

# Teacher education adrift: the preparation for higher education in law graduate programs in Brazil\*

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## Abstract

The aim of this article is to analyze the regulation of teacher education offered in master's and doctoral courses in the graduate programs in Law (PPGDs) at University of Fortaleza (Unifor) and the Federal University of Ceará (UFC). Using a dialectical approach, our research started from the following synthesis question: how does the regulation of teacher education offered in the master's and doctoral courses at Unifor and UFC law graduate programs (PPGDs) occur? As a methodological strategy, we carried out a documentary analysis, from which we discuss the Law of Guidelines and Bases for National Education (LDB) No. 9394/1996, the assessment and regulatory documents prepared, from 2017 to 2019, by the Coordination for the Improvement of Higher Education Personnel (Capes), the internal regulations in force in 2020 and the syllabuses of the courses offered by both law graduate programs (PPGDs). Each document was submitted to an examination in two stages: one was a preliminary examination and the other, along with all other documents. In the analysis of the results, we considered the documents as sources and as data of the regulatory actions expressed by the Federal Legislative Power, Capes and PPGDs. Intertwining the tension between theory and research, we noticed that the LDB does not regulate the training of teachers in graduate courses, which, consequently, affects the assessment of PPGDs performed by Capes, which privileges research, despite its substantive quality, to the detriment of teacher education, dissociating teaching and research, leading PPGDs to deprecate teacher education in law courses in Brazil. The research revealed that, with regard to the assessment of the quality of courses made by Capes, the training of researchers holds a place of prominence and privilege, while teaching holds an unappreciated place, almost invisible. That said, in the contexts analyzed, it is emphasized that there is the absence of an articulated preparation between theory and the actual practice of teaching work, fundamental to the exercise of the teaching profession,

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a fact that significantly compromises the professionalization and construction of teaching identities, as well as the quality of teaching offered in Law courses in Brazil.

## **Keywords**

*Regulation - Assessment - Teacher education - Legal education - Stricto sensu graduate program.*

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## **Introduction**

In recent years, in Brazil, there has been a significant increase in the number of graduate courses in Law (BRASIL, 2019a), especially in private institutions, a fact that has had an impact on the growth of the supply of teachers for law courses. In view of this reality, and considering that master's and doctoral students should, according to the Law of Guidelines and Bases for National Education (the LDB), No. 9394/1996, regarding the practice of teaching in *stricto sensu*<sup>3</sup> graduate programs (BRASIL, 1996), we analyzed the regulation of teacher education<sup>4</sup> offered in master's and doctoral courses of the oldest graduate programs in Law (PPGDs) in Ceará, that is, the programs that have long been training their students, allowing them to be included as professors of law courses in the country. The PPGDs of the University of Fortaleza (Unifor) and the Federal University of Ceará (UFC) were chosen.

By adopting a dialectical approach, as referenced by Gamboa (1994, 2007, 2013) and Severino (2001), we developed our research based on the following synthesis question<sup>5</sup>: how does the regulation of teacher education offered in the master's and doctoral courses of the PPGDs of Unifor and UFC occur? From this question, three secondary questions appeared, i.e.: What does the LDB envision in relation to the training of teachers in *stricto sensu* graduate courses? How does Capes evaluate and regulate master's and doctoral courses? According to Capes documents, do the regiments and discipline programs, such as the master's and doctoral courses in law of the PPGDs studied, carry out the teacher education of their students in the field of legal education?

In order to answer these questions and achieve the objective of our research, we carried out a documentary analysis (CELLARD, 2012; FLICK, 2009) of files prepared by Capes, which are, the *Law Area Document of 2019* (referring to the 2017-2020

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**3-** The term "*stricto sensu*" is used in Brazil to designate Master's and Doctoral Courses.

**4-** It designates normative acts and operating parameters for teacher education for higher education, with the establishment of rules and procedures for ensuring respect for them. With regard to this regulation, we verified, from our analysis, the lack of clear rules and specific monitoring and assessment instruments for the training of higher education teachers, revealing an indetermination of guidelines aimed at ensuring the relationship between theory and practice of teaching work and between research and teacher education in *stricto sensu* graduate studies, an aspect especially addressed in the later sections.

**5-** According to Gamboa (2013), the synthesis-question is the starting point of the research as a dialectical process, coming from the reflections and initial findings about the phenomena we want to analyze. It is fundamental in the choice of our research techniques, mobilized in the search for answers. When we reach the answers, we need to reverse the process – go from the answers to the question –, an intellectual operation indispensable to the exposure of the process of knowledge construction through scientific research.

Quadrennial Assessment), the *2017 Law Area Assessment Report* and *Unifor and UFC 2017 PPGD assessment forms* (for the 2013-2016 Quadrennial Evaluation). In addition to these documents, we analyzed the internal prevailing rules in 2020 and the programs of the disciplines offered by the PPGDs in the research. All these documents are in public domain and can be accessed freely through the Internet, which allowed us to organize their copies in a digital archive to enable the fulfillment of this research.

By taking the written documents as specific objects of our analysis, we are aware that they express meanings, ideas, facts, disputes, political choices and other aspects of the social life. We analyze the documents entwined in the phenomenon of teacher education regulations offered in the master's and doctoral programs of Unifor and UFC PPGDs, based on Flick (2009), for whom the documents are communication devices, and in Cellard (2012), which also considers the context in which the texts were produced – the author and the social actors who guided their production and to which they are directed, the reliability of the documents, their nature, their key concepts, their internal logic, the meanings mobilized in them, their political uses, their normative orientation, etc.

