survey responses were stored in my password protected *SurveyMonkey* account, and these data were subsequently downloaded and deleted from the *SurveyMonkey* server. Interviews were audio and digitally recorded, transcribed by me, and stored on a password-protected computer in my home. Only I had access to the raw audio files, which were deleted after transcription. In keeping with REB protocol, all remaining data will be securely destroyed three months after completion of this thesis project. No identifying information will be retained.

The research followed a trauma-informed approach and emphasized participant choice, control, and sensitivity to power dynamics within the interviews. Participants were reminded that they could skip any question, pause the interview, or withdraw entirely without consequence.[418] In most instances, interview participants informed the pace and depth of dialogue. At all stages, my intention was not to extract information from the youth, but to offer a structured space in which they could articulate experiences and ideas about the law on their own terms.

[417] Robson, *supra* note 364 at 216.
[418] *Voices Matter, supra* note 230 at 10.

3.5.2 Recruitment and Engagement Across Sites

Two of the three case studies involved pre-existing relationships between me and the participants. In Mini-U, I was their program facilitator; in *IMI*, I was invited into the program as a collaborator after working with the youth over several months. By contrast, in the Mock Trials program, I had no prior relationship with the students and engaged them only as a researcher-observer. These differing "insider-outsider-inbetweener" positions shaped the trust, participation, and depth of responses across cases, and will be further elaborated on in the individual case study chapters.[419]

Recruitment strategies varied across programs. In the Mock Trials program, I initially relied on information sheets distributed through the teachers, which resulted in very little uptake. This likely reflected a combination of teacher overcapacity, students' disinterest or low trust in "outsider" research projects, and a sense of limited personal relevance.[420] Engagement improved significantly when I began visiting classrooms in person, where students could ask questions and better understand the purpose of the study.[421]

Recruitment at Mini-U was markedly stronger. I met students and their families before the program began, we reviewed consent verbally, and I remained physically present throughout the week of programming. This greater relational proximity meant 18 of the 20 students completed both surveys and several volunteered for interviews.

At *IMI*, the strongest engagement came through the members of the Youth Council. All three had collaborated with me for months co-designing the program, they happily volunteered to

[419] Lizzi Milligan, "Insider-outsider-inbetweener? Researcher positioning, participative methods and cross-cultural educational research" (2016) 46:2 Compare: A J of Comparative and Int'l Ed 235 at 239-40, 248.
[420] Gerald Albaum & Scott M Smith, "Why People Agree to Participate in Surveys", in Lior Gideon, ed, *Handbook of Survey Methodology for the Social Science,* (New York: Springer, 2012) at 181.
[421] I was invited to speak with one class before the Mock Trials and another class after the competition took place.

meet with me after the program and provided rich qualitative interviews. The absence of survey data at *IMI* is not a reflection of disengagement, but a respect for suggested Indigenous research practices and community-determined limits on extractive methods.[422] These patterns point to a methodological insight that youth participation in research is relational.[423] Where I was able to be physically present, participants' trust increased and engagement was high; where I was less visible to participants, engagement dropped.

3.5.3 Indigenous Ethical Protocols

In the *IMI* case, ethical practice was shaped by Chapter 9 of the Tri-Council Policy Statement on research involving First Nations, Inuit, and Métis Peoples of Canada, as well as by decolonial research practices and local expectations regarding consent, reciprocity, and the ethical representation of lived experience.[424] While this project was not structured as an Ownership, Control, Access, and Possession (OCAP)-governed study, its design was influenced by OCAP-related commitments to respect, transparency, and negotiated control over when, where, and how the interviews with the *IMI* Youth Council took place.

Prior to data collection, I consulted with community partner staff about appropriate methods and limits on what to ask, how to ask it, and where interviews should be held. Accordingly, more extractive research practices like standardized survey tools were not used. Instead, interviews were designed to be conversational and responsive to participants' comfort, priorities, and community-guided decision-making about what knowledge is shared.[425]

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[422] Smith, *supra* note 355 at 1
[423] Roberta L Woodgate, Melanie Zurba, & Pauline Tennant, "Advancing Patient Engagement: Youth and Family Participation in Health Research Communities of Practice" (2018) 4:9 Research Involvement and Engagement 1 at 4, 5.
[424] TPCS2, *supra* note 408 at 153-77; Smith, *supra* note 355 at 118-120; Bremner, *supra* note 356 at 24; Jane Evans, "Summary" in Exploring Indigenous Approaches to Evaluation and Research in the Context of Victim Services and Supports (Ottawa: Department of Justice Canada, 2020) at 9.
[425] TCPS2*, supra* note 408 at 164; Smith, *supra* note 355 at 160-61.

3.6 Methodological Limitations & Considerations

Using a mixed methods design, I initially anticipated parallel data across the three case studies. However, each program unfolded within distinct institutional, pedagogical, and cultural contexts. These conditions produced uneven forms and quantities of data. These variations highlight a central epistemological premise that research on youth legal capability and consciousness must be flexible and responsive to the conditions in which young people encounter the law.[426] Although the uneven data limits strict cross-case comparison, it enhances the depth of each case and provides a more credible foundation for understanding how different pedagogical models shape legal learning and thought.

The validity of the data also faces well-documented conceptual limits that are inherent in measuring legal capability and mapping legal consciousness.[427] While the survey instrument draws on established access to justice indicators, I found that neither capability nor consciousness could be conclusively captured through fixed categories or quantitative tools alone. I also found that interview responses routinely exceeded the boundaries of existing models, including Ewick and Silbey's narratives, the *PULS* profiles, and Hertogh's alienation framework.[428] I found that for youth under 18, these constructs were not only fluid but literally emergent, reflecting participants' age, varied experience with the law, and rapidly changing relationship to authority, rights, and systems in general. I subsequently use quantitative data to identify patterns and potential shifts, while the qualitative analysis provides the interpretive

[426] Schelbe, et al, *supra* note 413 at 514.
[427] Horák, et al, *supra* note 205 at 10.
[428] Most legal consciousness scholars recognize that typologies are fluid, not fixed. See, for example, Ewick & Silbey, *supra* note 33 at 50-53; *PULS, v2, supra* note 17 at 103; Hertogh, *supra* note 45 at 60.

grounding necessary to understand those patterns. And, in this study, typologies like *before, with,* and *against* the law were treated as reference points only.

Sampling and representativeness became additional limitations. As stated previously, the study does not aim for generalizability; youth self-selected into the PLE programs, then self-selected again into the surveys, and again into the interviews. This form of layered filtering likely resulted in a sample of participants who were more educationally engaged, legally and in some cases politically motivated, and/or confident than their peers.[429] Overall, these limitations reflect the realities of conducting research with diverse youth across multiple pedagogical environments.

3.7 Conclusion

Methodologically, this study provides a constructivist, mixed-methods, multi-case analysis that brings together grounded theory, critical-interpretivist legal consciousness research, and Indigenous methodological principles. Surveys and interviews are used as complementary tools, to analyse young participants' legal capability and legal consciousness as framed through three distinct PLE case studies. What emerges is a flexible framework for tracing how youth legal capability and consciousness emerge and fluctuate across pedagogical settings.

The next chapter turns to the first case study—the Mock Trials program. As the "conventional" PLE model in this project, Mock Trials provide a starting point for examining how skills-based, court-centered PLE influences youth orientations to law. This case establishes a substantive and methodological baseline for the subsequent chapters on Mini-U and *IMI*, where more critical and pluralist pedagogical approaches are brought into view.

[429] Kamden K Strunk & Mwarumba Mwavita, "Sampling and basic issues in research design," in *Design and Analysis in Educational Research Using jamovi*, (London: Routledge, 2021) at 24.

Chapter 4: Mock Trials

4.1 Introduction

> *Would you do things differently now that you have participated in the Mock Trials?*
>
> *"I don't think it's translated much to my daily life, but …the part that I found the most interesting is like how the law is all different things. Yeah. And the goals are both defence and crown and direct and cross. Yes, because you can get the information you want depending on the question."*[430]
>
> ~Grade 8 student, Alternative High School in Ottawa

A mock trial competition is the high school-legal equivalent to a school play, but rather than staging Romeo and Juliet, students take up the roles of lawyers, litigants, and court staff. Each role comes with prescribed procedures and students learn to perform within the constraints of formal court rules. They dress in court attire and try out their best legalese, often drawing inspiration from televised courtroom dramas like *Suits* or *Law and Order.* Many participating students have a personal interest in law (and some in "justice") and are contemplating further educational paths leading to law school.[431] Mock trials give them the chance to mimic the day to day operations of lawyering: to test their strategic reasoning and public speaking skills, to flash business attire, to feel powerful, and to "resolutely" advocate for a fictional truth.[432] The activity is a performance of legality rather than a direct experience of law, revealing how this type of

[430] Interview of Madeline by Natasha Jaczek (25 May 2025) via oral communication over zoom (transcribed by author) [Madeline].
[431] See Ontario Justice Education Network, "2025 OOCMT Recap" (May 16, 2025) ojen.ca, online video: <https://www.youtube.com/watch?v=KFIY4Dhg9gk&list=PLExy1V9S_1Dxo7By5Cdg-_bO12mgIBE4u&index=7>.
[432] See Ontario, Law Society of Ontario, *Rules of Professional Conduct* at 5.1-1.

PLE can familiarize students with procedural rules and a bit of substantive law without necessarily exposing the systemic or relational dimensions of justice.

This chapter frames the "OBA/OJEN Competitive Mock Trials" (Mock Trials) program as a site for investigating youth legal capability and consciousness within a "conventional" PLE model. I begin with an outline of the program and an overview of the pedagogical assumptions that underpin mock-trial-style PLE. I then draw on pre- and post-program survey data to map directional shifts in youth legal capability and selected indicators of consciousness. Consistent with the survey-as-scaffold approach developed in Chapter 3, quantitative data are treated as indicative rather than conclusive, illustrating potential patterns in youth legal capability and consciousness. These descriptive trends set up the nine interview accounts, which provide deeper insight into how students understand their experiences with law before, during, and after the program. In keeping with Stake's approach to analytic generalisation, the emphasis is on thick description and transferability and not statistical representativeness or formal causal inference.[433] The empirical focus in this case study reflects the pedagogical characteristics of "conventional" PLE and examines how a scripted institutional design intersects with the ways youth experience legality, capability, and agency within everyday contexts.

4.2 Program and Pedagogical Context

OJEN has been running small-scale local mock hearings across the province of Ontario since 2002. In 2014, OJEN partnered with the Ontario Bar Association ("OBA") to support the

[433] Stake, *supra* note 369 at 237.

growth of Mock Trials program.[434] Generally, OJEN selects the case for the competition in the fall and releases the information along with registration instructions to their vast listserv of high schools in December.

Teachers sign up online and there are often waitlists for schools in certain regions across the province.[435] Upon registration, teachers receive large packages of information, annual tournament cases, supporting materials, step-by-step videos, and tournament guides and rules.[436] Each school/team is matched with a local lawyer-coach who volunteers to help steer the students in their preparation for the competition. The culmination of the Mock Trials program is a series of upper-tier championships that take place in the spring in central, eastern, northern and southwestern regions of Ontario. Tournaments range in size depending on the capacity of the courthouses and the local committee of volunteers.[437]

During Mock Trials, students reenact every step of a real hearing, including opening the case, examining witnesses, presenting legal arguments, making and responding to objections, and receiving a judgment. Senior lawyers and jurists volunteer to be judges for the day of the competition. Students are judged on their abilities to present their case as well as follow the protocol and rules of the court.[438] Some schools take the competition much more seriously than others, but judging by the enthusiasm and excitement throughout the event, all the students I observed seemed to thoroughly enjoy themselves on the day of the event.

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[434] Ontario Justice Education Network, "History and Background" (October 28, 2025), ojen.ca (website), online: < https://ojen.ca/en/oocmt/about-oocmt/history-and-background/>.
[435] For example, in 2025, York region had 15 schools on the wait list.
[436] See, for example, Ontario Justice Education Network, "Introduction to Criminal Law Trials" (obtained October 28, 2025), ojen.ca (website), online: < https://ojen.ca/wp-content/uploads/Criminal-Law-Trials-A-Brief-Introduction_0.pdf>.
[437] For example, Brampton only has two courtrooms available and so the Brampton region cannot hold a large, multi-day tournament like Ottawa can.
[438] See Ontario Justice Education Network, "OBA/OJEN Competitive Mock Trials Marking Scheme" (retrieved on October 28, 2025), ojen.ca (website), online pdf: <https://ojen.ca/en/download/oocmt-scoring-sheet/>.

OJEN describes Mock Trials as a "a positive, experiential way of exposing students to the justice system, as well as developing their personal advocacy skills."[439] Students learn how courtroom procedure works, how to craft legal arguments, and how to balance individual rights and public safety.[440] They work with a fixed set of facts and operate within the boundaries of admissible evidence and legal etiquette. They are playing the game using the prescribed rules. According to OJEN, these exercises strengthen students' "confidence, research skills, and critical thinking," and interactions with justice sector professionals provide mentorship and career insights.[441] The goal is not for students to "set a precedent" or explore controversial policy questions but to navigate law through a controlled simulation of an adversarial process.

Criteria for case selection is flexible but OJEN attempts to keep issues topical and relevant to younger audiences.[442] The 2025 Mock Trial case, *R v Silip*, centered on an allegation of criminal harassment and the use of social media.[443] The case turned on questions of intent and the distinction between persistence and harassment, requiring participants to assess witness credibility and determine whether the accused's conduct met the legal definition of criminal harassment.[444]

In 2025, 20 regions hosted competitions over 35 separate tournament days. Two-hundred and nineteen teams participated across the province with over 2,400 high school students taking

[439] Ontario Justice Education Network & Ontario Bar Association, *Tournament Guide,* (Toronto: Ontario Justice Education Network and Ontario Bar Association, 2024) at 1.
[440] Ontario Justice Education Network, *Criminal Law Mock Trial: Role Preparation (*Toronto: Ontario Justice Education Network, 2009).
[441] Ontario Justice Education Network, *Making the Case: Mock Hearing Toolkit* (Toronto: Ontario Justice Education Network, 2010) at 1-2.
[442] Ontario Justice Education Network, "About OOCMT" (October 28, 2025) ojen.ca (website), online: < https://ojen.ca/en/oocmt/about-oocmt/>; OJEN & OBA, *Official Rules,* (Toronto: Ontario Justice Education Network and Ontario Bar Association, 2024).
[443] *Criminal Code,* RSC, 1985, c C-46 at s 264 [*Criminal Code*].
[444] Ontario Justice Education Network, "Tournament Case 2025: *R v Silip*" (Toronto: OBA/OJEN Competitive Mock Trials Tournament Case 2025, 2025).

part. Approximately 75 dedicated volunteers formed local core planning committees and over 250 justice sector volunteers dedicated time to coaching teams, judging the tournaments, and helping coordinate on the day of each competition.[445] There were 21 schools enrolled in the Eastern Championships in Ottawa, the province's only bilingual tournament. Participants generally range in age from 16-18 years old, however, the youngest participant in this year's competition was 13 years old and was one of my interviewees.[446]

4.2.1 Implications for Legal Capability and Consciousness

I chose to study students involved in Mock Trials because, to me, this represents a dominant form of school-based PLE situated within a formal institutional setting. For this reason, I classify mock trial-based PLE as "conventional." Although the 2025 Mock Trials used a criminal law fact pattern, this does not undermine my dissertation's analytical focus of legal capability and legal consciousness.[447] Instead, it reflects a broader socio-legal phenomenon that public perceptions of fairness and unfairness in criminal contexts translate into beliefs about the justice system as a whole.[448] Similarly, research into youth shows that experiences with school discipline and media representations of criminal punishment often constitute early ideas about state authority and shape expectations of the civil justice system as well.[449] In other words, most

[445] Amelia Berot-Burns, *2024-2025 OBA-OJEN Competitive Mock Trials (OOCMT) Program Report* (Toronto: Ontario Justice Education, 2025) at 3.
[446] The youngest participant was 13 years old, from a private, alternative school in Ottawa.
[447] While legal capability may, at times, be specific to one area of law, legal consciousness operates holistically and draws from both criminal and civil legal contexts to inform public conceptions of fairness and justice generally.
[448] Sara Sternberg Greene, "Race, Class, and Access to Civil Justice" (2016) 101 Iowa L Rev 1263 at 1266-67; See also Pascoe Pleasance, et al, *Law… What is it Good For? How People see the Law, Lawyers and Courts in Australia* (Melbourne: Victoria Law Foundation, 2019) at 8 [Pleasance, et al, *What is it Good For?*].
[449] See Mosher, *supra* note 25 at 811, 836.

people do not conceptually separate civil and criminal domains when assessing legality or institutional legitimacy.[450]

In terms of legal capability, Mock Trials may help develop procedural and analytical skills necessary for strategic argumentation and self-advocacy within the existing system. Students learn to identify patterns of facts and construct arguments from both sides, yet the thrust of each argument is constrained by accepted legal categories, evidentiary norms, and courtroom etiquette. In this sense, Mock Trials may build legal capability skills and develop critical thinking within the procedural confines of the established legal system.[451] Yet, in doing so, Mock Trials programs may subtly reinforce an understanding of law as stable, coherent, and legitimate, while leaving less space to examine how laws are applied and experienced unevenly across different social contexts.

4.3 Data Landscape for This Case

The Mock Trials program generated the largest dataset, with 65 survey responses and nine interviews, drawn from a participant pool of more than 200 students participating in the Ottawa competition. Pre-program data (n=10) were too small to support formal statistical comparison with post-program surveys (n=55), so the quantitative findings are treated as descriptive and exploratory and not representative measures of the cohort.[452] Descriptive

[450] Buhler, *Wahkohtowin, supra* note 38 at 79.
[451] The court system is presented as a closed and authoritative forum and students are rarely asked to consider whether disputes might be better served using alternative processes or whether fictional litigants would realistically have the time, money, or representation to pursue a claim in the first place. For example, in the 2025 case, the plaintiff was a student with shaky facts about being criminally harassed. In some of the exit interviews, the students told me that their lawyer coaches relating they "would never take that case to trial." See later discussion below.
[452] Ten students completed the initial survey, eight of whom were under 18. These students provided demographic information that helps contextualize their responses. Of the ten students, four identified as male and six as female.

statistics are therefore used to illustrate directional trends in legal capability and consciousness, which are then interpreted through qualitative interview material. The nine interviews generate thick, contextual narratives that operate as the primary interpretive material for exploring legal capability and mapping legal consciousness. Rather than validating survey results, the interviews extend and deepen them, offering nuanced explanations for the tensions and dynamics that cannot be inferred quantitatively.[453]

4.3.1 Researcher Positionality, Relational Barriers, and Youth Participation

I approached the Mock Trials program primarily as an external researcher rather than a program designer or facilitator. The youth first met me as a relative "outsider" and this positioning shaped both the possibilities and limitations of data generation.[454] Recruiting young people to complete surveys and interviews proved extremely difficult when they had no pre-existing familiarity with the research.[455] I found that broad electronic outreach, through mass teacher emails, yielded limited participation, while in-person classroom visits immediately

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The group reflected considerable diversity: two students identified as African (one as African/white), one as Black, one as Arab, one as South Asian, one as Latin American/white, one as Ashkenazi Jewish, one as Egyptian, and three as white. Three students described their household income as high, four as middle income, and three as low income. Eight students had taken Grade 10 Civics and all lived with their birth families; four families were renters. Fifty-five students from ten schools completed the post-program survey. Demographic information was not collected post-program, and only three students completed both surveys.

[453] Laura Beth Nielsen, "The Need for Multi-Method Approaches in Empirical Legal Research" in in Peter Cane & Herbert M Kritzer, *The Oxford Handbook of Empirical Legal Research,* (New York: Oxford University Press, 2010) at 967 [Nielsen, 2010].

[454] Sonya Corbin Dwyer & Jennfer L Buckle, "The Space Between: On Being an Insider-Outsider in Qualitative Research" (2009) 8:1 Int'l J of Qual Methods 54 at 57.

[455] Constance Flanagan, et al, "Schools and Social Trust," in Lonnie R Sherrod, Judith Torney-Purta & Constance Flanagan, eds, *Handbook of Research on Civic Engagement in Youth*, (Hoboken, John Wiley & Sons, Inc, 2010) at 309-11 [Flanagan, et al].

One of the most striking observations from the tedious and painstaking process of trying to get teachers interested in helping with my research and trying to get students to respond to my surveys was the link between lack of personal connection and low participation numbers. I learned that personal connection mattered far more than formal outreach. When I had the chance to meet teachers and students, answer their questions, and even take a small group to Starbucks during a break in the Mock Trial competition, engagement and trust increased noticeably. Building those relationships, even briefly, proved to be key to meaningful participation.

increased interest and participation numbers.[456] Encountering these well-documented recruitment challenges illuminated the deeply relational nature of research participation with youth, which I am now convinced is so often built on trust.[457]

My conclusions must also be understood in light of the study's sample and design. The interview participants were volunteers and, as such, may reflect a subset of Mock Trial students who already had relatively high levels of critical awareness and interest in law and justice. Youth with different personal orientations toward the legal system, and particularly those who did not volunteer for the research, may experience the program differently. Given the relatively critically-minded interview sample, it is less clear whether or how Mock Trials may engage legal consciousness among youth with lower initial levels of critical awareness.

4.4 Survey Snapshot: Directional Trends

As stated earlier, due to the inconsistent sample sizes, the pre- and post-program survey instruments in this case are not used to test hypotheses or generate inferential claims of impact on legal capability or consciousness. Instead, they provide a baseline map of youth orientations that help organize the qualitative analysis. Orientations are divided into six domains: legal capability based on problem experience; subjective legal empowerment; perceptions of access to justice and procedural views; perceptions of distributive justice; rights consciousness; and legal legitimacy. The first domain functions as the sole indicator of legal capability, while the remaining five domains each speak to legal consciousness, reflecting how youth understand and

[456] Special thanks to Ms. Erin Benincasa and the students at the Element School and to Mr. Patience Kinshie Lenye and the students at College Catholique Franco-Ouest for inviting me to visit their classrooms and for participating in the data collection.
[457]Flanagan, et al, *supra* note 455 at 308-09.

experience the law in their everyday lives. These domains are analytic, not psychometric, and highlight patterns and tensions that warrant deeper exploration in interview narratives, where legal consciousness is most meaningfully expressed.

4.4.1 Low Legal Capability Despite Moderate Subjective Legal Empowerment

When looking at actual direct experience with legal problems, a small number of pre-program survey respondents reported issues mostly related to unpaid part-time work, housing disputes, and discrimination and harassment. Most students did not know where to get legal help, or if it would be helpful, and many thought it was easier to ignore problems than to act on them. Fewer than half reported that their issue had been resolved and only one student contacted a lawyer. That was the only case where the student thought the outcome was fair, but all the other students noted that their outcomes were generally unfair or unresolved. When students did reach out for help, it tended to come through family members, teachers, community workers, or online searches.[458] The survey responses reflect a shared sense that navigating everyday problems is mostly a matter of improvisation.

At the same time, both before and after the Mock Trials program, students reported relatively high levels of SLE, particularly in relation to their own knowledge and ability to locate information. Despite this seeming confidence, students did not have very high expectations of

[458] In the initial survey, students were asked a variety of questions about past legal experience. While six students had no direct experience with legal problems, four did. Their issues ranged from financial issues and social assistance to housing disputes, separation and divorce, and discrimination and harassment, largely based on race and sex. When asked to reflect on a specific legal issue, most respondents had little knowledge of where to seek legal help, and all but one said it seemed easier to ignore the problem. One student did not act because they could not afford legal representation. Only one respondent thought their outcome was fair – and, as studies have shown, they were the only respondent who received legal assistance. Among those who sought assistance, one contacted a lawyer, one spoke with family or friends, one reached out to a community organization, and one searched online. Half of the students said their issue had been resolved. Across responses, there was a shared perception that legal help was difficult to find and secure, and that more accessible, personalized legal services are needed.

achieving fair outcomes through the legal system.[459] Similar phenomena have been documented in legal needs literature, where "many of the people who profess to have knowledge of rights will be unable to articulate these rights."[460] In other words, students often felt personally capable of 'handling' legal issues on their own but expressed far less confidence in their ability to access or navigate formal legal support.

4.4.2 Critical Legal Consciousness

Both pre- and post-program survey respondents held strongly critical views of procedural access to justice issues, consistently describing the system as complex, slow, and dependent on money and skilled legal representation.[461] Even without explicit 'access to justice' framing, their responses reflect a 'common sense' awareness of class-based disparities and procedural barriers.[462] Overall, responses across both survey points showed that students had a strong sense of social inequality and may relate that general knowledge to accessing the justice system.[463]

As a result, both pre- and post- program survey responses revealed moderate to high skepticism about whether the justice system is fair, treats everyone equally, and delivers "justice for all." While some students granted that the system aspires to fairness, few believed that it consistently achieves equitable outcomes in practice.[464] Respondents also tended to avoid the

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[459] In the exit survey, 71% of the students agreed that they understood their rights and responsibilities; 64% agreed they knew where to get good information and advice about resolving everyday problems; and 47% agreed that, when faced with an everyday legal problem, they felt confident in achieving a fair outcome.
[460] See Denvir, et al, *supra* note 18 at 154.
[461] Nine of the respondents agreed that "law is like a game and, if you are more skilful, you will get a better result." The same number agreed that "people need lawyers to solve their legal problems." All respondents also agreed, to varying degrees, that "people with less money usually get worse outcomes when they have legal problems." Finally, respondents overwhelmingly rejected the notion that the court system is simple or user-friendly, with seven totally disagreeing that "taking everyday problems to court is quick and easy." The exit survey did not contain questions about access to justice so there is no post-program comparison.
[462] Denvir, et al, *supra* note 18 at 155.
[463] Porter, "Measurement", *supra* note 136 at 218.
[464] Eight of the ten students in the initial survey disagreed with the statement "the legal system treats everyone equally." When asked whether "the justice system is generally fair," three somewhat agreed, three remained neutral, and four disagreed. Perceptions of whether the justice system is "designed to give people what they deserve" were

system when possible. Yet, they maintained a strong belief in the value and protection of their rights.[465]

Across both pre- and post-program surveys, respondents drew a clear distinction between trust and respect. Trust in the legal system was notably limited, with fewer than half of students reporting that they trust the system is there to help them in disputes. At the same time, nearly two-thirds of the respondents expressed respect for the system.[466] This semi-consistent pattern of 'respect without trust' suggests that youth recognise the system's authority while doubting its practical reliability and fairness.

Post-program survey responses suggest a slight increase in confidence in dealing with everyday legal problems but students reported limited change in how they would act or how they viewed the legal system as a whole.[467] Overall, the data illustrates that although the Mock Trials program helped students learn how court-based law works, they were not fully convinced that it works for everyone.

I use the survey findings as general position points that locate where students' legal capability and consciousness were situated before the interviews. For me, they highlighted questions that required further qualitative unpacking: How do young people make sense of this

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similarly divided. Half of the respondents agreed, while four remained neutral and one totally disagreed. When asked directly whether the system is "based on justice for all," responses again reflected ambivalence and hesitation: four said yes, four said no, two preferred not to say. Again, there is no post-program comparison to this data.

[465] Most respondents (six) said they try to "avoid dealing with the legal system as much as possible," while four said they did not. Despite this apprehension, a strong majority (eight) believed that their rights are protected, while only one said "no."[465] When asked whether "standing up for your rights is worthwhile," seven students said "yes," nobody disagreed, but three gave qualified or hesitant answers. There is no post-program comparison.

[466] In the post-program survey, like the initial survey results, less than half of the students (47%) reported trusting that the legal system is there to help them when they have disputes, while 18% flat out disagreed. In contrast, and again like the results of the initial survey, students' levels of respect for the legal system remained high. Seventy-six percent responded "yes," with only 4% responding "no."

[467] When asked to comment on what caused their change in attitude, some students remarked that "there are many inequalities in the Canadian system, especially for newcomers" and "I didn't have a large change of attitude as I think there are still many flaws in the system." Others answered in a more positive tone, "[i]n learning more about the system through the mock trials, I feel that I have gained more knowledge on the subject."

low knowledge/low trust configuration? When and why does SLE translate into action? How do students distinguish between rights in principle and rights in practice?

4.5 Portraits of Interview Participants

Before integrating the interview responses into the survey findings, I begin by offering nine snapshots of the students who participated in the semi-structured interviews.[468] These portraits are not intended to represent all youth in the Mock Trials program, but to personalize the narrative approach to legal agency demonstrated by the interviewees. As we spoke, I saw that each student approached law from a different position shaped by family life, school, identity, some legal learning, and previous encounters with authority. The interviewees revealed different levels of legal awareness, capability, skepticism, agency, and law-related judgment that ultimately shaped both their legal capability and legal consciousness.

El was in their final year of high school at a large Catholic secondary school and had recently been accepted into a local university's legal studies program. El identified as a Latinx, non-binary youth, with Indigenous ancestry, and lived with their family in a rental home in an Ottawa suburb. In our conversation, El spoke at length about witnessing incidents of police discrimination, including several involving close family members. This seemed to shape how El understood law and authority. They had taken it upon themselves to learn more about the law and their rights and often helped family members navigate legal problems. El demonstrated a high level of legal capability but was also deeply skeptical about the fairness of the justice system.

[468] Portraits are interpretive composites that draw on interview material and survey responses and personal details have been intentionally generalized to protect anonymity.

