

The Gothenburg Law Clinic and the use of Threshold Concepts in Clinical Legal Education

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In 2014, the Department of Law at the University of Gothenburg launched the Gothenburg Law Clinic, or Rättspraktiken, to offer students a way to gain increased practical experience through applied studies rooted in the tradition of *clinical legal education* (CLE). The core pedagogical element of CLE can be described as anchoring teaching in grassroots legal realities as a means of enhancing student reflection on the complex interplay between black-letter law and law in practice. In one of the courses offered at the clinic, the welfare law course, the CLE approach was combined with the use of *threshold concepts* (Meyer and Land 2003). In this article, we present these two pedagogical ideas, describe their implementation in curricula, and discuss potential developments based on students' experiences. Our aim is to describe the ways in which using a CLE approach in combination with Meyer and Land's notion of threshold concepts has enabled students to obtain advanced-level learning of welfare law.

Keywords: clinical legal education, CLE, threshold concepts, Rättspraktiken, Gothenburg Law Clinic

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Introduction⁴

Since the 2014 opening of the Gothenburg Law Clinic, or Rättspraktiken⁵, the Department of Law at the University of Gothenburg has offered courses that are rooted in the established tradition of *clinical legal education* (CLE). The core pedagogical element of CLE can be described as anchoring teaching in grassroots legal realities as a means of enhancing student reflection on the complex interplay between black-letter law and law in practice.⁶ Students as well as teachers are energised by the engagement with real problems, faced by real people in real society.

In our welfare law course,⁷ we have combined the CLE approach with the use of *threshold concepts*, a pedagogical term first introduced by Jan Meyer and Ray Land (2003) to describe fundamental ‘portals’ that help students access complex and sometimes difficult-to-understand ideas and ‘troublesome knowledge’ (Perkins 1999). The term refers to concepts that help students cross over ‘thresholds’ into new, previously inaccessible ‘rooms’ of understanding and insight. When processes of learning come to a halt, threshold concepts can be used to enable students to breach such difficulties and access a new way of thinking.

In this article, we present the two pedagogical ideas of CLE and threshold concepts, describe their implementation in curricula, and discuss potential developments based on students’ experiences. To our knowledge, there are no previous accounts of how these two approaches have been combined in practise. We hope to fill this gap by sharing our experiences in this article. Our aim is to describe the ways in which using a CLE approach in combination with Meyer and Land’s notion of threshold concepts has enabled law school students to obtain advanced-level learning of welfare law. While we argue the advantages of this combination, we write with an open mindset, in search of dialogue and possible collaborations.

⁴ The authors would like to thank the editors and anonymous reviewers for their helpful comments on earlier versions of this text.

⁵ The name ‘Rättspraktik’ is a direct Swedish translation of “Law clinic”. The word ‘clinic’, which exists in Swedish as ‘klinik’ is mainly used in medical contexts (health clinics etc), and was therefore avoided in favour of ‘praktik’.

⁶ We offer a more substantial discussion of CLE and the plurality of the term and pedagogical tradition below.

⁷ In Sweden, the term *humanjuridik* is sometimes used by practicing lawyers to indicate a specialisation in areas of law where private citizens are in need of counselling (excluding business law). Welfare law could be described as one broad field within the sphere of humanjuridik. Depending on where they are posted, students in the welfare law course may deal with aspects of social security law, social assistance law, regulation of coercive measures, procedural law, discrimination law, labour law, migration law, family law, criminal law, consumer protection law, and so forth.

The article proceeds as follows: Section 2 provides background on clinical legal education in a Nordic context and on Rättspraktiken and the welfare law course. Section 3 discusses the two pedagogical ideas in focus: the characteristic elements of CLE and the notion of threshold concepts as developed by Meyer and Land. Section 4 describes the implementation of these ideas in the curriculum and outcomes as identified through reflective journals handed in by students attending the welfare law course. The last section concludes with a short final reflection on the need to challenge tradition and develop the teaching of law.

Background: Law clinics, a rare phenomenon in a Nordic context

In this section, we present a short overview of the use of CLE in different Nordic countries, then describe in more detail the setup of the Gothenburg Law Clinic, or Rättspraktiken. For the Nordic overview, although we have attempted to be thorough, we recognise the difficulty in providing a complete picture, as some examples may have existed for only limited time periods and experiences may not have been documented.

