

# The Issue of Law in Conversations with People with Intellectual Disabilities

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## ABSTRACT:

The subject of analysis presented in the following article is a qualitative description of the experience of law principles by people with mild intellectual disability benefiting from activities provided by the International Vocational Activity Facility. Gathered empirical data (in accordance with interpretative paradigm and phenomenographic approach) facilitated encoding and describing the meaning of law principles placed in widely understood subjects' consciousness and facilitated the description of the context, sources, and functions of law principles.

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## INTRODUCTION

The Law<sup>1</sup> is one of the most critical topics of daily meetings with people with intellectual disabilities residing at the Intercommunal Vocational Activity Facility (mzaz)<sup>2</sup> in Dobra. During the discussions, both positive and negative features of the law are mentioned. On the one hand, the discussion participants emphasize that they have the right to exhibit certain behaviors, own certain objects, and use particular services. On the other hand, they demonstrate inadequacies and legal loopholes and the inadequacy of specific legal provisions to meet their needs and possibilities.

Guided by the importance of the issue in acquiring the skills of cooperation and co-existence in the environment, I decided to conduct research that aims to present, describe, and explain the ways of understanding, perceiving, conceptualizing, and experiencing the phenomenon of law in terms of its content, sources, and functions by adults with a mild intellectual disability participating in classes organized by the Inter-Communal Vocational Activity Centre. I wanted to diagnose the problem<sup>3</sup>, which led me to build the research problem based on the question, “How do things actually work”? According to the phenomenographic procedure, this should be a question about concepts of experiencing the law phenomenon. The constructs of these concepts should emerge in the course of analyzing the research material according to a procedure consisting of condensing the text of statements from 10 interviews about the law, its meaning for adults with intellectual disabilities participating in mzaz

activities, comparing thematic fields, revealing differences and similarities, and identifying categories for describing the experience of the law its content, sources or functions.

My main research question was: Which concepts of experiencing the Law (content, sources, functions) are formed by adults with mild intellectual disabilities who participate in activities organized by the Intercommunal Vocational Activity Centre?

## ASSUMPTIONS REGARDING THE AUTHOR'S RESEARCH

I conducted my research using a qualitative strategy (Denzin & Lincoln, 2009; Gjermestad et al., 2022; Leko et al., 2021; Schwartz et al., 2020), assuming after Norman K. Denzin and Yvonne S. Lincoln that ‘quality researchers seek answers to questions about how social experience is created and how meaning is given’ (Denzin, Lincoln, 2009, p. 34)<sup>4</sup>. In my research, I used the interpretative paradigm to understand reality as it presents itself to its participants (social actors) (Gjermestad et al., 2022). I considered phenomenography to be an adequate method for the adopted strategy.

According to Marton (1986), phenomenology is the description of phenomena that are revealed in direct experience. It is an empirical study of qualitatively different ways of conceptualizing the experience of phenomena of the surrounding world. As emphasized by Astrid Meczowska, the essence of such research is “the analysis of human consciousness through the prism of the meanings present in its scope that are given to the experienced phenomena” (Meczowska, 2002, p. 19). The cognitive result is the knowledge of ways of experiencing phenomena revealed through concepts of phenomena that the subject externalizes in the form of behavior, conceptual thinking, or direct experience (Bartnikowska, Ćwirynkało, 2023). Describing these concepts is the intention of phenomenographic research (Leko et al., 2021).

In phenomenography, the interview is the most frequently used tool (Bains, Turnbull, 2022). In the research presented here, an individual interview of a semistructured

<sup>1</sup> The content presented here is part of a wider study on the concept of law in the minds of adults with intellectual disabilities. A description of selected parts of this research can be found in the article Kaliszewska, K., & Żółkowska, T. (2020). Understanding the law by people with mild intellectual disabilities, *People - Disability - Society* 2020; 47(1), 37-69 PROVIDE THIS IN THE REFERENCES.

<sup>2</sup> Międzygminny Zakład Aktywności Zawodowej in Dobra, near Szczecin. In the following sections of this thesis, we will use the abbreviation: mzaz.

<sup>3</sup> Typically, studies begin with a presentation of theoretical reflections, the rationale of the research derived from the literature and aimed at developing a theoretical model, which is then used in interpreting the research findings. In this article, I have consciously introduced a different layout of the text from the typical one (cf. Gajdzica, 2013). Part of the reason for this was the desire to avoid at least some of the preconceptions that could affect the interpretation of the research material (Gadamer, 2022). In interpreting the respondents' statements, I refrained from adopting theoretical premises. I also did not formulate any expectations as to how the analyzed subject of the research should turn out in a group of people with mild intellectual disabilities.

