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Institutional Competency Capture: Emotional Intelligence and the Governance of Legal Education Reform

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Abstract: *This article examines the limited integration of emotional intelligence (EI) within legal education competency frameworks despite rising professional complexity and psychological pressure. Conceptualising this dynamic as institutional competency capture, the study explains how emerging relational capacities receive formal policy endorsement yet remain structurally subordinated to doctrinal reasoning and examination-oriented assessment. Using qualitative documentary and policy analysis of recent legal education reforms in Vietnam, the analysis demonstrates that EI competencies are acknowledged primarily through indirect outcomes such as ethics and communication rather than distinct, assessable learning goals. Driven by cognitive hierarchies and metric bias, this structural gap undermines holistic professional training. The article concludes that formally embedding EI within programme learning outcomes, reflective assessment, and accreditation structures is essential to strengthen professional resilience, ethical judgment, and modern legal practice.*

Keywords: *Emotional Intelligence; Legal Education; Competency Frameworks; Institutional Competency Capture; Assessment Systems*

UN Sustainable Development Goals (SDGs): *SDG 4: Quality Education; SDG 16: Peace, Justice, and Strong Institutions*

INTRODUCTION

Legal practice in the twenty-first century is increasingly shaped by psychological pressure, adversarial environments, and growing relational complexity. Lawyers routinely work with vulnerable clients, manage emotionally demanding disputes, and operate under sustained professional pressure. Empirical studies from the United States, the United Kingdom, and Australia report disproportionately high levels of stress, depression, anxiety, and problematic alcohol use within the legal profession compared with many other occupations (Benjamin et al., 1986; Krill, Johnson and Albert, 2016; Organ, Jaffe and Bender, 2016). These concerns raise broader questions about whether traditional models of legal education remain sufficient for contemporary professional practice.

Competency-based reform has emerged partly in response to these concerns. Across many jurisdictions, accreditation frameworks increasingly emphasise communication, ethics, teamwork, and professional responsibility alongside substantive legal knowledge. However, legal education continues to prioritise doctrinal reasoning, analytical performance, legal research, and examination outcomes. Emotional and interpersonal capacities are often acknowledged rhetorically but remain weakly embedded within curriculum structures and assessment systems.

Within these debates, emotional intelligence (EI) has attracted growing attention. Goleman defines EI as the capacity to recognise and regulate emotions in ways that support

judgement, communication, and professional interaction (Goleman, 1995). Hochschild's concept of emotional labour similarly highlights how professional roles require individuals to regulate emotion according to institutional expectations (Hochschild, 1983). In many areas of legal practice, managing emotionally charged interactions forms part of ordinary professional work rather than an exceptional requirement.

At the same time, recent scholarship questions universal assumptions underlying emotional intelligence frameworks, pointing to conceptual ambiguity, uneven predictive validity, and cultural variability (Joseph and Newman, 2010; Miao, Humphrey and Qian, 2017; Pérez-González and Qualter, 2018; Keefer et al., 2018). This article therefore approaches EI not as a universally measurable psychological trait, but as an institutional and pedagogical category shaped by governance structures, assessment systems, and professional expectations.

This article argues that the limited integration of emotional intelligence within legal competency frameworks reflects an institutional rather than purely pedagogical problem. It conceptualises this dynamic as institutional competency capture: a process through which emerging competencies are formally recognised while remaining structurally subordinate within existing hierarchies of legal knowledge, accreditation, and assessment. Using Vietnam as the primary case study, the article examines how competency-oriented reforms may expand the language of professional development without fundamentally altering existing structures of legal education.

LITERATURE REVIEW

Emotional Intelligence and Professional Capacity

The concept of emotional intelligence (EI) emerged within cognitive–affective psychology as the ability to perceive, understand, regulate, and utilise emotions in oneself and others (Mayer and Salovey, 1997). Subsequent scholarship extended the concept beyond psychological cognition into organisational and professional contexts, where self-awareness, emotional regulation, empathy, and relational management became associated with effective leadership and professional performance (Goleman, 1995; Goleman, 1998). Later theoretical developments attempted to distinguish ability-based approaches from broader trait-oriented models while improving conceptual precision and measurement reliability (Mayer, Salovey and Caruso, 2004).

At the same time, the expansion of EI into professional education has generated significant debate. Critics argue that some emotional intelligence frameworks rely upon culturally specific assumptions concerning emotional expression, interpersonal communication, and appropriate professional behaviour (Pérez-González et al., 2020). Empirical findings regarding predictive validity likewise remain uneven across professional environments, particularly in occupations characterised by institutional pressure, hierarchy, and formalised professional norms (Joseph and Newman, 2010; Miao, Humphrey and Qian, 2017). These concerns become particularly salient in professional cultures where authority continues to be associated with emotional restraint, formalism, and hierarchical relationships (Keefer et al., 2018).

Despite these criticisms, empirical evidence continues to demonstrate associations between emotional competencies and professional performance. Emotional intelligence has been linked to stronger job performance in occupations requiring sustained interpersonal

interaction and adaptive decision-making (Joseph and Newman, 2010). Meta-analytic evidence also indicates that emotional intelligence may contribute to academic achievement independently of cognitive ability and personality traits (MacCann et al., 2020). Similar discussions have emerged within legal education scholarship, particularly regarding student well-being, resilience, psychological distress, and professional identity formation.