Clinical legal education in a Nordic context

The first documented example of a clinical program established at a university seems to have been in Copenhagen, Denmark (Wilson 2017, 87; von Briesen 1907, 25). The Student Association for Securing Legal Aid for the Poor (Studenersamfundets retshjaelp for ubemidlede), commonly known as the Legal Aid Society, was founded as early as 1885 and received state, city, and university funding (Heber Smith 1919, 227). According to historical sources, the clinic handled an astonishing number of cases. In 1906, it received 26 000 applications for assistance, resulting in more than 19 000 clients, with 88 cases that went to trial and 114 resolved through settlement. Forty-two students were enrolled each semester, with one employed attorney and another 42 lawyers volunteering at the clinic. While the Legal Aid Society appears to have been affiliated with Copenhagen University, there is no documentation as to whether the students received credits for their work, though the pedagogical value of the clinic has been mentioned by observers (von Briesen 1907; Wilson 2017). The Danish Legal Aid Society is still in place but has since been renamed Copenhagen Legal Aid

(Københavns Retshjælp).⁸ Today, it is accompanied by similar organisations, such as Gellerupparkens Retshjælp (Legal Aid of Gellerup Park), which was established by Aarhus University but is now being run as an independent institution.⁹

Norway has a strong tradition of CLE, in particular at the University of Oslo. Similar to many law clinics in the Anglo-Saxon countries, two law clinics were founded in the 1970s, following the 1968 student rebellions (Johnsen 1984, 301). The first, Jussbuss (Law Bus), was established in 1972 by Professor Jon T. Johnsen and was, as the name implies, originally a mobile clinic, operating in the Oslo region in a minibus (Johnsen 2011, 8). It was followed in 1974 by Legal Aid for Women (Juridisk Radgivning for Kvinner, or JURK). The two clinics are still in operation and have a long-standing institutional affiliation with the University of Oslo. Today, a number of similar clinics are in place all over Norway, such as Jussformidlingen at the University of Bergen, the Legal Aid in Central Norway (Jusshjelpa I Midt-Norge) at Trondheim University, and the Law Council of Northern Norway (Jusshjelpen I Nord-Norge) at the University of Tromsø (Robson and Hanssen 2005).

Apart from a mention of a Swedish law clinic in a law journal (League of Nations 1924), clinical legal education appears to have been largely absent in Sweden and Finland. However, interest has been growing over the last decade, particularly in relation to human rights issues. Beside our Gothenburg Law Clinic, a few other law clinics are active at universities in Sweden. One of them, the human rights clinic (Människorättskliniken), was established in 2016 at Uppsala University (Jonsson Cornell 2020). Another was founded in 2019 and is an incorporated part of the human rights master education offered by Lund University and the Raoul Wallenberg Institute for Human Rights and Humanitarian Law. At both law clinics, students do documentation and research work, supporting strategic litigations by NGOs.

In Finland, the first law clinic was established in 2012 at the Åbo Academy University. This clinic was initiated by the Institute of Human Rights and provides pro bono legal services in issues concerning civil and political human rights, implementation of international human rights treaties in domestic legislation, regional and international human rights monitoring

⁸ <https://www.copenhagenlegalaid.com/>

⁹ <https://www.gpret.dk/index.php/historie>

mechanisms, international humanitarian law, and international criminal law to human rights NGOs or other international institutions located overseas (Pérez León Acevedo 2018). Between 2016 and 2018, a law clinic was operating at the University of Helsinki, where law students provided legal advice on discrimination, migration, and business law (Kmak and Minishvili 2020, 2).

Rättspraktiken and the welfare law course

Although university-based law clinics have not traditionally been part of legal education in Sweden, since the turn of the century, new pedagogical norms and ideals developed at universities and slowly made an impact on the teaching by legal faculties. This growing interest in ideas linked to student-centred active learning methods partly explains why it was possible to launch and develop Rättspraktiken.

The Department of Law at the University of Gothenburg launched Rättspraktiken to offer students a way to gain increased practical experience through applied studies at a university law clinic. Rättspraktiken was created as an interactive platform for education, research, and societal collaboration where the offering of clinical courses to advanced-level students was a priority. The first clinical course offered at Rättspraktiken was the welfare law course; the second was a migration law course launched in 2018.

The welfare law course is given at the advanced level of the master of laws (LLM) programme and spans about five months. The course is both practical and theoretical. When students apply, they are informed that along with gaining practical experience, they should expect to meet distinctly theoretical demands.

The law school students work full-time three days a week at the offices of one of the partner organisations, be it an NGO such as the Red Cross, the street magazine Faktum, the local office of the Swedish Union of Tenants, or a public authority operation run by the City of Gothenburg. Each student is assigned to a partner organisation before the welfare law course starts in the fall and stays with this organisation throughout the semester. The students become an integral part of the operations run by the partner organisations. Students taking the course get to work in a variety of legal areas and with a multitude of issues. Work assignments are based on the

issues that the particular partner organisation is working on, all with links to the broader theme of welfare law.

