The best of two worlds: Multidisciplinary co-teaching of legal ethics

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ORIGINAL RESEARCH PAPER

Received: April 1, 2023 • Accepted: July 18, 2023

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ABSTRACT

Hungarian legal education is rarely discussed from a pedagogic perspective, especially in English. This paper would like to fill a gap in the academic literature on this topic by presenting a unique multidisciplinary co-teaching initiative, aiming to mix ‘the best of two worlds’: developing a legal ethics course which is an amalgam of philosophical/theoretical and legal/practical elements. Describing how a compulsory Legal Ethics course was delivered at the István Széchenyi University of Győr in a case study format, the main aim of the authors is to contribute to the international academic discourse on law school pedagogy in general, and on legal ethics education in particular. First, we provide an overview of professional ethics education in law schools, focusing on the origins of the course in the United States of America. Then, after a review of the academic literature on multidisciplinary co-teaching, the context of this Legal Ethics course is presented: the situation of legal ethics education in the Hungarian law curriculum. Then the course particulars, especially the content and the assessment, will be described in detail, based on the personal experiences and observations of the authors.

KEYWORDS

multidisciplinary teaching, collaborative teaching, legal pedagogy, legal ethics education

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1. INTRODUCTION

The authors of this paper, a philosopher and a lawyer, agree with Cairns Way and Gilbert that 'law school pedagogy is a worthy subject of scholarship, [and that] the formal dissemination of that scholarship is both interesting and helpful'.\(^1\) According to them, ‘opportunities to discuss law teaching are rare’, and ‘there is a lack of consensus over what and even how to teach future legal professionals’.\(^2\) The initiatives and experiences of Hungarian legal educators inside and outside the classroom are definitely of interest for the teaching community, and identifying good practices and sharing them with colleagues via academic events and papers are indeed helpful. Pedagogic practices, curricular and extracurricular solutions at Hungarian law schools are worthy of academic investigation, not just for other legal educators, but also for experts in other disciplines. Furthermore, the formal dissemination of Hungarian law school pedagogy in the English language helps to share such experiences with an international audience, channelling the domestic findings into the respective academic debates with educators from various countries.

The main aims of the authors of this paper are related to this debate. Hungarian legal education is rarely discussed from a pedagogic perspective, while each of the Hungarian law schools has their own good practices and innovative solutions, which remain mostly unshared. Within the field of law school pedagogy, we would like to share our initiative related to legal ethics education, to encourage colleagues at other Hungarian law schools to report on their own practices. Whilst our focus is on multidisciplinary co-teaching of legal ethics at the University of Győr, dissemination of similar experiences of colleagues from other law subjects or even from other faculties of Hungarian universities would be welcome. Further to sharing our initiative in Hungary, the other aim of the authors is to contribute to the international academic discourse on law school pedagogy in general, and to legal ethics education in particular. The topics of ‘what to teach’ and ‘how to teach’ are two interrelated, but sadly under-researched questions in legal scholarship, not just in Hungary, but also in the neighbouring countries. Our publication was discussed at an online conference organised by University Stellenbosch in November 2021, and the participants gave very positive feedback on our effort and initiative. Hence the authors of this paper trust that their inputs are also useful for legal educators outside Hungary, and an international sharing of good practices in legal ethics education in the Central and Eastern European region may commence.

In the following sections we first provide an overview of professional ethics education in law schools, focusing on the origins of the course in the United States of America and the ongoing debate about legal ethics education there. This debate leads us to the need for collaborative education: we review the academic literature on multidisciplinary co-teaching. Then the context of our Legal Ethics course is presented: the situation of legal ethics education in the Hungarian law curriculum, followed by the course particulars. In particular, the content and the assessment will be described in detail, based on the personal experiences and observations of the authors. Finally, we summarise our experiences and make some recommendations for legal educators.

