**Exploring Autoethnography as a Method and Methodology in Legal Education Research**

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**Abstract**

Legal education is a new area for autoethnographic research. Indeed, there is a significant lack of autoethnography located in higher education generally. This paper explicitly seeks to fill a considerable gap in the literature by fixing the narrative in the law school. Drawing on her own autoethnographic vignettes and reflexive journal entries, the author provides a first-hand account of entering the world of autoethnography. She argues that the hyper-reflexivity at the heart of a narrative approach is valuable and appropriate for legal education research. Yet, she also addresses and explores the challenges of such an approach, including subjectivity, ethics and the politics of discontent.

**Autoethnography: hyper-reflexivity**

***Vignette 1: I meet Alice and Ted***

‘*I stand on a crowded Metro train, heading home from work. Almost immediately, I find refuge in part of the carriage that divides the two seating areas of the carriage. Here there is only space for a few people to stand and, out of politeness, most avoid. I am safe in this space. I greedily retrieve my latest autoethnography book from the bottom of my bag. It is battered and bruised. Pages are coming out at the back. The experienced life of a university library book. I pause for a moment to consider how many people have flicked through this book before me, how many children have put it in their mouths, and how many bags it has rested in on other journeys to someone’s home. The train sways from left to right taking my body with it.*

*I find the chapter I want to read. It is an abortion narrative. Performed by ‘Alice’ and ‘Ted’, the authors speak to the audience and to each other. This is Carolyn Ellis & Art Bochner’s story - their lived experience of an unwanted pregnancy 10 weeks into their relationship. As the fear, joy, confusion, resignation, anger and numbness spills from the page, I am living the experience with them. The train sways from left to right taking my body with it. As the story reaches its crescendo and Alice is entering the hospital, I start to feel sick. The train sways from left to right taking my body with it. I feel lightheaded. The train sways from left to right taking my body with it. I feel a dull ache in my stomach. The train sways from left to right taking my body with it.*

*I find a seat and take deep breaths. I send a WhatsApp message to my partner, telling him it’s the closest I’ve ever come to passing out.*’

Autoethnography is a research method and methodology which uses the researcher’s personal experience as data to describe, analyse and understand cultural experience.[[1]](#footnote-1) It is a form of self-narrative that places the self within a social context.[[2]](#footnote-2)

The phrase was first employed (as ‘auto-ethnography’) in the 1970s. The anthropologist Karl Heider[[3]](#footnote-3) used it to describe the way in which members of a culture - in his case 60 Grand Valley Dani schoolchildren - could give accounts about their own experiences by giving responses to the question ‘what do people do?’. Later, David Hayono[[4]](#footnote-4) used the phrase to explain the phenomenon of ethnographers researching their ‘own people’. Whilst Heider and Hayano, brought autoethnography into the research lexicon, the traditional notions of ethnographic research endured. There remained a separation between the researcher and the researched.

Throughout the 1980s, propelled by a ‘crisis of representation’[[5]](#footnote-5), social researchers started to ‘radically rethink’[[6]](#footnote-6) the way that they conducted research. Autoethnography emerged as a method which allowed research to be done on one’s self. Those at the forefront of this new movement, such as Carolyn Ellis, Art Bochner and Norman Denzin, rejected positivist notions of truth and validity. They argued that personal narrative could produce complex and meaningful phenomena which introduced unique ways of thinking and feeling and helped people to make sense of themselves and each other.[[7]](#footnote-7) By putting the *researcher’s* experience, emotions and interactions at the centre of the story, this made the research into that particular phenomenon richer and more meaningful. Personally, I think of autoethnography as an ‘ultra’ or ‘hyper’ reflexive process.

