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## Teaching Values through Pedagogical Practice in Legal Education

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### Summary

This article explores the values that a law school explicitly and implicitly conveys to its law students. From data collected from Mexican students and the theoretical framework of the hidden curriculum, we were able to identify certain values that students learn from the professors' norms and their day-to-day interaction. We propose an explanation for the wide discrepancy between what is proclaimed in the official curriculum and what is taught through the hidden curriculum implemented by Law Schools and their professors.

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## Introduction

Some moral values are taught in law school, but those values do not necessarily correspond to the public declarations issued by society or by lawyers about what values are supposed to govern the profession, or what values mirror society's expectations. Despite what seems to be an agreement about what is to be taught, the true message transmitted to students during their education frequently differs from those declarations.

To understand this situation we will use the notion of hidden curriculum and research about what messages are being sent through the hidden curriculum at Law Schools. The framework provided by the hidden curriculum and its effects allow us to understand the origins of Mexican law students' perceptions about the current values taught to them. These values are conveyed through attitudes and practices. We propose an explanation for the wide discrepancy between what is proclaimed in the official curriculum and what is taught through the hidden curriculum implemented by Law Schools and their professors.

## Theoretical Framework

Although the philosophical meaning of "morals" refers to the set of values actually held by a person or a community and "ethics" is conceived of as the philosophical reflection on those values (Weston, 2002) in this article we will use the expressions "moral teaching"

and “ethical teaching” indistinctly to refer to value education, moral reasoning and skill development to adopt moral decisions.

As a philosophical reflection, ethics deals with questions such as: What should I do? How should I live? How can I be happy? What is a good life? (Singer, 1995). Morality tries to answer those questions factually, taking as the starting point the values held by each individual which will guide his or her behaviour at the time of acting or deciding. Different ethical theories answer those questions from different standpoints: virtue, duty, happiness, social contract, respect, etc (Singer, 2000). For the purposes of this document, we will adopt the standpoint of Professional Ethics. Professional Ethics deals with questions such as what are the values that should govern the legal profession and what are the duties professionals have to clients, colleagues, other professionals and society at large (Hortal, 2002). Since our object of inquiry is legal education, we will focus on questions about how, during their studies at the law school, law students learn values and duties related to their profession and what values and duties they learn. However, before answering these questions, there is a fundamental issue that needs to be discussed first: Is it possible to learn this type of thing?

In Plato’s dialogs, Meno asks Socrates: “Can you tell me, Socrates, whether virtue is acquired by teaching or by practice; or if neither by teaching nor practice, then whether it comes to man by nature, or in what other way?”(Plato). Since Plato’s time there has been a debate about the possibility of moral learning, and moral teaching. In his dialogue, Plato makes Socrates help Meno reach the conclusion that it is possible to teach and learn to be virtuous, that is, in our terms, to become an ethical person. Since then, there have been multiple educational attempts to build the moral character of people through formal education. One of the most salient projects in recent times has been Kohlberg’s theory of moral development, based on Kantian Ethics and Piagetian child development. Kohlberg has a strong belief in the possibilities of moral education and developed a model to educate democratic citizens making explicit use of the hidden curriculum, in this case, a curriculum based on a society of justice (Power et al, 1991). In this text we follow that line of thought, maintaining that moral learning is not only possible but, as we will discuss later, almost inevitable. There is a hidden curriculum in law schools, but its effects are very different to those envisioned by Kohlberg.

Most of the attempts to teach ethics explicitly are oriented towards the teaching and modelling of moral reasoning, for example through the analysis of cases and scenarios. Moral reasoning associated with decision making is built upon the assumption of an individual’s free will capable of taking decisions in the face of moral dilemmas. This is the legacy from Kantian Ethics (Weston, 2002).

However, recently there have been some attempts to develop moral dispositions, based on the idea that moral life is not made up of great decisional moments but of ordinary events in which we act according to the way we see things. That action is based not on deliberation, but on disposition: “There is a wide range of situations in which we take decisions as an almost automatic consequence of our way of seeing things” (Esquirol, 2006). As a consequence, Esquirol proposes educating people’s way of seeing things. That education should be based on the notion of respect. If people learn to look to those beings, things and

situations that are worthy of respect, and see why and how they deserve respect, they will almost automatically act according to that understanding, in other words, in a moral fashion.

Since the 1960s, a more sociological approach to the study of the educational effects of the school environment and the analysis of the hidden curriculum and teaching practices has emerged. Those studies have revealed how such practices have the potential to develop moral values and moral dispositions that shape students' behavior unintentionally, in a way that happens almost unnoticed to both teachers and learners.

For example, from their observation of teachers' practices, Fierro and Carbajal, found that professors teach values through their behaviour in three different ways: through normative behaviour, through affective behaviour, and through the handling of the teaching process (Fierro & Carbajal,2003) .

Normative behaviour is

a set of parameters that professors establish to regulate the conducts of the student within the classroom and the school in general, and refers to concrete norms and abstract norms, as well as to consistency in their application ( Fierro & Carbajal,2003, 34).