That said, they had a strong commitment to social justice and viewed law as a tool that could be used for social change.[469]

Oden worked part-time while finishing his final year of secondary school and hoped to study engineering in university. Oden initially joined Mock Trials because his "*friends needed a teammate*" but quickly became "*curious*" about law. He reported very limited direct personal experience with legal problems, only a small pay issue while he was refereeing a summer sport, which seemed too minor for him to pursue legally. Oden found that Mock Trials made him more familiar with courtroom procedures but did not change his perception of the legal system as a whole because, as he explained, the case was "*very focussed.*" As a white youth living in a middle-income household, he understood his privilege and had a positive view of the justice system, saying "*it works most of the time*."[470]

Kip was a junior student at a large French-language secondary school. He identified as Chinese-Filipino and was in an advanced academic program at the time of the interview. His teacher told me he had already skipped a grade. Kip lived with his parents and siblings in a middle-income household. Kip chose law as an elective because he could "*kind of envision a future in the law*," describing it as a subject that interests him. He had experience with racial discrimination while playing organized sports, a recreational space he described as "*dominated by not [his] people*." In his many examples, he sometimes escalated the situation by going to authority figures, like coaches, but more often than not he chose to ignore the problem or "*laugh*

[469] Interview with El by Natasha Jaczek (18 May 2025) via oral communication over zoom (transcribed by the author) [El].
[470] Interview with Oden by Natasha Jaczek (22 May 2025) via oral communication over zoom (transcribed by the author) [Oden].

it off." He explained that the Mock Trials opened his eyes to law as strategic and skills-based. He suggested that outcomes often depend on "*whoever's lawyers are better.*" While he had trust in the legal system, he also believed that many everyday issues go unaddressed because of the time and cost of legal help.[471]

Dia lived with her family in a low-income home and balanced going to school with caring for her younger siblings while her parents were at work. She was planning to go into criminology at university after her final year of secondary school. As an Arab Muslim, she told me about frequent experiences with racism and harassment in both school and public places, including comments about her hijab. She said she often treated these comments as "*jokes*" and tended to ignore them because they were "*normalized*" and "*not serious enough*." She highlighted the importance of family and community support when dealing with law-related problems and said the Mock Trials program did not change how she would approach legal problems in the future.[472]

Sherifa lived with her parents and siblings in a rental house in Ottawa and was in her final year of secondary school. She joined Mock Trials through her school's law club and had completed all available high school law courses. Identifying as an Arab youth coming from a low-income family, she described ongoing racism and verbal harassment in elementary school. This shaped her awareness of systemic inequality and structural unfairness, which she then attributed to all institutions, including the legal system. She said the Mock Trials helped her

[471] Interview with Kip by Natasha Jaczek (18 May 2025) via oral communication over zoom (transcribed by the author) [Kip].
[472] Interview with Dia by Natasha Jaczek (20 May 2025) via oral communication over zoom (transcribed by the author) [Dia].

better understand how the *Charter* works and how courtroom procedures operate, but she was "*doubtful*" she would approach legal issues differently because of what she learned in the program. She noted that even when laws in Canada appear fair, they mostly operate unevenly, particularly for marginalized and low-income groups. She believed the legal system can be fair *in theory*, but "*something's off*" in how it operates.[473]

Fatima was a senior year Black student who lived with her parents and siblings in a middle-income household. She worked part-time and planned to study social sciences at university. She told me she was initially skeptical about taking an extra law course (the Mock Trials was offered as a course in her school), but she grew to enjoy the Mock Trials experience and ended up taking on a leadership role in the class. Fatima was particularly articulate when she discussed discrimination. She was well-aware of the limits of law and preferred to research solutions herself than seek advice. Although she recognized systemic inequality, she believed in the importance of standing up for her rights. She was hopeful that the legal system could be improved but had a realistic knowledge that law moves slowly and social change was incremental.[474]

Lex was in her final year of secondary school and identified as Egyptian-Canadian. She was planning to go into international law or global affairs at university and lived with her parents and siblings in a high-income household. Lex was one of ten Mock Trials students who completed both the pre- and post-program surveys independently (I did not have to chase after

[473] Interview with Sherifa by Natasha Jaczek (18 May 2025) via oral communication over zoom (transcribed by the author) [Sherifa].
[474] Interview with Fatima by Natasha Jaczek (22 May 2025) via oral communication over zoom (transcribed by the author) [Fatima].

her like I did with other students), and she was keen to set up her interview. Lex's interest in law was shaped by her own family court battle, where she witnessed firsthand how race, language barriers, and finances affected her family's access to justice. Reflecting on her experience she told me that legal "*representation, even if they can't immediately pay, is really important*." She joined the Mock Trials program for experience and left with a more nuanced perspective about subtle biases, even in the Mock Trials program itself. She found one of the judges particularly biased against "*people of colour because the other team was all rich white kids."* Lex believed law was imperfect but she said the Mock Trials experience taught her "*it can be fair.*"[475]

Kristin identified as a white student in her final year of secondary school who lived in a middle-income household with her parents and siblings. She was planning to study political science at university and worked part-time in the service industry. She was very interested in law and politics and talked a lot about taking extra social justice classes in high school. She was keen to talk with me about projects she had done on access to justice issues and women's rights. Her most serious legal experience involved sexual harassment by a colleague at work. She shared that she went to her coworkers for support after her manager discouraged formal reporting. For Kristin, participation in the Mock Trials "*reinforced the thoughts I already had [about the justice system]… changed my point of view a little bit for the better*." She believed strongly in system based reform as the best way to achieve access to justice.[476]

[475] Interview with Lex by Natasha Jaczek (22 May 2025) via oral communication over zoom (transcribed by the author) [Lex].
[476] Interview with Kristin by Natasha Jaczek (19 May 2025) via oral communication over zoom (transcribed by the author) [Kristin].

Madeline was the youngest student I interviewed for Mock Trials. She described herself an African student at a small secondary school who lives with her parents and siblings in a high-income household. Unlike several other participants, Madeline had no prior personal or family experience with legal problems but had relatively high confidence in her own ability to understand and respond to legal issues if they were to come up. She suggested that the Mock Trials program helped her to "*know what I don't know*" and develop skills that could translate to other problems, "*but with probably less confidence*." Her views on the legal system reflected a mix of trust and critique, as she raised concerns about "bad" cases but maintained they "*don't trump out all the good ones*."[477]

4.6 Integrated Interview Analysis

This section brings the survey trends into conversation with the interview narratives to deepen the analysis of Mock Trials participants' legal capability and legal consciousness. The survey findings provide a platform from which the interviews add texture and complexity. Together, they help explain how confidence, skepticism, and uncertainty can coexist in young people's understandings of law.

4.6.1 Problem-specific "Baseline" Legal Capability

In the survey responses, a small subset of students reported having direct experience with legal problems. When assessed against Watkins et al.'s youth legal capability indicators outlined in Chapter 2 – particularly the ability to identify sources of support and seek help – these students reported limited practical legal capability. Most described having little knowledge of

[477] Madeline, *supra* note 430.

where to seek assistance, a tendency to ignore issues, and difficulty accessing affordable legal help. Viewed alongside the survey responses, the interviews revealed uneven "baseline" legal capability when understood through personal or family problem experience.[478]

A small number of interviewees showed "advanced legal capability:" they possessed strong rights-based knowledge, they could identify legal issues, and they occasionally advised relatives on what to do in legal situations.[479] For example, El offered a clear illustration:

> *"I think I am pretty well equipped, especially since my law class… We recently went over the Charter of Human Rights and Freedoms… In fact, I usually am the one who is commenting to my family like, 'Oh, papa, you should read that contract very carefully, and then read it again and make notes for yourself,' or when someone tells me like, 'Oh, the police were called,… [and I tell them] 'you should record while the police are there. That is your right, and you also have the right to request certain rights like you have, you can request to have, like a lawyer'."*[480]

For students like El, legal capability developed cumulatively, through both formal legal instruction in civics or law class, and informal learning from online resources and experience within activist communities. El elaborated:

> *"I like to engage in activism and stuff and online communities. People tend to help each other a lot like saying things like, 'you know, you don't have to talk to the police officers in these instances and things like that'."*[481]

To El legal capability was not abstract. They could name legal harms, they understood the relevance of evidence and procedure, and perceived a range of potential remedies, even if they did not always pursue them formally.

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[478] See Watkins et al, *supra* note 31, who describe a theory of measuring youth legal capability in Chapter 2.
[479] *Ibid* at 442.
[480] El, *supra* note 469.
[481] *Ibid.*

However, for most students, legal capability was far more "baseline/intermediate" and emergent.[482] They felt they could recognize when something felt unfair or "*not legal*," especially around unpaid labour, harassment, and discrimination, but had limited procedural knowledge or confidence in navigating systems. Kip illustrated this through a work situation at summer camp:

> *"Sometimes when I'm working in camps, they ask you to stay a little bit overtime… And, you know, sometimes I ask myself, like, if they're allowed to ask you to go overtime… even if it's just for half an hour without being paid…. And I just don't really do anything about it because I just figure, okay, whatever, what's half an hour to me? But, you know, like deep down, I feel, 'okay, this is not really legal, but it's not important enough for me to do anything about it.'"*[483]

Their primary skills include identifying when to seek help from adults in authority and relying on informal information channels such as family members or internet searches. As Kip later noted: *"if I were in the position where it would be bad enough to need to escalate it, I wouldn't know who to contact firsthand. I'd probably just ask… my dad or something."*[484] This informal reliance on family networks was shared by others. Madeline expressed a similar strategy: "*I know that if I have a problem, I can go to my parents and they'll be able to sort that out*."[485]

Dia described a more layered approach to accessing legal information:

> "*For the most basic issues.. obviously there's things like Google… But then… we have the school and there are guidance counsellors and this law person that comes in sometimes*."[486]

[482] Watkins et al, *supra* note 31 at 437-42.
[483] Kip, *supra* note 471.
[484] *Ibid*
[485] Madeline, *supra* note 430.
[486] Dia, *supra* note 472.

Despite this emerging legal capability, students generally lacked familiarity with how to access professional legal assistance and when to formally escalate a problem. Overall, personal and family encounters with everyday problems supported the development of issue recognition and informal problem-solving skills, but formal legal capability remained limited and largely uneven.

4.6.2 Overconfidence in Subjective Legal Empowerment

In contrast, students reported entering the Mock Trials program with relatively high levels of self-reported SLE ratings.[487] In the initial survey, every participant agreed they understood their legal rights and responsibilities, and nearly all said they knew where to get good legal information in relation to domain-specific civil legal problems. By the end of the program, confidence in achieving fair outcomes remained moderate, but the larger post-program cohort showed slightly more varied and realistic appraisals of their legal abilities. These findings suggest that while the Mock Trials program may have familiarized students with legal processes, this educational value did not necessarily translate into a stronger sense of domain-specific SLE to navigate the justice system independently.[488]

In interviews, students described varying degrees of confidence in identifying and addressing legal problems. For example, Fatima felt like she would be able to identify a legal issue in her life because she personally knows legal professionals:

> *"I do have people around me that do work in, like, law stuff. So, I feel like I'd be able to get their say on it.. I think that's an advantage that I have."*[489]

[487] See Gramatikov & Porter, *supra* note 137 at 5 for theory on measuring SLE in Chapter 2.
[488] Porter, "Measurement," *supra* note 136 at 214.
[489] Fatima, *supra* note 474.

Others, like Oden, expressed reservations about taking action on their own behalf:

> *"I think that I would do a lot of talking, like with family members or friends. But past their knowledge, I don't know if I'd be able to do a whole lot more than that. Maybe some online research, but I think that's probably the extent of where I'd be able to find solutions."*[490]

Still others showed reflective awareness about their lack of ability to resolve everyday disputes on their own. Madeline stated,

> *"I definitely did learn new things this year but not related to like what I would necessarily do in the situation. It's hard to… picture it because [I have] never had to deal with that before."*[491]

These reflections stress that legal knowledge does not ensure confidence and registers a critical gap between awareness and agency.

In terms of SLE, both the survey and interview data suggest that students felt they had a basic understanding of their legal rights but were much less certain about what to do with that knowledge in practice. Survey results point to general familiarity with legal concepts, whereas interview narratives reveal where that confidence begins to break down.[492] Students could usually tell when something 'wasn't right' but were unsure what to do next or whether it was worth doing anything at all. This distinction between knowing the law and feeling capable of acting within it reflects the context-dependent and relational nature of legal capability and SLE.[493]

[490] Oden, *supra* note 470.
[491] Madeline, *supra* note 430.
[492] Gramatikov & Porter, *supra* note 137 at 8.
[493] See Mosher, *supra* note 25 at 813; Gramatikov & Porter, *supra* note 137 at 6.

4.6.3 Conscious Awareness of Access to Justice Issues

Survey data revealed that young people are alive to issues related to the current access to justice crisis in Canada. Interviews added nuance to these perceptions, showing that students were not only aware of the issues but often well-informed. For example, Kristin cited scholarly research when she told me about why she believed people with less money generally get a worse outcome. She explained to me,

> *"Studies show and prove that people with lower incomes are at a disadvantage. They know less about the system, they have less resource connections also, their environment and their experiences at lower income often create like a negative perception of the legal system."*[494]

Lex equated justice with skill, emphasizing that success is largely dependent on having expert legal representation. She reasoned,

> *"Probably your best outcome is going to be with someone who has a lot of knowledge on whatever it is. It's always better. It can be anything. It doesn't even have to be law. Working with someone who knows everything. I mean, like, when you go get a job, you're trained by someone who has already been working there."*[495]

Overwhelmingly, interviewees saw law as a game, likely influenced by the importance of strategy in Mock Trials preparation. Dia explained,

> *"If you know how to play something properly [you'll] literally get better results. And so, I feel for someone who… knows the law really well and, like, someone who doesn't know the law really well,… obviously, the person who knows the law really well is gonna get better results."*[496]

[494] Kristin, *supra* note 476.
[495] Lex, *supra* note 475.
[496] Dia, *supra* note 472.

Even younger participants, like Kip, understood that the process of going to court is intimidating, complex, and often inaccessible. He related,

> *I would have to disagree that it's easy… you know, like it's complicated and stuff like that's scary,… it's a long process to do these things. And for that reason, it would be hard to escalate something that's not, you know,… particularly extreme to court.*[497]

Looking at the surveys and interviews together reveals that youth perceptions of access to justice and legal processes are not necessarily solely shaped by inexperienced idealism but by a growing awareness of the legal system's limits. Far from uncritical consumers of "rule of law orthodoxy" narratives, students display an understanding of access to justice barriers like time, cost, and delay, and the role of legal expertise as a gatekeeping mechanism.[498]

4.6.4 Critical Perceptions of Distributive Justice

Similarly, survey data showed students' perceptions of fairness in the justice system was not engaged over the course of the Mock Trials program. In the interviews, student responses again pointed directly to their awareness of how systemic bias, particularly along the lines of race and class, undermines the principle of equality before the law. Sherifa raised issues like racial profiling and overincarceration of Black people when asked whether the justice system was generally fair.[499] She explained,

> *"when it comes to the legal system… legal procedures start all the way from the lower level, like policing, then to courts, and things like that. And so, when I think of it like that, I feel like, no, there isn't enough fairness in the system."*[500]

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[497] Kip, *supra* note 471.
[498] Golub, *Beyond, supra* note 35 at 8-9. Golub describes this approach as top-down, legal system-centric, etc., see full discussion in Chapter 2.
[499] Importantly, the interviews illustrated that when students reflected on "the justice system," their assessments did not distinguish between civil and criminal law. Everyday experience collapses these legal domains into a single idea of "justice," such that concerns about policing, incarceration, and racial profiling inform broader judgments about fairness in all legal interactions, including those rooted in civil disputes. See Pleasance, et al, *What is it Good For?, supra* note 448 at 8.
[500] Sherifa, *supra* note 473.

El eloquently drew out explicit connections between policing, judicial discretion, and the unequal impact of fines and financial penalties:

> *I disagree that the legal system treats everyone equally, and I can tell you why not… Just because the foundation, police officers and the people, they already discriminate, so certain people will be arrested at higher rates, and then judges, for example, might look at people of different skin colors, ethnicities, races, and their prejudice also influences as well.*
>
> *But not only that, aside from the people who run the legal system, I think some of the laws themselves are not truly fair. I think there's this quote that says, if the consequence of a crime or the punishment of a crime is a fine, then that crime is only liable to the poor, it doesn't extend at all to the rich. If you have to pay… $20,000 for hitting someone with your car, that will cripple the poor person. But if you're filthy rich, then it doesn't affect you at all, and you haven't learned any consequence.*[501]

When invited to explain what "justice for all" would require, Sherifa drew together her critiques of equality, fairness, and getting what people "deserve." She argued that these principles cannot be separated:

> "*I think they're the same because to be just, it's like, you got to be fair to everyone. You got to give them what they need so, like, equity. That's like, justice, equity, fairness. I feel like they all go hand in hand. Like, you can't have one without the other."*[502]

The fact that these views were not explored during Mock Trials raises questions about the extent to which participation in a simulated legal process can challenge students' underlying skepticism about fairness. If anything, the program seems to have reinforced what some students already suspected and the presentation of a neutral process does not appear to change their suspicions that systemic inequalities are built into the architecture of the legal system.

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[501] El, *supra* note 469.
[502] Sherifa, *supra* note 473.

4.6.5 Rights Consciousness Combined with Legal Disengagement

Survey responses demonstrated that students generally wanted to avoid formal engagement with institutions yet expressed strong confidence in the protection and worth of their own individual rights. The interviews confirmed these views and added clarity to the seeming contradictions. For example, every student interviewed said they tried to avoid dealing with the legal system as much as possible, though the motivation behind their avoidance varied. Some students, like Dia, described avoidance rooted in fear, particularly of police:

> "*If I were to get into a legal problem with [police], would I be scared, mind my language, shitless? I'd be so scared.. Especially because we see things online all the time… with George Floyd, or the girl who was shot for pot.. that's scary.*"[503]

Others, like Sherifa, preferred informal resolution as a more equitable and less risky alternative to formal legal processes:

> "*I think trying to figure it out between yourselves first, would be better*."[504]

Legal system avoidance also took on ethical dimensions. Madeline framed disengagement as an act of solidarity with those unable to access or navigate the system on an equal footing:

> "*I don't need to avoid it because I have the resources… Like, lucky me, but then how do I deal with people that aren't as lucky?*"[505]

[503] Dia, *supra* note 472. Dia may have been referring to Sonya Massey, a black woman who called the police to report a prowler and was fatally shot by a police officer when things "escalated" because she took a pot off her stove during the interaction. See Eric Levenson, "Illinois police release bodycam video of fatal shooting of Black woman in her home" (July 23, 2024) cnn.com <online: < https://www.cnn.com/2024/07/22/us/sonya-massey-police-shooting>.
[504] Sherifa, *supra* note 473.
[505] Madeline, *supra* note 430.

Despite this strategic distancing from formal institutions, students expressed strong confidence that their rights were protected. Lex described her new sense of security after learning more about constitutional protections:

> "*I was reading up on the Charter and I think it's all good… overall, I think in 2025, I have a really good chance of not having my rights violated at all."*[506]

Oden agreed but qualified his answer with the awareness that not everyone may feel the same way. He remarked:

> *"I'm quite sure of my rights, and I'm pretty positive that they're protected… I'm aware of the fact that I'm in a demographic, that has a lot less issues when dealing with a lot of systemic things. And so... I personally, I have a pretty confident belief in my own rights. But I wouldn't be… 100% sure if someone else came up to me and was like, 'am I secure in my rights?'… I wouldn't be able to answer that for them."* [507]

Importantly, most students emphasized the value of asserting their rights, both for personal reasons and also as a vehicle for social change. El connected 2SLGBTQA+ rights-assertion with judicial precedent-setting and collective benefit,

> "*In the Supreme Court, because those people like stood up for their rights, and they took that issue to the Supreme Court. It set a precedent. And now we have that right*."[508]

Fatima similarly viewed speaking up as an act of visibility and mutual empowerment,

> *"I feel like one shouldn't be, like, scared of speaking out if they've encountered a problem with the law… because maybe there's other people that are going through the same thing, and they don't feel confident enough to say anything about it. So maybe they'll, you know, see you standing up for yourself and maybe they'll join on you and you can maybe create, like, maybe be seen, you know."*[509]

[506] Lex, *supra* note 475.
[507] Oden, *supra* note 470.
[508] El, *supra* note 469.
[509] Fatima, *supra* note 474.

In fact, Kip was the only student who somewhat disagreed, saying,

> *"it's not always worth creating any kind of conflict or, you know, escalating something that you don't think is particularly important… sometimes… you have to kind of accept those things."*[510]

The pre- and post-program survey and interview data reflect a complex balance between the students' systemic distrust and their own strong feelings of legal agency. While they viewed formal legal processes, especially policing, with suspicion, they also recognized the power of asserting their rights when they felt it was important to do so. The Mock Trials content itself presented students with an idealized picture of strategic rights assertion in the form of a highly controlled, simulated hearing, and yet they continued to treat real-life legality as something to be approached with caution, if not outright avoidance.

4.6.6 Respect without Trust

The surveys showed most students had respect for the legal system both before and after the Mock Trials program, while far fewer trusted that the system would reliably help them in disputes. The interviews helped clarify the clear conceptual distinction between trust and respect, where students distinguished between the function and purpose of legal institutions. They respect the latter, while remaining skeptical of the former.

When asked whether they trusted that the legal system was there to help them if they had disputes, only four of the nine interviewees said yes, while four answered "don't know" or "other" and clarified that their trust was conditional and limited. One interviewee said "no" conclusively. However, eight of the nine students expressed respect for the legal system, which

[510] Kip, *supra* note 471.

reinforces the idea that students recognize institutional legitimacy and procedural order even when they question the certainty of substantive fairness.[511]

Sherifa explained,

> "*I feel like with the laws that we currently have, we could have a great system, but it's not being implemented properly… I respect that people are moving forward. Then when it comes to like trusting the actual process, that's something else."*[512]

A small number of students held both trust and respect. For Kip, trust reflected personal safety and predictability:

> "*there's nothing in my life that would give me a reason to not trust the legal system."*[513]

Kristin reached a similar conclusion but framed trust as comparative and not absolute:

> *Despite everything I criticize about the system, I do respect it, and I do trust it, because at the end of the day, it does do good in most cases. And having a system that's built to protect your rights is better than not having any system at all, right?*[514]

Most students, however, solidly respected the system but described trust as conditional. Dia captured this nuance:

> "*It depends on the situation… do I respect it as a system? Yes.. But do I think that it needs a lot of work? Absolutely."*[515]

Oden expressed the conceptual distinction between trust and respect with exceptional clarity:

[511] Tyler & Huo, *supra* note 10 at 15.
[512] Sherifa, *supra* note 473.
[513] Kip, *supra* note 471.
[514] Kristin, *supra* note 476.
[515] Dia, *supra* note 472.

> *"Trust is… [what] would lead to what I believe to be like the right outcome or like the good outcome. Whereas respect is more, they're going to do it in a good way, and they're going to do it the right way."*[516]

Oden's explanation reflects a consistent pattern that emerged across the surveys and interviews. Respect, for Oden, stems from the belief that law provides order, rights protection, and a steady procedural framework. Trust requires confidence that this framework will reliably produce fair results, which was not a shared expectation among some of the students.

4.6.7 Program Influence

Consistent with the post-program survey data, interviewees described self-reported continuity in their existing orientations toward law. Sherifa explained, "*I didn't have a large change of attitude as I think there are still many flaws in the system,*"[517] and El told me, "*the program reinforced the thoughts I already had."*[518] Oden echoed this sentiment, stating, "*I don't know if I would do anything that differently*."[519]

Many interviewees noted that because the Mock Trials centred on a particular legal issue, it offered limited exposure to the complexity of broader everyday legal issues. Oden observed,

> "*It was a very specific case, and so I don't know if I really broadly grew my knowledge, but it definitely helped with the process."*[520]

Sherifa shared a similar sentiment that the Mock Trials program focused on courtroom mechanics without teaching how to navigate real-world issues:

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[516] Oden, *supra* note 470.
[517] Sherifa, *supra* note 473.
[518] *Ibid;* El, *supra* note 469.
[519] Oden, *supra* note 470.
[520] *Ibid*.

> *"let's say you were accused of something… it taught me more about, like, things like disclosure, the things like, your rights and protections in courts… But like, they're not really teaching me how to get there."*[521]

Many students described an increase in procedural knowledge but less of a change to their underlying legal consciousness. Madeline explained:

> *"I wouldn't say I trust the law anymore or any less. But if I had an issue, I would feel more confident, like, than average people, especially for my age… I know the basis and kind of know what I don't know."*[522]

El echoed this distinction, separating procedural knowledge from trust-building:

> "*I really enjoyed doing the mock trials, but it doesn't really influence my level of trust. I do like learning more about how the system works… But I don't trust it all the more exactly."*[523]

El added that her core beliefs about fairness and equality remained largely separate from her experience of the Mock Trials program:

> *"I believe certain things about like equality and fairness and sanctity of human life, and that didn't really have anything to do with the Mock Trial tournament. So, it didn't really affect my ideals. And how I actually view the system itself."*[524]

Overall, based on student self-reports, there was limited evidence that Mock Trials substantially changed how students positioned themselves toward the legal system. Some students described gaining greater familiarity and comfort with the procedural aspects of discrete legal disputes. While others described leaving the program with a better sense of how court-based legal processes work and how to frame formal legal arguments, noting their existing ideas about law's fairness (or unfairness) and accessibility remained unexplored within the program.

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[521] Sherifa, *supra* note 473.
[522] Madeline, *supra* note 430.
[523] El, *supra* note 469.
[524] *Ibid.*

4.7 Conclusion

The Mock Trials' narrow case format and highly structured setting left little room for students to grapple with the real-world complexity of law in practice. Students described leaving with a firmer command of courtroom procedure, but any questions they had about the fairness of outcomes or the inaccessibility of the justice system were left unanswered. Legal knowledge meant knowing the rules, procedures, and strategies for navigating a stable system that was taken as a given. Nobody was invited to ask whether the system was equitably designed or whether there may be alternative ways to resolve disputes. Students noted learning to "play the game" more effectively, but the parameters of the game, and its systemic exclusions, remained largely outside the scope of the curriculum.

Conventional PLE of this kind reinforces law's procedural legitimacy even as young people continue to acknowledge its distributive limits. The interviewees continuously pointed out the gap between their understandings of law on the books and their awareness of law in action. This may help explain why greater knowledge of the law does not necessarily translate into greater trust. These patterns foreshadow a broader point I develop in Chapter 7, where I argue that legal consciousness may influence whether and how legal capability is mobilized in practice.

The next chapter turns to a contrasting approach: a critical PLE program delivered through Mini-U. Where the Mock Trials program puts youth inside a simulated courtroom, Mini-U brings them onto a university campus where social justice and systemic critique are central to what they learn. The chapter examines how this approach engages young people's legal capability and legal consciousness differently and I begin to map a spectrum from conventional to critical PLE, developing a pattern of what young people know about law and how they understand it.

Chapter 5: Mini-U

5.1 Introduction

> *Has your opinion about the legal system changed since the course?*
>
> *Yes, 100%... young people have so many rights, even though most young people don't know what they are… the school curriculum should be more focused on educating students about their rights, both as students and as young people… In [my] experience, students don't learn about these types of rights currently.*[525]
>
> ~ Grade 10 student, French Catholic High School

Where Mock Trials trained students to perform law inside its formal institutions, Mini-U asked them to explore law as a social and political system. Breaking from conventional PLE scripts, Mini-U treated law as something shaped by power and contestation. Instead of training students to navigate legal institutions, the course invited them to sit with uncertainty and to question what law meant in their own lives. This was done through discussion-based classes and a final project that asked students to analyse a real-life issue they felt was important. Project topics reflected this approach, ranging from Palestinian liberation and food insecurity to failures of the foster care and education systems. Law still mattered in Mini-U, but as a system to interrogate not just a body of rules and procedures to follow. In practice, this often made classroom conversations grittier and more uncomfortable than in conventional PLE settings.

In this chapter, I begin by laying out Mini-U's program and pedagogical context, focusing on how its critical orientation shaped what students were asked to think about and do during the

[525] Interview of Mariame by Natasha Jaczek (19 May 2024) via oral communication over zoom (transcribed by author) [Mariame].

course. The purpose of this chapter is not to compare program effectiveness with that of the Mock Trials. Instead, Mock Trials provides a conceptual reference point, allowing Mini-U to be examined using the same domains of legal capability and legal consciousness as were used in the previous chapter. One important difference, however, is that Mini-U includes a matched set of pre- and post-program surveys, which makes it possible to more clearly trace trends in students' knowledge and perceptions of law over the course of the PLE intervention.

The Mini-U cohort was younger, on average, than the Mock Trials participants and had far less exposure to formal civics education; only two students reported having completed Grade 10 Civics at the time of participation.[526] This context matters for how students' legal knowledge and expectations are interpreted in the analysis that follows. As in the Mock Trials case, survey data provide a starting point for interview-based accounts of how youth understand and experience law in relation to the program's design. I am not focusing on whether the program "worked" in evaluative terms, but on how a critical pedagogical design interacted with young people's existing legal capability and consciousness.

5.2 Program and Pedagogical Context

Mini-U, or officially *"The Student and the State: Using the Law for Social Change,"* was one of approximately 160 courses offered through the annual University of Ottawa/Carleton University Enrichment Mini-Course Program. The Mini-Course program is a week-long experiential learning event held each May that brings together over 3,000 secondary school students with "strong academic records" from across eastern Ontario and Quebec. Mini-courses

[526] At the time of participation, twelve of the students were in Grade 8, five were in Grade 9, and three were in Grade 10.

are designed to be highly interactive, combining short lectures with hands-on exercises, group discussions, and field-based learning.[527] Mini-courses are generally taught by professors, practitioners, or graduate students and are offered in a range of disciplines, including information technology, psychology, engineering, journalism, music, and law.[528]

The Mini-U course at the heart of this case study was framed around the idea that "the law organizes the world around us" and that, in turn, "the law can be used to support organizing for change."[529] Rather than centring on legal rules and procedures, the course asked students to interrogate how law actually works in practice and what role it may play in struggles over power and inequality. Through dialogue-based learning, interactive activities, guest speakers, and a courthouse visit, students were encouraged to explore what role, if any, law might play in efforts to make change in their communities.[530]

5.2.1 Critical Pedagogical Design

The way Mini-U was designed reflects longstanding critical pedagogical traditions, including that of critical and lived civics that treat young people's experiences as a starting point for civic and legal learning.[531] Students brought their own identities and struggles into conversations about law and social change.[532] For example, following a land acknowledgment

[527] University of Ottawa, "Submitting a Mini-Course Proposal" (January 5, 2025) uottawa.ca (website), online: <https://www.uottawa.ca/study/youth/mini-courses-professors>. Each course runs for five hours per day, Monday to Friday, for a total of 25 instructional hours, with no exams or formal assessments. Courses are offered to grade 8 to 11 students in eastern Ontario and Quebec who are identified as having strong academic records. See also, Susan Tudin, "The benefits of an Enrichment Mini Course for millennials in the library's Discovery Centre" (July 20216) Carleton University Publications, online: <https://carleton.scholaris.ca/items/f90958a7-a80a-4496-85f4-539cd0f89e4b> at 1.
[528] See University of Ottawa, "Mini-Courses Program: May 4-8, 2026", (January 5, 2025), minic.ca (website), online: <https://www.minic.ca>.
[529] Natasha Jaczek, "Course Description One-Pager" Parent Handout (Faculty of Law, University of Ottawa, 2024).
[530] Mcquoid-Mason, "Methods", *supra* note 282 at 129-142. I pulled some activities directly from Mcquoid-Mason's list of different teaching methods used by Street Law instructors.
[531] Levine & Flanagan, *supra* note 20 at 169.
[532] Cohen, *supra* note 280 at 6.

that explicitly recognized the equal status of Indigenous legal orders, students began with an exercise called "Social Justice Bingo."[533] Major Canadian *Charter* cases, progressive legislation, and activist movements, like Black Lives Matter, Idle No More, and ACORN campaigns, were introduced through peer-to-peer exchange rather than lecture format. [534] Students circulated around the room, exchanging information about their assigned cases, laws, and organizations, and then collectively reflected on what these examples revealed about social change in Canada. Students were encouraged to discuss issues that piqued their interest, issues they felt were missing or warranted further exploration, and whether they felt Canada "has come a long way."