\(^1\)Cairns Way and Gilbert (2008) 5.
2. OVERVIEW OF PROFESSIONAL ETHICS EDUCATION IN LAW SCHOOLS

Professional ethics as a topic in law schools appeared in the United States of America in the early twentieth century, and only various institutional initiatives existed until the late 1960s. Up until that point, the American Bar Association (ABA), which is not just the professional association of American lawyers, but also acts as the national accrediting body in U.S. legal education, only provided some recommendations about legal ethics education, but the topic was not a required element of the law curriculum. However, major changes in the early 1970s resulted in the ABA deciding to introduce legal ethics as a mandatory topic. These major changes included the involvement of many lawyers in the Watergate scandal, as well as the increase in the size and social composition of the legal profession. According to this new accreditation standard introduced by the ABA, law schools in the U.S were required to teach professional responsibility. The ABA also introduced the compulsory Multistate Professional Responsibility Exam (MPRE), a national exam on legal ethics, which was made a requirement for becoming a member of the Bar. These requirements of the ABA resulted in a debate and numerous publications in the U.S., which became a pioneer in this area: the first country in the world where a legal ethics community emerged. This ongoing debate in U.S. legal education concerns the topics of ‘what to teach’ and ‘how to teach’ in relation to legal ethics.

Concerning the topic of ‘what to teach’, the content of legal ethics teaching is mostly associated with the rules related to lawyering, since these rules are assessed by the MPRE. These rules include the ABA model code of conduct, as well as various statutes and court rules related to lawyering both at the federal and state level. These professional rules are the ‘primary meaning’ of legal ethics, but there is no consensus on its definition. The terms ‘legal ethics’ and ‘professional responsibility’ are used interchangeably in most American academic and professional sources, and U.S. legal practitioners mostly mean the formal rules of lawyering when they refer to legal ethics.

The topic of ‘how to teach’ is also an area which lacks any consensus position in U.S. legal academia. Many reasons have been given for this, including academic autonomy, a lack of resources, the perception that ethics cannot be taught, and even if it can be, then ethical reasoning cannot objectively be assessed. The mandatory Professional Responsibility course is mostly offered closer to the end of the academic programme, and students regard these
courses as preparation for the MPRE only.\textsuperscript{15} Still, many researchers argue that the course should go beyond just the rules. The recommendations, mostly based on their own experiences, include using practical tasks, such as simulation exercises,\textsuperscript{16} problem-solving and role-playing,\textsuperscript{17} as well as fictitious and real-life case studies related to legal ethics issues.\textsuperscript{18} The recommended practical approach also includes invitations to practitioners as guest speakers,\textsuperscript{19} and discussion of the context and environment within which lawyers practice: organisational forms in which lawyers and non-lawyers collaborate\textsuperscript{20}, the different employment relationships of lawyers,\textsuperscript{21} and problems emerging from the development of technology or globalisation.\textsuperscript{22} A very special, recent development in this practical approach is the focus on the students’ wellbeing: separate courses on mindfulness,\textsuperscript{23} as well as institutional wellness initiatives\textsuperscript{24} are also linked with the topic, as there is a link between mental health and ethical decision-making.\textsuperscript{25}

Further to the practical approach, the importance of a philosophical-theoretical approach is also emphasised. The ethical aspect of law (i.e., a critical approach towards the laws and the legal system), and in-class dialogue about right or wrong are both important elements.\textsuperscript{26} In the history of U.S. theoretical legal ethics three different ‘waves’ have been identified by researchers: the first wave is related to moral philosophy, the second one is more concerned with political philosophy, while the third wave is more about behavioural and virtue ethics.\textsuperscript{27} These developments suggest that legal ethics courses ideally need both the theoretical-philosophical and the legal-practical approaches. However, faculty members with these combinations are rare, hence a collaboration of instructors representing these approaches could be an efficient way to address this problem. This is what we did during our Legal Ethics course, which is presented in this paper as a case study.

