

# The Moral Compass of Law: Ensuring Ethical Standards Through Legal Education?

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The aim of the article is to answer the question of the importance of legal education in ensuring legal ethics and the moral compass of a person by understanding the most important aspects of it. Methods applied include theoretical-scientific analysis, systematic and critical review of scientific literature and other relevant sources, normative and critical analysis of ethical principles in the context of legal education, empirical-quantitative and qualitative analysis of scholarly articles. According to the main thesis of this article, the integration of ethics into legal education can enhance moral development of future lawyers and improve their ability to serve justice. This paper traces the historical neglect of ethics in legal education and argues for its central place in modern studies. For lawyers to serve justice, a well-defined moral compass is essential. Several conclusions are drawn in this article, and first of all it is believed that universities will have to realise that a good lawyer is not only a professionally competent lawyer, because that is not enough in today's world. Even if it is a personal journey, universities cannot stand aside, the future lawyer must be helped to grow. What is much more important is not so much the codes of ethics but how our moral compass works and what path it can point us down. To avoid getting lost, law schools could teach future lawyers how to empower their moral compass and find their way around. Each law teacher should have to find ways to teach the key virtues of a lawyer's moral compass (e.g., wisdom, fortitude, temperance, and justice), how to help law students grow and not burn out in difficult situations. As our empirical research shows, the best scholarly articles on legal education discuss the elements of legal ethics. It is recognised that the ethics of lawyers is increasingly becoming an issue that goes beyond the professional aspects, and it is the university that must contribute to the development of the moral compass.

**Keywords:** legal ethics, moral compass, values, legal education

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## INTRODUCTION

The importance of ethics for lawyers is increasingly highlighted and emphasised by both the academic and professional legal communities (e.g., Elliston 1985; Hazard 1991; Kipnis 1995; Nicolson 2005; Anand 2008; Berkmanas, Gruodytė 2014; Kiršienė, Szymanski 2012; Valanciene, Valanciene 2022). More and more researchers (e.g., Van Zyl, Visser 2016; Benson

2008; Hermann 2011; Eisgruber 2002) are interested in questions of how legal education can help students become more ethical or perhaps that is not the purpose of legal education at all? What does it mean ethically? Does legal education include professional ethics and personal ethics? Nowadays, legal ethics must not be understood only as a set of ethical rules: it is a much broader and more complex phenomenon that requires integrated research ranging from rules and personal morality to ethical decision-making in the context of cognitive and social factors. These questions touch on various aspects of the philosophy of law, particularly in relation to ethics and the purpose of legal education. Contemporary problems in the philosophy of law are complex, e.g. the legal protection of autonomy (Macleane 2002), technology and law (Murphy 2021), identity (Shapiro 2005), and also legal ethics and morality (Dowding 2024).

The traditional studies of law does not meet current challenges of social justice. Progressive models of legal education that attempt to incorporate moral and ethical dimensions into the education of law students are often not reflected in the curricula of law schools. However, the discussion about necessary changes is growing (Valanciene, Valanciene 2022; Toussaint, 2023; Madhloom, 2022).

As early as in 1976, Charles Fried (Fried 1976) started his article with a question: ‘can a good lawyer be a good person?’ This is an important question, and if we want to find an answer to it, we should look more deeply into the issues of legal ethics. ‘Good’ in the profession is not necessarily synonymous with what is morally ‘good’, and that is another aspect regarding professional and personal ethics. Yet lawyers must be more than skilled legal technicians (Burger 1980). The question is what kind of people they should be, what qualities they should have. Thus, legal education finds itself at a critical crossroads (Carasik 2011).

In today’s world of change, when scientific paradigms are shifting, legal scholarship is also transforming and the aspect of interdisciplinarity is becoming very important. Taken separately, not a single discipline is capable of answering the complex questions of this world. In recent years, the number of scholarly publications at the intersection of law and neuroscience has increased, and it has become clear that neuroscience has much to contribute to our understanding of human behaviour (e.g., Valanciene 2016). Currently, neuroscience is everywhere, and it is also making its way into legal scholarship (e.g., Goodenough 2010, Shen 2013, Kolber 2014). Neuroscience approaches are now enabling growing understanding of various processes that are of particular importance to law (e.g., Valanciene 2017), such as the studies in memory and truth-telling, issues of evidence, free will, responsibility, moral decision-making and punishment, the problem of juvenile offenders, emotions, and decision-making processes. Moreover, the human brain (especially working memory) is currently being assisted by artificial intelligence, a very powerful tool that expands the scope and speed of human thought many times over. Legal science will inevitably face ever-increasing changes. Can the understanding of how the brain solves moral dilemmas help with programming morality into AI systems (e.g., Lake et al. 2017)? How will it change law? These are very important questions for future research.