These discussions are particularly significant for legal education. Traditional legal training has historically prioritised doctrinal mastery, analytical reasoning, and adversarial thinking as the principal indicators of competence. Nevertheless, legal practice routinely requires lawyers to manage conflict, communicate effectively with clients, exercise judgement under pressure, and navigate emotionally difficult situations. Emotional and relational capacities therefore form part of everyday legal practice rather than existing outside it.

Nevertheless, emotional competencies remain weakly embedded within many legal education systems. Interpersonal communication, reflective practice, and emotional awareness are frequently discussed within broader notions of ethics or professionalism but receive considerably less curricular attention than doctrinal analysis and examination performance. In many law programmes, these capacities remain concentrated within optional activities, clinical settings, or informal professional development initiatives rather than treated as core learning outcomes.

Accordingly, this article does not approach emotional intelligence as a fixed psychological trait capable of universal measurement. Rather, EI is examined as an institutional and pedagogical category shaped by governance structures, assessment systems, professional expectations, and broader understandings of legal competence.

Competence as Knowledge Hierarchy in Legal Education

Contemporary theories of professional education view competence not simply as technical skill acquisition but as a framework through which particular forms of knowledge and professional behaviour acquire legitimacy (Mulder, 2014). Competency frameworks therefore function not only pedagogically but also institutionally by determining what counts as legitimate expertise.

Young (2008) argues that curriculum structures inevitably embody hierarchies of knowledge that privilege certain forms of understanding while marginalising others. Legal education illustrates this dynamic clearly. Across many jurisdictions, accreditation standards and assessment systems continue to prioritise doctrinal mastery, legal reasoning, and analytical performance as primary indicators of competence. Emotional awareness, reflective practice, and interpersonal communication may be acknowledged rhetorically but rarely appear as independently assessed domains.

This hierarchy reflects the long-standing association between legal professionalism and analytical detachment. Even reform-oriented legal education systems frequently preserve these priorities through assessment structures dominated by written examinations and doctrinal evaluation. As Boud and Falchikov (2006) observe, assessment strongly shapes what students perceive as valuable learning. Competencies that receive limited assessment attention rarely acquire comparable institutional significance.

Comparable tensions appear across legal traditions. Civil law systems have historically emphasised doctrinal coherence and formal examination structures, whereas some common law jurisdictions increasingly incorporate reflective practice and experiential learning. However, even within reform-oriented systems, emotional competencies frequently remain subordinate to doctrinal performance and measurable outcomes.

Emotional Labour and the Structure of Legal Training

The concept of emotional labour provides a further lens for examining professional legal training. Hochschild (1983) defines emotional labour as the regulation of feeling according to occupational expectations. Legal practice illustrates this clearly: lawyers must maintain professional composure, manage conflict, and interact effectively with vulnerable clients. Emotional regulation therefore forms part of ordinary legal work rather than functioning as an optional personal attribute.

Research on lawyer well-being similarly suggests that competitive and performance-oriented professional environments may contribute to elevated stress and reduced well-being (Krieger, 2008; Organ, Jaffe and Bender, 2016). If emotional labour is already embedded within professional practice, the limited attention given to emotional competencies within legal training suggests a misalignment between educational priorities and professional demands.

Although experiential learning and clinical education may partially address this gap, such activities frequently remain peripheral to doctrinal curricula. Consequently, legal education may formally recognise emotional dimensions of professional practice while continuing to organise curriculum and assessment around competencies that are easier to standardise and measure.

The Structural Gap in Legal Education Reform

Competency-based reform has increasingly emphasised stronger alignment between legal training and professional practice. Nevertheless, emotional competencies remain weakly embedded within accreditation systems and assessment structures. Emotional awareness and resilience may appear in policy language or well-being initiatives but rarely acquire equivalent institutional status.

Institutional theory offers one explanation. Path dependence suggests that established regulatory arrangements and assessment practices tend to reproduce themselves over time (North, 1990; Pierson, 2000). Where legal education remains anchored in written examinations and doctrinal evaluation, competencies requiring observation, interaction, or contextual assessment encounter greater resistance to integration.

The resulting gap is therefore less a question of professional recognition than of institutional design. Emotional and relational competencies may increasingly appear within reform discourse while remaining weakly embedded within curriculum structures and evaluative systems. These tensions become particularly visible in competency-oriented reforms that expand professional expectations without fundamentally altering underlying institutional hierarchies. The Vietnamese reform context provides an illustrative example of this dynamic.

METHODOLOGY AND ANALYTICAL DESIGN

This study adopts a qualitative, interdisciplinary research design combining doctrinal analysis, policy analysis, and qualitative documentary analysis. The purpose is not to measure students' emotional intelligence or evaluate teaching effectiveness, but to examine how emotional intelligence (EI) is formally recognized and institutionally positioned within legal education competency frameworks. Vietnam is used as an illustrative case because recent competency-oriented reforms provide a clear policy context for examining the relationship between formal recognition and curricular integration.