3. OUR CASE STUDY, AS RESEARCH METHOD

With this paper, we intend to present our multidisciplinary co-teaching experience as a case study. This paper is not about verifying any hypothesis and not based on a quantitative method, as are most scholarly papers which adopt a positivist methodology: instead, this paper is rather a post-positivist one. As per Noor, within post-positivist research methodology the social scientist

\textsuperscript{15}Hempel and Seron (2011).
\textsuperscript{16}Hempel and Seron (2011).
\textsuperscript{17}Boothe-Perry (2009).
\textsuperscript{18}Menkel-Meadow (2000).
\textsuperscript{19}Hempel and Seron (2011).
\textsuperscript{20}Chambliss (2001).
\textsuperscript{21}Perlman (2000).
\textsuperscript{22}Chambliss (2011).
\textsuperscript{23}Jacobovitz and Rogers (2014).
\textsuperscript{24}Albrecht et al. (2019).
\textsuperscript{25}Usman (2015).
\textsuperscript{26}Rodes (2007).
\textsuperscript{27}Luban and Wendel (2017).
is not gathering facts and measuring their occurrence, but is more interested in insight and interpretation. The case study method is suitable for this methodology, as it can be useful in capturing the details of certain organisational activities. Of the three main types of case studies, as categorised by Noor - i.e. exploratory, descriptive and explanatory\(^{28}\) - our case study is a descriptive one, using documentary sources and observation of participants. According to Gerring, the case study, as a research method, concerns the investigation of a single ‘unit’, with the aim of generalizing across a larger set of units. The unit can be any specific phenomenon observed at a single point in time or over some delimited period of time.\(^{29}\)

In our case, the single ‘unit’ is the Legal Ethics course delivered to part-time students of the Juris Doctor programme at the Faculty of Legal Sciences of István Széchenyi University, Győr, Hungary. The two authors have delivered the course together twice so far, during the spring semesters of the academic years 2020–2021 and 2021–2022. After the review of the academic literature on multidisciplinary co-teaching, the context of this Legal Ethics course is presented: the situation of legal ethics education in the Hungarian law curriculum. Then the course particulars, especially the content and the assessment will be described in detail, based on the personal experiences and observations of the authors. The conclusion contains our reflection on our experiences in contrast with the academic literature, and our recommendations for law instructors and those involved in law school management.

4. THE MAJOR ADVANTAGES AND CHALLENGES OF MULTIDISCIPLINARY CO-TEACHING

The academic literature provides analyses of the advantages and challenges of multidisciplinary co-teaching both in general, and also in the context of legal education. This section starts with academic sources dealing with the definition and main features of multidisciplinary co-teaching in general, and then reviews the relevant, mostly North American, reports on such experiences in legal education. Apart from North American sources on multidisciplinary legal education, there is a dearth of academic literature on this topic. A recent notable exception concerns a postgraduate programme in Scotland, which successfully combines criminology, law, politics and international relations, and sociology\(^{30}\).

Commencing with the definitions, Nissim and Naifeld reviewed the academic literature on co-teaching. As regards the term itself, the common elements of various definitions they identified were that two or more instructors work together in teaching the same group of students. Regardless of whether these instructors are in the same classroom at the same time or at different times, their shared work on planning, organising and assessing the course were found to be important success factors. According to Nissim and Naifeld, shared work is an important characteristic of jobs in the 21st century, thus co-teaching is a recommended working model: it contributes positively to the learning experience of the students, and also to the professional development of the participating instructors, deepening their knowledge and developing their

\(^{28}\)Noor (2008).

\(^{29}\)Gerring (2004).

\(^{30}\)Aydın-Aitchison (2022).
professional identity. Concerning ‘interdisciplinary’ and ‘multidisciplinary’, Jessup found that these terms are often used as synonyms, but they have different meanings. The interdisciplinary approach involves integrated teamwork, while in a multidisciplinary collaboration the participating instructors tend to work separately in their own ‘silos’.

Concerning legal education, collaborative teaching is often only used in clinical legal education programmes, where the law lecturers collaborate with practitioners. This kind of collaboration in clinical legal education exists not just in the United States of America and Europe, but also in other regions, such as the Far East. In many countries, law school clinics are the venue for interdisciplinary collaborations. Such clinics help students to better understand the multidimensional problems of their future clients, which typically include non-legal elements: the interdisciplinary approach develops the students’ creative problem-solving skills. On the other hand, developing and running an interdisciplinary clinic needs more resources, thus the participating instructors should foresee logistical and institutional challenges. Millemann and Schwinn reported on a co-teaching initiative, which combined clinical education with Year 1 introductory law courses. According to them, this solution developed critical analysis of the legal system, and also professional responsibility. They confirmed that co-teaching enriches the quality of teaching, but requires more resources than the regular solo teaching. Their overall experience was positive and they encouraged colleagues to experiment with co-teaching.