The aim of the article was to answer the question of the importance of legal education in ensuring legal ethics and the moral compass of a person by understanding its most important aspects.

The methods applied included theoretical-scientific analysis, systematic and critical review of scientific literature and other relevant sources, normative and critical analysis of ethical principles in the context of legal education, empirical-quantitative and qualitative analysis of scholarly articles. For the empirical analysis, we used the Web of Science platform

(1990–2023) to identify legal papers using the search term ‘legal education’. For the qualitative aspect, we selected ten of the most cited articles in the database for the said concept and tried to identify the main aspects of ethics and legal education.

## LEGAL ETHICS IN DIFFERENT CONTEXTS: THE PARAMOUNT IMPORTANCE OF A MORAL COMPASS

It is generally accepted that the legal profession is a noble calling, which serves to secure justice. In order to preserve the dignity and nobility of the profession, it must have ethical standards that must be observed by all of its members (Gozon 2009). According to Jerzy Zajądło (2020), legal ethics is a branch of general ethics with the peculiarities of the legal ‘world’; together with the methodology of jurisprudence, sociology of law and theory of law, it is part of jurisprudence. How do we understand legal ethics? Is the focus solely on ethical codes, or is there a larger issue at hand?

Generally, two principal conceptions of legal ethics are singled out. The first conflates legal ethics with disciplinary rules, i.e., professional codes. The second conception conflates legal ethics with personal morality of lawyers. The rule-based conception is more prevalent among lawyers and teachers of law who deliver courses of legal ethics at universities. The personal morality conception is more predominant among philosophers and psychologists who deal with diverse law-related phenomena. However, Simon (1991) notes that there are both lawyers and law teachers who attempt changing attitudes to legal ethics and place emphasis on making lawyers self-conscious of their personal values. Legal ethics, however, is pluralistic and encompasses a number of areas, making it difficult to draw strict boundaries that define the field. It is therefore not always clear what is and what is not a work of ‘legal ethics’, as this depends on the theoretical perspective. Each different perspective on law may consist of many varying components in the field of legal ethics. Therefore, legal ethics in the modern world should no longer be understood as just a set of ethical rules. It is a much broader and more complex phenomenon that requires integrated research ranging from rules and personal morality to ethical decision-making in the context of cognitive and social factors (Valanciene, Valanciene 2022).

Bahnsen (1991) writes that ‘all of life is ethical [...]’. A lawyer will therefore always use their moral compass. When legal ethics, especially in the form of a narrow set of rules, are silent or perhaps inconclusive on the issues confronting the lawyer, the lawyer uses their moral compass to decide what is right and just. In other words, a lawyer must use their moral compass to remain fit and proper in answering these ‘ethical and moral questions’. It is very important to note that a lawyer ‘grabs’ their moral compass only when other sources are silent or ambiguous. The moral compass is an internal compass; it is something that its owner ‘carries’ within them everywhere. So whenever a decision or judgement is made, the inner moral compass is at work. Whether or not the decision made follows the direction indicated by the moral compass is another matter. Whenever a decision or judgement is made and acted upon, one must be able to defend one’s decision and subsequent action (Van Zyl, Visser 2016).