In addition to the three days of work at the partner organisations, students spend two days a week at the university, where they take part in seminars, workshops, tutoring, or extracurricular activities. The students have a common workplace at the university where they can work on their cases in an environment where exchange of ideas and collaboration are encouraged.

In order for the students to receive credits for their clinical work, the welfare law course is set up as an elective included in the eighth semester of the LLM programme. Students earn 30 credits upon completion of the course, which corresponds to full-time studies over one semester. Eight learning outcomes, formally stated in the syllabus, are used as the pedagogical starting point when organizing the different learning activities. The first learning outcome reads as follows:

Upon completion of the course, the students are expected to be able to explain, criticize and combine a number of chosen *threshold concepts* which are of central importance to the field of welfare law, such as citizenship, welfare state, justice, rights and legality/legitimacy.

It is important to note that this article focuses on only one of eight learning outcomes that together define the ambitions of the welfare law course. Parallel to an interest in challenging the mindset of students through theory, the topic of this article, the course also provides students with an opportunity to use law to achieve societal change.

Two pedagogical ideas with transformative aspirations: Clinical legal education and threshold concepts

In this section, we elaborate further on the pedagogical foundations of CLE and threshold concepts. There is a vast and growing international literature on both of these ideas. We have referred to some recent texts that reflect a renewed interest in CLE, not least in Europe, as well as more classical articles that remind us of the still relevant pedagogical roots. We present threshold concepts as they were introduced in the original article by Meyer and Land (2003) and later further developed in subsequent texts (Meyer

and Land 2005; Timmermans and Meyer 2019). The literature on threshold concepts includes a fair number of examples on how to implement them in different disciplines, but distinctly less so in relation to the discipline of law.¹⁰

Clinical legal education (CLE)

The term *clinical legal education* is broad and inclusive and can be used to describe a range of different pedagogical initiatives taking place at universities all over the globe in the education of law students (Ogilvy and Czapanskiy 2005). That said, CLE as a pedagogical idea would be useless if all inclusive. In the introduction, we mentioned a core signifying element of CLE: it is a pedagogical approach concerned with the legal response to current and urgent societal challenges, made visible in the needs of the inhabitants of the local society. In CLE, there is an emphasis on ‘reality’ that could well be interpreted as criticism of a traditional law curriculum for being oblivious to the real world in its inability to close the well-known gap between ‘law in the books’ and ‘law in practise’. Still, as Richard Wilson puts it, CLE is to be understood not as a project to overthrow the traditional, but as a way ‘to offer an alternative, additional route to learning, grounded in modern ideas of cognitive science and adult learning.’ (2017, 1). In more general terms, CLE falls within traditions of active or experiential learning contexts, where one characteristic feature is the aim of getting students involved in their own learning.

In terms of content, CLE places an emphasis on promoting training in hands-on professional legal skills. Students are put in situations where they have to fill in forms, make complaints, write specific pleas, and so forth. Other skills linked to the legal professions that are acknowledged by the tradition of CLE are oral presentations and client meetings. Students are also trained in their ability to make themselves understood by those in need of legal advice by avoiding professional jargon. Taken together, this becomes a form of training in outreach and communication that, because of its importance to the profession, has been designated as a special ‘street law’ branch of CLE.

¹⁰ For an interesting exception, see Azam (2016).

While a strict focus on skills training could lead to the pitfalls of ‘micro-lawyering’ (Wizner 2001, 330),¹¹ an explicit concern with professional ethics and social justice could function as a countermeasure. CLE is by tradition explicitly normative and pleads that the value of rule of law, equality, and access to justice are fundamental guidelines for the legal profession. To a large extent, law clinics around the world reach out to groups and individuals who, in one way or another, lack resources to access legal remedies—the poor, the marginalised, disadvantaged groups and interests. In line with these ambitions, Wilson (2017, 11) uses the term ‘lawyering with conscience’ as a value to strive for, and Stephen Wizner (2001, 328) speaks of the ‘legally underprivileged’ as a target for outreach.¹²

In terms of different legal subdisciplines, the clinical approach does not exclude any, although how law is taught and what aspects are emphasised are affected by the approach and its underlying values. There are clinics in almost all legal fields, including public law, private law, migration law, social law, environmental law, criminal law, constitutional law, feminist law, children law, health law, and law of enterprises.

Applied to a university-based law clinic in Sweden, the CLE approach radically challenges the traditional teacher-centric legal education through its emphasis on learning by doing in combination with reflection (Wilson 2017). When the focus is shifted from how teachers teach to how students learn, the consequences in the classroom are fundamental. The inclusion of practise in curricula is one element in this shift of perspectives, a shift that also affects all other interactions between students and teachers.