The analysis proceeds at two levels. First, national legal and policy documents concerning legal education, competency standards, and program learning outcomes are examined to identify how professional competencies are formally defined. Particular attention is given to Decision No. 678/QĐ-BGDDT dated 14 March 2025, which provides the principal regulatory context for the Vietnamese analysis. Second, program learning outcomes, curriculum frameworks, course descriptions, and official program documents adopted between 2021 and 2026 are examined across four selected Vietnamese law programs: Hue University of Law (HUL), Hanoi Law University (HLU), VNU School of Law, Hanoi, and Ho Chi Minh City University of Law (HCMUL). The documents examined are the 2025 program documents of HUL and HLU, the 2023 program document of HCMUL, and the updated 2026 undergraduate program of VNU School of Law.

The documentary analysis focuses on four dimensions: (1) doctrinal emphasis, including substantive legal knowledge, legal reasoning, and doctrinal study; (2) skills and clinical components, including practical legal skills, advocacy, experiential learning, and clinical activities; (3) EI-related learning outcomes, including communication, teamwork, adaptability, professional ethics, interpersonal competence, reflective practice, and related emotional or relational capacities; and (4) dominant assessment forms, particularly the relative visibility of written examinations, presentations, and practical or skills-based assessment.

Documents were read comparatively to identify the extent to which these dimensions were explicitly recognized within formal program structures. The coding followed an operational three-tier protocol: "High" was assigned where the relevant competency was explicitly stated in program learning outcomes and/or systematically embedded across multiple curriculum or assessment components; "Moderate" where it was explicitly recognized but appeared in fewer, indirect, or less systematically assessed components; and "Limited" where recognition was peripheral, generic, or confined to isolated curriculum or professional-ethics provisions. The coding was based on documentary evidence rather than numerical weighting and was cross-referenced to relevant program learning outcomes, curriculum modules, skills/practice components, and assessment provisions. These categories describe institutional visibility within the documents examined and do not constitute rankings of institutional quality or evidence of students' actual competence.

Table 1: Coding Criteria for the Comparative Curriculum Analysis (Source: Author's elaboration based on Mayer and Salovey,1997; Boud and Falchikov, 2006; James, 2008, and the identified policy and curriculum documents)

Analytical Dimension	High	Moderate	Limited
Doctrinal emphasis	Extensive and explicit emphasis on substantive law, legal reasoning, and doctrinal courses.	Clear doctrinal emphasis alongside substantial practical or interdisciplinary components.	Relatively limited explicit doctrinal emphasis.
Skills/clinical components	Substantial and structured practical, clinical, advocacy, or experiential components.	Practical or skills-based components are clearly present but not dominant.	Practical or clinical components are limited or peripheral.
EI-related learning outcomes	EI-related competencies are explicitly identified as distinct or assessable outcomes.	EI-related competencies are recognised indirectly through ethics, communication, professionalism, adaptability, or related outcomes.	EI-related competencies are rarely or not explicitly identified as distinct outcomes.
Dominant assessment forms	Assessment substantially includes practical, professional, reflective, or performance-based methods.	Combination of written examinations with presentations or other applied assessment.	Assessment is predominantly based on written or doctrinal examinations.

Note: *The coding is qualitative and documentary. "High", "Moderate", and "Limited" indicate the degree of formal visibility and institutional integration identified in the materials examined; they do not represent quantitative scores or institutional rankings.*

INSTITUTIONAL COMPETENCY CAPTURE: A STRUCTURAL THEORY OF EMOTIONAL INTELLIGENCE MARGINALIZATION IN LEGAL EDUCATION

Institutional Competency Capture: A Structural Approach

For the purposes of this article, institutional competency capture refers to a process through which newly endorsed competencies are formally recognised within reform discourse but remain subordinated within existing hierarchies of legal knowledge, assessment, and professional legitimacy. The concept is introduced to explain why emerging forms of competence, particularly emotional and relational capacities, may appear prominently in policy language without substantially altering the organisation of legal education itself.

Institutional competency capture does not describe the outright rejection of new competencies. Rather, it refers to a more gradual process through which new forms of knowledge are absorbed into pre-existing systems of value and repositioned in ways that limit their influence on curriculum structures, assessment practices, and professional standards.

This argument draws upon three complementary perspectives.

First, Bourdieu's account of social fields suggests that institutions operate through historically established systems of symbolic capital (Bourdieu, 1986). Within legal education, symbolic value has long been attached to doctrinal reasoning, analytical argumentation, and textual interpretation. New competencies therefore do not enter neutral institutional environments. Their recognition depends upon whether they can acquire forms of legitimacy comparable to already established markers of professional expertise.

Second, theories of path dependence highlight the constraining effects of institutional inertia and transition costs (North, 1990; Pierson, 2000). Reform may occur relatively easily at the level of policy language, while assessment systems, accreditation structures, and curriculum design continue to reproduce earlier priorities. As a result, change may become more visible in formal documentation than in educational practice.

Third, the literature on audit culture suggests that contemporary educational systems increasingly privilege competencies that can be measured, standardised, and documented (Power, 1997). Capacities that are readily examined and quantified tend to acquire greater institutional authority. In contrast, relational and context-dependent competencies, such as emotional regulation or empathy, often prove more difficult to incorporate into standardised evaluative systems.

