

# Unlocking minds and rethinking law school: the transformative power of ‘University in Prison’

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## Abstract

The project “University in Prison” unites law students living in freedom and imprisoned students by having both groups of students attend a weekly university seminar on criminological and legal topics. This takes place within the walls of Berlin’s largest prison and therefore comes with various challenges. Much more decisive, however, are the positive effects that the project has on all those involved. In this article, we talk about the implementation of the project, the impact of “University in prison” on students living in freedom, imprisoned students and law schools in general and the first evaluation results. “University in Prison” attempts to foster inclusivity in law school and challenges the status quo at law schools in Germany.

**Keywords:** prison teaching, inclusivity, legal education, law studies, imprisoned students.

## 1. Introduction

In our paper, we want to report in more detail the implementation and realisation of a project called “University in Prison” and highlight the potential impact of university prison projects on legal education. At “University in Prison”, law students living in freedom study together with imprisoned students by having both groups of students attend a weekly university seminar on criminological and legal topics over a semester. This takes place within the walls of Berlin’s largest prison called “Justizvollzugsanstalt Tegel”. The special learning and teaching project attempts to foster inclusivity in law school at different levels. First, topics at the intersection of law and criminology in the context of crime and prison are included in the curriculum of legal education in a very special and unique seminar environment, namely a prison. Second, it encourages direct exchanges between law students living on the outside and imprisoned students, thereby including previously in law education excluded prisoners’ perspectives on crime, punishment, culpability, and the penal system. Third, it challenges preconceptions concerning criminals and prisoners of law stu-

dents who pursue a path in the field of Criminal Justice. Fourth, “University in Prison” supports imprisoned law students, who form a small special group among the incarcerated students. Therefore law schools open up to students who have a history of criminal behaviour and imprisonment.

In the following, we will first take a look at the current situation at law schools in Germany concerning the integration of criminological and interdisciplinary knowledge into law education. We will then describe the main characteristics of the project and focus afterwards on the impact of prison projects on law schools in general as well as law students living in freedom and imprisoned students in particular.

## 2. Criminology and prison studies as vanishing subjects at law schools in Germany

In the context of addressing the phenomenon of crime in general and prisons in particular, the legal profession in Germany plays a central role. In the field of legislative authority, it is jurists who are responsible for designing criminal and prison laws and who thus have enormous power in shaping the reality of this field. In addition, it is public prosecutors and judges who decide on criminal sanctions and thus have a considerable influence on the biography of people who have committed crimes. Moreover, prisons in Germany are almost exclusively run by jurists as prison directors. Although the legal discipline has an enormous responsibility in this field, there is an imbalance in the legal education of future lawyers at law school. The important law-related disciplines of criminology, sociology and psychology are increasingly being pushed back in the curriculum of law schools in Germany.<sup>1</sup> In those constellations where law schools offer a criminological focus, the teaching of criminological content often turns out to be very positivistic and far away from practice.<sup>2</sup> For example, the didactic teaching of criminological issues at law schools frequently lacks

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1 H.-J. Albrecht, S. Quensel & K. Sessar, *Freiburger Memorandum* (2012)  
2 (Boosen 2023) gives an overview of the current situation of the subject criminology at law schools in Germany

the concrete integration of the field of action, including the perspective of system-affected persons, who committed crimes. Very few prospective lawyers in Germany gain insight into prisons during their training, although this area will become quite relevant in their later professional lives as judges, prosecutors, and defence attorneys. In the course of their work, they deal with persons who are on trial or probation or are currently imprisoned. Except for certain internships, most students rarely have the opportunity to interact with the people they aspire to serve in their future careers.<sup>3</sup> Studies show that the current problematic situation at law schools has harmful impacts on criminal and judicial practice in Germany. A nationwide survey of juvenile judges and juvenile prosecutors for example showed that well over half of the respondents had not taken any relevant courses in their law studies<sup>4</sup>. This means that in the majority of cases here, jurists make judgments who lack specific criminological and interdisciplinary expertise and have, probably never, come into contact with the realities of the lives of offenders and prisoners.

### 3. Description of the main characteristics of the project

#### 3.1 Inside-Out as an inspiration

The idea of teaching in prison is not entirely new and was first introduced by Lori Pompa in 1997. As a professor at the Criminal Justice Department of Temple University (Philadelphia), she took her students to the State Correctional Institution where they met a group of imprisoned men. The lively discussion touched on topics from diverse fields such as psychology, economics, philosophy, and social sciences. One of the participating prisoners suggested that they should return and that this kind of discussion could turn into a university class. With this, the idea for the Inside-Out-Prison Exchange Program was born<sup>5</sup>. In a room in the prison, about 30 people gather every week, consisting of students from outside, prison students and lecturers. Together they learn about criminology, justice and related topics. All participants are equal and the focus of the pedagogical methodology is on dialogue. The lecturer acts as a facilitator to promote dialogue and collaboration throughout the semester.