Subsequent activities asked students to collectively define core concepts like "justice" and "empowerment." Class-wide definitions echoed Freirean themes of "critical consciousness."[535] For example, "justice" was framed in terms of equity, accountability, truth-seeking, and resistance to corruption, while "empowerment" was associated with confidence, privilege, communication, education, and the ability to redistribute power. When asked to identify pressing issues from local to global levels, students raised many concerns including racism, bullying, housing insecurity, discrimination, access to justice, genocide, climate change, and patriarchy.[536]

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[533] Natasha Jaczek, "The Student and the State: Using the Law for Social Change" Workbook (Ottawa: University of Ottawa, 2024) at 2-3 [Workbook].
[534] See, for example, ACORN (Association of Community Organizations for Reform Now) Canada, "About ACORN Canada", (26 June 2026), acorncanada.org, online: < https://acorncanada.org/aboutacorncanada/>.
[535] Freire, *supra* note 263 at 35. Freire champions the development of critical consciousness (or as Freire calls it, "conscientiza*ção,*" which refers to learning to perceive social, political, and economic contradictions, and to take action against the oppressive elements of reality. See also, Workbook, *supra* note 533 at 5. Responses taken from photos of in-class posters.
[536] Responses taken from photos of in-class posters (April 29-May 3, 2026).

The course's legal content repeatedly returned to questions of who gets to define what law means, how it functions in real life, and whose interests it serves.[537] In one early exercise, "No Vehicles in the Park", students argued over whether bicycles, a war monument, or an ambulance counted as "vehicles."[538] Students were asked what happens to cyclists' rights if a person enjoying a leisurely bike ride through the park is considered a vehicle? If an ambulance racing to the hospital after a shooting is considered a vehicle, what happens to victim's rights? The "no vehicles in the park" law was presented as something students had to justify and interpret through context and consequence.

Other activities pushed students to connect law to social inequality. A personal privilege checklist and a "flower power" exercise grounded in the *Ontario Human Rights Code* prompted students to compare formal rights with their own social positioning and to notice how legal protections do not work the same way for everyone.[539] Scenario-based discussions about housing, school discipline, and employment discrimination, brought these questions back to everyday problems that many students recognized.[540] Guest speakers, including a youth rights advocate and a union-side labour lawyer visiting on May Day, further reinforced that law is embedded in ongoing struggles over work, education, and social hierarchy not just in statutes and not merely a practice confined to courtrooms.

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[537] Llewelyn, et al, *The State, supra* note 14 at 33. Llewellyn, et al, explicitly call for a "need to re-politicize our schools, our teaching and our learning." Importantly, Llewellyn, et al. are writing in the context of civics education and I am grafting their argument onto PLE.

[538] HLA Hart, "Positivism and the Separation of Law and Morals*,"* (1958) 71 Harvard L Rev 593 at 607. See a more contemporary example in Arbetman, *supra* note 261 at 19. In this lesson, students were asked to apply a general law – "no vehicles in the park" - to specific circumstances in considering the language of the law and its intended objective. The task requires that they interpret the law to allow for certain circumstances – for example, a chid on a tricycle or an ambulance carrying a dying patient. Students are then asked to rewrite the law to more clearly reflect the intent of the lawmakers.

[539] Workbook, *supra* note 533 at 13-17.

[540] *Ibid* at 18-26.

A morning visit to the Ottawa courthouse similarly positioned law as an institution embedded in social realities. Students observed criminal proceedings, including pleas and sentencing hearings, and then coincidentally passed by the Palestinian solidarity protest camp on the front lawn of Tabaret Hall on the walk back to the University of Ottawa campus.[541] Interestingly, several students asked if they could spend their lunch break at the camp in solidarity. Together, these experiences created opportunities for critical observation of unsanitized law "in action."

The course concluded with a group-based "Social Change Action Project," where students designed awareness-raising campaigns addressing issues they cared about. The project asked students to imagine how law, organizing, and public pressure may be mobilized to confront whatever form of injustice they had identified. Mini-U positioned legal learning as a space for interpretation and informed critique not as passive system-compliance. In this way, Mini-U reflected Freire's problem-posing approach, where law was not presented as a "fixed set of truths" and learning was driven by dialogue, uncertainty, and the coexistence of a "multiplicity of ideas."[542]

5.2.2 Implications for Legal Capability and Consciousness

I chose to study students involved in Mini-U because the course was deliberately designed as a form of critical PLE. It was also the first time I designed a full PLE course myself, drawing on earlier work I had done in more conventional contexts with OJEN. The course was built on the idea that PLE could do more than simply teach people how legal institutions work.

[541] The Canadian Press, "University of Ottawa students establish encampment," (May 1, 2024) youtube.com (video); online: <https://www.youtube.com/watch?v=wonKPj9jwBU>.
[542] Joel Westheimer & Joseph Kahne, "What Kind of Citizen? The Politics of Educating for Democracy" (2016) 41:2 American Ed Research J 237 at 243 [Westheimer & Kahne]; Westheimer, "Education" , *supra* note 14 at 2.

Mini-U did not frame students' legal capability or agency in terms of individual responsibility. In the classroom, legal problems were approached as something people face *with* and *through* others. Students often brought examples of family members facing legal issues that affected the entire family and explained how they relied on each other for support systems. For these types of problems, they did not think legal professionals would be particularly useful.

In this sense, the course emphasized collective support, community networks, and accessible resources as central to responding to legal problems. The Social Change Action Project shared this commitment as well by asking students to work together in groups to imagine collective responses to social and systemic problems. One of the goals of this project was to expand legal capability beyond "responsibilising" individual knowledge and effort and to think about solutions collectively.[543] With this pedagogical design in mind, the following analysis explores how a more explicitly critical approach may influence young people's engagement with the law, including both what they know and can do with it (legal capability) and how they understand and evaluate it (legal consciousness).

5.3 Data Landscape for This Case

Unlike Mock Trials, Mini-U generated a near-complete pre-/post-program survey dataset for this cohort.[544] Twenty students participated in the course, with 20 completed pre-program

[543] Wintersteiger & Mulqueen, *supra* note 39 at 1567.

[544] The Mini-U cohort consisted of 20 students. Fifteen students identified as female and five as male. Fourteen students identified as members of racialized groups, four as white, and one student identified as Indigenous. Household income was reported as high by three students, middle by 13 students, low by one student, and unknown by three students. At the time of participation, only two students had completed Grade 10 Civics. Most students lived with their parents, siblings, or other relatives, while two lived with other caregivers. Ten students reported that their families owned their homes, nine reported renting, and one was unsure. Comparable demographic information was not available for the Mock Trials case; these characteristics are reported here to contextualize this bounded cohort, not to support cross-case demographic comparison or representativeness.

surveys and 18 completed post-program surveys. This allows for a cautious descriptive comparison of students' legal capability and consciousness before and after the course. However, like Mock Trials, given the small cohort size and the exploratory nature of this study, the quantitative findings function as analytic signals that organize the qualitative analysis rather than as stand-alone measures of program impact.[545] In addition, I conducted four voluntary post-program interviews with participating students, which provide contextual narratives that deepen and complicate the survey patterns. While more limited in number than the Mock Trials case, the interviews offer similar rich insight into how students interpreted course content in relation to their emerging legal capability and consciousness.[546]

5.3.1 Practitioner-Researcher Positionality and Data Generation

In this case, I occupied multiple intersecting roles, including curriculum designer, course facilitator, and researcher responsible for data collection and analysis. This embedded position gave me contextual knowledge of the course's pedagogical aims and classroom dynamics.[547] At the same time, my "insider" position introduced the risk of "social desirability bias," where students may shape their responses to please me, or that I might interpret their answers too generously.[548]

I took several steps to mitigate these risks. Participation in the research was voluntary and was introduced in advance at the parent-caregiver orientation session. Families were given

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[545] Robson, *supra* note 364 at 419. Robson contrasts "exploratory data analysis*"* (EDA) with "confirmatory data analysis," noting that EDA "regularizes the very common process whereby researchers make inferences about relationships between variables after data collection which their study was not designed to test formally – or which they had not expected prior to the research – and provides helpful tools for the task." Lee Epstein & Andrew D Martin, "Quantitative Approaches to Empirical Legal Research" in Peter Cane & Herbert M Kritzer, *The Oxford Handbook of Empirical Legal Research,* (New York: Oxford University Press, 2010) at 913.
[546] Nielsen, 2010, *supra* note 453 at 967.
[547] Marilyn Cochran-Smith & Susan Lytle, *Inquiry as Stance: Practitioner Research for the Next Generation* (New York: Teachers College Press, 2009) at 42 [Cochran-Smith & Lytle].
[548] *Ibid* at 46-47.

information sheets and encouraged to discuss participation privately with each student before the course began. During the first class, students were reminded of the option to complete the pre-program survey after introductory activities, and every student consented to voluntarily take the survey independently before lunch. At the end of the week, students were again invited to complete the post-program survey, with 18 students choosing to do so.[549]

Insider research positioning and social desirability bias are familiar tensions in practitioner research scholarship.[550] As Marilyn Cochran-Smith and Susan Lytle note, "blurring boundaries and roles allows for innovative programs of research and new kinds of knowledge as well as new tensions and professional dilemmas."[551] In Mini-U, my proximity to students was both a source of insight into how they were thinking and talking about law and also a source of potential distortion of what they chose to say and how I interpreted it. Rather than treating this as a methodological flaw, I approach my dual role as a position that requires reflexivity and transparency to be accountable.[552] In practice, this involved keeping a daily voice-recorded journal documenting classroom experiences, unexpected student responses, and challenges I encountered. It also meant recognizing the limitations of my impressions as a teacher. For example, several students I had perceived as especially quiet or seemingly disengaged in class volunteered for interviews and their accounts challenged my initial assumptions about their experiences with the program.

[549] One student was absent for the final session and one student chose not to participate.
[550] Thea F van de Mortel, "Faking It: Social Desirability Response Bias in Self-Report Research" (2008) 25:4 Australian J of Advanced Nursing 40 at 41; see also, Emma Zaal, John Hoeks & Yfke Ongena, "No Introduction Necessary: Face-saving Answer Options Outperform Preambles in Reducing Social Desirability Bias" (2025) 99 J of Survey Statistics & Methodology 1 at 1.
[551] Cochran-Smith & Lytle, *supra* note 547 at 43.
[552] *Ibid* at 119.

5.4 Survey Snapshot: Comparative Patterns over Time

Since Mini-U used a matched pre- and post-program survey design, comparison plays a larger role in this chapter in tracing trends in students' legal capability and legal consciousness over the course of the week. To keep analysis consistent with the Mock Trials case, the same six domains are used to capture legal capability, SLE, and legal consciousness, but here they are read in light of Mini-U's distinctive critical pedagogy. Like the Mock Trials analysis, I treat the surveys as analytic tools and offer a more detailed account, including several graphs, of survey responses in the pages that follow.

5.4.1 Low Legal Capability Despite Moderate Subjective Legal Empowerment

In this cohort, legal capability was less about a lack of exposure to everyday legal problems than it was about being able to name those problems as "legal," knowing where to seek help, and judging when escalation is worth the risk. Among the 20 pre-program survey responses, 11 reported first-hand or household experience with at least one common law-related problem.[553] When asked to focus on the most serious problem, ten students identified discrimination and harassment. Most rated their chosen problem as moderately serious, while seven reported they thought it might be easier to ignore the problem than to act on it.[554] Only two

[553] Reported issues clustered around financial issues, payment problems at work, rental housing issues, and separation or divorce, but the most frequently selected category was discrimination and harassment. Eleven students identified experiences of discrimination or harassment, often spanning multiple settings, including school, workplaces, public spaces, and online environments.

[554] The students were asked to think about the problem as a whole and rate the seriousness of the problem on a scale of 1-5, with 5 being the most serious. Five students rated their problem a 4/5; three students rated their problem a 3/5, and three students rated their problem 2/5. Seven of the eleven students thought it might be easier to just ignore the problem.

survey respondents reported knowing "a lot" about where to get information and advice for resolving their problem, while most reported knowing very little or nothing.[555]

Help-seeking for these youth was most often done through informal networks like friends and relatives, rather than legal services.[556] Less than half of the respondents reported that their problem had been resolved and only a small minority thought that the outcome was fair.[557] Many respondents agreed that access to more detailed and practical information would have helped them. Post-program items also asked respondents to reflect on whether their participation in Mini-U had changed how they might respond to legal problems in the future. Most reported that they would approach future legal problems differently as a result of what they learned.[558] Much like the Mock Trials cohort, these responses point to higher levels of legal capability at the level of recognition, but more "baseline" capability to navigate resolutions or escalate the problem more formally.[559]

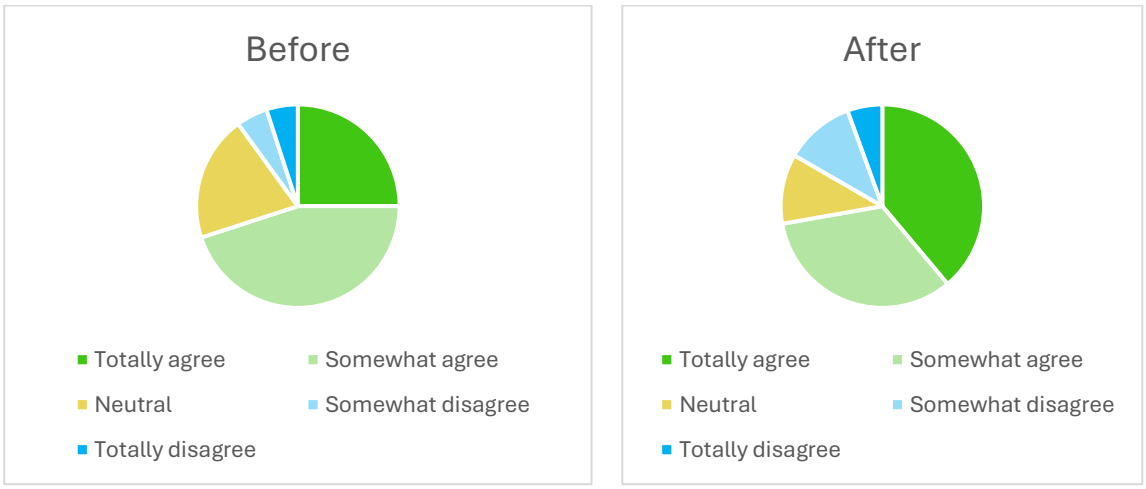
At the same time, comparing pre- and post- program responses shows modest upward movement in the cohort's subjective legal empowerment (SLE), particularly in relation to rights recognition and information-seeking. The proportion of respondents who agreed that they generally understood their legal rights and responsibilities increased slightly from pre- to post-

[555] Two students believed they knew a lot about where to get information and advice about resolving their problem, while two knew some, and seven knew very little or nothing at all.
[556] Only two students cited the internet and two contacted the other party. Meanwhile six asked friends or relatives for advice, one spoke to their union, one contacted a lawyer, and two called the police. Four of the students did nothing about their problem.
[557] Four students said "yes" their problem had been resolved, four said "no," and three said "n/a," "maybe," and "sort of." Three students thought the result was "somewhat fair," four "didn't know," three were neutral, and one thought the outcome was "very unfair."
[558] In the exit survey, 16 students reported being better able to identify a legal problem now that they had completed Mini-U ("yes, definitely" or "maybe"), 14 students reported feeling more confident dealing with legal problems, and 15 students reported now knowing what to do to resolve a legal problem. Thirteen students reported that they would do things differently following the program, with four saying the felt about the same as before the course and only one disagreeing.
[559] See Watkins et al, *supra* note 31, who describe a theory of measuring youth legal capability in Chapter 2.

program, with a small rise in the highest level of "strongly agree" responses.[560] A larger shift occurred in reported knowledge of where to obtain reliable legal information and advice about their rights. By contrast, confidence in achieving a fair result when confronted with a problem changed little between the two survey points.[561] Although slightly more respondents "strongly agreed" with the statement after the program, this was offset by a small increase in students expressing low confidence, as several students moved out of the neutral category in both directions. As a result, the overall pattern of confidence remained largely consistent.

Figure 5.1 summarizes pre- and post-program survey responses to the statement: "I am confident that when I have an everyday problem, I can get a fair result:"

Figure 5.1: Legal Confidence[562]



[560] In the pre-program survey, 14 students at least somewhat agreed that they generally understood their legal rights and responsibilities (three totally agreed; 11 somewhat agreed), with the remainder neutral or disagreeing. In the post-program survey, 13 students mostly or totally agreed (six totally; seven mostly), with the remaining responses distributed across neutral and disagreement categories.

[561] Pre-program, 14 students out of 20 at least somewhat agreed that they were confident they could achieve a fair result when faced with an everyday problem; post-program, this figure was also 14 students but there were only 18 responses, reflecting a two-percentage-point increase.

[562] Given the small sample size, results are not intended for statistical inference (n = 20 pre-program; n = 18 post-program). Pre-program = five students totally agreed, nine somewhat agreed, four students were neutral, one somewhat disagreed, one totally disagreed. Post-program = seven students totally agreed, six students somewhat agreed, two students were neutral, two somewhat disagreed, one totally disagreed.

5.4.2 Critical Legal Consciousness

Despite their younger age and limited formal civics instruction, the Mini-U cohort appears to have entered the course with well-formed views about how accessible the justice system actually is. Most survey respondents agreed that skill and familiarity with legal rules was key when dealing with the justice system, often describing law as "like a game."[563] Consistent with this view, a strong majority agreed that people with less money tend to get worse results and that lawyers are usually necessary to resolve legal problems.[564] For these students, legal access was not distributed evenly and was something that had to be navigated with money.

Survey responses related to distributive justice told a similar story. Most rejected the idea that the legal system treats everyone equally, and only a small number agreed that it reliably delivers "justice for all."[565] Many respondents expressed uncertainty about whether legal ideals can be realized in a society shaped by racial and social inequality. This did not necessarily amount to cynicism about justice itself though. The high rates of neutral and qualified responses may reflect a legal consciousness shaped by respondents' awareness of the tension between what law promises and what it delivers.

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[563] Significantly, seven of the students totally agreed (35%) with the statement "law is like a game and, if you are more skillful, you will get a better result," while eight somewhat agreed (40%). Four were neutral (20%) and only one somewhat disagreed (5%). None of the students totally disagreed with this statement.

[564] Most of the students (65%) *agreed*, either *strongly* or *somewhat*, that people with less money tend to receive worse outcomes when they have legal problems. Two students totally agreed (10%), while 3 students somewhat agreed (15%). Four were neutral (20%). Eight somewhat disagreed (40%) and 3 totally disagreed (15%). Meanwhile, five students totally agreed (25%) with the statement "people need lawyers to solve their legal problems," nine students somewhat agreed (45%), and five were neutral (25%). No one disagreed however, one student chose "other" (5%).

[565] When asked whether they thought the legal system treats everyone equally, none of the students totally agreed and only three somewhat agreed (15%). A combined 60% disagreed, with seven (25%) somewhat disagreeing and five totally disagreeing (35%). Five students (25%) were neutral. When asked whether they agreed that, "in general, the system is based on justice for all," four of the students *somewhat agreed* (20%), while six somewhat disagree (30%), and one totally disagreed (5%). Nine students chose to remain neutral about this (45%).

Yet, at the same time, respondents expressed relatively strong rights consciousness among the cohort and a sense of personal agency. Standing up for one's rights in the context of common law-related problems was endorsed in a large number of responses, with no disagreement. [566] This pattern suggests broad normative support for rights-claiming. Yet, this endorsement coexisted with notable uncertainty about rights protection in practice. While more than half agreed that they felt their rights were generally protected, a substantial minority responded, "I don't know," and one respondent disagreed.[567]

As seen in Mock Trials, across both pre- and post-program surveys, survey respondents drew a clear distinction between trust and respect. Trust remained cautious and conditional, with only half of the responses indicating trust in the legal system to help solve disputes.[568] By contrast, respect for the legal system increased substantially by the end of the course, rising from 42% pre-program to 72% post-program.[569] This "respect without trust" pattern is reminiscent of the Mock Trials case, where the legal system is seen as necessary but its capacity for equal justice remains questionable.

The final open-ended survey item in the post-program survey asked respondents to reflect on whether their views of law and the legal system had changed and what prompted that shift.

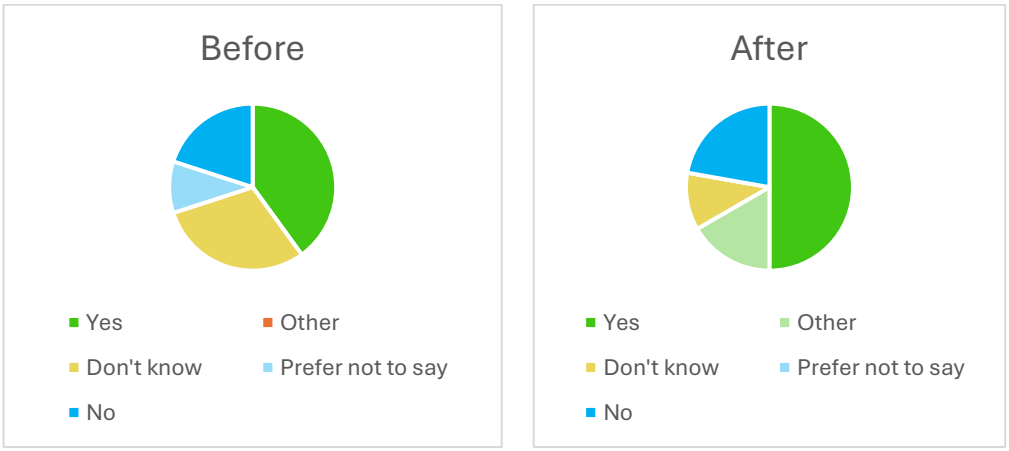
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[566] Fifteen students agreed (79%) that standing up for rights was always worthwhile, and no one disagreed. However, two students said they did not know (10.5%) and two preferred not to say anything (10.5%).
[567] Twelve students agreed (60%) that they felt their rights were protected, while 6 said they did not know (30%) and one preferred not to say (5%). Only one student did not think their rights were protected (5%).
[568] In the pre-program survey, eight students agreed (40%) that they trusted the legal system, four students disagreed (20%), six students did not know (30%), and two preferred not to say (10%). In the post-program exit survey, the students were asked the same question and the numbers changed only slightly. Nine students agreed (50%), four students disagreed (20%), two students did not know (11%), and three chose "other" (17%). Of the students that chose other, they specified in the following ways: one student said they "kind of" trusted that the legal system is there to help; one student said, "depending on the situation;" and one student said, "sometimes yes, sometimes maybe not."
[569] In the pre-program survey, eight students said "yes" (42%) they respect the legal system, and four students said "no" (21%). Four students said they did not know (21%), two preferred not to say (10.5%). In the post-program exit survey, the numbers changed significantly, 13 students agreed (72%), no students disagreed (0%), three students did not know (17%), one preferred not to say (5%), and one chose "other," commenting "in some respects yes, in others no" (5%).

Twelve of the eighteen respondents agreed their opinion about the legal system had changed as a result of the class.[570] Their responses revealed thoughtful engagement shaped by both classroom learning and their own personal life experiences. Students variously attributed changes to "*having more facts*," "*knowing more about my rights*," "*seeing more flaws,*" and "*understanding my rights and how everything works really changed my point of view. Also going to the courthouse really helped*."[571]

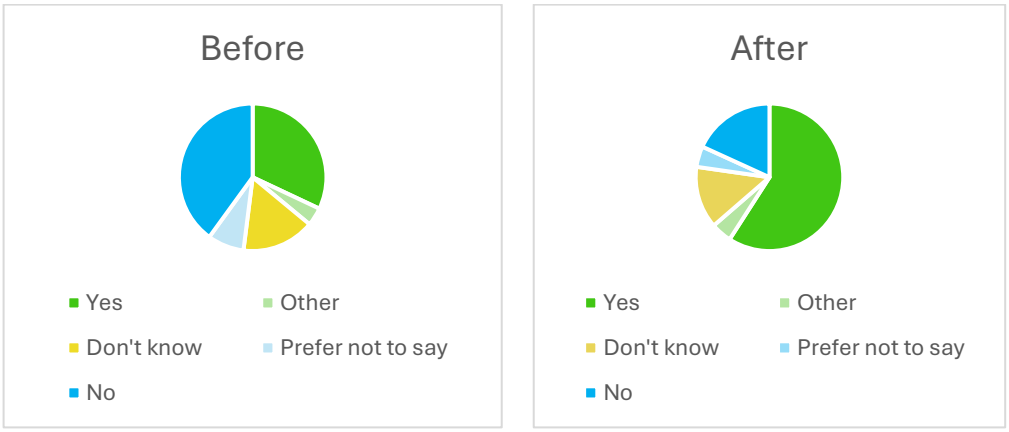
Figures 5.2 and 5.3 summarize pre- and post-program survey responses to questions about whether the students strust and/or respect the legal system:

Figure 5.2: Trust of the Legal System[572]



[570] Twelve students said "yes," their opinions had changed, three said "no," two said "don't know," and one preferred not to say.
[571] Other comments were "*I think learning and hearing about different challenges and how the government responds causes my attitude/emotion towards law*," "*I don't feel different about it*," *"[t]his class helped me learn a lot,*" and "[*l*]*earning more about it."*
[572] Descriptive survey responses serve as directional patterns only (n=20 initial, n=18 exit). The results are not statistically comparative.

Figure 5.3: Respect for the legal system [573]



5.5 Portraits of Interview Participants

Before integrating the interview responses into the survey findings, I offer four snapshots of the students who participated in the semi-structured interviews. The interview format largely mirrored that used in the Mock Trials case. However, since all interviewees had completed both pre- and post-program surveys, the interviews incorporated a review of their individual survey responses as well. Using a dialogic method, we were able to discuss perceived changes over time and other emerging and unscripted legal themes. Interestingly, all interview participants were racialized female students, which may reflect a degree of self-selection by those who were particularly engaged or comfortable articulating their experiences.[574] I discuss the significance of this pattern further in chapter 7. As in the Mock Trials case, portraits offer situated accounts of how legal learning was interpreted by a small sample of self-selected participants and do not represent the full range of student perspectives.

[573] Descriptive survey responses serve as directional patterns only (n=20 initial, n=18 exit). The results are not statistically comparative.
[574] See Tom Clark, "On 'being researched': why do people engage with qualitative research?" (2010) 10:4 Qual Research 399 at 406, 411, 413 [Clark].

Selena was a younger secondary school student who identified as South Asian and lived with her family in a middle income household in the city. She reported limited direct experience with legal problems, often referring to herself as "*still a child*." Instead, she referenced sexist comments at school and observations she made about issues in her parents' workplaces as personal experiences with the law. She consistently rated these experiences as low in seriousness and was unsure about whether involving law would have been appropriate or useful in each instance. She reiterated on several occasions that, for minor issues, "*I would probably just let it slide, I wouldn't really use the law if it was just me and not too serious*."[575] Following the program, Selena reported greater comfort with legal concepts and court processes and a clearer sense of when problems have legal dimensions. Yet, her willingness to use legal mechanisms remained conditional on the circumstances if and when she faced law-related issues in the future.

Mariame described herself as an Arab youth in her last year of elementary school. She lived with her family in a middle-income household. She described having frequent encounters with race- and religious-based harassment in public and school settings. She characterized this treatment as serious, humiliating, and normalized, but did not think legal remedies were the answer. She stated that this type of treatment is "*not going to stop*." As a result, she generally responded by selectively avoiding or de-escalating rather than seeking formal help. Through Mini-U, Mariame reported having a clearer understanding of discrimination and youth rights and felt more confident recognizing when inappropriate behaviour becomes unlawful. At the same time, she made a distinction between respecting the legal system as a framework and distrusting

[575] Interview of Selena by Natasha Jaczek (14 May 2024) via oral communication over zoom (transcribed by author) [Selena].

individual legal actors, especially judges and police, whom she believed had "*too much power*" over outcomes.[576]

Sami was a multiracial youth in upper year secondary school who entered Mini-U having completed Grade 10 Civics and a number of other social justice oriented classes. She was also active in her school's Asian Students Association. She described her household as a middle-income family in a suburb of Ottawa. Sami identified multiple law-related problems affecting herself and her family, including consumer disputes, housing-related issues, and racial discrimination. She focused on anti-Asian racism following the COVID-19 pandemic as a particularly serious issue and said it affected her family's sense of safety. Although she recognized that these problems were serious, Sami did not initially think of them as legal problems. Like Mariame, Sami thought participating in Mini-U helped expand her understanding of youth and student rights and increased her awareness of legal information and resources. However, this did not translate into greater confidence that law would actually protect people in situations like her own. Sami was left uncertain about what justice would even look like in contexts shaped by racism and fear. As she put it, "*I'm not sure how to define fair in this sort of situation.*"[577]

Leah, a racialized first-year high school student, lived with her family in a middle-income suburb of Ottawa. She described many different legal problems that have affected her family, including employment issues, separation, and discrimination at school. She went into some detail

[576] Mariame, *supra* note 525.
[577] Interview of Sami by Natasha Jaczek (21 May 2024) via oral communication over zoom (transcribed by author) [Sami].

describing a housing-related incident involving aggressive threats towards a family member. She thought the situation was unavoidable and "*a little scary*." Her family relied on direct confrontation, photo documentation, and neighbourhood support to deal with the situation. She told me they used the threat of police involvement as a way to de-escalate the situation. After the course, Leah had a more detailed critique of the justice system. Her trust of and respect for the legal system was conditional and she was wary of bias and "*corruption*" in formal decision-making processes.[578]

Again, like the Mock Trials case, these portraits illustrate how youth legal capability and consciousness are influenced largely through lived experience, family relationships, and community support and less through legal instruction and access to resources alone. These patterns inform the integrated analysis below.

5.6 Integrated Interview Analysis

In the previous chapter, survey data served primarily as a scaffold for interviews to add nuance and a deeper understanding of the motivations behind youth responses. Here, the surveys play a similar role, but Mini-U interviewees also directly reflected on their survey answers, allowing them to explain their positions more fully. This form of reflexive engagement was not possible in the Mock Trials case. Across this section, qualitative narratives again sharpen the statistical survey findings and help interpret apparent contradictions and ambiguities that the quantitative analysis alone cannot resolve.

[578] Interview of Leah by Natasha Jaczek (14 May 2024) via oral communication over zoom (transcribed by author) [Leah].

5.6.1 Uneven Legal Capability Based on Actual Problem Experience

The pre-program surveys illustrated that more than half of respondents reported having experience with some form of law-related problem or multiple problems. Despite rating these problems as moderately or highly serious, most students reported knowing little or nothing about where to get legal help. Using Watkins et al.'s framework to interpret these responses, Mini-U participants demonstrated "intermediate" capability in problem recognition but expressed more "baseline" capability in finding resources or pursuing formal dispute resolution mechanisms.[579] However, when read together with the interview narratives, a more complex picture emerges.