How is morality viewed by the famous classical philosophers? Kant’s moral philosophy is based on a rational, duty-conscious approach to decision-making. According to him, everything in nature works according to the laws of nature, and only humans can act according to these principles and therefore have a will. The will is the ability to make decisions

solely on the basis of logic and independently of any inclination. According to Kant, a free will and a will in moral laws are equivalent. His explanation of free will is related to his explanation of *a priori* knowledge. According to him, freedom is a practical theory of pure reason because it deals with the reason for determining will. Freedom is the possession of will by every rational person (Ogar, Basey 2023). Freedom is the central concept in Kant's moral theory (Fletcher 1987). Complete freedom is only possible where it is not influenced by 'non-self-determining causes' such as external pressures, e.g., legal coercion, or internal causes, such as a person's individual preferences or inclinations (Kant 1969; Freeman 2016). Rawls (1999) defines morality as a sense of justice. He defines the moral force of a capacity for a sense of justice as the normally effective desire to apply the principles of justice at least to a certain minimum extent and to act accordingly. As an advocate of utilitarianism, John Stuart Mill had his very own view of morality. Mill's utilitarianism assumes that the right action is the one that produces the greatest happiness or pleasure for the greatest number of people. Mill believes that morality should be based on the principle of utility. Accordingly, actions are right to the extent that they promote happiness and wrong to the extent that they bring about the opposite of happiness. He emphasises that happiness is the ultimate goal of a human action and that morality should be judged according to whether it can maximise this happiness (Mill 1863). Thus, Kant emphasises duty and universal principles, Rawls focuses on the principles of justice, and Mill advocates the maximisation of happiness. Their differing views offer rich insights into moral philosophy and continue to influence contemporary ethical debates.

Consequently, we can decide whether we have a moral compass or not, whether we use it or not; it is always our part and a very important one, even if we are sometimes not aware of it.

## **LEGAL EDUCATION: IS KNOWLEDGE OF LAW AND PRACTICAL SKILLS ENOUGH?**

For centuries, universities educated prospective lawyers without paying much, if any, attention to the ethical issues they might face in practice, let alone ensuring that they produced ethical lawyers (Nicolson 2010).

Shaffer and Redmount (1976) criticised that learning law is too primitive an experience. It lacks intellectual, moral, emotional, and social development and therefore does not serve the best interests of society or the best interests of the legal profession. It lacks humanistic interest, probably because it lacks appropriate means and conditions that would enhance the learning experience. To prove this, we set out to empirically demonstrate that the education of lawyers is failing. Our intention is to stimulate interest in a significant change in legal education, a change toward greater humanism and a greater contact with interpersonal and social reality.

Following the Watergate scandal, changes started taking place in American professional legal education in the second half of the twentieth century, and professional ethics was increasingly included in the legal curricula of law schools (Nicolson 2010). In most common law countries (especially in Canada and the United States), all accredited law schools must offer courses and training in legal ethics (Dodek, 2008). Kirsiene and Szymanski (2012) emphasise that scholars concerned with the education of lawyers clearly recognise the importance of developing ethical, moral, and value-oriented attitudes. A lack of these skills can affect not only the public confidence in the legal profession but also the job satisfaction of the lawyers already practicing, their self-confidence, and their assessment of the meaningfulness of their

work. Therefore, nowadays more and more scholars tend to think that it is not enough to study solely the regulations on professional ethics in universities. But what important task do universities have to fulfil? How to help students to become good not only professionally but also ethically? We must also mention the important fact that psychological research (e.g., Kupperman 1991) confirms that we are not born with a fully formed moral character. Instead, morality develops over time, and even if it slows down and stagnates, moral development can continue into adulthood, especially among those who pursue higher education and take courses in ethics. Stuckey et al. (2007) remind legal educators that 'we are not born with values' but that they are learned. It refers to Kant's question: 'How, then, are we to seek [moral] perfection and from whence is it to be hoped for?' His answer is: 'From nowhere else but education' (Kant 1997). Although Kant's theory of education is primarily aimed at children, its basic features are also applicable to legal education, for his aim was the development of a moral character. According to Kant, one must also pay attention to moralisation. Man should not only be educated for all possible ends, but also acquire the willingness to choose only good ends. Good ends are those which are necessarily approved by all and which can be the ends of all at the same time (Kant 2007).

