

# Educational Programs for Professional Identity Formation: The Role of Social Science Research

by Muriel J. Bebeau\*

Stephen J. Thoma\*\*

and Clark D. Cunningham\*\*\*

## I. INTRODUCTION

This Article on the use of social science research to design, implement, and assess educational programs for the development of professional identity has its origins in the opening presentation made at the 17th Annual Georgia Symposium on Professionalism and Legal Ethics, held on October 7, 2016 at Mercer Law School on the topic “Educational Interventions to Cultivate Professional Identity in Law Students.”<sup>1</sup> The Mercer Symposium invited speakers from a variety of disciplines to address

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\*Professor, Department of Primary Dental Care, School of Dentistry, and Adjunct Professor, Department of Educational Psychology, University of Minnesota; Director Emerita, Center for the Study of Ethical Development.

\*\*University Professor at the University of Alabama and Director of the Center for the Study of Ethical Development.

\*\*\*Professor of Law and holds the W. Lee Burge Chair in Law & Ethics at the Georgia State University College of Law in Atlanta, [www.ClarkCunningham.org](http://www.ClarkCunningham.org), directs the National Institute for Teaching Ethics & Professionalism, [www.niftep.org](http://www.niftep.org), and is co-editor of the International Forum on Teaching Legal Ethics & Professionalism, [www.teachinglegal.ethics.org](http://www.teachinglegal.ethics.org).

1. The opening presentation was to be given by one of us—Bebeau—but last minute family issues prevented her participation in the conference so another of us—Cunningham—took her place to present an overview of the Four Component Model of Morality (FCM) together with some of the research findings that have implications for the central

a series of questions regarding the feasibility and worth of establishing an educational intervention and assessment program to facilitate professional identity formation.

This Article begins with a brief summary of initiatives in the legal profession and legal education that laid the foundation for the 2016 Mercer Law Review Symposium. Next, we review social science research illuminating the relationship between education, moral development, and professional identity formation, and explain how that research has been used to design ethics education for professionals that is guided by theory and grounded in evidence.<sup>2</sup> In particular we explain the historical background and decades-long development of the Four Component Model of Morality (FCM) for understanding and measuring how four independent capacities—sensitivity, reasoning, motivation and implementation—interact in the accomplishment of professionally appropriate conduct. Extensive research shows a strong relationship between professional identity formation and moral motivation as well as evidence that a well-formed identity leads to enhanced competence in the other three capacities measured by the Four Component Model.

Finally, this Article puts FCM-based theory and research in the context of the other contributions on professional identity formation in this Symposium issue. The FCM will be shown to provide a theoretical scaffold for putting together pedagogical approaches to identity formation the other symposium authors describe in the context of medical, seminary, and law school education. Further the FCM supports empirically validated measurement tools to determine a baseline for entering students, support formative assessment, and measure outcomes at both the student and institutional level.

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questions set forth by the symposium organizers. Bebeau later agreed to review the conference presentations and subsequent papers written for this issue of the *Mercer Law Review* from her perspective as an educational psychologist who has spent the past thirty years applying the FCM in the context of dental education. Bebeau also has some understanding of the issues faced by the legal profession because she has advised legal educators on program development and assisted with the development of continuing education programs that focused on professionalism during the eight years she served on the Professionalism Committee for the Minnesota Bar Association. Bebeau invited her long-time colleague, Stephen Thoma, who has succeeded her as Director of the Center for the Study of Ethical Development, to join as the third co-author. See *Center for the Study of Ethical Development*, UNIV. OF ALA., <http://ethicaldevelopment.ua.edu/> (last visited Mar. 13, 2017). We thank Richard Cruess, Sylvia Cruess, Timothy Floyd, Larry Golemon, Neil Hamilton, Kendall Kerew, and Elizabeth Vozzola for reviewing and commenting on an earlier draft of this Article.

2. See Muriel J. Bebeau & Verna E. Monson, *Guided by Theory, Grounded in Evidence: A Way Forward for Professional Ethics Education*, in HANDBOOK ON MORAL AND CHARACTER EDUCATION 557 (Larry Nucci & Darcia Narvaez eds., 2008).

## II. INITIATIVES LEADING TO THE 2016 MERCER LAW REVIEW SYMPOSIUM

In 1989 the Georgia Supreme Court established the nation's first statewide commission on lawyer professionalism, to be chaired personally by the Chief Justice of Georgia.<sup>3</sup> The following year George Woodruff gave \$15 million dollars for curricular innovation to the Mercer University School of Law, and in 1996 Mercer received the E. Smythe Gambrell Award from the American Bar Association for the "Woodruff Curriculum" in which course requirements were revised to place significant emphasis on practical skills, ethics, and professionalism needed for the practice of law.<sup>4</sup>

On December 31, 1998, U.S. District Judge Hugh Lawson for the Middle District of Georgia (sitting in Macon) entered a remarkable consent order in the case of *In re E.I. du Pont de Nemours-Benlate Litigation*<sup>5</sup> that funded new professorial chairs at Mercer, Georgia State University, Emory, and the University of Georgia "devoted to fostering and teaching professionalism and ethics in the practice of law" and also creating a \$1 million endowment to support "an annual symposium on professionalism and ethics in the practice of law."<sup>6</sup>

Mercer established the William Augustus Bootle Chair in Ethics and Professionalism in the Practice of Law with funds provided to Mercer under the *Benlate Litigation* consent order.<sup>7</sup> Patrick Longan was appointed as the inaugural chair. Using funds related to the Bootle Chair, Longan established the Mercer Center for Legal Ethics & Professionalism and in 2004 developed the nation's first required first year course on the legal profession focused on the formation of professional identity.<sup>8</sup>

In 2005 one of us—Cunningham—who was appointed to a comparable chair at Georgia State University used funds associated with his chair to establish the National Institute for Teaching Ethics & Professionalism (NIFTEP), with additional financial support from the Chief Justice's

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3. *Chief Justice's Commission on Professionalism*, STATE BAR OF GA., <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/> (last visited Mar. 15, 2017).

4. *Mercer Law School Curriculum & Catalog*, MERCER LAW SCH., <https://law.mercer.edu/academics/curriculum/> (last visited Mar. 15, 2017).

5. 99 F.3d 363 (11th Cir. 1996) [hereinafter *Benlate Litigation*].

6. *In re E.I. du Pont de Nemours & Co.*, No. 4: 95-CV-36, at 4 (M.D. Ga. Dec. 31, 1998) (unpublished Consent and Final Judgment Order), available at <http://clarkcunningham.org/Professionalism/Dupont-Consent.pdf> [hereinafter *du Pont*, Consent and Final Judgment Order].

7. *Id.*

8. Patrick Longan, *Teaching Professionalism*, 60 MERCER L. REV. 659 (2009); Timothy W. Floyd, *Moral Vision, Moral Courage, and the Formation of the Lawyer's Professional Identity*, 28 MISS. C. L. REV. 339 (2009).

Commission on Professionalism in Georgia.<sup>9</sup> The applicability of the Four Component Model to legal education was introduced to the members of the NIFTEP consortium in 2007<sup>10</sup> at one of its national workshops by Neil Hamilton, Director of the Holloran Center for Ethical Leadership in the Professions, University of St. Thomas School of Law. The NIFTEP leadership was so intrigued by this social science research that it invited Bebeau to be the keynote presenter at one of its workshops in 2009.<sup>11</sup>

Inspired by the use of FCM-based assessment measures in other professional schools, NIFTEP subsequently devoted two workshops to the topic: *Are We Making a Difference? Developing Outcome Measures to Evaluate the Effectiveness of Law School Efforts to Teach Ethics & Develop Professionalism*.<sup>12</sup>

The 2016 Mercer Law Review Symposium is indebted to Judge Lawson's visionary *Benlate Litigation* order in many ways. Some of the actual funding of the symposium comes from the \$1 million endowment estab-

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9. NIFTEP is a consortium of six nationally-recognized law school programs on ethics, professionalism and the legal profession: The Experiential Advantage at the Sturm College of Law, University of Denver; The Louis Stein Center for Law & Ethics at Fordham University School of Law; The W. Lee Burge Endowment for Law & Ethics at the Georgia State University College of Law; The Center on the Global Legal Profession at the Maurer School of Law, Indiana University-Bloomington; the Mercer Center for Legal Ethics and Professionalism; and the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law in Minneapolis. NIFTEP conducts national and international workshops that bring together leading academics and practitioners involved in teaching legal ethics and promoting professionalism. See NAT'L INST. FOR TEACHING ETHICS & PROFESSIONALISM, <http://www.niftep.org/> (last visited Mar. 12, 2017). Other NIFTEP projects include the International Forum on Teaching Legal Ethics and Professionalism, a user-driven online community and resource library for ethics teachers, scholars, and practitioners worldwide. See INT'L FORUM ON TEACHING LEGAL ETHICS & PROFESSIONALISM, [www.teachinglegaethics.org](http://www.teachinglegaethics.org) (last visited Mar. 12, 2017).

10. *2007 Workshop: Development of Moral Decisionmaking and Ethical Commitment During Law School and the First Five Years of Practice*, NAT'L INST. FOR TEACHING ETHICS & PROFESSIONALISM, <http://niftep.org/workshops/2007-workshop> (last visited Mar. 12, 2017).

11. *Spring 2009 Workshop: Establishing and Evaluating Competencies of Students During Law School*, NAT'L INST. FOR TEACHING ETHICS & PROFESSIONALISM, <http://niftep.org/workshops/spring-2009-workshop> (last visited Mar. 12, 2017).

12. *Fall 2013 Workshop: Establishing and Evaluating Competencies of Students During Law School*, NAT'L INST. FOR TEACHING ETHICS & PROFESSIONALISM, <http://niftep.org/workshops/fall-2013-workshop>; *Fall 2014 Meeting: Establishing and Evaluating Competencies of Students During Law School*, NAT'L INST. FOR TEACHING ETHICS & PROFESSIONALISM, <http://niftep.org/workshops/fall-2014-meeting> (last visited Mar. 12, 2017).

lished by his order to support annual symposia in Georgia on professionalism in the practice of law.<sup>13</sup> The symposium was organized by the holder of the Bootle Chair funded at Mercer by his order. The idea and research base for the symposium was developed in large part by the work of NIFTEP, also supported by funds endowed pursuant to his order. And NIFTEP agreed to schedule its 2016 national workshop to take place in Macon, Georgia immediately after the symposium to continue the dialogue of ideas generated by the symposium.<sup>14</sup>

### III. CHALLENGES TO IDENTITY FORMATION IN PROFESSIONAL EDUCATION

A review of the research on identity formation in professional education reveals that most entry level professional students—though they may enter with broadly stated altruistic values—cannot articulate the role expectations of the profession they seek to join and are thus unable to begin to develop a professional identity.<sup>15</sup> Nor do students simply absorb such expectations during the course of professional education in the absence of intentional instruction.<sup>16</sup> For example, in a program to remediate over 70 fourth-year medical students at one medical school implicated in a cheating scandal, administration of the measures described in this article revealed a pervasive inability to articulate professional expectations.<sup>17</sup> Significantly, inability to explain the profession's role expectations was also found among a group of professionals disciplined by a

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13. These symposia are organized by the four endowed professors whose chairs were funded by Judge Lawson's order and rotate among their four law schools. *See du Pont*, Consent and Final Judgment Order, *supra* note 6, at 4.

14. *Fall 2016 Workshop: Establishing and Evaluating Competencies of Students During Law School*, NAT'L INST. FOR TEACHING ETHICS & PROFESSIONALISM, <http://niftep.org/workshops/fall-2016-workshop> (last visited Mar. 12, 2017).

15. Muriel J. Bebeau & Verna E. Monson, *Professional Identity Formation and Transformation Across the Life Span*, in *LEARNING TRAJECTORIES, INNOVATION AND IDENTITY FOR PROFESSIONAL DEVELOPMENT* 135 (Anne McKee & Michael Eraut eds., 2012).

16. *See* Melissa Anderson, *What Would Get You in Trouble: Doctoral Students' Conceptions of Science and its Norms*, in *INVESTIGATING RESEARCH INTEGRITY: PROCEEDINGS OF THE ORI CONFERENCE ON RESEARCH ON RESEARCH INTEGRITY* (Nicholas H. Steneck & Mary D. Scheetz eds., 2002), available at [https://ori.hhs.gov/documents/proceedings\\_rri.pdf](https://ori.hhs.gov/documents/proceedings_rri.pdf). In a longitudinal study of doctoral students in the sciences, students did not learn their profession's values of research integrity from their role models; they were no more able to articulate these expectations at the end of their education than they were at the beginning. *Id.*

17. *See* Muriel J. Bebeau & Kathy Faber-Langendoen, *Remediating Lapses in Professionalism*, in *REMEDICATION IN MEDICAL EDUCATION* 103 (Adina Kalet & Calvin L. Chou eds., 2014).

licensing board referred to one of the Authors (Bebeau) for a remediation program.<sup>18</sup>

Even when students can articulate some professional expectations, students may have difficulty accepting some of the norms of the profession—but they must learn that they cannot outright reject them.<sup>19</sup> This is a critical point to make with students at the outset of professional education. Students come to professional school having made a tentative decision to become a professional, and it may take a long process to determine whether that is the right decision for the self. Becoming a professional requires an integration of personal and professional values, and each person has to decide whether he or she can abide by the profession's expectations. However, students must come to appreciate that each profession has the right to expect that its members will live up to the profession's norms, and each profession has a right to sanction those members who violate the rules and norms of professional practice.