Fierro and Carbajal consider that every norm is a value-bearer, and therefore normative behaviour is part of professors' values in their practice. When professors establish behaviour guidelines in their classroom, they are affirming what kind of conduct they prefer with regard to others. Within the normative social system, which contemplates practices and customs as well as universal values, professors show their preferences regarding specific norms, and focus their attention on them, demanding their fulfilment or simply signalling these norms as desirable behaviour (ibid).

Affective behavior

shows the regulations that delineate professors' relation with students in different formal and informal settings, from their position of authority. It represents an approximation not to the values declared by the professor, but to those implicit in their day-to-day dealings with the students (ibid at 34-35).

These authors consider that affective expressions used by professors reveal the values practiced in their day-to-day interaction with their students, both as a group and as individuals. As a result, their valuing of their students may be inferred.

### **The hidden curriculum**

Long before sociologists of education talked about the hidden curriculum, John Dewey had introduced the idea that children learn moral dispositions and values not through direct instruction but rather through experience and educational environment:

We never educate directly, but indirectly by means of the environment. Schools remain the typical instance of environments framed with express reference to influencing the mental and moral disposition of their members (Dewey).

However, the most fruitful concept regarding the teaching of moral values comes from critical educational studies and is known as the “hidden curriculum”. The term “hidden curriculum” refers to “institutional norms and values not openly acknowledged by teachers or school officials” (Posner, 1995). It also refers to unintended and undesirable outcomes of schooling (Jackson, 1968). Its power comes from the recognition that students learn more from what they experience than from what they are told. This is true regarding cognitive learning but it seems to be truer regarding affective and attitudinal learning (Weston & Cranton, 1986, 288).

In the late 60’s Jackson coined the term “hidden curriculum” (Jackson, 1968) to refer to the norms and values that are implicitly but effectively taught in schools and that are not usually referred to as goals by teachers. Later, consensus theories defined the hidden curriculum as “the elements of socialization that take place in school, but are not part of the formal curricular content. These include the norms, values, and belief systems embedded in the curriculum, the school, and classroom life, imparted to students through daily routines, curricular content, and social relationships” (Margolis, 2001). Ever since it was defined, it has been a controversial concept. Even though the mere existence of such a curriculum has been questioned, it illuminates the unquestionable fact that “knowledge is transmitted by the school’s structure and its routines as well as by teachers and textbooks” (Schrag, 1996).

Although there have been some other attempts to use the hidden curriculum to teach values, such as Kohlbergs’ moral development program mentioned above, (Power, Higgins & Kohlberg, 1991) most of the research on the hidden curriculum focuses on the undesirable consequences of school norms and practices implicitly teaching sexism, racism, social Darwinism, and so on.

One of the most influential studies on the effects of the hidden curriculum has been the research of Bowles and Gintis (Bowles & Gintis, 1976). They argued that

schools reproduce the social relations necessary to maintain capitalism: competition and evaluation, hierarchical divisions of labor, bureaucratic authority, compliance, and the fragmented and alienated nature of work. The reproduction of these skills and attitudes through the educational system, prepares students for future stratified work roles (Margolis, 2003).

These messages penetrate students’ minds even when they are not explicit but are part of the daily practices and interactions at school. According to Apple, this incidental learning “contributes more to the political socialization of a student than do, say civics classes or other forms of deliberate teaching of specific value orientations” (ibid).

## The hidden curriculum in legal education

In this section we deal with the literature about the hidden curriculum in legal education presenting briefly what is taught to law students through the way the curriculum is organized and taught, and what values are transmitted through professors' attitudes. This framework facilitates the interpretation of the views presented by Mexican law students with respect to the messages received from their professors about law and the legal profession.

According to the McCrate Report, the fundamental values of the legal profession are competent representation, striving for justice, striving to improve the profession, and professional self-development (American Bar Association, 1992). However, how well these values are represented throughout legal education is a disputed matter. Whereas some would argue that most of these values are effectively taught in law school, (Baker, 2000-2001, 162) others would argue that the values actually taught to law students are quite the opposite (Mertz, 2000-2001, 118).

It is argued that this opposition is in part explained by the gap between the official and the hidden curriculum in legal education. In other words, there are certain values presented explicitly to law students, such as the value of rationality and professionalism, whereas other values or anti-values are taught through the behaviour and attitudes of the professors, such as the detachment from moral concerns when thinking and acting like a lawyer. Some of the negative aspects of legal education that have been identified as affecting students' value system include "excessive faculty emphasis on analysis and linear thinking, causing loss of connection with feelings, personal morals, values, and sense of self and conceptions of law that suppress moral reasoning and creativity" (Krieger & Sheldon, 2002).

Despite the discussion, however, it seems that most of the time legal education is not concerned with teaching values but rather it is busy with conveying the technicalities and rationality of doctrinal law. The Carnegie report states the "law schools' failure to complement the focus on skill in legal analysis with effective support for developing the ethical and social dimensions of the profession"(Sullivan et al, 2007) and strongly calls for improving this apprenticeship.