<sup>4</sup> The subject of the research was the meanings given to experiences related to the concept of law. By ‘experiences’ I mean, spontaneous cognition of something that exists as a result of an act of cognition expressed in empirical judgements and as a mental state following acts of experience (ptta.pl, 2019). By meaning, on the other hand, I mean: 1) the thought contained in someone's speech, in someone's behavior, etc., 2) the value, validity of something, 3) the content whose sign is a word or expression (sjp, 2019).

nature was used (Leko et al., 2021). In preparing and conducting the interview, the level of functioning of the respondents was taken into account (Surmiak, 2022). The scope of the interview, the content of the questions, the time of the interviews, and the reconstruction of the statements were adjusted to the individual biopsychosocial capabilities of the participating people with mild intellectual disability. The issue of subject participation in qualitative research is described by (Bains & Turnbull, 2022; Gumienny, 2022; Żyta, 2020; Żółkowska, 2019), among others.

I analyzed the empirical material based on the well-described phases of the phenomenographic research procedure in the source literature (Strindlund et al., 2019; Stolz, 2020). The interviews involved ten people with mild intellectual disabilities participating in activities organized in the mzaz. The selection of people was purposeful. My criteria were the level of understanding of the content related to the subject of the research, the ability to read and reproduce in statements the sense of the issues raised, the ability to formulate one's own opinions, the ability to build intelligible statements, and communicativeness. An important factor was also the willingness to take part in the research. The target group included four women and six men aged 30-40 (see Appendix 1). The surnames and given names of the respondents were coded by assigning any given names from the calendar starting with the letter A.

More specifically,<sup>5</sup> the subjects in the research were the women Agnieszka, Aldona, Aneta, and Anna and the men Adam, Andrzej, Alexander, Albert, Antoni, and Artur.

## FINDINGS

The analysis of the research material made it possible to distinguish two main categories for describing how respondents experience the law. The names of the categories were taken from the respondents' statements. Thus:

- *Category 1. Laws are those rules that tell you how to behave.* It includes such experiences of Law (content, sources, functions) that are perceived as a phenomenon of normative character, as self-evident, unquestionable, and obligatory rules: rules, principles to which respondents are subjected, which describe them.
- *Category 2. The law is unequal but caring.* It was singled out because of descriptions of experiencing the

law as *unequal* to individual members of society. The differentiation of the law due to the specific needs of people with disabilities was considered by respondents to be a sign of due care.

### *Category 1. Laws are those regulations that tell you how to behave*

In the consciousness of adults with mild intellectual disabilities, the experience of law was revealed as a phenomenon of a normative nature<sup>6</sup> in two aspects. Firstly, law was understood as a) regulations, binding rules, and principles formulated by socially significant *actors* (people, institutions), b) as a phenomenon causing respondents to be subject to law, experiencing themselves being defined by law. The interpretation of the research material from the point of view of the two aspects of normativity indicated is presented below.

\*Understanding of the Law as rules and regulations: binding rules and principles formulated by socially significant actors (people, institutions)\*

The first of these aspects of normativity was revealed, among others, in the statements of Ms. Anna and Mr. Adam, who were asked to comment on how they understood the concept of law.

Ms. Anna:

*The law is what regulations are; could there be some rules? TŻ<sup>7</sup> - and what are the rules? It's a kind of list of what's allowed and what's not. There are the rules in zaz<sup>8</sup>.... they are for everyone. They say what you must do... how to behave in the workshop, the canteen, and so on. The rules are for everyone to ... do the same. The rules were read for everyone, and now it's straightforward what to do.*

Mr. Adam

*The law is the regulations, the law... is there to make it the way it should be and for everyone to do the right thing, .... well so that there is harmony and that no one argues that they don't want to do something or anything*

<sup>6</sup> In this thesis, I have assumed that by (legal) standard I will mean, a set of rules and principles adopted, by agreement of individuals/groups, for voluntary application. Violation of the principle of voluntariness is only possible in special cases, e.g., with regard to safety of use (Chauvin et al., 2019). On the other hand, I have defined the term normative(s) (following sjp., 2019) as: 1) "setting binding standards", 2) "subject to or defined by standards". According to Przesławski (2009) it is most often stated; that normativity is a feature of statements and questions relating to what we should do; that law is normative because it acts as a guide; that moral and legal statements have, or seek to have, an influence on our behavior.

<sup>7</sup> TŻ – interviewer's first letters of name and surname

<sup>8</sup> zaz- Zakład Aktywności Zawodowej.

<sup>5</sup> The given names were changed. I assigned respondents any given names from the calendar starting with the letter A.