Young people entering a profession tend not to see their future selves as responsible for monitoring and regulating their profession and are naturally more self- rather than other-centered. Becoming other-centered is

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18. Assessments based on the Four Component Model of Morality discussed below revealed shortcoming in one or more of the four components (ethical sensitivity, moral reasoning, role concept understanding, or implementation of effective action plans) that helped to explain an individual's moral failing. See Muriel J. Bebeau, *Enhancing Professionalism Using Ethics Education as Part of a Dental Licensing Board's Disciplinary Action: Part 1 An Evidence-Based Process*, 76 J. AM. C. DENTISTS 38 (2009) [hereinafter Bebeau, *Part 1*] (providing brief descriptions of the assessment methods and measures); Muriel J. Bebeau, *Enhancing Professionalism Using Ethics Education as Part of a Dental Licensing Board's Disciplinary Action: Part 2 Evidence the Process Works*, 76 J. AM. C. DENTISTS 32 (2009) [hereinafter Bebeau, *Part 2*] (discussing findings). Although disciplined practitioners varied on measures of sensitivity, reasoning, and ethical implementation, one consistent shortcoming of those disciplined was an inability to clearly articulate professional expectations. They often expressed general ideals or virtues of a professional, but could not articulate specific responsibilities that would drive decision making. Even for those who had developed advanced abilities to reason about moral problems, their ability seemed unconnected with what was expected of them as a professional. They highly valued the discussion of professional expectations and expressed a sense of professional renewal from engaging in discussions and assessments related to the expectations. They also highly valued the suggested dialogs for precisely what to say and do in complex situations—confronting a colleague about unethical behaviors, informing a patient of a bad outcome, etc. The remediation program, which followed the instructional guidelines set forth in these articles and used some of the same outcome measures, achieved notable success. For a discussion of how Bebeau's remediation program for dentists could be adapted to other professions including law, see Clark D. Cunningham, *Remediation Program for Dentists Provides Data on Moral Development Important to All Professions*, 76 J. AM. C. DENTISTS 50 (2009), available at <http://clarkcunningham.org/PDF/JACD-Cunningham.pdf>.

19. A similar point is made in Sylvia R. Cruess & Richard L. Cruess, *From Teaching Professionalism to Supporting Professional Identity Formation: Lessons from Medicine*, 68 MERCER L. REV. 665, 676-77 (2017).

the mark of moral maturity and has been found by research to be the distinguishing feature of professionals who have been identified as exemplars by their peers.<sup>20</sup> Students must recognize that it is normal and natural to be self-focused on achievement when one enters professional school.<sup>21</sup>

That students cannot articulate key professional expectations and do not see themselves as responsible to enact them are not the only causes of inadequate identity formation.<sup>22</sup> Students are often torn between and among competing responsibilities and expectations. Thus, educational interventions to promote identity formation need to help students articulate these tensions, see that other students also struggle with these tensions, and further see that exemplary professionals have also struggled with these tensions in their own professional development. Students must also be helped to see that it is normal and natural to feel some disillusionment as they come to recognize the complexity of professional practice and struggle with the realization that not all individuals who hold a professional license consistently live up to the espoused values of the profession. Students should be challenged and supported at each such discovery to seek out models and strategies for dealing with the complexities of professional life.

Research on professionals at the beginning of their careers (specifically, entry level dentists) reveals that they find among the hardest professional responsibilities to fulfill are: (1) putting the interests of patients before self; (2) serving the underserved; (3) questioning the judgment of a superior; and (4) admitting error in one's own judgment.<sup>23</sup> However, their inability to cope with these challenges appears to come less from unwillingness than from lack of competence and confidence in how to proceed.<sup>24</sup> They indicate that instruction on what to say and do in challenging professional dilemma is highly valued; however, professional ethics education seldom focuses on this dimension of professional practice.<sup>25</sup>

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20. See generally JAMES T. RULE & MURIEL J. BEBEAU, *DENTISTS WHO CARE: INSPIRING STORIES OF PROFESSIONAL COMMITMENT* (2005); Neil W. Hamilton & Verna E. Monson, *Ethical Professional (Trans)Formation: Themes for Interviews about Professionalism with Exemplary Lawyers*, 52 SANTA CLARA L. REV. 925 (2012).

21. See Bebeau & Monson, *Professional Identity Formation*, *supra* note 15.

22. *Id.*

23. *Id.*

24. See Bebeau, *Part 1*, *supra* note 18; Bebeau, *Part 2*, *supra* note 18.

25. This dimension is Component 4 of Rest's FCM. See *infra* Part IV.

IV. BACKGROUND AND FINDINGS FROM THE APPLICATION OF THE FOUR COMPONENT MODEL IN PROFESSIONAL EDUCATION

Lawrence Kohlberg (1927-1987), who was to become one of the twentieth century's most eminent psychologists, was motivated to study moral psychology by events following World War II. Born in Bronxville, New York, the son of a Jewish German entrepreneur, he was too young to join the military, so he quit school to join the U.S. Merchant Marines. Subsequently, he worked for a time on a ship smuggling Jewish refugees through the British Blockade, into Palestine. Unlike the ship that gave its name to the film *Exodus*, his ship was captured and held at an internment camp on Cyprus. While in prison, and subsequently after he and his shipmates escaped to Palestine to live on an Israeli kibbutz, he had time to reflect on the plight of Jewish refugees and the astonishing defense offered by Nazi officers during the Nuremberg trials. The killing of millions of Jews was justified, they argued, based upon their "duty to obey authority."<sup>26</sup>

In his 1958 Ph.D. dissertation at the University of Chicago Kohlberg proposed a stage theory of moral judgment development that he and others expected would explain an individual's moral understanding and why social appeals to loyalty and authority might have a particular impact. Initially, Kohlberg thought that the development of an individual's capacity to appeal to moral ideals would be sufficiently powerful to explain the totality of moral functions. After overcoming significant problems of measurement validity, Kohlberg and his colleagues found that the proposed capacity to appeal to moral ideals to resolve moral problems did not live up to its initial billing. Although consistent research findings support the claim that moral judgment development was an ability (or developmental construct) that advanced with levels of education and was also a construct that developed across cultures, the ability to reason was only moderately predictive of moral action (it accounted for between 15-20% of behavioral responses).<sup>27</sup> The moral psychology field, along with many of Kohlberg's own students and colleagues, came to accept the possibility that other capacities or abilities, in addition to moral reasoning and judgment, were at play.<sup>28</sup>

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26. Lawrence Kohlberg, *in* 1 ENCYCLOPEDIA OF HUMAN ECOLOGY 444-48 (Julia R. Miller et al. eds., 2003).

27. JAMES REST, MORAL DEVELOPMENT: ADVANCES IN RESEARCH AND THEORY (1986); Stephen J. Thoma, *Moral Judgments and Moral Action*, *in* MORAL DEVELOPMENT IN THE PROFESSIONS: PSYCHOLOGY AND APPLIED ETHICS 199 (James Rest & Darcia Narvaez eds., 1994).

28. Most notably, Augusto Blasi argued that the "gap" between "knowing" and "doing" could be filled by considering the development of "the moral self." Augusto Blasi, *Moral*



Most notable in promoting a multi-capacity view was James Rest—who had been a student of Kohlberg. He came to the conclusion that moral judgment processes were necessary but not sufficient for moral action. Rest argued that behavior can be considered moral only through knowing both the observable behavior and the complex cognitive and affective interactions that give rise to it. During the early 1980s Rest was commissioned to write the chapter on morality for the *Handbook of Child Psychology*. He approached that task by reviewing the field from multiple theoretical perspectives, including those derived from the developmental sciences (such as work on the development of empathy and on moral disengagement) while focusing on moral action, and as result of that work he deduced four clusters of findings that represented conceptually independent sources of information that could be claimed to support moral action.<sup>29</sup>

Moral failings are not simply the result of an individual's conceptual weakness, Rest concluded: everyone, even well-motivated individuals, can come short by (1) missing the moral problem, (2) reasoning ineffectively about how the moral problem ought to be solved, (3) lacking the commitment to solve the moral problem in the face of other considerations, or (4) through failure in effective implementation.<sup>30</sup>

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*Identity: Its Role in Moral Functioning*, in MORALITY, MORAL BEHAVIOR, AND MORAL DEVELOPMENT 129 (William M. Kurtines & Jacob L. Gewirtz eds., 1984). Subsequently, researchers noted that predictions to behavior were enhanced from 20-30% by including measures of ego strength and consistency between reasoning and judgment. See Lawrence Kohlberg & Daniel Candee, *The Relation of Moral Judgment to Moral Action*, in MORALITY, MORAL BEHAVIOR, AND MORAL DEVELOPMENT 140 (William Kurtines & Jacob Gewirtz eds., 1984); Stephen J. Thoma, James R. Rest & Mark L. Davison, *Describing and Testing a Moderator of the Moral Judgment and Action Relationship*, 61 J. PERSONALITY & SOC. PSYCHOL. 659 (1991). Consider these contrasting perspectives of the moral self: The “Nazi Accountant of Auschwitz,” Oskar Groening, age 93, was recently brought to trial in Germany. In an interview, he claimed that despite his horror about the death camp, there was nothing he could do. If he opposed what was going on he would have risked the safety not only of himself, but his family. People had been executed before for their “failings” by the Nazi party, he wouldn’t have been the first. So, he carried on, believing if he didn’t he and his family might be killed, and for what? He said there was no shortage of people that the regime could find to take his place. *A Nazi War Crimes Trial Like No Other*, CBS NEWS (Apr. 21, 2015, 7:02 AM), <http://www.cbsnews.com/news/nazi-auschwitz-camp-accountant-oskar-groening-trial-begins-in-germany/>. Contrast the perspective of the “Nazi Accountant” with a member of the French Resistance who, when asked about the risks taken to assist Jews to escape occupied France said: “How could I not help. These are human beings.” Kristen R. Monroe, *But What Else Could I Do? Choice, Identity and a Cognitive-Perceptual Theory of Ethical Political Behavior*, 15 POL. PSYCHOL. 201 (1994).

29. James R. Rest, *Morality*, in 3 HANDBOOK OF CHILD PSYCHOLOGY: COGNITIVE DEVELOPMENT 556 (Paul H. Mussen et al. eds., 4th ed. 1983).

30. *Id.*; see also MORAL DEVELOPMENT IN THE PROFESSIONS: PSYCHOLOGY AND APPLIED ETHICS (James R. Rest & Darcia F. Narvaez eds., 1984).

Rest then posited four distinct and interactive processes (Components) as necessary conditions for moral action. Moral failing may be attributable to a deficiency in one or more of these processes or capacities. The following descriptions were adapted from a number of sources to apply to legal education.<sup>31</sup>

**-Component 1: Ethical Sensitivity** is:

the ability to interpret the reactions and feelings of others. It involves being aware of alternative courses of action, knowing cause-consequence chains of events in the environment and how each could affect the parties concerned . . . . For individuals being socialized to professional practice, ethical sensitivity involves the ability to see things from the perspective of other individuals and groups . . . and more abstractly, from legal, institutional, and national perspectives. Thus, it includes knowing the regulations, codes and norms of one's profession, and recognizing when they apply.<sup>32</sup>

**-Component 2: Moral Reasoning** takes place once a professional has identified a moral issue and is aware of possible lines of action and how people would be affected by each line of action (Component 1), then moral reasoning involves judgment concerning which line of action is more morally justifiable—which alternative is just or right? It involves deliberation regarding the various considerations relevant to different courses of action and making a judgment regarding which of the available actions would be most morally justifiable. It entails integrating both shared moral norms and individual moral principles.

**-Component 3: Moral Motivation and Commitment and Professional Identity** have to do with the importance given to moral values in competition with other values. A professional may know which alternative course of action is just or right (Component 2), but the professional may not be sufficiently motivated to put moral values higher than other values. Values such as self-interest in terms of income or wealth, protection of one's organization or community, or self-actualization might trump concern for doing what is just or right. "**Professional identity**" fits within Moral Motivation and Commitment as a significant factor.