Law professors teach the law as a technique in which moral, political or other considerations have no place. In fact, research about the hidden curriculum in Legal Education has foregrounded the technocentric character of the doctrinal tradition which pictures law as autonomous and sharply separated from morality and from other academic disciplines. 2As a result of the pervasive influence of legal positivism, generations of law students have been taught to see the law in purely technical terms, while its moral content is regarded as irrelevant"(Cownie, 2003, 159). That values play no role in the traditional law classroom is illustrated by the following story from a student concerned with issues of social justice:

A woman at law school learns very quickly that the classroom and courtroom are not places for "feelings" talk or for sharing one's own experiences. I remember vividly my first-year contracts class.... We read a case...I understood and with which I could identify. I came to class prepared to talk about the unjustness of the

store's treatment of this uneducated woman. I wanted to share my understanding of the cycle of poverty that would lead someone to spend more than they had on a luxury item. ... My professor quickly informed me that legal discourse does not involve the terms "right" and "wrong." ... Morality, remedying the cycle of poverty, bringing justice to those who take advantage of the poor, these were not relevant to class discussion. It is not about right and wrong, it is about "the law". Amid the embarrassed laughter of my classmates, I quickly vowed never to open my mouth again in class. In one class period, I learned that the values I felt were important to instill in legal discussion were irrelevant and illogical. My stories and my perspective were wrong (Flagg, 2002, 160).

The above story also illustrates that behind a façade of academic rigor often lies a moral message about the disconnection of law with the things that are meaningful in students' lives (Fox, 1989, 484).

Legal positivism is engendered by positivist social science ideas. The idea of modern social science which has been dominant from the beginnings of the 20th century up to now is of a value-free science (Proctor, 1991). Being value free requires that social science (an only-facts science) be removed from the world of morality and politics (the world of values) (ibid).

Since the 60's, there has been criticism of this neutrality theory, defending the argument that value-free social science is just not possible (Flyvbjerg, 2001). In recent years, the inherent ethical and political components of social science has been accepted (ibid) and it appears more and more evident that social scientists' neutrality becomes in practice the defense of the status quo, which may be on occasions prove unequal and unjust (House & Howe, 1999).

At the same time that neutrality has come under attack, there have been recurrent calls for an increasing responsibility of professional schools towards society at large (see e.g. Epstein, 1999; Kronman, 1999; Rhode, 1999). Thus, the issue today is that despite value-free assumptions by law professors, values are transmitted to law students during their years of study in different ways, not only explicitly, by direct instruction, but mainly, through the attitudes demonstrated by faculty and through the school culture. And it seems that the values being transmitted are not those required by society from lawyers. What, then are the values transmitted? Before answering this question, we will discuss how moral education takes place within the law school curriculum.

The hidden curriculum of the law school conveys a message that has been acknowledged as the "ordinary religion of the law school classroom" comprising

a skeptical attitude toward generalizations; an instrumental approach to law and lawyering; a "tough minded" and analytical attitude toward legal tasks and professional roles; and a faith that man, by the application of his reason and the use of democratic processes, can make the world a better place (Cramton, 1978, 263).

One particular dimension of the hidden curriculum in legal education is the distinction between the core and the periphery (Kennedy, 1983, 16). This distinction introduced by Kennedy in his analysis explains the pre-eminence of teaching doctrine over any other curricular possibilities, because it has been traditionally considered that teaching the law is equivalent to the teaching of legal rules, concepts and principles (the grammar and the panoramic view) and their logical derivations (the inner logic) in detriment of any other possibility. In particular, curricula addressing the political, moral, philosophical or sociological meanings of legal institutions are still considered peripheral curricula. Moreover, there is a focus on the teaching of private law as the centre of legal education, notwithstanding the advance in recent years of constitutional and administrative law.

Although an integrated and multidisciplinary curriculum is a legacy from progressive approaches present in the field of education since the first decades of the 20<sup>th</sup> century, the conservative approach dominant in legal education still consider those courses as “accessory” and “peripheral” with respect to the teaching and learning of “real” law and they are not always offered as part of the law school curriculum.

As Kennedy’s analysis has shown, the traditional law curriculum is highly stratified. It assigns the greatest value to teaching doctrine/rules (the core) which are considered “the law” and are mandatory, and the least value to courses that explore interconnections with other disciplines or attempt a theoretical elaboration or critique of doctrine, which usually are elective.

What is the ideology underlying the doctrine-periphery structure of the curriculum? First, there are a series of assumptions about the nature of doctrine: Teachers assume that to teach doctrine is to show that contracts, property, and torts have a logical coherence. This is the Langdellian idea of the science of law: this knowledge represents a logical structure that goes from the discussion of a few general principles to the consideration of rules in a coherent way. For Kennedy, this belief is “tantamount to belief in the basic institutions of capitalism as rational and coherent” (Kennedy, 1983, 9). Second, teachers assume that the core is law, the periphery is politics.

The core is based on the clean, anti-emotional logic of doctrine, whereas the periphery is based on altruistic passion. ... The core equals reality, it is the way things really are, whereas the periphery is the ideal, the way we would like things to be. ... The core is individualistic, the periphery is collective or communal.... The core of doctrine is unitary... (whereas) what is the core of public law? ... doctrine is the domain of necessity... there are premises and principles. There is a reasoning process which is legal. There is an outcome, and that outcome is correct legally, irrespective of whether it is right or wrong ethically.... Law becomes a necessity machine. Being good at law is being good at operating the machine (Kennedy, 1983,10).