*like that.*

From the analysis of the statements presented above, it appears that the respondents understand the law as a set of rules that define patterns of behavior and conduct in everyday situations. According to Ms. Anna and Mr. Adam, the restrictions apply to themselves and others, including their peers from the mzaz. Thus, it can be assumed that the behavioral patterns operating in the mzaz are treated as standard, reliable, and indisputable. In the form of rules, the law is understood as a norm, adopted by the agreement of individuals/groups, rules, and principles to be voluntarily applied (Przesławski, 2020). Rules refer to patterns of behavior or conduct (Hart, 2020), and legal principles are intended to protect general values and significant goals for a given society (Koszowski, 2019). According to Olgierda Boguckiego (2020), a norm is a rule of behavior that answers the question of *who and how should behave in certain circumstances*. In the statements above, examples of rules are the expressions expressed by Ms. Anna:

*It's a kind of list of what's allowed and what's not.... they say what to do.... how to behave, ... now it's clear what to do..., and by Mr. Adam: The Law is there for everyone to do the right thing, etc. Examples of principles, on the other hand, are expressions such as Ms. Anna's: The rules are for everyone to ... do the same, ... they are there to make it the way it should be ... so that everyone do the right thing.*

or Mr. Adam's expressions such as:

*.... so that there is harmony and so that no one argues that they don't want to do something or anything like that.*

The normative nature of the law is also indicated by those parts of the narratives in which adults with mild intellectual disabilities cite sources of law. Relevant descriptions can be found in the following statements.

Mr. Andrzej

*The law is something that is one, and it is as it should be. The law is contained in ... well ... constitution. Because it is the constitution that writes about the rights.*

Mr. Antoni

*The law is made by influential people, the president, the court and... those people who are elected as we go to the polls.*

Mr. Adam

*These regulations are... written by..., and by the president, well... maybe also by the military or the police.... well, I don't know exactly.*

The subjects in the research report that the law is found in acts prepared by persons and institutions highly placed in the structure of power and social hierarchy, i.e.,

by the constitution, the court, the police, or the director of the mzaz. The role of the director, who is considered to be the source of the law, the controlling institution, and the enforcer of the rules and regulations she prepares, is discussed by Ms. Agnieszka.

Ms. Agnieszka

*If someone does something wrong, they must report it to the director. It is the director who writes the rules and then makes sure that everyone follows them.*

Analyzing Ms. Agnieszka's statement and the narratives of Mr. Antoni and Mr. Albert below, it is possible to grasp that the subjects perceive that the creators of rules and principles also have the power to control and evaluate the behavior of the respondents.

Mr. Antoni

*[the law] ... are the kind of rules and regulations you have to know. The rules are the same for children and workers... You have to do as the law says. I know the criminal law... the law that gives right to education... to healthcare. Then there is the traffic law, well ... the traffic code. The law is created by important people, the president, the court and... those people who are elected as we go to the polls.... If someone doesn't do as the law says, then ... you have to report it to the court.*

Mr. Albert

*The rules were read to everyone, and now we know that you have to follow the rules, and if someone won't then... [one must expect] the punishment and the rules were read, and you have to know them, everyone has to know them.*

The statements of the respondents provided above show that they do not accept behavior that is not in line with the accepted norms in the mzaz. When inappropriate (non-compliant with the norm) actions occur, the research participants refer to the need for sanctions to be taken (Chauvin et al., 2019)<sup>9</sup> by institutions such as the court and the police. Mr. Artur offers the most drastic example of the imposition of sanctions. In his view, displaying inappropriate behavior is unsuitable to the norm; in this case, the perpetration of theft should be punishable by a stay in prison.

Mr. Artur

*If someone steals something, the law says that such a person goes to prison. The police enforce the law and the those who help... are... the judges..., the president, and of course Agata Duda.*

<sup>9</sup> Legal sanction according to Chauvin et al. (2019) is an ailment imposed on norm violators by institutions set up for this purpose in accordance with accepted legal provisions.

\*Experience of being subject to the law, being defined by the law\*

The occurrence of the second aspect of the normativity of the law, its content, sources, and functions, as indicated above, is evidenced, among other things, by the statements below.