Taken together, these perspectives suggest that competency reform does not necessarily alter underlying knowledge hierarchies. Within legal education, emotional and interpersonal capacities may increasingly appear within learning outcomes, professional rhetoric, or policy frameworks while remaining weakly embedded in credit allocation, compulsory assessment, or core curriculum structures.

The central issue, therefore, is not simply whether emotional competencies are recognised, but whether they acquire sufficient institutional authority to influence how legal competence is defined, assessed, and reproduced. Institutional competency capture emerges where symbolic endorsement expands while underlying educational priorities remain largely unchanged.

Learning Outcomes and Curricular Evidence from Vietnam

In Vietnam, Decision No. 678/QĐ-BGDĐT dated 14 March 2025, issued by the Ministry of Education and Training, establishes national standards for undergraduate legal education and aligns bachelor-level law programmes with Level 6 of the Vietnamese National Qualifications Framework. The reform forms part of a broader transition toward competency-oriented higher education governance, emphasising not only legal knowledge and technical skills but also professional responsibility, adaptability, ethics, and practical competence (MOET, 2025).

The Decision organises programme learning outcomes into three broad domains: knowledge, skills, and autonomy and responsibility. Within this framework, undergraduate law students are expected to demonstrate independent and collaborative working capacity, professional integrity, ethical awareness, adaptability to changing legal and social environments, and responsible application of legal knowledge in practice. In substantive terms, these requirements overlap with competencies frequently discussed within emotional intelligence scholarship, including interpersonal awareness, self-regulation, communication, and adaptability (Goleman, 1995; Mayer, Salovey and Caruso, 2008).

At the level of formal policy discourse, Decision 678 therefore appears to recognise competencies extending beyond doctrinal knowledge and procedural technique. However, closer examination of curriculum structures suggests that institutional implementation has progressed unevenly.

The analysis of publicly available programme and curriculum documentation indicates that competency-oriented language has expanded more rapidly than curriculum restructuring. Programme learning outcomes increasingly refer to communication, ethics, professionalism, and practical skills, yet curriculum organisation and assessment systems remain predominantly doctrinal. This pattern reflects broader critiques within legal education scholarship suggesting that competency discourse may coexist with enduring institutional hierarchies that privilege doctrinal expertise and examination-oriented evaluation (Sullivan et al., 2007; Power, 1997).

Illustrative curriculum patterns from selected law programmes demonstrate recurring structural tendencies, as shown in Table 2.

Table 2: Comparative Curriculum Patterns in Selected Vietnamese Law Programmes (Source: Author's analysis)

University	Documents	Doctrinal Emphasis	Skills/Clinical Components	EI-Related Learning Outcomes	Dominant Assessment Forms
Hue University of Law (HUL)	Decision No. 896/QĐ-ĐHL, dated 5 August, 2025	High	Limited clinical and skills-oriented modules.	Professional ethics, communication, teamwork, and professional responsibility, mainly integrated indirectly through ethics and practical training.	Predominantly written examinations.
Hanoi Law University (HLU)	Decision No. 1636/QĐ-ĐHL, dated 10 June, 2025	High	Moderate skills and advocacy training components.	Professional ethics, communication-oriented outcomes, and professional conduct requirements.	Written examinations and presentations.
VNU School of Law, Hanoi	Decision No. 414/QĐ-ĐHL, dated 16 March, 2026	High	Moderate practical and interdisciplinary components.	Communication, adaptability, and professional interaction outcomes.	Examinations and presentations.
Ho Chi Minh City University of Law	Decision No. 208/QĐ-ĐHL, dated 20 March, 2023	High	Limited clinical integration.	Professional ethics and legal professionalism outcomes.	Predominantly examinations.

Note: *The coding reflects evidence identified in the relevant program learning outcomes, curriculum modules, skills/practice components, and assessment provisions; specific documentary locations are provided in Appendix I (Primary Sources & Policy Documents).*

The comparison reveals a consistent pattern across the four programmes. Doctrinal competence occupies the strongest and most visible position, while practical and skills-oriented components receive more limited or moderate institutional emphasis. EI-related competencies are present primarily through broader categories such as professional ethics, communication, teamwork, adaptability, and professional responsibility rather than being identified as an autonomous and assessable competency domain.

The assessment dimension is particularly significant. Written examinations remain the dominant form of evaluation, while presentations and practical components appear to a more limited extent. This pattern matters because competencies such as empathy, emotional regulation, reflective practice, and interpersonal judgement are more difficult to capture through conventional written examinations than doctrinal knowledge. The resulting asymmetry between what is formally recognised and what is systematically assessed provides an important basis for understanding the institutional marginalisation of EI.

These findings should nevertheless be interpreted cautiously. The documentary comparison does not demonstrate that EI-related learning is absent from the four institutions. Informal teaching practices, clinical supervision, classroom interaction, and individual pedagogical initiatives may develop emotional and interpersonal capacities without being explicitly recorded in formal curriculum documents. The findings instead indicate that such capacities have limited formal institutional visibility and structural integration when compared with doctrinal competence.

