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Implementing a Value-Oriented Approach to Training Law Students

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Abstract

This paper explores the potential for implementing a value-oriented approach in legal education. The authors share their findings from a pedagogical study conducted at Sumy State University, which was designed to test a set of learning methodologies aimed at cultivating in law students a set of skills of critical, value-oriented thinking and legal reasoning, with a focus on the ability to weigh values and balance interests. In addition, there was an objective to assess the effect of these methodologies on the development of a set of personal value-based guideposts for students that are crucial to the successful effectuation of the actual mission of the legal profession. Among the most efficient methods for achieving the above objectives were case study analysis and business simulation games (mock legal debates), as well as value-based analysis of regulatory and administrative documents. The authors draw the conclusion that the use of a value-oriented approach in modeling particular legal cases can be effective for fostering a lawyer's ethical culture, help facilitate boosts in the significance of key values in legal practice, and help develop proper ethical mindsets, while also helping one acquire relevant knowledge, with a focus on cultivating appropriate professional competencies.

Keywords: value-oriented approach, value-based education, legal education, European Union values, tolerance, justice, value-based legal reasoning, competence.

1. Introduction

For the most part, Ukraine's current system of vocational training for lawyers does not meet the needs of legal practice and the labor market – nor is it aligned with the government-declared objectives of ensuring the rule of law, respect for human rights, and respect for a person's life,

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health, honor, dignity, privacy, and security, as the highest social values, as well as the objectives of the strategy for integration into the European legal space.

As evidenced by an OSCE report on the state of legal education and science in Ukraine, since it became an independent nation its system of legal education has never been truly reformed in keeping with changes in political, legal, and socio-economic priorities – either formally or substantively (Stan yurydychnoi osvity, 2011: 25). Existing approaches to the vocational training of lawyers have more than once been the object of criticism on the part of leading legal experts and practicing lawyers. Some of the key issues include substantively imperfect curricula, the educational process being oriented toward the acquisition of knowledge of existing legislation rather than the actual competencies crucial to adapting to the changing professional environment, an excessive focus on theory as opposed to practice, the absence of an effective internal system of assessing the quality of education at universities, and errors in decision-making regarding the formation of the teaching staff team (Bostan, 2016; Horodyskyi, 2017; Melnyk, 2013).

It should be noted that a few steps in the direction of improving the situation have already been taken. More specifically, in 2018 the government signed into law the Higher Education Standard on Specialty 081 (Law) for the first (Bachelor's-degree) level of higher education. On the one hand, this standard provides universities with significant freedom in designing curricula, while, on the other hand, it clearly defines the list of competencies for a graduate (Standart, 2018). To help assess bachelor's students' preparation levels, there are now in place Master's entrance exams designed based on external independent testing technology, which include tests in a foreign language, law, and general academic legal competencies. The Ministry of Education and Science of Ukraine, jointly with the Ministry of Justice of Ukraine, has prepared the Draft Concept on the Reform of Legal Education (Proekt Kontseptsii, 2019), which currently is the subject of keen discussion among members of the academic and professional communities.

Among the key objectives for reform of legal education are optimizing the content of educational programs, boosting their practical orientation, systemically engaging practitioner lawyers in teaching law, implementing cutting-edge learning technology, raising the requirements for evaluating the outcomes of learning, and ensuring the academic integrity of students and instructors. At the same time, in the context of the changes being sought, there is currently a lack of attention devoted to the value-based aspects of legal education. Legal education and law-enforcement practice in Ukraine are still bearing the imprint of Soviet legal thinking, which tended to prioritize the law over values such as the rule of law, freedom, justice, and respect for human dignity.

Over the past two and a half decades, the Ukrainian government has passed a significant number of laws that are based on European standards in the area of human rights, fight against corruption, good governance, democracy, and justice. However, this has had an insufficient regulating effect on practice. The ineffective implementation of best European practices has been caused by a plethora of political, social, cultural, and other factors. Among other things, this situation has been caused by a mismatch between the challenges facing Ukraine today and the nation's stereotyped attitude toward the law and human rights, with the country's government policy and legal mechanisms for implementing it being grounded in inadequate values. Equating law as a social regulator with regulatory prescriptions issued by the government, ignoring human rights and liberties while seeking to achieve the objectives set by the state's law-enforcement machine, and perceiving representatives of the legal profession (with many not minding being regarded as such) as mere cogs in the penal machine, rather than as specialists who can help people defend their own interests – these are just some of the deformations of legal consciousness and legal culture inherited by Ukraine from decades of the hegemony of Communist ideology.

These negative phenomena could be overcome only by altering existing value-based orientations in society as a whole – most importantly, the values underpinning legal education and law-enforcement practice.

The above-mentioned Draft Concept on the Reform of Legal Education (Proekt Kontseptsii, 2019), just like a number of other policy documents that preceded it, points to the need to cultivate in future legal experts an understanding of the fundamental role of lawyers in reinforcing the rule of law through the protection of human rights. What needs to be established is what methods to use to achieve this understanding and how it will be translated into law-making and law-enforcement activity, which may require thorough and careful consideration. Moreover, it is quite

obvious that a competent specialist who knows how to use the legal instrumentarium and is perfectly aware of the powerful effect of law on the life and well-being of various individuals may utilize law not for the purpose of serving people and the ideals of justice but for nefarious purposes or to accommodate the misguided interests of the government.

