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| Title | Dr |
| Lead Presenter First Name | Mutaz |
| Lead Presenter Last Name | Qafisheh |
| Organisation of Lead Presenter | Hebron University, College of Law and Political Science |
| Name/s and details of other presenters |  |
| Title of Proposal | A Theory of Practice? How Legal Clinics May Transform the Concept of ‘theory’ in Legal Education? |
| Summary of Proposal | This paper examines the specialized legal clinics of Hebron University (HU) law school. Each of the HU’s fourteen clinics (academic freedoms clinic, pro bono clinic, criminal defense clinic, environmental law clinic, family law clinic, labor law clinic, housing rights clinic, human rights clinic, juvenile justice clinic, non-violent clinic, refugee law clinic, trademarks clinic, street law clinic, and women rights clinic) will be briefly presented and evaluated. Then these clinical experiences will be analyzed in light of the â€œtheory of practiceâ€ known in the fields of sociology and anthropology as advanced by Pierre Bourdieu and Sherry Ortner. |
| Abstract Proposal | Due the unprecedented proliferation of legal clinics globally in recent years, a new ‘theory’ is emerging in the field of legal pedagogy. The paradigm of clinical approaches comprises a set of characteristics. Despite the similarities among jurisdictions, each country has clinical practice that differs from the other, based on the level of economic and social development, the legal system, bar’s rules, and legal culture. Within the same country, one finds diverse clinical models influenced by local conditions surrounding a given law school. Even within an individual university, various clinical practices may exist, depending on clinic’s supervisors, stakeholders, funding, polices of the institution in which the clinic operates, among other factors. Professors and supervisors change their clinical techniques across the time, theme, space and accumulated experience. Such variables raise questions on the need of theory in clinical pedagogy.  This paper examines the experience of Palestinian legal clinics over the past decade, particularly the specialized legal clinics of Hebron University (HU) law school that the present writer has founded and directed. Each of the HU’s fourteen clinics (academic freedoms clinic, pro bono clinic, criminal defense clinic, environmental law clinic, family law clinic, labor law clinic, housing rights clinic, human rights clinic, juvenile justice clinic, non-violent clinic, refugee law clinic, trademarks clinic, street law clinic, and women rights clinic) will be briefly presented and evaluated. Without well-structured theoretical foundations, the clinics have become a model not only in Palestine, but also for universities in the region as demonstrated in a book that the present writer co-edited (with Stephen Rosenbaum of Berkeley), ‘experimental Legal Education in a Globalized World: The Middle East and Beyond’ (Newcastle: Cambridge Scholars Publishing, 2016). While maintaining their own identity as a response to local circumstances, HU clinics learned from other experiences as it has heavily engaged with, in the words of Frank Bloch, the ‘global Clinical Movement’. Indeed, the increasing collaboration of clinicians worldwide has contributed to the change of the notion of standardized teaching approaches.  In such a situation, does the theory really matter? Can the practice, based on local particularities of each clinical case, be considered in itself a theory? Can clinicians be pragmatic in their thinking and behavior? Are we undergoing a paradigm shift towards a ‘theory of practice in legal education’ To which extend this theory overlaps with the ‘theory of practice’ known in the fields of sociology and anthropology as advanced by Pierre Bourdieu and Sherry Ortner?  The presenter of this paper is Dr. Mutaz Qafisheh, Dean, College of Law and Political Science, Hebron University, Palestine; he is the founder and director of Hebron Legal Clinics. |