By its very nature, autoethnography is both process and product. You ‘do’ autoethnography. Autoethnographic researchers write novels[[8]](#footnote-8), narratives[[9]](#footnote-9), conversations[[10]](#footnote-10), field notes[[11]](#footnote-11), and diaries and journals.[[12]](#footnote-12) Autoethnography is known to ‘incite creativity’[[13]](#footnote-13) and this has led to a performative[[14]](#footnote-14) and poetic[[15]](#footnote-15) strand known as interpretative autoethnography.[[16]](#footnote-16) Madison has described performative autoethnography as writing that shows, does not tell, hesitates, stutters, enacts what it describes, is evocative, reflexive; writing to embrace, enact, embody, effect.[[17]](#footnote-17) However, this description can equally be applied to other forms of autoethnography. The doing and producing are inextricably connected, and many autoethnographers make use of extracts of their stories to facilitate insight into the research process itself.[[18]](#footnote-18)

By immersing ourselves in a personal narrative we too can undergo that experience. Not everyone will have the strong visceral reaction which I had when I read Ellis and Bochner’s story of abortion. However, my response to that piece demonstrates the power of storytelling. Not only did I find myself being placed in role of Alice, I was also Ted - trying to work out a way of supporting Alice whilst wrestling with my own conflicting feelings about becoming a parent. I was then able to come to an understanding about my own social identity and my own internal processes in respect of pregnancy. Ellis and Bochner were being hyper reflexive, but so was I. On that Metro journey, it was a whirling cycle of Ellis, Bochner, Alice, Ted and me. All trying to make sense of an experience and analysing our own ‘cultural norms, experiences and practices’.[[19]](#footnote-19)

**The place for autoethnography in legal education research**

I was first introduced to autoethnography by my research mentor. She noted that my written work leaned towards reflection and that I appeared to have a strong desire to express myself. With that in mind, I might be interested in autoethnography? Faced with a word that I had never heard of, the following vignette describes what happened next.

***Vignette 2: Finding my island***

‘*I realised that autoethnography was for me about 15 minutes after pressing play on a YouTube video[[20]](#footnote-20) of Art Bochner and Carolyn Ellis. At the time, I had no idea that Art and Carolyn were the architects of autoethnography. Their names were unfamiliar and it was by chance that I came to see them and hear their voices. It was late and dark and I was tired. The iPad followed me around the house as I cooked and tidied up. I checked work emails and planned strategies. Then I typed “autoethnography” into Google. The video was fairly near the top. Easier to listen to people speaking than try to read as you’re sorting the house, I thought.*

*Listening to Art and Carolyn I began to realise that autoethnography would allow me to use my personal voice. It would grant me permission for perspective to be communicated as research… I wrote in my diary that I had “found my island”.*

*I began to consume autoethnographical articles. I read at least two a day - one on the way to work, one on the way home. I asked for autoethnography books for Christmas. I followed all the autoethnographers on twitter.’*

Several times during this vignette, I speak of the ‘permission’ given by autoethnography to use the personal voice. It ‘allows’ me to communicate my thoughts, feelings and experiences. On analysis, the language I have used derives from a perceived criticism of my work. Drafts submitted for peer review have been universally described as ‘engaging’. Whilst this has positive connotations, I have come to see it as a (negative) judgement on the merits of my scholarship. My work is engaging - but not robust. It is engaging - but not academic enough. It is engaging - but contains too much personal view.

Criticism on the reflective nature of my work has meant that I have, on occasion, changed my writing style and used forms of research (such as focus groups/interviews) that are viewed as being more acceptable. I described this process to colleagues as an exercise in sucking the life out of the text. This accords with Richardson’s[[21]](#footnote-21) view of traditional academic writing, where the style is ‘deadening’[[22]](#footnote-22) even when the topic is riveting. This is because it includes:

‘passive voice, absent narrator, long, inelegant, repetitive authorial statements and quotations; “cleaned up” quotations, each sounding like author; hoards of references; sonorous prose rhythms, dead or dying metaphors; lack of concreteness or overly detailed accounts; tone deafness; and, most disheartening, the suppression of narrativity’.[[23]](#footnote-23)

The latter issue - the rejection of story-telling - is the most troubling. We need stories of lived experience in order to amass multi-layered knowledge of a phenomenon, understand its truths and meanings and its place in the culture. The thick description embodied in an autoethnographic approach can help make sense of our own experiences. Whilst we write about different issues, I agree with Lisa Tillmann-Healy’s straightforward explanation as to the value of autoethnographical writing: ‘I can show you a view no physician or therapist can, because, in the midst of an otherwise “normal” life, I experience how a bulimic *lives* and *feels’.[[24]](#footnote-24)*