There are also some sources dealing with multidisciplinary collaborative teaching initiatives in legal education outside of legal clinics. One of the few examples of reporting on co-teaching in doctrinal courses in legal education is related to international criminal law. Caplow and Fullarton reported that co-teaching of a course at law schools by two or more fulltime faculty members, especially by experienced doctrinal instructors, is rare, while law practice tends to be collaborative: hence their effort to illustrate this collaborative feature of law practice to their students by their co-teaching. Their experience confirmed reports by co-teaching educators in other fields on both the advantages and the challenges of such team teaching or joint teaching initiatives. The advantages listed include advantages for students and also for the participating instructors. The students were reported to be enjoying the variety of teaching styles and methods of the members of the teaching team, and the quality of instruction was also regarded as improved by the combination of the strengths of the instructors, and the amalgamation of their expertise, whether it be because the other instructor is from a different area (interdisciplinary approach) or from legal practice (combining academic knowledge with professional skills). These researchers also profited from this co-teaching initiative, as it provided a great opportunity for self-reflection, as well as learning from the other member of the teaching team pedagogically and also content wise. They pointed out the importance of joint planning all course particulars (such as materials, the division of work in the classroom, and assessment details) by the team members, and support from the management and the administration of the

32Jessup (2007).
33Arifin et al. (2021).
34Galowitz (2012).
35Millemann and Schwinn (2005).
law school. Further to this report, having had regular co-teaching experience, May concluded that with compatible partner instructors the overall educational experience is beyond what one faculty member can bring into the classroom. Co-teaching is recommended to be encouraged and rewarded by law schools, in her opinion. Another example of multidisciplinary co-teaching in legal education concerns the combination of various law subjects with international aspects. The teaching team, leveraging their expertise in different areas of law, presented regular legal topics, such as contracts, torts, property or criminal law in a comparative and international context. This developed the students’ understanding of different legal solutions for the same legal problems in other countries, preparing them for lawyering in multiple legal orders.

Narrowing down the focus of the literature review on multidisciplinary co-teaching in legal ethics and preparation for the legal profession, even fewer sources are available. Certain researchers have argued that co-teaching in legal education, by integrating the critical perspectives of the participating faculty members, can support developing the students’ commitment to social justice and preparation for the legal profession. Based on their personal experience with co-teaching, these researchers have emphasised the importance of an appropriate collaborative planning process prior to the commencement of the course, and the institutional constraints as the major challenge for co-teaching. Multidisciplinary co-teaching has been found useful in teaching legal ethics, by using humanities in legal education. Tomain asserted that lawyers need to develop their own code, as his interpretation of professionalism is that this involves the development of a code of one’s own. A course combining law with literature and philosophy supported the identification of inspiring stories about craft (such as an elegant legal reasoning), justice (legally correct but at the same time morally wrong cases), and character (for instance, the impressive behaviour of a judge) in the legal profession. According to Tomain, these stories are essential in developing professionalism.

Overall, the mostly North American sources encourage multidisciplinary collaborative teaching due to its positive impact upon the learning experience of students, especially the support for their better understanding of the complexities of the problems they will face during their career. Such initiatives are also reported to be beneficial for the participating instructors, developing their pedagogic skills and deepening their subject-related knowledge. The academic literature warns, however, of the challenges of multidisciplinary collaborative teaching, as this is very resource-sensitive and requires institutional support. In the concluding part at the end of this paper we will reflect on these findings and assertions, based on our experience described in the following sections.

5. HUNGARIAN LEGAL ETHICS EDUCATION: AN OVERVIEW

According to Andrási, there is a dearth of academic sources dealing with Hungarian legal ethics education. His research contained a literature review on professional ethics education, then legal...