Ms. Aldona

*The law, you know, is something that is one. When you drive far you have to wear a seatbelt, once I was going on holiday to.... well... oh dear I forgot, then my dad paid a fine.... I sat in the back because I always sit in the back and I didn't wear my seatbelt. Dad... was angry..., because it...was a lot of money. You have to remember, when they say fasten your seatbelt, then...fasten it, then... that's what you have to do, as the law says, this.... traffic law.*

Mr. Albert

*..... you know we have... these... health and safety rules, you know what to do... nobody is allowed to go into the kitchen... only those who work in the kitchen. You have to be careful when the floor is... wet, because the cleaners... often leave such wet stains on the floor... and at the carpenter's shop you need a lot of health and safety rules, Mr. Mirek keeps an eye on health and safety there.*

People with mild intellectual disabilities participating in the activities organized by the mzaz, speaking about the rules and principles that they have to follow, indicate that, in their opinion, the law is a kind of instruction, a *guide of behavior* that defines how to act in different places and at other times. They talk about the rules they encounter in the mzaz and, like Ms. Aldona, in private time. Subordination to rules and principles is intense and addictive, as evidenced, among other things, by the fact that respondents do not indicate the need to discuss the validity and possible adaptation of the rules and regulations to the specific needs of the research participants.

In terms of being subject to the law, it is also possible to place participants' statements regarding the diversity of the law. Respondents indicate different areas in which they feel subject to the law. Confirmation of this observation can be found in the statements of Mr. Andrzej and Mr. Artur.

Mr. Andrzej

*Law also gives me the right... to vote, well also the right to healthcare, to education.... If I have an accident it's also governed by law, well... then it's a traffic law. My brother broke his leg [than] it was the law [that regulated it] and he got a lot of money [as a compensation]. The law is also something that... [allows] us to work. When I'm sick the law helps me. It's also the law [which entitles] me to buy computer games because I really like to play on*

*the computer. The law also specifies the care of children. Children... . they should be happy, that's what the law says.... I heard on TV.*

Mr. Artur

*What is it, something is on my mind, How to say it... No... I already know...you have to obey the law. The regulations...the acts. The law gives me the right to work, just like it is in my brother's case. When I'm sick, I go to doctor. I go with my mother to this... female doctor at the clinic. Law gives me the right to withdraw money from ... ah...ATM. The law comes from the court. Every Pole ... has a right conferred by law. Children are also bound by law. Everyone must obey to law...*

Mr. Andrzej and Mr. Artur talk about the fundamental rights they are entitled to, the same rights that all citizens have (medical treatment, work, education). Their interpretation of their statements shows that they perceive the law as a factor determining the norms of personal and institutional conduct and the norms of services and products used by the respondents and their relatives. It is also essential that, when experiencing the law, respondents see the law as effective, providing them with security.

By introducing an in-depth analysis of the empirical material, there was a need to refer to the theory of rule types. The researcher of this theory, Milena Korycka-Zirk (2010), states that law consists of primary and secondary rules. According to the author, primary/secondary rules create an obligation to take a chosen action and/or avoid another. Secondary rules, on the other hand, remove the uncertainty arising from the absence of an authoritative text or *guardian of the law*, deciding the primary rules and their scope of applicability. The author emphasizes that primary rules have the obligatory actions of people as their object. On the other hand, secondary ones define the means by which primary rules can be introduced, eliminated, and differentiated, and the facts of their violation established (Korycka-Zirk, 2010). The meanings attributed by respondents to obligations (primary rules) revealed the following statements.

Mr. Albert

*Our obligations are most closely monitored by Ms. Monika. These obligations are different ... Ms. Monika, this ... knows all the obligations. I don't know about all the obligations.... What is...written...in the regulations. Once it was read, but I don't remember. I do what Ms Monika tells me to do...she says.... you must do this, then that and I do.... the obligations must be fulfilled.*

Mr. Artur

*Here in mzaz it's regulations and such different obligations. You have to dress in work clothes... breakfast is to*

*be put in the locker, then it's... our obligation to go to the workshop and you're not allowed to be late, not a minute. There's such an obligation to watch the time. If your watch shows... you have to be in the workshop in a few minutes, it's an obligation.... to go quickly in front of the door and wait.*

Obligation, according to Lech Morawski (2016), means a norm established for a given type of addressees and, under given conditions, an order or prohibition of a particular behavior<sup>10</sup> In the view of Mr. Albert and Mr. Artur (statement above), an obligation to act following rules and principles is regarded as acting in accordance with a given rule, confirming their fulfilment of a pattern of behavior and obligation (Hart, 2020).

The secondary rule of reducing uncertainty as a result of referring to an authoritarian actor (people, institutions) is discussed by respondents as follows:

Ms. Aneta

*There are regulations when it comes to holidays too. You have to plan your holiday. Sometimes, I don't know how to think about it, so I go to Ewa from HR, she keeps an eye on everything.*

Mr. Aleksander

*You know, I have the right to a four-quarter job, I would like to, because, you know, it's ... money. Well, but it all depends on the director...I'm afraid to go to her because she'll just kick me out of my job, so I'm staying quiet for now, but one day ...I'll go.*

Mr. Albert

*There are times when I don't know if I can or can't sit in the corridor here near the toilet, because they said it's the director... [who] doesn't like it. When the director comes and tells me to go to rehabilitation, then I go.*

The authoritarian actors who introduce the (primary) rules and control the observance of the regulations in the mzaz are the masters, the job coaches, the administrative staff, and the people highest in the hierarchy of authority of the mzaz. The director seems to play a unique role here. Similarly, as I have pointed out above, the interviewees place the mzaz director at the top of the power hierarchy. In the opinion of respondents, those with the highest authority are those who have the ability to control people and services, supervise various activities, and have the power to punish and decide the fate of respondents.