Selena's account illustrates how early recognition of unfairness did not automatically translate into action. For example, she immediately recognized sexist and exclusionary comments at school as ongoing problems but she rated their seriousness as very low. She expressed uncertainty about whether law was an appropriate response, using a common explanation seen in other interviews:

> "*I didn't think legal help would be useful… I didn't really think it was that serious.*"[580]

Selena's framing was not simply indifference but reflects a proportionality judgment of severity versus effort or risk. The harm was real, but she assessed it as insufficient to justify getting more formal help with the problem. Her legal capability was shaped by a sense of what law is and is not "for" and when it is worth invoking.

Mariame described frequent and ongoing experiences of race- and religion-based harassment, including being called a "terrorist" and being subjected to racist jokes and threats.

[579] See Watkins et al, *supra* note 31 at 437-38.
[580] Selena, *supra* note 575.

She characterized these experiences as persistent and deeply unfair but also as something without a legal remedy:

> *"There is no way to get help legally for jokes… unless the jokes get really serious or hateful, I'm not going to call the cops for jokes."*[581]

Here, Mariame's restrained legal capability was shaped by her knowledge and experience of how discrimination is normalized in school settings.

Sami identified "*the whole Asian-hate after Covid thing*," which she felt was highly serious. Yet she explained that instead of looking for legal resources, her family relied on discussion and mutual support within their household:

> "*If we ever have a problem, we always go to each other first… it's easier to talk to each other first and see what we think."*[582]

Even where discrimination materially affected a family member's work and safety, Sami remained skeptical that legal intervention would have been useful, explaining, "*I didn't think that was really something you involve police with."*[583] Here, Sami engaged in context-specific reasoning about severity, consequences, and available supports.

Across the Mini-U interviews, patterns of non-escalation do not appear to be the result of ignorance or "baseline" legal capability, but deliberate risk assessments about when legal action was worthwhile. Although there are multiple potential points at which law might be invoked in school and workplace contexts, like going to a trusted teacher or store manager well before escalating to the police or the courts, participants often described deciding not to pursue any of

[581] Mariame, *supra* note 525.
[582] Sami, *supra* note 577.
[583] *Ibid.*

these avenues. This was not because they were unaware of available help, but because they anticipated that any escalation would be either ineffective, intensify the situation, or expose them to further harm. In this sense, non-escalation reflected a threshold judgment that legal invocation itself, both formal and informal, was not worth the perceived risk. The Mini-U case therefore complicates Watkins et al.'s assumption that legal escalation is a straightforward indicator of capability. In reality, what may appear to Walkins' et al as low capability under a standard metric may actually reflect reasonable restraint based on context and past experience.

5.6.2 Modest Changes in Subjective Legal Empowerment

Results from the post-program survey data suggest that Mini-U did not lead to dramatic increases in optimism or confidence in the students' SLE. Interview narratives suggest that increased understanding of legal rights and responsibilities was closely tied to improved problem recognition and a more concrete sense of legal relevance of common problems. Selena, who moved from pre-program neutrality to post-program agreement, framed her changed outlook in terms of a greater familiarity of the law:

> *"Yes, I know more when I can stand up for myself and go to court, how it works, and stuff like that."*[584]

Mariame's stronger agreement reflected a sharpened ability to name injustice. She emphasized learning to recognize forms of discrimination she previously would have tolerated without naming:

> *"I learned a lot about different types of discrimination, not just racism… things I wouldn't have known if I didn't take this course… I learned about things I now know aren't right or fair but before I would have just let it be."*[585]

[584] Selena, *supra* note 575.
[585] Mariame, *supra* note 525.

Sami similarly described a shift from abstract awareness of rights to a more situated understanding of legal standing:

> *"After going to the class I realized, as a student, 'oh, I also have rights as a student!' That was crazy to me… I didn't think that was a thing."*[586]

Here, increased SLE took the form of expanded recognition and standing. Patterns relating to better knowledge of resources show a similar process. Selena and Sami both described feeling more confident after learning about the courts and new sources of help. Sami explained:

> *"After going through the whole class I was kind of like, 'oh, that is true, you can definitely get information from there."*[587]

By contrast, Mariame revised her confidence downward after the course, explaining that she had initially overestimated her knowledge. [588] Importantly, this realization did not detract from her sense of empowerment:

> *"I know that I can talk to a trusted adult… I feel like there is help and I could go to a lawyer if it was more serious."*[589]

Finally, confidence in achieving fair outcomes remained cautious and limited. For example, Sami distinguished between effort and outcome:

> "*I think I could definitely try to solve a problem… whether it would actually be resolved at the end, I am not really sure."*[590]

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[586] Sami, *supra* note 577.
[587] *Ibid*
[588] See for example, Joyce Ehrlinger, Ainsley L Mitchum & Carol S Dweck, "Understanding overconfidence: Theories of Intelligence, preferential attention, and distorted self-assessment," (2016) 63 J of Experimental Soc Psychology 94 at 94.
[589] Mariame, *supra* note 525.
[590] Sami, *supra* note 577.

In contrast, Leah reframed the question around fairness, stating:

> *"At first, I was leaning more, thinking— 'ya, I sort of know how to resolve a conflict'— but at the end of the class, it sort of gave me insight into fairness and unfairness so I focused more on the fairness part of the question and I wrote, 'it could happen but I wouldn't go to 100% I am going to get a fair result'."*[591]

Overall, it appears that students became more confident in recognizing rights and identifying sources of help but remained skeptical about getting fair outcomes.

5.6.3 Negative Perceptions of Access to Justice

Results from the pre-program surveys showed that Mini-U participants held broadly skeptical views about the accessibility of the legal system. Interviews deepened this picture by illustrating how students reasoned through these perceptions in context-specific ways. For starters, students framed money as a primary source of legal power, as Selena succinctly explained:

> *"Money is basically power in this system and a lot of people use money to get their way within the system."*[592]

Others pointed to race and social standing as shaping outcomes. Sami noted:

> *"I think it honestly depends on the situation and where you live… ethnicity plays a big part in that too and social standing.*"[593]

[591] Leah, *supra* note 578.
[592] Selena, *supra* note 575.
[593] Sami, *supra* note 577.

Procedural complexity itself also emerged as a barrier. Selena, who strongly disagreed that it is easy to take everyday problems to court, drew on her courthouse observations to describe the procedural burden involved:

> *"After going to court and seeing the amount of documents that are required… it's hard for people to collect that kind of information and evidence by themselves. Especially without a lawyer."*[594]

Legal expertise was also seen as sources of advantage, as Leah observed, people who "*know their way around law and the justice system*" often get what they want, "*even if it's not the right thing.*"[595] Sami elaborated on this idea more critically, noting that people who understand the system can exploit its gaps:

> *"If you know the law really well and you know the system really well, you can use it to your advantage… there's always loopholes."*[596]

These findings indicate that Mini-U students viewed the legal system as a system shaped by money and power. They showed quite sophisticated and critical understandings of access to justice both before and after Mini-U.

5.6.4 Critical Perceptions of Distributive Justice

In the pre-program surveys, students' perceptions were consistently critical toward legal fairness and equality and showed limited movement over the course. As Janet Mosher found in her study, these patterns suggest a "deep skepticism regarding the ability of the legal system to

[594] Selena, *supra* note 575.
[595] Leah, *supra* note 578.
[596] Sami, *supra* note 577.

dispense justice."[597] The interviews highlight how students theorize through the sources of their skepticism.

When asked whether the system treats everyone equally, students frequently pointed to laws that fail to account for peoples lived realities. Selena explained:

> *"I feel like, in some of the laws, they are not always equal for everybody. Some of the laws don't picture everybody, where they are. Especially when we were talking about the abortion stuff, in the US, I don't think they thought about the women that got raped or stuff like that."*[598]

Other students saw inequality less in the text of the law and more in discretionary power. Mariame emphasized the central role of judges, noting that legal outcomes are often contingent on personal bias: *"Judges have so much power. If they don't like someone for some reason, they get to decide what that person 'deserves.'"*[599]

Sami rejected fairness as a shared or stable standard and saw it as inherently subjective and socially contingent:

> *"I don't think 'fair' is an appropriate word to use to describe the justice system. It's up to the eye of the beholder… if it's something that's racially motivated, if there is bias, fair is going to be different for different people… Like, there is no such thing as fair."*[600]

This framing reflects a conceptual shift away from evaluating the justice system against its stated ideals and toward questioning those ideals themselves. For example, Mariame captured the tension between law in books versus law in action most directly when she stated:

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[597] Mosher, *supra* note 25 at 812.
[598] Selena, *supra* note 575.
[599] Mariame, *supra* note 525.
[600] Sami, *supra* note 577.

> *"The law is like a textbook, where all of our rights are written down—you can point to them. But if the police are biased, there is not much you can do. That is not justice."*[601]

When prompted with this same framing, Sami readily agreed, suggesting that the system may "*seek out justice… whether or not that justice is the correct justice, that is a different question*."[602] The persistence of these views before and after Mini-U suggests that students did not become more trusting of the system's fairness, but more precise in naming and articulating the gap between legal ideals and legal practice.

5.6.5 Rights Consciousness & Agency

Most pre-program survey responses indicated that students felt their rights are protected and that standing up for their rights is worthwhile. Views on avoiding the legal system were mixed, suggesting neither total disengagement nor wholesale trust. Interview narratives help explain this ambivalence by revealing how students assess rights and legality through the lens of age and strategic judgment.

Several students emphasized that legal rights are not experienced equally by young people. Selena, who initially expressed uncertainty about whether she felt her rights were protected, gave a similarly skeptical assessment after the course:

> *"I would also say 'it depends' because I am still a child, so my point of view is not as protected as it is with older people. So actually, not really."*[603]

[601] Mariame, *supra* note 525.
[602] Sami, *supra* note 577.
[603] Selena, *supra* note 575.

Rather than rejecting the idea of rights-protection altogether, others distinguished between different kinds of rights. Sami, for instance, described some rights as secure and others as context-dependent:

> *"I think certain rights are more than others. Like my right to vote is definitely protected. My right to free speech might be protected, but it might be suppressed a bit, depending on where you are and what is happening."*[604]

Students' views on avoiding the legal system similarly reflected strategy over powerlessness. Selena explained that she would try to resolve problems informally first before turning to more formal means:

> *"I wouldn't go to court if I didn't have to, but I would probably talk to the landlord and try to refer to the law to show them that the situation is not fair."*[605]

That said, students consistently agreed with the importance of standing up for their rights, although often with clear limits. Sami, for example, drew boundaries around rights assertion during protests:

> *"I think it's a right until you start hurting people, and then it can no longer be a right… There are some blurred lines there that I'm not actually sure about."*[606]

Both the survey responses and interviews suggest a rights consciousness that is context-specific and conditional. Students perceive having rights as meaningful and worth asserting but they approach legal engagement pragmatically, which touches on the students' perceptions of the legitimacy of the legal system as a whole. As Janet Stein and Adam Cook suggest, when people

[604] Sami, *supra* note 577.
[605] Selena, *supra* note 575.
[606] Sami, *supra* note 577.

are "unable to access, influence, and engage the law as their own," they are more likely to turn their back on the law as a means for rights assertion.[607]

5.6.6 Growing Respect without Trust

Pre- and post- program survey responses revealed a clear, and slightly unexpected, divergence between students' respect for the legal system and their trust in it. Throughout the course, students generally remained skeptical about whether the legal system could be trusted but their respect for it increased sharply. The growth in respect, despite Mini-U's explicitly critical framing, is discussed in more detail in Chapter 7.

Interviews help explain why respect increased more noticeably than trust. Students consistently distinguished between the ideals of the legal system and the people who operate within it. For example, Selena explained that her trust was dependent on who was involved and how serious the problem was. She noted that,

> "*if [the problem] was only about me, and if it's not too serious, I would probably just let it slide…* [but] *if it is really serious and had nothing really to do with me but more to do with a big group of people, I would be more likely to trust and turn to the law*."[608]

Sami's uncertainty about whether or not she could trust the system was not affected by the course. In her interview she stated:

> *"People make assumptions all the time, whether you're white, red, purple, doesn't really matter, they make assumptions all the time and … I may not feel the most comfortable in some situations… depending on the situation, depending on what was going on, depending on what state I was in… It's not that I don't trust [the system], it's more like I understand why they would do things… so I kind of avoid it."*[609]

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[607] Janice Gross Stein & Adam Cook, "Speaking the Language of Justice: A New Legal Vernacular" in Julia Bass, W.A. Bogart & Frederick Zemans, eds., *Access to Justice for a New Century: The Way Forward* (Toronto: Law Society of Upper Canada, 2005) 163 at 166.
[608] Selena, *supra* note 575.
[609] Sami, *supra* note 577.

Selena described feeling comfortable with a critical form of respect for the system: *"I don't always agree with it, but I do respect it because I feel like they are trying to make it better now."*[610] And Leah, who held respect for the legal system both before and after the course also based her answer on personal and family experiences. She elaborated:

> *"When I am thinking about it, I am thinking about 'what has the justice system done for my life?' And it is actually surprising as how almost all of my family has had some kind of interaction with the justice system and it has always worked out good."*[611]

Together, these accounts suggest that Mini-U may have influenced students' institutional respect without promoting institutional trust. In other words, the course appears to have strengthened students' understanding of law's purpose and potential without resolving their concerns about how law is applied in action.

5.6.7 Program Influence

Post-program survey responses coupled with interview self-reports indicate modest but meaningful program influence on students' legal capability and their engagement with questions of power and justice. For example, Selena described feeling more empowered through increased legal understanding:

> *"I feel like I have more understanding, so I know when to stand up for my rights, I know how to stand up for my rights, kind of. I know how it works inside the court, so I feel more comfortable talking about the law."*[612]

[610] Selena, *supra* note 575.
[611] Leah, *supra* note 578.
[612] Selena, *supra* note 575.

Sami explained that she started the course having taken some extra high school classes in law, but the in-class scenarios, social justice discussions, and courthouse visit complicated her understanding by showing how outcomes depend heavily on context:

> "*It definitely proved to me that… it will depend on the person, it will depend on the situation, it will depend on who you are, what the circumstances are… whether or not the situation benefits you, you could end up getting a good or bad result out of it."*[613]

When asked how she would have described her views before the course, she explained, "*I would have probably said I am not sure… I didn't really know anything about the law before.*"[614] Overall, interviewee self-reported reflections suggest that Mini-U appears to have strengthened students' sense of legal capability and SLE, and helped clarify and give voice to students' existing mistrust in the system.

5.7 Conclusion

Mini-U students self-reported relatively high levels of legal capability in recognizing legal problems and in selectively deciding which of them to pursue. Their knowledge of where to find legal information and resources also appeared to grow modestly over the course. Uncertainty was not the primary driver of decisions not to escalate. Instead, students more often assessed risk and the likely effectiveness of available legal and non-legal mechanisms and then decided whether acting would help or hinder a potential resolution. In some cases, choosing not to pursue formal legal pathways or escalate apparent rights violations demonstrated a sophisticated level of legal capability, especially when viewed in light of the power dynamics and potential consequences involved.

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[613] Sami, *supra* note 577.
[614] *Ibid.*

The students' critical legal consciousness largely pre-dated the program and was not introduced by critical pedagogy alone. What the course seems to have offered was language, frameworks, and reference points that allowed students to better articulate understandings they already had. Much like Mock Trials, Mini-U did not radically alter students' underlying skepticism toward fairness or the reliability of the legal system. What it did was create opportunities for students to critically reflect on the views of law and legality they brought with them. I return to these patterns in Chapter 7, when I examine the relationship between legal consciousness and the mobilization of legal capability.

The next chapter turns to the third and qualitatively different case of *IMI*. Unlike Mock Trials and Mini-U, *IMI* does not organize legal learning around colonial legal systems and institutions but draws instead on legal pluralism and community-defined ways of learning. Read alongside the other two cases, it complicates standard assumptions about legal capability and legal consciousness that treats settler law as the primary framework.

Chapter 6: *IMI*

6.1 Introduction

> *What was the most meaningful part of your participation in the program?*
>
> *"How everything, in the end, worked out. Everyone together came and did their part. And wasn't trying to do it to be like "oh, we are helping the Inuit" type of thing. Personally, that is what I feel lots of the time… But no, it was completely different."*[615]
>
> ~Youth Council Member

The *IMI* case study extends my analysis of PLE into a legally plural setting and points to a qualitatively different form of legal learning.[616] The community-based program took place in Ottawa as part of OJEN's *PLEI for Racialized Communities of Youth* project. Over six weeks in the fall of 2023, approximately 10-20 urban Inuit youth gathered for an evening each week to attend and participate in *IMI*. This PLE program was unique in that it was co-designed with a small group of Inuit youth leaders (the "Youth Council") and embedded Inuit legal traditions ("*Maligait"*) and *Inuit Qaujimajatuqangit* ("*IQ"*) societal principles into its structure, content, and program facilitation.[617] In doing so, the program deliberately decentred common law assumptions that are often taken for granted in both conventional and critical PLE. This case raises questions about how legal learning is conceptualized and evaluated when common law learning happens inside an Inuit-governed space. I use this case to test the fit and limits of conventional approaches, and to explore whether legal capability and legal consciousness can

[615] Interview of Naomi by Natasha Jaczek (8 May 2024) via oral communication over zoom (transcribed by the author) [Naomi].
[616] In this dissertation, I refer to the program as "*IMI"*, a shorthand pseudonym for the name of the program.
[617] *Maligait* is also referred to as *Maligaq* or *Maligarjuat* in different dialects of Inuktitut.

take legally pluralist forms that are not easily captured by dominant theory-based metrics and typologies.

In this chapter, I adopt a different analytic strategy from the preceding case studies. Consistent with the collaborative nature of the project and the ethical commitments to the host organization, I did not distribute any surveys or conduct any interviews with the broader participant base. Instead, the analysis centres on the perspectives of three Youth Council members, whose dual role as program facilitators and participants uniquely positioned them to reflect on the program's design, implementation, and meaning within the community context. Rather than treating legal capability and legal consciousness as constructs tied exclusively to Canadian common law, I examine how these young people learned and thought about law, rights, responsibility, and legality through a pluralist frame.

The chapter begins with portraits of the three members of the Youth Council who sit at the centre of the *IMI* program and the analysis. These participants provided narratives that became my primary source of data for this case. I then position myself in relation to the research and outline the ethical and methodological constraints that shaped data collection with Indigenous youth. After briefly providing historical context for Inuit in Canada, I outline the program's legally pluralist design and delivery. The analysis then becomes more layered. I start by tracing participants' descriptions of interactions with law through the lens of common law-centred legal capability and consciousness. I use the same domains as the earlier case studies for continuity. Next, I shift the lens and ask what those domains miss in a pluralist legal setting, where law is also learned and practiced through Inuit legal pedagogy.

6.2 Portraits of the Interview Participants

The three youth interviewed for this case study were members of the *IMI* Youth Council, a small group of young Inuit leaders who co-designed and co-facilitated the PLE workshops, with the help of Elders and staff from the community organization and OJEN.[618] The role of the Youth Council differed from that of the other 10-20 youth who solely attended and participated in the workshops and, over the course of eight months, I got to know the three members of the Youth Council quite well.[619] The portraits that follow are based on interview transcripts and field observations made during the eight months I worked together with the Youth Council.[620]

Rita, a young Inuk in her mid-20s, was born in the North and moved to Ottawa many years ago. At the time of our interview, she was working toward completing her education and described her financial situation as modest but stable enough to continue her studies. The community organization has been a constant in her life. She told me, "*I grew up in the after school programs so I would go there after school and stuff. I have been coming here for as long as I remember."*[621] Rita spoke in a striking way about the pluralist and collective nature of the *IMI* program. For Rita, learning did not flow in one direction, from Elders or lawyers to youth, but everyone taught and learned from one another reciprocally. Rita framed legal knowledge as something that moved between people rather than being held by experts and repeatedly

[618] The *IMI* program took place over six weeks in the fall of 2023. On average, each workshop attracted between 10 and 20 Inuit youth who were part of the community group and were interested in the programming. In addition, at least two Elders attended the sessions with OJEN taking care of the logistical and technological aspects. For ethical purposes, I am not explicitly naming the specific community organization.
[619] Importantly, OJEN compensated the Youth Council for their contributions during the planning and facilitation periods and I compensated them for their insights and time during the interviews, all at a rate suggested by the Youth Council as acceptable.
[620] Names and identifiable details have been purposely altered to protect confidentiality.
[621] Interview with Rita by Natasha Jaczek (24 January 2024) via in person oral communication (transcribed by the author) [Rita]

mentioned feeling supported by different organizations in her community, even though her trust in the legal system, as a colonial institution, remained low.

Lo, a non-binary Inuk in their early 20s, was born and raised in the North but living in the city for the past few years. At the time of the interview, they were navigating unstable housing and financial instability, which shaped many of their reflections on housing, employment, and trust in institutions. Lo spoke warmly about the *IMI* program, especially the respect shown to the Elders and *IQ* principles. They appreciated that everyone felt welcome and listened to and pointed out that the workshops were not only for the youth participants. Staff were learning together with participants, and like Rita, Lo spoke about that reciprocity as part of what made the program work so well. Lo's portrait illustrates a familiar tension that can be seen throughout the other two case studies. Even when common law knowledge and technical legal capability skills are advanced, that does not necessarily translate into feelings of greater trust or feeling that the system has any more legitimacy. As Lo put it, "*it's still the same system."*[622]

Naomi, an Inuk in her early 20s was born and raised in the South. She recently connected with the community organization because she "*wanted to get back into my culture and… hang out with youth around my age… who are Inuk as well.*" She noted that "*I was taken away from my culture. So, I was very happy to just be there*."[623] Despite being relatively new to the community organization, Naomi had already shown herself to be a strong young leader. She offered careful, often personal reflections about her own lived experiences with the law and

[622] Interview with Lo by Natasha Jaczek (8 February 2024) via in person oral communication (transcribed by the author) [Lo].
[623] Naomi, *supra* note 615.

broader questions about institutional power within the colonial legal system. She described learning through the *IMI* program in practical terms, things like knowing more about what institutions are permitted to do and feeling more capable of naming and asserting boundaries when dealing with authority. At the same time, she remained clear about the limits of the colonial legal system and the ways it does not reliably protect Inuit and other Indigenous women. Naomi made sense of legality through story and metaphor as much as through rights language, which she was fluent in as well.

6.2.1 Building Trust-Based Relationships with the Youth Council

The Youth Council played a central role in designing, developing, and delivering the *IMI* program. They decided on the areas of law to focus on and shaped how those topics would be taught in ways that felt culturally safe and relevant for Inuit youth. They screened OJEN-produced resources, adapted content for cultural relevance, and had veto power over external legal professionals, ensuring alignment with Inuit values and priorities. They also introduced the idea of beginning each session with a shared meal and Inuit string and dice games to 'break the ice' with the youth participants. They coordinated the program space and sent out personal invitations to Inuit Elders to assist in program planning and facilitation of workshops.[624]

The Youth Council wanted the program to carry a broader message: "*it's important for youth to know that everyone should be treated equally and be kind no matter what*."[625] One member captured the difference between what she expected and what the program became, relating, "*to be honest, the first time I thought we were going to be sitting in a classroom or*

[624] Natasha Jaczek, "Notes from June Planning Session" (27 June 2023) via in-person group discussion [communicated to author] [June Planning Session].
[625] Rita, *supra* note 621.

something. And then just reading a slide show. But it was completely different."[626] By centering Inuit youth voices at every stage of development, the program's structure and tone were built *with* community and not *for* it.[627]

Over the eight months I worked together with the Youth Council on the *IMI* program, trust-building became inseparable from how our relationships and, ultimately, the program took shape. As a representative of OJEN, a settler justice organization entering an Inuit Youth Space, I and my OJEN colleagues were met with understandable caution at first. As such, our relationship with the Youth Council developed gradually. Naomi spoke directly about how hard it can be to speak up when interacting with settler organizations: "*we basically barely ever talk unless we are spoken to and … sometimes we just don't talk at all, and we don't feel comfortable.*"[628] She told me that at the first planning meeting, she met another Youth Council member in the washroom and they admitted they were "*too scared to speak*" and they felt like "*we have something to say but we can't.*" She noticed how much this changed over time. In her words, after meeting a few times "*everyone was comfortable sharing*" and she "*found it crazy when that person [she] was talking to in the washroom was talking to everybody in the room*."[629]

We met with the Youth Council every month for six months over the spring and summer of 2023. We started every meeting with a shared meal and caught each other up on what was happening in our lives before getting to work. At one point, we put together a shared 'program planning playlist,' including songs the Youth Council requested from ABBA, Måneskin, and Ed Sheeran, that played in the background throughout the meetings. These moments were both fun and important. Trust between us developed slowly, and unevenly, over time. Eventually we all

[626] Naomi, *supra* note 615.
[627] Freire, *supra* note 263 at 48.
[628] Naomi, *supra* note 615.
[629] *Ibid.*

became co-facilitators of the program we had developed, with the Youth Council taking on leadership roles during each session. These conditions form the backdrop against which the analysis that follows should be read.

6.3 Historical Context for Inuit in Canada

Any legal learning about the common law in the *IMI* community context cannot be understood separately from the colonialism that has shaped Inuit life across Inuit Nunangat and within southern institutions.[630] Historically, Inuit were a migratory, hunter-gatherer society, living sustainably and showing respect for the land, animals and environment.[631] Colonial subjugation escalated in the mid-twentieth century, through state practices like the "Eskimo Identification system," Inuit relocation program, the slaughtering of *qimmitt* (sled dogs), and the forced removal of Inuit children from their families to residential schools run by missionaries.[632] By the mid-1960s, many Inuit communities had transitioned into permanent northern settlements and were increasingly governed by Canadian laws, often at odds with traditional practices. These

[630] See Inuit Tapiriit Kanatami, "Inuit Regions of Canada" (Oct. 29, 2024) itk.ca (website), online: < https://www.itk.ca/about-canadian-inuit/> [ITK]. Inuit Nunangat makes up 40% of Canada's landmass and 72% of its coastline and consists of 51 distinct communities and spans four geographic areas: the Inuvialuit Settlement Region makes up the northwestern part of the Northwest Territories; the Nunatsiavut is the Inuit region of Labrador; Nunavik is an area in northern Quebec; and Nunavut was once part of the Northwest Territories but became Canada's newest territory in 1999.

[631] Qikiqtani Truth Commission, *QTC Final Report: Achieving Saimaqatigiingniq* (Iqaluit: Inhabit Media Inc, 2013) at 17-18 [*QTC Final Report*].

[632] *QTC Final Report*, *supra* note 631 at 9-16; see also, Royal Commission on Aboriginal Peoples, *The High Arctic relocation: a Report on the 1953-55 Relocation* (Ottawa: Royal Commission on Aboriginal Peoples,1994); *QTC Final Report*, *supra* note 20 at 14. See also, Olivia Stefanovich, "Ottawa to compensate Inuit in Nunavik for mass sled dog slaughter" (Nov. 17, 2024), *cbc.ca* (website), online: <https://www.cbc.ca/news/politics/nunavik-sled-dog-slaugher-federal-compensation-1.7384345>; Norma Dunning, *Kinauvit? = What's your name?: the Eskimo disc system and a daughter's search for her grandmother* (Madeira Park: Douglas & McIntyre, 2022); see also Barry Roberts, *Eskimo Identification and Disc Numbers: A Brief History* (Ottawa: Department of Indian and Northern Affairs, 1975); The Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Ottawa: The Truth and Reconciliation Commission of Canada, 2015) at 66-69.

colonial systems imposed new "material infrastructures" on Inuit and "deeply transformed diverse systems of knowledge [used] to navigate various aspects of everyday life."[633]

At the same time, Inuit communities have been described as "among the most culturally resilient in North America."[634] From the 1970s onward, Inuit political power and self-determination grew through Inuit-led institutions, including Inuit Tapiriit Kanatami and the Tunngavik Federation of Nunavut.[635] Inuit sovereignty was upheld through hard-fought negotiations, constitutionally protected land claims, and self-government agreements across the four regions of Inuit Nunangat.[636] Despite these gains, young Inuit are increasingly moving to southern urban centres, with about 30% of the population now living outside Inuit Nunangat.[637] Southern migration is driven by food insecurity and limited access to housing, healthcare, education, jobs, as well as a general cost of living crisis in the North.[638] The trend toward

[633] Tobias Berger, "Denial, Deferral and Translation: Dynamics of Entangling and Disentangling State and Non-state Law in Postcolonial Spaces" in Nico Krisch, ed, *Entangled Legalities Beyond the State* (Cambridge: Cambridge University Press, 2021) at 37. See also, Sally Engle Merry, "Law and Colonialism" (1991) L & Soc Rev 889 at 890-91.
[634] ITK, *supra* note 630.
[635] See Inuit Tapiriit Kanatami, "Who We Are," (April 3, 2026) itk.ca (website); online: < https://itk.ca/national-voice-for-communities-in-the-canadian-arctic/>; Nunavut Tunngavik Incorporated (NTI), "Organizational Policies" (April 3, 2026) Tunngavik.com (website), online: < https://www.tunngavik.com/category/organizational-policies/>.
[636] *QTC Final Report*, *supra* note 631 at 61-62. *Nunavut Lands and Resources Devolution Agreement,* 18 January 2024, online: <https://www.rcaanc-cirnac.gc.ca/>; *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada as amended,* 25 May 2018, online <tunngavik.com>; *Land Claims Agreement Between the Inuit of Labrador and Her Majesty the Queen in Right of Newfoundland and Labrador and Her Majesty the Queen in Right of Canada,* 25 January 2005, online: <rcaanc-cirnac.gc.ca/>; *Nunavik Inuit Land Claims Agreement,*10 July 2007, online: <rcaanc-cirnac.gc.ca/eng/ >*; Inuvialuit Final Agreement*, 25 July 1984, online: <irc.inuvialuit.com>. See also Nunavut Tunngavik Incorporated, "Publications" (Jan. 8, 2024), Tunngavik.com (website), online: <https://www.tunngavik.com>. The *Nunavut Land Claims Agreement* was signed by the Government of Canada, the Government of Nunavut, and the Nunavut Tunngavik Incorporated ("NTI"), which acts as the legal representative of Inuit of Nunavut for matters relating to treaty rights and negotiations.
[637] See, Statistics Canada, "Indigenous Population Profile" in *Census Profile, 2021 Census of Population* (Ottawa: Government of Canada, 2021) [Stats Can]. According to the Census, Canada's self-identified Inuit population was 69,705 in 2021, comprising 0.2% of the national population and 3.9% of the Indigenous population. The majority (69.7%) live in Inuit Nunangat, which means "homeland," and 44.3% in Nunavut in particular.
[638] Elizabeth Payne, "Ottawa's urban Inuit resistance", *Ottawa Citizen* (April 17, 2015) online: <https://ottawacitizen.com/news/local-news/ottawas-urban-inuit-renaissance>.

urbanization among Inuit youth is growing, yet Canadian cities are not fully prepared to facilitate this transition from northern hamlets and communities to large southern urban areas.[639]

Through community supports offered by Inuit-led organizations and service providers, Inuit youth in urban settings can incorporate and adapt Inuit practices and culture into city life.[640] Despite the challenges posed by colonial laws, institutions, and punitive concepts of justice, Inuit community organizations can help bridge the gap between Inuit traditions and harsh urban colonial realities. In this context, *IMI* could not run on the assumption that the Canadian legal system "defines and serves justice adequately."[641] Although building legal capability was still a program goal, *IMI* provided alternative understandings of law, rights and responsibilities, and justice that were culturally responsive and respectful.