While all the above is of distinct importance for an in-depth understanding of the pedagogical ambitions of CLE, the picture is incomplete unless we also include the transformative aim that is embodied in the emphasis on ethics and justice. Wizner writes, ‘Assuming the role of advocate, under proper supervision by a clinical teacher, can change a

¹¹ Wizner uses the phrase ‘micro-lawyering’ to describe the following risk: ‘Focusing exclusively, or primarily, on client-centred interviewing, counselling, fact investigation, negotiation and written or oral advocacy can fail to nurture students’ capacity for moral indignation at injustice in the world, or to challenge and inspire them as lawyers to use what they have learned to work for social justice’ (2001, 330).

¹² Wilson refers to the educational theorist Paulo Freire and expands on the topic of ‘lawyering with conscience’ as a means to ‘strengthen the lawyer’s role in the justice mission of law: “[In clinical legal education] the student learns ethics and values in the context of human struggle and conflict where law matters, not in the arid and passive review of statutes and appellate cases” (2017, 11). Wizner, in his turn, makes reference to John S. Bradway (1974).

student's perspective about her client and the world in which her client lives. It can even transform the student's view of the world and lead her to identify with her client and with others like her client' (2001, 328). In 1969, William Pincus, one of the key figures in the US clinical legal education movement, said that law students need 'to learn and to recognize what is wrong with the society around [them]—particularly what is wrong with the machinery of justice in which [they are] participating and for which [they have] a special responsibility' (Wizner 2001, 331). Wizner describes this as an assignment for clinical teachers to 'sensitize students to what they are seeing, guide them to a deeper understanding' (2001, 338). With this perspective, Wizner argues, the clinical teacher becomes a teacher not of skills but of legal theory. On this we agree. This is also a perspective, as we elaborate below, that distinctly resonates with the pedagogical aim of threshold concepts. We can conclude that the transformative aim of CLE is reached by challenging students' preconceived ideas through face-to-face confrontations with the realities of law and society. Threshold concepts are also used with an aim to transform, although the means and methods differ.

The notion of threshold concepts

In the introduction to their 2003 article, Meyer and Land describe threshold concepts as follows:

A threshold concept can be considered as akin to a portal, opening up a new and previously inaccessible way of thinking about something. It represents a transformed way of understanding, or interpreting, or viewing something without which the learner cannot progress. As a consequence of comprehending a threshold concept there may thus be a transformed internal view of subject matter, subject landscape, or even world view. This transformation may be sudden or it may be protracted over a considerable period of time, with the transition to understanding proving troublesome (p.1).

The idea of a threshold is used to represent important, but sometimes difficult and challenging, processes of transformation often involved in learning *troublesome knowledge* (Perkins 1999). Knowledge can be difficult to attain for different reasons, and gaining this knowledge has the capacity to change worldviews as well as to give rise to a repositioning of the self

(Meyer and Land 2003, 2005). With the notion of threshold concepts, Meyer and Land distinctly position themselves as interested in learning processes that include such potential transformation.

Five characteristics signify and define threshold concepts: they are likely to be irreversible, integrative, bounded, troublesome, and transformative (Meyer and Land 2003, 5; 2005, 373). Threshold concepts are *irreversible* because once they are grasped by the student, they are unlikely to be forgotten. They are *integrative* because they reveal an interrelatedness that was previously invisible to the learner. Furthermore, threshold concepts are *bounded*, as they might represent lines of demarcation between different conceptual areas. As they open up new spaces, boundaries to neighbouring spaces are also established.

In addition, threshold concepts are closely linked to *troublesome knowledge*. Perkins (1999) describes troublesome knowledge as knowledge that is perceived as counterintuitive and foreign. The student may be hesitant to accept such knowledge when first confronted with it. Perkins identifies four types of knowledge that might prove difficult for students in different ways: ritual, inert, conceptually difficult, and alien. Ritual knowledge forms part of a social ritual and is knowledge that everyone within the same setting learns. This may, for example, be certain names and dates. Inert, or passive, knowledge is held but not actively used unless specifically called for. Examples are understanding but not using certain words or having knowledge of historical events but not connecting them with current events. Conceptually difficult knowledge requires students to connect various pieces of information that contradicts their everyday experiences. Alien knowledge conflicts with previous understandings, as it comes from a different perspective. Meyer and Land (2003, 9) have suggested a fifth type of troublesome knowledge: tacit knowledge, which is so internalised that it has become difficult to explain and thereby difficult for students to access and understand.