The approach is not about providing help, nor is it about giving students from outside an insight into prison. Teaching Inside-Out is about “[...] community-based learning [...]”<sup>6</sup> and offers a unique chance for college and university students and imprisoned people to engage in

joint learning. Students can dismantle the conventional barriers between “us” and “them” that often stem from societal beliefs about those who are currently or were previously imprisoned. Pompa<sup>7</sup> emphasises that the participants not only learned about criminology but also developed a new understanding of themselves and their relationship to society. The primary goal is to enable students to explore their life experiences from a new perspective, fostering personal growth and academic development. With a focus on collaboration and open dialogue, people who are considered “experts” in the field of law and people with experience in the criminal justice system come together to share knowledge and insights on pressing criminal justice issues.<sup>8</sup> This creates a transformative educational experience for both students and teachers.

#### 3.2 Excursus: The Situation of imprisoned Students in German Prisons

There are no official statistics or scientific surveys about students in German prisons. At the same time, this topic is of great interest to the public, despite its rather low relevance in comparison to other forms of correctional education. In this context, several journalistic contributions can be found that have taken up the topic and provide further information about imprisoned students.<sup>9</sup> In her very broad-based, more recent research “Kleine Freiheit im Knast” (Little Freedom in Prison), Swantje Unterberg, commissioned by the news magazine “Der Spiegel”, worked out through a nationwide survey of the state ministries of justice about 50 of the approximately 50,000 prisoners in Germany study, which is about 0.1 per cent. Studying in prison is thus an absolute exception. Furthermore, Unterberg’s research showed that only Bavaria collects complete data on how many prisoners theoretically have entrance requirements in the form of “Abitur” for university studies. According to this, in 2020, about 5.4 per cent of those imprisoned in the Bavarian prison system had a higher school leaving certificate. The subjects studied by prisoners include educational science, computer science, cultural studies, mathematics, sociology, psychology, law, business informatics and economics. Economics was by far the most frequently studied subject, followed by law and the equally most frequently studied subjects of computer science, psychology and cultural studies.<sup>10</sup>

The prerequisite for studying at a distance learning university is access to a computer with internet capability. For this reason, it is not possible to study in every prison in Germany. Rather, there are individual prisons in the

3 T.C. Link, ‘Breaking down barriers: Review of an Inside/Out prison exchange program in a jail setting’, 3 *Journal of Prison Education and Reentry* 50 (2016)

4 T. Höynck and F. Leuschner, *Das Jugendgerichtsbarometer. Ergebnisse einer bundesweiten Befragung von Jugendrichtern und Jugendstaatsanwälten* (2014)

5 L. Pompa, ‘One Brick at a Time: The Power and Possibility of Dialogue Across the Prison Wall’, 93 *Prison Journal* 127 (2013)

6 L. Pompa, ‘One Brick at a Time: The Power and Possibility of Dialogue Across the Prison Wall’, 93 *Prison Journal* 127, at 129 (2013)

7 L. Pompa, ‘One Brick at a Time: The Power and Possibility of Dialogue Across the Prison Wall’, 93 *Prison Journal* 127 (2013)

8 T.C. Link, ‘Breaking down barriers: Review of an Inside/Out prison exchange program in a jail setting’, 3 *Journal of Prison Education and Reentry* 50 (2016)

9 J. Degener-Storr, ‘Hinter Gittern: Studium im Gefängnis’, *Unicum* (2016); C. Hasenauer, ‘Hofgang und Hörsaal: Wie ein 26-jähriger in Haft studiert’, *BR24* (2022); M.-C. Maas, ‘Wo Häftlinge zu Akademikern werden’, *Der Spiegel* (2018); C. Scholz, ‘Studieren hinter Gittern – wie Gefangene ihr Leben umkrempeln’, *Die Welt* (2019); S. Unterberg, ‘Kleine Freiheit im Knast’, *Der Spiegel* (2020)

10 S. Unterberg, ‘Kleine Freiheit im Knast’, *Der Spiegel* (2020)

federal states that function as central study centres and provide workstations and internet-enabled computers within the framework of distance learning, so that inmates can participate in the administration of their study programme and the computer-based learning platform "Moodle". In this context, 14 institutions cooperate as study centres with the "Fern Universität Hagen" (a German distance learning university). The study centres are connected to the learning platform "E-Learning im Strafvollzug (elis)", through which imprisoned students can visit the website of the "Fern Universität Hagen", use literature databases and research in an offline version of Wikipedia.<sup>11</sup> Students in prison are supervised by the staff of the educational services of the prisons and the regional study advisors of the "Fern Universität Hagen". Studying in prison is associated with challenges and hurdles due to the restricted freedom of movement and other prison-specific characteristics. Prisons, as *total institutions*, are characterised by the fact that activities from all areas of life take place in the same place. All of those activities are precisely planned, and their sequence is prescribed by explicit rules by staff and authorities in charge.<sup>12</sup> Prisons are supposed to prepare people for a life free of punishment and protect the general public from further crimes. The latter has the effect of isolating people from society, which is characterised, i.a. by severely limited opportunities for contact. The lack of contact does not only negatively affect the well-being of prisoners<sup>13</sup> but also the implementation of (effective) study programmes. The access restrictions imposed by the prisons pose great challenges for imprisoned students. Exchange with lecturers and fellow students from outside in the form of chats or online learning groups is not possible. The same applies to participation in hybrid courses. However, since universities increasingly rely on this teaching format and participation in them is compulsory in some subjects, students from inside feel increasingly excluded and have difficulties in being able to study some subjects in a degree-orientated manner. In addition, access to information is highly limited as internet use is not fully allowed. Typical study activities such as research work and the procurement of literature or old exams can prove to be problematic.<sup>14</sup> Consequently, studying in prison currently differs from studying in freedom: imprisoned students study in isolation and the exchange with fellow students and lecturers, which is a crucial part of studying, is largely missing.