If universities want to be important in helping students become 'good', they must first answer the question, what is a good lawyer? Jones argues that a good lawyer is a virtuous lawyer and that the possession and exercise of virtue are central to the lawyer's professional character and identity (Jones 2017). Hermann also notes differences stating that by a good lawyer he understands a professionally competent and effective lawyer and by an ethical lawyer he understands a moral person, a person of praiseworthy character (Hermann 2011). Mangini (2017) also argues that to make the best decisions, judges cannot decide on the basis of rules and principles alone: they must also be a certain kind of people. So, what qualities should a desirable lawyer possess? When we start talking about the virtues of a good lawyer, what kind of virtues are important? What are the main parts of our moral compass?

Redmount (1981) describes the ideal lawyer as knowledgeable, virtuous, and skilled in research. Ideal lawyers are protectors of society, leaders, and are emotionally balanced. They are open-minded, have strong moral sensibilities, and value deep relationships. Lawyers are considered moral role models and clear thinkers. They need a moral disposition and thinking skills in addition to specific qualities such as intellect, practical sensitivity, and compassion. Legal education focuses on intellect, not emotion or morality. Schiltz (1999) highlights several aspects of what it takes to be an ethical lawyer: first, as a rule, one must comply with formal disciplinary rules; second, one must behave ethically in one's work, even if one is not required to do so by rule; third, one must live an ethical life to be an ethical lawyer.

Van Zyl and Visser (2016) emphasize four cardinal virtues for lawyers, summarised by Thomas Aquinas: wisdom, fortitude, temperance, and justice. Wisdom involves both a deep understanding of law and its practical application. Fortitude is about perseverance in overcoming legal challenges, so that justice is served. Temperance represents responsible enjoyment, just as a law student drinks responsibly before an exam. The central virtue is justice, which provides fairness in dealings with one another and benefits not only the lawyer but also the community at large. This foundation promotes virtues such as honesty, responsibility, and punctuality, which are essential to the legal profession.

The researchers (e.g., Oseid 2008; Madison, Gantt 2015) discovered the skills fundamental to the development of a well-developed ethical compass: (1) self-awareness, (2) ethical sensitivity, (3) relational skills and cultural competence, (4) the ability to recognise one's own lack of objectivity and the related need to call on others (e.g., mentors) to control their own lack of objectivity and tendency to rationalise, and (5) self-reflection on values in light of ethical issues and a method for making a practical choice among competing values.

Benson (2008) argues for the reintroduction of 'virtue language' in education, emphasising its connection to happiness and human well-being. For an educational reform, teachers must be familiar with this language. While it is primarily families and religions that provide a moral compass, law faculties should emphasise its relevance to the legal profession and the justice system and emphasise ethical codes.

Does the purpose of legal education require more than training in the black letter of law and in practical legal skills (Toussaint 2023)? What should be the purpose of a law school-training solely ethical professional lawyers or also lawyers with personal moral dimensions? How deep should universities go? The historical responsibility of law schools to teach values has evolved over time and can be contextualised differently depending on geography, culture, and the era. The answer also depends on what is meant by 'values': are we referring to general moral and societal values or to more narrowly defined professional ethics? In the context of Western legal education, universities have trained prospective lawyers for centuries without paying much, if any, attention to the ethical issues they might face in practice, let alone ensuring that they produce ethical lawyers. In most common law countries, all accredited law schools must offer courses and training in legal ethics (Dodek 2008). Yet a course in legal ethics does not guarantee that we have moral dimensions in it: it may be more regulatory aspects but not personal values.

Stuckey et al. (2007) explain that teaching professionalism involves helping students understand and instill a commitment to the values, behaviours, attitudes, and ethical requirements of a lawyer. To improve the preparation of law students for practice, law schools should broaden their educational goals, improve the competence and professionalism of their graduates, and attend to the well-being of their students. Redmount (1981) claimed, that legal education is concerned solely with the student's intellectual abilities and not with his or her emotional or moral capacities. Thus, legal education is a complex undertaking that requires different intellectual content, pedagogical methods, and relationships between teachers and students. Van Zyl and Visser (2016) also argue that legal education in law schools, which plays an important role in training sound lawyers, must provide more than just a review of codes of conduct if it is to succeed in producing lawyers who are morally stable and suitable for practise. To help law students avoid pitfalls that can lead to disciplinary action, they need to be informed about how their inner moral compass can help them do so.