Similar challenges have faced not just Ukraine but other nations in the post-Soviet space as well. In particular, researcher J. Bieliauskaitė has spoken of similar issues in the Lithuanian system of legal education. The scholar has noted that the aspects of value-oriented education are still reflected in law curricula in Lithuania insufficiently today, with most programs dominated by an instrumental approach to law and legal education. This shortcoming in the nation's system of legal education is one of the factors behind negative public opinion about the professional activity of lawyers and public distrust of legal institutions in Lithuania (Bieliauskaitė, 2013). The need to mainstream the axiological foundations of legal education has been stressed by a number of Russian scholars as well (Artem'eva, 2018; Sablin, 2012). Traditionally, leading Western systems of legal education have devoted a significant amount of attention to cultivating not only the professional abilities of a legal expert but an orientation toward values in alignment with societal needs. With that said, the quest for more effective models and methodologies for achieving these objectives carries on today (Gerst, Hess, 2009; Whitecross, 2016).

Given the above, the authors tested a set of learning methodologies aimed at cultivating in law students the skills of value-oriented thinking and legal reasoning, based on weighing values and balancing interests in working on the factual circumstances of legal cases and determining which norms and principles may be applied to those circumstances. In addition, there was an objective to assess the effect of these methodologies on the development of a set of personal value-based guideposts for students that are crucial to the successful effectuation of the actual mission of the legal profession.

2. Materials and methods

The study's theoretical basis is grounded in works related to the use of a value-oriented approach in higher-education pedagogy (Belikov, 2010; Chaitanya, 2017. Demchenko, 2011; Ibragimova, Istrofilova, 2014), as well as special works devoted to issues in legal education and its axiological foundations (Artem'eva, 2018; Bieliauskaitė, 2013; Bostan, 2016; Gerst, Hess, 2009; Horodyskyi, 2017; Melnyk, 2013; Whitecross, 2016). The paper's authors have based their judgment on the use of a value-oriented approach as a way to organize a certain activity, perform it, and employ the outcomes obtained from it from a perspective of particular values (Belikov, 2010; Ibragimova, Istrofilova, 2014: 117).

The study's overall direction was informed by the UN Basic Principles on the Role of Lawyers (Basic Principles, 1990), Recommendations by the Council of Europe (Recommendation, 2000; Recommendation, 2003), Ukrainian statutes on higher education, as well as requirements set under the Higher Education Standard on Specialty 081 (Law) (Standart, 2018). These documents, along with the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (Convention, 1950), the European Court of Human Rights' case law applying it, and fundamental EU agreements (Treaty of Lisbon, 2007), helped define an array of key values that play a determining role in law-enforcement activity and must serve as guideposts in making legally significant decisions. These values include respect for human rights, justice, the rule of law, freedom, equality and non-discrimination, dignity, tolerance, pluralism, democracy, solidarity, and good governance.

To achieve the objectives set, the authors employed the pedagogical experiment method. To implement this method, and factoring in the discipline's substantive characteristics, the authors made use of an academic discipline entitled 'European Union Values', which is a part of the curriculum offered at the first (Bachelor's-degree) level of higher education to students majoring in Law at Sumy State University.

The European Union Values course was offered to third-year students as an elective. Out of 106 third-year students, 54 elected to take the course. As part of the lectures, each value was examined in terms of substance, regulatory enshrinement, and case law related to conflict-of-values situations. With that said, there also was an objective to not just get to the students all the necessary information but try to demonstrate through specific examples that what the legal solution will be to a case depends directly not only on existing legal norms and evidence but on

value judgments made by the judge based on those facts as well. Practical classes were mainly aimed at analyzing the value-related content of regulatory texts and solving cases, which were either based on real situations or modeled by reference to the objectives set. These classes had the format of individual work and work in small groups, with the mock legal debate method also employed.

To assess the effectiveness of the approaches used, the authors employed the methods of survey and modeling of specific situations (case study), followed by comparative analysis of the learning outcomes of students who had taken the course and those who had not. The project-based and forecast methods were employed in developing a set of recommendations on enhancing the system of teaching value-oriented application of the law by reference to existing issues and trends in the development of legal education.

3. Results

Prior to taking the European Union Values course, all of the college’s third-year students (i.e., both those who had elected to take the course and those who had opted for a different course) were invited to take part in a survey aimed at determining their value orientations. The survey featured a questionnaire designed for first-to-sixth-year students factoring in their social and personal levels of legal consciousness. The questionnaire contained 20 pairs of statements, which were to be compared by significance. Each statement dealt with a certain value category (a total of 10 categories – i.e., four statements in each category). The survey helped determine the students’ attitude toward values such as the rule of law, legality, peace and solidarity among nations, non-discrimination, pluralism, equality, dignity, freedom, solidarity, justice, and tolerance.

The respondents were offered statements like the following: ‘Each person can stick to traditions associated with by their religious affiliation’, ‘The military conflict in my country is over’, ‘My future is all up to me. So, I can choose to live anywhere and any way I please’, ‘I am free to communicate with members of any ethnicity’, or ‘War is an historical holdover. There are no wars in this world’. The students were asked to express their attitude toward the hypothetical statements listed on a special scale (from ‘this is of no value to me whatsoever’ to ‘this is of the highest value to me’).