### 3.3 First-time implementation of university seminars in prison in Germany

Considering these problems, we from Tatort Zukunft e.V., an NGO working in and on the prison system and

the broader criminal justice system, conduct university seminars in closed prisons for the first time in Germany in which students from inside and outside could participate. We cooperate with Kirstin Drenkhahn, Professor of Criminal Law and Criminology at the Free University of Berlin, Heinz Cornel, then Professor of Law and Criminology at the Alice Salomon University of Applied Sciences in Berlin, the Humboldt University of Berlin and Ralph Gretzbach, study coordinator at Tegel Prison. Tegel prison is the largest of the Berlin prisons, housing only male prisoners.

The project was integrated into the study structure of the law, social work and rehabilitation science programmes involved in the project. This means that students from both universities can have their participation counted towards their degree programme. Regarding the first implementation, only the students in prison at Tegel were missing as the main protagonists. At the first presentation of the project in Tegel, the enthusiasm was surprisingly limited at first. The inmates were sceptical and expressed fears that we secretly wanted to research them through the project. Besides, they pointed out, prison is not a zoo and they do not want to be seen as test objects. Through a lengthy exchange, however, we were able to answer all questions and convince the prisoners of the opposite of our intentions. Since October 2018, we have been running the "Uni im Vollzug" (University in Prison), with a break due to the coronavirus.

To participate in the "University in Prison", all students must apply to us with a letter of motivation. After evaluating the motivation letters, the courses are usually composed of 15 to 20 participants, of which about one-third are imprisoned students. The external students go through a security check to receive an admission permit for the semester. In the first round, the result led to the exclusion of three external students showing that the ubiquity of crime does not stop at universities.

The semester always begins with an introductory session at the Freie Universität Berlin. Since most students have not yet had any experience in prison, this introductory session is essential to sensitise them to the setting. The main focus is on a security introduction, the admission procedure, organizational key points and clarifying open questions.

In the first year, a total of 13 seminars of 1.5 hours each took place. However, this turned out to be very impractical because the time was far too short. Especially when the admission took longer (which is not uncommon), a lot of valuable time was lost. This was lacking most for exchange and joint discussion. Since then, the seminar has been held every fortnight for 3 hours each. This offers more leeway for the design of the respective units and goes hand in hand with less effort for the prison staff.

The seminar units each consist of a theoretical input as well as the opportunity for discussion in small groups and the presentation of results in the plenary. Didactic methods included text work, small group work, presentation of results and discussion. It is important to us

11 S. Unterberg, 'Kleine Freiheit im Knast', *Der Spiegel* (2020)

12 E. Goffmann, *Asylums: Essays on the social situation of Mental Patients and other Inmates* (1961)

13 K. Adams, 'Adjusting to prison life', 16 *Crime and Justice* 275 (1992); E. Zamble and F.J. Porporino, *Coping, Behavior, and Adaptation in Prison Inmates* (1988)

14 S. Unterberg, 'Kleine Freiheit im Knast', *Der Spiegel* (2020)

that students from both inside and outside as well as from different disciplines are represented in each group. The topics cover a broad spectrum from the field of criminology and are always chosen in such a way that the contents can be transferred to the living environment in prison. Examples include Convict Criminology, theories of punishment, current decisions of the Federal Constitutional Court, individuality and social norms, and many more. In addition, one session per semester is reserved for the presentation of the work of the imprisoned students. This allows them to present their term papers or theses and exchange ideas.

In the past, the seminar was led by criminologists and is currently led by a social scientist and a psychologist. In addition, guests are always invited to speak as experts on the respective topics. The interdisciplinarity thus allows for different perspectives on topics related to prison and crime and offers an exciting view beyond the standard curriculum, especially for law students.

### 3.4 Challenges of teaching law and criminology in prison

Teaching in prison is exciting but comes with different challenges due to the specific setting. This ranges from simple structural hurdles to decisions that consider the particular constellation of participants.

Because of the special circumstances of the prison as a teaching location, the course of the seminars is always a little out of one's control. This primarily stems from the admission process, which may be prolonged due to factors such as staffing shortages. In this respect, it is important to remain flexible and to be able to change or adapt the planned sessions spontaneously if necessary. In addition, the security measures mean that working with digital tools is largely not possible. After registration, we are allowed to take a laptop into the institution and can thus share presentations via the existing beam-er; however, any tasks and seminar elements that require an internet connection are not possible. On the other hand, the absence of all electronic devices on the part of the students establishes a pleasant working atmosphere, as no distraction by mobile phones or laptops is possible.