The studies, one by the Carnegie Institute for the Advancement of Teaching and Learning in Educating Lawyers (Carnegie Report) (Sullivan et al. 2007) and the other by the Clinical Legal Education Association in Best Practices for Legal Education (Best Practices Report) (Stuckey et al. 2007), are arguably the most comprehensive assessments of legal education in more than a century. The reports divide legal education into three broad categories: (1) analytical skills or legal analysis, (2) practical and experiential legal advocacy skills, and (3) development of a 'professional identity' – a broad but often misunderstood term that encompasses a person's self-concept, values, and philosophy of legal advocacy (Madison, Gantt 2015). The Carnegie and the Best Practices reports point out that law schools are not value

neutral. Law inherently transcends logic to include social, economic, and moral dimensions. Practical legal judgment combines logical and analytical thinking with broader considerations. An education should prepare students for this comprehensive decision making (Madison, Gantt 2015).

So what types of goals should be pursued in legal education? Legal education has three main goals: (1) cognitive and skill-based: to equip students with basic knowledge and skills to become lawyers; (2) value-related: beyond cognitive skills, students should be exposed to the values inherent in legal structures and practices. They should understand the ideologies underlying law and reflect on personal values so that they can both 'think like lawyers' and reflect on 'how lawyers think'. A sound curriculum should encourage the development of personal values in light of the social role of law in a stimulating and supportive environment; (3) motivational goals: legal education should motivate students to think deeply about legal phenomena and to critically analyse legal rules, theories, and education. Well-structured instruction should promote cognitive development and self-assessment of values. To achieve these goals, different teaching styles are essential (Johnstone 1992). We must mention that, according to Ramsden (1991), an essential part of good teaching is to show concern and respect to the students.

Society realises that result-oriented 'automatons' are no longer enough: it needs and deserves more from its best-educated and brightest people. We need to understand how to make moral decisions, just as we are learning how to make legal decisions. The key is in the process: the process of external or internal Socratic dialogue with the added dimension of simultaneous self-analysis and self-criticism, and in seeing and assessing one's own actions through the eyes of a detached and critical observer. In this way, the lawyer will learn to act not only as a lawyer, but as a moral human being who achieves a dimension that is sorely lacking in the eyes of many people (Bennett 1987). In this way, society will probably be happier with lawyers if they are more concerned with the moral dimension, and legal education in particular should teach how to do this.

## **EMPIRICAL INSIGHTS: THE ETHICAL FOUNDATIONS OF LEGAL ARTICLES**

We found 2600 articles related to the term 'legal education' during the period of 1990–2023 on the Web of Science platform. Among the ten most cited articles, we found two articles dealing with ethical aspects in legal education (Table).

Edwards (1992) analysed some ethical aspects in his article. According to him, law students need concrete ethical training; a 'strong ethical foundation' is not created in legal education. It is also very important that students have a good ethical teacher and that every teacher should address ethical problems when such problems arise.

Ogletree (1993) emphasised the teaching of empathy in clinical legal education. He offers the course 'Introduction to Trial Advocacy: The Criminal Defense Perspective' for third-year law students. This course combines theory with hands-on experience, with students spending 20 hours a week representing clients, from arraignment to sentencing. They interact with a variety of legal and social figures, such as judges and victims, and take on tasks ranging from trial to researching criminal justice issues. To foster empathy, Ogletree first has students tell personal stories that highlight shared values and experiences. This approach aims to cultivate empathy and understanding in future lawyers. Thus, the authors emphasise the importance of teaching ethics and some practical aspects of how teachers should motivate their students to talk about and discuss their values and experiences.

Table. Ten most cited articles related to the term 'legal education'