6.4 Ethical Considerations and Data Collection Pivot

6.4.1 Settler Collaborator-Researcher Positioning

Firstly, I am not Inuit and I am cautious about speaking about the urban Inuit community, their culture, and their spaces. Therefore, I approach this chapter as though I may need to justify

[639] Elizabeth Zarpa & Sarah Arngna'naaq, "Creating an Indigenous Justice Strategy, an aspirational paper from Inuit perspectives" in Jane Evans ed, *Developing an Indigenous Justice Strategy: A compilation of thought papers by Indigenous legal experts,* (Ottawa: Department of Justice Canada, 2023), online: <https://www.justice.gc.ca/eng/rp-pr/jr/dijs-esmja/pdf/rsd_rr2023-ijs-thought-papers_eng.pdf> at 17.

[640] Tungasuvvingat Inuit ("TI") is an Inuit-specific registered not-for-profit Ontario service provider offering social support, cultural activities, employment and education assistance, youth programs, counselling, crisis intervention and more. TI's core values are anchored in the traditional principles of IQ, the Inuit way of "knowing". See Tungasuvvingat Inuit, "About us" (December 9, 2024), *tiontario.ca* (website), online: <https://tiontario.ca/about-ti> [TI]; see also, Royal Canadian Geographic Society, "Urban Inuit" (2018), indigenouspeoplesatlasofcanada.ca (website), online: < https://indigenouspeoplesatlasofcanada.ca/article/urban-inuit/> [*Indigenous Peoples Atlas*].

[641] Marsden, *supra* note 269 at 20. See also, for example, Canada, "The Overrepresentation of Indigenous People in the Criminal Justice System" (Ottawa: Department of Justice Canada, 2024) at 4. Canadian statistics about Indigenous relationships with the justice system incarceration rates are consistently disproportionate compared to non-Indigenous Canadians. In 2022/2023 Indigenous adults made up just over 30% of admissions to provincial and federal correctional facilities, despite only accounting for 4% of the adult population in Canada. In particular, Indigenous women accounted for 49% of female admissions to federal custody and Indigenous youth made up 40% of youth admissions to provincial/territorial correctional services, despite representing only 8% of the Canadian youth population.

my analytic and editorial choices directly to participants and the community. As Waziyatawin Angela Wilson reflects:

> Imagine a scholar sitting before a room full of elders from the culture he has been studying after his first book on them has just been published. Imagine him having to be accountable for his methodology, his translations, his editing, his terminology, his analysis, his interpretation, and his use of their stories. While a discussion like this between a scholar and his subjects of study may never occur in this formal forum, the dialogue will occur somewhere.[642]

I also want to be clear about my own "insider-outsider" research position within this work.[643] I came to the *IMI* program through a mix of roles that were not neatly aligned. At the time, I was working with OJEN as a part-time program consultant and practicing settler law part-time with the federal government, mainly in procurement and corporate contracting. I was also trying to keep my PhD moving in the background. All of the youth involved in the *IMI* program knew what I did, where I worked, and why I was interested in the project. When I explained my PhD research, all three members of the Youth Council volunteered to take part.[644]

With this in mind, I understood my role in both the program and research process was not only to be a listener, but also a learner, recognizing the complexities of the historical and ongoing trauma experienced by the Inuit community within the colonial legal system.[645] Practically, this meant slowing down and working through program priorities with the Youth Council at a pace that was set by them, altering program delivery and data collection methods, and treating the Youth Council's views as authoritative not mere consultation.[646]

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[642] Waziyatawin Angela Wilson, *Remember This! Dakota Decolonization and the Eli Taylor Narratives* (Lincoln: University of Nebraska Press, 2005) at 37.
[643] Smith, *supra* note 355 at 147.
[644] I also interviewed two of the primary community organization staff members who participated in the process from start to finish. Although my research is focused on young people's legal capability and consciousness, I find it helpful to generally refer to some of the feedback from the staff to round out the findings.
[645] Adam J.P. Gaudry, "Insurgent Research," (2011) 26:1 Wicazo Sa Rev 113 at 134 [Gaudry].
[646] See Smith, *supra* note 355 at 16.

6.4.2 Data Collection Pivot: No Surveys

For Mock Trials and Mini-U, I was able to collect pre- and post-program surveys and arrange follow-up interviews with participants after program completion. At *IMI,* it quickly became clear that any form of quantitative data collection would be challenging and potentially extractive. As a result, I did not distribute any surveys or conduct any interviews with the broader participant base and, unlike Mock Trials and Mini-U, this case study does not attempt to reconstruct the experiences of the larger group. Several features of the program made traditional data collection methods difficult to implement without disrupting the energy and environment.

First, the *IMI* program was designed around a collaborative, interactive, dialogue-based pedagogy, which the Youth Council had emphasized was crucial throughout program development. Asking this group to complete individual "test"-like surveys felt out of place with the joyful atmosphere created by the participants and the space itself. I did not want to risk shifting the spirit of the program by introducing formal survey instruments or redirect a youth-led space for my own measurement purposes.

Second, in the normal operation of the Youth Space, a community-owned, Inuit-governed residential building where the program was held each week, each youth had designated roles to support clean-up after the program (dishwashing, washroom cleaning, electronics clean-up, tidying, etc.). These routines mattered to the youth and they took their roles seriously. In the last 5-10 minutes of each session, many of the youth began their clean-up tasks, and others needed to leave early to catch buses or meet caregivers. The youth who remained did not want to stay past the scheduled end time, and I did not think it was appropriate, either as a facilitator or a researcher, to ask them to stay an extra 10-15 minutes to complete surveys.

As Indigenous scholar Andrea Johnston notes, effective Indigenous-centred evaluation "indicators are more descriptive and have greater depth than the typical logic model indicator," and "must reflect the language of the People."[647] In contrast, my surveys were designed using formal legal needs and legal capability indicators designed by international scholars and felt very out of touch with the learning that was happening on the ground at *IMI.* Johnston also observes that Indigenous communities are often more concerned with "process" than documenting "outcomes."[648] In the context of *IMI,* my data collection pivot ultimately followed this logic, relying on observational data gathered during the program, along with post-program interviews with the Youth Council to inform my analysis.

6.4.3 Additional Ethical Considerations

Since this chapter concerns Indigenous participants, my research required heightened ethical attention. Consistent with Chapter 9 of the Tri-Council Policy Statement, ethical decisions were informed not only by REB requirements but also by local expectations regarding consent, reciprocity, and respectful handling of personal stories.[649] I follow the recommendations of First Nations Child and Family Caring Society of Canada, which emphasize that "research with Indigenous youth must have holistic ethical standards that upholds the spirit and intention of reconciliation."[650]

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[647] Johnston, *supra* note 351 at 37.
[648] *Ibid* at 39.
[649] TCPS 2, *supra* note 408 at Article 9.6. Both OCAP and the Tri-Council Policy Statement offer important guidance for ethical engagement when conducting research with Indigenous communities, but they do not provide detailed youth-specific guidance at the same level of specificity.
[650] First Nations Child and Family Caring Society, *Indigenous Youth Voices: A Way Forward in Conducting Research with and by Indigenous Youth,* (Ottawa: First Nations Child and Family Caring Society of Canada, 2019) at 6.

Prior to data collection, I consulted with community staff about the appropriate methods and limits on what to ask, how to frame questions, and where interviews should take place.[651] Community staff often stressed the autonomy of the Youth Council and suggested I ask the youth themselves. These consultations shaped the structure of the interviews and reinforced that the participants' comfort and community priorities were more important than standardization or strict comparability.

As in the other two case studies, all interviews were conducted after the program was completed to allow for broader reflections on program participation and learning. The interviews began by reading through the consent form out loud together. I answered any questions the Youth Council had and obtained each participants' consent to proceed. I emphasized that participation was voluntary, that questions could be skipped, and that they could pause or end the interview at any time. I also offered to share a copy of my completed dissertation with anyone who wished to receive it. At the end of her interview, Naomi told me: "*I would definitely like to read it."*[652]

Consistent with Indigenous scholarship that cautions against "extract[ing] specific reactions to 'research,'" I approached each interview with special attention to the risk of harm that can be done through misrepresentation or decontextualization.[653] I could not eliminate the power imbalances that accompany settler-led research in an Inuit-community setting, but I aimed to minimize them by being transparent about the purposes of the research and careful about how each Youth Council member's stories would be represented in the written analysis.[654] I have also

[651] I conducted two of the three interviews at the community organization and one over zoom at Naomi's request.
[652] Naomi, *supra* note 615.
[653] Smith, *supra* note 355 at 81.
[654] Gaudry, *supra* note 645 at 114.

attempted to maintain relationships with some of the community partner staff in the years since the *IMI* program.[655]

6.5 Pluralist PLE Program Design

IMI was delivered over six legally pluralist PLE sessions with a small cohort ranging from 10-20 youth participants on any given day. Elders and community guests attended sessions throughout, including legal advocates and community-based service providers connected to the issues raised in the needs assessment.[656] The program culminated in a sharing circle, where youth met with legal professionals, Elders, facilitators, police officers and dogs, and other stakeholders to share their perspectives and offer feedback and recommendations for improving access to justice in their community.

6.5.1 *Maligait* and *IQ* as legal-pedagogical anchors

For Inuit, *Maligait* are often described as the closest thing to Western notions of "law" but are better understood as ethical principles or commitments.[657] These principles are much

[655] Gaudry, *supra* note 645 at 114. I continue to carry my ethical responsibility beyond the completion of the interviews. In the summer of 2025, I visited the community organization and met with a manager to reconnect informally and maintain continuity in the relationship. OJEN has expressed an interest in continuing its relationship with the organization and I understand my own responsibility to share the completed research with the organization in an accessible format. This commitment reflects an effort toward reciprocity and accountability, and an attempt to resist "intellectual colonialism" for my own academic benefit without meaningful return.

[656] Other guests included an Ottawa police sergeant, an Ottawa police crisis counsellor, a police dog, multiple community organization staff, OJEN staff and lawyers, and two provincial youth outreach workers.

[657] See *Inuit Laws, supra* note 295 at 2-3, 19; see also Joe Karetak, et al., *Inuit Qaujimajatuqangit: What Inuit Have Always Known to Be True* (Winnipeg: Fernwood Publishing, 2017) at 3 [Karetak]. There are different spellings of the term for Inuit Laws in the texts I am relying on. I believe these variations reflect different attempts to represent the word in Roman Script, corresponding to the different dialects of Inuktitut. The three most common spellings are: 1) *Maligait*; 2) *Maligaq*; and 3) *Maligarjuat*. While the way I have arranged the terms may seem confusing to Western readers, I am using the terms as they appear in the original texts I cite.

more expansive than colonial laws and literally mean "big things that must be followed."[658] *Maligait* is a relational term that comprises four interrelated ideas: working towards the common good; maintaining harmony and balance; maintaining respectful relationships with all living and non-living things; and planning and preparing for the future.[659] These tenets are non-hierarchical and hold equal significance, reflecting an organic approach to legal obligations.

Inuit believe that failure to follow *Maligait* puts the community in danger, however, resolving conflict is not a punitive practice.[660] Rather, achieving justice is a restorative process that involves acknowledging wrongdoing and committing to behaviour change, in pursuit of the truth and a return to balance in the community.[661] *IQ* serves as a complementary framework to *Maligait,* one that guides governance and loosely translates to "what Inuit has known all along."[662] *IQ* is not a legal concept but embodies a shared worldview and detailed plan for "living a good life."[663] Frank Tester and Piita Irniq describe IQ spatially as "a spiritual and intellectual home, a safe place from which elders and youth alike can practice resistance through stories, art, music, research, writings, and very many forms of practice."[664]

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[658] Mariano Aupilaarjuk, "Piqujait, Maligait, and Tirigusuusiit" in Mariano Aupilaarjuk, et al*, Inuit Laws: Tirigusuusiit, Piqujait, and Maligait, Volume 2, 2nd* ed by Jarich Oosten, Frédéric Laugrand & Willem Rasing (Iqaluit: Nunavut Arctic College Media, 2017) at 20.
[659] *Ibid* at 3; Karetak, *supra* note 657 at 9-17.
[660] Karetak, *supra* note 657 at 3-4.
[661] *Ibid* at 5.
[662] *Ibid* at 41.
[663] Shirley Tagalik, *Inuit Qaujimajatuqangit: The Role of Indigenous Knowledge in Supporting Wellness in Inuit Communities in Nunavut* (Prince George: National Collaborating Centre for Aboriginal Health, 2009-2010) online: < https://www.ccnsa-nccah.ca/docs/health/FS-InuitQaujimajatuqangitWellnessNunavut-Tagalik-EN.pdf> at 2 [Tagalik]. See TI, *supra* note 640. *IQ* calls for respecting others, caring for people, serving and providing for family and community, and making decisions through discussion and consensus. *IQ* encourages working together for a common cause, developing skills through mentoring, and having respect and care for the land, animals, and the environment.
[664] Frank Tester & Piita Irniq, "Inuit Qaujimajatuqangit: Social History, Politics and the Practice of Resistance" (2008) 61:1 Arctic 48 at 49.

The Government of Nunavut has laid out *IQ* as eight "societal principles."[665] The principles emphasize living well through respectful relationships, welcoming community spirit, service, consensus decision-making, skill-building, collective effort, resourcefulness, and care for the land and all living things.[666] This articulation offers a useful reference point, but community staff noted that enumerating *IQ* in this way serves as a colonized framework.[667] In the context of this program, *IQ* was not a checklist on a spreadsheet but "a set of teachings on practical truisms about society, human nature, and experience passed on orally (traditionally) from one generation to the next."[668] *Maligait* and *IQ* formed part of the legal foundation of *IMI* and grounded how sessions were structured, relationships were strengthened, and how legal information was received and used.

6.5.2 Operationalizing Legal Pluralism

Traditionally, PLE programs are held in classrooms or over online video-conferencing platforms, often using PowerPoint slides with legal information and resources displayed on screens to structure the lessons. At *IMI,* one of the earliest contributions of the Youth Council was identifying an Inuit youth-centred space as an appropriate learning environment for the

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[665] Nunavut, Government of Nunavut, "Guiding Inuit Qaujimajatuqangit Principles," (1 July 2026) nirb.ca (Nunavut Impact Review Board website), online: < https://www.nirb.ca/inuit-qaujimajatuqangit> [*IQ* Principles]. The community organization had a framed set of the *IQ* principles on the wall of the office.

[666] *IQ* Principles, *supra* note 665. The *IQ* principles are enumerated as: "(1) ᐃᓄᐃᑦᑎᐊᓯᖏᓐᓄᑦ - *Inuuqatigiitsiarniq* - Respecting others, relationships and caring for people; (2) ᑐᙵᓚᓇᖏᓐᓄᑦ - *Tunnganarniq* - Fostering good spirit by being open, welcoming and inclusive; (3) ᐱᔪᓯᖏᓐᓄᑦ - *Pijitsirniq* - Serving and providing for family and/or community; (4) ᐊᔾᔨᑎᒋᔭᐅᓂᖏᓐᓄᑦ - *Aajiiqatigiinniq* - Decision making through discussion and consensus; (5) ᐱᓕᓕᒫᑲᓂᖏᓐᓄᑦ - *Pilimmaksarniq* - Development of skills through observation, mentoring, practice, and effort; (6) ᐃᑲᔪᖏᑎᒋᔭᐅᓂᖏᓐᓄᑦ - *Ikajuqtigiinniq* - Working together for a common cause; (7) ᖃᓄᖅᑐᖏᓐᓄᑦ - *Qanuqtuurniq* - Being innovative and resourceful; and (8) ᐊᕕᑎᓕᒃᑐᐃᓐᓇᑦ ᑲᒪᓯᖏᓐᓄᑦ - *Avatittinnik Kamatsiarniq* -Respect and care for the land, animals and the environment."

[667] Natasha Jaczek, "Program Observations" (November 7 - December 12, 2023) via contemporaneous reflections written after each session [Program Observations]. Post-program discussion with staff.

[668] Jaypeetee Arnakak, "What is Inuit Qaujimajatuqangit?" (August 25, 2020) Nunatsiaq.com (Nunatsiaq News website), online: <http://www.nunatsiaqonline.ca/archives/nunavut000831/nvt20825_17.html> at 12.

program. The Inuit-governed Youth Space was community-owned and set in a residential neighbourhood. Youth go there after school to hang out, craft, play video games, share meals, and participate in various programs. The unorthodox PLE setting, filled with couches, bean bag chairs, tv trays and kitchen stools, reflected a sense of cultural safety for the youth and supported the breakdown of traditional teacher-student hierarchies. It was also a safe space with its own dynamic energy and communal feel that was relaxed and fun. Delivering the program in a community-centred space meant the sessions met the youth where they were at and signalled that they were not being asked to enter a legal world that felt "foreign, distant, and incomprehensible."[669]

The Youth Council also emphasized that a mix of common law and Inuit traditions was "*very very important.*"[670] In most cases, the curriculum gave space to Inuit traditions first, and common law second. At least one Elder attended each session, and every session opened with an Elder-led teaching and the lighting of the *qulliq*.[671] *IQ* was built into the elder openings, grounding the program in Inuit societal values and reinforcing the importance of working with respect and with each other. Elders participated throughout substantive common law sessions on housing, employment, and discrimination. They stepped in often to share knowledge, ask questions, and connect common law topics to their own experience and Inuit ethical and relational frames. The Elders also led a session entirely dedicated to stories and *IQ* principles, and a stand-alone traditional toolmaking workshop that was tied into a session on restorative justice. Joe Karetak explains "the harmony and well-being of Inuit requires the help of Elders.

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[669] Hertogh, *supra* note 45 at 56.
[670] Lo, *supra* note 622.
[671] The Qulliq is a traditional stone oil lamp usually lit with fuel from seal blubber and a wick of Arctic cotton. See Rita Pigalak, "Healing through the qulliq" (May 9, 2020) Nunatsiaq.com (Nunavut News website), online: <https://www.nunavutnews.com/uncategorized/healing-through-the-qulliq-7278991>.

They can help youth to better understand the origins of misunderstandings and what should be done to solve present-day issues and problems."[672]

To ground the substantive common law sessions in real-life experience, OJEN asked the Youth Council to develop a character with whom they could relate. The youth created a character named 'Annie,' a 17-year-old Inuk woman, who was born in Iqaluit, Nunavut, and had been living in Ottawa for 2 years. [673] Annie's narrative unfolded over several sessions on housing, income assistance, discrimination, and legal life skills, revealing her struggles with a racist landlord, difficulty accessing disability support, and other systemic barriers.[674] The youth identified the legal issues Annie was facing, which were immediately relatable to them, and explored possible options for legal assistance. This would often spark deeper conversations about systemic discrimination and the importance of community support.[675]

The housing law workshop provided a compelling example by juxtaposing common law insights with "*how the Inuit do it*."[676] The Youth Council invited special guests from a local Indigenous housing organization, common law legal aid lawyers, and Elders from the community to participate in the dialogue. By engaging expertise from all three perspectives, the *IMI* program created a deeper, more culturally nuanced understanding of housing problems. Specifically, the legal aid lawyer discussed common law legal services available to young people in need, while housing staff offered practical, culturally sensitive insights into Western legal

[672] Karetak, *supra* note 657 at 10.
[673] According to the youth, "Annie" is a popular Inuk name.
[674] June Planning Session, *supra* note 624.
[675] Program Observations, *supra* note 667. At the end of each session, the youth were asked to share one key takeaway and their answers were always on point, recalling websites like "Steps-to Justice" and supports like Community Legal Services and TI.
[676] Natasha Jaczek, "Notes from Elders' Planning Sessions", (October 10, 2023) via in-person group discussion [communicated to author].

frameworks, and the Elders brought *IQ* into discussions about landlords and eviction.[677] This dialogical approach engaged youth in both systems of law, as two distinct but potentially collaborative normative frameworks.

6.6 Colonial Analysis: Legal Capability and Legal Consciousness

Since there is no survey data to act as an analytic scaffold for this case, I do not provide the same integrated analysis for *IMI* as I do in the other two cases. However, to retain consistency and allow for loose comparison across cases, I present the interview narratives using the same subdomains of legal capability, SLE, perceptions of procedural and distributive justice, rights consciousness and legal agency, and trust versus respect.

6.6.1 Advanced Legal Capability and Subjective Legal Empowerment

Unlike the Mock Trials and Mini-U cases, my interview script for *IMI* did not assess legal capability through a detailed inventory of problem types. Instead, participants were asked to reflect on more general SLE measures like overall understanding of rights and responsibilities, knowledge of where to get reliable information and advice, and confidence in achieving fair outcomes for common law-related problems. That said, the interviewees often brought real life examples into these discussions, which allowed for an unscripted legal capability analysis.

Across interviews, participants described clearer understanding of their common law rights and responsibilities after participating in *IMI*, especially in housing situations and

[677] Program Observations, *supra* note 667; See Tewegan Housing for Aboriginal Youth, "About Us" (Nov 21, 2024), *teweganhousing.ca* (website), online: <https://www.teweganhousing.ca/about-us/>. Tewegan is an Ottawa-based culturally oriented transitional home that provides housing, programming and services for young First Nations, Inuit and Métis women.

encounters with authority figures. For example, Lo "*mostly agreed*" that they understood their rights and responsibilities, explaining, "*yes, I learned from the program. Definitely about housing stuff… I learned a lot*."[678] Rita felt similarly, stating,

> "*it's important for people working in organizations to mention people's rights … because it's helpful information for people to know generally because most times people forget.*"[679]

Naomi initially described her understanding of rights as "*neutral*." However, she then described a recent encounter with authority figures, where she not only understood her rights, but successfully asserted them. During a housing dispute, she described staying calm and "*polite*," documenting the interaction on her phone, and repeatedly naming her rights to maintain police accountability:

> "*I made sure to bring out my phone and record it… all the rights I knew, I would repeat my rights and make sure it is on the video…"*[680]

When the authorities looked like they were preparing to leave without resolving her immediate safety concerns, Naomi invoked both her status as a tenant and what she believed was required:

> "*I was like 'excuse me y'all, you're on video now… you have to make sure [the person]… moves away from the premises."*"[681]

She understood that if she needed legal help down the road, having evidence documented could be important. Further, for Naomi, being a part of the community organization represented a

[678] Lo, *supra* note 622.
[679] Rita, *supra* note 621.
[680] Naomi, *supra* note 615.
[681] *Ibid.*

stable point of access to advice and advocacy. She described resolving a dispute by telling an authority figure:

> "*I have a counsellor at [the community organization] and we are Inuit and they are not going to be happy about this."*[682]

These stories are not simply about knowing "rights" in the abstract but demonstrate an ability to recognize legal issues and to use concrete strategies like direct questioning, documentation, and referencing support systems to resolve legal disputes. Under Watkins et al.'s framework for youth, these actions are pushing into "advanced" legal capability.

Participants also described growing confidence that they could achieve a fair outcome when faced with a law-related problem. Rita again framed her confidence as stemming from knowing she has community support:

> "*I feel like having more information from the support workers in the organization is helpful especially if you have questions that you want answered right away."*[683]

Naomi mostly agreed she had gained confidence and again gave a practical example of an interaction with a landlord. She described how she enforced a right to notice before entry, explaining, "*one of them [landlord] tried to come into my apartment without 24 hours' notice. And I said, 'Hey, I need 24 hours' notice.' And they were like 'oh, sorry'."*[684]

The outcome was "fair" to Naomi because the landlord actually respected the legal boundary she was asserting, which wasn't always the case in other experiences she had. She explained,

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[682] Naomi, *supra* note 615.
[683] Rita, *supra* note 621.
[684] Naomi, *supra* note 615.

> *"I am comfortable with myself, and I know who I am, and I'm not going to let that take anything that it has already taken… I'm pretty sure I learned that through the project."*[685]

The interviews suggest that the program helped the participants gain new knowledge about access to reliable support and the program strengthened self-advocacy skills overall. Rita explained: "*Yeah, I feel like I could reach out to the right people now that I know about the rights and the right information and having better support."*[686] Overall, the interviewees seemed more capable of recognizing what should happen, what others are "*not allowed to do*," and how to assert boundaries. For Lo, legal capability gains were concrete but limited to certain topics. For Rita, legal capability came through more information within supportive community settings. For Naomi, rights knowledge and legal empowerment functioned as a tool for self-advocacy and resistance.

6.6.2 Institutional (In)Accessibility

Like both Mock Trials and Mini-U, across *IMI* interviews, participants described the common law system as unequal and shaped by material advantage. They frequently referred to their own experiences with stereotyping and feeling dismissed by institutional actors and the broader legal system. All three agreed that people with less money tend to get worse outcomes when legal problems arise. Lo described how:

> "*Judges or lawyers… judge the way [people] appear because people can't afford fancy tuxes or like formal wear to go to court in."*[687]

[685] Naomi, *supra* note 615.
[686] Rita, *supra* note 621.
[687] Lo, *supra* note 622.

Rita similarly shared that the legal system looks down on "*people that are working… and have a different perspective… and make people feel bad or not motivated to do things [about their problems].*"[688] Naomi answered, "*yes, agree, yes… for poor people, I [pointing to herself] included.*" Naomi also rejected the idea that court is an accessible option for everyday problems, pointing to barriers like "*paperwork*" and difficulty of follow-through, especially for "*kids*."[689]

When asked whether law was like a game, Naomi took some time to answer and then reframed the question as structural. She explained outcomes depend on "*whatever path your family is given,"* giving the example, *"I'm thinking of living in [a low-income neighbourhood]."* She concluded that, when comparing *"people who have a poor house"* to someone with more means, like a doctor, *"the law would give the doctor better results.*"[690]

Lo interpreted "game" in a different way. For them, the game was learning how to "game" the system and avoid getting into legal trouble. They explained:

> *"For example, housing – you can do squatters rights if you know something about it. There are so many other examples, like panhandling, tourists scams all that. You gotta know the way around soliciting or loitering, you just gotta know how to do it, where to do it, not to get caught, and know what to do when officers do eventually catch onto you."*[691]

Lo's interpretation of "law as a game" was refreshing to me, as someone schooled in Ewick and Silbey's typologies. In the end, this would likely better fit into an "against the law" narrative but the idea of "gaming" the system adds nuance and complexity to Lo's critical legal consciousness.

[688] Rita, *supra* note 621.
[689] Naomi, *supra* note 615.
[690] *Ibid.*
[691] Lo, *supra* note 622.

6.6.3 Unequal Distributive Legal Outcomes

The strongest statements about distributive justice were grounded in the participants' Inuit identity. Naomi rejected the idea that the legal system treats everyone equally, explaining that the legal system:

> *"…is not made for everyone, it is made for umm, it's made for white people... If I walk into a room versus if my best friend [who is white] walks into a room, they are all going to help her, the system is going to work on her side. Whereas me, it's not."*[692]

Lo also disagreed that the legal system was generally fair, referencing highly publicized instances of anti-Black and anti-Inuit state violence as shaping their approach to legality.[693] As they put it, "*I'm just very cautious. It doesn't often happen to people who don't look Indigenous."* At the same time, Lo qualified their answer by noting that their perceptions had "*shifted a little bit because I now know, not legal knowledge but, like, legal stuff about a lot of these things.*"[694]

Rita's response was more mixed, suggesting slight system-level improvement through targeted supports like Gladue reports.[695] She explained,

> "*I feel like it could be unfair sometimes, but most times they are trying to do what is best for everyone. Like lately for the Indigenous people, I have heard that they put this system in courts for them to have the right supports. And I think it's called Gladue support, which is a really nice thing for the justice system or whoever to be doing."*[696]

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[692] Naomi, *supra* note 615.
[693] Specifically, Lo referenced the police murder of George Floyd and the forced sterilization of an Inuk woman in Quebec.
[694] Lo, *supra* note 622.
[695] See Anna Ndegwa, Laura Gallant & Jane Evans, *Applying R v Gladue: The use of Gladue reports and principles* (Ottawa: Department of Justice Canada, 2023) at 4; *R v Gladue,* [1999] 1 SCR 688; *Criminal Code, supra* note 443 at s 718.2(e). Section 718.2(e) of the *Criminal Code*, codifies the principle of restraint in the use of imprisonment during sentencing of Indigenous offenders. In *R v Gladue*, [1999] 1 SCR 688*,* the Supreme Court of Canada clarified that judges need to consider the unique systemic factors which may have played a part in bringing an Indigenous offender before the courts. To support courts, *Gladue* reports provide comprehensive information that identifies "relevant systemic and background factors in the individual's life that can be considered by courts when sentencing an Indigenous offender" in the criminal law context.
[696] Rita, *supra* note 621.

Naomi rejected the idea of fairness more strongly, emphasizing gendered violence and structural inequality in who the law ultimately protects:

> "*I don't think it is fair at all, even white girls, like being assaulted, even white women and women who are not white still don't receive any justice. It's only fair for the police, police's family, doctor's family, government family. It is only fair for them.*"[697]

Overall, the *IMI* interviewees expressed significant skepticism about the colonial legal system's ability to offer substantively fair outcomes, largely based on their own personal experiences with injustice as urban Inuit youth.

6.6.4 Rights Consciousness and Legal Alienation

Rights consciousness, legal agency, trust, and respect for the law were also framed through the everyday realities of being young urban Inuit, specifically through expressions of legal alienation from the Canadian legal system. All three Youth Council members stated that they generally try to avoid dealing with the law where possible. Lo simply answered, "*ya, definitely*."[698] Naomi explained that "*in the past I would call the police right away and now I call them as a last resort*."[699] And Rita noted that "*most times… I just leave it alone but I feel like if it goes way out of hand, I would definitely get in touch with a lawyer about it*."[700]

Still, each participant agreed they were more likely to stand up for their rights after the *IMI* program, with Lo confirming, "*I would definitely, yeah, more than before*."[701] Naomi added, "*I very strongly agree*," explaining,

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[697] Naomi, *supra* note 615.
[698] Lo, *supra* note 622.
[699] Naomi, *supra* note 615.
[700] Rita, *supra* note 621.
[701] Lo, *supra* note 622.