The diversity of subjects studied on the part of the imprisoned students requires an exchange with the students to identify focal points of interest and requires an organisation-intensive preparation to be able to offer thematic diversity. At present, it is not yet possible for imprisoned students to acquire credit points for participation in the course. This is also due to the different subjects and examination regulations at distance learning universities. For the future, it would be desirable if ECTS could be awarded for participation in the seminar for all participants.

In the context of the seminar, the question of an institutional visit arose. The learning experience of the external students speaks in favour of a prison visit. Insights into the prison complex allow for an even more differentiated picture of the institution and can make the prisoners' stories more vivid. At the same time, a prison vis-

it can be perceived as voyeuristic, and prisoners sometimes speak of a kind of "zoo visit". We decided to talk openly about the topic with all course participants. A unified picture quickly emerged, and especially the imprisoned students affirmed a visit to the prison. In their opinion, it was essential for the external students to get an even better insight into the institution. The visit to the prison was accompanied by us teachers and discussed with all students in the next regular session. In this way, we were able to ensure that the imprisoned students were also included in the exchange. In our opinion, a visit to an institution can be enriching if it is reflected on by all participants and awareness of the problematic aspects is created. The impressions the students gained during the visit to the institution seemed to have made a lasting impact on them. During the tour, the participants asked many, also very critical questions and during the debriefing, many of the young people expressed concern, anger, and astonishment.

Talking about closeness and distance is essential in the context of the seminar. It is important to protect the privacy and safety of everyone involved and still create an inclusive learning environment. Furthermore, our students are not able to interact with each other in the way they are used to. They cannot keep in touch with the imprisoned students between classes or share leisure activities with them. We have learned that the topic of closeness and distance, therefore, needs to be discussed with all participants. It is important for both parties, external students and imprisoned students, to understand the concept of closeness and distance in both professional and private contexts and to reflect on their own needs and roles within the seminar. Here everyone must find out how much he or she wants to share. The external students are already informed about this during the safety introduction. It is pointed out that not too many private details should be shared, and the exchange of mobile phone numbers or email addresses is also discouraged. We have had very good experiences so far with all participants addressing each other by their first names only. At the same time, it is also important for the imprisoned students to reflect on how much they want to share about themselves and, for example, their offences. In the first joint session, the topic was worked through extensively. We discussed, why the exchange about it is especially relevant in the setting of this seminar. The students received reflection questions, which could be discussed again and again over the semester. Another issue discussed in advance was that of an exchange about offences of the imprisoned students. On the one hand, a space is to be created in which the prisoners are perceived as fellow students and not merely as prisoners; on the other hand, there is the metaphorical elephant in the room, which exists solely because of the prison setting. We consider it useful to exclude the subject area of the respective offence in the beginning. Important elements of the course are not only the unprejudiced encounter but also the creation of free space in prison. This includes the possibility for the imprisoned students to be perceived first as human beings and aca-

demics and not as offenders. Last semester, the imprisoned students held their own session in the middle of the curriculum and, among other things, answered questions from the external students. Although none of the students asked directly about the offences, many imprisoned students began talking about them. The imprisoned students are of course free to share as much or as little as they want and when they want. Still, our impression is that the timing was ideal about halfway through the course. All participants had already gotten to know each other and had built up a trustful relationship.

Summarising, it is very important to create an inclusive environment and we had very good experiences with a transparent communication culture. Talking openly about challenges, and insecurities does not only help to find solutions that make sense to everyone but allows a deeper sense of community.

## 4. Impact of “University in prison” on numerous levels: Students living in freedom, imprisoned students and law schools in general

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Inside-out-teaching projects have an impact on both participating groups of students: those in freedom and those behind bars. They are also transforming law school education, particularly by breaking down traditional structures and promoting, especially, inclusivity. In the following, we will take a closer look at those different aspects.

### 4.1. The Impact on law students and law schools through a theoretical lens

As already discussed in the introduction, the current situation at law schools in Germany concerning the specific challenges of legal work in the field of criminal justice is problematic. The main problem is that educational situations at law schools occur structurally in which neither criminological and interdisciplinary knowledge is implemented in the curriculum of law education nor is the specific perspective of persons with experience of crime and imprisonment integrated. In summary, concerning the criminological situation, the shape of law schools in Germany can be described as neither particularly inclusive nor particularly diverse. By a diverse law school, we mean a climate in which difference is fundamentally recognized as well as appreciated and not understood as something disturbing. An inclusive law school environment means structural conditions that are designed or redesigned to enable participation for all law students.<sup>15</sup>

15 P.-U. Wendt, *Lehrbuch Soziale Arbeit* (2021)

First, through prison projects law schools simply bring law into prisons. By opening law school curriculums to prisoners and introducing them to complex legal matter, law as a subject is made accessible to prisoners, an underprivileged and marginalized group, who themselves have little access to the law.<sup>16</sup> Consequently, prison projects allow law schools to make a significant contribution to opening up the law to marginalized people whose previous biographical experiences with the law have been negative and connected with many frustrations.