**Autoethnography and legal education**

Legal education lends itself well to autoethnography. It is a rich site of interest from which illuminative questions about our socio-cultural life, constraints and desires can be raised. The issues faced by many legal educators - the changes to legal training, new understandings of what it is to be a lawyer, legislative effects, student and staff engagement with technology, different constructions of good ‘teacherhood’, distance learning and other modes of teaching, the diverse make-up of student bodies (to name but a few) - are rich pickings. However, perhaps surprisingly, academic practice in higher education is an underexamined area in autoethnographic literature.[[25]](#footnote-25)

Reed-Danahay is a strong critique of ‘misleading’[[26]](#footnote-26) titles which mention educational settings but do not ‘deal explicitly with academic practices and university settings’.[[27]](#footnote-27) I agree with her visualisation of the university as a site of ‘power and conflict’ whilst being, at the same time, a location for ‘intellectual growth and discovery’.[[28]](#footnote-28) I would also add that higher education can be a sphere for human (not just academic) development and discovery, especially in the interactions between teachers and students. In clinical legal education circles, for example, clinicians (such as myself) often claim that live client clinic provides a space for a transformative event in our students’ lives. Much of this is due to the collegiate nature of the role of the clinical supervisor and student as they work towards the common goal of advising the client. Yet, we rarely provide any evidence for any such transformation beyond survey data and extracts from student feedback questionnaires. We do not delve into our own thoughts, feelings, emotions and interactions as a way of understanding our own roles and the educational and personal effect(s) that role has. Like Reed-Danahay, I want critical autoethnography to adopt education - in this case legal education - as a ‘realm for observation and analysis’[[29]](#footnote-29) so that our knowledge can make a contribution to the field. I want to see rich, analytical autoethnographies where teachers engage in hyper reflexivity which allows all of us to enter their world and gain a deeper understanding of the culture of legal education.

What is the reason for the lack of autoethnography in legal education? The answer to this can perhaps be found by going back to Richardson’s critique of traditional writing styles. In that piece, she appears to rally against the condemnation of reflective pieces - that ‘making that [lived] experience the centrepiece of an article seems Improper, bordering on Gauche and Burdensome’.[[30]](#footnote-30) However, she then goes on to say that in breaching ‘sociological writing expectations by writing sociology as poetry’ she hopes she’s not gone ‘beyond Improper’.[[31]](#footnote-31) This demonstrates the problem I believe legal educators are faced with. We often hear of imposter syndrome where scholars feel that they are unworthy of entering the academic sphere, regardless of their abilities and accomplishments. Those who wish to publish narrative, autoethnographic accounts suffer from a similar issue – the sense that this is unworthy and not sufficiently academic. We could call this ‘improper syndrome’. Earlier this year, I noted in my reflective diary that I was haunted by the remarks that I made to colleagues where I said that my autoethnographic work was ‘*easier, because it’s all about me*’. Here, I was falling directly into the trap of making excuses for my methodology. I was endorsing the idea that my work was less academic because of its style. What I should have done was explain that I had ‘found my island’ and therefore the words simply flowed onto the page with greater ease. If we accept the idea that ‘improper syndrome’ is an imposed construct, then we should not worried about being criticized in this way. We should, however, be prepared to provide a strong, clear and unapologetic explanation as to why autoethnographic work has value within our field.

**Difficulties surrounding autoethnographical writing**

I believe in the relevance, value and power of autoethnographical legal education research. Nevertheless, I also wrestle with a number of reservations, questions and worries. The article is not intended to provide an in-depth exploration of those issues, but it would be wrong not to (at the very least) acknowledge them.

As I have taken my first steps into autoethnography, three issues have been at the forefront of my concerns. These are subjectivity, ethics and (what I call) the politics of discontent.