Each statement came with a certain number of points, depending on the answer (‘this is of no value to me whatsoever’ – 0 points, ‘this is of some value to me’ – 3 points, and ‘this is of the highest value to me’ – 5 points). The sum of points on the four statements in each category measured the significance of a particular value to the respondent, with the arithmetic mean of points in each category measuring the significance of a particular value to the group. The maximum number of points a value could generate was 20, which meant it was of the highest significance. The minimum was 0 points. In [Table 1](#), below, the points for each category have been rounded off to whole numbers.

Table 1. Significance of the Values to Third-Year Law Students (as at the start of the fifth term of study)

	Value	Average significance of the value to students	
		Group of students who elected to study the European Union Values discipline	Group of students who elected to study other disciplines
1	Rule of law	12	11
2	Legality	19	20
3	Peace and solidarity among nations	18	18
4	Non-discrimination and equality	7	6

5	Pluralism	8	8
6	Dignity	7	6
7	Freedom	9	9
8	Solidarity	5	5
9	Justice	10	11
10	Tolerance	7	7

At the end of the fifth term, students underwent another survey designed to help determine the respondents' value orientations. The survey's methodology did not differ from that of the one conducted at the start of the fifth term. The statements were replaced with equivalent ones, designed to help determine the significance of particular values to the respondents. In [Table 2](#), below, the points for each category have been rounded off to whole numbers.

Table 2. Significance of the Values to Third-Year Law Students (as at the end of the fifth term of study)

	Value	Average significance of the value to students	
		Group of students who elected to study the European Union Values discipline	Group of students who elected to study other disciplines
1	Rule of law	19	12
2	Legality	10	18
3	Peace and solidarity among nations	17	18
4	Non-discrimination and equality	12	7
5	Pluralism	13	9
6	Dignity	12	7
7	Freedom	14	10
8	Solidarity	9	5
9	Justice	13	11
10	Tolerance	11	6

The survey results will be discussed below. Note that the data in [Table 2](#) vary significantly with the group that during the term studied the theory and practice of value-oriented application of the law. These data indicate a significant change in student attitude toward certain values.

Among the ways to cultivate value orientations, the most efficient was the method of mock hearings and debates. Within the frame of the European Union Values discipline, the authors organized a simplified mock hearing, with the students having to present a stance as determined by draw. Note that, while the students had been familiarized with the case background earlier, they

would not know which side they were going to represent. Consequently, the students had had to prepare the arguments for the defense of each of the parties upfront.

Below are a couple of stories that were used to simulate the adjudicatory process.

Background Story 1. Several human rights organizations intend to carry out an equality march in a city, an activity aimed at calling on the public to cultivate tolerance and non-discrimination toward members of the various minorities (religious, ethnic, sexual, disability, etc.). The slogans selected for the event are 'All are Equal in Their Rights' and 'Human Rights are for All People, Bar None'.

Taking into account the provisions of Ukraine's Constitution, the march organizers submit to the Executive Committee of the City Council a notification that a mass event will take place on Sunday between 11 a.m. and 12 p.m. in the city's central street, with between 100 and 150 participants expected.

At a meeting of the City Council the next day, it is proposed that the equality march be disallowed. Some of the deputies warn that most of the city's residents have traditional views of the institution of the family and may react negatively to this kind of activity. On top of that, at the time the march is taking place its participants will most certainly run into members of the congregation leaving the Orthodox cathedral after attending a Sunday service, which means that clashes and unrest are possible. Plus, someone reminds the rest of the deputies of a Feast of the Intercession fair that will be held throughout the week, including on the day the march is held, in the city center. So, the City Council orders the Executive Committee to disallow the equality march.

That same day, the Executive Committee files a request with the District Administrative Court for disallowing the equality march. In the petition, the Committee cites the decision by the City Council and asserts that the march may pose a possible threat to public order, while it may be possible to use the public space for some other objectives. The parties to the case are the Executive Committee of the City Council (Party 1) and the organizing committee for the equality march (Party 2).

Background Story 2. The village of Ivanovka has 2,500 residents, with 72 % of these being Ukrainians, 12 % – ethnic Russians, 9 % – Belarusians, 4 % – Bulgarians, and 3 % – Romani. The last group (a total of 75 individuals) live in a compact fashion in a so-called social house – a communal house maintained via the local budget, which is intended to provide accommodation for the disadvantaged. After relocating to Ivanovka from the military conflict zone in 2014, the Romani moved into the social house based on an open-ended tenancy agreement, whereby they would have to only pay utilities and keep the house and the courtyard around it in an appropriate condition.

On September 22, 2018, a fight broke out at a local nightclub, during which the Romani full brothers R. and M. committed the murder of a 17-year-old ethnic Russian in public view. The two brothers fled the scene and hid at the social house. They would then mysteriously disappear the following morning. That day, after word of the tragic incident got out, nearly half of the village's residents took part in a chance gathering. The protesters were soon joined by the Chairman of the Village Council, who promised to resolve the issue as soon as possible.

At a meeting of the Village Council, the deputies spoke of the crime rate having gone up ever since the Romani moved into the village, the asocial mode of life of members of the community, their long-overdue utility bills, and the unsanitary state of the courtyard around the social house. The majority of deputies voted for evicting the Romani from the social house.