The distinction is central to the concept of institutional competency capture developed in this article. The issue is not whether Vietnamese legal education recognises communication, ethics, professionalism, or adaptability. Rather, the issue is whether these competencies acquire equivalent curricular authority, assessment weight, and institutional legitimacy. The documentary evidence suggests that recognition has expanded at the level of competency discourse, while structural integration remains comparatively limited. This provides the empirical foundation for the subsequent analysis of the mechanisms through which cognitive hierarchy, metric bias, and professional identity reproduction contribute to the continued marginalisation of emotional intelligence.

This pattern does not suggest that emotional competencies are formally excluded from Vietnamese legal education. Rather, they appear institutionally subordinated within educational structures that continue to prioritise doctrinal knowledge, examination performance, and analytical reasoning as the dominant indicators of professional competence. Similar tensions between competency discourse and institutional assessment structures have also been identified in comparative legal education scholarship (Bourdieu, 1988; Stuckey et al., 2007).

Several features of Decision 678 reinforce this pattern.

First, competencies associated with integrity, teamwork, adaptability, and professional responsibility are positioned primarily within the category of "autonomy and responsibility" rather than recognised as central legal competences equivalent to doctrinal reasoning or legal analysis. This reflects what Bourdieu (1988) describes as the hierarchical distribution of symbolic legitimacy within professional education systems.

Second, although the Decision requires legal ethics within undergraduate curricula, it does not mandate dedicated modules addressing emotional regulation, empathy, reflective practice, or interpersonal competence development. In practice, ethics therefore often remains

delivered primarily as knowledge-oriented instruction rather than as a sustained formative process. This distinction mirrors broader concerns regarding the separation between ethical instruction and professional identity formation within legal education (Sullivan et al., 2007).

Third, while Decision 678 articulates broad competency expectations, it provides limited guidance regarding measurable assessment indicators, compulsory evaluation mechanisms, or structured rubrics relating to emotional and relational capacities. Consequently, universities rarely allocate substantial credit weighting or formal assessment structures to these competencies. As Power (1997) argues, audit-oriented systems tend to privilege competencies capable of standardisation and documentation.

Fourth, curriculum structures and accreditation priorities continue to assign greatest institutional value to doctrinal subjects such as constitutional law, civil law, criminal law, and procedural law. Emotional and interpersonal capacities therefore remain comparatively weak in terms of curricular authority and institutional visibility. Such continuity reflects broader patterns of path dependence within professional education systems (North, 1990; Pierson, 2000).

Taken together, these patterns reveal a recurring institutional dynamic. Emotional and relational capacities are formally acknowledged within national policy discourse and incorporated into competency-oriented learning outcomes, yet they rarely acquire equivalent curriculum weighting, assessment significance, or institutional authority.

This gap between formal recognition and effective integration illustrates what this article conceptualises as institutional competency capture. Competencies may be endorsed within reform language while remaining subordinated within enduring hierarchies of legal knowledge, assessment practices, and professional legitimacy.

These dynamics must also be understood within Vietnam's broader governance structure. Legal education operates through a multi-layered regulatory framework involving the Ministry of Education and Training, the Ministry of Justice, professional legal training institutions, and university administrations. Decision 678 therefore functions not as an isolated reform instrument but as part of a wider transition toward competency-oriented higher education governance.

In practice, however, accreditation systems and institutional evaluation mechanisms continue to prioritise measurable academic outputs, doctrinal coverage, examination performance, and standardised assessment structures. Emotional and interpersonal competencies consequently remain weakly institutionalised within formal accountability mechanisms, limiting their influence on curriculum design and pedagogical implementation. This tension reflects broader debates concerning the limits of competency-based reform under audit-oriented governance conditions (Power, 1997; Barnett, 2000). The Vietnamese case therefore illustrates how competency-oriented reforms may broaden professional expectations without necessarily transforming the underlying hierarchies through which legal competence is defined and evaluated.

Mechanism I: Cognitive Hierarchy and the Primacy of Legal Rationality

Modern legal education developed around a conception of legal reasoning that privileges analytical method, doctrinal coherence, and textual interpretation as the foundations of professional expertise. Langdell's model of legal education positioned legal training as a

science of reasoning grounded in the systematic study of judicial decisions (Langdell, 1871). Within this model, competence became closely associated with analytical performance rather than with broader forms of professional judgement.

Subsequent scholarship suggests that these educational structures continue to shape how competence is defined and reproduced. Kennedy (1982) argues that traditional law school structures reinforce hierarchies of knowledge in which doctrinal reasoning and conceptual analysis operate as dominant markers of professional excellence. Similarly, Sullivan et al. (2007) observe that legal education continues to prioritise what they describe as the "apprenticeship of cognitive expertise" while assigning comparatively less institutional attention to professional identity, ethical formation, and relational development.

The consequence is not simply curricular imbalance but the production of a hierarchy of competence. Skills associated with doctrinal analysis, legal reasoning, textual interpretation, and adversarial argument occupy a central position within curriculum structures and assessment systems. In contrast, emotional, relational, and self-regulatory capacities are more commonly treated as supplementary attributes of professionalism.