Subjectivity

In his article exploring the ‘criteria’ that we, as scholars, judge our work on, Bochner writes that there is no right way of doing social science research.[[32]](#footnote-32) The academic world, he says, is ‘preoccupied with rigor’ but ‘neglectful of imagination’.[[33]](#footnote-33) Initially, my concern on reading that piece was that the introduction of imaginative elements could mean that narrative research turned into an exercise in fictional story-telling. This was compounded when I read Bochner’s declaration that the purpose of self-narrative is ‘to extract meaning from experience rather than to depict the experience exactly as it was lived’.[[34]](#footnote-34) I wrote in my reflective diary: ‘This is my concern… I’m not re-enacting everything exactly as it occurred’. The fact that I have edited that extract from my own diary (as it contained a reference to field notes that I felt did not fit within this section on subjectivity) shows that experiences can be altered or re-interpreted by the teller to suit the purpose of the story.

Over time, I have found that I have come to favour Anteby’s view that the taboo against telling our stories stems from an ‘epistemological misunderstanding’.[[35]](#footnote-35) It is our own involvement in the story – not the precise replication of the event - which can provide strong theoretical insight. We are conditioned as researchers to see subjectivity as a contaminant. Yet, that contaminant is always present. As Peshkin states, ‘whatever the substance of one’s persuasions at a given point, one’s subjectivity is like a garment that cannot be removed. It is insistently present in both the research and nonresearch aspects of our life.’[[36]](#footnote-36) Instead of trying to remove the garment and declare ourselves clean of subjectivity, it is important to acknowledge it and deeply analyze the reasons why the researcher has approached issues, questions and experiences in that way.

Ethics

The central maxim for the ethical researcher is ‘do no harm’. Any researcher - be they using qualitative, quantitative or mixed methods - must take into consideration the effect their study will have on any human participants. In traditional research, one of the ways of countering any ethical issues is to obtain informed consent from your participants. This is usually by way of formal consent form which is accompanied by a description of the purpose and structure of the study. This works efficiently in traditional legal education research where participants (typically students) are interviewed, or complete a survey or questionnaire. You might expect an autoethnographical study to be simpler. After all, the only participant is the researcher and therefore informed consent is surely implicit? However, as this next section shows, autoethnographical accounts put the researcher on ‘dodgy ground’.[[37]](#footnote-37)

***Vignette 3: Self-care***

*‘When I excitedly follow my partner around the kitchen rambling excitedly about this new methodology I have discovered, he stops, turns to me and says:*

*“Actually, I think this is quite dangerous for you”.*

*“Why?”, I blurt out in a somewhat teenage-like way, with facial expressions to match.*

*He doesn’t answer directly. Something about too much introspection (though he doesn’t use the word). Something about thinking too much and getting carried away. I am disappointed and frustrated that he isn’t as excited as me, but I know exactly what he’s trying to say. I can already feel this research ticking away at the back on my head, none stop. If I go down this path the research button will always be flicked “on” and never “off”.’*

I have had many (internal) discussions about whether to disclose that conversation in this paper. That, in itself, is evidence of the difficulties associated with autoethnography. How much do you give away? What if your story brings up issues that you hadn’t fully appreciated, or had locked away and were ignoring? Looking at it from another perspective, what if you are comfortable with what you are saying, but others are not? The fundamental question is: ‘do I have the courage to be totally honest no matter what I might find?’.[[38]](#footnote-38)

Sikes[[39]](#footnote-39) notes that an increase in professional doctorates have led to an increase in research based on a workplace topic. She warns that this ‘insider research’[[40]](#footnote-40) is inherently sensitive and, therefore, ‘potentially dodgy in both ethical and career development terms’.[[41]](#footnote-41) The fact that she doesn’t go on to say how to deal with the dodgy ground or how those career development issues might manifest, makes the issue all the more concerning. There is a heightened risk for educational researchers, compared to, for example, researchers who are exploring their own health issues. We are researching our own career and what we say can be interpreted, not necessarily with positivity, by those who are in senior management positions.