*Guardians of the Law* (Korycka-Zirk, 2010) thus appear in the reconstructed experiences of the people interviewed, and their role is twofold. On the one hand, their task is to control, develop prohibitions, and define sanctions in case of non-compliance with the law by selected persons. On the other hand, it helps the subjects to understand, remember, and adapt their behavior to the regulations.

Mr. Albert (whose statement is presented below) indicates that the job coach handles control of his respect for the rules in place, particularly those related to safety and a sense of acting in accordance with health and safety rules.

Mr Albert

*Ms. Ania is responsible for health and safety because, you know, we have... these... health and safety rules, you know what to do... nobody's allowed to go into the kitchen... only those working in the kitchen. You have to be careful when the floor's... wet, because the cleaners... often leave such wet stains on the floor... and at the carpenter's shop, you need a lot of health and safety, that's where Mirek is responsible for observing health and safety rules.*

The concept of Hart (2020) can be used to interpret the experience of the law by people with mild intellectual disabilities using activities organized as part of obligatory rules. According to the author, rules can be divided into mandatory rules, which can determine how people behave – as mentioned above – and rules relating to procedures (the conditions that make action possible). In the case of obligatory rules, Hart points out that their essence is an adverse reaction of the actor (person, group, institution) to non-compliance with mandatory regulations (Hart, 2020). This is the way the participants of the research react to the non-compliance of others.

Ms. Aneta

*In mzaz, if someone doesn't follow the rules of the law, they go and have a conversation with Ms Beata and then with the director.*

Mr Aleskander

*You have to follow the rules in the kitchen; when Romek threw a carrot at Damian, he went to the hospital with Ms Ania, and Romek was forbidden to come to work for a whole month.*

Mr Artur

*If you are a minute late for a workshop, you get a penalty and a minute longer to work.*

Analyzing the empirical material, one can see that another type of rule, i.e., recognition rules, also appears in forming norm-compliant behavior (Korycka-Zirk, 2010). Ms. Aldona talks about this rule.

<sup>10</sup> Assigning an obligation (expressed in the indicative mode) to the addressee of the norm creates a situation for him/her that restricts his/her freedom of choice of action.

Ms. Aldona

*My mum works...in the office, and she also relies on... the law, and she often says...the law says this and... the law says that. It's necessary so there is a law, because what would it be if there wasn't...If there wasn't a law it... would be worse, I know about it, my mother told me. The Law... it's written in such books, then... it's read by a judge. These books are what anyone can have, ...can read the regulations and what the law is. Then it is what she is supposed to do... well... as it is written in these books.*

Ms. Aldona's reference to the rule of recognition eliminates the uncertainty that can arise from adapting behavior to the rules of the *mzaz*. Mum's professional position is helpful here. For Ms. Aldona, the judgments made by the mum, who is the *office* worker, indicate the knowledge and skills necessary to adapt to the rules of the job.

In addition to the experiences of being subject to the law, the empirical material obtained during the interviews with respondents also recognizes the meanings that respondents give to the understanding of being defined by the law. These can be found, for example, in Ms. Aneta's narrative.

Ms. Aneta

*Well... I got the pension because I'm ill, the doctors say..., I don't know what kind of illness I have. Well, the doctor at the medical board said - you can't work..., so I'm entitled to a pension.*

Ms. Aneta discloses being subject to the law in relation to her *illness*. Her doctors repeat Ms. Aneta's assessment of her condition. She is not convinced of the validity of the medical opinion. What is essential, however, is that the doctor's decision entitles her to a pension.

Another descriptive category is associated with the one presented above, to which I have assigned the name *The Unequal but Caring Law*.

### **Category 2. The law is unequal but caring**

#### *Inequality of Law*

The legal system in Poland is characterized by flaws and imperfections, especially in the area of the law in favor of persons with disabilities. One encounters internal contradictions within the law exacerbated by terminological chaos, inconsistency, and excessive scattering of regulations (Chauvin et al., 2019; Nowak, 2019). The term disability itself has only recently been functioning in legal documents (Maliszewski, 2020; Nowak, 2019).