To put this decision into effect, the following day a group of deputies, accompanied by a district policeman, walked up to the social house and told the Romani that they would have to vacate the social house within three days' time. A group of Romani tried to appeal against the decision and turned to an attorney for help. The parties to the case are the Romani community, represented by an attorney (Party 1), and the Village Council (Party 2).

In organizing the debates, the authors employed a set of classic rules which combined the features both of legal debate (the use of a case background story and utilization of legislation and case law in making one's case) and of the Karl Popper Debate format (a limited number of participants, speakers given the floor in strict order, and time limits for speakers). The performance of debate participants was evaluated across the following four criteria: (1) substance (degree to which one's presentation is well-reasoned and logical and knowledge of the case's factual circumstances (background) and legal regulation in the area – up to 50 points out of 100), (2) discussion skills (quality of one's questions asked and answers given – up to 30 points out

of 100), (3) use of rhetorical techniques and verbal and non-verbal techniques for persuasion (up to 10 points out of 100), and (4) compliance with rules and ability to have a proper discussion (up to 10 points out of 100). The activity engaged a third-party judging panel, which consisted of representatives of three areas of legal activity – an attorney, a human rights advocate, and an administrative court judge.

Subsequent to the mock hearing (debate), the students could share their impressions in a review by filling out a special Google form. The survey comprised a set of statements on the effect of taking part in the debate on the participants. The total number of respondents was 49. Each participant could choose from four possible answers ('Completely agree', 'Rather agree', 'Rather disagree', and 'Totally disagree'). The survey results are provided in [Table 3](#) below.

Table 3. Results from the Survey of Participants in a Mock Legal Debate

	Statement	Number of participants who responded by saying the following			
		Completely agree	Rather agree	Rather disagree	Totally disagree
1	Thanks to my participation in the debate, it will be easier for me to argue my stance from now on	18	18	8	5
2	Thanks to my participation in the debate, I am a more tolerant person now	18	17	10	4
3	My participation in the debate has helped enhance my skills in critical thinking	10	26	7	6
4	My participation in the debate has helped enhance my public speaking and oral presentation skills	16	19	10	5
5	Thanks to my participation in the debate, it is now easier for me to classify discrimination	26	16	5	2
6	Thanks to my participation in the debate, I now know better how to protect the rights of groups suffering from discrimination	20	15	7	7
7	My participation in the debate has changed my attitude toward groups suffering from discrimination	21	16	7	5

Students taking the course were also given assignments related to analyzing statutory enactments, court judgments, other types of document, and video-materials (mainly, content from news websites) for the purpose of detecting in them a conflict of values (e.g., freedom of speech and protection of privacy, pluralism and protection of public order, tolerance toward national or religious traditions, and providing for the interests of children and women) and determining which value must be protected in that specific situation by the law and which one must be restricted.

Subsequent to the end of the course, to assess the level of student competence in the area of value-based application of the law, the students were offered a set of cases from case law. The choice of cases for test evaluation was grounded in the criterion of the absence of a clear-cut solution and the possibility of different interpretations of the situation depending on the value-related mindsets of the subject who was solving the case.

Here is an example of a case background story that meets these conditions which was employed in the experiment. In 2005, the court found two individuals, N and M, guilty of robbery and willful murder and sentenced them to life in prison with confiscation of property. The court dismissed the defendants' complaints of harsh treatment at the hands of law-enforcement officers. The decision was left unchanged by the Supreme Court of Ukraine and entered into force. Subsequently, N filed a complaint with the European Court of Human Rights, claiming that the criminal proceedings against him were unfair, while the court verdict was founded on testimony obtained under duress. In examining the complaint, the European Court found some evidence of the facts being true. Responsibility for torturing the defendants for the purpose of falsifying evidence in the case and treating them in an inhuman and degrading manner was placed on the government of Ukraine. In 2016, the Supreme Court of Ukraine lifted the sentence and remanded the case to the trial court. Throughout this period, N and M remained in confinement. The punishment was changed to house arrest only in 2017 by the trial court. Prior to imprisonment, N and M had lived in the city of Sumy, i.e. the same city where their attorneys worked. With the case being under consideration at the appellate court in Odessa Oblast (i.e., where the crime was committed) for over two years, to take part in the proceedings the defendants and their attorneys would each time have to travel a distance of over 800 km. The defense team filed a petition asking to conduct the court proceedings by way of video conferencing. Ukraine's current Criminal Procedural Code (in effect since 2012) permits this. However, since the case was initially tried based on the 1960 Code, the new trial, accordingly, would have to be conducted based on the latter's regulations, which do not include any provisions permitting the use of video conferencing in court proceedings.

The students were asked to make a decision on the essence of the petition filed and argue it, i.e. make a choice between strict compliance with the letter of the law and justice, the rule of law and protecting the defendant's rights and interests. With that said, the students had been warned that there would be no clear-cut solution to the case and that their performance would be graded based not on their stance but on the quality of their reasoning. As a side note, in real life the above petition was sustained, with the court meeting the defense team halfway by departing from the tough provisions of procedural law. Despite being debatable, the decision was not challenged by the prosecution.