Within such a framework, emotional intelligence is not explicitly rejected. Rather, it occupies a weaker institutional position because it is less closely aligned with historically established markers of legal expertise and professional authority. Competencies associated with empathy, reflective judgement, or emotional regulation may therefore appear within reform discourse while remaining secondary within formal structures of curriculum design and evaluation.

This privileging of rational-doctrinal competence is not unique to Vietnam. Similar patterns have historically shaped both civil law and common law traditions, where analytical detachment and formal reasoning have frequently functioned as indicators of professional legitimacy and intellectual authority.

Mechanism II: Metric Bias and Audit-Driven Curriculum Design

Power (1997) argues that audit culture has increasingly reshaped educational governance by privileging forms of knowledge that can be documented, standardised, and evaluated through visible performance indicators. Within higher education, this tendency appears through learning outcomes frameworks, assessment rubrics, accreditation requirements, and institutional demands for demonstrable evidence of student achievement.

Competency-based curriculum design therefore tends to favour capacities that can be clearly specified, assessed consistently, and compared across programmes. As Mulder (2014) notes, competence frameworks frequently privilege measurable and standardisable elements because these are more easily monitored within regulatory and quality assurance systems.

Emotional and relational capacities sit uneasily within this assessment logic. Competencies such as empathy, emotional regulation, reflective judgement, and interpersonal awareness are often context-dependent, process-oriented, and developed over time rather than easily reducible to discrete behavioural indicators or short-term quantitative measures.

As a result, emotional intelligence is not typically excluded from competency frameworks altogether. References to teamwork, ethics, professionalism, responsibility, or communication increasingly appear within programme outcomes and accreditation language. However, because

these capacities are more difficult to operationalise within dominant assessment systems, they often occupy a weaker institutional position within curriculum design and evaluative practice.

This dynamic represents a form of competency capture produced through metric bias. Competencies may acquire formal recognition within policy discourse while remaining constrained in practice because they fit imperfectly within assessment systems structured around standardisation, comparability, and audit-oriented accountability.

The consequence is not simply underassessment but unequal institutional visibility. Competencies that can be readily measured acquire greater curricular authority, whereas emotionally oriented capacities remain comparatively weak in terms of credit allocation, assessment weighting, and formal accountability structures.

Mechanism III: Professional Identity Reproduction and Institutional Inertia

Legal education functions not only as a system for transmitting legal knowledge but also as a space in which professional identities are formed and reproduced. Bourdieu (1986) argues that educational institutions contribute to the reproduction of dominant forms of capital and, in doing so, reinforce particular understandings of professional legitimacy. Within legal education, professional authority has historically been associated with analytical reasoning, doctrinal expertise, and the capacity for abstract legal argument.

Processes of professional socialisation also shape expectations concerning authority, emotional restraint, and acceptable forms of professional behaviour. These expectations are not necessarily neutral. Existing scholarship suggests that norms relating to communication style, emotional expression, and professional conduct may operate unevenly across gendered and socio-cultural contexts, influencing how particular forms of competence are recognised within legal training environments.

Institutional continuity further reinforces these dynamics. North (1990) argues that institutional development is shaped by path-dependent processes through which established rules, incentives, and organisational practices constrain subsequent change. Similarly, Pierson (2000) shows that feedback effects and increasing returns often make institutional reform difficult once particular structures become embedded.

These dynamics are visible in many contemporary law schools. Academic recognition frequently remains closely associated with scholarly production, doctrinal expertise, and research performance. Recruitment and promotion structures often continue to reward forms of expertise that align with established understandings of legal scholarship and professional authority.

Within such institutional settings, emotional and relational capacities occupy a less visible position. Although programme documents increasingly refer to empathy, responsibility, professionalism, and interpersonal skills, these competencies are not consistently reflected in recruitment priorities, assessment systems, curriculum weighting, or institutional reward structures.

The persistence of this imbalance is therefore not simply a matter of curriculum design. Rather, it reflects the interaction between professional identity reproduction and institutional inertia, through which historically recognised forms of legal capital continue to shape how competence, authority, and professional legitimacy are understood within legal education.

RETHINKING COMPETENCY DESIGN: INTEGRATING EMOTIONAL INTELLIGENCE INTO LEGAL EDUCATION

Reframing Legal Professional Competence

Addressing the institutional gap surrounding emotional intelligence (EI) requires more than adding supplementary soft-skills training. The central issue lies in how legal competence itself is structured. Traditional models of legal education continue to separate knowledge, skills, and professional values (Sullivan et al., 2007), with emotional and relational capacities frequently treated as ethical dispositions rather than assessable professional competencies.

This article proposes a more integrated understanding of legal competence consisting of three interconnected dimensions: cognitive–doctrinal competence (legal reasoning and interpretation), procedural–professional competence (advocacy, negotiation, counselling, and representation), and emotional–professional competence (self-regulation, interpersonal awareness, reflective judgement, and professional responsibility). These dimensions should not be understood as independent categories but as interacting components of professional performance.

Embedding Emotional Competencies Across the Curriculum

Institutionalising EI requires integration across both programme stages and substantive areas of legal education. Rather than confining emotional competencies to standalone modules or extracurricular activities, emotional and relational capacities should be embedded progressively throughout legal training.