Finally, threshold concepts are *transformative*, as the acquiring of troublesome knowledge initiates a shift in the student's perception, identity, or discourse. When reaching an understanding of a threshold concept, the learner acquires a different view on the subject, field, or entire surroundings. The troublesomeness the student attempts to overcome might also emerge from the particular academic language. Within different

fields, distinct discourses have developed in order to represent particular perspectives. These might include not only alien words but also different meanings for everyday terms. The transformation of a student's perspective is therefore usually accompanied by a change or extension in his or her use of language (Meyer and Land 2005). Certain types of knowledge might also bring about a change on the personal level—in the student's identity, values, feelings, or attitude—particularly when studying politico-philosophical subjects, such as Marxism or feminism. This change of perspective or identity will unfold differently in different students. Since learning about a threshold concept holds the potential to overturn a previous understanding, these concepts might prove difficult to grasp. During the learning process, students are likely to find themselves in a 'liminal' state, struggling with feelings of being stuck (Meyer and Land 2005).

Implementation and results

The Gothenburg welfare law course has many of the core elements that characterise CLE. It includes the element of practical experience by allowing students to participate in the work done by local partner organisations. As this involves face-to-face meetings with individuals living in dire situations, students are able to practise legal skills in real-life situations. At the university, the students have their own classroom for work and dialogue, and they take part in seminars and workshops. The professional role of being a lawyer is discussed, problematised, and experienced. The pedagogical approach is dominated by learning sessions based on active student participation. While the teaching at the clinic thus includes a variety of pedagogical techniques anchored in CLE, our interest in this article is the overarching transformative aim of CLE, as this connects to the transformative ambitions of threshold concepts. Therefore, we focus on just one of the courses eight learning outcomes: the integration of threshold concepts into the clinical sphere. To provide students a deeper understanding of the role of law, and avoid the pitfalls of micro-lawyering, the clinic's teachers rely on theory and threshold concepts. The emphasis on theory in the clinical course provides students with a theoretical toolbox that, ideally, enables them to reflect on and deepen their abstract understanding of their own emotional experiences.

As stated in the first learning outcome (quoted above), the threshold concepts used for the welfare law course since 2018 have been *citizenship, welfare state, justice, rights, and legality/legitimacy*.¹³ The chosen concepts reflect the characteristics of the course. The legal content of the welfare law course is determined by the legal needs of those whom Wizner (2001) calls ‘legally underprivileged’, rather than by disciplinary boundaries. The course does not specialise in a specific, well-circumscribed area of law, but rather in a specific sphere of human challenges.

Arguably, all students interested in welfare law benefit from deepened knowledge about the welfare state, citizenship, rights, justice, and legitimacy in order to strengthen their professional understanding of the legal system as well as their own role within this system. This is also the reality of many practising lawyers, who need a high level of legal skills beyond those involved in the different specialisations and subdisciplines of law. The choice of threshold concepts is determined by this ambition to combine grassroots, hands-on knowledge of law with philosophy and legal and political theory, as the combination is an essential aspect of any high-quality legal education.

We suggest that each subdisciplinary area of law has its own specialised threshold concepts closer to the legal norms in each regulatory field, but also that there are overarching concepts that are fundamental and relevant irrespective of subdiscipline. This is not a radical statement, as all legal faculties provide their students with disciplinary specialisations as well as courses on legal theory. What might be radical is to combine hands-on skills with abstract theories in the same course. The welfare law course teaches practical legal methods and ethics as well as theory as a means to achieve the desired learning outcomes.

A closer look at the concepts reveals that they also differ in terms of outreach. While *welfare state* and *citizenship* are essential for the specific setting and content of the course, *rights, justice, and legality/legitimacy* are

¹³ There has been one adjustment in the use of threshold concepts over the years. Originally, the list of concepts read ‘citizenship, welfare state, justice, social rights/human rights, intersectionality, equality, legality/legitimacy and social sustainability’. In 2018, we added a new, separate learning outcome that students are able to reflect on legal phenomena with the use of different critical perspectives such as equality, intersectionality, and sustainability. Thus, for the purpose of the course, the list of threshold concepts was made shorter, as those three concepts were moved. At the same time, the general concept of rights replaced the more specific social rights/human rights.

fundamental in the meaning raised above, and thus relevant irrespective of legal subdiscipline.

Implementation: The use of threshold concepts in the welfare law course

Before discussing the chosen threshold concepts in relation to the criteria put forward by Meyer and Land, we will look at how they are presented to students in the welfare law course through literature, seminars, and examinations. The threshold concepts are interlinked, and knowledge of one of them affects understanding of the others. The account in this section roughly describes how the concepts are introduced during the first part of the course. The main format for teaching during the first theoretical portion is participatory seminars or workshops based on individual reading of text and questions and assignments, some of which are handed out in advance. While part of each seminar is reserved for a collective exercise in the close reading of text, all seminars include reflective questions that ask students to make connections between theories and their clinical experiences. The threshold concepts are examined cumulatively in three different assessments: (1) a home exam consisting of four or five questions on the literature and use of the concepts, (2) a critical essay on regulation, and (3) reflective journals. Students are encouraged to use their practical experiences as material for theoretical analyses.