> "*let's just say something happens and I am able to have contact and I am able to reach out for the help, that Indigenous Court as well, I think that would be good. So, like ya, I feel like I have options after something happens."*[702]

Lo also stressed that standing up for rights feels worthwhile in some contexts more than others:

> "*It all depends in which category – social change for example, you post it on social media and people notice and people start spreading it around, that is worth it but when you are doing it by yourself, or just your family and friends it rarely does anything, unless you have a high status or money. It's just all biased*."[703]

As for trust and respect of the legal system, the answers were negative across the board. Naomi explained that she once had trust in the system "*when I was younger*," she even recounted having a desire to become a police officer, "*but then over the years, I started to realize 'oh, not really.'"*[704] Similarly, Lo's respect for the system ended when she saw the way Parliamentarians treat each other, explaining,

> "*just the way they run it, they just yell over each other, almost go up to each other like they are going to physically fight. It's just not right in my sense*."[705]

Rita drew on past personal experience in the north to outline why she neither trusts or respects the colonial legal system or its institutional actors:

> "*After the experience in Nunavut I feel like I don't have respect for them or don't really trust them or stuff."*[706]

Overall, the three *IMI* interviewees' expressed significant legal alienation from Canadian state law, or as Hertogh describes, "a cognitive state of psychological disconnection from official

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[702] Naomi, *supra* note 615.
[703] Lo, *supra* note 622.
[704] Naomi, *supra* note 615.
[705] Lo, *supra* note 622.
[706] Rita, *supra* note 621.

state law and the justice system."[707] In particular, the Youth Council described a deep sense of "legal value-isolation," or a perceived gap between formal legal values and personal values.[708] Unlike the critical legal consciousness exhibited in the other two case studies, *IMI* participants' legal consciousness went beyond being critical, yet this alienation did not preclude strong rights consciousness or legal capability.

6.6.5 Program Influence on Colonial Legal Capability and Consciousness

Self-reports in the interviews suggest that the program strengthened participants' practical legal capability to name problems and access support. Lo noted that after the program their attitude had changed a "*little bit since there are resources that I never knew about."*[709] Naomi echoed this, explaining that *"there are some programs and some people, like workers, who make it easier, their jobs are specific for us [Inuit]."*[710] Rita explained, "*when people have more learning support with these things, it is easier on the mind for any individual who is going through the justice system*."[711]

Participants described their legal consciousness as remaining deeply critical of colonial legal institutions and reflecting their lived experiences navigating those systems. Rather than affecting these orientations, the *IMI* program appeared to affirm participants' existing critiques and strengthened their awareness of rights, community-based supports, and culturally safe pathways for responding to legal problems. The youth reported low trust in and respect for the legal system, combined with selective confidence and trust in particular workers and points of access that felt accountable and safe for Inuit. And each participant expressed strong rights

[707] Hertogh, *supra* note 45 at 14.
[708] *Ibid* at 55-56.
[709] Lo, *supra* note 622.
[710] Naomi, *supra* note 615.
[711] Rita, *supra* note 621.

consciousness. This coexistence of institutional critique and selective trust helps contextualize the pluralist analysis that follows.

6.7 Decolonial Analysis: Plural Legal Consciousness

In the previous section, I attempted to fit descriptions from the Youth Council into conventional metrics of legal capability and legal consciousness. In this section, I examine what those metrics miss in a pluralist learning environment. The following analysis reflects my effort to describe how *Maligait* and *IQ* shaped legal learning within the *IMI* program.[712]

6.7.1 Learning Rights through Collective, Intergenerational Capability

Holly Dunn reasons that "given the coexistence of a variety of legal-justice practices, it seems likely that legal consciousness must also be defined by plurality, which includes liberal legalism, but is not solely defined by it."[713] After studying communities in the Democratic Republic of Congo, Dunn concludes that "legal consciousness thus takes on an emergent and plural form, leading to novel patterns of engaging with different justice systems and practices."[714]

In the case of *IMI*, relying only on conventional indicators to measure legal capability and legal consciousness risks flattening the analysis. *IMI* presented a pluralist way of "being legal," that was produced and expressed through relational terms in the context of the Youth Space. This pluralism was visible in how youth described what "learning rights" meant to them.

[712] What follows is based on my own interpretation of Inuit, Indigenous, and pluralist scholarship and on the interviews and program observations, which cannot substitute for Inuit authority over Inuit legal meaning.
[713] Dunn, *supra* note 252 at 91.
[714] *Ibid* at 5.

The emphasis on collective learning was a theme across the interviews and youth described legal learning as something that happens intergenerationally.

Specifically, the Youth Council emphasized that the workshops were not only for the young participants but also supported Elders and staff in strengthening their understanding of common law rights and responsibilities. Rita explained that the value of the program came from Inuit coming together and exchanging information:

> *"It is very helpful for our people to communicate or to, I forget what the word is but, when they all get together and have the right advice from organizations that know the justice system."*[715]

She framed knowledge-sharing as a responsibility that extends beyond the program, especially towards younger people:

> *"It was nice that we got to meet different people because it is important for younger people to know more of their rights if they get into trouble or if they want to give the right information to their loved ones."*[716]

Lo echoed this reciprocal learning model, noting that "*the staff really enjoyed it as well because they learned as well."*[717] Rita also stressed the importance of ensuring Elders had access to common law rights-based information, not only for their own benefit but also so they could offer stronger support and guidance across generations:

> *"We also needed the elders to know more of their rights to have better support and to give their input as well because with different generations, it is important to communicate and support each other and stuff like that."*[718]

[715] Rita, *supra* note 621.
[716] *Ibid.*
[717] Lo, *supra* note 622.
[718] Rita, *supra* note 621.

Inuit approaches to governance and pedagogy frame knowledge as shared, carried, and practiced in community. In this case, legal capability was not expressed as much through individual confidence or rights-assertion, as it was through building collective capacity through intergenerational support networks so legal knowledge could circulate and be used in the community. As Rita put it, it was "*a really good thing for all ages to join and participate in so that they can feel like they are doing something in life and having what is important*."[719]

6.7.2 Elder Teachings and Inuit Legal Pedagogy

Elders helped shape the structure of the program and the tone of the learning space as well. Many times, the youth spoke about the importance of Elders':

> *"participat[ing] in it so that they can tell their stories, they can get in touch with people, they can get their knowledge out about how life was and how life is going."*[720]

One session illustrated this vividly. A community lawyer led a teaching on court-based restorative justice practices, co-facilitated by an Elder who was involved in starting a traditional toolmaking workshop as part of a diversion program in the Ottawa courts. The youth were asked to consider a hypothetical 'crime' under the common law involving a break in at the community organization. The lawyer posed the question, would the wrongdoer be put in jail or would the community come together to determine the best resolution?[721] The youth immediately answered the person would be put in jail or under house arrest, reflecting their familiarity with punitive models of justice.

[719] Rita, *supra* note 621.
[720] *Ibid*
[721] Program Observations, *supra* note 667.

The Elder then offered a contrasting view rooted in *Maligait* and *IQ*. He answered, "*in the old days, the first question would be 'was he poor? Did he need something? Why did he need to break in*?'"[722] This was not about excusing harm but about understanding its root cause. The Elder emphasized that traditional Inuit justice reflected a system focused on community-problem solving rather than individual punishment.[723] He contrasted this with common law courts, which he said, "*ignore the underlying cause, the courts only look at the surface.*"[724] Rather than focusing solely on outcomes like guilt or innocence, restorative approaches prioritize the process and centre the needs of both those harmed and those responsible.[725] As the Elder spoke, the youth were quiet, respectful, and deeply attentive.[726]

Another living demonstration of Inuit legal pedagogy was the hands-on session on sharpening the *ulu*, a traditional Inuit knife, where learning happened through "observation, mentoring, practice," and inter-generational knowledge-sharing.[727] Using a white board, one of the Elders illustrated the physics behind sharpening the burr of the *ulu* blade, transforming its curve into a sharp point. He then demonstrated step-by-step techniques with a metal file and invited the youth to try. Three youth eagerly stepped up to the challenge, including a grandchild of one of the Elders.[728] As Joe Karetak notes, "Elders have lived with, thought about and are knowledgeable about Inuit culture. Their wisdom and their years of experience with difficult social change are important to future Inuit."[729]

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[722] Program Observations, *supra* note 667.
[723] *Inuit Laws, supra* note 295 at 66-67, 70.
[724] Program Observations, *supra* note 667.
[725] Jeffery G Hewitt, "Indigenous Restorative Justice: Approaches, Meaning & Possibility" (2016) 67 UNB LJ 313 at 316.
[726] Program Observations*, supra* note 667.
[727] See *IQ Principles, supra* note 665, particularly "*pilimmaksarniq",* which is the development of skills through observation, mentoring, practice, and effort."
[728] Program Observations, *supra* note 667.
[729] Karetak, *supra* note 657 at 10.

IQ also appeared through participant interactions within the Inuit-owned space. For example, when Elders arrived at the Youth Space, the youth offered formal welcomes, made sure they were seated comfortably, and offered them tea. Elders were served food first and their dishes were cleared first. Youth remained silent when Elders spoke during sessions and collectively thanked them at the conclusion of each gathering. They always helped the Elders with their coats and escorted them to their taxis.[730] These practices were unspoken and not simply ceremonial, they were how the space was governed. They reflected the kind of order, respect, and care that structured the Youth Space, without reliance on enforcement or formal authority. In this setting, the rebalancing of legal orders, the internal norms of the Youth Space, and the Elders' teachings helped shape how youth understood justice as more than narrowly defined common law concepts.

6.7.3 Legal Legitimacy in the Community Youth Space

Elders' teachings also located legal struggle in lived experience and collective memory. In one session, Elders spoke candidly about moving to the city and being "*full of rage and anger at the way the police and social services treated Inuit up north.*"[731] One Elder recalled how long it took her to build trust, describing experiences of being followed in stores because shop owners assumed she would steal—experiences the youth were already familiar with. Another Elder encouraged the youth to believe in themselves and "*show the white people they are not drunks, or lazy, or thieves.*"[732] She drew on *IQ* principles, teaching that strength comes from within and from community.

[730] Program Observations, *supra* note 667.
[731] *Ibid.*
[732] *Ibid.*

In this sense, the Elders reframed how legal issues were understood and why certain forms of justice felt legitimate or alienating in the first place. As Martin Keavy notes "the act of remembering and of telling stories about the past might itself be thought of as a deeply political act. Elders' testimonies [and]… narratives about the ways of the *inummariit* – the '*real* Inuit' – are radical and empowering, particularly in the hands and ears of Inuit youth."[733]

The Youth Council were able to take ownership of the program, which offered a sense of legal empowerment in its own right. One member of the Youth Council described how they took responsibility for care of Elders and for the learning environment:

> "*I was all over the place during all the ones I went to. Because, whenever… there was a cab I was already out there giving the cab the taxi chit… okay, Elders came, I gotta go see the setup for the laptop, see if the kids are behaving or not being too loud, making sure one of them is actually taking care of the Elders*."[734]

In this setting, legal legitimacy and empowerment depended on respecting non-state legal practices in concert with learning about the common law. Naomi described one session where several non-Inuit lawyers from another city joined in over Zoom to discuss human rights and discrimination:

> *"I don't know exactly why, but just something about him on a computer and… I don't know, I just felt like they kind of intruded. They didn't know much, we never really got a connection… I didn't feel like the passion to learn."*[735]

She described a similar experience when learning about Indigenous history in high school, explaining, "*[the non-Indigenous teachers] were teaching me my culture. They were*

[733] Keavy Martin, "Are we also here for that?: Inuit Qaujimajatuqangit – Traditional Knowledge, or Critical Theory?" (2009) 29:1/2 The Can J of Native Studies 183 at 189.
[734] Lo, *supra* note 622.
[735] Naomi, *supra* note 615.

teaching me dream catchers. That makes no sense for them to be teaching that."[736] For Naomi, legitimacy turned on relationship and accountability, not formal expertise. She told me that OJEN staff were,

> *"actually engaged and wanting to learn and not like 'oh, I am helping these Inuit people and I am a white saviour.' You [were] actually listening and, I don't know, we could all tell that you appreciate, like literally, almost everything."*[737]

Lo similarly emphasized that the program's attention to Elders and *IQ* was unusual in most institutional programming:

> *"For me personally, you guys went above and beyond for the Elders and the IQ principles, which is really surprising because not a lot of organizations outside of [the community organization] or Inuit cultures, they don't pay attention to that and value it. But you guys valued it… understood it and implemented it into the OJEN program."*[738]

Legal pluralism was not a theoretical gloss but was felt and respected and learned. It was experienced as a question of authority and fit, and reoriented whose knowledge carried weight and how common law could be introduced without displacing Inuit law, pedagogy, and relational responsibility.

6.7.4 A Different Way of Being Legal

In this case, pluralist legal capability and legal consciousness were expressed through participants' ways of following the principles of Inuit legal order in everyday practice. Rita mused that, "*since I am improving myself as an individual, I feel like it is nice to have the IQ principles and knowing more about it,*" and also, "*it was fun, it was joyful and everybody liked*

[736] Naomi, *supra* note 615.
[737] *Ibid.*
[738] Lo, *supra* note 622.

having advice and knowing that they have support no matter where they are from or who they are."[739]

Legal knowledge in this context was expressed through living law in plural ways, through reciprocity, and through participation in community legal learning within the Youth Space. Rita reflected, "*I have learned that you have a voice in the real world and you should know your rights and say what is bothering you without escalating it*."[740] Lo described this as a balance, they noted:

> "*Lawyers know all the legal stuff, but Elders, with their life experience and telling you about it and learning from it, also teaches the youth that it's okay*."[741]

These forms of legal knowing were subtle but consistent. They help explain why the program's effects cannot be captured solely by conventional measures of legal knowledge or help-seeking, since the community Youth Space had its own structure of collective responsibility and Inuit authority.

When asked what the youth participants gained from the *IMI* program, Lo said it was "*a little bit of knowledge and maybe some time spending with the Elders*."[742] Rita highlighted that "*the story makings that we did was helpful for people to know their rights and just having little scenarios where they can understand what you are trying to put your message through*."[743] Lo explained the inclusion of Inuit culture and common law culture was key to the success of *IMI* "*because they are both really important*."[744] And when asked what the most meaningful part of

[739] Rita, *supra* note 621.
[740] *Ibid.*
[741] Lo, *supra* note 622.
[742] *Ibid.*
[743] Rita, *supra* note 621.
[744] Lo, *supra* note 622.

the program was, Naomi concluded, "*how everything, in the end, worked out. Everyone together came and did their part*."[745] These sentiments suggest that the program increased individual legal knowledge while also strengthening collective capacity within a space where common law learning could be done on Inuit terms.

6.8 Conclusion

The *IMI* case study examines youth legal capability and legal consciousness in an unconventional PLE setting, where common law is not treated as the default legal authority. *IMI* participants described increased common law legal capability, better awareness of reliable information within the community, and increased confidence to ask questions and assert their common law rights when necessary. Legal agency for this set of youth was closely associated with support from trusted people at the community organization like Indigenous case workers, housing support workers, and ally settler lawyers. In this case, legal consciousness was mixed, with a highly critical view of the settler legal system along with selective trust in specific people, organizations, and community resources, all of which was shaped by the realities of everyday legal precarity experienced by urban Inuit youth.

The case study exposed the limits of applying conventional legal capability metrics and legal consciousness categories to a pluralist PLE setting and legal learning was not fully captured by conventional indicators like confidence in getting a fair legal outcome or respect for the colonial legal system. The presence of *Maligait, IQ,* and Elders' teachings in an Inuit-owned space changed what youth learned and what "legal learning" meant in the first place.

[745] Naomi, *supra* note 615.

The discussion chapter that follows draws findings together across cases to address the dissertation's central research question. It moves from case-level analysis to examine cross-case patterns and to reconsider the conceptual fit of treating legal capability and legal consciousness as separate analytical frameworks. It does so by developing four distinct pedagogical configurations of legal learning, in which to examine the relationship between the two concepts.

Chapter 7: Cross-Case Synthesis: From Measurement to Meaning

7.1 Introduction

> *In general, do you think the system is based on 'justice for all'?*
>
> *"I feel like it's getting better, gradually getting better, but I still feel there is a lot should and can change."*[746]
>
> ~Grade 8 student, English Catholic High School in Ottawa

A young person experiences sexual harassment at their part-time job, speaks up, and gets a negative response from their manager. This erodes their trust in authority and spurs them to learn more about social justice at school, which strengthens their respect for strategic "wins" within the system. Another youth decides it is easier to have peers pulling at her hijab than to repeatedly explain the history and meaning behind her choice of dress. Her experiences with racism and prior knowledge about family difficulties accessing justice inform her beliefs about bias in decision-making, and increase her interest in the law. An older youth is constantly followed in stores and consistently treated with suspicion, so she seeks solace and understanding in her community. These narratives were shared by youth from each of the programs involved in this study and illustrate the need to look at youth legal capability and consciousness holistically.

Legal capability becomes visible in moments where youth assess whether a situation has legal relevance and whether engaging with authority is worth the possible consequences. Legal consciousness shapes how they judge the legitimacy of law and the trustworthiness of legal

[746] Selena, *supra* note 575.

actors, which in turn influences their decisions about when to act and when to "*let it be.*"[747] Legal capability and legal consciousness are not stable individual attributes that young people acquire and carry with them across legal settings. They take shape together through specific encounters with the law and authority and they are shaped by institutional context, social positioning, and perceived risk. Throughout my interviews with the young people in this study, legal capability and legal consciousness rarely moved in a neat sequence, especially when youth started talking through potential backlash associated with more formal escalation.

This research began with the question of whether youth-focused PLE could influence legal consciousness and everyday legal capability, but the empirical findings required a reframing of the initial question. Across the three cases, it became clear that legal capability and legal consciousness in these sets of youth could not be understood as discrete outcomes that could be independently influenced or measured. Instead, the findings show how both are shaped by pedagogy, institutional and social positioning, and prior lived experience.

Unlike legal capability, which is often understood in terms of increasing knowledge, skills, and confidence, it is not appropriate to evaluate legal consciousness by measuring movement toward a particular orientation of law, for example, toward greater trust or greater skepticism. For this reason, I do not compare the cases to determine which pedagogical approach was most effective but explore how each setting illuminated a different way in which legal capability and legal consciousness surfaced. Only through cross-case synthesis does the relational nature of these constructs become visible. Examining conventional, critical, and pluralist programs demonstrates that youth legal skepticism, trust, and engagement cannot be interpreted outside their institutional and community contexts. This reconceptualization has

[747] Mariame, *supra* note 525.

practical implications for PLE design and evaluation, especially in Indigenous and marginalized youth communities.

This chapter moves from within-case findings to cross-case synthesis to clarify how legal capability and legal consciousness work together across different pedagogical settings. Drawing on interview material that extended beyond my original coding domains, the analysis shows why existing measures are insufficient to capture the forms of legal learning the participants described. The analysis then looks at how differences in pedagogy and institutional context help explain the patterns of legal learning that emerged across the cases. I argue that youth legal learning is best understood through the relationship between legal capability and legal consciousness, rather than as linear gains in indicators such as knowledge, confidence, or trust.

7.2 Cross-Case Recap

On the whole, Mock Trials participants reported increases in knowledge about legal procedure and higher confidence in navigating high stress mock-courtroom settings after the PLE program. However, many students reported that Mock Trials did not address the existing views about fairness of legal institutions that they brought with them to the program. Students' legal consciousness was generally pragmatic and critical, and many distinguished having respect for legal procedure from having trust in legal outcomes. Law was often described as a resource that could sometimes be used strategically, but students were more wary about fairness and institutional discretion. In this case, students reported gains in procedural dimensions of legal capability while their underlying more critical legal consciousness was not interrogated or encouraged to surface.

Mini-U participants reported increases in legal capability and having greater confidence in identifying and talking about legal issues, but there was a persistent mistrust of the legal system across the responses. The student responses indicated that the course provided language and opportunities for them to examine their own existing critical views, especially through discussions of legal authority and judicial discretion. It appears that the course was able to engage the students' legal consciousness but, like Mock Trials, did not appear to shift the students underlying orientations to law.

In *IMI*, participants described their sense of legal capability and SLE as directly linked to a better knowledge of supports within their community. They reported having a clearer recognition of certain legal problems related to housing and social assistance, and improved access to Inuit-specific resources, as well as greater confidence in setting boundaries when it came to legal authorities like police. At the same time, their legal consciousness was deeply critical of colonial legal institutions and that did not change throughout the program. Because learning took place within a pluralist environment that re-centred *Maligait*, *IQ,* and Elders' teachings, participants' accounts suggest significant engagement with questions about what counts as law and justice, and emphasized the importance of community support.

Across the cases, there was a recurring gap between how youth reported confidence and action on standardized measures like legal capability scales and how they reasoned about law, risk, and fairness in context. This reinforced the need to distinguish legal capability and legal consciousness conceptually while examining how they influence each other in different contexts.

7.3 Empirical Refinements of Youth Legal Capability

While the *PULS* definition of legal capability is broad enough to include decisions about whether and how to use the law, its empirical indicators and policy implications continue to

locate capability primarily in engagement with legal processes.[748] *PULS* demonstrates that, at the population level, lower confidence and more negative attitudes toward law are associated with poorer problem-resolution outcomes.[749] The findings from this study do not contest this.

What this study adds is evidence that, for youth, decisions not to escalate legal problems often reflect a different form of legal capability related to what I am calling "strategic law-related judgment," where non-use of formal resolution mechanisms may actually reflect a higher level of legal capability.[750] Interview data show that reported non-use among youth frequently reflects anticipatory, risk-informed judgment rather than legal knowledge deficit or disengagement.[751] This is contrary to research like Watkins et al.'s which equates "advanced" legal capability with identifying the correct "domestic law provisions… and/or the *UNCRC"* and then "communicat[ing] their concerns to a relevant person or body."[752] In contrast, my findings illustrate that youth decisions not to escalate problems often reflect a very "capable" threshold judgment about the likely consequences of invoking rules or law, formally or informally. For youth operating within unequal power relations in schools, workplaces, and public spaces, restraint often indicates a strategic and reasonable assessment of risk and potential fallout, rather than a lack of legal capability.[753]

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[748] *PULS, v1, supra* note 82 at 33. See also, Pleasance & Balmer, 2018, *supra* note 383; Pascoe Pleasence & Nigel J Balmer, "Justice and the capability to function in society" (2019a) 148:1 *Dædalus, J of the American Academy of Arts and Sciences* 140.
[749] *PULS v3, Report, supra* note 175 at 12.
[750] I use the term "strategic law-related judgment" to refer to the ways young people interpret, assess, and navigate legality in their everyday lives. This is distinct from doctrinal and lawyerly "legal reasoning" and can be conceptualized as an evaluative process through which youth weigh fairness, risk, legitimacy, and consequence when deciding whether and how to engage with the law.
[751] See Mosher, *supra* note 25 at 812-13. My findings align with earlier access to justice research documenting youth reluctance to engage formal dispute resolution processes in contexts of unequal power and extend that work by showing how non-escalation can operate as a form of anticipatory law-related reasoning rather than disengagement.
[752] Watkins et al, *supra* note 31 at 442.
[753] Juristat, *supra* note 22 at 14. Population level survey data in Canada indicate that non-action in response to serious legal problems reflect multiple underlying rationales. For example, the *CLPS* survey found that among respondents who took no action to address the most serious problems, slightly over half believed nothing could be done, while others cited anticipated harm or stress from escalation, along with a lack of knowledge about what to do

7.3.1 Legal Capability as Anticipatory and Proportional

Across cases, legal capability took the form of recognizing legal relevance, locating information and support, and understanding possible responses, even when participants chose not to engage formal legal processes. Problem recognition was often the first step participants described. For example, a Mock Trials student explained how they would identify the legal dimensions of a work situation:

> *"I think I would definitely… be able to identify the situation. And I know that, for example, if they told me like 'oh, you violated this,' I would know, to go back and read any agreements I've made with [the] company, and also to look at certain things, like if they said I broke a law."*[754]

Once a situation was identified as potentially legal, participants described a keen ability to find relevant information and resources, even if they had no prior experience with handling similar problems. The same student continued:

> *"I know you can search up the Criminal Code. I know there are resources online. I've cited them in school, so I know that they're there, and I've already read them as well."*[755]

A participant from Mini-U echoed this, expressing a sense of confidence when facing potential legal problems,

> "*I know how to stand up for my rights, kind of, I know how it works inside the court, so I feel more comfortable talking about the law because I have more understanding*." [756]

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or where to seek help. These findings highlight the limits of treating non-use as a uniform indicator of low legal capability.

[754] El, *supra* note 469.

[755] *Ibid.*

[756] Selena, *supra* note 575.

However, for most of the youth in the study, this knowledge and confidence did not automatically lead to escalation. Instead, participants described judgment about proportionality and consequences as a core part of their decision-making process. One participant framed this explicitly, stating,

> "*if I feel that the situation is minor then… I can handle it on my own, [so] I won't try and incorporate the justice system*."[757]

Along with this ability to recognize problems and find information, young people often located their legal capability in community networks and everyday problem solving tools they had. One youth referred to using "*the words that they used to teach us in school, the walk away, talk it out, all of those. Those are my basic things*." They went on to list a progression of other supports, "*from the most basic… Google*," to "*the school [and] guidance counsellors and [a] law person that comes in sometimes*," if a situation escalated.[758]

Although participants could readily describe incremental pathways for escalation, most did not have experiences where they actually took those steps. Instead, their accounts suggest that strategic law-related judgment often occurred as the problem was occurring, with youth deciding early on that escalation at any level was unlikely to improve the situation or may make it worse.

By and large, participants emphasized that they did not think most everyday problems needed formal intervention. As one youth put it, "*I don't think everyday problems are big enough for a court. I think they can be resolved just by talking."*[759] These accounts suggest that

[757] Leah, *supra* note 578.
[758] Dia, *supra* note 472.
[759] Lex, *supra* note 475.

participants demonstrated core dimensions of legal capability short of formal or informal legal mobilization, which was often a deliberate and reasoned choice.

7.3.2 Non-Use of Law as a Strategic Form of Legal Capability

Low willingness to use the law, formally or informally, often followed from youths' judgments about proportionality. In many cases, it amounted to an assessment that any action would create greater personal or social harm. A Mock Trials student, for example, imagined being in a situation of workplace discrimination and told me,

> "*it's hard because sometimes it's easier to tolerate it than to stand up for yourself. Because when you, you know, like, you want your boss to have a good, like, opinion on you, right*?"[760]

Here, they show legal recognition of harm, awareness of possible rights-based responses, and a continuous weighing of consequences. Choosing, as they did, to "*let it go*," was not a reflection of having low legal capability.[761] Rather, it was a strategic decision based on their understanding of how power operates in that context.

The same pattern appeared in many other young people's narratives. A youth from *IMI* related, "*most times when it happens I just leave it alone,*" when being publicly surveilled and discriminated against.[762] A Mock Trials participant noted they, "*kind of just, like, had to put up with it,"* when experiencing racism and bullying in their younger years.[763] And another explained:

> "*For us, it's so normalized, you know? So, it's easier to just brush it off or make a little joke about it rather than be like, 'no, you can't be doing this,' because especially for me, I'll have to explain everything and why I put it [hijab] on and everything. And so… it's*

[760] Kip, *supra* note 471.
[761] Fatima, *supra* note 474.
[762] Rita, *supra* note 621.
[763] Sherifa, *supra* note 473.

better to take it as a joke and be okay, whatever and talk about it to someone who also understands rather than be like, 'no, what you're doing is wrong.'"[764]

In each case, youth identified wrongdoing and possible avenues of redress, then chose damage control based on anticipated fallout. Legal capability to these youth is not a linear progression toward greater use and comfort with formal law or other forms of escalation. It is context-specific and strategic and includes the capacity to recognize a legal wrong, understand available remedies, and decide that non-use or informal coping is the safest or most effective option. Strategic restraint, in these contexts, is an expression of capability, not its absence.

These decisions are inseparable from youths' underlying judgments about fairness, trust, and the likely behaviour of institutions. When young people choose not to use the law, their reasoning extends beyond limited access to time or resources. They are choosing not to act because they are weighing the social and structural consequences of doing so. Measures that record only confidence or willingness to act capture the outcome of the reasoning but miss the legal consciousness that shapes it. This reframed version of legal capability replaces the idea that the gold standard outcome must be problem resolution and shifts analysis to the process of strategic navigation of law under conditions of unequal power and risk.

7.4 Empirical Refinements of Youth Legal Consciousness

Legal consciousness is best understood as "the ways in which people experience, understand, and act in relation to law. It comprises both cognition and behaviour, both the ideologies and the practices of people as they navigate their way through situations in which law

[764] Dia, *supra* note 472.

could play a role."[765] Existing typologies like Ewick and Silbey's narratives and Hertogh's consciousness characteristics are heuristic and fluid, and people can move between and across them in specific situations.[766]

The findings from my study go beyond movement between legal consciousness categories and demonstrate the simultaneous combination of multiple, and sometimes contradictory, orientations and variables within the same situations.[767] Simon Halliday and Bronwen Morgan offer a useful extension of legal consciousness theory that helps make sense of these hybrid orientations. This shows up in youth accounts where law is critiqued, judged against community or cultural standards of justice, and selectively mobilized anyway.[768] My research showed youth could respect procedure, doubt outcomes, simultaneously perceive progress and injustice, and treat fairness as negotiable or context-specific, all at the same time.

7.4.1 Contradictions within Individual Legal Consciousness

Individual youth often held apparently inconsistent views of law and legality without being confused or incoherent. These combinations reveal how legal consciousness is activated differently across situations and mediated through relationships with legal actors and institutions. The following examples illustrate that legal consciousness does not operate as a single, stable orientation toward law.