Out of 52 students who had studied the theory and practice of value-oriented application of the law as part of the European Union Values discipline, 10 individuals were guided by the legality principle in trying to consistently prove the need for rigorous compliance with the requirements of the Criminal Procedural Code in its version followed during the initial trial. Among the participants, 42 students decided on the need to sustain the petition, basing their judgment, mainly, on the provisions of the Constitution and laws of Ukraine, as well as international agreements that recognize a human being and their rights as the highest social value and capture the rule-of-law principle. In addition, 18 students out of 42 stressed the need to take into account, in considering the petition, the responsibility of the nation's law-enforcement system for the years spent by the defendants in confinement based on an unsubstantiated and illegal sentence.

The case was offered to a group of 36 students in the same year who had elected not to take the course. As a result, the views were divided as follows: 28 students opted for dismissing the petition, and 8 – for sustaining it. With that said, this group employed the same legal reasoning techniques as the other one.

4. Discussion

A key objective in the use of a value-based approach in legal education is to prepare students for resolving real legal issues, cultivate in them a proactive and principled frame of mind, and foster in them the ethical mindsets that are crucial to shaping the right attitude toward the role and place of the legal profession in society. Value-based education does not imply imposing on them or indoctrinating them with particular values. Yet, it can help transform, through the learning

process, their perception of people and phenomena around them and foster in them compassion and respect for all those who are different from us (Chaitanya, 2017: 6). The study's findings indicate that the methodologies employed by the authors are effective enough to help achieve a similar desired result in real life.

Considering that European Union Values is an elective, the authors' initial survey covered all full-time third-year law students at Sumy State University. The fact of having chosen this particular discipline implied that one already possessed certain value-based mindsets or that one had a special interest in studying value-oriented application of the law, which in the course's syllabus was listed as its key objective, along with acquiring knowledge on the EU and European law. However, this hypothesis was not confirmed. As indicated by the data from the initial survey, both those who had elected to take the course and those who had not exhibited a nearly similar attitude toward relevant values, listing among the most crucial legality, peace and solidarity among nations, the rule of law, and justice. Both groups provided a similar assessment of the value of freedom, pluralism, and tolerance, with solidarity, equality, non-discrimination, and dignity listed among the least significant (Figure 1).

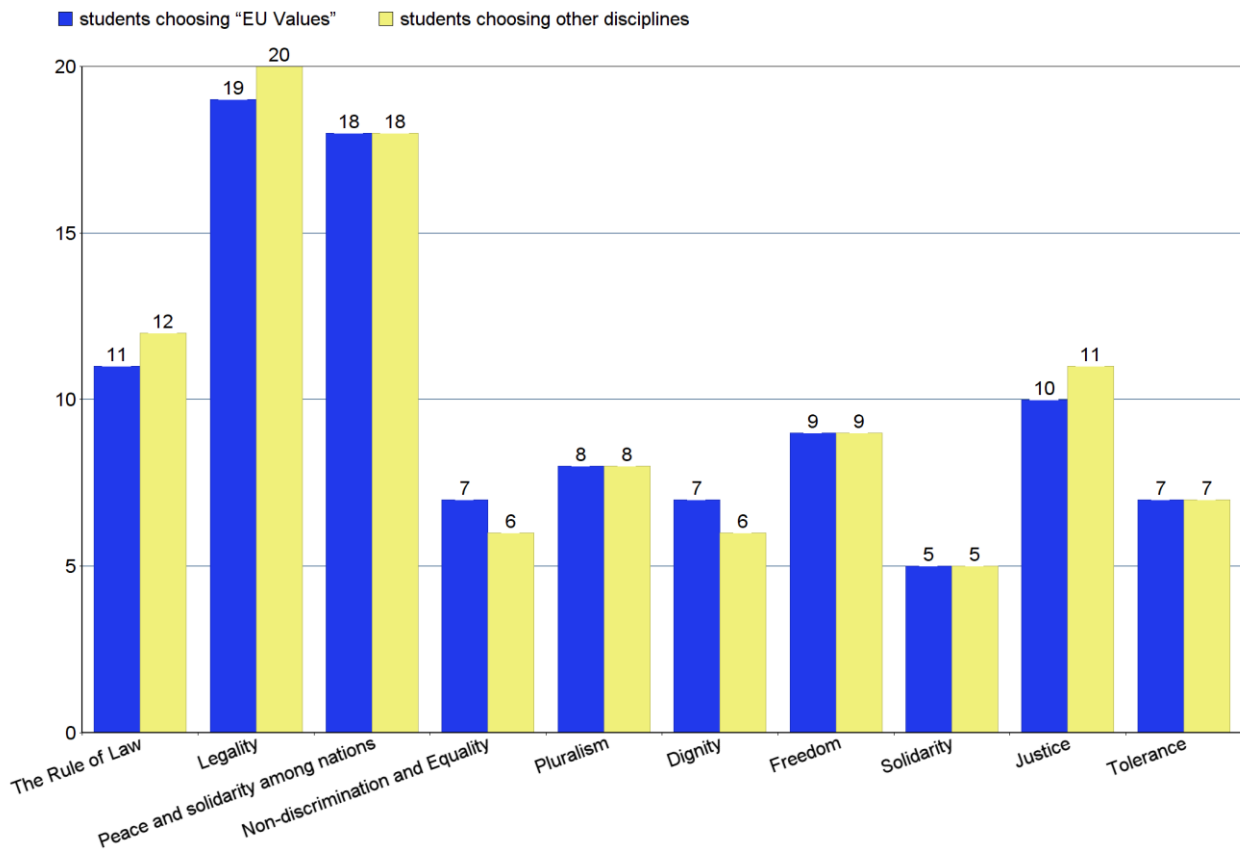


Fig. 1. Significance of the values to third-year students as at the start of the fifth term of study

Over a period of four months (the length of one term), around half of the students surveyed at the beginning of the term worked with materials related to values and their regulatory enshrinement in laws operating across the European Union, the Council of Europe, and Ukraine as part of the European Union Values discipline, which would lead to a certain change in their value-based mindsets and orientations (Figure 2).