The presentation of the concept of *citizenship* starts with T. H. Marshall's (1949) classical text on social citizenship, a point of reference in much of what has been written on citizenship since then. The text by Marshall allows for a discussion on the dynamics of citizenship, perceptions of rights and obligations, and demarcations between citizens and noncitizens. A textbook that introduces and contextualises Marshall, *Socialpolitiska klassiker* (Classics in Social Policy), serves as an added basis from which to discuss different aspects of citizenship (Johansson 2008). A comparative text by Chiara Strozzi (2017) makes a distinct link to the different ways of legally constructing citizenship and discusses its dynamic elements, the high level of politicisation, and the main trends on a European level.

Socialpolitiska klassiker also introduces students to a spectrum of ways to understand a dynamic notion of the *welfare state*. It provides an historical perspective and focuses on three important scholars, Marshall, Richard M. Titmuss, and Gøsta Esping-Andersen. Following the textbook, the main emphasis when discussing the welfare state is work done by Titmuss and

Esping-Andersen, including how critics have received their work. In this section of the course, we introduce Anna Christensen's (1997) theory on basic normative patterns in the social dimension and use it as a bridge between social policy and law. The combination allows us to emphasise, on the one hand, law as the main instrument through which policy is implemented, and on the other, law as a complex normative system in its own right.

When Marshall suggests an historical necessity for modern states to evolve a social citizenship, this is an argument interlinked with *social rights*. It is also via Marshall that the notion of social rights is introduced to students. The textbook highlights Anna Hollander's analytical scheme, grading legal rights as more or less weak or strong, and thus the classroom discussion on social rights moves into the legal realm early on (Johansson 2008).

To make the classroom discussions on citizenship, welfare states, and social rights relevant to the clinical realities students face, it is necessary to move beyond the classical texts discussing the early welfare state and its peak to more modern texts that relate to the present. We read Seyla Benhabib (2004), who asks, "Who are we?" and problematises the understanding of citizenship in an era marked by migration and questioning of human rights. With the help of Merima Bruncevic (2017), we read Rosi Braidotti (2013) and question our way of thinking and defining the legal subject as a rights holder. And with Pia Kjellbom and Anna Lundberg (2018), we focus on Boaventura de Sousa Santos's legal cartography and how geographical concepts can be applied in analysing a court case dealing with rights to social assistance. In a similar manner, the functions of the post-welfare state are problematised with references to a text by Nancy Fraser (2003) and, as a means of bridging the gap between law and social sciences, also a text by Sara Stendahl (2016), using Fraser.

For the concept of (*social*) *justice*, we start with Titmuss (Johansson 2008) and then introduce different critical perspectives (rather than different theories on justice). We read Kimberle Crenshaw (1989), Sören Olsson (2012), and Åsa Gunnarsson et al. (2018), and through these texts we discuss feminism, class, ethnicity, intersectionality, and social sustainability as aspects of claims for social justice. Finally, at a stage in the course where the focus is on legislative work and legal reform, we discuss legality and

legitimacy and read texts by Markus Naarttijärvi (2018), Kjell Å. Modeer (2011), and Rami Al-Khamisi and Miran Kakaee (2019).

Outcome: Student responses

It is important, but difficult, to assess how well our pedagogical choices led to transformative experiences for students. Over the years, we have read student evaluations closely, and yearly adaptations have been part of the regular work at the clinic. Overall, the welfare law course has received positive assessments by students who have been grateful for their clinical experiences as well as for their accumulated knowledge. There is an active alumni association where former clinical students meet, something that might be indicative of a transformative learning experience. The Gothenburg Law Clinic has also received several awards.¹⁴ That said, it is not clear how to assess transformation or at what point this should be done. While we acknowledge our limitations in this regard, student responses might shed some light on the value of combining CLE and threshold concepts.

In this section, we present several example quotes extracted from reflective journals that students in the class of 2019 wrote while taking the course.¹⁵ Students are required to write a 200- to 500-word post at the end of each week as part of their assessment, a total of 15 entries over the course of the semester. In these posts, students are expected to reflect on what they have learned in the past week, from meeting clients and applying legal method in their workplaces to impressions from seminars and literature. Students are also encouraged to employ the threshold concepts in their reflections. To be able to reflect on one's own learning is one of the learning objectives of the course, drawing on a central pedagogical idea in clinical legal education (Tyler and Mullen 2011, 283). Only the examining teacher has access to all the students' reflective journals.