In the Mock Trials case study, one student totally disagreed that the legal system treats everyone equally and totally agreed that people with less money get worse outcomes. At the

[765] Chua & Engel, *supra* note 42 at 336.
[766] Merry, *supra* note 185 at 5.
[767] See Simon Halliday & Bronwen Morgan, "I Fought the Law and the Law Won? Legal Consciousness and Critical Imagination" (2013) 66 Current Legal Problems 1 at 28 [Halliday & Morgan].
[768] *Ibid.* Halliday and Morgan add "dissenting collectivism" as a "missing narrative" to legal consciousness theory that captures this hybrid stance. To Halliday and Morgan, the new narrative operates as a collective rejection of state law's moral authority, coupled with appeals to a higher, non-state sense of justice and a willingness to use state law instrumentally and strategically.

same time, this student viewed lawyers as a necessity and described her level of trust as dependent on the "*type of case."* She gave the example of women in sexual assault cases as a situation where she had no trust that the outcome would be fair. Her orientation toward law was dependent on the kind of legal problem she imagined and the degree of institutional discretion involved.[769]

Despite her critique of distributive justice, the student expressed a high degree of respect for the legal system as a procedural institution. As she explained,

> "*the basis of the justice system is to do good, to honor the society's legal rights, moral rights, and at the end of the day, yes, I do respect it, despite my numerous criticisms of the system.*" [770]

Her respect stems from confidence that legal procedures, especially when mediated through lawyers, produce acceptable outcomes "*in most cases,*" even if they are not uniformly fair. Her account illustrates a situated legal consciousness where legitimacy of the law and the legal system is assessed contextually, not globally. It also reveals a consciousness in which trust is placed selectively in legal processes rather than in the system as a whole.[771]

In the Mini-U case study, one youth illustrated a similarly layered legal consciousness without resolving tensions between inequality and legitimacy. She rejected the idea that the legal system treats everyone equally, explaining that "*money is basically power in this system*," and that while the system is "*generally fair… some of the laws are not equal for everyone.*"[772] She also strongly agreed with the view that law operates as a game structured by skill and

[769] Kristin, *supra* note 476.
[770] *Ibid.*
[771] *Ibid.*
[772] Selena, *supra* note 575.

knowledge. Her trust in the legal system was explicitly conditional, as she stated, "*sometimes yes, sometimes no*," and varied on problem type and severity of the legal problem she imagined.

Yet this student expressed a sustained respect for the legal system. As she explained,

> "*I don't always agree with it, but I respect it because I feel like they are trying to make it better now and I think there are a lot of people at work to try to make everybody be shown [reflected in the law].*"[773]

To this student, respect grew out of the perception that the system is incrementally improving. Her legal consciousness thus combined critique of power and inequality with continued institutional legitimacy, illustrating how trust and respect operate independently and contextually and are not unified attitudes toward law.[774]

Finally, *IMI* illustrates a boundary case of legal consciousness. One participant identified distributive injustice as central to her own experience with the legal system, explaining that people with less money get worse outcomes and locating her own situation as evidence of this dynamic. She rejected the idea that the legal system is fair, stating plainly, "*I don't think it is fair at all*," and described a loss of trust that she linked directly to lived experience: "*more experience changed my attitude*." Unlike the other two cases, this participant expressed no respect for the Canadian legal system, describing it as "*not victim friendly.*"[775]

The *IMI* account reveals significant legal alienation from Canadian state law, characterized by the absence of trust for legal authorities, a lack of respect for them, and doubts about their legitimacy. The participant's views were not simply a more extreme version of critique or conditional trust, but a qualitatively different orientation produced through the

[773] Selena, *supra* note 575.
[774] *Ibid.*
[775] Naomi, *supra* note 615.

sustained negative encounters with legal institutions that are common to Inuit in Canada. However, the *IMI* case also highlights the need to distinguish between legal alienation from a particular legal order and complete disengagement from law and legality more broadly, which will be elaborated on further in section 7.4.5.

7.4.2 Questioning Core Legal Ideals

Overwhelmingly, young people in this study problematized notions of fairness, truth, and justice. To start, youth accounts reveal discomfort with "fairness" as a stable or objective standard for evaluating law. For example, an *IMI* youth immediately recognized the justice system is "*only fair for some people*."[776] While a Mini-U participant introduced a foundational scepticism toward the concept of fairness itself, questioning whether it can meaningfully describe the operation of the justice system. They mused, *"I don't think 'fair' is an appropriate word to use to describe the justice system. It is up to the eye of the beholder… fair is going to be different for different people… Like, there is no such thing as 'fair'."*[777] These accounts frame fairness as inherently subjective and inseparable from intersectional positionality. They point to power and a critique of the notion of 'neutral' or 'unbiased' adjudication.

Building on this scepticism, many youth described legal decisions as turning on the strategic construction of "truth" rather than the discovery of an underlying reality. Across interviews, participants emphasized the role of evidence, questioning, and procedural skill in shaping what ultimately counts as truth within the law. Many youth emphasized finding "*loopholes*" and "*ways… around the cracks*" to use certain truths to one's advantage.[778] Having more legal expertise was seen as a way to "*kind of manipulate evidence, kind of twist the truth a*

[776] Naomi, *supra* note 615.
[777] Sami, *supra* note 577.
[778] Dia, *supra* note 472; Sami, *supra* note 577.

little bit."[779] As one Mock Trials participant astutely explained "*people can talk their way into making a new truth.*"[780] These accounts signal a procedural understanding of how truth is manufactured within legal settings. Truth, in this sense, was understood as contingent on process and strategy rather than objective facts.

The juxtaposition between elusive fairness and the manipulation of legal truth extended into how youth understood "justice" itself. Participants described objective justice as a kind of myth that was unevenly delivered and shaped by systemic structure and institutional priorities. A Mini-U participant related, "*the justice system is generally fair but not everyone's situation is fair*."[781] Another participant explained, *"If I take like an optimistic approach, I could say, 'well, yeah, justice is delivered every single day all around the world,'… But, on the other hand… there's instances where justice isn't fair and where justice should have been handled or given to a certain party, and it wasn't."*[782] Justice, to these youth, was understood as something that can be achieved in some cases, for some people, but not assumed as a systemic guarantee and certainly something that was structurally uneven.

7.4.3 Respect for 'Law in Books'; Distrust for 'Law in Action'

Both before and after each of the three PLE interventions, the youth in this study articulated a mostly critical legal consciousness. Many youth expressed respect for legal procedures and formal rules while simultaneously critiquing the system that produces and applies them. Some participants described law as a "*sturdy kind of domain*" that is "*logical*" and

[779] Kip, *supra* note 471.
[780] Fatima, *supra* note 474.
[781] Mariame, *supra* note 525.
[782] Kristin, *supra* note 476.

"*professional*" and "*trying to be fair."*[783] For these reasons, many participants respected the procedural aspects and structural transparency of the legal system.

However, across interviews, this distinction between formal legal equality and lived legal experience appeared repeatedly, illustrated through race, class, and institutional overreach. A Mock Trials student clearly drew the distinction that "*everyone has the same rights, but everyone is not treated exactly fairly in the applicability of the law*."[784] A second student agreed, "*I feel like with the laws that we currently have, we could have a great system, but it's not being implemented properly*."[785] Other participants similarly described law as orderly and "*like a textbook*" where all our rights are "*written down,*" while emphasizing that biased decision-making, particularly by police, undermined justice in practice. As they put it: "*that is not justice*."[786]

The overwhelming majority of participants across all cases pointed to systemic discrimination and overincarceration rates of racialized and Indigenous communities as a key factor in the distinction between textbook rights and reality. One Mock Trials student brought her own identity into the discussion,

> "*the legal system does a lot of good, I'm not saying it does bad.... But then, once I think about it, how many people who look like me, or look Arab or Muslim or black, how many of them have also been hurt by the legal system for basically just living life*."[787]

Others explicitly linked this gap to social class, while some non-racialized youth acknowledged their relative privilege as shaping their confidence in legal protections, with the

[783] Kip, *supra* note 471; Oden, *supra* note 470.
[784] El, *supra* note 469.
[785] Sherifa, *supra* note 473.
[786] Mariame, *supra* note 525.
[787] Dia, *supra* note 472.

awareness that others are not so "*lucky.*"[788] Importantly, critique did not equate to wholesale rejection of the system and many accounts illustrated that critiques of fairness and equality existed along with continued engagement with legal institutions.

A smaller number of youth had an optimistic outlook on the system as a whole. A Mock Trials participant confirmed, "*I have a positive view of the legal system. I think it does good things*."[789] There was also a lot of ambivalence about the balance between the positive and negative aspects of the system, as a Mock Trials student explained, "*[I have] very mixed feelings 'cause there are good laws and systems but there is still a lot of injustice so I'm not sure how to feel.*"[790] Yet most participants ultimately decided the positive aspects outweighed the negative ones. For example, many thought that the legal system "*works most of the time*," and even when there are "*bad cases*," they "*don't like trump out all the good ones*."[791]

7.4.4 Trust and Respect in Context

Conversations about procedural legitimacy and systemic flaws often led to a deeper discussion about trust and respect. The interviews indicate that trust, or distrust, is often related to substantive and distributive justice, whereas respect is linked to transparency of procedural rules and formal processes. Some of the youth saw trust as a requirement of the legal system. One Mock Trials participant explained,

> "*I think I do trust the legal system… I think I have to because, I mean, it's part of society. You kind of have to respect it. There's no other choice not to respect it or else, you know, go to jail.*"[792]

[788] Madeline, *supra* note 430.
[789] Oden, *supra* note 470.
[790] Sherifa, *supra* note 473.
[791] Oden, *supra* note 470; El, *supra* note 469; Madeline, *supra* note 430.
[792] Lex, *supra* note 475.

To these youth, trust is less of a general attitude toward law and more of a situational judgment about whether legal actors will act competently and in good faith toward someone in a particular situation.[793]

One Mock Trials student helped distinguish between the two concepts clearly by telling me,

> "*trust is… [what] would lead to what I believe to be like the right outcome or like the good outcome. Whereas respect is more, they're going to do it in a good way, and they're going to do it the right way.*"[794]

Along the same lines, a youth from Mini-U explained, "*respect is different from trust.*" They explained that a person can "*respect the system*" even if they "*don't trust…*" particular individuals, "…*like police and judges.*"[795] This distinction between trust and respect helps explain how youth can remain engaged with legal institutions despite skepticism about fairness or outcomes.

7.4.5 Legal Alienation and Plural Legal Consciousness

The tensions described within these young people's legal consciousness raise an important analytic question about whether deep scepticism and critique should be understood as forms of legal alienation, or whether they represent a more complex relationship to law. Hertogh conceptualizes legal alienation as a "cognitive state of psychological disconnection from official state law and the justice system."[796] Across cases, youth raised common concerns about "*biased judges,"* "*corrupt lawyers,*" and "*worse outcomes [for people who] don't have the resources or*

[793] Sofie Henze-Pedersen, "A Spy in the Family: Trust in Sensitive Research with Children," in Grace Spencer, *Ethics and Integrity in Research with Children and Young People* (Bingley: Emerald Publishing Ltd, 2022) at 123-24.
[794] Oden, *supra* note 470.
[795] Mariame, *supra* note 525.
[796] Hertogh, *supra* note 45 at 55.

understand how to access them to begin with."[797] Some participants also questioned whether ideals such as 'fairness' or 'equality' meaningfully reflected their lived experience or personal knowledge of access to justice issues.[798]

However, applying legal alienation as the primary analytic frame risks collapsing distinct orientations like critique and ambivalence into a complete account of disengagement, which did not hold true in this study. Simon Halliday points out that a more productive reading of Hertogh's theory is to recognize that a degree of legal alienation can coexist with a broader sense of overall legitimacy of Canadian law and compliance with the legal order.[799] For example, across the Mock Trials and Mini-U cases, youth frequently critiqued law while continuing to respect procedure, assert rights, and imagine that "*having a system that's built to protect your rights is better than not having any system at all*."[800] Their orientations give rise to skepticism but also a sense of legitimacy, and do not point to withdrawal or cynicism in Hertogh's sense.[801]

Even in the case of *IMI,* where participants described significant forms of legal alienation from colonial common law, Hertogh's theory becomes less compelling when considering plural legal consciousness. *IMI* participants consistently stated that they had neither trust nor respect for the Canadian legal system, indicating a profound value-isolation in relation to Canadian law.[802] Yet this distance did not suggest an absence of legal meaning when seen through a legally pluralist lens. The *IMI* participants' legal consciousness was closely connected to community-based Inuit legal principles. When asked about the incorporation of *Maligait* and *IQ*, one participant responded, "*I feel, for future, you should rephrase this question because I feel like*

[797] Mariame, *supra* note 525; Leah, *supra* note 578; Sherifa, *supra* note 473.
[798] Sami, *supra* note 577.
[799] Halliday, *supra* note 334 at 870.
[800] Kristin, *supra* note 476.
[801] Hertogh, *supra* note 45 at 56. Hertogh's definition of legal cynicism involves the belief that law doesn't matter and therefore does not command respect.
[802] Hertogh, *supra* note 45 at 56.

that is the whole point."[803] Another described *IQ* as "*implemented into my brain more than eating… [I] see better with Inuit principles."*[804] Inuit traditions were seen as shaping everyday conduct and collective relationships, where guidance and advice could be shared within community.

These accounts illustrate plural legal consciousness in a strong sense, where alienation from Canadian state law is not the same thing as complete legal disconnection. As Angela Cameron et al, state, "for many Indigenous people living in Canada, Indigenous laws and legal orders *are* the law [emphasis in original]."[805] From a pluralist legal perspective, the *IMI* participants were not completely legally disconnected, as their understandings and experiences with *Maligait* and *IQ* remained deeply embedded.

That said, it is also important to emphasize that the presence of alternate legal orders does not eliminate material harm or displace the coercive force of 'official' state law. Cameron et al, elaborate that "Indigenous communities do not live in isolation from Canadian law or the political, economic, and social forces that surround them."[806] Eviction, incarceration, and economic precarity continue to operate through dominant legal and capitalist structures, which perpetuate legal alienation in Indigenous communities.

Plural legal consciousness speaks to how legal meaning and authority are understood and located, even when material outcomes remain governed by dominant legal and economic structures. Even when legal alienation is defined narrowly as a cognitive distance from official law, it remains insufficient for analysing legal consciousness in plural legal settings like *IMI*.

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[803] Naomi, *supra* note 615.
[804] Lo, *supra* note 622.
[805] Angela Cameron, et al, *Creating Indigenous Property: Power, Rights, and Relationships* (Toronto: University of Toronto Press, 2020) at 7.
[806] *Ibid* at 9.

7.5 Co-Production of Youth Legal Capability and Legal Consciousness

In the second volume of the *PULS* report, the authors briefly acknowledge that "many aspects of legal capability can be situated within [a] conceptualisation of legal consciousness."[807] They note that their findings in the *PULS* are highly relevant to legal consciousness literature, although they still choose not to fully explore the concept.[808] This matters because patterns that appear in survey data as low confidence or non-use are difficult to interpret without an account of how and why people's choices are shaped by their underlying orientations to law.[809] For example, if a person decides not to file a formal complaint against their boss because they believe the system favours employers, their reasons for not acting may be a crucial factor in their decision-making process but may be analytically missed. The cross-case findings in this study show that legal capability and legal consciousness did not operate independently. They functioned as connected dimensions of legal agency, where youths' judgments about fairness and risk shaped whether and how legal capability was developed and used.

Across the case studies, youth legal learning did not proceed in a linear fashion by first gaining legal skills and then forming views about the law. In each case, youth entered the programs with often highly sophisticated understandings about law and a range of experiences with legal issues. They did not enter the learning environment as blank slates. The Mini-U curriculum encouraged a dialogue between skepticism, systems-critique, and legal capability skills development, and in *IMI,* critical distance from settler law operated alongside high levels of legal capability and engagement with legal authorities like landlords and police. In each of the

[807] *PULS, v2, supra* note 17 at 25.
[808] *Ibid* at 17. The absence is striking given that the study includes a measure of "narratives of the law" based on Ewick and Silbey's typology of law as remote, something to resist, game-like, or practical.
[809] Porter, "Measurement", *supra* note 136 at 218.

three programs, legal consciousness informed participants' reasoning, selectivity, restraint, and action, which shaped capability in practice. And acquiring new legal knowledge and skills gave participants new ways to articulate and reconsider their existing understandings of law. Legal capability and legal consciousness developed in relation to one another and, in doing so, shaped how young people understood their options within the law and their capacity to act on them.

7.6 Four Pedagogical Configurations of Legal Learning

If legal capability and legal consciousness are mutually constitutive, pedagogy offers some help to explain how those patterns take shape. When looking at the ways in which young people learn about the law, democracy education literature proves informative.[810] Joel Westheimer and Joseph Kahne's influential "What Kind of Citizen?" framework provides a useful lens for understanding how pedagogical choices shape students' orientations toward law and legality.[811] Westheimer and Kahne distinguish between personally responsible, participatory, and justice-oriented conceptions of citizenship. Each conception is shaped by a corresponding pedagogical method that emphasizes different core assumptions and program goals related to learning about democratic institutions like law.[812] Read through a PLE lens, these models illuminate how legal learning can implicitly construct what kinds of legal citizens young people are encouraged to become and what forms of law-related reasoning are considered appropriate.

[810] See for example, Levine & Flanagan, *supra* note 20; Youniss, *supra* note 20.
There is a certain interchangeability of the term's "civics" and "law," which can be made in scholarship on civic literacy, civic empowerment, and civic engagement - all of which have legal counterparts in legal literacy, legal empowerment, and legal engagement.
[811] Westheimer & Kahne, *supra* note 542.
[812] *Ibid* at 240-45.

7.6.1 Ontario Civics Curriculum - Personally Responsible *Legal* Citizen

During the early stages of one of the Mock Trials interviews, a student explained confidently, "*I'd like to think that I'm pretty aware of what rights I do have. I mean, I took Civics and all…"*[813] In Ontario, the Grade 10 Civics and Citizenship course is the only required civics/law-learning course needed to graduate secondary school.[814] Upon closer examination, the Civics curriculum provides baseline exposure to law but is not sufficient on its own to support meaningful strategic law-related judgment or navigation in common law contexts.[815]

Within the Civics curriculum, "law" is present, but in a narrow and abstract way through limited *Charter* rights content, brief references to judicial decisions (and the Magna Carta), and schematic descriptions of legal institutions.[816] These curricular fragments introduce vocabulary and basic structures but present legality as civic knowledge, not as a navigable field of inevitable everyday risk and unequal power. Borrowing concepts like the "personally responsible citizen" may help analyse the Ontario Civics curriculum through a PLE lens.

Education geared towards the "personally responsible citizen" emphasizes building character and individual responsibility. Students learn to obey laws, pay taxes, volunteer, and act responsibly in the community.[817] This approach is not wrong, but it is limited. It highlights compliance and civic duty and obscures structural critique and the politics of law.[818] In this

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[813] Oden, *supra* note 470.
[814] Ontario, Ministry of Education, "Compulsory Credits" (April 2, 2026) Ontario.ca (website), online: <https://www.ontario.ca/page/earning-your-high-school-diploma#18-compulsory-credits>.
[815] Ontario, Ministry of Education, "The Discipline of Civics (Politics)" (Toronto: King's Printer for Ontario, 2026), dcp.edu.gov.on.ca (website), online: < https://www.dcp.edu.gov.on.ca/en/curriculum/canadian-and-world-studies/courses/chv2o/civics-politics-intro#citizenship-education>. The Civics curriculum was updated in 2022 and there are three strands of learning involving political inquiry and informed citizenship; civic awareness focused on values, beliefs, rights, and responsibilities; and civic engagement, service and action.
[816] Ontario, Ministry of Education, "Key Changes Grade 10 Civics and Citizenship Course (CHV20), 2022)" (February 2, 2026), dcp.edu.gov.on.ca (website), online: <https://assets-us-01.kc-usercontent.com/fbd574c4-da36-0066-a0c5-849ffb2de96e/59e48c4d-0f0f-4c3a-9eca-c05387e3e9d0/CHV2O-Key%20Changes-AODA.pdf> at 3.
[817] Westheimer & Kahne, *supra* note 542 at 240-44.
[818] Llewellyn et al, *The State, supra* note 14 at 2.

sense, current Civics curriculum tends to produce "personally responsible *legal* citizens" who embody legal obedience and who treat legality as presumptively legitimate, even when their lived experience suggests unequal protection and enforcement, or institutional harm.

This is important because, as Mosher reminds, "school is a central site for the youths' experiences of justice/injustice," including through discipline, surveillance, discretionary authority, and the unequal distribution of credibility and safety.[819] If the mandatory Civics baseline largely restricts law-learning to abstract institutional knowledge, then many forms of strategic law-related judgment that youth actually develop will be produced through lived experience, family and peer networks, community supports, and other targeted PLE interventions that make law discussable in concrete terms.

None of this implies that schools are "the problem" or that formal Civics should be expected to carry legal capability skills development or legal consciousness-raising on its own. As Llewellyn et al, emphasize, "the school and its teachers, shaped by a complex web of societal relations, are neither 'the problem' with civic learning nor the only solution."[820] It does suggest, however, that the three PLE interventions examined in this study are not supplemental add-ons to an already robust Civics baseline. They function as distinct pedagogical sites that form and test youth legal capability and legal consciousness in ways that standard civics instruction does not reach.

7.6.2 Conventional PLE – Participatory *Legal* Citizen

Viewed through Westheimer and Kahne's framework, Mock Trials most closely aligns with a "participatory" conception of legal citizenship. Students learn how institutions function

[819] Mosher, *supra* note 25 at 815.
[820] Llewellyn et al, *The State, supra* note 14 at 2.

and how to participate collectively within them, but they are not invited to ask deeper questions about power, inequality, institutional design, or whose interests they serve.[821]

Many of the Mock Trials students I talked to reported feeling more comfortable with legal terms, framing argumentation, navigating court processes like filing written submissions, and making oral arguments in front of their peers and legal professionals. The coaching support from local lawyers was seen as a way to personalize the legal experience. To the youth, candid conversations with 'justice sector professionals' made law feel less intimidating. One student described, "*there was one lawyer that helped us, and he was very, very professional and that gives you a lot of confidence.*"[822] The formal courtroom experience brought a sense of excitement and seriousness to the whole program.

Pedagogically, the Mock Trials model represents an experiential and participatory approach that shares certain, although less critical, features with Street Law and skills-based legal education.[823] In Mock Trials, students learned by performing legal roles, applying rules to facts, and engaging in structured simulations of courtroom procedure. Participation was high but the parameters were tightly controlled through predetermined fact patterns, legal categories, and institutional rules. Lawyer coaches and judges were engaging with students but their presence largely reinforced legal authority.

The Mock Trials program supports learning how to operate within law but does not allow for much space for thinking outside the confines of the current legal system. As one student put it:

> *"let's say you were accused of something… it taught me more about, like, things like disclosure, the things like, your rights [and] protections in courts.. But like, they're not really teaching me how to get there. You know what I mean? Like, once you're in court,*

[821] Westheimer & Kahne, *supra* note 542 at 240, 242, 245.
[822] Kip, *supra* note 471.
[823] Wallace, *supra* note 281 at 83.

like, it taught me more about… your rights there, but like, to be able to get the lawyer, to get into court, that hasn't been really covered that well."[824]

During a few of the interviews, I asked students whether they had discussed the reality that a case like the one they were given for Mock Trials—a college student filing a harassment complaint against their peer—would likely never make it to court.[825] One interviewee told me, "*my opinion, might be influenced a bit from our lawyer, 'Coach K' [who was] super great, and she told us herself this case would never go to court.*"[826] The design and authority structure of the Mock Trials program kept critique largely outside the formal learning space. When it did emerge, it did so through informal conversations with individual actors like Coach K and not through the curriculum itself.

This case suggests that conventional experiential PLE can successfully demystify legal processes without asking whether students accept law as fair or accessible. My findings demonstrate that while Mock Trials students reported gains in procedural legal capability, they both entered and left the program with a legal skepticism that went unexplored. This should not be taken as a program failure but as evidence that increasing legal capability does not necessarily lead to an increased willingness to engage with law. The question then is whether pedagogical spaces exist that allow youth to think critically about the law and explore those thoughts in context rather than leave them out of the course content.

7.6.3 Critical PLE - Justice-Oriented *Legal* Citizen

The Mini-U course maps most closely to what Westheimer and Kahne describe as "justice-oriented" conceptions of citizenship, where students "critically assess social, political,

[824] Sherifa, *supra* note 473.
[825] The fact pattern was about a student potentially harassing and stalking another student at a post-secondary school.
[826] El, *supra* note 469.

and economic structures to see beyond surface causes."[827] In Mini-U, students were encouraged to question why legal systems operate as they do, to identify structural inequities, and to "question, debate, and change established systems and structures that reproduce patterns of injustice over time."[828] Critical pedagogical approaches to PLE, like Mini-U, are less common and less explicitly theorized than conventional models, in part because dominant positivist understandings of law tend to treat critical inquiry into law's social function as beyond the proper scope of PLE.[829]

One implicit assumption is that encouraging critique of legal institutions may erode respect for law or promote legal disengagement. The findings from this study, however, do not support that concern. Importantly, as the pre-program surveys illustrated, students' skepticism largely pre-dated the course and was not introduced by critical pedagogy. Mini-U did not radically alter students' underlying skepticism toward fairness or institutional reliability. Instead, students reported modest but meaningful gains in perceived legal capability and the course appeared to provide students with language and frameworks to explore existing doubts about the law and the legal system more explicitly.

Pedagogically, Mini-U aligns with traditions of critical and lived civics that treat students' experiences as a legitimate starting point for legal learning. In this way, the Mini-U model also shared important similarities with Street Law pedagogy. Like Street Law, Mini-U used participatory, activity-based learning and focused on common law-related problems, like housing, employment, and youth rights.[830] There was less emphasis on procedural mastery, and

[827] Westheimer & Kahne, *supra* note 542 at 240.
[828] *Ibid.*
[829] Lois Gander, *The Radical Promise of Public Legal Education in Canada* (PhD Dissertation: University of Alberta, 1999) at 250.
[830] See for example, Arbetman, *supra* note 26 at Chapter 26, 27, 41, 45.

greater focus on dialogue and interpretation about how law operates within structures of power.[831] As a result, critical PLE did not erode students' respect for law so much as it created space for students to interrogate what respect for the law may mean in practice. Students were comfortable holding apparently contradictory ideas at the same time.

As one participant observed, the justice system is "*normally fair but just some of the laws are not really equal for everybody*."[832] Crucially, this form of critique did not translate into alienation or paralysis. When I asked one of the participants if she felt that standing up for her rights was worthwhile, without missing a beat she said, "*of course.*"[833] Mini-U interviews suggest that critical pedagogy encouraged students to engage reflectively but cautiously and assess each legal situation in terms of knowledge, and also of power.

When looking at both the Mock Trials case and the Mini-U case, these findings suggest that skepticism toward law is not a product of critical pedagogy but a common feature of young people's legal consciousness. Critical PLE creates room for students to examine law's promises and failures openly, while making their existing orientations toward legality part of the learning process.

7.6.4 Pluralist PLE – Legally Plural Citizen

Pluralist programs, like *IMI,* reveal a conception of legal capability that extends beyond colonial law-related skills to include relationships and honouring community norms. While Westheimer and Kahne's citizenship framework helps clarify differences between institutional, conventional, and critical PLE, it does not fully capture legally pluralist pedagogies, like *IMI,* that put less emphasis on the state and its structures. *IMI* celebrated Inuit legal-pedagogical

[831] Levine & Flanagan, *supra* note 20 at 169; Cohen, *supra* note 280 at 6.
[832] Selena, *supra* note 575.
[833] Mariame, *supra* note 526.

foundations like community-centred program design, Elder-led teachings, and *Maligait* and *IQ* principles. Learning occurred in a community youth setting structured by Inuit norms like respect and reciprocity.

Pedagogically, although *IMI* was grounded in Inuit legal traditions rather than focused primarily on Canadian state law, its structure shares an important feature with participatory approaches like Street Law. The Youth Council was positioned as co-creators of legal learning, with their legal capability developing in part through the process of translating legal ideas for peers and community.[834] They also kept the program running and organized, and they liaised and coordinated with the Elders. What distinguishes *IMI*, however, is that co-creation occurred within a plural legal frame, where Inuit law anchored legal meaning and authority.

Legal capability in this context was expressed through collective capability, like knowing who to turn to in the community, how to support one another, and how different forms of legal knowledge circulate across generations. One participant explained:

> *"it's helpful to meet new people, new organizations, new things in life that will benefit you instead of having to search it on google or get the wrong information."*[835]

While youth engaged critically with common law, the colonial legal system was introduced as one among others, to be engaged without displacing Inuit law or authority. *IMI* is instructive because it shows what pluralist pedagogical commitments can look like at the level of program authority and design, even within a settler legal system context. As Patricia Barkaskas and Sarah Buhler note, settler educators must get comfortable exploring "the paradox of working within the dominant colonial legal system, working to reveal decolonial spaces within the

[834] Richard H. Grimes, *Public Legal Education: The Role of Law Schools in Building a more Legally Literate Society* (Abingdon: Routledge, 2021) at 9 [Grimes, *Public Legal Education*].
[835] Rita, *supra* note 621.

system, and working to connect… with broader Indigenous struggles for justice."[836] This rebalancing of power relationships is not a binary exercise of one legal system over the other, but a revaluing and reprioritizing of Indigenous justice systems, approaches, and ways of knowing.[837] The *IMI* program used this approach and encouraged conversations based in community-defined understandings of legality that operate inside and outside Canadian law.

7.6.5 Comparing Configurations of Youth Legal Learning

The four pedagogical models examined above illustrate a spectrum of legal learning that shapes youth understanding and engagement with the law. Institutional Civics education emphasizes personal responsibility and norm conformity; conventional PLE encourages participatory procedural rule-following; critical PLE supports justice-oriented reasoning; and pluralist programs like *IMI* reconfigure legal learning altogether. These differences demonstrate that pedagogy shapes what youth learn about the law and, more importantly, how legal consciousness is encouraged to surface (or not) with the learning process. While my aim is not to create a hierarchy of PLE models, my findings suggest that there is inherent value in PLE that engages both legal capability and the existing legal consciousness youth bring with them in the learning environment.

7.7 Final Methodological Reflections

Exploring youth legal capability and legal consciousness, in this study, was sharpened by the research design itself. The flexible, mixed-methods, case study approach enabled me to

[836] Patricia Barkaskas & Sarah Buhler, "Beyond Reconciliation: Decolonizing Clinical Legal Education" (2017) 26 J of L and Soc Pol 1 at 12.
[837] David MacDonald, "Canada's Truth and Reconciliation Commission: Assessing context, process, and critiques" (2020) 29:1 Griffith L Rev 150 at 170; see also Mills, *supra* note 295.

examine how young people reasoned about law across pedagogical settings. However, when I applied standard frameworks, like quantifiable legal capability scales, to younger cohorts with little direct experience of legal problems, the limits of adult-oriented metrics became clear.

Several participants explicitly linked uncertainty about legal confidence to their age and lack of exposure, noting that they had "*never been put in that position,*" or they were "*still a child.*"[838] These examples do not signal an absence of legal capability or legal consciousness but illustrate how these concepts operate in young people as emergent or anticipatory awareness that "*young people have so many rights, even though most young people don't know what they are*."[839] The youth explained that most of their legal encounters were mediated through institutions like schools and families and their responses often pointed toward more sophisticated reasoning about law that they were simply not able to name or recognize yet. This also captured a form of learning that is hard to track using standard program impact assessment tools.