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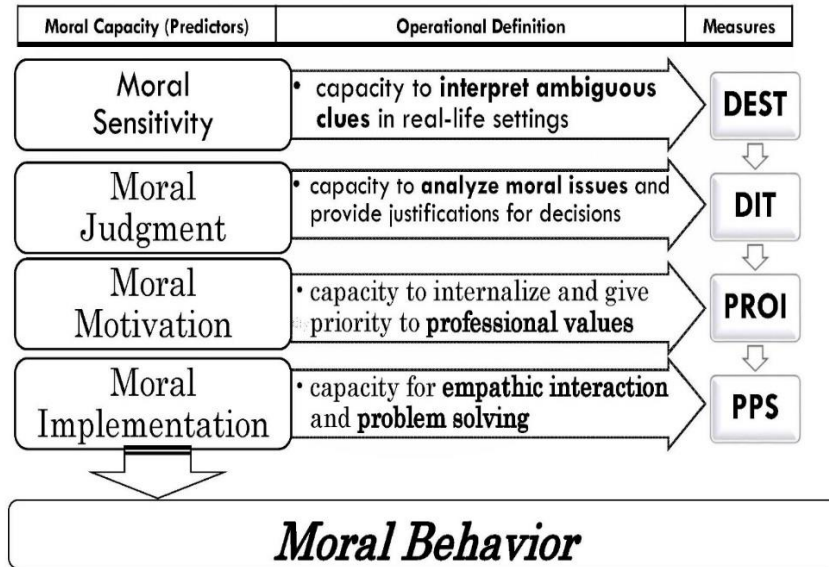
31. See Muriel J. Bebeau, *Promoting Ethical Development and Professionalism: Insights from Educational Research in the Professions*, 5 U. ST. THOMAS L.J. 366 (2008).

32. Muriel J. Bebeau, *The Defining Issues Test and the Four Component Model: Contributions to Professional Education*, 31 J. MORAL EDUC. 271, 283 (2002). See also Muriel J. Bebeau, James R. Rest & Catherine M. Yamoore, *Measuring Dental Students' Ethical Sensitivity*, 49 J. DENTAL EDUC. 255 (1985).

Professional identity is the degree to which the professional understands and internalizes the concepts of professionalism.

**-Component 4: Moral Character and Implementation Skills** focus on whether the professional has sufficient pertinacity, ego strength, toughness, strength of conviction and courage to implement his or her moral reasoning (in contrast, is the professional weak-willed or easily distracted or discouraged?). A professional must also be able to determine an effective action plan and to carry the plan out. Creative problem solving and interpersonal effectiveness are critical for Moral Character and Implementation.<sup>33</sup>

**Four Component Model of Morality (FCM) (Rest, 1983)**



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33. See Bebeau & Monson, *Guided by Theory*, *supra* note 2, at 557-60, 573.

34. This table is adapted from Bebeau, *Promoting Ethical Development and Professionalism*, *supra* note 31, at 392-93. The abbreviated measures refer to the Dental Ethical Sensitivity Test (DEST), Defining Issues Test (DIT), Professional Role Orientation Inventory (PROI), and Professional Problem Solving (PPS).

To assess moral judgment development (Component 2 of the FCM), Kohlberg had presented individuals with classic moral dilemmas and asked respondents whether the protagonist should or should not perform a particular act.<sup>35</sup> One such scenario presented a narrative in which a man named Heinz had a wife near death from a rare form of cancer. A druggist in the town where Heinz lived had a drug that might save her life but was charging \$2000 a dose, \$1000 more than Heinz could raise and ten times what the drug cost to make. The scenario closed with the question: Should Heinz steal the drug to save his wife's life? Kohlberg was not so interested in whether a person said Heinz should or should not steal, but rather in the content and structure of their reasoning.<sup>36</sup>

Spoken responses to these dilemmas were transcribed and scored for levels of reasoning development. This process, called the Moral Judgment Interview (MJI), while it provided convincing evidence of different stages of moral judgment development, was time-consuming and costly to administer. James Rest, having worked with Kohlberg on the MJI measurement, wondered whether a paper and pencil test that presented students with statements representing different stages of development might provide estimates of an individual's level of development that could be easily scored and more readily used in large population studies. Today, there is a very extensive body of evidence supporting the validity of the moral judgment construct and validity and reliability of the test developed by Rest: the Defining Issues Test (DIT).<sup>37</sup> Though the estimates of an individual's ability to construct well-reasoned arguments is more reliably assessed with a measure like Kohlberg's MJI that requires a respondent to produce his or her own reasoning, the DIT, which only measures recognition of standardized arguments, nonetheless has been shown to assess the extent to which an individual can distinguish among moral arguments, is consistent in selecting arguments that support one's judgment, and identifies a preference for a particular moral schema. The measure has been extensively validated for use across levels of education. The measure is sensitive to developmental shifts in thinking and has

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35. ANNE COLBY ET AL., *THE MEASUREMENT OF MORAL JUDGMENT* vols. 1 & 2 (1988). A sample of the Heinz dilemma in the format of the Defining Issues Test can be found in Neil W. Hamilton, Verna E. Monson & Jerome M. Organ, *Empirical Evidence that Legal Education Can Foster Student Professionalism/Professional Formation to Become an Effective Lawyer*, 10 U. ST. THOMAS L.J. 11, 70-71 (2012).

36. COLBY ET AL., *supra* note 35, at 229-31.

37. See JAMES R. REST, *DEVELOPMENT IN JUDGING MORAL ISSUES* (1979); Stephen J. Thoma, *Research on the Defining Issues Test*, in *HANDBOOK OF MORAL DEVELOPMENT* 67 (Melanie Killen & Judith G. Smetana eds., 2006).

been extensively used in higher and professional education. It is particularly useful in higher education as it is not subject to the tendency of respondents to answer questions in a manner they think will be viewed favorably by others (social desirability bias), and can be used effectively to provide students with insights about their ability to reason about complex professional problems.<sup>38</sup>

In the early 1980s, Carol Gilligan used the idea of gender bias to challenge Kohlberg's scoring of the Moral Judgment Interview, prompting some feminist philosophers, ethicists, and psychologists to question whether theories of morality were biased against "women's ways of knowing."<sup>39</sup> In the ensuing years, literally hundreds of studies were devoted to questions of gender difference and bias in theories of morality, with very mixed results. In 2000, Jaffee and Hyde published results of a meta-analysis of studies that cut across many research efforts that attempted to verify gender bias.<sup>40</sup> They concluded that claims of gender polarity in moral orientations could not be substantiated in light of small effect sizes in analysis of gender differences.<sup>41</sup> Walker's subsequent review of gender differences and gender bias in theories of moral judgment concludes: (a) that gender explains a negligible amount of the variability in moral reasoning development; (b) that abundant empirical evidence indicates no support for the idea that Kohlberg's model downscores the reasoning of women and those with a care orientation; and (c) that Gilligan's claim of gender polarity in moral orientations cannot be substantiated in light of small effect sizes in analyses of gender differences.<sup>42</sup> Additionally, a meta-analysis of DIT studies reported that the amount of variance accounted for by gender was negligible (less than 1 percent).<sup>43</sup>

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38. See *infra* Part VII; see also Bebeau & Faber-Langendoen, *supra* note 17, for suggestions for the use of the measure for both formative and summative evaluation.

39. CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982). Gilligan claimed that the MJI scoring system downgraded women's perspectives on caring. Conceding that the MJI scoring guide did not clearly distinguish "Personal interest caring" (Stage 3) from "Postconventional caring" (i.e., based upon an ethic of care) Kohlberg and colleagues modified the 1987 MJI scoring system to distinguish these concerns. See ANNE COLBY ET AL., *supra* note 35.

40. Sara Jaffee & Janet S. Hyde, *Gender Differences in Moral Orientation: A Meta-Analysis*, 126 PSYCHOL. BULL. 703 (2000).

41. *Id.*

42. Lawrence J. Walker, *Gender and Morality*, in HANDBOOK OF MORAL PSYCHOLOGY 93 (Melanie Killen & Judith G. Smetana eds., 2006).

43. Stephen J. Thoma, *Estimating Gender Differences in the Comprehension and Preference of Moral Issues*, 6 DEVELOPMENTAL R. 165 (1986). This is not to suggest that gender differences may not be present in other components of morality. See Di You & Muriel J. Bebeau, *Gender Differences in Ethical Competence of Professional School Students*, 76 J.

Subsequently, philosophical critiques argued that Kohlberg's stage theory of moral development was dependent on a particular philosophical tradition—grounded in the work of Immanuel Kant and exemplified by John Rawls<sup>44</sup>—and was therefore biased against other equally adequate moral theories (e.g., virtue theories, feminist theories, and so on). Persons who made such arguments failed to see the distinctive roles of philosophy and psychology.<sup>45</sup> Though Kohlberg may have been enamored of the

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DENTAL EDUC. 1137 (2012). For example, You and Bebeau note that previous research explored gender difference almost exclusively with respect to moral cognition, whereas data from a long-term curriculum project enabled exploration of gender difference in four capacities defined by the FCM. Whereas men and women did not differ significantly at entry to dental school on measures of moral reasoning (component 2) and moral motivation (component 3), differential change was apparent at the end of the educational program. Further, the women in this study did not differ from their male colleagues at the end of the third year on ethical sensitivity (component 1)—the ability to interpret the moral dimensions of professional problems. Similarly, they did not differ significantly on moral judgment schema scores as measured by the DIT at either the beginning or end of the program. However, at both times of testing, differences were apparent in the proportion of women who demonstrated a moral judgment profile that was consolidated on postconventional moral arguments (component two), suggesting greater certainty that moral ideals ought to be applied to resolve complex moral problems. Consistent with the perspective of developmental psychologists who argue that moral understanding leads to enhanced moral motivation and commitment (component three), which, in turn, would be reflected in the development of effective moral action (component four), the women in their study demonstrated a greater sense of responsibility to others at the end of the program. This attitude, in turn, was reflected in their ability to develop more effective plans of action (component 4) to resolve complex ethical problems that arise in dental practice. Although the women in the study showed greater gains in moral motivation and a more consolidated moral judgment profile, both men and women enhanced their reasoning and motivation during the four-year dental ethics program. *Id.*; see also Di You, Yukiko Maeda & Muriel J. Bebeau, *Gender Differences in Moral Sensitivity: A Meta-Analysis*, 24 ETHICS & BEHAV. 263 (2011), for the results of a meta-analysis of gender differences in measures of moral sensitivity.

44. See, e.g., JOHN RAWLS, A THEORY OF JUSTICE (1971).

45. In *The Moral Domain: Essays in the Ongoing Discussion Between Philosophy and the Social Sciences*, philosopher Thomas E. Wren invited psychologist Augusto Blasi to clarify the distinctive roles of psychology and philosophy. See Augusto Blasi, *How Should Psychologists Define Morality? Or the Negative Side Effects of Philosophy's Influence on Psychology*, in *THE MORAL DOMAIN: ESSAYS IN THE ONGOING DISCUSSION BETWEEN PHILOSOPHY AND THE SOCIAL SCIENCES* (Thomas E. Wren ed., 1990). Blasi points out that psychology cannot decide which of the various moral dimensions (e.g., justice, beneficence) is the most centrally and most genuinely moral. That is philosophy's role. *Id.* at 67. Psychology "can determine whether one or another aspect is perceived to be most important at different ages, levels of education, or by different genders; it can also determine whether any of the dimensions best accounts for, i.e., structurally integrates the various moral data and whether this integrative power of each dimension shifts with age or other factors." *Id.* at 51. For a complete discussion of the criteria used by philosophers to distinguish the adequacy of various moral theories, see TOM L. BEAUCHAMP & JAMES F. CHILDRESS, *PRINCIPLES OF BIOMEDICAL ETHICS* (4th ed. 2009).

Rawlsian theory of justice, which after all reflected some of the most advanced philosophical thinking of the times, Kohlberg was not attempting to decide which moral theory was most adequate; rather, he was attempting to show whether, to what degree, and under what conditions, individuals appealed to *any* coherent moral theory to resolve moral problems.<sup>46</sup> This philosophical criticism was addressed in 1999 when two of the Authors (Bebeau and Thoma) joined Rest and Darcia Narvaez in publishing *Postconventional Moral Thinking: A Neo-Kohlbergian Approach*,<sup>47</sup> which utilized twenty-five years of DIT research to reconceptualize Kohlberg's original five moral stages into three major moral schemas (Personal Interests, Maintaining Norms, and Postconventional thinking). These three schemas were found by empirical research to characterize major shifts in the development of moral reasoning and judgment that are linked to education.<sup>48</sup>

Rest's FCM directly influenced two lines of research on (Component 3) moral motivation, both within the context of professional education. Because ethical considerations are typically explicit in professional roles, professionals are more prepared to provide articulated justifications for their actions. Thus, the development of measurement systems within professional systems was thought likely to emphasize the rational and reflective aspects of moral motivation and could take advantage of the link between professional identity and moral identity.