The specificity of the functioning of people with intellectual disabilities results in various irregularities in law,

legal procedures, or the activities of legal institutions, etc., including those not found in the law in favor of people without disabilities (Nowak, 2019). People with mild intellectual disabilities who are in *mzaz* consider the differences discussed as *inequality in the law*. A research participant talks about experiencing inequality in law as follows.

Ms. Anna

*The law allows me to be happy and to love and to be loved. I have a sister, she is healthy, she has a husband and I want that too. I want to marry Stefan, but they say I have to go to a lawyer and then it will be known if I can decide for myself. decide. The priest also said that you have to have permission from the court. And my sister was the one who didn't have to arrange for the consent. I don't know what it's like anymore, so much hassle with this marrying, oh... well, not.... getting married.*

In Ms. Anna's statement, it is possible to reconstruct the experience of the inequality of the law concerning marriage. Ms. Anna perceives a difference in the legal actions she and her non-disabled sister took. The respondent signals her dissatisfaction at being treated differently from non-disabled people. Contrary to the provisions of the 'Constitution...', the respondent is considered by the law to be a different person, not having the same rights as other citizens. One can read from Ms. Anna's statements a dissatisfaction with having to take extra steps to deal with legal formalities. This reluctance may be due to the difficulty of communicating with the court. The preparation of the application, the filling out of the form, and the delivery of the form to the court are already considerable difficulties for the respondents.

Mr. Antoni

*The mental ones, the ones of us who are in the mzaz – the law does not give them the right to have children. I know that. That Marek and Wioletta are partly... well, they're incap..... somehow (TŻ: incapacitated?) ... yes, but only partly, that's what they said. That's what I know they had to go to court to ... get married. I saw that ... a child was born and now he has HD (TŻ: ADHD). That's what Marek said. This child, you know it's not theirs, the law does not give them... well... the right to have one because they are, well inca.....tated (TŻ: incapacitated?). This child was registered as the Mark's mother's one.*

Mr. Antoni perceives inequality in the law concerning the performance of marital and parental roles by persons with disabilities. Under the current legislation, a partially incapacitated person can marry, but only if he or she obtains the consent of the guardianship court. On the other

hand, as discussed by Mr. Antoni, such a person cannot have parental authority over a child, nor can he adopt a child or become a guardian (Sylwestrzak, 2022). According to Anny Sylwestrzak (2022), the current institution of incapacitation in Poland contradicts the assumptions of Article 12 of the “Convention...”. According to the author, in Poland, the provisions of the “Civil Code” concerning incapacitation should be repealed, and various forms of legal support should be introduced. These forms should be based on respect for the autonomy and independence of persons needing such support. They should not automatically interfere with the legal capacity of a person with disabilities. Forms of legal support should also be tailored to a particular person’s individual needs and preferences.

As can be seen from the analysis of the statements quoted above, the participants of the mzaz are aware that the law is unequal in Poland. This knowledge, however, is limited only to experiences relating to themselves, their families, or other close people. The experience of inequality of the law is associated with the respondents’ biopsychosocial abilities and level of functioning in the Maze and their immediate environment. They say this as follows:

Mr. Andrzej

*I am here in the mzaz, .....over here you work shorter. My brother works longer, because... he’s... well... physically and mentally capable. I can’t... work that long, I have a headache, I’m weak, sometimes I fall asleep in the workshop.*

Mr. Albert

*Law gives me different rights, because...you know those on crutches are...have different rights. I also have the right to... speak and that’s the same as...well... with everyone. Others may have more rights [the law gives them], but I don’t know where. I have the right on the road, ...as I go the cars.... have to wait long. Normally there are traffic lights and.... no one goes across, and the law gives me the right... to walk.*

Both gentlemen perceive disadvantages, biological handicaps, and limiting professional and social functioning, and this, in their opinion, obliges the law to adapt its provisions to the real possibilities and needs of persons with disabilities. In the case of Mr. Andrzej and Albert, different meanings of the law can be reconstructed than in the statements above. Both men see the inequality of the law as something obvious, something that occurs concerning their dysfunctions. In their view, the law does not work against people with disabilities; on the contrary, they must be able to live in society and work.

### *Caring Law*

Respondents indicate that they experience the law as an activity that aims to improve their lives and achieve a model level of societal functioning. In the respondents’ opinion, such a level is determined by existing environmental rules and principles. The law treated as binding norms is self-evident and compelling because it provides a safe, good life. The law is also unquestionable and effective because it allows for justice and care.