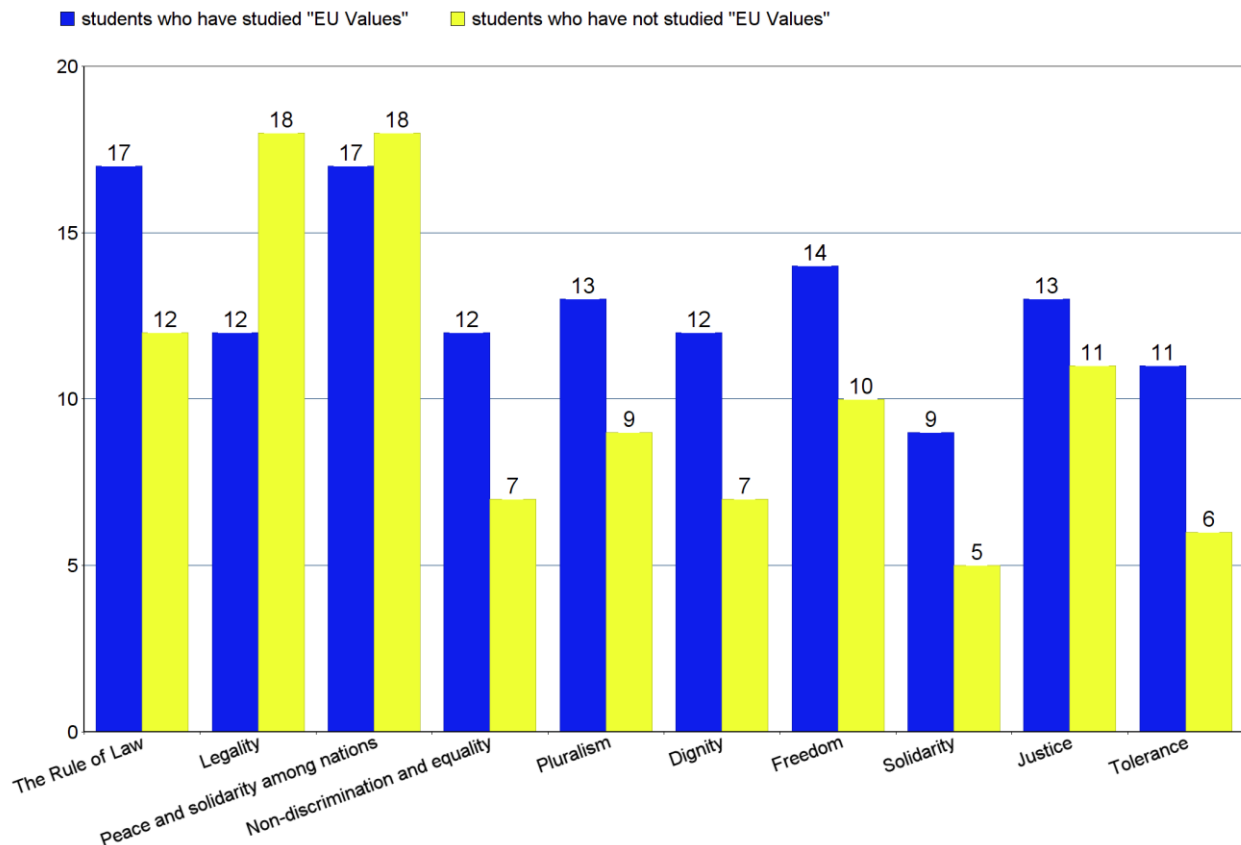


Fig. 2. Significance of the values to third-year students as at the end of the fifth term of study

The most tangible were changes in student attitude toward values such as the rule of law and legality. At the beginning of the fifth term of study, both groups of respondents clearly leaned toward legality, whilst at the end of the term those who had taken the European Union Values course now deemed the rule of law to be more significant. What remained invariably high is the significance of peace and solidarity among nations.

In addition, the students who took part in the experiment started to attach greater significance to values such as pluralism, freedom, non-discrimination, dignity, and tolerance. It is these values, along with justice, that the primary focus of the above-described learning methodologies was on. Crises of these values most often lead to conflicts in society, resulting not only in a lack of mutual understanding among various groups of people but violence and gross violations of human rights. The role of lawyers in the cause of preventing situations of this kind from happening and minimizing their negative effects is of critical significance, regardless of whether they represent public or private interests. Consequently, for members of the legal profession appropriate value mindsets and the ability to perceive people around them and relationships between them are no less significant than they are for medical workers. Just like a medical worker, a lawyer gets to make decisions which the fate of various people directly depends on and determine the acceptability or non-acceptability of the use of particular methods of influence, restrictions, and penalties. Does it not stand to reason that a legal expert who has perfect knowledge of legislation but is not a tolerant person will hardly take a fair decision in relation to a member of a group that they are intolerant of or bear enmity toward, altogether? In this regard, the transformation of values observed in the experimental group may be regarded as quite a positive result.