Second, through the seminar, future jurists on the one hand and imprisoned humans on the other hand come face to face in the form of a real-life educational setting. Often in law school, the empirical side of law is left out. Law students consequently know very little about the life histories and realities of imprisoned people. When jurists then later in their professional lives interact with offenders, interactions qua institutional mandate are characterized by a strong power imbalance. In the University in Prison, on the other hand, the peer group is used to counteract these tendencies. Prisoners are addressed in the seminar not as prisoners, but as fellow students. In this way, the students of the law school meet them at eye level and experience prisoners in their diversity as subjects. Thus, the perspective of affected people automatically flows into the legal education of future jurists. In addition, imprisoned students bring with them a very specific expert knowledge to which the external students would otherwise not have access. Although not all the participating prisoners are law students, they also benefit from the content taught. By gaining knowledge about their rights, prisoners' access to justice can be improved. Many prisoners lack this knowledge and together with strong power imbalances it can often lead to feelings of powerlessness on the part of the prisoners, and they often lack positive experiences with the law. The feeling of being a rights holder is very important and can be promoted through our university seminar.

The third idea that can be developed follows an observation from our project. To participate in the course as a law student, the prison requires a check of the student's Criminal Record. When we brought up this requirement among law students at the launch of our first seminar, it seemed as if the question about their own biographical experiences with delinquency was extremely shameful. Accordingly, law students did not dare to discuss this question openly with us. After the background check through the prison, it became apparent quite quickly that some law students had previous convictions and accordingly were not given access to the prison and thus to the seminar. This, in turn, has implications for previous theoretical conceptions of law and its representa-

16 J. Feest, W. Lesting & P. Selling, *Totale Institution und Rechtsschutz* (1997); D. Mühlemann, 'Zugang zum Recht - für Gefangene versperrt', <<https://www.humanrights.ch/de/ipf/menschenrechte/freiheitsentzug/gastbeitrag-david-mhlemann-zugang-recht-fr-gefangene-versperrt> (last visited 20 October 2023)>

tives. In the field of criminal justice, law is characterized by a strict dichotomy. On the one hand, there are the jurists, staged as innocent actors who represent and embody the law; on the other hand, there are the defendants, who have brought guilt upon themselves and broken the law. Now, however, it becomes apparent that this theoretical dichotomy is constructed in a way that is out of touch with reality when viewed in terms of the biographies of law students. Experiences of delinquency seem to play a greater role than previously assumed. At the same time, this topic has been taboo at law schools up to now, because this does not fit in with the elitist image of law students. Correspondingly, law schools perpetuate the fantasy of the purity of law by not permitting individuals with a history of criminal records to enrol in law school or to enter jurist preparatory service. Indirectly, our prison project also contributes to deconstructing the elitist image of jurists and de-tabooing the question of biographical experiences with delinquency in the context of law education, which is associated with shame. In this way, it helps jurisprudence to connect with discourses on the role of affectedness in the professional context, which have been present in other disciplines such as sociology, psychology or social work for some time. All in all, University in Prison contributes to a more inclusive climate at law schools for law students who themselves have experiences of biographical fractures.

Some of our theoretical guided assumptions presented here seem to be confirmed in our first evaluations of the "University in Prison" we have conducted.

#### 4.2 Evaluation of the winter semesters 2018/19 and 2019/20

In the first round of the winter semester 2018/19, twelve external students and five imprisoned students participated. The second round in the winter semester 2019/20 consisted of ten external and six internal students. The group of students living in freedom consisted of law students and social work students due to the institutional connection to the two universities FU Berlin and ASH Berlin/ HU Berlin. The imprisoned students came from the fields of cultural studies, philosophy, law, social work and business administration. In the seminars, criminological, penal law and legal philosophy topics were taught using various didactic methods. The topics covered ranged from introductory courses in criminology to aspects of penal law and the special research branch of "Convict Criminology". After each semester, the participants were questioned about their satisfaction with the course and their experiences during the seminar.<sup>17</sup> Regarding the reasons for participating in the seminar, various answers were given, covering the following areas: deepening of criminological knowledge, practical relevance, exchange with imprisoned students and insight into/interest in prison as an institution. Law

students from the outside mentioned that "[...] it's important for future lawyers to know what happens after a verdict." and that they wanted to "[...] elevate the issue from a theoretical level to a humane one." For the imprisoned students, the exchange with other students and teachers was the main motivation.

The students were also inquired regarding their experiences through participation in the course. The external students showed that they had a new or changed view of prisoners and life in prison in general. The opinions and perspectives of the prisoners have been thought-provoking and are seen as an opportunity "[...] to find as many new approaches to criminology as possible, including academia".