Another type of conception of the ways of experiencing the law, revealed in the statements of the people participating in the mzaz activities, was oriented towards the search for the positives of the law. Respondents gave various examples of adapting the law to the abilities and needs of people with disabilities. They spoke about the inequality of the law from the position of a person accepting this state of affairs. In their view, the asymmetry of the law was a guarantor of better conditions conducive to the circumstances of their daily functioning and their social and professional roles. In their experience, the law took on the characteristics of caring for people and the conditions of their daily functioning. This is evidenced by the meanings read, among others, from the following statements of the respondents:

Mr. Artur

*When you have to take care of someone then it’s... well... the law. Because you see, I have a problem because... I can’t do everything, it’s hard for me to take the bus. It’s in mzaz it’s... this... Law [which says] that Mr Marek, the driver, picks me up and takes me... home... in the morning he picks me up. When I ran out of money for my glasses it... was also the law and... they paid here in mzaz and now I have new ones, oh...you see. The law is kind of... taking care of people.*

Mr. Andrzej

*If someone wants help, then there is ... a law. There is a law [that enables people] to live and work.... The law is good because.... you can go to the doctor, get a pension. If something is stolen, then... the police will come and sort everything out as needed.*

Mr. Albert

*The law is there to... ah... respect, protect and care when.... someone needs it. You can go to the doctor, my mother goes to the gynaecologist. And there is the law [that enables] to study, to go to church, the law [that enables me] to buy something, if I need money the law gives me the right to get paid. The law gives me the right to rest after work, that’s everyone’s right, not to listen to them saying, the break is over... to work..., to work. When I get paid the law gives me the right to go... well... on a break.*

*I also have the right to... shop. I also travel by bus by myself..., the law gives me.... the right.*

Ms. Aneta

*It's a good thing there is ... this ... law. The law takes care of work and... me.... I work in the mzaz. The law also says you can get treatment. I have the right and... I get a pension, and if I lack something... the law gives me the right to go to... [and ask for] help and they will give me... clothes, then... shoes. The law is needed because, if you need to make a driveway it is... the law [which say so] and they make a driveway. The law also gives me the right to travel home on the bus without a ticket. There is also a law [which says] that I can go to a rehabilitation session.*

Respondents perceive the law as an action aimed at care and concern, which includes medical, educational, and vocational activities. It seems that underlying this approach is the belief that every human being, especially those with disabilities, requires care from others. In the case of respondents, care concerns both interpersonal relationships and the individual needs and preferences of respondents. In their statements, respondents also described experiences indicating that they expect the law to protect their lives and health and, more broadly, to meet their and their families' needs.

## DISCUSSION AND CONCLUSION

Two conceptions of the ways of experiencing the law, its content, its sources, and its functions emerged in the participants' minds in the research: 1) the law is those rules that tell you how to behave, 2) the law is unequal but caring.

In the case of the former concept, law was described as a phenomenon of normative character. Assigning such a character resulted, i.a., from the adopted understanding of norm (legal) and normativity<sup>11</sup>. The normativity of law in the present research took on two dimensions<sup>12</sup>. On the one hand, the respondents assigned law meanings referring to the content (scope of norms: rules and principles) and sources of law and, on the other hand, meanings describing the functions of law, i.e., among other things, being subject to norms contained in the law, being defined by norms.

The analysis of the research material made it possible to distinguish two ways of conceptualizing the experience of law and its dimensions. The conceptualizations were taken from the respondents' statements. Thus:

1. Experiences of the Law and its dimensions (content, sources, functions) are perceived as a phenomenon of a normative nature, as self-evident and unquestionable regulations, rules, and principles to which respondents are subject and which describe them - *The Law is such regulations that tell you how you should behave,*
2. The experience of the law is described as *unequal* towards individual members of society, with the differentiation of the law due to the specific needs of people with disabilities being taken for granted and appropriate by respondents- *The Law is unequal but caring.*

A reading of the concept as a normative way in which people with mild intellectual disabilities experience the law can be based on Herbert Lionel Adolphus Hart's concept of law (2022). Like Hart, it should be noted that the participants' experiences of the law in this research are a social construct. According to Hart, Law is a social construct that constitutes a social reality. The author develops the idea by arguing that law can be described by legal rules and principles that are socially created and considered models of social behavior. In the statements of people with mild intellectual disabilities, there were experiences of normalizing the behavior of individuals and procedures that took place in the mzaz. People's behavior and procedures were adjusted according to social criteria and guidelines developed in a social institution such as the mzaz. The normative nature of the content of the law was due to the fact that respondents experienced the law as a phenomenon created by the preparation and implementation of rules and principles relating to their work, health care, social benefits, or social functioning. When describing the norms expressed through rules and principles, respondents talked about patterns of behavior in their immediate environment, in individual workshops, and in the institution's corridor. If there were descriptions of experiences from other spaces, these referred to the closest places, such as the family home, and described experiences related to the people most relative to the respondents.