The periphery, of course, is the domain of choice, of pluralism... the area of open texture, of freedom as opposed to necessity. Because it's "inherently subjective," it can't be necessary (Kennedy, 1983, 10-11).



These beliefs are so deeply embedded in the daily life of law schools, that “it is a natural and virtually inevitable consequence that students drift from the periphery into the core” (Kennedy, 1983, 11). From this point of view, the proper function of the school is to teach doctrine. To prepare students for future professional practice is to teach them doctrine. After all, “The bar lives on doctrine. It doesn't live on public law. It lives on doctrine” (ibid).

In similar fashion, Granfield has pointed out that law schools tend to be “insular learning environments”(Granfield, 1992, 207). Law students lack exposure to ideas and empirical findings from social sciences that would allow them to “better understand the relationship between law and society, as well as their role as legal practitioners” (ibid 207). He found that this isolation plays an important role in the abandonment of the public interest “spirit” that most law students experience during their course of studies and in their resultant pursuing of corporate practice as the only professional career option:

While in law school, students struggle over the symbolic boundaries created by law and legal discourse. For most, this process culminates not in a loss of values, but rather in a redefinition of students’ nascent views about justice and social activism. Students undergoing professional training do not simply abandon their previously held morals and ideals. Instead, they redefine their understanding of these issues in ways that are consistent with their professional status. Students are, therefore, not passively subjugated by legal rational knowledge, but rather views of social reality that are consistent with it (ibid 73).

Based on this framework, in the next section we will try to answer the question of what values Mexican Law Students perceive as being transmitted from their professors’ attitudes and schools norms and environment. By quoting students’ responses, we will illustrate one of the main problems of the hidden curriculum as an instrument to transmit values: the ambiguity of the messages conveyed.

Professionalism, for example, is one of the values that professors assume are being transmitted to students not explicitly, but through example and professors’ attitudes. This is true not only for the training of lawyers but also regarding the training of future physicians. Medical doctors, for example teach professionalism through their actions in a clinical setting, but students may receive different messages from the way they treat the patients, the families, their assistants or even from the comments they make about the patients when the latter are not listening. Which of these different or even contradictory messages should students interpret as the proper behaviour of a professional?

As we will see in the following section, the same occurs at law school. Whereas some students value the professionalism of their professors, some others consider professionalism as being in deficit regarding their professors’ attitudes and behaviour. A more in depth study would be necessary to reveal the reasons for such differences between students’ perceptions. Here, we tried to identify the general characteristics of the groups making these different assertions.

## The Link between Academic and Professional Values

The values that a law school explicitly or implicitly conveys to its law students are most probably identified by them as the dominant values in the practice of law. This is especially true in countries where there is a strong interaction of law deans and professors with professional practice, as it is in Mexico.

On the one hand, approximately 90 per cent of law professors in the country practice as lawyers. In addition to teaching one or two subjects as law adjuncts, they are partners in law firms, public notaries, judges, government employees, legal counsellors in companies or solo practitioners. For students, their professors' knowledge, behaviour, attitudes and values in the classroom are most likely the same as those used in their office, court, notary or company. Referring to their professors, students generally do not say "Carlos Castro is my criminal law professor," they say "Carlos Castro, a judge at the State High Court, teaches me criminal law." What students expect from their professors is related to the place and role professors play professionally, and to what they are able to transmit in the classroom. Therefore, if a particular professor knows his subject, prepares his class and creates positive opportunities for exchanging ideas with their students, students may assume he also behaves like this in practice. On the contrary, if a professor is irresponsible in his class, has a difficult relation with his students and his point of view always prevails in the classroom, are students likely to imagine their professor's behaviour in practice is different? And moreover, if the professor is professionally successful, it is likely that students will think of him as a model to follow in order to be successful.

On the other hand, the vast majority of deans, higher administrative staff (e.g., academic secretaries) and members of the law schools' academic councils in Mexico also combine legal practice with their academic functions. Therefore, it is likely that the student might also think that the operation, rules and values of a law school are somewhat similar to those used in other environments of legal professional practice. If deans, academic boards and administrative staff set guidelines and quality standards that function without distinction, which generate a favourable environment for the teaching-learning process and which take students into account, it is likely that students will presume that these work values predominate in the professional field. Conversely, if the rules are not followed, or are not applied equally, preventing a positive environment for student development and are not shared by the academic community, how can students imagine that courts, offices, public notaries and legal departments operate differently?

Of course we are not saying that the values of the academic environment and the professors invariably determine the values that students perceive and use in their professional practice. However, these "academic" values can influence them, as many of these students initiate contact with the formal legal world at the same time they begin their studies, where they have their first interaction with "real lawyers" and formal legal knowledge.

To identify some of the values that students acquire in a formal or informal way during their law studies, we will focus on those acquired from their professors.