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36 Caplow and Fullerton (2005).
38 Pistor (2005).
40 Tomain (2001).
ethics education in the United States of America and in England and Wales, followed by an overview of Hungarian legal education in general and Hungarian legal ethics education in particular. The reviews of the academic literature on professional ethics education by András found that there is no consensus on how ethics can be learned at university level, albeit researchers found some evidence of learning. Similarly, no consensus was found on how professional ethics should be defined either, resulting in different approaches to the teaching of professional ethics in various countries. Two main approaches towards professional ethics education were found in the academic literature: the narrow or ‘code-centred’ approach, focusing only on the knowledge and application of the rules of the profession, and the broad approach, which goes beyond the rules and considers the context and character of the professional. Academic sources provided evidence of learning the content and application of professional rules, but also showed that the narrow approach leads to insufficient preparation for becoming an ethical professional. Various researchers have provided recommendations for a more complex preparation, which include a formal learning programme, within which professional ethics is addressed in a separate course, covering more than just the knowledge and application of the rules related to the profession itself. These findings regarding the two approaches and the recommendations also appeared in the academic literature on legal ethics education in the United States of America and in England and Wales. András found that legal ethics education could be an effective way of addressing ethical misconduct among lawyers. Concerning Hungary, the academic and professional literature reviewed by András referred to a civil legal, and a traditionally theory-centred legal education system with German influence. This theory-centred characteristic is apparent in the accreditation requirements of the five year Masters-equivalent Juris Doctor programme: the programme learning outcomes emphasise the theoretical foundations of legal science, as an important overarching feature of the law programme. A change in the accreditation requirements in 2016 made legal ethics a required topic of the law curricula, and since then the curricula of all the eight Hungarian law schools contain a mandatory legal ethics course.

The institutional solutions are, however, quite varied. The common element is the mainly theoretical approach, but differences can be observed in the institutional solutions:

- At the University of Debrecen legal ethics is a part of the Social Science course.
- At the Eötvös Loránd University Faculty of Law this is an optional course, managed by the Department of Criminal Law.
- At the Károli Gáspár University of the Reformed Church in Hungary, Faculty of Law and Political Science, legal ethics is a compulsory course with references to Christian ethics.
- At the Pázmány Péter Catholic University Faculty of Law the topic appears as a semi-compulsory (elective) course for law students.

41 András (2018); András (2020).
42 Link3.
43 Link1.
44 Link8.
45 Link2.
At the University of Pécs the legal ethics course is compulsory in certain majors and an optional one for others.\footnote{46}

At the University of Miskolc it is a compulsory course, with a partly philosophical and partly practical approach.\footnote{47}

At the University of Szeged there are some interesting topics, such as law student ethics and law teacher ethics, legislator ethics, ethical publication of personal data, ecology, labour law ethics, judicial ethics, and commercial law and ethics.\footnote{48} The course seems to be mainly embedded in Social Philosophy and less in practice.

6. LEGAL ETHICS EDUCATION AT THE FACULTY OF LAW OF THE UNIVERSITY OF GYŐR

The István Széchenyi University is a state recognised, accredited higher education provider in the north-western region of Hungary, with a modern campus in Győr, the centre of the region. The city is very close to Vienna and Prague, with economic and academic connections with these capitals. The university is a ‘young’ academic institution, as it was established in 1996. The university’s main strategic aspirations are the following: serving the region, investing in digitalisation, and supporting internationalisation.

The Faculty of Law was founded in 1996. The staff, which is composed of academic faculty members mostly working fulltime and having a PhD degree, and of practitioners representing the various Hungarian legal and other related professions, also work towards these institutional strategic goals. The flagship programme of the Faculty is the Juris Doctor programme with more than 400 fulltime and more than 350 part-time students.\footnote{49}

In line with required programme learning outcomes, the legal ethics course is a mandatory element of the curriculum. Ethics has been a compulsory course from the beginning, developed by the founder of the Legal Theory department, the late Professor Tamás Földesi, who had two degrees: philosophy and law. Both the fulltime and the part-time students are required to pass the legal ethics course, which they normally take in the first year of their studies. The focus of the course is mainly on ethical philosophy and legal theory. However, with the full support of the head of the respective academic department, a multidisciplinary co-teaching initiative started in 2021, aiming to mix ‘the best of two worlds’: developing a legal ethics course which is an amalgam of philosophical/theoretical and legal/practical elements.