*Seeing the differences between my life in freedom and that of the imprisoned students has moved me personally and made me ponder. Are many things too self-evident for me?*

The seminar also had an impact on their perception of the law. The theory of law was "[...] very different from the practice" and one saw "[...] the law from a different side [...]". The imprisoned students also expressed positive views about the experiences they had and mentioned a revived "[...] freedom to work in groups and engage with other qualified perspectives and opinions."

The students were also asked to indicate which of the experiences they had gained could also be relevant to them in terms of their future careers. Here, the dismantling of stereotypes was mentioned as well as the realisation that "[...] prisons in Germany are not that efficient" and that reality often "[...] looks different from the law". In addition, problem awareness was described, which shows the need for action, and some of the students stated that they could imagine working in prison. In conclusion, the students described the encounter with the other participants as consistently positive. The atmosphere was described as "pleasant", "friendly", "respectful", "considerate" and "equal". Still, the special setting of the prison left a lasting impression:

*At first as very oppressive. Over time, you get used to the routine and the dreary surroundings, but an uneasy feeling and great compassion for the inmates remain.*

All in all, the students have rated the previous courses as very successful. Above all, the opportunity for discussion and exchange was positively received. Mainly the short time per seminar unit was criticised. Through the seminar, the external students were able to gain practical experience and access to an area that is usually not accessible. The impressions led the students to change their view of the prison and their perception of the people imprisoned there. The student prisoners described the university in prison as an opportunity to be perceived not only as a prisoner but as a human being and academic.

Teaching in prison is a very enriching and challenging experience. The development of group dynamics is particularly exciting to observe. Initially, there is some scepticism, especially on the part of the imprisoned students, which disappears during the semester. It becomes clear how important and enriching the common ex-

17 J. Knop and J.S. Lanio, 'Abschluss statt Einschluss – Studieren im Strafvollzug am Beispiel des Kooperationsprojekts „Uni im Vollzug“', 1 *Forum Strafvollzug* 55 (2023)

change is for all participating students. This can be seen, among other things, in the lively group discussions and the breaks spent together. At the same time, it is a wonderful development when the external students describe that they have been able to break down prejudices and have gained a new approach to the law and the prison sector. Overall, the seminars are characterised by liveliness and commitment, which is rarely found in classical teaching formats.

Teaching outside of the usual environment can be challenging, especially when it is such a strictly regulated environment as the prison. Usual teaching methods are not always feasible and even as a teacher you are subject to admissions controls.

### 4.3 Impact on imprisoned Students

For imprisoned students, a university course is a precious experience, as studying behind bars is drastically different from studying in freedom. Many central and almost self-evident aspects of studies outside of prison aren't part of the educational experience in prison. External students gain insight into unfamiliar living environments, are confronted with problem situations and get in touch with students from different disciplines.

Education in general permeates various areas of life in the most diverse ways. This applies to the labour market, but also to behaviour and attitudes as well as social participation.<sup>18</sup> Formal education (i.e. school, vocational or university degrees) is the central prerequisite for integration into the labour market.<sup>19</sup> In this context, higher education has a positive influence: people with higher formal qualifications are less likely to be unemployed, have a higher earned income and are more satisfied with their jobs.<sup>20</sup> A rising level of education opens more diverse choices and increases the chance of taking professions that go hand in hand with better working conditions and more autonomy. At the same time, it is widely known from research that a higher level of education has a positive effect on health, health behaviour and quality of life.<sup>21, 22</sup>

For a long time, researchers have been investigating the question of which aspects influence success in higher education. Chickering & Gamson highlighted seven aspects of effective practice that influence the quality of students' educational experience and learning. Those include i.a. contact with students and faculty, cooperation and reciprocity between students and prompt feed-

back.<sup>23</sup> Other scholars also express the importance of out-of-class experiences: Interacting with faculty members is important to develop academic skills<sup>24</sup>, while contact with peers positively influences self-esteem, knowledge acquisition, problem-solving skills and critical thinking.<sup>25</sup> The latter happens through discussing contents, exchanging about ethical issues and working on group projects.<sup>26</sup> Previous research has shown that these interactions are important for student success and satisfaction.<sup>27</sup> Through communication with fellow students, important study experiences and information are exchanged, and help and support are provided.<sup>28</sup> Students describe contact with other students as crucial for their personal and learning development,<sup>29</sup> and students who perceive their faculty members to be available were more likely to report confidence in their academic skills.<sup>30</sup> Due to the general conditions in prison, this form of exchange, apart from the university in prison, with other students and lecturers is not possible. Studies in prison lack exchange with other students and lecturers, group work and lively discussions, and the opportunity to present one's ideas. The lack of exchange between students and teachers is also evident in law studies in freedom. A study by Heublein et al. showed that contacts are relatively underdeveloped and that there seems to be a great distance between students and teachers. This also applies to contact among students: dropouts in particular have significantly less contact with fellow students than graduates.<sup>31</sup>

The effects of education apply equally to prisoners, and from a criminological perspective, they have an even more specific significance concerning the goal of re-socialisation. First of all, the loss of autonomy that inevitably accompanies a prison sentence is considered one of the pains of imprisonment by Sykes.<sup>32</sup> According to Deci and Ryan's theory of self-determination, autonomy is one of three basic human needs containing the urge to be responsible for one's own life and act according to