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46. One disadvantage of production measures like the MJL, is that most individuals—unless they have training in moral philosophy—are unable to coherently articulate a theoretical rationale to defend their judgment. Respondents tend to articulate rationales that appeal to personal interest (stage 2), maintaining interpersonal concordance (stage 3), or maintaining moral norms and rules (stage 4) to support their moral judgments, while rarely articulating a theoretically more adequate stage 5 or 6 rationale. An advantage of a recognition measure (e.g., the DIT) is that individuals may recognize a more adequate moral argument, like the arguments presented on the DIT, even though they cannot articulate them. A recognition measure gives an estimation of what the individual comprehends, while a production measure gives an estimation of what an individual is able to produce. One important point with respect to the DIT postconventional arguments: their arguments use a fragment strategy. Unless an individual comprehends the argument from a fragment of the argument, they are unable to distinguish the item from a nonsense argument (a bunch of words that sounds like something a philosopher might say, but is essentially meaningless). Such statements protect the measure against overestimating comprehension (i.e., social desirability bias). Respondents can fake a low score, but they cannot fake a high score.

47. JAMES REST, DARCIA NARVAEZ, MURIEL J. BEBEAU & STEPHEN THOMA, *POSTCONVENTIONAL MORAL THINKING: A NEO-KOHLBERGIAN APPROACH* (1999). See also Bebeau, *The Defining Issues Test*, *supra* note 32, for a summary of DIT findings in medicine, law, dentistry, and veterinary medicine.

48. *Id.*

The first line of research led to development of the Professional Role Orientation Inventory (PROI),<sup>49</sup> designed to elicit a professional's conception of his or her professional role. Four 10-item scales assess dimensions of professionalism that are described in models of professionalism (e.g., agent, service, commercial, and guild) cited in the professional ethics literature. The PROI scales have been shown to consistently differentiate beginning and advanced student groups and practitioner groups expected to differ in role concept. The measure is sensitive to the effects of instruction and has performed well in construct validation studies.<sup>50</sup> The PROI and the DIT have been used both for instructional purposes and as outcome measures for a dental ethics curriculum designed by Bebeau using the FCM model, taught at the University of Minnesota School of Dentistry for approximately thirty years, and have been used at a number of other dental schools as well.<sup>51</sup> Although the PROI is designed for one specific profession—dentistry—it can be adapted to other professions.<sup>52</sup>

The second line of research, drawing from Robert Kegan's life-span model of self-development,<sup>53</sup> led to the development of another strategy to explore moral motivation: the Professional Identity Essay (PIE). The PIE consists of a series of open-ended questions designed to elicit a stu-

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49. See Muriel J. Bebeau, David O. Born & David T. Ozar, *The Development of a Professional Role Orientation Inventory*, 60 J. AM. C. DENTISTS 27 (1993).

50. See Muriel J. Bebeau & Stephen J. Thoma, *Moral Motivation in Different Professions*, in HANDBOOK OF MORAL MOTIVATION: THEORIES, MODELS, AND APPLICATIONS 475 (Karin Heinrichs, Fritz Oser & Terence Lovat eds., 2013), for a recent summary of validation studies.

51. In 2008, fifteen dental schools reported using the DIT as an outcome measure and ten reported using the PROI. Marilyn S. Lantz, Muriel J. Bebeau & Pamela Zarkowski, *The Status of Teaching and Learning of Ethics in US Dental Schools*, 75 J. DENTAL EDUC. 1295, 1301 tbl.13 (2011). Curriculum Guidelines on Ethics and Professionalism developed by representatives from the American Dental Association Council on Dental Education, the American College of Dentists, and the American Association of Dental Schools articulated content areas for instruction in ethics and professionalism grounded in the FCM. *Id.* at 1295-96.

52. See Laura L. Swisher, Jason W. Beckstead & Muriel J. Bebeau, *Models of Professionalism: Confirmatory Factor Analysis of the Professional Role Orientation Inventory Among Physical Therapists*, 84 PHYSICAL THERAPY 784 (2004) (adapting PROI for use in researching role orientation among physical therapists; this adaptation was done in consultation with one of the creators of the PROI, Bebeau).

53. ROBERT KEGAN, *THE EVOLVING SELF* (1982). For applications of Kegan's work to the education of military officers see George B. Forsythe, Scott Snook, Philip Lewis & Paul T. Bartone, *Making Sense of Officership: Developing a Professional Identity for 21st Century Army Officers*, in THE FUTURE OF THE ARMY PROFESSION 357 (Donald M. Snider & Gayle L. Watkins eds., 2002) and MURIEL J. BEBEAU & PHILIP LEWIS, *MANUAL FOR ASSESSING AND PROMOTING IDENTITY FORMATION* (Ctr. for the Study of Ethical Dev. 2004).



dent's conceptions of their role and responsibilities as professionals. Because professional students are usually rather articulate, it is possible to elicit their understandings of expectations in writing. It is important, however, to elicit their perspectives in a controlled setting—i.e., under supervision and without internet access.<sup>54</sup> The PIE has primarily been used for instruction and formative assessment<sup>55</sup> rather than as an outcome measure for professional identity formation.<sup>56</sup>

The importance of professional identity formation to professional practice is supported by a reexamination of data originally collected for a study of gender differences<sup>57</sup> on measures of the four FCM capacities (ethical sensitivity, reasoning, role concept, and ethical implementation) for five cohorts of dental students who participated in a well-validated four-year dental ethics education program. In a reanalysis of pre- and post-test data for 120 dental graduates randomly selected from five cohorts who completed the curriculum, Bebeau and Thoma noted that those graduates who had developed a mature professional identity by graduation also had developed high levels of competence on measures of the other three components (ethical sensitivity, reasoning, and implementation).<sup>58</sup> Taken together, evidence from the three samples studied by Bebeau and colleagues (exemplary professionals, disciplined professionals, and recent graduates who completed an ethics curriculum) strongly suggests that development of a professional moral identity that is consistent with the norms and values of the profession is the driving force that gives rise to the development of other abilities that account for responsible professional conduct.<sup>59</sup>

The dental ethics curriculum at Minnesota upon which the outcome studies were based consisted of approximately forty-four contact hours spread out over the total four-year course of study. Students got feedback on their writing assignments and on each of the FCM-based assessments during the course of study. At the end of the four years, each student received a letter that summarized their pre-test to post-test progress, enabling them to set goals for further professional development. This curriculum evolved over a thirty year period; the DIT and PROI were in

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54. Bebeau & Faber-Langendoen, *supra* note 17, at app. B.

55. Adina Kalet et al., *Measuring Professional Identity Formation Early in Medical School*, 39 MED. TEACHER (2016), available at <http://dx.doi.org/10.1080/0142159X.2017.1270437>.

56. *But see* Bebeau, *Part 1*, *supra* note 18; Bebeau, *Part 2*, *supra* note 18; Hamilton, Monson & Organ, *Empirical Evidence*, *supra* note 35.

57. You & Bebeau, *Gender Differences in Ethical Competence*, *supra* note 43.

58. *See generally* Muriel J. Bebeau, *An Evidence-Based Guide for Ethics Instruction*, 15 J. MICROBIOLOGY & BIOLOGY EDUC. 124 (2014).

59. *Id.*

place for twenty-five of those years along with a profession-specific test of the first FCM component, ethical sensitivity. Later in the development of the curriculum, methods to assess the fourth component—Implementation—were developed by rating action plans and dialogs students developed for seven to eight complex problems arising in dental practice.<sup>60</sup>

The outcome studies illustrated that: (1) each of the four FCM components can be reliably measured; (2) the measures are valid measures of the construct; (3) there is no ceiling effect on the measures; (4) scores of students and practitioners who have taken the test tend to be normally distributed (not highly skewed as is typical for many “off the shelf” measures that are administered to students in the professions); and (5) the measures are sensitive to the effects of an instructional intervention. Studies with those who have been disciplined by a licensing board show the practical usefulness of the measures for identifying shortcomings in abilities that are necessary competencies for real life professional practice.<sup>61</sup> The evidence from exemplars, sanctioned professionals, and students who completed the four year curriculum illustrates the key role that professional ethical identity formation seems to play in the development of the other ethical capacities.

There is thus ample evidence that the FCM has explanatory power and that following the directives of the theory that underlies the FCM can help educators develop learning experiences and material that are effective for ethical development.<sup>62</sup> It is not necessary for every school within a profession to conduct the kind of extensive outcome measurement used to design and evaluate the curriculum at the University of Minnesota School of Dentistry. For legal education, if a given school is able to show through empirical outcome measures such as those based on the FCM that a particular educational intervention has measurable positive effects on moral judgment development or professional identity formation, then—as has been the case in dentistry—other schools can adopt that intervention without the need to replicate that validation as long as their adoption is informed and guided by the same underlying educational theory.<sup>63</sup>

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60. *Id.*

61. *Id.*

62. Teaching materials based on the FCM are available for free download at: [http://ethicaldevelopment.ua.edu/uploads/8/4/9/8/84986096/rev\\_teaching\\_assessment\\_materials\\_course\\_designed\\_to\\_facilitate\\_the\\_development\\_of\\_moral\\_reasoning\\_and\\_judgment.pdf](http://ethicaldevelopment.ua.edu/uploads/8/4/9/8/84986096/rev_teaching_assessment_materials_course_designed_to_facilitate_the_development_of_moral_reasoning_and_judgment.pdf) (last visited May 5, 2017).

63. Bebeau, *An Evidence-Based Guide*, *supra* note 58.

#### V. IMPLEMENTING FCM-BASED RESEARCH TO PROMOTE PROFESSIONAL IDENTITY FORMATION

The following recommendations for curriculum interventions<sup>64</sup> are drawn from (a) pre- and post-test comparisons of twenty cohorts of Minnesota dental students who completed a four year ethics curriculum<sup>65</sup> and (b) pre-test and post-test evidence from forty-one sanctioned practitioners who completed an ethics course as a condition of licensure reinstatement,<sup>66</sup> and (c) in-depth interviews of moral exemplars.<sup>67</sup>

**Step 1:** Use assessments like the DIT, PROI and PIE (with feedback) to help individuals identify strengths and shortcomings in ethical abilities.

**Step 2:** Engage students in discussions of the distinguishing features of professions and expectations that follow. Use stories of moral exemplars who have insight about their own developmental trajectory to help students set personal goals for professional ethical development.

**Step 3:** Use cases to promote ethical sensitivity, moral reasoning, and ethical implementation.

**Step 4:** Provide opportunities to practice ethical implementation either through authentic simulation or supervised practice. In remediating disciplined practitioners, it was found that they highly valued opportunities to work out specifically what to do or say in challenging situations—giving bad news, eliciting consent for treatment, eliciting a truthful disclosure, confronting a colleague about unprofessional practice, admitting errors in one’s own judgment, etc.

**Step 5:** Expose students to stories of exemplars or involve such exemplary professionals as role models or coaches. Such modeling and coaching can help students see the connection between professional identity and professional effectiveness—assuming, of course, that the role models themselves are aware of their own developmentally trajectory, and don’t simply see students as incompetent or inadequate.

Exemplary professionals come to our attention because of their consistent, committed, and effective moral actions. In addition to strength

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64. For a more extensive list of eleven “best practices” for learning professional responsibility drawing on FCM-based research and pedagogy, see Clark D. Cunningham, *Learning Professional Responsibility in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD* 289-91 (Deborah Maranvill et al., eds., 2015), available at [www.teachinglegalethics.org/learningpr](http://www.teachinglegalethics.org/learningpr) (last visited Mar. 12, 2017).

65. You & Bebeau, *supra* note 43; Bebeau, *An Evidence-Based Guide*, *supra* note 58.

66. Bebeau, *Part 1*, *supra* note 18; Bebeau, *Part 2*, *supra* note 18.

67. RULE & BEBEAU, *supra* note 20.

of conviction, exemplars and role models admit mistakes, do not deny or shift blame to avoid responsibility. They self-assess, reflect, apologize, learn, and modify behavior if needed; and work to change their profession if needed. Exemplars are *aware of transformations* in their identity as that identity has unfolded across the life span. Concepts of professionalism (e.g., service to society, professional regulation, etc.) have undergone transformations since initial professional education. They now think of these responsibilities differently than they did as young professionals.<sup>68</sup>

Exemplars are aware of the value conflicts they have experienced, they know how to resolve them, and derive satisfaction from living up to the profession's values. They have constructed "self-systems" that provide an internal compass for negotiating and resolving tensions among these multiple, shared expectations.<sup>69</sup>

Exemplars are highly competent and effective, they are self-aware and reflective. Competence is seen as an essential virtue employed in service to others, including their profession. They are aware of their multiple competencies, their values, and the forces that shaped their identity. They are able to critically assess aspects of their profession while remaining strongly committed to it. Viewed by others as authentic persons, they are leaders and change agents within their profession.<sup>70</sup>

#### VI. PUTTING SOCIAL SCIENCE RESEARCH IN THE CONTEXT OF THE OTHER SYMPOSIUM CONTRIBUTIONS ON PROFESSIONAL IDENTITY FORMATION

##### A. *Sylvia and Richard Cruess, From Teaching Professionalism to Supporting Professional Identity Formation: Lessons from Medicine*

Sylvia Cruess and Richard Cruess bring to this Symposium decades of internationally recognized work in medical education,<sup>71</sup> including their editorship (with Yvonne Steinert) of *Teaching Medical Professionalism: Supporting the Development of a Professional Identity*, recently published in its second edition by Cambridge University Press.<sup>72</sup> They report that following publication of *Educating Physicians*, the fifth and final volume

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68. *Id.*

69. *Id.*

70. *Id.*

71. Sylvia R. Cruess & Richard L. Cruess, *From Teaching Professionalism to Supporting Professional Identity Formation: Lessons from Medicine*, 68 MERCER L. REV. 665 (2017).

72. TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY (Richard L. Cruess, Sylvia R. Cruess & Yvonne Steinert eds., 2016).

in the Carnegie Foundation's influential studies of professional education, that "it became apparent to many that one of the ultimate objectives of medical education was to support individuals as they develop their professional identities."<sup>73</sup> As is now happening in legal education, a realization developed in medical education that the teaching of "professionalism" is best understood as a *means* to an end—professional identity formation—rather than an end in itself.<sup>74</sup> The McGill University Faculty of Medicine (McGill) in Montreal (which Richard Cruess previously served as dean and where both Sylvia and Richard Cruess are core faculty members of the Centre for Medical Education) has stated in the Preamble to its Mission Statement: "Identity formation is an important goal of medical education; the program guides students in developing a coherent professional identity, assists them in understanding healer and professional roles and obligations, and supports them in retaining core aspects of their personal identities and values."<sup>75</sup>

Many of the strategies used at McGill to promote professional identity formation<sup>76</sup> are consistent with the FCM-based ethics curriculum that has been developed in dental education:

1. Students must be taught explicitly from the very beginning of their education about the core values and responsibilities of the profession they are joining.<sup>77</sup>
2. Identity formation develops over time and thus "should be reinforced by repetition with increasing levels of sophistication . . . [and] opportunities to reflect on important issues relevant to professionalism . . . at regular intervals throughout the curriculum."<sup>78</sup>

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73. Cruess & Cruess, *Lessons from Medicine*, *supra* note 71, at 673.

74. *Id.*

75. *Id.* at 680-81.

76. "We began [at McGill] 20 years ago by trying to teach professionalism and have evolved incrementally to our current state over that time frame. We believe that we are substantially ahead of the norm for medical education." Email from Sylvia & Dick Cruess to Muriel Bebeau (Nov. 23, 2016) (on file with authors).

77. "The cognitive base must be introduced early in the educational process." Cruess & Cruess, *Lessons from Medicine*, *supra* note 71, at 670.

78. *Id.* "There are required reflective writing exercises devoted to identity formation throughout the clinical years. . . . Time devoted to experiential learning and reflection has also been changed so that identity formation becomes the principal focus of the reflective exercises." *Id.* at 682.

3. Students must be supported in coping with “identity dissonance” as they move through the professional socialization process, with the emphasis being on points of tension that will be experienced by most students.<sup>79</sup>

4. Role models and mentors are major factors impacting identity formation and thus should be intentional components of the curriculum.<sup>80</sup>

Medical schools differ dramatically from law schools in that “the distinguishing feature of medical training . . . is that most of it is carried out in settings of actual patient care.”<sup>81</sup> Sylvia and Richard Cruess report that in “virtually every medical school contact with real patients begins very early in the first year of medical education and the proportion of time spent with patients increases until learners are fully occupied in actual care as they graduate from medical school.”<sup>82</sup> In their view, it is critical that students feel that they are joining a “community of practice.” Situating education in a community of practice gives the content of learning “authenticity because it is acquired in the same context in which it is applied.”<sup>83</sup> They make the very interesting point that medical students

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79. *Id.* at 674, 680; *see also* Bebeau & Monson, *Guided by Theory*, *supra* note 2, and Part III, *supra* at 595-97.

80. Cruess & Cruess, *Lessons from Medicine*, *supra* note 71, at 677. Both in their conference presentations and during the weekend NIFTEP workshop that followed the conference the Cruess’s indicated that the most important part of McGill’s professional identity curriculum was a mentorship program in which exemplary faculty members selected for the honor of being an “Osler Fellow” (named after a famous founding figure in medical education, McGill graduate Sir William Osler) meet regularly with assigned groups of six students throughout the four years of medical school. *Id.* at 683; *see also* J. Donald Boudreau, Mary Ellen MacDonald & Yvonne Steinert, *Affirming Professional Identities Through An Apprenticeship: Insights From a Four-Year Longitudinal Case Study*, 89 *ACAD. MED.* 1038 (2014) (describing Osler Fellows program).

81. Cruess & Cruess, *Lessons from Medicine*, *supra* note 71, at 666 (citing WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS* 81 (2007)). In correspondence with one of us Sylvia and Dick Cruess also differentiated medical from legal education as follows: “Virtually every major medical school has a medical education unit staffed with physicians who have advanced training in education or PhD’s from education or psychology. We have 8 PhD’s in our Centre for Medical Education and they bring knowledge and skill sets to us that appear to be almost totally absent from law schools.” Email from Sylvia and Dick Cruess to Muriel Bebeau (Nov. 23, 2016) (on file with authors). The legal educator among the Authors—Cunningham—readily agrees with this observation.

82. Cruess & Cruess, *Lessons from Medicine*, *supra* note 71, at 666.

83. *Id.* at 675. “Learner participation with members of the community is essential, as it allows each individual to re-create meaning, transforming knowledge from the abstract and theoretical into something personal and unique.” *Id.* In correspondence with one of us, Sylvia and Dick Cruess commented “The lack of true “situated learning” [in legal education] is striking. It seems to us to be extraordinarily difficult to acquire a professional identity

are expected to take the role of a physician in settings of actual patient care *before* they actually have the requisite knowledge and experience to do so. “They therefore pretend, and continue to pretend to play the role until they have actually acquired the identity of a physician.”<sup>84</sup> Over time competence and confidence, and even joy, take the place of initial anxiety, fear and stress, giving stability to the evolving professional identity.<sup>85</sup>

Lastly, the Cruess’s agree with those working in the FCM tradition on the importance of attempting to measure professional identity formation. The McGill program employs methods of self-reflection together with meetings with mentors to engage students in activities to promote identity formation, but like most medical schools McGill relies primarily on assessing observable professional behaviors as a surrogate for charting progress towards a professional identity.<sup>86</sup> The pervasive and recursive integration of medical education with the performance of actual physician activities offers a rich variety of opportunities to observe the extent to which professional values and duties are apparently demonstrated in action. The accessibility of observed clinical performance during medical school and its appeal as a proxy for assessing identity formation may explain why medical educators to date have made less use of validated psychological tests, such as those based on the FCM, than those working in other professions.<sup>87</sup>

However, two recent articles report on the application of FCM-based assessment methods to medical education.<sup>88</sup> At one medical school, an

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without actually occupying the role expected.” Email from Sylvia and Dick Cruess to Muriel Bebeau (Nov. 23, 2016) (on file with authors).

84. Cruess & Cruess, *Lessons from Medicine*, *supra* note 71, at 679. “[E]xperience has demonstrated that when an individual is functioning like a physician, even at a very early stage, professional identity is enhanced.” *Id.* at 682.

85. *Id.* at 680.

86. *Id.* at 671, 683-84. Certainly behavioral indicators are useful ways to identify general problems with professionalism. Problems arise, however, when students or practitioners interpret these as a summary judgment about character and competence (unethical, incompetent, etc.). Consider the reactions of medical students, Bebeau & Faber-Langendoen, *supra* note 17, or sanctioned dentist, Bebeau, *Part 1*, *supra* note 18, referred for “ethics” instruction. Anger, denial, and blame shifting, are just a few of the potential reactions. A behavioral indicator rarely tells the student or faculty coach whether the shortcoming in performance results from a failure in ethical sensitivity, moral reasoning and judgment, a failure of professional commitment, or incompetent implementation of action plans. Each of these shortcomings requires a separate diagnosis and differential remedy.

87. This reliance on assessing observable behaviors may explain a comment made by Richard Cruess during his conference presentation (but not reflected in their article), that the Four Component Model has had relatively little impact on medical education.

88. David M. Irby & Stanley J. Hamstra, *Parting the Clouds: Three Professionalism Frameworks in Medical Education*, 40 *ACAD. MED.*, available at <http://dx.doi.org/10.1097/ACM.0000000000001190>; Kalet et al., *supra* note 55.

allegation that students were collaborating on online quizzes for a required course resulted in approximately half the class admitting to this cheating. One of us—Bebeau—was asked to help develop a remediation program for these students. During the initial class of the program students completed the Defining Issues Test and Professional Identity Essay. Following instruction and readings on professional expectations, students were given the results of their DIT test with an explanatory letter and guided through a self-assessment of their PIEs. Enhanced understanding of professional responsibility and the role of a physician was assessed at the conclusion of the remediation course by review of a detailed Learning Plan that tracked elements previously tested by the PIE.<sup>89</sup>

At the New York University School of Medicine in 2015, the entire entering class of 132 students completed the DIT and PIE. The premise for doing so was that inasmuch as professional identity formation “should be a foundational goal of medical education, then we must understand its development and seek measurements that are valid both for formative and summative assessment purposes.”<sup>90</sup> The authors found that it was feasible to provide each student with a professional identity stage (using the PIE), their preferred moral reasoning schema (using the DIT), and individualized feedback on the results of both assessments.<sup>91</sup> “In general, our students were activated by the exercise and intrigued to learn about their baseline PIF [professional identity formation].”<sup>92</sup> The authors plan to continue to use these instruments to give students updates as their education progresses, to evaluate the effects of the professional identity curriculum, and to predict both success and the need for remediation.<sup>93</sup>

The successful use of FCM-based methods reported in these two articles suggests that it may be both possible and valuable to use these measures of identity formation to establish a base line for a entering cohort of medical students and then to ask each student to maintain an electronic portfolio as they engage in various reflections (with mentor feedback) over the course of the curriculum. Randomly selected samples of the portfolios could be analyzed for change over time as well as whether changes in identity are related to measures of observable professional behavior, thus potentially cross-validating FCM-based testing with more

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89. See Bebeau & Faber-Langendoen, *supra* note 17, at 110-26, for a description of the interventions, together with assessment tools and feedback procedures.

90. Kalet et al., *supra* note 55, at 5.

91. *Id.*

92. *Id.*

93. *Id.*



subjective and qualitative assessment of reflective writing, mentor evaluation, and observation-based assessment of professional identity development.<sup>94</sup>

*B. Dr. Larry A. Golemon, Professional Identity Formation Throughout the Curriculum: Lessons from Clergy Education*

Larry Golemon brings to his contribution on “Lessons from Clergy Education”<sup>95</sup> both expertise as Executive Director of the Washington Theological Consortium (comprised of three university-based schools of theology and six free standing seminaries)<sup>96</sup> and as one of the authors of the Carnegie Foundation study of clergy education.<sup>97</sup> He reports that scholars who advocate reform of clergy education “agree that formation of pastoral and professional identity, values and vocation is central to the educational enterprise, and should be addressed across the curriculum.”<sup>98</sup> Although he does not cite the work done in developmental and educational psychology on moral development and professional identity formation, the critical elements of forming a professional identity, in a curriculum for clergy he identifies are consistent with both FCM-based pedagogy and the approach to medical education described by Sylvia and Richard Cruess, including:

1. Use of narratives of exemplary spiritual figures.<sup>99</sup>
2. Performance in professional skills and roles.<sup>100</sup>
3. Reflection on identity formation throughout the curriculum.<sup>101</sup>

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94. See *infra* Part VII.

95. Dr. Larry A. Golemon, *Professional Identity Formation Throughout the Curriculum: Lessons from Clergy Education*, 68 *MERCER L. REV.* 649 (2017).

96. *Members*, WASHINGTON THEOLOGICAL CONSORTIUM, <http://washtheocon.org/members/> (last visited Mar. 12, 2017).

97. CHARLES R. FOSTER, LISA DAHILL, LAWRENCE GOLEMON & BARBARA WANG TOLENTINO, *EDUCATING CLERGY: TEACHING PRACTICES AND PASTORAL IMAGINATION* (2006). Golemon cites the very useful analysis of *Educating Clergy* that compares legal and seminary education by Daisy Hurst Floyd, Timothy W. Floyd & Sarah Gerwig-Moore, *Learning from Clergy Education: Externships through the Lens of Formation*, 19 *CLINICAL L. REV.* 83 (2012).

98. Golemon, *Lessons from Clergy Education*, *supra* note 95, at 649.

99. *Id.* at 653-54.

100. *Id.* at 657-60.

101. *Id.* 649, 651-52, 659-60.