When selecting the quotes analysed in this section, we extracted all posts from the reflective journals of the 2019 class and categorised them by week and student. As the class had 26 students, each publishing for 15 weeks, we received a total of 390 posts. We then searched this material for the

¹⁴ Paragrafen, the law students' pedagogical award, in 2015 (<https://www.gu.se/nyheter/sara-stendahl-tilldelas-juridiska-foreningens-pedagogiska-pris>), and the Pam Fredman Award in 2020.

¹⁵ All the students whose quotes were selected for this article have been informed of how the quotes will be used and have given their consent.

following threshold concepts: citizenship, welfare state, justice, rights, and legality/legitimacy. As we used different critical perspectives in the discussion about justice, we also searched for the terms ‘intersectionality’, ‘equality’, and ‘social sustainability’, as well as some distinctions of ‘rights’, such as ‘human rights’ and ‘social rights’. Out of the results, we selected five quotes for inclusion in this article. These quotes are examples of writings where students combined reflections on one of the threshold concepts with reflections related to their practical clinical experience. The quotes should be read as illustrations of the added value that we aimed for in combining CLE and threshold concepts, rather than as proof of success. For transparency, we also searched for quotes showing a different learning process than the one outlined by Meyer and Land. Meyer and Land’s criteria for threshold concepts focus on their capacity to be *irreversible*, *integrative*, *bounded*, *troublesome*, and *transformative*. We return to these criteria in our discussions of the student quotes.

Quote 1:

The text by Nancy Fraser opened my eyes to why certain measures aimed at promoting equality are successful, while others directly counteract development and instead hold back the groups they were meant to support. For example, it is important that certain groups are recognized as particularly vulnerable, in order for them to get help with overcoming their exclusion from society (affirmative recognition). Otherwise, if everyone is treated equally under formal legislation which pays no attention to real-life power structures and other conditions of society, there is a risk that many will suffer indirect discrimination. In cases of, for example, refugees with disabilities who turn 18 and come of age, it would be disastrous if they were subjected to the same expectations as other asylum seekers, as they might not have the same capacity to care for themselves as other people above the age of 18. By disregarding the differences in such cases, these people are being denied the possibility to reunite with their families with reference to their particular dependency. It would be better if the law were transformative and all institutions of society aimed at including everyone.

This student shows knowledge of Fraser’s terminology and applies this new vocabulary to fields of law in general as well as to the area of law that the

student has become familiar with at the course (an indication of both integrative capacity and transformative change). The use of the phrase ‘opened my eyes to’ denotes a before and after (an indication of irreversible knowledge). The meaning of equality has deepened for this student with help of theory but also, arguably, through the combination of theoretical tools and the emotions invested in the clinical work.

Quote 2:

This course has in a general sense given me a more nuanced idea of the welfare state but also more specifically as I have gotten a better picture of Sweden as a welfare state and the realities some people face. There is a lot to say on this matter but right now I primarily think about civil society and what a force it is when it comes to people who fall between the cracks of bureaucracy.

The second quote is an example of an everyday term, in this case the welfare state, gaining deeper meaning both through teaching, which the student described as providing ‘a more nuanced idea of the welfare state’, and through directly encountering ‘people who fall between the cracks of bureaucracy’, which caused the student to become aware of the previously unknown ‘realities some people face’. The fact that the student incorporated the role of civil society in discussing the welfare state could be interpreted as a sign of establishing new demarcation lines (what Meyer and Land tried to capture with the *bounded* criterion).

Quote 3:

Once again, I thought the week delivered useful tools for analysing different aspects of society. I have previously read about intersectionality when doing a Bachelor in Social Work but had forgotten much, very interesting. I do nevertheless find it hard to apply intersectionality and conduct an analysis of different phenomena, something I will have to read more about. However, I do understand not to perceive social issues from one perspective at the time (only class, only gender, only ethnicity) and that is an eye-opening tool for me!

In the third quote, the student talks about intersectionality, a learning outcome in its own right, but also a concept used to enhance students’

knowledge about justice, one of our chosen threshold concepts. This quote is included mainly because it so frankly describes the difficulties the student had in fully grasping this notion, as well as what seems to have been a process wherein the student struggled to understand the concept bit by bit. The account does not reveal why and how this knowledge was difficult for the student to grasp, but it might indicate that fully embracing the implications of this knowledge is *troublesome* to the extent that students resist or oppose the new knowledge (see section 3). It is also this element of being troublesome that gives threshold concepts a transformative potential.