The participating instructors also represent these elements: one of us has a background in humanities with a PhD in Philosophy (Katalin Szoboszlai-Kiss) and extensive academic experience in theoretical and applied ethics, whilst the other member of our teaching team is a qualified lawyer (Gábor Andrási) with an interdisciplinary PhD and expertise in teaching law and ethics.
Having discussed our experience and ideas for the legal ethics course, a division of work was agreed. Most of the sessions of the part-time students focussed on the philosophical/theoretical topics and were delivered by the philospher member of our team, while the concluding sessions discussed legal professional ethics led by the lawyer member of the teaching team. Since the course offered for the part-time students is an existing academic course within the law curriculum, also available for full time students, the authors of this paper agreed to keep the original course aims and content elements, without deviating from the full time course delivery. The course started with a philosophical introduction, with analysis of the key ethical terms. The discussion of the complex meaning of values and various philosophical doctrines followed, with reference to the strong connection with other sciences: history, economy, legal theory, sociology, psychology and pedagogy. Then the similarities and differences between ethics and law were explored, underlining the importance of ethics in modern legal systems (e.g. in constitutions). The generic part concluded with discussing current ethical issues such as equality, freedom, and environmental problems. The final part of the course was devoted to professional legal ethics.

The teaching team agreed that the assessment should be a final individual written assignment, containing two short essays. One task was a discursive essay related to a generic ethical issue appearing in constitutions (e.g., the right to life). The other essay was about a fictive case study linked with an issue discussed during the professional legal ethics part of the course (such as conflicting interests), requiring a reasoned opinion from the student. The students had to demonstrate their ability to be aware of ethical issues and to recognise the legal aspects as well. The essays were not graded on a simple right or wrong basis, rather critical thinking and reasoning were at the centre of marking. The students are expected to demonstrate a solid use of terminology and an understanding of the ethical challenge in a legal process. Topics covered in the exam are related to problems of modern life including medical malpractice, euthanasia, abortion, the human reproduction system vs. Catholic religious inhibition, embryo ethics and abortion, protection of private life in the digital age, technological revolution vs. the sanctity of life, and the pandemic.

During the spring semester in 2021, the course was delivered fully online, due to the pandemic, while during spring 2022 the course was delivered to part-time students face-to-face, on-campus. The content and the assessment strategy were the same during these semesters. The course materials were shared, and the assessments were administered via Moodle, the virtual learning environment system used by the university, in both semesters. The students performed well during both terms, actively participated in class discussions, and achieved high grades for their discursive essays. The university’s online system gathering student feedback each semester showed high student satisfaction rates, supplemented by positive informal student feedback given outside the classroom to the teaching team members and the head of department.

51Lovászy (2021a) 54–61.
52Lovászy (2021b).
7. CONCLUSIONS

The overall experience of our teaching team fully confirms the findings and recommendations of the researchers cited in our literature review. We refer to our initiative as a multidisciplinary and not an interdisciplinary one, since during the course the members of our teaching team stayed within their own areas of expertise and academic disciplines. We can only echo what the academic literature suggests: collaborative teaching is worth the effort, the time and the energy spent on it. The support from the management of the department was essential, otherwise this initiative would not have been successful. The compatibility of the members of our teaching team was another key element, we could work well together during the changing circumstances: first online, then ‘offline’, too. We not only enjoyed this co-teaching initiative, but also learnt a lot from each other, both pedagogically and also content-wise. And, most importantly, the assessment results and the student feedback suggest that the students benefited a lot from our multidisciplinary co-teaching, which aimed to bring the ‘best of two worlds’: mixing philosophical/theoretical and legal/practical elements during a legal ethics course by a teaching team composed of a philosopher and a lawyer. The authors of this paper believe that their multidisciplinary co-teaching initiative supports the students in developing their professional responsibility competences, in becoming lawyers who care about their clients and critical about the legal system. Lawyer caregiving is recommended to be included in legal ethics courses,\textsuperscript{53} as well as developing a critical legal consciousness.\textsuperscript{54} We recommend our colleagues experiment with collaborative teaching and recommend the university management support such initiatives, since all key participants, students and faculty members alike, may profit from them. We are looking forward to the next time we can deliver this course together – especially, as we have ideas for developing this multidisciplinary collaborative teaching initiative further.

LITERATURE


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\textsuperscript{54}Toussaint (2022).


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**LINKS:**


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