Golemon emphasizes “the unique role that practical and clinical pedagogies have to integrate other pedagogies.”<sup>102</sup> Special note should be taken of two aspects of clergy education that he describes as particularly powerful in forming identity. One is the practice of constructing and sharing students’ own personal narratives that shape life’s purpose.<sup>103</sup> The second notable identity-shaping feature of seminary culture is the power of cultural symbols, narratives and ethos.<sup>104</sup> This second point evokes the importance of “white coat ceremonies” in medical education<sup>105</sup> and the administration of the oath for student practice in legal education.<sup>106</sup>

C. *Timothy W. Floyd & Kendall L. Kerew, Marking the Path from Law Student to Lawyer: Using Field Placement Courses to Facilitate the Deliberate Exploration of Professional Identity and Purpose*

Timothy Floyd, who holds the Tommy Malone Distinguished Chair in Trial Advocacy at Mercer University School of Law, where he is Director of Experiential Education, and Kendall Kerew, Director of the Externship Program at Georgia State University College of Law, collectively bring decades of law school teaching experience to their article on using field placement courses to promote professional identity formation.<sup>107</sup> At both law schools, the field placement or “externship” experience is accompanied by a classroom seminar component taught by full-time faculty. Floyd reports that there has been a focus on professional identity in Mercer’s externship seminar since 2006.<sup>108</sup> Georgia State added a seminar component to its externship program starting in Fall 2015.<sup>109</sup> Kerew reports that she spent the preceding academic year designing the new seminar with the primary goal of developing professional identity.<sup>110</sup>

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102. *Id.* at 651.

103. *Id.* at 653-55.

104. *Id.* at 660-62.

105. Cruess & Cruess, *Lessons from Medicine*, *supra* note 71, at 682.

106. For an account of such a ceremony, see Clark D. Cunningham, *Supreme Court of Georgia Dramatically Expands Student Practice: Supporting Experiential Education and Broadening Access to Justice*, 21 GA. B.J. 50 (Feb. 2016), available at <http://clarkcunningham.org/PDF/StudentPracticeGABarJournal.pdf>.

107. Timothy W. Floyd & Kendall L. Kerew, *Marking the Path from Law Student to Lawyer: Using Field Placement Courses to Facilitate the Deliberate Exploration of Professional Identity and Purpose*, 68 MERCER L. REV. 767 (2017).

108. *Id.* at 777 n.33

109. *Id.* at 787 n.47.

110. *Id.*

Both authors indicate being influenced by the *2007 Carnegie Report On Legal Education, Educating Lawyers*,<sup>111</sup> and in particular its emphasis on the importance of integrating “identity and purpose” with knowledge and skills throughout the curriculum.<sup>112</sup> This reliance puts their work into indirect connection both with the research tradition launched by Kohlberg and subsequent work on moral commitment. One of the co-authors of *Educating Lawyers*, Anne Colby, also co-authored *The Measurement of Moral Judgment* with Kohlberg.<sup>113</sup> Colby later co-authored one of the most important psychological studies of moral exemplars: *Some Do Care: Contemporary Lives of Moral Commitment*.<sup>114</sup>

The article provides richly detailed examples of pedagogies to develop professional identity which include four of the five steps recommended by FCM-based research:

Step 2: Engage students in discussions of the distinguishing features of professions<sup>115</sup> and use stories of moral exemplars who have insight about their own developmental trajectory to help students set personal goals for professional ethical development.<sup>116</sup>

Step 3: Use cases to promote ethical sensitivity and moral reasoning.<sup>117</sup>

Step 4: Provide opportunities to practice ethical implementation through supervised practice.<sup>118</sup>

Step 5: Involve exemplary professionals as role models and coaches.<sup>119</sup>

The article also includes a very insightful section on overcoming student resistance to explicit teaching about professional identity formation.<sup>120</sup>

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111. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

112. Floyd & Kerew, *Marking the Path*, *supra* note 107, at 767-68 (citing WILLIAM M. SULLIVAN ET AL., *supra* note 111, at 27-29). For an overview of the Carnegie Report on legal education, see Clark D. Cunningham & Charlotte Alexander, *Developing Professional Judgment: Law School Innovations in Response to the Carnegie Foundation's Critique of American Legal Education*, in *THE ETHICS PROJECT IN LEGAL EDUCATION* 86 (Michael Robertson et al., eds., 2010), available at <http://clarkcunningham.org/Cunningham-Publications.html>.

113. COLBY ET AL., *supra* note 35.

114. ANNE COLBY & WILLIAM DAMON, *SOME DO CARE: CONTEMPORARY LIVES OF MORAL COMMITMENT* (1992).

115. Floyd & Kerew, *Marking the Path*, *supra* note 107, at 778-80.

116. *Id.* at 780-82.

117. *Id.*

118. *Id.* at 790-91.

119. *Id.* at 780-81.

120. *Id.* at 772-76.

Both authors provide useful examples of formative assessment. Floyd describes in detail the use of journaling at Mercer<sup>121</sup> as a method of formative assessment for identity formation; reflective practice is also a focus of Kerew's course at Georgia State.<sup>122</sup> Kerew requires completion of a detailed Professional Development Plan,<sup>123</sup> which is completed in stages and then revisited in holistic form at the end of the course, as well as delivery of a six-minute TED Talk<sup>124</sup> inspired by the intersection of the student's developing professional identity and the student's externship experience.<sup>125</sup>

Neither Floyd nor Kerew discuss in their Symposium article methods for student-level summative assessment<sup>126</sup> of professional identity formation or institution-level outcome measures; however, both are actively exploring these issues. For the past two years at Georgia State, Kerew has administered to the entire entering class during orientation an online questionnaire that draws upon elements of the Professional Identity Essay.<sup>127</sup> The initial use was to assist assigned faculty mentors in their subsequent meetings with first year students; this year Kerew has developed a follow-up form completed at the beginning of the second semester. However, with appropriate student consent the same questions could be administered at the beginning and end of later intentional interventions and at graduation so that answers could be compared against the baseline at time of entry, providing potentially useful data on effectiveness at the course or institution level.<sup>128</sup>

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121. *Id.* at 777-78.

122. *Id.* at 791-92.

123. *Id.* at 792. A blank copy of the Plan is appended to their article. *See id.* at 825-31.

124. TED, <https://www.ted.com/about/our-organization> (last visited May 1, 2017) (TED is a nonprofit devoted to spreading ideas, usually in the form of short, powerful talks).

125. Floyd & Kerew, *Marking the Path*, *supra* note 107, at 789, 804-05. A very engaging example of such a TED Talk was presented by Kerew, with the student's permission, at the October Symposium and can be viewed at *2016 Symposium Part 4*, <https://www.youtube.com/watch?v=MJHKCojWTLw&feature=youtube> (starting at 1:43:50 time code).

126. In commenting on our article, Kerew has indicated that she considers the Final Professional Development Plan and the final evaluation from the extern site supervisor as providing summative assessment information on professional identity formation. Email from Kendall Kerew to Clark Cunningham (May 9, 2017) (on file with authors).

127. Both the form used at the beginning of the first year and at the beginning of the second semester are available at <http://www.teachinglegalethics.org/georgia-state-advice-ment-form>. Kerew has granted a Creative Commons license to download, copy, use, and modify these forms.

128. One of us—Cunningham—has administered some of Kerew's questions at the beginning and end of three upper level courses designed to develop professional identity and asked (and in most cases obtained) permission to see the answers students provided in the first year of law school. The use of this approach so far has been limited to encouraging student reflection and guiding his teaching of individual students; to date he has not tried

Floyd is part of a multi-school group<sup>129</sup> supported by the professional formation initiative at the University of St. Thomas that is exploring student-level summative assessment of at least some elements of professional identity (notably “integrity”). After a close look at the reliance on observed clinical performance in medical education,<sup>130</sup> the group concluded that supervised professional activity by law students in externships and clinics was too limited and variable to be used for valid and reliable summative assessment of identity formation. Therefore, the group is planning to adapt simulated client assessment methodology<sup>131</sup> to present an entire cohort of students with a standardized and realistic scenario that requires the display of capacities for moral sensitivity, moral reasoning, moral motivation and moral implementation.<sup>132</sup>

D. *Elizabeth C. Vozzola, The Case for the Four Component Model vs. Moral Foundations Theory: A Perspective from Moral Psychology*

Elizabeth Vozzola is a Professor in the Department of Psychology at the University of Saint Joseph and the author of a textbook on moral development theory.<sup>133</sup> The focus of her contribution to this symposium is whether, if a law school decided to attempt an educational intervention to promote professional identity formation, the FCM should guide curricular goals.<sup>134</sup> Her answer is “yes”: “it seems entirely appropriate to base

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to use this data to evaluate course effectiveness. *The Client Relationship*, <http://www.teachinglegalethics.org/clientrelationshipcourse>; *Fundamentals of Law Practice*, <http://www.teachinglegalethics.org/fundamentals-law-practice>; *Transition to Practice*, <http://www.teachinglegalethics.org/transitiontopracticecourse>.

129. One of us—Cunningham—is also a member of this group.

130. See Cruess section, *supra* Part VI.A.

131. Karen Barton et al., *Valuing What Clients Think: Standardized Clients and the Assessment of Communicative Competence*, 13 CLINICAL L. REV. 1 (2006).

132. Correspondence from Professor Michael S. McGinniss, Chair, Integrity Working Group (Mar. 4, 2017) (on file with author Cunningham). This approach using trained actors to take the role of client and then also to assess has similarities to the Dental Ethical Sensitivity Test in which students listen to simulated dentist-patient encounters and then must dictate into a recorder how they would complete the session; the recording is then assessed by trained scorers and student feedback provided by an experienced practitioner. Bebeau, Rest & Yamoer, *supra* note 32, at 227-28.

133. ELIZABETH C. VOZZOLA, *MORAL DEVELOPMENT: THEORY AND APPLICATIONS* (2014).

134. Elizabeth C. Vozzola, *The Case for the Four Component Model vs. Moral Foundations Theory: A Perspective From Moral Psychology*, 68 MERCER L. REV. 633 (2017). Her article addresses the second of three questions around which the 2016 Mercer Law Review Symposium was organized. *Ethics and Professionalism Symposia*, MERCER LAW SCH., <http://law.mercer.edu/academics/centers/clep/symposia.cfm> (last visited Mar. 12, 2017).

a professional education intervention on the Four Component Model.”<sup>135</sup> However, she also says that she wants “to make the case” that law school educational interventions should “integrate” the Four Component Model and Moral Foundations Theory (MFT), which she identifies primarily with Jonathan Haidt.<sup>136</sup> For the reasons set forth below, we see the FCM and MFT approaches as theoretically incompatible, making “integration” a futile endeavor for legal educators. We also want to provide an unequivocal warning about the empirical flaws and failings of MFT as a theoretical model for designing and assessing a program of professional education.

Building on cultural arguments advanced by Richard Shweder,<sup>137</sup> and making claims based on assumptions about human evolution, Haidt argues that as a matter of biological inevitability “intuitions” come first and that people only reason in defense of their intuitions.<sup>138</sup>

We do not see how the MFT assertion “intuitions come first” is a helpful principle for designing education interventions intended to develop professional identity. The FCM model certainly recognizes that people do not always think before they act, especially as their passions get the better of them.<sup>139</sup> When they do think, it may well be in response to being

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135. Vozzola, *A Perspective From Moral Psychology*, *supra* note 134, at 647; *see also id.* at 634 (“encouraging ethical professional identity through the lens of the FCM may be an excellent fit for a law school curriculum”) and *id.* at 647 (“there is already a rich and rigorous body of work on curricular design and assessment [based on the FCM] that could be modified to best fit a law school’s mission and goals”).

136. *Id.* at 634-35. As Vozzola points out, Haidt has gained a following in popular culture, in particular through his claim to identify six “moral foundations” that distinguish liberals from conservatives. *Id.* at 644. For a well-known example of MFT see JONATHAN HAIDT, *THE RIGHTEOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION* (2012).

137. Richard A. Shweder, Manamohan Mahapatra & Joan Miller, *Culture and Moral Development*, in *THE EMERGENCE OF MORALITY IN YOUNG CHILDREN 1* (Jerome Kagan & Sharon Lamb eds., 1987); Richard A. Shweder & Nancy C. Much, *Determinations of Meaning: Discourse and Moral Socialization*, in *THINKING THROUGH CULTURES* 186 (1991); Richard A. Shweder et al., *The ‘Big Three’ of Morality (Autonomy, Community and Divinity) and the ‘Big Three’ Explanations of Suffering*, in *MORALITY AND HEALTH* 119 (1997).

138. *See Vozzola, A Perspective From Moral Psychology*, *supra* note 134, at 645-46.