Title	Authors	Source title	Publication year	Total citations
The Discipline of Rankings: Tight Coupling and Organizational Change	Sauder, M.; Espeland, W. N.	American Sociological Review	2009	531
<b>The Growing Disjunction Between Legal Education and the Legal Profession</b>	<b>Edwards, H. T.</b>	<b>Michigan Law Review</b>	<b>1992</b>	409
Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory	Sheldon, K. M.; Krieger, L. S.	Personality and Social Psychology Bulletin	2007	207
Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being	Sheldon, K. M.; Krieger, L. S.	Behavioral Sciences & The Law	2004	182
Becoming Gentlemen – Womens' Experiences at One Ivy League Law-School	Guinier, L; Fine, M.; Balin, J.; Bartow, A.; Stachel, D. L.	University of Pennsylvania Law Review	1994	116
Do Rankings Matter? The Effects of US News & World Report Rankings on the Admissions Process of Law Schools	Sauder, M.; Lancaster, R.	Law & Society Review	2006	111
Researching and Theorizing the Processes of Professional Identity Formation	Sommerlad, H.	Journal of Law and Society	2007	92
Interlopers and Field Change: The Entry of US News into the Field of Legal Education	Sauder, M.	Administrative Science Quarterly	2008	86
The Death of Big Law	Ribstein, L. E.	Wisconsin Law Review	2010	78
<b>Beyond Justifications – Seeking Motivations to Sustain Public Defenders</b>	<b>Ogletree, C. J.</b>	<b>Harvard Law Review</b>	<b>1993</b>	75

Source: own processing based on the Web of Science platform. The articles in bold are those in which we found ethical aspects.

## CONCLUSIONS

The belief is that universities will have to realise that a good lawyer is not only a good lawyer professionally: that is not enough in today's world. Even if it is a personal journey, universities cannot stand aside: the future lawyer must be helped to grow. What is much more important is not so much the codes of ethics but how our moral compass works and what path it can point us down. To avoid getting lost, law schools should teach future lawyers how to do that.

Every law teacher should find ways to teach the key virtues of a lawyer's moral compass (e.g., wisdom, fortitude, temperance, and justice) and how to help them grow and not burn



out in difficult situations. This is not a very common task for the university, but the university, like other elements constituting people's lives, occupies an important place. We must have the courage not to limit ourselves solely to the professional elements but also to address the inner elements of the person, even in small steps.

As our empirical research shows, the best scholarly articles on legal education discuss the elements of legal ethics. It is recognised that the ethics of lawyers is increasingly becoming an issue that goes beyond the professional aspects, and it is the university that must make its contribution. Finally, legal scholars must begin conducting high-level interdisciplinary research in the fields of law, morality, neuroscience, and artificial intelligence.

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## Moralinis kompasas teisėje: etikos standartų užtikrinimas per teisinį ugdymą?

### *Santrauka*

Straipsnyje aptariama teisinio ugdymo svarba formuojant teisingą etiką ir asmens moralinį kompasą, svarbiausi jų aspektai. Metodai: teorinė mokslinė analizė, sisteminė ir kritinė mokslinės literatūros ir kitų aktualių šaltinių apžvalga, normatyvinė ir kritinė etikos principų analizė teisinio ugdymo kontekste; empirinė-kiekybinė ir kokybinė mokslinių straipsnių analizė. Pagrindinė straipsnio tezė – etikos integravimas į teisinį švietimą gali pagerinti būsimų teisininkų moralinę raidą ir jų gebėjimus tarnauti teisingumui. Šiame darbe istoriškai parodomas etikos trūkumas teisiniame ugdyme bei argumentuojama jos reikšmė šiuolaikinėse studijose. Norint kad teisininkai tarnautų teisingumui, būtinas tinkamas moralinis kompasas. Pagrindinės išvados: universitetai turėtų suvokti, kad šiandiniame pasaulyje geram teisininkui nepakanka vien gero profesinio parengimo. Ir nors dažnai tai yra asmeninės moralės paieškos, universitetai negali likti nuošalyje. Ne tiek svarbūs yra etikos kodeksai, kiek moralinis kompasas ir kokių keliu jis gali nukreipti. Kiekvienas teisės dėstytojas turėtų diegti pagrindines teisininko moralinio kompasos dorybes (pvz., išmintį, tvirtumą, santūrumą ir teisingumą), padėti jam augti ir neperdegti sunkiose situacijose. Empiriniai tyrimai rodo, kad geriausiuose moksliniuose straipsniuose apie teisinį išsilavinimą yra aptariami teisinės etikos elementai. Pripažįstama, kad teisininkų etika vis dažniau tampa problema, kuri peržengia profesinius aspektus. Ir būtent universitetas turi įnešti savo indėlį.

**Raktažodžiai:** teisinė etika, moralinis kompasas, vertybės, teisinis švietimas