Following Fierro and Carbajal's framework mentioned above (Fierro & Carbajal,2003) , the three major aspects of professors' behaviour that allow us to make visible the actual values that professors favour in their teaching and actions are: (a) academic and administrative rules and the consistency in their application; (b) professors' affective behaviour in their day-to-day dealings with the students; and (c) activities that professors use to foster the analysis of situations of value content in their students.

One way to understand these important aspects of the professors' behaviour is through observations inside and outside the classroom. However, in this study we will focus not on those values transmitted by the professors, but on those values that students perceive in their professors' behaviour and attitudes inside and outside the classroom. One issue is what we observe that the professor transmits and another is what students actually learn or receive from their professors. We believe this is a better approach to learn how the values that professors explicitly or implicitly convey affect the education of law students.

The data we refer to was collected by means of a questionnaire applied to almost 22,000 Mexican law students during the academic year 2004-2005. Through the use of open-ended questions, we asked students what their law schools offered them in order to achieve what they expected from their law degree and what changes would have to be made, among other things.

## Methodology for the data collection

The results of the students' questionnaires analyzed for this paper come from a broader study conducted by Luis Fernando Pérez Hurtado on Mexican legal education (Perez Hurtado, 2008 ; published in Spanish as Perez Hurtado,2009). It aimed to analyze its main elements: the institutions of higher education (hereinafter referred also as "institutions" or "IHE") and their regulatory framework, faculty, students, study plans and programs, and the context for the teaching-learning process. For that study, we developed and implemented a multi-component field research plan; this included observations, interviews, document analysis, as well as the use of questionnaires.

For the analysis of law students, we gave a questionnaire to students enrolled in full-time *licenciatura en derecho* (hereinafter referred also as "law degree" or "LED"). This means students in the basic law program that required full-time attendance, but no part-time, open- or distance-learning programs (students in full-time programs represent over 90 per cent of the LED enrolment). The questionnaire was short, consisting mostly of open-ended questions, to be answered anonymously. The open-ended question format was used to allow students to express themselves freely. The observation dimensions and main variables follow: General characteristics (gender, age, program level, month and year of entrance to the LED, type of high school, socioeconomic status, scholarships, high school and LED grades, languages, and place of residence); Choosing to study the *Licenciatura en Derecho* (other options before considering the LED, experiences that motivated the interest in a law degree, purpose and expectations for studying for the LED); Choosing the IHE (other options before considering the current institution, selection of the specific IHE, advantages and disadvantages of legal education in current IHE); and Practice of law

(student-work experience, professional interests, perception of factors for getting a job, factors of professional success, and plans for further studies).

For our sampling, we developed a list of 691 schools that were offering the full-time LED at the end of the 2003-2004 academic year. To make inferences about the different kinds of institutions of higher education and compare them, we divided them into three groups or strata: Public, Private 1 and Private 2. We included in the Public Group all public institutions, that is, those founded by the federal or state governments, and financed mainly with public resources. In the Private 1 and Private 2 Groups, we included all private institutions, that is, those founded by individuals or private entities, and mostly financed with tuition and student fees. There are substantial differences among private institutions, mainly derived from their different goals, academic experience and prestige, and their access to economic and human resources. Therefore, we divided private institutions into two groups. In the Private 1 Group are those that were classified as “of good quality” using a specific selection criteria, and in the Private 2 Group those private institutions not included in the Private 1 Group.

Once we placed each institution in one of the three groups, we used a stratified cluster sampling for the specific case of students. Each group was considered a stratum (Public, Private 1, or Private 2) and 15 institutions were randomly selected from each group. Each institution was a cluster and we included the totality of students within each cluster. The number of IHE included in the study was determined by taking into consideration the sample needed to achieve the study’s objective and the time and budget available for visits to schools.

The data collection took place between July and October 2004. The questionnaires were administered in the classrooms during a class period. From the 36,319 students enrolled in the 45 institutions, 21,789 were present the day of the visit and responded to the questionnaire; yielding an overall response rate of 60 per cent. We personally administered 85 per cent of the questionnaires, the rest were administered by the institutions and then sent to us.

As with any research, there are constraints and considerations that limit the generalizability of our findings. For example, there is a risk that students may have given answers different from their true feelings and perceptions, because they may have responded “as they were expected to”. We tried to reduce this risk by insisting during the process of administering the questionnaires that students’ responses be submitted anonymously. We also tried to reduce the risk of students responding “as they were expected to” by personally administering and collecting most of the questionnaires, rather than having that done by someone affiliated to their institution. Moreover, using open-ended questions as opposed to a multiple-choice format helped reduce that risk. A special consideration is that the questionnaires and the responses were in Spanish. Therefore, every quotation from a person cited in this study is a translation by the authors from Spanish to English.

As explained below, the two questions from which we identified the values learned by the students from their professors are related to their experiences at law school.