Early stages of legal education may emphasise self-reflection, ethics, and awareness of emotion in legal judgement. More advanced stages, including advocacy courses, simulations, clinical programmes, and internships, can incorporate structured reflection, client interaction, and supervised professional practice (Sullivan et al., 2007).

Horizontal integration is equally important. Different legal subjects create different relational demands: advocacy requires emotional restraint; negotiation requires conflict management; counselling requires empathy and communication. Embedding emotional competencies within existing subjects reduces the tendency to treat them as peripheral to professional formation.

Reforming Assessment Beyond Doctrinal Measurement

As discussed earlier, institutional evaluation systems frequently privilege competencies that are easier to standardise and measure (Power, 1997). Emotional competencies therefore require assessment approaches extending beyond conventional examination models.

More process-oriented approaches may include reflective portfolios, structured self-evaluation, behavioural indicators, and multi-source feedback involving instructors, peers, supervisors, or clients. These mechanisms are not intended to replace doctrinal assessment but to complement it by evaluating dimensions of professional development less visible through written examinations alone (Schön, 1983; Mulder, 2014).

Given institutional constraints, including large class sizes and limited resources, incremental implementation may prove more feasible than comprehensive restructuring.

Institutional Conditions for Sustainable Reform

Curriculum reform alone is unlikely to produce durable change. Institutionalisation also depends upon alignment between curriculum design, accreditation standards, and professional expectations.

Faculty development remains important because competency-oriented teaching requires different pedagogical and assessment practices. Accreditation systems likewise influence institutional behaviour; competencies excluded from quality assurance mechanisms frequently remain peripheral regardless of formal recognition (Power, 1997). Professional bodies and regulatory institutions may therefore play an important role in reinforcing the legitimacy of emotional and relational competencies within legal training.

From this perspective, integrating emotional intelligence is less a matter of introducing new competencies than reconsidering how legal competence itself is institutionally defined and evaluated.

INSTITUTIONAL IMPLICATIONS FOR VIETNAM: RESTRUCTURING COMPETENCY STANDARDS

Structural Characteristics of the Existing Competency Framework

Vietnamese legal education operates within a multi-level governance structure involving educational regulators, justice-sector institutions, professional training bodies, and universities. Although competency-based reform has expanded, evaluation systems continue to prioritise doctrinal coverage, examination performance, and measurable academic outputs.

Three structural characteristics illustrate this orientation.

First, cognitive dominance. Learning outcomes remain largely framed around doctrinal reasoning through verbs such as understand, analyse, and apply, reinforcing a model of legal expertise centred on legal rationalism (Sullivan et al., 2007).

Second, assessment standardisation. Evaluation practices continue to rely primarily on written examinations and doctrinal testing, reflecting what Power (1997) describes as audit-oriented systems that privilege measurable and standardised outputs over relational or process-based competencies.

Third, separation between legal training and professional formation. Emotional regulation, communication, and professional identity development are often assumed to emerge during internships or later professional practice rather than through formal curriculum design. This separation reinforces the fragmentation between legal knowledge and professional formation identified by Sullivan et al. (2007).

Taken together, these characteristics continue to reproduce a model of legal professionalism in which doctrinal competence remains central, while emotional and relational capacities occupy a limited institutional position.

Redesigning Learning Outcomes: A Three-Tier Integrated Model

Embedding emotional and relational competencies within legal education requires more than policy recognition alone; such competencies must be incorporated into formal learning outcomes and linked to assessment structures (Mulder, 2014).

From this perspective, legal competence may be understood through three interconnected dimensions: doctrinal competence, involving legal analysis and interpretation; professional and procedural competence, including advocacy, negotiation, representation, and dispute resolution; and emotional–professional identity competence, encompassing emotional regulation, interpersonal communication, reflective judgement, empathy, and professional responsibility under conditions of uncertainty or conflict.

The purpose of this framework is not simply to add another category of skills, but to recognise emotional and relational capacities as competencies capable of structured development and institutional evaluation alongside doctrinal and procedural expertise. Rather than requiring immediate restructuring, the model is intended as a flexible framework that may be implemented incrementally according to institutional capacity and regulatory context.

Adjusting Accreditation and Quality Assurance Mechanisms

Reform of learning outcomes is unlikely to be sustained without corresponding adjustments to accreditation and quality assurance systems. Existing evaluation frameworks continue to prioritise curriculum structure, faculty qualifications, and doctrinal assessment, creating limited institutional incentives for integrating emotional and relational competencies.

Greater alignment may require accreditation systems to consider whether programmes incorporate emotionally oriented competencies within learning outcomes, assessment practices, and professional training environments. This may include attention to reflective assessment, feedback mechanisms within clinical or internship settings, and the integration of interpersonal competencies across programme structures.

As Power (1997) argues, audit and accreditation systems shape institutional behaviour by determining which forms of competence acquire formal legitimacy. Where emotional competencies remain outside evaluative frameworks, they are likely to remain peripheral within curriculum design and institutional priorities.

The Political–Academic Challenges of Reform

Integrating emotional and relational competencies into legal education involves more than curricular modification alone. It may also require adjustments to long-established assumptions concerning what constitutes legitimate legal knowledge, how professional competence should be evaluated, and which forms of expertise are institutionally rewarded.