The research process also revealed how young people understood the stakes of speaking about the law. Racialized students, particularly racialized young women, were disproportionately represented in voluntary post-program interviews across all three cases, while white students were less likely to volunteer. Studies show that people often choose to participate in qualitative interviews for personal reasons, but also to speak about broader issues they feel are important, like representation, political views, or institutional critique.[840] To me, this illustrated that for students whose everyday experiences more frequently intersect with legal power and inequality, like racialized and lower-income youth, participation in research can function as a form of voice and political engagement.[841]

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[838] Kip, *supra* note 471; Selena, *supra* note 575.
[839] Mariame, *supra* note 526.
[840] Clark, *supra* note 574 at 404-413.
[841] *Ibid.*

Finally, it is worth noting how the study unfolded in practice. Many scholars point out that qualitative research rarely follows a linear trajectory, and retrospective accounts of fieldwork show that "research projects are usually longer and their narratives more complex than the researcher would have imagined at the outset."[842] My research project was no different. The study was initially designed to engage a much larger set of youth participants across Ontario and I wanted to use a uniform methodology. As fieldwork progressed, however, recruitment and participation were shaped by the typical hurdles associated with school- and community-based research, largely a lack of time and resources. My analytic choices were inevitably shaped by the data that I encountered, namely far fewer surveys than I had anticipated and uneven data collection across cases. The resulting analysis has reflected my methodological commitment to presenting the data in the most honest and culturally responsive way possible.

7.8 Conclusion

Legal capability frameworks and legal consciousness studies have been extensively developed for adult populations. Far less empirical attention has been paid to how these concepts operate for youth, particularly through qualitative research that examines both concepts together in the context of PLE learning environments. This chapter has shown that youth legal capability and legal consciousness are best understood as interlocking, context-dependent processes. They are not discrete outcomes of legal instruction but are also shaped through lived experience and young people's positioning toward institutional authority.

[842] Patrick Schmidt & Simon Halliday, "Introduction: Beyond Methods—Law and Society in Action," in Simon Halliday & Patrick Schmidt, *Conducting Law and Society Research: Reflections on Methods and Practice,* (Cambridge: Cambridge University Press, 2010) at 1.

Each of the three PLE interventions in this study showed that participants learned more about the law, some procedurally, some substantively, some critically, and some a little of each. Youth brought their own understandings of law and legality into each PLE program and, in most cases, left better able to articulate those understandings. It was clear that, of those interviewed across the cases, youth did not simply acquire legal knowledge or confidence, they learned how, when, and whether law, in all its forms, could be relied on in their own lives. The concluding chapter returns to these findings to consider what they mean for the design and evaluation of PLE and for future youth-focused research.

Chapter 8: Recommendations and Conclusion

8.1 Introduction

> *"If you feel differently about the law and the legal system now, what do you think caused your change in attitude?"*
>
> *"[I learned that] people can talk their way into making a new truth"*[843]
>
> ~ Grade 12 student, French Catholic High School in Ottawa

The above quotation came out of the last of 16 interviews I conducted with the young people who were a part of this study. The student's response to this question impacted me deeply. So much so that I put the quote on a sticky note on my computer monitor as a reminder, while writing up this dissertation. It reminded me of a few key themes that consistently came up over the years I spent working on this research. First, the youth I met and worked with throughout the project were deeply aware, thoughtful, and articulate in how they think about and act in our "law-thick" world.[844] Second, there are no "right" answers and, without slipping into nihilism, I cannot claim to have provided any of them here. Third, and most importantly, making truth should never be left to a dominant authority, or a written code, or a system of order shaped by colonial practices and social exclusion.

The quotation also reinforced something the youth themselves repeatedly suggested: that truth in law is produced through power and persuasion within institutional settings. If this is the case, then questions about whose knowledge counts and whose voices shape legal meaning must be reevaluated. These reflections shaped the recommendations that follow, which point to a

[843] Fatima, *supra* note 474.
[844] Gillian K Hadfield & Jamie Heine, "Life in the Law-Thick World: Legal Resources for Ordinary Americans" in Samuel Estreicher & Joy Radice, eds, *Beyond Elite Law: Access to Civil Justice in America* (Cambridge: Cambridge University Press, 2016) at 1.

multi-dimensional approach to thinking about legal agency in youth and a pedagogy that questions rather than accepts one "right" way to uncover truth.

This chapter shifts from analysis to application, where I draw out the implications of the study for both research and practice. My findings, along with my own normative commitments, support three sets of recommendations for reframing how we teach law and how we study youth legal engagement. First, PLE should prioritize both legal consciousness and legal capability by recognizing the plural and critical legal thinking youth already bring with them to the learning space. Second, youth legal engagement should be studied using methods that capture how young people reason about law in context. Third, youth legal education should move beyond institutional appreciation toward an empowerment-focused approach that encourages young people to imagine how the justice system could be improved.

8.2 Recommendation—Prioritize Both Legal Consciousness and Legal Capability in PLE

In 2010, Trevor Farrow asked members of the public what access to justice meant to them. Many respondents emphasized the importance of "making sure our kids are educated" and building public knowledge of the law through PLE. They said that "we don't do enough to inform the public … perhaps it can be taught in school as a life skill so that kids are more aware of what it means to make a choice and do the right thing for themselves and each other."[845] This call framed PLE as informative and preventative.[846] Over a decade later, practitioner-led efforts in Canada such as West Coast LEAF's *Re-envisioning Public Legal Education and Information*

[845] Farrow, "What is Access to Justice?", *supra* note 54 at 979.
[846] *Ibid* at 978.

(PLEI) push further. West Coast LEAF calls for critical, community-based, social justice-oriented PLE that confronts power and structural inequality directly.[847]

While the West Coast LEAF report does not engage legal capability or legal consciousness frameworks directly, its recommendations align closely with the patterns observed in my own research. Youth in this study did not appear to passively digest and accept neutral information about law; they needed space to situate legality within their own lives, interrogate power dynamics, and work through the risks and benefits of asserting their rights in a system that marginalizes them.[848] My findings provide empirical grounding for why PLE should prioritize engaging young people's existing legal consciousness as well as developing legal capability, and how doing so may influence the ways young people understand and engage with law in practice. The following recommendations outline how PLE can better integrate legal capability *and* legal consciousness through program design:

8.2.1 Recognize Pluralist Thinking in PLE Curriculum

Recognizing the plurality of ways people deal with law-related problems in curriculum design may better engage youth by validating existing normative reasoning rather than displacing it. Wintersteiger and Mulqueen argue that, to be more effective, PLE must "decenter the law" by questioning its assumed monopoly over justice and problem resolution.[849] The authors critique a "monist," or state-centered, view of PLE based on legal needs that treat alternative non-legal framings of everyday issues as misrecognition.[850] They advocate for a pluralist PLE that

[847] West Coast LEAF, *Re-envisioning Public Legal Education and Information (PLEI),* (Vancouver: West Coast Legal Education and Action Fund, 2021) at 9-15 [West Coast LEAF].
[848] Henry A Giroux, "Beyond Pedagogies of Repression" (2016) 67:10 Monthly Review 57 at 58; see also Statistics Canada, *Navigating Socioeconomic Obstacles: Impact on the Well-being of Canadian Youth* (Ottawa: Statistics Canada Catalogue no 11-001-X, 2023).
[849] Wintersteiger & Mulqueen, *supra* note 39 at 1560.
[850] *Ibid* at 1565.

incorporates multiple "divergent views on social, moral and political encounters… with [people's] relationship between justice and injustice, individual and state, consumer and service provider."[851] This approach also expands legal capability by teaching young people how to navigate among legal (including alternate legal and other normative orders) and non-legal resources strategically. PLE design should proceed from the premise that pluralist thinking is not a theoretical add-on but a lived condition of youth legal engagement.

The Mini-U case used this approach and the *IMI* case took it one step further, incorporating legal interpretation and teachings from other legal orders. The interviews showed that even the youth in the Mock Trials case reasoned within plural frames. Roderick MacDonald's account of "critical legal pluralism" sharpens this point. He argues that "[l]egal subjects are not just law-obeying or law-abiding. They are law-creating, generating their own legal subjectivity and establishing legal order as a knowledge process for symbolizing inter-subjective conduct as governed by rules."[852] In my research, participants were not empty recipients of law, they were already engaged in normative judgment as active interpreters of legality. PLE that incorporates these views better aligns with how the youth in this study experienced legality as layered and contested.

Pluralist approaches also expose "legal narrative as narrative… and make room for alternative narratives based on lived experience."[853] Some critical scholars go so far as to suggest PLE that teaches law by transmitting abstract and unrelatable legal knowledge "is a form of symbolic and intellectual violence."[854] Designing PLE within a pluralist frame therefore requires

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[851] Wintersteiger & Mulqueen, *supra* note 39 at 1566.
[852] Roderick MacDonald, "Custom Made—For a Non-chirographic Critical Legal Pluralism" (2011) 26:2 Can J of L & Soc 301 at 310.
[853] Elizabeth L MacDowell, "Law on the Street: Legal Narrative and the Street Law Classroom" (2008) 9:2 Rutgers Race & the L Rev 285 at 331 [MacDowell].
[854] Henry A. Giroux, "Beyond Pedagogies of Repression" (2016) 67:10 Monthly Review 57 at 61 [Giroux, "Beyond Pedagogies of Repression"].

treating law as one resource among many and creating space to question law's "role and function in society."[855] It requires refocusing on the multiple ways youth navigate law and inviting critical examination of how law interacts with community, culture, and power structures.[856]

8.2.2 Use Elements of Critical Pedagogy as a Baseline

Although my empirical findings do not establish which pedagogical approach should take priority, they do demonstrate the significance of engaging both legal capability and consciousness in the learning process. I believe critical pedagogy is best placed to do that. This is based on my normative position that PLE should enable young people to question why the legal system is not functioning equally well for everybody and to consider possibilities for change. On this basis, I recommend using elements of critical pedagogy as a baseline for PLE programming.

Conventional PLE models can reproduce what Freire describes as a "banking model" of education, where information about legal rights and procedures is "deposited" in learners as neutral content.[857] In this format, law is presented as accessible, coherent, and not to be questioned in principle. Structural barriers like cost, delay, retaliation, and institutional bias, which were already alive in the minds of the youth I interacted with, are treated as peripheral and often made invisible.[858] Teaching law as an "unqualified good" or as universally accessible reproduces compliance-oriented narratives that youth already question.[859] An honest approach to PLE requires acknowledging the gap between law on the books and law in action.[860]

[855] Wintersteiger & Mulqueen, *supra* note 39 at 1561.
[856] Henry A. Giroux, *On Critical Pedagogy* (New York: Continuum, 2011) at 144; West Coast LEAF, *supra* note 847 at 12.
[857] Freire, *supra* note 263 at 80,72.
[858] West Coast LEAF, *supra* note 847 at 17, 25.
[859] Wintersteiger & Mulqueen, *supra* note 39 at 1567.
[860] Sandefur, "Access to justice", *supra* note 311 at 324.

In my study, critical pedagogy was used in two of the three cases. Youth-generated narratives, including the story of Annie, allowed *IMI* participants to work through relatable struggles and collectively strategize around common problems like landlord-tenant and consumer law issues. Structured reflection about who was represented (or overrepresented) in the daily workings of Ottawa's criminal courts enabled youth in Mini-U to connect abstract legal rules to power dynamics and risks to liberty in real time. In these settings, law was not a detached set of rules, it was real life, and was accordingly analyzed in relation to power. Importantly, my findings provide little evidence that critical pedagogy encouraged disengagement or alienation from the law. The youth in this study were already critical and they were highly engaged.

West Coast LEAF emphasizes naming institutional harm, confronting structural inequality, and resisting narratives of neutrality in PLE curriculum design.[861] Experiential, dialogic, and scenario-based methods, like those used in Street Law, are also particularly useful in critical PLE design.[862] Street Law practitioner Elizabeth MacDowell advocates for a legal pedagogy informed by "experience of marginality, recognition of the social construction of legality (and experience), and opportunities for meaningful storytelling."[863] Adopting critical pedagogy as a baseline for PLE does not mean abandoning legal instruction or encouraging hostility toward legal institutions. It means designing learning environments where legal rules and procedures can be examined through power structures and the lived experience youth bring with them.[864]

[861] West Coast LEAF, *supra* note 847 at 25.
[862] Mcquoid-Mason, *supra* note 13 at 48; Grimes, *Public Legal Education, supra* note 834 at 93-95; See also, Wintersteiger & Mulqueen, *supra* note 39 at 1569-70.
[863] MacDowell, *supra* note 853 at 331.
[864] Buhler, *Wahkotowin, supra* note 38 at 180.

8.3 Recommendation—Rethink Research Frameworks for Youth

Existing legal capability research has consistently found low levels of formal legal knowledge and limited ability to articulate rights and legal processes in youth.[865] At the same time, qualitative legal consciousness work shows that youth can recognize legal harms while simultaneously viewing rights-claiming as reserved for a "club for the privileged."[866] My findings complicate the data landscape by illustrating that youth legal consciousness is embedded in legal capability and often shows up as a form of strategic law-related judgment. This means young people regularly draw on legal capability through intentional non-use, assessing potential risks, and negotiating multiple, intersecting normative frameworks. These findings are difficult, if not impossible, to capture through prevailing quantitative instruments alone. On that basis, I recommend the following shifts in youth-focused research:

8.3.1 Use Qualitative and Scenario-Based Research Methods

From a methodological perspective, studying youth and the law requires greater use of qualitative research tools that allow young people to explain how they reason about law in contexts that are meaningful to them. Across the three case studies, youth legal capability and consciousness were most visible in narrative interviews and rarely captured to the same extent in survey instruments alone.

Qualitative approaches such as Mosher's work with racialized youth demonstrate how rights-awareness and law-avoidance can coexist. Youth in that study could name injustice while

[865] Parle, *Measuring Young People's Legal Capability*, *supra* note 14 at 5; Peterson-Badali, *supra* note 151 at 462; Watkins, et al, *supra* note 31 at 432, 436. More recent studies and frameworks, like Watkins, et al.'s, attempt to address this gap by treating youth as "legal subjects" and "decentring" adult, institution-focused metrics.
[866] Mosher, *supra* note 25 at 848.

also seeing the futility or potential harm of formal recourse.[867] My research shares Mosher's framing, that understanding youth legal engagement requires attention to narrative, context, and lived experience. Participants in my study frequently described avoiding escalation in school and workplace settings, explaining, for example, that "*it's easier to avoid the problem… so you don't get taken advantage of*." On a closed-ended survey instrument, such a response might be coded as low confidence or unwillingness to take steps to resolve a law-related problem. In interview, however, it reflected strategic cost-benefit decision-making and a weighing of reputational and institutional risk.

The cross-case findings in this study show that legal capability and legal consciousness function as interlocking dimensions of a broader capacity to navigate law. Youth did not first acquire skills and then form opinions. Rather, their judgments about fairness, legitimacy, and anticipated consequences shaped what skills they developed and when they saw them as usable. Skepticism did not undermine learning, and distance did not necessarily mean disengagement.

This suggests several methodological shifts that could be considered to assist youth-focused legal research in producing more accurate results. First, if surveys are used for data collection, they should include open-ended prompts with every quantitative question that allow participants to explain why they chose that response. Second, focus groups and one-on-one interviews should consider using scenario-based examples to explore how escalation, retaliation, cost, and community consequences weigh into young people's strategic law-related judgment. Third, evaluation frameworks should treat non-use of law as an analytic category and not an automatic deficit. Without qualitative integration into youth-focused research, youth legal

[867] Mosher, supra *note* 25 at 841, 844.

capability and consciousness risk being systematically misclassified as deficit, disengagement, or incapacity.

Crucially, while particularly visible in youth-focused research, this tension may also have broader implications. In fact, standardized, knowledge-based metrics may similarly obscure how adult populations, especially those facing structural disadvantage, understand, navigate, and strategically engage with law in everyday life.

8.3.2 Treat Youth Legal Consciousness as Relational and Emergent

Conceptually, my findings suggest that youth legal consciousness can be observed and analyzed, but it should be treated as fluid and context-specific rather than fixed. Across the three case studies, youth responses resisted stable categorization. Often participants expressed conditional trust, skepticism, aspiration, critique, and hope within the same interview. Rather than attempting to map youth onto fixed categories, empirical work should allow for contradiction, movement, and reasoning that is conditional and based on a "plurality of conceptions."[868]

My recommendations build on qualitative socio-legal scholarship that has long demonstrated that legal consciousness "is multifaceted and fragmented;" both individuals and societies are complex, and their views of law are rarely uniform or unidirectional.[869] In my study, some of the youth also evaluated legal agency in terms of collective responsibility and social power.

Mini-U participant Selena explained that she would be more likely to turn to law when the issue affected "*a big group of people*," but would "*let it slide*" if the same issue were only

[868] Wintersteiger & Mulqueen, *supra* note 39 at 1566.
[869] Halliday, *supra* note 334 at 871.

about her and "*not too serious*." Similarly, *IMI* participant Lori noted that standing up for rights was worthwhile in the context of collective social change, but rarely effective if pursued individually, especially without "*status*" or resources. In both cases, trust in law varied depending on whether the issue was personal or collective, minor or systemic, hypothetical or lived. These distinctions were not abstract, and they reflected an emerging relational form of legal consciousness.[870]

Methodologically, research design should therefore allow young people to explain how their assessments of law change across situations, relationships, and institutional and social settings. Interviews and focus groups could explore how young people reason about legality in specific scenarios, including when escalation seems useful or not. And given the power of social media to influence youth discourse, it would also be fascinating to document how collective identity shapes legal agency in youth, and how assessments of authority mediate willingness to mobilize the law. In this way, research focus should shift away from attempts to establish stable orientations to law toward examining how legal narratives shift depending on context and collective identity.

8.4 Recommendation—Orient PLE Toward Empowerment

Across interviews, one dominant refrain about the Canadian justice system kept resurfacing: "*it could be worse.*" I heard this consistently in participant interviews across all three cases. The comparative "*it could be worse*" frame operated as a feature of youth legal consciousness and set the level of expectation against which legal capability could be realized.

[870] Chua & Engel, *supra* note 42 at 344-45.

The measuring stick was not how well the system achieves justice, but how well it avoids injustice.

A Mini-U student explained this comparative logic:

> *I definitely respect the Canadian legal system just because of how bad we could definitely have it.*[871]

An *IMI* participant framed improvement as incrementally steady:

> *I feel like they are slowly improving on giving the right support to certain individuals.*[872]

And a Mock Trials participant told me:

> *We're lucky to even have a legal system… in a lot of countries where there's an authoritarian state, there is no such thing as a legal system. So, I'd say we're very blessed in Canada to have one.*[873]

This narrative does not appear to be innate, it seems to be reinforced through schooling, public discourse, and conventional PLE.[874] Young people learn about their rights through the celebration of constitutional milestones and global comparisons.[875] Students are reminded that Canada fares well on global indices, like the World Justice Projects *Rule of Law Index*.[876] They are told the system is imperfect but improving. Critique is permitted within a frame of national

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[871] Sami, *supra* note 577.
[872] Rita, *supra* note 621.
[873] Kristin, *supra* note 476.
[874] Henry A Giroux, *Pedagogy and the Politics of Hope,* (Boulder: Westview Press, 1997) at 27 [Giroux, *Politics of Hope*].
[875] Ontario, Ministry of Education, *Revised Course Civics and Citizenship Grade 10, Open (CHV20)* (Toronto: The Ontario Curriculum, 2022), dcp.edu.gov.on.ca (website), online: < https://assets-us-01.kc-usercontent.com/fbd574c4-da36-0066-a0c5-849ffb2de96e/baedf2da-ea13-4fc9-8e13-5ba9af68907a/The%20Ontario%20Curriculum%20-%20Civics%20and%20Citizenship_Grade%2010_Open_Revised%20Course%202022.pdf at 6.
[876] World Justice Project, *Rule of Law Index,* (2026) worldjusticeproject.org (website), online: <https://worldjusticeproject.org/rule-of-law-index/global/2025/Canada/Constraints%20on%20Government%20Powers/>.

pride. Comparative relief is understandable but politically limiting. Critical pedagogue Maxine Green relates "[i]t is not that teachers consciously mystify or deliberately concoct the positive images that deflect critical thought… they simply accede to what is taken-for-granted."[877]

The interviews in this study suggest that schools may be teaching about justice in Canada in terms of its antithesis— authoritarianism or full-scale state collapse. When framed in this way, incremental improvement is enough.[878] And so, overwhelmingly, youth in this study believed that the Canadian justice system was "*good compared to the world standard*."[879] The underlying theme about the law and the legal system throughout my engagement with the youth in this study was clearly "*it could be worse*."

8.4.1 From "It Could Be Worse…" to "It Could Be Better!"

When members of the public are asked what justice and injustice mean to them, they do not speak in terms of fascist dictatorship. They speak of something else. In Farrow's study of public understandings of justice, participants described justice as "really about helping people to achieve the good life—whatever that might mean—and in some cases, even the minimally acceptable life: 'food,' 'shelter,' 'security,' and 'opportunities for ourselves and our kids.'"[880] Janet Mosher finds that, to the youth in her study, "justice is to be treated equally. To be served and helped according to what it is you went through."[881] In Saskatoon, Sarah Buhler found her participants saw law as "simultaneously… a site of change and an obstacle to change," and they spoke of the need for "the right kind of justice."[882]

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[877] Maxine Greene, *Landscapes of Leaning,* (New York: Teachers College Press, 1978) at 56.
[878] Ira Shor, *Empowering Education: Critical Teaching for Social Change* (Chicago: University of Chicago Press, 1992) at 127.
[879] Kip, *supra* note 471.
[880] Trevor Farrow, "What is Access to Justice?", *supra* note 54 at 971-72.
[881] Mosher, *supra* note 25 at 848.
[882] Sarah Buhler, "'Don't Want to Get Exposed': Law's Violence and Access to Justice" (2017) 26 J of L and Soc Pol 68 at 86.

An empowerment approach to PLE should move away from "*it could be worse"* towards "*it could be better*" education. Democracy education scholarship again provides a useful parallel. The comparative "*it could be worse*" framing aligns most closely with the "personally responsible" model—one that values order, stability, and appreciation for existing institutions. An empowerment-oriented PLE shifts toward "justice-oriented citizenship," which does not ask only whether institutions function, but whether they are just, and how they might be transformed.[883]

West Coast LEAF calls teaching towards these visions of justice teaching towards "(critical) hope:"

> *we never want to leave workshop participants feeling that harm is an inevitable part of their future or that they are powerless to create change. We try to foster (critical) hope: optimism about the potential for change balanced with acknowledgement of the realities of oppression. We value difficult emotions such as grief and anger, as these show us that something is wrong and must be changed. At the same time, we know that using our anger or grief alone as fuel is not sustainable, and that we must tap into other resources — such as hope and joy — to help us keep going.*[884]

This is where critical pedagogy and pluralist thinking come together. My findings show youth already hold layered views of law, recognizing both its failures and its necessity. Critical hope does not deny structural harm but refuses fatalism. Many of the youth in my study expressed gratitude for living in Canada while simultaneously naming racism, discrimination, and systemic violence as key issues affecting access to justice. Yet, across the interviews, the prevailing attitude was not rage, it was hope.

[883] Westheimer & Kahne, *supra* note 542 at 240.
[884] West Coast LEAF, *supra* note 847 at 12.

Teaching *it could be better* does not mean dismissing the value of existing legal protections or conventional PLE. It means refusing to equate the current state of affairs with justice.[885] The study participants demonstrated the capacity to hold critique and legitimacy together, and an empowerment approach would build on that capacity. Empowerment-oriented PLE does not promise that law will always deliver justice. It teaches that justice is unfinished, and that young people are part of the work of making it better.

8.5 Future Research Direction and Concluding Thoughts

While this study provides new insights into youth legal capability and legal consciousness, it also raises several questions that warrant further research. One concerns how youth legal capability and legal consciousness are studied in the first place. In this project, the most revealing insights rarely came from the survey data. They came about through open dialogue and follow-up questions, where the participants talked through situations and explained the reasoning behind how they would respond. In those conversations, the youth described weighing risks and considering the consequences to relationships with peers and authority, before deciding whether asserting their rights was worth it. These kinds of judgments are rarely captured through fixed and impersonal survey questions. In keeping with my second recommendation above, the field may benefit from research methods that create space for this type of reasoning to surface by privileging scenario-based focus groups or narrative-style

[885] Giroux, *Politics of Hope, supra* note 874 at 24.

interviews over surveys to allow young people to better make sense of legal (or law-related) situations.[886]

If, on the other hand, surveys must be used in research on youth legal needs and legal capability, as evidenced throughout this dissertation, the question types and indicators need improvement. Many PLE organizations, like OJEN, and legal scholars are attempting to make legal needs surveys more 'youth-friendly,' by using plain language and simplifying the questions.[887] This is a step in the right direction, but it may be useful for researchers to go directly to youth themselves to elicit feedback on survey design. Researchers could assemble a Youth Advisory Group to assist with legal needs survey co-design. Questions for the group could be: Do the questions make sense to you? Do they respond to the problems you encounter? Do they include concepts that are unfamiliar to you? Are they written in a way that makes sense to your generation? How can we better design surveys that would capture the everyday law-related experiences that you and your peers actually face?[888]

The findings also raise questions about how youth legal understanding develops in different environments. This project focused on three programs in Ottawa, where each was shaped by the particular organizations, educators, and communities involved. Similar studies in other regions, such as rural and northern communities, and with different groups, like arts-based or grassroots organizations, will no doubt produce different forms of engagement with the law. Examining a wider range of settings could help clarify how institutional histories, local contexts,

[886] Sara Thunberg, "Safeguarding personal integrity while collecting sensitive data using narrative interviews – a research note" (2022) 25:5 Intl J of Soc Research Methodology 711 at 711-12; see also, Horák, et al, *supra* note 205 at 16-17.
[887] Watkins et al, *supra* note 31 at 436.
[888] This could also be a useful exercise for a small sample of adults to perform a quasi-quality control function on our current legal needs research instruments as well.

concrete lived experience, and community-based practices shape the ways young people interpret and respond to law.[889]

As others have noted, longitudinal research could provide important insight into how youth legal consciousness evolves over time.[890] Most participants in this study were still in school and their contact with the legal system was therefore limited. As young people move into adulthood and encounter landlords, employers, government agencies, and the law more directly, those ideas will likely shift. Following participants across these transitions would offer valuable insight into whether early PLE shapes later patterns of legal engagement.[891]

Finally, although beyond the scope of this project, my findings point to the need for further research on the institutional funding structures that shape how PLE initiatives are designed and evaluated. Many PLE providers are non-profit organizations, operating within funding environments that prioritize quantifiable outputs like participation numbers and short-term shifts in legal knowledge and confidence.[892] As Henry Giroux reminds "that which is not measurable withers."[893] While these indicators align with traditional legal capability frameworks, the findings in this study suggest that some of the most meaningful shifts in youth legal engagement happen through processes that are impossible to quantify. Unfortunately, funding and evaluation structures do not currently privilege more innovative PLE that supports critical consciousness raising through community-defined justice. It would be valuable to examine how alternative funding structures and evaluation frameworks may encourage development of more

[889] Wintersteiger & Mulqueen, *supra* note 39 at 1566.
[890] Llewellyn, et al, *The State, supra* note 14 at 35.
[891] Grimes, *Public Legal Education, supra* note 834 at 105-110.
[892] Ruth Wilson Gilmore, "In the Shadow of the Shadow State" in INCITE!, *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex* (Cambridge: Duke University Press, 2007) at 46.
[893] Giroux, "Beyond Pedagogies of Repression", *supra* note 854.

meaningful PLE, "in which dialogue, vision, and compassion are attentive to the rights and conditions that organize public life as a democratic social form."[894]

Fundamentally, these findings also invite reconsideration of what PLE ultimately intends to accomplish. The *PULS* findings caution against "broad-brush just in case legal education" initiatives aimed at improving general legal knowledge, noting little evidence that such interventions alter later decision-making or outcomes.[895] The findings from this study suggest that this conclusion may say less about the futility of legal education than about the limits of decontextualized, knowledge-based models of learning. Building legal capability through lessons about the law and legal rights may be necessary, but it is not sufficient. Legal consciousness must also be engaged by exposing the legal contradictions and inequalities that exist when the law on the books does not match the law in action.[896] PLE must therefore consider how individuals can reconcile their own sense of justice with the structures of formal law.[897] The ultimate aim of PLE should not simply be to produce individuals who know the law, but a "population capable of identifying justice, of acting justly, and of insisting that social institutions of all types facilitate its achievement."[898]

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[894] Henry A Giroux, "Postmodernism and the Discourse of Educational Criticism" in Stanley Aronowitz & Henry A. Giroux, *Postmodern Education: Politics, Culture, and Social Criticism* (Minneapolis: University of Minnesota Press, 1991) at 26-27; see also, for example, Community Foundations of Canada, *Fact Sheet: Trust-Based Philanthropy* (2021) communityfoundations.ca (website), online< https://communityfoundations.ca/wp-content/uploads/2021/10/Fact-Sheet_-Trust-Based-Philanthropy.pdf>. An area of particular interest may be in the exploration of trust-based funding models being piloted in the non-profit sector in Canada.
[895] *PULS v3, Report, supra* note 175 at 15.
[896] Sandefur, *supra* note 5 at 324.
[897] MacDonald, *supra* note 1 at 97.
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Appendix 1

18/07/2023

Université d'Ottawa
Bureau d'éthique et d'intégrité de la recherche

University of Ottawa
Office of Research Ethics and Integrity

CERTIFICAT D'APPROBATION ÉTHIQUE I CERTIFICATE OF ETHICS APPROVAL

Numéro du dossier / Ethics File Number	S-07-23-9196
Titre du projet / Project Title	Lessons in Legal Consciousness: The Effect of Public Legal Education on Legal Capability and Consciousness in Young People
Type de projet / Project Type	Thèse de doctorat / Doctoral thesis
Statut du projet / Project Status	Approuvé / Approved
Date d'approbation (jj/mm/aaaa) / Approval Date (dd/mm/yyyy)	18/07/2023
Date d'expiration (jj/mm/aaaa) / Expiry Date (dd/mm/yyyy)	17/07/2024

Équipe de recherche / Research Team

Chercheur / Researcher	Affiliation	Role
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Conditions spéciales ou commentaires / Special conditions or comments

09/07/2024

Université d'Ottawa
Bureau d'éthique et d'intégrité de la recherche

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Statut du projet / Project Status	Renouvelé / Renewed
Date d'approbation (jj/mm/aaaa) / Approval Date (dd/mm/yyyy)	18/07/2023
Date d'expiration (jj/mm/aaaa) / Expiry Date (dd/mm/yyyy)	17/07/2025

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Chercheur / Researcher	Affiliation	Role
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Conditions spéciales ou commentaires / Special conditions or comments

29/05/2025

Université d'Ottawa
Bureau d'éthique et d'intégrité de la recherche

University of Ottawa
Office of Research Ethics and Integrity

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Numéro du dossier / Ethics File Number	S-07-23-9196
Titre du projet / Project Title	Lessons in Legal Consciousness: The Effect of Public Legal Education on Legal Capability and Consciousness in Young People
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