- 18 Autorengruppe Bildungsberichterstattung, *Bildung in Deutschland 2018* (2018)
- 19 Autorengruppe Bildungsberichterstattung, *Bildung in Deutschland 2020* (2020)
- 20 Autorengruppe Bildungsberichterstattung, *Bildung in Deutschland 2018* (2018); Autorengruppe Bildungsberichterstattung, *Bildung in Deutschland 2020* (2020)
- 21 Autorengruppe Bildungsberichterstattung, *Bildung in Deutschland 2018* (2018); V. Raghupathi and W. Raghupathi, 'The influence of education on health: An empirical assessment of OECD countries for the period', 78 *Archives of Public Health* 1995 (2020)
- 22 It must be stated that the influence of education on health is very complex. Those relationships cannot be evaluated further in this respective paper.

- 23 A.W. Chickering and Z.F. Gamson, 'Seven principles for Good Practice in Undergraduate Education', *AAHE Bulletin* 3 (1987)
- 24 G.D. Kuh, J. Kinzie, J.A. Buckley, B.K. Bridges & J.C. Hayek, *What Matters to Student Success: A Review of the Literature Commissioned Report for the National Symposium on Postsecondary Student Success: Spearheading a Dialog on Student Success* (2006)
- 25 G.D. Kuh, 'The Other Curriculum: Out-of-Class Experiences Associated with Student Learning and Personal Development', 66 *The Journal of Higher Education* 123 (1995)
- 26 A.W. Astin, *What matters in college: Four critical years revisited* (1993)
- 27 A.W. Astin, *What matters in college: Four critical years revisited* (1993); G.D. Kuh, J. Kinzie, J.A. Buckley, B.K. Bridges & J.C. Hayek, *What Matters to Student Success: A Review of the Literature Commissioned Report for the National Symposium on Postsecondary Student Success: Spearheading a Dialog on Student Success* (2006)
- 28 U. Heublein, C. Hutzsch, N. Kracke & C. Schneider, *Die Ursachen des Studienabbruchs in den Studiengängen des Staatsexamens* (2017)
- 29 G.D. Kuh, 'The Other Curriculum: Out-of-Class Experiences Associated with Student Learning and Personal Development', 66 *The Journal of Higher Education* 123 (1995)
- 30 M. Komarraju, S. Musulkin & G. Bhattacharya, 'Role of student-faculty interactions in developing college students' academic self-concept, motivation, and achievement', 51 *Journal of College Student Development* 332 (2010)
- 31 U. Heublein, C. Hutzsch, N. Kracke & C. Schneider, *Die Ursachen des Studienabbruchs in den Studiengängen des Staatsexamens* (2017)
- 32 G.M. Sykes, *The Society of Captives* (1985)

their values.<sup>33</sup> The fulfilment of that need is necessary for the well-being and the development of the individual self.<sup>34</sup> “[...] [E]xcessive control [...]”,<sup>35</sup> a factor that is particularly present in prison, can lead to a loss of control over everyday aspects of life and the ability to make basic decisions.<sup>36</sup> Taking up studies in prison and especially participating in a university course like “Uni im Vollzug” can restore the feeling of control and give back a sense of autonomy. From the crime and treatment theory perspective, education can be a decisive factor, especially in maintaining a crime-free life. According to Hirschi,<sup>37</sup> people are fundamentally inclined to delinquent behaviour, which can only be prevented through social bonds. He differentiates between attachment and commitment, where attachment primarily describes the social component of bonding with family members, peers or colleagues. Higher education and taking up studies can generate new networks and build relationships with fellow students and lecturers. The fear of losing respect or esteem through social ties prevents delinquent behaviour.<sup>38</sup> Education is also important when it comes to commitment: Hirschi himself emphasises the relevance of educational and vocational goals and argues that a person who has invested in these goals must fear losing the opportunity to achieve them. Delinquent behaviour thus becomes less likely.<sup>39</sup> Laub & Sampson argue similarly when they talk about so-called turning points within the framework of the age-graded theory of informal social control.<sup>40</sup> These turning points, which primarily include employment, lead to an increase in informal social control and thus contribute to a successful life free of punishment. In addition, from the perspective of treatment theory, the Good Lives Model (GLM) should be mentioned as a rehabilitation theory. Ward & Stewart emphasise that the non-fulfilment of basic human needs leads to problematic behaviour, which can manifest itself in criminal behaviour.<sup>41</sup> The Good Lives Model thus focuses on the resources needed to lead a “good life”. A total of eleven basic needs are named, which include competence in work and knowledge. Within the framework of intervention plans, education and training are primarily targeted to achieve these