## Positive Values Transmitted by Law Professors, According to their Students

We asked students what their institutions offered them in order to achieve what they expected from the LED. The aim was to know what they were receiving from their law school that would help them achieve their objectives, previously reported in the same questionnaire. According to students, the advantages of legal education in their institutions are: (a) High-quality faculty: 40.0 per cent; (b) High-quality education: 35.6 per cent; (c) Adequate study plan: 8.6 per cent; (d) Basic legal training: 8.6 per cent; (e) Good facilities: 8.3 per cent; (f) Good educational model: 5.5 per cent; (g) Other: 28.2 per cent. (A high percentage of students (22.8 per cent) did not answer this question.)

As we can see, almost half of the students identify the high-quality of their professors as the main advantage gained from their law schools. In the following section, we will analyze the responses of those students who focused their responses on their professors. What are the values that the students learn from these professors? What are the general characteristics of the students who identified these positive values in their professors?

### Identified values.

Following Fierro and Carbajal's framework mentioned above (Fierro & Carbajal, 2003) we will classify the students' responses according to two aspects: *Normative behaviour*, the academic and administrative rules and the consistency in their application perceived by the students, and, *affective behaviour*, the professors' affective behaviour in their day-to-day dealings with the students. (We will not include the third aspect, the activities used by professors to foster in students the analysis of situations of value content, because it is not possible to identify them from these students' responses).

#### Normative behaviour

Several values were recognized by the students as derived from the academic and administrative law school's norms. The most frequently recognized positive values were professionalism, responsibility and integrity.

- a) Professionalism: All law schools expect academic expertise and professional competency from their professors. Students recognize that their professors have these characteristics: "Professors are very competent", "Professors are experts in their fields", "Very well trained faculty". It is interesting that one of the most valued characteristics is that they practice law: "My law school offers professors with very good academic level and who practice law", "It has high prestige and the majority of the professors practice law".
- b) Responsibility: In addition to having expertise, professors should be responsible with regard to their class obligations, and they are: "Professors are responsible and committed to the courses", "My professors are very hard-working and disciplined; I think because they understand us".

- c) Integrity: Students also considered that their professors behaved ethically in their activities: “Good professors, with experience in the topic and, overall, honest”, “Qualified professors and with ethics; I believe that it is very complete”, “It offers me professors who teach us values, to respect the law, live with civility and also teach us how to demand our rights, fight for justice and give back to society what it gives us”.

#### Affective behaviour

Several values were recognized by the students as derived from their day-to-day dealing with their professors. The most frequently recognized positive values were respect, fairness, involvement and empathy.

- a) Respect: Students recognize their professors treat them with respect; despite the fact that the professors were in a position of authority, there was a positive climate created between students and professors: “The professors are very well prepared and know how to treat students well”, “Good and qualified professors offer us the motivation that one needs as student”, “ Good learning environment, very good professors who try to help you understand what they say”.
- b) Fairness: Interactions are not only positive, but also create a favorable environment for the learning process with clear rules: “Fortunately I have had very good and strict professors who taught me a lot”, “We have firm professors, but not high-handed like in other institutions”.
- c) Involvement and empathy: The students perceive that their professors go beyond their teaching duties and consider the learning process, interests and expectations of their students: “It has very professional professors who have patience and offer all of their knowledge”, “Professors who help you with the topics that you do not understand with humility”, “Professors are very well prepared; the number of professors per students allows for a more personalized experience”.

Students in this group perceive that professors have academic expertise and professional competency, are responsible with their obligations, and behave ethically. They interact with their students, and do so with respect, clear rules and understanding. For these students, the values in the legal profession are most probably professionalism, responsibility and integrity; and the values conveyed through professional interactions are most probably respect, fairness and empathy.

#### Characteristics of these students.

Once we analyzed the positive values that students learn from their professors, we explored the general characteristics of the students who identified these values in their professors. The general characteristics of students we explored were first gender, age and level of studies. For the latter a four-level division of the programs was made taking into consideration the percentage of credits or subjects that was completed by the date of questionnaire administration, with respect to the total number of credits required for the law

degree. Level 1 includes students who just started their program and had not yet finished any course. Level 2 includes students who had completed their first courses/credits up to 40 per cent of the total required for completion of that law program. Level 3 includes students who had completed from 40 per cent up to 80 per cent of the total courses/credits. Finally, level 4 includes students who were taking the last 20 per cent of the courses/credits in their law degree program. Next we looked at the class schedule of students. Full-time law programs currently offer six different class shifts: a) Mixed: the student must attend morning and evening classes; b) Flexible: classes are offered all day long and students choose their schedule; c) Morning: classes take place from 7:00 am to 11:00 am; d) Intermediate: classes take place from 11:00 am to 3:00 pm; e) Evening: classes take place from 4:00 pm to 8:00 pm; f) Nighttime: classes take place from 6:00 pm to 10:00 pm. We also looked at the socioeconomic status of students, defined as high, medium-high, medium, medium-low or low. Another characteristic that we looked at was the grades in their law degree that students had obtained to date with them being able to answer very good, good, regular, low, very low or I have not received any grades yet. We asked the students if they were studying in their preferred law school, whether they were working as well as studying and what their expectations were of law school. The analysis involved exploring the percentage of students in relation to each of these general characteristics who focused their positive responses on professors. Hereinafter, in every instance where the text states that a "difference" was found, we are referring to a statistically significant difference at the 0.05 level.