Another area that may require additional interpretation is certain results from the survey of participants in a mock hearing (debate). Of the greatest interest in the context of this study is what is related not to skills and competencies but a set of value orientations cultivated via the activity. As mentioned above, one of the key conditions for arranging the debate activity was that the

participants would have been familiarized with the case background in advance but would not know which party they would represent (this was to be determined by draw before the start of the debate). Thus, preparation for the debate required working on each background story and organizing one’s arguments for the defense of each of the parties to the case.

This particular approach helped raise the students’ level of empathy toward members of discriminated minorities. Among other things, the students would have to put themselves in the shoes of those who protected a vulnerable or discriminated group (in different case background stories, these were the organizers of an equal-rights march, a Romani community, individuals serving time in a correctional facility, transgenders, disabled individuals, and members of religious minorities). With that said, it was also necessary to take account of the rights and interests of the majority, the need to protect public order, property, interests related to environmental protection, etc.

The debate participants later admitted to having experienced a certain amount of change in their worldview, which resulted from their work with the case background stories. For instance, 35 respondents out of 49 (71 %) agreed totally or in part with the statement that they had become more tolerant as a result of taking part in the mock hearing (Figure 3).

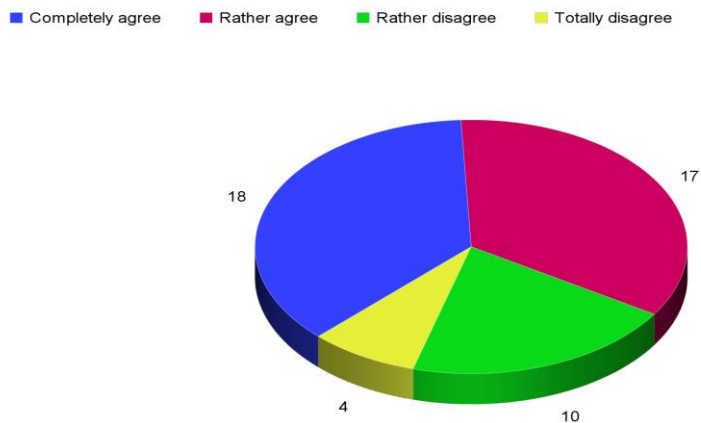


Fig. 3. Results from the survey of participants in a mock legal debate (responses with respect to the statement “Thanks to my participation in the debate, I am a more tolerant person now”)

It is, in a sense, the inclination to empathize with their potential “client” that reduced the threshold of sensitivity to cases of discrimination, with 42 respondents out of 49 (85 %) starting to view it as more obvious and unacceptable (Figure 4).

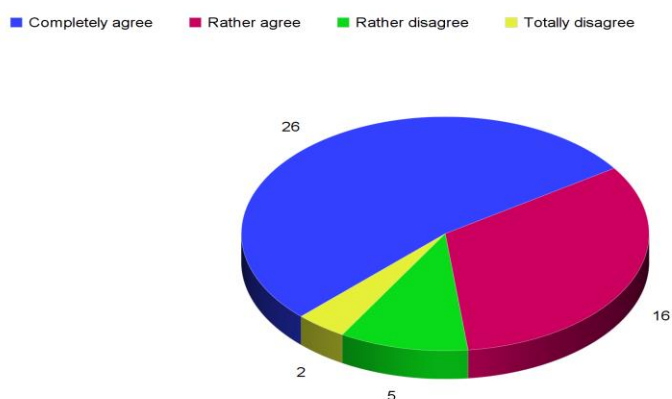


Fig. 4. Results from the survey of participants in a mock legal debate (responses with respect to the statement ‘Thanks to my participation in the debate, it is now easier for me to classify discrimination’).

Consequently, getting to know better about the real (note that, while having been modified to a certain degree for academic purposes, the case background stories were, for the most part, founded on real case law) and potential issues facing the discriminated helped change, to a certain degree, the debate participants’ attitude toward them. The overwhelming majority of respondents (37 debate participants, or 75 %) admitted to the debates having helped to change, to one degree or another, their attitude toward discriminated minorities (Figure 5).

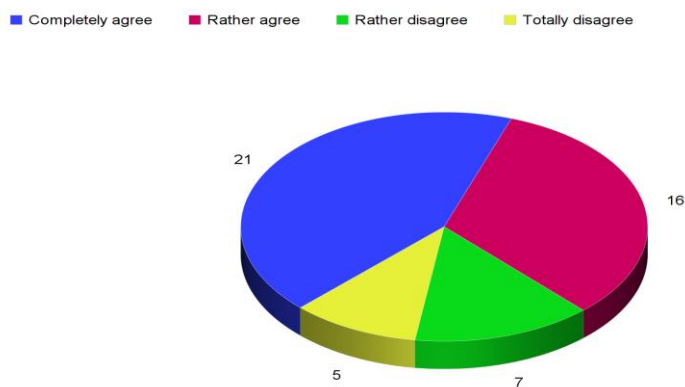


Fig. 5. Results from the survey of participants in a mock legal debate (responses with respect to the statement ‘My participation in the debate has changed my attitude toward groups suffering from discrimination’)

Finally, quite of interest are the results of solving test cases at the end of the term which implied the need to make decisions under circumstances where the literal interpretation of legal norms would lead to injustice, inhuman treatment of the subjects, or unjustified restriction of their rights and liberties. Unfortunately, situations like these can hardly be avoided today, as there are flaws in law, there are new areas and types of social relations emerging, and law-making activity is out of synch with the needs of society. In some cases, this is also due to the low level of the legislative technique and to the lobbying of the interests of certain persons or groups in the law-

making process. It appears to be much easier for the judiciary to just plainly follow the requirements of the law rather than look for appropriate legal ways to achieve justice and stand up for the ideas of humanism. However, in case of failure to do so, constitutional norms that recognize a human being and their rights, liberties, honor, and dignity as the highest value will just remain on paper, like something that can never be put to real use.