139. The MFT model emphasizes a difference between “fast” and “slow” thinking; however, the FCM incorporates fast and slow processing within the description of Component 1 (ethical sensitivity) noting that with development the tendency is to emphasize the more deliberate over the impressionistic interpretations of social moral situations. Overall, FCM researchers suggest that while affect (possibly influenced by our specie’s history) may help us see the moral dimension in a situation it can just as easily deflect our focus. Slow processing (cognition—sometimes referred to in MFT theory as Systems 2 thinking) has developed to help guide us as we reflect and use past experiences so we are not led to make poor intuitive choices. *See DANIEL KAHNEMAN, THINKING FAST AND SLOW* (2011).

challenged. If so, the risk is that to preserve the self, people go into a defensive mode in their thinking—attempting to justify their actions. The critical point is that justifications produced by this process are often and correctly evaluated as indefensible. This is precisely what Lawrence Kohlberg was attending to when he struggled to understand how Nazi officers could defend the killing of millions of Jews based upon their “duty to obey authority.” What Kohlberg wondered is whether we could educate people, not only to suppress their most basic self-interested instincts and intuitions, but to conduct themselves in ways that are consistent with the higher moral ideals and virtues of our society. He saw *development* as the aim of education.

In the overview of a special issue of the *Journal of Moral Education* published in 2013, Maxwell and Narvaez point out:

[C]ondoning and celebrating intuitions regardless of their source—many can be naive or prejudiced rather than well-educated—is like celebrating children’s preference for candy instead of educating their palates to enjoy healthy foods. Just because experiments show naive judgments or poor reasoning in some cases doesn’t mean that judgment and reasoning skills cannot or should not be developed. Reducing reasoning and moral argument largely to self-serving desires is like normalizing an unsocialized toddler’s view of the world and runs counter to a dominant humanist conception of moral thought that initially emerged in antiquity.<sup>140</sup>

It may be that intuitions come first—but without reasoning we get very blunt and often poor decisions—or just actions that we feel bad about later. If intuitive guides are bred in the bone, then it is all the more important for professional education to develop moral reasoning so we can learn to question and evaluate our intuitions and moral motivation arising from well-formed professional identity that can resist self-interest and group-loyalty forces inimical to professional conduct which are misleadingly described by MFT as “moral foundations.”

The special issue of the *Journal of Moral Education* published in 2013 included both substantive philosophical critiques of the MFT theory<sup>141</sup> and empirical critiques of the measurement upon which it is based, the

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140. Bruce Maxwell & Darcia Narvaez, *Moral Foundations Theory and Moral Development and Education*, 42 J. MORAL EDUC. 271, 278 (2013).

141. Lawrence Blum, *Political Identity and Moral Education: A Response to Jonathan Haidt’s The Righteous Mind*, 42 J. MORAL EDUC. 298 (2013). This sweeping critique is mentioned by Vozzola, but only briefly. Vozzola, *A Perspective From Moral Psychology*, *supra* note 134, at 646 n.54.

Moral Foundations Questionnaire (MFQ).<sup>142</sup> A wide range of leading experts in moral psychology found only limited evidence for the validity of the MFQ, and concluded that the MFT model failed to generate useful implications for education.<sup>143</sup>

Vozzola explains that her interest “in exploring MFT’s potential challenge to the FCM as an emerging dominant moral paradigm” came from working with a Psy.D. student she was supervising who decided to use the Moral Foundations Questionnaire instead of measures based on the FCM for his research because he thought the MFQ “better captured the kind of intuitive moral reasoning prevalent among his sample of emerging adult participants in a somewhat impetuous and relatively non-reflective stage of life.”<sup>144</sup> If such “impetuous and non-reflective” adults enter professional education, surely they need to develop past this “stage of life” before they are entrusted with a professional license.

We would caution readers of Vozzola’s article that some of her descriptions of FCM-based theory and research appear to be narrow or based on outdated work. For example, she states:

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142. Blum, *Political Identity and Moral Education*, *supra* note 141; Helen Haste, *Deconstructing the Elephant and the Flag in the Lavatory: Promises and Problems of Moral Foundations Research*, 42 J. MORAL EDUC. 316 (2013). Bruce Maxwell & Darcia Narvaez, *Moral Foundations Theory and Moral Development and Education*, 42 J. MORAL EDUC. 271 (2013).

143. Behavioral ethicists—who build on arguments from MFT—argue that “moral reasoning” should be deprioritized as an objective in teaching of ethics in higher education. Bruce Maxwell notes that behavioral ethicists assume that “(1) unethical behavior is mainly caused by cognitive biases and situational influences that operate largely outside agents’ conscious control, and (2) reasoning in social situations is overwhelmingly used to rationalize people’s preconceived ideas and intuitions and as a tool for social positioning.” Bruce Maxwell, *The Debiasing Agenda in Ethics Teaching: An Overview and Appraisal of the Behavioral Ethics Perspective*, 16 TEACHING ETHICS 75, 76-77 (2016). Whereas there is a substantial body of empirical research to support these ideas, Maxwell argues that problems emerge when educators draw implications for education from the very basic research conducted by behavioral ethicists. *Id.*

144. Vozzola, *A Perspective From Moral Psychology*, *supra* note 134, at 634. Vozzola reports her experience with guiding this graduate student made her wonder whether his preference for using the MFQ rather than FCM-based methods “represented . . . a trend.” *Id.* She concluded that her student “represented a trend” based on a Google search limited to 2010-2016. Comparing Google citations on the FCM with MFT is an inappropriate method for such a purpose. Not only does the literature relevant to the FCM extend from the late 1970s to the present time but—and most importantly—citations that bring attention to educational issues derived from the MFT are very rare. Most of the Haidt citations are about the macro issues (affect vs. cognition) with very little application to education. Vozzola uses this Google search experience to support her unfavorable description of the FCM as “dial up” in contrast to Moral Foundations Theory as “high-speed wireless.” *Id.* at 635.



Although widely respected in the field of moral development, the FCM has also been challenged for its privileging of moral reasoning; an emphasis due in part to a lack of reliable and valid, widely accepted measures of the other three components. In addition, the theoretical ideas rely heavily on DIT research which some criticize as rooted in a Western rather than universal conception of morality.<sup>145</sup>

As discussed above, the work of Rest, Bebeau, Thoma, and others have developed FCM well beyond the privileging of moral reasoning found in Kohlberg's original work. We do not agree that there is now "a lack of reliable and valid, widely accepted measures"<sup>146</sup> of the first, third and fourth components of the FCM. There are many measures that meet the criteria for assessments of the different components that move away from a simple focus on DIT work: for example, Intermediate Concept Measures;<sup>147</sup> ethical sensitivity measures designed for a variety of professional settings;<sup>148</sup> and the Role Concept Measures discussed above including the PROI.<sup>149</sup>

In our view, Vozzola does not accurately describe the interactive nature of the components when she says:

Although most conceptions of ethical sensitivity mention the importance of cultivating empathy, I believe we also need to examine empathy's role in moral motivation. I have always found Component 3 to be so cognitive that it moves away from our ordinary language conceptions of motivation as something that causes us to act.<sup>150</sup>

The role of empathy is not missing from Component 3. Empathy informs moral motivation through the reciprocal relationship between Components 1 and 3.

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145. *Id.* at 642.

146. *Id.*

147. Muriel J. Bebeau & Stephen J. Thoma, "Intermediate" Concepts and the Connection to Moral Education, 11 EDUC. PSYCH. REV. 343 (1999); Stephen J. Thoma et al., *Development Phase as a Moderator of the Relationship Between Moral Judgment and Intermediate Concepts in Young Professional Students*, in GETTING INVOLVED: GLOBAL CITIZENSHIP DEVELOPMENT AND SOURCES OF MORAL VALUES 147 (Fritz Oser & Weill Veuglers eds., 2008).

148. See You, Maeda & Bebeau, *supra* note 43, for a description of eighteen measures of ethical sensitivity designed for different professional settings.

149. Muriel J. Bebeau & Stephen J. Thoma, *Moral Motivation in Different Professions*, in HANDBOOK OF MORAL MOTIVATION: THEORIES, MODELS, APPLICATIONS 475 (Karin Heinrichs, Fritz Oser & Thomas Lovat eds., 2013). Also, Bebeau & Monson describe measures used in various professions that contribute to the measurement of the components of morality. Bebeau & Monson, *Guided by Theory*, *supra* note 2.

150. Vozzola, *A Perspective from Moral Psychology*, *supra* note 134, at 642-43.

Vozzola states the FCM focuses “on peoples’ individual *traits* and abilities and changes across time and experience.”<sup>151</sup> We disagree. Although FCM researchers may explore whether personality traits and cognition interact as individuals develop sensitivity, reasoning, motivation, or ethical implementation these *traits* do not define the components.

In general Vozzola’s comparison of the FCM and MFT models does not display an appreciation that the FCM is an over-arching big tent approach that integrates findings from various research traditions (e.g., focus on empathy, moral disengagement, ego development, psycho-social development, intuitions and emotions, character formation, personality) within psychology that are relevant to the *development* of morality—broadly defined. As described above, Rest initially developed the Four Component Model by working inferentially from the comprehensive review of the entire field of moral psychology he conducted for the *Handbook of Child Psychology*. He recognized at the time that the third FCM component, moral motivation, was underdeveloped precisely because the existing literature was limited. Later the work of Gus Blasi<sup>152</sup> and Robert Kegan<sup>153</sup> was incorporated into a re-conceptualized third component of the FCM, and measurements like the PROI and PIE that explore the relationship between moral motivation and the formation of professional identity were developed from this integration of different research traditions.

*E. Neil Hamilton, Off-The-Shelf Formative Assessments to Help Each Student Develop Toward a Professional Formation/Ethical Professional Identity Learning Outcome of an Internalized Commitment to the Student’s Own Professional Development*

More than anyone else Neil Hamilton and his colleagues at the Holoran Center for Ethical Leadership in the Professions, University of St. Thomas School of Law, have led the way in introducing FCM-based research and theory into legal education.<sup>154</sup> Notably, for a number of years

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151. *Id.* at 635 (emphasis added).

152. See, e.g., Augusto Blasi, *Moral Identity: Its Role in Moral Functioning*, in MORALITY, MORAL BEHAVIOR, AND MORAL DEVELOPMENT 129 (William M. Kurtines & Jacob L. Gewirtz eds., 1984) Augusto Blasi; *The Moral Functioning of Mature Adults*, in PERSONALITY, IDENTITY, AND CHARACTER 396 (Darcia Narvaez & Daniel. K. Lapsley eds., 1984).

153. See, e.g., ROBERT KEGAN, *THE EVOLVING SELF* (1982); ROBERT KEGAN, *IN OVER OUR HEADS: THE MENTAL DEMANDS OF MODERN LIFE* (1994).

154. See, e.g., Neil Hamilton, *Assessing Professionalism: Measuring Progress in the Formation of an Ethical Professional Identity*, 5 U. ST. THOMAS L.J. 101 (2008); Neil Hamilton & Verna Monson, *Legal Education’s Ethical Challenge: Empirical Research on How Most*

the University of St. Thomas School of Law was unique in American legal education in employing a full-time Ph.D. psychologist—Verna Monson—to help design and assess educational interventions.<sup>155</sup>

In 2012, Hamilton, Monson and Jerome Organ (Deputy Director of the Holloran Center), published the results of their empirical study of moral development outcomes at St. Thomas.<sup>156</sup> In the fall of 2009, they administered both the DIT and PIE to what would be the graduating class of 2012, and re-administered both tests in Spring 2012. Contrary to other studies which have shown no improvement in moral reasoning, as measured by the DIT, from traditional legal education or a traditional course in professional responsibility,<sup>157</sup> the St. Thomas team reported statistically significant improvements in DIT scores—PIE scores were also significantly higher by the time the class of 2012 had reached its final semester.<sup>158</sup>

Over the last three years the Holloran Center has sponsored five week-long summer workshops involving more than 100 faculty and staff from over 20 law schools. Participants learn about research on pedagogies that foster professional formation and then work on individual and institutional plans to integrate professional formation more fully into classrooms and curricula.<sup>159</sup>

Hamilton's contribution to this issue urges the use of what he describes as "off-the-shelf" assessment tools to assess one component of desirable professional identity formation, an internalized commitment to professional development.<sup>160</sup> His primary criteria for recommending various "off-the-shelf" tools is "the degree to which the assessment is well

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*Effectively to Foster Each Student's Professional Formation (Professionalism)*, 9 U. ST. THOMAS L.J. 325 (2012); Hamilton, Monson & Organ, *Empirical Evidence*, *supra* note 35.

155. Monson, whose Ph.D. supervisor was Bebeau, was a full-time staff member of the Holloran Center and a frequent co-author with Hamilton.

156. Hamilton, Monson & Organ, *Empirical Evidence*, *supra* note 35.

157. Clark D. Cunningham & Charlotte Alexander, *Developing Professional Judgment: Law School Innovations in Response to the Carnegie Foundation's Critique of American Legal Education*, in *THE ETHICS PROJECT IN LEGAL EDUCATION* 86 (Michael Robertson, Francesca Bartlett, Kieran Tranter & Lillian Corbin eds., 2010), available at <http://clarkcunningham.org/Cunningham-Publications.html>.