There are significant differences among groups: 43 per cent of the students in public group consider their law school offers them competent professors, a higher percentage than that of Private 1 (37.4 per cent) and Private 2 (32.7 per cent). We also observed differences in gender and in other characteristics regarding their preferred institution. In Mexico, 77.4 per cent of the law students are studying their law degree at their preferred institution (Perez Hurtado, 2009, 128). The percentage of students with positive comments about their professors was slightly higher in women and in those attending their preferred institution (41.9 per cent, compared to the 33.7 per cent of those not in their preferred institution).

We found some significant tendencies regarding age, socioeconomic status (SES), and law school grades. Exploring age, the older the student, the lower the percentage who made positive comments about their professors; only 33.1 per cent of students in the range of 35 years of age and older, compared to 42.9 per cent of those 19 years of age or younger. Analyzing the SES, the lower the SES, the lower the percentage who made positive comments; only 36.5 per cent of students with low SES, compared to 45.1 per cent of those with high SES. Analyzing the law school grades, the lower the grades, the lower the percentage who made positive comments; only 33.3 per cent of students with very low grades, compared to 42.2 per cent of those with very high grades.

We found no significant differences on program level, class shifts or between those who work and do not work during their studies. (In Mexico, 41.3 per cent of the law students study and work at the same time (Perez Hurtado, 2009, 171).)

We also asked students what they expected to get from law school. Their responses vary in topics, so we grouped the answers in six categories, according to the focus given by each

student: (1) LED content: 53.6 per cent; (2) Student performance: 27.1 per cent; (3) Institution and program quality: 24.1 per cent; (4) Only complete studies: 7.6 per cent; (5) Impact in professional practice: 6.5 per cent; (6) Other: 1.2 per cent. (80.9 per cent of the students' answers included only one category, 17.7 per cent included two categories and 1.3 per cent three categories. 3.6 per cent of the students did not answer this question.) Those with positive comments about professors mainly expect quality in the institution and the program (44.7 per cent), which also includes quality in those program components necessary to allow the students to accomplish certain goals, such as courses and professors. The area that was least mentioned by this group of students was impact on professional practice (24 per cent), which translates into achievements once they complete their studies, such as getting a job, continuing with post-graduate studies, improving their surroundings, improving their lifestyle, and certain law practices.

Summarizing, we observed a higher probability of perceiving positive values from their professors among students in the public group, younger women, with lower age, with higher SES, with higher law school grades, studying in their preferred institution, and who mainly expect quality in the institution and the program.

## Negative Values Transmitted by Professors, According to the Law Students

Another question we asked the students was about changes that would have to be made in order for them to get what they wanted in the LED. The main answers were: (a) Practical focus of the program: 28.2 per cent; (b) Better professors: 17.7 per cent; (c) Better facilities: 13.5 per cent; (d) Better curriculum: 11.5 per cent; (e) Support to enter the job market: 6.8 per cent; (f) Extracurricular activities: 6.6 per cent; (g) Other: 33.9 per cent. It is important to point out that 55.5 per cent of the students did not answer this question, so we only considered those who did. We suppose that one of the main reasons many did not answer was because they considered that their institutions offered everything they needed; most of them had stated in the previous section that their institutions offered high-quality professors and education.

As we can see, almost one out of five students would like their law schools to improve the quality of the professors. In any IHE and in any academic program, there are always good and bad professors. However, quality control in the Mexican law programs is especially difficult, because the vast majority of professors are lecturers and their main activity is professional practice; they have little incentive to improve, prepare class and dedicate time to their students. Analyzing the responses of those students who focused their replies on their professors, we may ask, what are the values that the students learn from these professors? What are the general characteristics of the students who identified these negative values in their professors?

### Identified values.

Several negative values were recognized by the students as resulting from the norms prevailing in academic and administrative law school. Like in the previous group, the most frequently recognized values were lack of professionalism, responsibility and integrity.



- a) Professionalism: By far, lack of competency and expertise are the main criticisms of law professors: “It needs better professors; they are good lawyers but lousy professors”, “The only thing I don’t like is that experts in criminal law teach me about civil law or vice versa, or any other course”, “Some professors must take pedagogical training for a better performance when teaching courses”.
- b) Responsibility: Students frequently mentioned the lack of responsibility of their professors, especially regarding their class attendance, punctuality and class preparation: “I would only like professors to attend class and do not miss it so I could learn more”, “Some professors are very good, but very irresponsible”, “I’d like to add professors who really want to teach, because none of them teaches the complete class: they arrive late or leave early, or they don’t come at all”.
- c) Integrity: Students noticed the professors’ disrespect of moral values, both in their teaching and behaviour: “I would like to add ethics training for some professors”, “More quality in a lot of the professors and I would like less corruption in a lot of them”, “Fewer professors with archaic and unethical ideas”.

#### Affective behavior

Several negative values were recognized by the students as resulting from their day-to-day dealing with their professors. As in the previous group, the most frequently recognized values were lack of respect, fairness, involvement and empathy.