goals.<sup>42</sup> Empirically, the importance of education for resocialisation and recidivism is also emerging, even though there is a lack of research results from German-speaking countries. In a meta-analysis, Bozick et al. investigated how effective educational programmes - including academic and vocational courses, basic adult education and high school courses - are for imprisoned adults in the US penal system.<sup>43</sup> Across the studies they examined, they found that inmates who participated in educational programmes were 32 per cent less likely to recidivate. The impact of different forms of education cannot be determined due to unclear differentiation, overlap and lower research quality.<sup>44</sup> However, the authors conclude that “[...] correctional education may be an effective way to prevent recidivism for prisoners across the spectrum of ability and academic preparedness”.<sup>45</sup> The results of a recent study of imprisoned women in Poland show that also well-being is related to the level of education: Women with secondary or higher education had a higher level of psychological well-being. While the exact direction of this relationship remains uncertain it is frequently explained by the idea that education imparts knowledge, skills and opportunities that enable individuals to reach their goals and enable their potentials. The authors even conclude that education is one of the most important forms of rehabilitation.<sup>46</sup> In conclusion, it can be stated from both a theoretical and empirical perspective that (higher) education can be an important element in the resocialisation process, especially for inmates with higher educational qualifications. Education offers new social networks, increases chances on the labour market and contributes to achieving a fulfilling and crime-free life.

## 5. Conclusion

Overall, the “University in Prison” is a very innovative learning and teaching project as it challenges the status quo at law schools in Germany in many ways. It is a transformative educational experience for all participants, students and teachers, and enables participation

33 E.L. Deci and M. Vansteenkiste, *Self-Determination and Basic Need Satisfaction: Understanding Human Development in Positive Psychology* (2003)

34 R.M. Ryan and E.L. Deci, ‘Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development and Well-Being’, 55 *American Psychologist* 68 (2000)

35 R.M. Ryan and E.L. Deci, ‘Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development and Well-Being’, 55 *American Psychologist* 68, at 76 (2000)

36 C. Haney, *The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment* (2002); V.L. Shammass, ‘Pains of imprisonment’, in K. Kerley (eds.), *The Encyclopedia of Corrections* (2017) 1

37 T. Hirschi, *Causes of Delinquency* (1969)

38 M. Kotlaja and R.F. Meier, ‘Social Bond Theory’, in R.D. Morgan (eds.), *The Sage Encyclopedia of Criminal Psychology* (2018) 1399

39 T. Hirschi, *Causes of Delinquency* (1969); M. Kotlaja and R.F. Meier, ‘Social Bond Theory’, in R.D. Morgan (eds.), *The Sage Encyclopedia of Criminal Psychology* (2018) 1399

40 J. Laub and R.J. Sampson, ‘Understanding desistance from crime’, 28 *Crime and Justice* 1 (2001)

41 T. Ward and C. Stewart, ‘Criminogenic needs and human needs: A theoretical model’, 9 *Psychology, Crime and Law* 125 (2003)

42 R. Kammerer, ‘RNR (Risk-Need-Responsivity) und GLM (Good Lives Model) und ihre Rezeption in der Praxis’, in B. Maelicke and C. Wein (eds.), *Resozialisierung und Systemischer Wandel* (2020) 101

43 R. Bozick, J. Steele, L. Davis & S. Turner, ‘Does providing inmates with education improve postrelease outcomes? A meta-analysis of correctional education programs in the United States’, 14 *Journal of Experimental Criminology* 389 (2018)

44 R. Bozick, J. Steele, L. Davis & S. Turner, ‘Does providing inmates with education improve postrelease outcomes? A meta-analysis of correctional education programs in the United States’, 14 *Journal of Experimental Criminology* 389 (2018); L.M. Davis, R. Bozick, J.L. Steele, J. Saunders & J.N.V. Miles, *Evaluating the Effectiveness of Correctional Education* (2013)

45 R. Bozick, J. Steele, L. Davis & S. Turner, ‘Does providing inmates with education improve postrelease outcomes? A meta-analysis of correctional education programs in the United States’, 14 *Journal of Experimental Criminology* 389, at 404 (2018)

46 A. Zajenowska, D. Jasielska, J. Rajchert, K. Nawrocka, O. Macianowicz, M. Smolen & M. Bodecka, ‘Wellbeing and Sense of Coherence Among Female Offenders and Non-Offenders: The Importance of Education’, 101 *Prison Journal* 41 (2021)



for all law students; even those who are imprisoned. Law as a subject is made accessible to studying prisoners in general, irrespective of their subject of study. For external law students, a real-life educational setting is created, giving them a challenging and exciting learning experience. This is not only beneficial for their general course of studies, but also prepares them for later professional activities and enables them to take along different perspectives. Hereby we strengthen the decision-makers of tomorrow. Furthermore, the special form of the seminar, namely the more intensive sessions and the experiences made together can strengthen the contact between students and teachers. Something that is often missing in the regular university context but is relevant for satisfaction and success at university. With the project, we can, on a superordinate level, deconstruct the elitist image of jurists and law studies and make law studies more inclusive. For this reason, it is our vision that in the coming years, other law faculties in Germany will follow the “Berlin model” and implement cooperation between their law faculty and a prison within the framework of the special educational format “University in Prison”. Ideally, our project can also serve as a model on a European level and inspire universities in other countries to include such a format in their curricula.