

Title: Empathy in lawmaking. The potential of the Legislative Theater

Reasons for choosing research topic:

Social diversity, growing multiculturalism, and increasing social stratifications result in a pluralism of values that need to co-exist and claim their rights to be heard and acknowledged. These expectations meet with visible segmentation, power of one above the other strengthened with partisan politics supported by political and media narrative directed at the society with lack of legal awareness and civic attitudes. These factors result in the fact that there is always a group of people in some oppression. It can have various meanings: the lack of ability to speak in terms of official legal rules, being currently at the wrong side of the political barricade, being a member of the minority. This context directs us to search for methods that allow us to take the perspective of others or allow "others" to speak for their own, with their language. Moreover, participation in creating the surrounding reality in a meaningful way – requires doing so with a measurable impact by transforming these developments into legal norms and law-based solutions. It seems that the Legislative Theatre (LT) practice creates a promise as a method needed in described circumstances and enabling both fostering cognitive empathy (perspective taking) and empowering the harassed (speaking for themselves). The need to make the law more available, more homely for those not educated, privileged, wealthy enough is becoming more and more visible. As well the need to zoom in to their situation by those not encountering such difficulties to build consensual solutions. Proposed by A. Boal concept of LT involves using Forum Theatre (FT) for creation (through active participation in the play and changing its plot - intervention, that visualize so form of oppression) of the proposals regarding the laws. Therefore, the practice can be applied, for example, at the pre-legislative stage. The proposal results in writing down a specific proposition for changes or actions and "translating it" into law – legal language, by so-called metabolizing cell and as the desired effect, implementing new, amending, or repelling existing legal norms by the competent authorities.

Project objectives:

The overall goal of the proposed project is to assess: (1) under what conditions the practice of Legislative Theatre, proposed by A. Boal, can be a valuable tool for creating laws and policies (legislation) that take into account both social diversity and its consequences by adopting the perspective of others (empathy), (2) what is the role of empathy in the process and (3) whether in modern societies it should uphold its emancipatory, justice restoring origins or also become a tool for dialogue in antagonistic relations of power. The question, based on both Boal's experience and the current, although limited, use of the method in various parts of the world, is if LT can foster cognitive empathy and, with the proper legal framework, can enable participation of the citizens, especially disadvantaged and their cooperation with decisionmakers to create better, more responsive rules for issues of particular social concern? Such adoption of an in-depth legal perspective has not yet taken place concerning LT. The project aims to fill in this gap at least partially.

Planned research and main results:

Two types of research are planned – theoretical– that, through critical literature analysis, will allow recreating A. Boal's understanding of legislative theatre and assess the current, limited use of the practice. The main idea is to define the legislative part of the method by focusing on the legal theory. The second theoretical part of the project will focus on creating the PI's model of the method for uniform implementation of the legislative theatre practice in different legal orders. The development of the model will be supported by empirical research (in-depth interviews with practitioners and experts of the TO). The project will also provide an opportunity to verify the usefulness of the proposed model in empirical research. This possibility will be narrowed to the particular and leading aspect of the project: empathy. Preparation of the LT play will be followed by its staging. With the use of a prepared research tool (questionnaire), the influence of participation in the play for the willingness to accept the legal changes supporting the perspectives/needs of the others be assessed. The research will also evaluate if active participation (intervention) in different parts of the LT play influences the participants more than just spectating. The project will not only allow to position LT within the legal and legislation theory and verify the claims about its usefulness about participation tool. It will provide input on the possible role of empathy in law-making and support the field of sociology of law with possibilities of the use of theatre in the paradigm of responsive law as well more generally in legal practice as a part of law and performance and theatrical jurisprudence studies. Finally, it will offer a reflection on the possible role of LT in modern societies not only as way to restore justice, but also as facilitating dialogue in antagonistic relations - by exploring the contradictions in dialogue and antagonism typical for democracy.