One of my favourite pieces about being an academic is Carolyn Ellis’ 2011 article entitled ‘Jumping On and Off the Runaway Train of Success: Stress and Committed Intensity in an Academic Life’.[[42]](#footnote-42) Here, she uses the lyrics of Soul Asylum’s Runaway Train as a lens/thing through which she can describe how she was ‘derailed’ and ‘blowing the whistle’ during a difficult period in her working life. Ellis’ rich description of the ‘committed intensity’[[43]](#footnote-43) of academic life struck a chord. It was the first time I had read a piece that provided such a personal and frank account of the daily struggles associated with academic life within a university. However, I also queried how she got away with exposing to all who read the piece how she woke up at 3am most mornings overworked and full of stress. There was subtle - but present - criticism of her superiors. This was something which made me recoil from the page. Whilst this was a truthful account, how might it affect her relationships with her colleagues? Her career prospects? On reflection, what I was doing was trying to reconcile my belief that autoethnography is a powerful tool in legal education research and my desire to protect my own position as a participant in that research process. This is something that I am still processing.

***Should I read my journal entry to you? - a conference paper abstract***

The abstract below is from a paper that I will present at the British Autoethnography Conference in October 2015, Aberdeen, Scotland. It is replicated in its entirety, including original referencing style. The abstract directly confronts my concern as to how I can do autoethnography without harming anyone who might be or become part of my story.

***‘****On the morning of Monday 27th October 2014 I walked into my office, took my coat off, sat down at my desk and wrote 407 words in my journal. My pen worked quickly. The words flowed. I wrote how I felt about my students, the legal work I was overseeing, and the committed intensity (Ellis, 2011) of academic life. I closed the journal, and got on with the rest of my day.*

*Should I share those words with you?*

*My reticence to do so is shaped by my identity as an experiential educator. I supervise law students working in the Student Law Office, a solicitors’ practice at the heart of a degree programme which emphasises learning through doing. As a supervising clinician, I am required to continuously assess my students’ performance – their autonomy, professionalism, research, written skills, knowledge, understanding, and commitment – as they provide free legal advice to the public.*

*If I share the journal entry, how will my students react to my words? Will they query if and how my emotions affected my assessment of their work? Even though they are not named, they are visible participants in my story (Chang, 2008), and Tolich’s (2010) criticism of autoethnographic ethics hangs heavy.’*

It is inevitable that other people will be (in)direct participants in autoethnographic research. Even if I went on a year-long retreat into a cave without human company I would naturally reflect on the people who I had encountered in my life, those who moulded me, those whose advice I did or did not heed. At the end of the conference paper I will make the decision as to whether to share the journal extract with the audience or not.

The guidance on third party ethics in autoethnography is of varying quality. Many articles either raise it as an issue and then offer generic advice, or simply skirt around the problem. Tolich[[44]](#footnote-44) appears to be angered by what he sees as lax ethical approaches in autoethnography, and the harm that this can cause (indirect) participants. Using Jago’s account of battling depression whilst an academic as an example, he both praises and takes issue with Journal of Contemporary Ethnography which published her article. In that article, Jago writes about 23 persons or groups, including students, her therapist, former and current partners, her academic dean, and other colleagues. Tolich congratulates the Journal ‘for acting as a watchdog’[[45]](#footnote-45) and raising concerns about those whose personal experiences were referenced in the story. However, he also states that the Journal failed to go ‘far enough ethically’[[46]](#footnote-46), noting that gaining retrospective consent from those participants would always be a coercive process. As he puts it, ‘Jago self-reported being on a knife edge or razor edge whilst writing the article, and that the publication of the article underpinned her academic salvation…Under these circumstances, how could any of the 23 persons listed in the article say, “No, don’t use my story”?’.[[47]](#footnote-47)

Drawing together a number of publications on relational ethics, Tolich presents 10 foundational guidelines which are:

1. Respect participants’ autonomy and the voluntary nature of participation, and document the informed consent processes that are foundational to qualitative inquiry

2. Practice “process consent”, checking at each stage to make sure that participants still want to be part of the project