Quote 4:

After having had some time for reflection, I can conclude that I have drawn several valuable lessons from this assignment. Perhaps the most important one is not to confuse legality with justice. It is possible the Labour Court would not have accepted our logic – legal precedent might have stood in the way of our approach – but this was about something totally different. As a union representative at the local level, one should be able to find solutions the parties can agree upon without having to take the matter to court. To be unreasonable and say ‘this is the law’ will not provide a solution to the parties. Rather, one should think outside the legal framework and reflect upon the question ‘what would be most fair?’ To attempt to interpret legislation in such a way as to achieve what is best for the union member was a method I had never used before, but it turned out to make a big difference. Therefore, this was a very educational exercise.

Here, the student has acquired new practical insights on how to act and think in a professional legal role and, after reflection, tries to understand and explain this new perception by turning to theoretical concepts used in class. The student talks about justice and what is fair as a value to countervail a detached legal interest in law for its own sake. It is a short quote that touches upon most if not all of the threshold criteria. We sense without knowing that what became revealed to the student, and the student’s understanding of this, will influence and shape a future professional role. Perhaps it could be argued that the capacity of the student to reformulate the hands-on experience in more abstract terms, and vice

versa, strengthens the student's confidence to reason in a qualified manner about professional ethics.

Quote 5:

She [the client] spoke about citizenship, something we Swedes tend to take for granted, and expressed such a longing for it. A citizenship would guarantee her security in life as it would be accompanied by social rights. And it made me recall Marshall's idea of social citizenship and the security that the institutions of society guarantee as a consequence of said citizenship. And it became so painfully clear when one meets people who are not experiencing that security that one cannot even comprehend how it must feel to be so vulnerable and precarious.

This quote reveals a student who was endeavouring to understand an emotional experience using the conceptual toolbox provided. One aspect of the transformative capacity of threshold concepts, according to Meyer and Land, is that they can bring about a change on the personal level, in the student's identity, values, feelings, or attitude. In this case, we could argue that the theoretical knowledge enabled the student to fully (or better) understand the client's situation. Potentially, we could also argue that it was this face-to-face meeting with a woman desperately longing for citizenship that made the theoretical knowledge not only relevant but also fully accessible to the student.

In general, the reflective journals show that students often use the threshold concepts to connect theory and practise. A common pattern in these posts is that a student meets a client whose issues are related to a threshold concept, and then remembers and reflects on the theoretical perspectives on this concept. Students also appear to understand more far-reaching consequences of changes in legislation and policy, as they make connections between shifts in policy and their general knowledge of broader concepts, such as the welfare state.

Final reflections

In this article, we have described how our welfare law course has combined two pedagogical ideas, one more practical and the other more theoretical,

with the goal of providing students a means to gain deep, transformative knowledge in their field. A high-quality legal education should make students skilled in the profession, but it should also provide them with the capacity to move beyond a toolbox knowledge of law to gain advanced theoretical insights so that they might excel in their practice. Through the example of the welfare law course, we have shown that there are many potential advantages in combining clinical legal education and threshold concepts.

On a more general level, given the seemingly low standing of clinical legal education in the Swedish context, the only difficulty in arguing the benefits of a mix of hands-on practise and abstract theories is that it is hard to find any counterarguments. By tradition, the university education of lawyers in Sweden is distinctly academic and theoretical, but tradition alone is not a strong argument for maintaining the status quo. We have proposed something of a middle way, as the practical clinical experience, from an academic perspective, serves as a means to enhance in-depth learning of abstract concepts.

We situated our Gothenburg Law Clinic in the network of local nonprofit, mainly nongovernmental, organisations working in the segregated city of Gothenburg. The chosen threshold concepts are all fundamental in character, and there is ongoing discussion regarding their content and meaning, so lawyers working in the field of welfare law need to be familiar with them. Around the globe, and close to the Nordic borders, antidemocratic movements challenge legal systems, institutions, and rights as we know them. The lawyers we educate today must be prepared to meet resistance of a new kind. It is important for these lawyers to be educated in such a way that theoretical insights and contextualisation will serve as a foundation for their everyday legal decision-making. The combination of CLE and threshold concepts allows students to practise such an approach while under guidance as part of their education.

As we stated at the beginning of this article, we wanted to share our thoughts and experiences related to a pursuit that is ongoing and ever-changing. The clinic provides a constant trial-and-error learning experience for us as teachers and researchers as well. Although we are enthusiastic about what our clinic is doing and find that the students' responses validate our work, we do not consider the pedagogical questions raised in this article

as settled. We hope that this article will inspire others and serve as an invitation to dialogue and collaboration.

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