158. Hamilton, Monson & Organ, *Empirical Evidence*, *supra* note 35, at 58-62.

159. Holloran Center Summer Workshops, <http://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/workshops/>.

160. Neil Hamilton, *Off-The-Shelf Formative Assessments to Help Each Student Develop Toward a Professional Formation/Ethical Professional Identity Learning Outcome of an Internalized Commitment to the Student's Own Professional Development*, 68 *Mercer L. Rev.* 687, 688-89 (2017). Although Hamilton frames his article with the new American Bar

known and accepted by business and legal employers” and whether “the assessment can be implemented quickly without steep costs to the professor’s time.”<sup>161</sup>

Hamilton provides brief summaries of fourteen different “off-the-shelf” assessments. However, both our research and Hamilton’s own description indicate problems with meeting the standards for measurement validity.<sup>162</sup> The only assessments he describes as well-validated are the Self-Directed Learning Readiness Scale (SDLRS)<sup>163</sup> and Strengths Finder 2.0.<sup>164</sup> However, a discerning user of measures wants to know the *actual indicators* of validity, in particular *construct validity*.<sup>165</sup> Is one measuring a construct that consistently distinguishes among individuals? Is the construct a trait that is not subject to influence, but is predictive of success?

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Association requirements for outcome measures at the institutional level, he seems primarily interested in using “off-the-shelf” tools for low-stakes formative assessment to support “coaching” the individual student on this one limited component of identity formation.

161. *Id.* at 688-89; *see also id.* at 695 (“consider, in a time of scarce resources, how to minimize the total cost of the assessment in terms of (1) student time, (2) instructor time, (3) out-of-pocket costs to purchase the assessment and any expert debrief an assessment may require”).

162. STANDARDS FOR EDUCATIONAL AND PSYCHOLOGICAL TESTING (Am. Educational Research Ass’n, Am. Psychological Ass’n & Nat’l Council of Measurement in Education 2014).

163. Hamilton, *supra* note 160, at 703-04.

164. *Id.* at 707-08. For six of the assessment tools Hamilton indicates there is little or no research evidence they are either valid or reliable. Trust Quotient Assessment, *id.* at 716; Personal Value Assessment, *id.* at 717; Give and Take Assessment, *id.* at 731; 360 Reach Survey, *id.* at 730; Upward Feedback, *id.* at 732; DISC Profile, *id.* at 721. For a seventh assessment Hamilton can only find undocumented claims of validity and reliability on the product website. *Id.* at 713, <http://www.lawfit.com/legal-career-assessment-test>. He reports there is conflicting evidence of reliability and validity for four other assessments. Myers-Briggs Type Indicator, *id.* at 719; FIRO-B, *id.* at 724; Big Five Personality Traits, *id.* at 726 (“validity and reliability will depend on which particular assessment is used”); Implicit Associations Test, *id.* at 726. The remaining assessment listed by Hamilton is his own Roadmap curriculum, *id.* at 708. He does not claim that the Roadmap is a validated assessment tool but does report that the majority of students who complete the curriculum identify themselves as at a higher stage of self-directed learning than they were at the outset of the curriculum. *Id.* at 712, 712 n.89 (citing Neil W. Hamilton, *Professional Formation with Emerging Adult Law Students in the 21-29 Age Group: Engaging Students to Take Ownership of Their Own Professional Development Toward Both Excellence and Meaningful Employment*, 2015 J. PROF. LAWYER 125, 131-33).

165. *Construct validity* is the idea that the test measures a construct that is important to personal or professional development or that is predictive of success. *Reliability* is important only to the extent that one gets consistent results over multiple administrations of the test—assuming the test is attempting to measure a trait or personal factor that is expected to be stable over time. For an extended discussion on the distinction between reliability and validity, see STANDARDS FOR EDUCATIONAL & PSYCHOLOGICAL TESTING, *supra* note 162.

General claims of “validity” need to be defined in terms of learning outcomes relevant to professional identity formation. It is not enough to measure the degree to which a student feels responsible for “self-development”; for purposes of professional identity formation, the salient question is “development *toward what?*”<sup>166</sup> Hamilton refers both to (1) “development toward excellence at the competencies needed to serve clients and the legal system”<sup>167</sup> and (2) “growth ... toward an internalized deep responsibility and service to clients and the legal system.”<sup>168</sup>

For the first learning outcome one would presumably want to measure what students understood to be the “competencies needed to serve clients and the legal system” and what they understood to be their own responsibility for developing excellence at those competencies. For the second learning outcome one would want to measure the degree to which students actually felt “deep responsibility and service to clients and the legal system.” Neither SDLRS nor Strengths Finder nor any of the other listed measures<sup>169</sup> are designed to measure such understanding of competencies or feelings of responsibility and therefore cannot be said to be valid professional identity measures, even for low-stakes formative assessment.<sup>170</sup>

What is known about the use of tools like the measures listed by Hamilton and their appropriateness for professional education? Actually a great deal. Siu and Reiter<sup>171</sup> have written a very powerful critique of the appropriateness of a wide range of measures (e.g., personality measures and other non-cognitive assessments). Admittedly, many of the measures described in the list that Hamilton provides are used by Human Resources departments in order to predict future job performance and to

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166. If the student only takes responsibility for “developing toward” getting a job at graduation, then the student is stuck at a pre-professional stage of identity formation: the “Instrumental Mind” stage that “views the self in terms of own interests and desires and is egocentric” in contrast to the “Self-Authored Mind” with a “moral core of responsibility and service to others.” Hamilton, Monson & Organ, *Empirical Evidence*, *supra* note 35, at 54 (explaining Kegan’s Stages of Identity Formation in the Professions).

167. Hamilton, *supra* note 160, at 690-91.

168. *Id.* at 691.

169. With the possible exception of Hamilton’s Roadmap curriculum. *Id.* at 708.

170. Hamilton suggests that the Trust Quotient, Personal Value and Give and Take assessments could be used to measure “growth toward an internalized deep responsibility” because the person taking these assessments does a “self-evalua[tion] ... regarding services to others.” *Id.* at 733. However, Hamilton also reports that he found little or no research evidence that any of these three assessment tools are either valid or reliable. *Id.* at 716, 717, 731.

171. Eric Siu & Harold I. Reiter, *Overview: What’s Worked and What Hasn’t as a Guide Towards Predictive Admissions Tool Development*, *ADVANCES IN HEALTH SCI. EDUC.* 759 (2009).

varying degrees in much of the academic world. Siu and Reiter argue that although these measures may be of some use in the highly diverse world of work, they are not useful for predicting success in highly competitive fields like medicine. The most glaring problem identified by Siu and Reiter with personality measures (e.g. Myers-Brigs, DISC, and Big Five assessments<sup>172</sup>) and other non-cognitive measures like emotional intelligence (e.g. Implicit Associations Test<sup>173</sup>) or some of the interpersonal interaction (e.g. FIR-B or Give and Take<sup>174</sup> or personal values tests (e.g. Personal Values Assessment<sup>175</sup>), is their susceptibility to social desirability bias. It is very challenging to design measures that are not susceptible to social desirability. The fact that students cannot fake high scores on the DIT is just one of the features that makes the DIT a valuable measure for both self-assessment and program assessment of an important component of morality.

Hamilton seems to value these “off-the-shelf” measures primarily as easy ways to engage students in some kind of guided self-assessment and perhaps to develop the inclination and capacity for self-reflection. However, we suggest it would be better to introduce students to self-assessment using tools specifically designed and validated for professional education which are supported by well-researched theories about ethical development and professional identity. For example, the Professional Identity Essay adapted for legal education by Hamilton and his St. Thomas colleagues requires students to respond to such questions as:

What does professionalism mean to you?  
How did you come to this understanding?  
What conflicts do you expect to experience when you are a lawyer?  
What would be the worst thing for you if you failed to live up to the expectations you have set for yourself?<sup>176</sup>

The DIT certainly meets his criteria for an “off-the-shelf” measurement tool that “can be implemented quickly without steep costs to the

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172. Hamilton, *supra* note 160, at 717, 719, 725.

173. *Id.* at 726.

174. *Id.* at 721, 729.

175. *Id.* at 716.

176. Hamilton, Monson & Organ, *Empirical Evidence*, *supra* note 35, at 69. Responses to the “what would be the worst thing” question can be particularly revealing about where a student is located along the Kegan stages of identity formation. Compare “I would like to own a nice home in a nice neighborhood, travel often, and have a fabulous wardrobe, and I would be upset to have to give up any of the above” (Stage 2: Instrumental Mind) with “I’d be disappointed in myself if I became someone I didn’t like” (Stage 3: Self-Defining Mind). *Id.* at 73.

professor's time," since the DIT can be purchased in a convenient on-line format for a modest per-student fee that includes a free analysis of the data from the Center for the Study of Ethical Development (the Center).<sup>177</sup> The Defining Issues Test, which has been used in legal education for decades as an outcome measure, also has great utility for formative assessment including the kind of coaching Hamilton advocates, as discussed in the conclusion.<sup>178</sup> And although the Professional Identity Essay used with the DIT in the St. Thomas study is more time-intensive to administer and score as an outcome measure, it can readily be used for formative assessment as described and implemented by Bebeau & Faber-Langendoen,<sup>179</sup> Bebeau & Monson,<sup>180</sup> and by Kalet and colleagues.<sup>181</sup> Further, as explained in the conclusion, if items and rating scales developed for the Professional Role Orientation Inventory could be adapted to legal education, a modified PROI could be as inexpensive and simple to administer as the DIT.

## VII. CONCLUSION

The contributions to this Symposium issue show encouraging evidence that basic principles of ethical education that have been developed and validated by research in the FCM tradition can be seen displayed in innovative educational programs at schools of medicine and law as well as seminaries. We hope that the kind of open and exciting cross-disciplinary sharing of ideas typified by the Mercer conference, and the NIFTEP workshop that took place the following weekend, will lead to more experimentation with empirically tested methods of formative and summative assessment and institution-level outcome measures.

We have discussed above the extensive use of the Defining Issues Test to measure effectiveness at the course and institution level. The DIT can also be an effective—and cost-effective—method of formative assessment. For example one strategy that one of us (Bebeau) has used—to great effect—is to ask students to take the paper and pencil version of the DIT, and hand in their response sheets. At a subsequent session,

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177. Center for the Study of Ethical Development, <http://www.ethicaldevelopment.ua.edu/>. Thoma is the current director and Bebeau is the former director of the Center, which was founded by Bebeau and James Rest.

178. Bebeau & Faber-Langendoen, *supra* note 17 (providing an extensive discussion on strategies for use of the DIT and ways to provide students with constructive feedback on their scores).

179. *Id.* at 117-19.

180. Bebeau & Monson, *Professional Identity Formation*, *supra* note 15, at 155-57.

181. *See* Kalet et al., *supra* note 55, at 3-5.

they are asked to work in groups of three (the number of students per group is important for this activity) to work together to complete a response sheet; students find this activity is highly engaging. As students try to achieve consensus, they discover differences in their interpretation of the items and even differences in which action choices and justifications are most defensible.<sup>182</sup> Individual and group response sheets are sent to Center for the Study of Ethical Development for machine-graded scoring. Each student receives an explanation of DIT scoring<sup>183</sup> along with the student's individual scores and their group score, and then writes a personal reflection on what the student learned from the experience. These reflections have been extraordinarily helpful to students as they realize what different perspectives they have. The most useful insights come for the less developed students who often argue vehemently for their position, then come to see that some of their more quiet colleagues had the more thoughtful and defensible views on an issue. Conversely, some students with more developed perspectives found they could not convincingly articulate their reasons. These experiences opened students' eyes to the importance of dilemma discussions and the importance of criteria for judging the adequacy of a moral argument.

Rather than formally scoring the Professional Identity Essay as an outcome measure, the PIE can also be used for formative assessment. In the remediation program for medical students described above, students reviewed their Professional Identity Essay answers in terms of Kegan's concept of an evolving professional identity by considering whether their answers were reflective of "The Independent Operator," "The Team-Oriented Idealist," or "The Integrated Professional."<sup>184</sup> They then completed a self-assessment as to the degree to which, for example, they were committed to the profession's ethic (which they must describe), to the code of conduct (including circumstances under which they would not obey the code), and the duty to self-regulate.<sup>185</sup>

In terms of summative assessment, especially at the level of program evaluation, we think a promising next step for legal education would be to work toward adapting the Professional Role Orientation Inventory from dentistry to the legal profession.<sup>186</sup> Then, following the example of

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182. It is extremely important that students complete this activity in a monitored setting without access to internet or other resources.

183. A sample of such an explanatory letter can be found in Bebeau & Faber-Langendoen, *supra* note 17, at 117-19.

184. *Id.* at 120-22.

185. *Id.* at 122-23.

186. The initial work of such adaptation, and subsequent validation, would be time intensive and require the use of experts.



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dental education, the modified PROI could be used together with the DIT—both of which are easily administered—to guide design and assess effectiveness of educational interventions to foster moral judgment development and identity formation in legal education.