3. Recognize the conflict of interest or coercive influence when seeking informed consent after writing the manuscript

4. Consult with others

5. Do not publish anything that you would not show the persons mentioned in the text

6. Beware of internal confidentiality

7. Treat any autoethnography as an inked tattoo by anticipating your future vulnerablity

8. No story should harm others, and if harm is unavoidable, take steps to minimize harm

9. Use a nom de plume if you are unable to minimize risk

10. Assume all people mentioned in the text will read it some day.[[48]](#footnote-48)

It is difficult to argue with these sensible guidelines. Yet I am still left with questions as to how to obtain consent from people when I do not know if and how they will be part of the story. When I am free writing the story, do I have to stop and gain consent if I suddenly realise that I am writing about another human? Do I walk around the Law School going from room to room to announce ‘*I am an autoethnographer and I might write something which may or may not have a connection to you one day*’? At the start of the academic year, do I need to tell students about my research and ask them to complete an informed consent form on the chance that I might write them into my story? I have not found answers to these questions.

As my conference paper abstract shows, my main concern as a new autoethnographer is that students will read my work and have an unfavourable impression of me as a teacher. Teachers should be the swan, gliding away on the surface whilst furiously flapping out of sight deep within the water. Exposing the inner workings of and influences on my academic practice may lead to former students questioning how I have interacted with them and their work. As educators we are happy sharing teaching strategies, for example how to encourage a quiet student to participate more in class. Writing directly about a particular student, our feelings and thoughts (frustration? disappointment? bias? ) towards that student, how that interaction affected our day is something completely different. I do worry that this will do harm. I am however, encouraged by Akinbode’s account of sharing her narrative of teaching practice and experience with a group of students, set out below. In exploring her lived experience with students, Akinbode was able to access the students’ own lived experience and construct a congruent narrative which offers a valuable and meaningful account of a much talked about element of teaching practice.

‘I read out my narrative, not expecting these student nurses to be interested. The first response came from a student who had been quiet and had not yet spoken in the two hours that we had been together; however, I had been very aware of her. She said that my description of being “invisible” described perfectly her regular classroom experience.’[[49]](#footnote-49)

The politics of discontent

Autoethnography is being increasingly adopted by a number of researchers, but this means that it has been reduced to the unfortunate moniker of ‘mesearch.’[[50]](#footnote-50) On the surface this is fun way to describe the main element of the methodology - to look within one’s self. However, the idea that ‘it’s all about me!’ leads autoethnographers into dangerous territory.

In their 2015 article, ‘Storm Surge: An Autoethnography About Teaching in the Australian Outback’, Ernst and Vallack write about the implementation of a new, assessment-driven, National Curriculum.[[51]](#footnote-51) The authors’ frustration with the new system is palpable from the start of the piece. They wanted to get ethical approval to investigate the effect of the curriculum on their students. This was denied. Therefore, they write, autoethnography gave them ‘license to write my story’.[[52]](#footnote-52) Reading the piece there is a strong sense of glee, rubbing hands together and going ‘right, let me tell you what I think about this!’.

I understand Ernst and Vallack’s frustration at a system which places testing above learning, creativity and enjoyment. The examples they give of the children adversely affected by the new curriculum are compelling, and they clearly have the children’s best interests at heart. However, I question whether the purpose of autoethnography is to give us a ‘license’ to air our grievances. In my reflective diary I wrote: *‘Comes across as a great big moan at the system and the people who are pushing forward the changes. Feeds right into my fears that AE [autoethnography] will just be a big tool to moan’.*

Like Tolich, I also query the effect that this piece could have on the children, parents and colleagues (some of whom disclosed that they were on leave for stress) written into the story. In the article, Ernst and Vallack wrote that as they were not involving co-researchers they did not need ethical approval to write the piece. Autoethnography should not be used as a method to avoid ethical discussions. We need critical, analytical autoethnographies, not ethically questionable rages.

Conclusion

In this paper, I have used a reflexive autoethnographic method to demonstrate the value of such an approach in legal education research. Narrative approaches - if approached critically and with an analytical framework - can both capture and produce meaningful phenomena. Although there are still unanswered questions in respect of ethical issues, legal education teaching and practice is a rich field which is yet to be mined by autoethnographic researchers. If we can begin to produce deep, critical autoethnographies locating our narrative in the law school then we can allow others to understand our socio-cultural practices and experiences.

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