Several practical challenges are likely to emerge during implementation. Faculty members accustomed to doctrinal teaching models may question the pedagogical relevance of emotionally oriented competencies. Concerns may also arise regarding the reliability and objectivity of qualitative assessment methods, particularly where reflective or behavioural evaluation is introduced. In addition, process-oriented teaching approaches often require

greater investment in supervision, feedback, and staff development, creating resource constraints for institutions operating under heavy teaching loads.

Institutional theory suggests that reform is unlikely to succeed through formal regulation alone. As North (1990) argues, sustainable institutional change typically requires adjustments not only to formal rules but also to underlying norms, incentives, and organisational practices. For this reason, competency reform may be more feasible when implemented incrementally through pilot initiatives, faculty development programmes, and phased curriculum redesign rather than through comprehensive restructuring at a single point in time.

Comparative Perspectives on Emotional Competencies

The Vietnamese experience reflects broader tensions observable across multiple legal education systems, although institutional responses differ according to regulatory traditions, professional cultures, and accreditation structures.

In civil law jurisdictions such as Germany and France, legal education has historically emphasised doctrinal coherence, analytical formalism, and examination-centred models of professional qualification. Although negotiation, mediation, and client-management skills have received growing professional attention, emotional and interpersonal competencies generally remain secondary to doctrinal expertise within formal structures of assessment and professional recognition.

By contrast, common law jurisdictions including Australia and Canada have increasingly incorporated reflective practice, professional identity formation, communication competence, experiential learning, and student well-being into accreditation standards and clinical legal education frameworks. Nevertheless, even within these reform-oriented systems, emotional competencies frequently remain constrained by assessment regimes that continue to prioritise measurable doctrinal performance and employability-oriented indicators.

Taken together, these comparisons suggest that the institutional marginalisation of emotional competencies is not unique to Vietnam. Rather, the Vietnamese case illustrates a broader structural pattern in which competency-oriented reforms may expand professional expectations without necessarily transforming the underlying hierarchies through which legal knowledge and professional legitimacy are organised.

Contributions to International Debate

The Vietnamese case provides an instructive institutional context for examining how competency-oriented reform interacts with long-standing structures of legal education governance. Rather than suggesting that the marginal position of emotional and relational competencies is unique to Vietnam, the analysis indicates that similar tensions may emerge where professional legitimacy continues to be organised around doctrinal expertise, examination-oriented assessment, and standardised evaluation mechanisms.

This article contributes to international scholarship in three respects. First, it shifts discussion of emotional intelligence away from an exclusively individualised understanding centred on personal attributes or "soft skills". Instead, it examines emotional competence as a question of institutional design, governance, and professional regulation.

Second, the article proposes a three-tier integrated competency framework intended not as a universal model but as an analytical approach that may be adapted within legal education systems, particularly those operating within civil law traditions or undergoing competency-oriented reform.

Third, the analysis identifies several institutional mechanisms through which emerging competencies may remain weakly embedded despite formal policy recognition, including knowledge hierarchies, measurement-oriented assessment systems, and professional reproduction processes. These mechanisms provide a basis for explaining why competency reform frequently generates symbolic expansion without equivalent structural transformation.

Although grounded primarily in the Vietnamese reform context, the institutional dynamics examined in this article reflect broader tensions observable across multiple legal education systems undergoing competency-based transformation. The concept of institutional competency capture may therefore offer a useful analytical framework for examining the relationship between reform discourse, curriculum structures, and professional legitimacy beyond Vietnam alone.

CONCLUSION

This article has argued that the limited integration of emotional intelligence (EI) within legal competency frameworks should be understood less as an isolated pedagogical omission than as a consequence of institutional structures that continue to prioritise doctrinal reasoning, cognitive performance, and examination-oriented assessment as dominant markers of legal professionalism.

The analysis contributes to legal education scholarship in three respects. First, it conceptualises legal competence as a multi-dimensional institutional construct rather than a narrowly cognitive category, suggesting that emotional and relational capacities may influence professional judgement, communication, negotiation, and client interaction in ways relevant to legal practice.

Second, the article argues that the marginal position of emotional competencies is reinforced through accreditation systems, assessment structures, and quality assurance mechanisms that privilege competencies capable of standardised measurement and formal documentation. Competency reform therefore involves not only expanding curriculum content but also reconsidering how educational value and professional legitimacy are institutionally defined.

Third, the Vietnamese reform context illustrates tensions that may emerge when competency-oriented reforms encounter long-standing doctrinal and examination-centred traditions. Although grounded in Vietnam, these dynamics may also be observable across other legal education systems undergoing competency-based transformation.

The article does not suggest that emotional intelligence should replace doctrinal knowledge or analytical reasoning. Rather, it proposes that emotional and relational competencies may warrant greater institutional recognition within legal education frameworks, particularly in areas involving ethics, professional responsibility, client interaction, and reflective practice.

Ultimately, debates concerning legal education reform increasingly concern not only what future legal professionals should know, but also how legal competence itself is constructed, recognised, and evaluated within institutional settings.

CONTRIBUTOR

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APPENDIX I (PRIMARY SOURCES & POLICY DOCUMENTS)

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