The test case was intended to help assess the degree to which the students, who already possessed a broad base of knowledge in the key areas of jurisprudence, perceived relevant values and were prepared to follow them in practice. The results indicate that over 75 % of the students, who had thorough knowledge of the axiological foundations of European law and some experience in the value-based application of the law, approached decision making from a perspective of the value of people and their rights and dignity. They were able, with varying quality of reasoning, to utilize constitutional principles that possess supremacy in the legal system for the protection of an individual. Such students constituted less than 25 % of the group of students who had not taken the experimental discipline (Diagram 6).

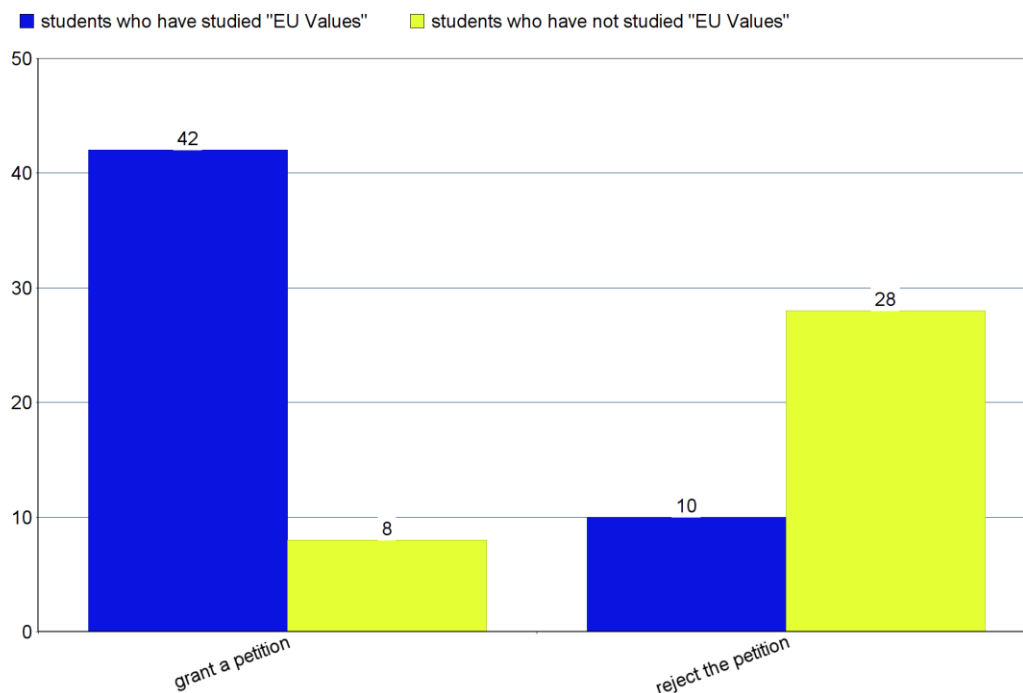


Fig. 6. Results from work with a value-based case by students who had studied the European Union Values discipline and those who had not

5. Conclusion

Within the frame of the European Union Values discipline, the focus in instruction in law was shifted from specific legal norms and their practical application to the axiological basis of legislation and the effect of the use of value-based guideposts on the outcome of law-enforcement activity. In a way, this made it possible to transform, within one term, the students' value-based mindsets, boost the significance to them of categories such as tolerance, pluralism, non-discrimination, justice, and dignity. In addition, taking this kind of approach helped develop in them the skills of interpreting legal norms on a value-based basis.

Legal deontology, a lawyer's professional ethics, and other similar disciplines that are part of various bachelor's degree curricula, likewise, are aimed at developing the ethical component of a lawyer's professional culture. However, virtually always they are taught in the first year, and quite often in the very first term. In this stage, most students have quite a vague idea of the essence of issues that face the judiciary, and more so of ways to resolve them. As a consequence, quite often

knowledge that is offered to them is perceived as abstract and strictly theoretical, with the desired effect not achieved.

The participants in the authors' experiment were students with a sufficient basis in the area of material and procedural law and a clear idea of the key objectives of jurisprudence, who were ready for the assignments they would be given. The students were engaged in the process of interpreting norms of law and resolving legal cases based on the use of a value-oriented approach. As evidenced by the study's findings, they not only acquired a set of specific skills but gained a deeper insight into the ethical aspect of their future occupation. The methodologies used as part of this study could be employed in instruction in virtually all special legal disciplines. In the authors' view, it is taking this kind of approach that can help develop proper ethical mindsets, while also helping one acquire relevant knowledge, with a focus on cultivating appropriate professional competencies

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