- a) Respect: The lack of respect of the professors is evident inside and outside the classroom in their habitual contact with the students: “I wish professors would stop being so disrespectful”, “Some type of motivation on the part of the professors since some of them treat us badly and there is even sexual harassment”, “There should be a class for the professors on how to treat students, because a lot of them are despotic, rude and high-handed”.
- b) Fairness: From the point of view of these students, there are no clear rules on how to conduct their academic interaction with the professors: “First of all, change the education system a bit, since the academic personnel (professors) are very strict with the students”, “I wish there were more protection with regards to my position with the professors because on occasions they abuse their position”, “I wish favouritism on the part of some faculty members did not occur”.
- c) Involvement and empathy: The lack of this value is usually related to intolerance and incomprehension: “Professors lack tolerance for those who work in order to keep studying”, “Sometimes it happens that the professors do not want to be friends and rather they want to be our enemies, and it is disappointing because we don’t have confidence to clarify the doubts about our courses”, “More effort from the professors. We need help, not humiliation; many of them humiliate us with their experience, and affect our self-esteem”.

Students in this group perceive that professors lack academic expertise and field competency, are irresponsible with regard to their obligations, and behave unethically. They interact with their students with disrespect, unclear rules, and do not develop a positive learning environment. For these students, lawyers can be successful even if their values reflect unprofessionalism, irresponsibility and lack of integrity; and even if they conduct their professional interactions with disrespect, intolerance and incomprehension.

### Characteristics of these students.

Once we analyzed the negative values that students learn from their professors, we explored the general characteristics of the students who identified these values in their professors. The general characteristics were the same as those explored for positive values, and the differences was also statistically significant at the 0.05 level.

There are significant differences among groups: 19.2 per cent of the students in public group consider their law school offers them low-quality professors, a higher percentage than that of Private 2 (17.3 per cent) and Private 1 (14.2).

We observed differences in gender, students in their preferred institution, and students who also work. The percentage of students with negative comments about their professors was slightly higher in women, in those not attending their preferred institution (23.7 per cent, compared to the 15.6 per cent of those who attend their preferred institution), and in students who work (19 per cent, compared to the 16.7 per cent of those who do not work).

We found some general tendencies on level, socioeconomic status (SES), and grades. Regarding the level, the lower this was, the lower the percentage of students who made a negative comment; only 14.2 per cent of students in level 1 compared to 21.3 per cent of those in level 4. Exploring the SES, the higher the SES, the lower the percentage of negative comments; only 11.2 per cent of students with high SES, compared to 18 per cent of those with mid and mid-low SES, but it decreased to 14.5 per cent for low SES. Analyzing law school grades, the higher the grades, the lower the percentage of students who made negative comments; only 17.8 per cent of students with very good grades, compared to 29.6 per cent of those with regular or low grades, but it decreased to 20.1 per cent for those with very low grades. (It is important to notice that 11.1 per cent of those students who have not received grades yet have already expressed negative comments about their professors).

We found no significant differences regarding age or among the different class shifts (in general the percentage is around 17 per cent, but in students in the evening shift, it decreases to 15.2 per cent and in the night shift it increases to 23.8 per cent).

When we asked what they expected to get from their law schools, their response was mainly quality in the institution and the program (20.9 per cent). The category relating to completing studies had the lowest percentage of students (13.1 per cent). This refers to students simply completing their studies, either because of personal or family expectations or work-related needs.

Hence, we observe a higher probability of perceiving negative values in their professors among students in the public group, women, in higher program levels, with lower SES, with lower law school grades, not attending their preferred institution, working while studying, and who mainly expect quality in the institution and the program from their law school.

## Conclusion

Values in legal education are transmitted from professors and the learning environment to students through the official curriculum, the operational curriculum and the hidden curriculum. From a different perspective, values are transmitted from professors to students through normative behaviour, affective behaviour, and the handling of the teaching process.

These values in legal education are most probably identified by the students as the dominant values in legal practice. This is especially true in countries where there is a strong interaction between the law school community and professional practice, as is the case in Mexico. In this country, most deans, professors and staff practice as lawyers. For students, their professors' knowledge, behaviour, attitudes and values in the classroom are most likely the same as those used in their law firms, courts, notaries or legal departments; and the law school operation, rules and values are somewhat similar to those used in other environments of legal professional practice.

From data collected from Mexican students and the theoretical framework of the hidden curriculum, we were able to identify certain values that students learn from the professors' norms and their day-to-day interaction. The values most frequently mentioned by students, either as present or absent in their academic interaction with their professors, were professionalism, responsibility and integrity, as normative behaviour; and respect, fairness, involvement and empathy as affective behaviour.

We hope this study will encourage researchers to study the impact of legal education values on students' legal practice, for example, examining the relationship between the norms in the law school classrooms and their compliance with those in the practice of the legal profession. Other related questions which arise may be summarized as follows: What is the perception of the students? How is the formal and informal interaction in the legal practice with those in positions of authority? Is it different from the case in law school? How relevant are values in the legal practice? Should these be the same in legal education? The responses to these questions will definitely impact the development of legal education and the legal profession in the future.

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