Another criterion for the normativity of the law identified by Hart and found in the statements of people with mild intellectual disabilities was the question of statements addressed to the addressees of the law. Just as Hart assumes, the people with mild intellectual disabilities participating in the research were the addressees of the law, and appropriately established and promulgated regulations were addressed to them. The rules took the form of

<sup>11</sup> Normativity is a set of laws or regulations that govern behavior and procedures according to the criteria and guidelines of a private or public institution or organization.

<sup>12</sup> The understanding adopted made it possible to see that the normativity of the law revealed itself in the respondents' experiences as: 1) a phenomenon that establishes the norms that apply to respondents and 2) as people with intellectual disabilities being subject to the norms contained in the law. (Hart, 2020; Przesławski, 2020)

a formalized text - regulations, the content of which was the expectation of a given pattern of behavior (Chauvin et al., 2019). One more criterion of normativity identified by Hart is the sources of law. In the respondents' experience, the law is created by actors at the highest social and political levels (president, parliament, army, police).

Another dimension of the first conception of experiencing the law read from the statements of people with mild intellectual disabilities was the meanings given to the experience of being subject to the law, of being defined by the law. In this case, the concepts proposed by Michel Foucault (2009) may be helpful for winter interpretation.

Just as Foucault assumes, participants in the research saw the introduction of the norm as a way of establishing social order, which would prevent actions that were not in line with the norm, which could break social order. The norm introduced transparency and discipline. The construction of standards by *actors* (persons, institutions) that are highly placed in the hierarchy of power and that have social recognition resulted in the addressees not only conforming to the norm but also taking the norm for granted, natural, their own, and not perceived as a form of external coercion. The internalization of the norm, or, as Foucault claims, the 'inculcation' of the norm, introducing the norm into man's consciousness, is a way of forming subservient and obedient individuals who are easy to rule (Foucault, 2009). This is what Foucault calls *assujettissement - taming*. According to the author, *assujettissement* shapes human functioning (soul, individuality, consciousness, behavior) to model itself on socially desirable norms reflexively. This shaping of people and the supervision of it so that they proceed following the norm is ensured *by* the guardians of *normativity*, or, as Foucault calls it, *the judges of normativity*. In the respondents' case, these are social institutions, judges, headmistresses, police officers, job coaches, therapists, etc. (Żółkowska, 2019). As a consequence of the indicated mechanism, what Foucault describes appeared in the empirical material, i.e., enslaving people, obliging them to act according to the norm/normality in a given society (Foucault, 2009). According to Foucault, the norm is relative, conventional, and arbitrary, and 'normality' becomes a coercive principle consistently enforced by power/knowledge.

When describing the difficulties most often resulting from individual biopsychic or social conditions, the respondents pointed to experiences of inequality of the law. Analysis and interpretation of these experiences indicated a second conception of respondents' experience of the Law: *The Law is unequal but caring*. This concept revealed respondents' experiences of different levels and ways of regulating

entitlements. Particularly worrying for the participants in the research are the inequalities in terms of opportunities for independent decision-making, legal procedures, social security, and employment. Their statements revealed that the consequence of difficulties and failures relating to the law was that they sought support and assistance from the law. This refers to a norm that guarantees the satisfaction of needs. Participants in the research are looking for normativity that creates a sense of security. They believe the law is positive, cares about them, and provides help. The experience of positive law was given meaning by the research participants, which I interpreted as the caring nature of the law. Respondents viewed the law as a strategy for positively influencing those subject to the law. In turn, the reading of the law as a phenomenon characterized by caring, caring fostered the attribution of normativity to the law.

Summing up the information presented, it can be said that people with mild intellectual disabilities participating in the research experience the content of the law as accepted norms, an obligation, and regularity of behavior resulting from the accepted system of rules and principles. They signal the importance of homogeneous sources of law and the universal role of institutions preparing or enforcing the law. They talk about the law guaranteeing accessible services, ways of using institutions, and legal actors. The collected research material makes it possible to see that the people surveyed are characterized by a belief in the universal and mutual dependence of people on each other and in the protection of human life and social goods. For the persons surveyed, it is evident that every human needs various legal support to live, develop, and function in society. The respondents' recognition that living, developing, and functioning in society is a value means that they see the law as a necessary good that should be available to everyone when needed. In other words, respondents say that every person should be covered by the law, by legal care when they need it. Since this is the case, every person should demand from others to help them meet their basic needs, support them in their development, and assist them in their social functioning. In their awareness, the respondents assumed that their daily functioning depends, or will depend, on the support they experience from others.

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