Thus, initially, one document was examined at a time, and, at the end of the analysis of each text, comparisons were made to identify key concepts, phrases and meanings that are linked to teacher education, and, more specifically, to teacher education for legal education, according to the tension between theory and empirical experience of documents, understood at the same time as data (FLICK, 2009)<sup>6</sup> and sources (CELLARD, 2012)<sup>7</sup>.

We performed the analysis in two stages, that is: the preliminary analysis of each document and the analysis of the set of previously selected documents. The preliminary investigation included the reading and critical analysis of each document, considering the historical, social, political and economic contexts; the authors and actors who have created it and to whom it is addressed; the interests, authenticity and reliability of the text; the nature of the text; the key concepts and internal logic of the text. The analysis of the set of texts used the results of the preliminary analysis to bring together all these elements: research questions, theoretical-methodological discussion, context, authors and actors, interests, reliability, nature of texts and key concepts.

Guided by the dialectical perspective of analysis of the phenomena of the social life and the construction of knowledge (GAMBOA, 1994, 2007, 2013; SEVERINO, 2001), we take into account the theoretical debate and research issues in order to produce an original interpretation of the confrontation between the theory and the empirical experience of the analyzed documents, comprising the formation of teachers in the PPGDs and their regulation as historical-social phenomena.

**6-** According to Flick (2009, p. 232), “[...] documents are not just a simple representation of facts or reality.” According to the author, they are produced by someone or an institution and have a practical purpose and some kind of use by the actors, individual or collective, to whom the data contained therein are intended. The communication aspects of the documents show that they are not “containers of content”, but rather “communication devices methodologically developed in the construction of versions of events” (p. 234), which are actions of social actors that we must analyze contextually. Therefore, in Flick’s view (2009), it is appropriate to make use of documents as data, going beyond what he calls “a mere analysis of texts” (p. 236), which takes texts as a static element and not as an action. Through the documents analyzed, we can build “[...] a specific version of an event or process and usually also in a broader perspective [...]” we can “[...] decipher a specific case of a life story or a process” (p. 236).

**7-** From a perspective of documents as sources, Cellard (2012) tells us that the written document makes it possible to perform important analyses on social phenomena, which makes it “[...] an extremely precious source for every researcher in the social sciences [...]” (CELLARD, 2012, p. 295).

Whereas social phenomena can be analyzed qualitatively and quantitatively and that these two analytical perspectives can be complementary (MINAYO; SANCHES, 1993), the systematization and analysis of the data focused on the meaning of the actions of the institutions that authored the documents, because they are the ones that lead the regulation of teacher education in the PPGDs studied.

In this sense, we treat the data in a specific qualitative way (MARTINS, 2004). Thus, we analyze the results from the data constructed by the tension between theory and research, which we put into practice in the approach of legal and institutional documents.

To expose the findings of our research, we divided this article into six sections, and this Introduction is the first of them. In the second section, we held a discussion on the legal aspects concerning the regulation of teacher education, articulating them with a theoretical reflection on the pedagogical training of professionals for higher education in *stricto sensu* graduate studies. In the third, we analyzed Capes documents that evaluate law PPGDs in Brazil. In the fourth and fifth sections, we analyzed the internal documents of Unifor and UFC PPGDs, respectively, in order to verify their institutional policies aimed at regulating teacher education. In the sixth section, we state our final considerations for this text, with an analytical outcome on the regulation of teacher education in Graduate Programs in Law in Brazil.

## **The LDB and the regulation of teacher training for higher education**

Cunha (2013) states that there are two paths or two preferred environments in which the teacher develops professionally which are: initial training and continuing education. According to the author, initial training concerns the “institutional processes of qualification for a profession that generates the license for its exercise and its legal and public recognition”, while continuing education concerns “initiatives that accompany teachers during the period they are actively working” (CUNHA, 2013, p. 612). The author explains that teachers of basic schooling (elementary and high school) acquire this initial training in undergraduate courses. Let’s look at what the LDB has on this subject:

Art. 62. The training of teachers to work in basic education will take place at a higher level, in a teaching license course, admitted, as minimum training for the exercise of teaching in early childhood education and in the first five years of elementary school, the one offered at high school, in the modality called “normal” (As established by Law No. 13415/2017). (BRASIL, 1996).

As we can observe, initial training is offered to students of license courses; that is, it is the stage of training in which undergraduate students will have their first contact with theoretical and practical knowledge of the teaching profession. On the other hand, continuing education is aimed at professionals who already act as teachers, and such training “can both originate from the initiative of the interested parties and also be inserted in institutional programs” (CUNHA, 2013, p. 612), which makes these continuing formative processes adapt to the peculiarities of each institution and its faculty.

This differentiation is central to our discussion, because what interests us here is +the initial training of law teachers; that is, it is the pedagogical training offered to students in PPGDs. We talk about initial training in PPGDs because, unlike undergraduate courses, in which students have access to initial teaching education while still in undergraduate courses, in bachelor's degrees in law, future teachers only have – or should have – access to training for teaching in *stricto sensu* graduate courses.

It should be highlighted that the “minimum training for the exercise of teaching” (BRASIL, 1996) to which the LDB makes reference in art. 62 is intended for teachers of basic schooling, with no legal provision for this “minimum training” for higher education teachers. In fact, what the LDB states, in its art. 66, is that higher education teachers should be prepared through graduate studies, specifically in master's and doctoral programs. It can be seen as follows: “Art. 66. The preparation for the exercise of higher teaching will be done at a graduate level, primarily in master's and doctoral programs” (BRASIL, 1996).

Observe that the LDB “[...] does not conceive university teaching as a *training process*, but as *preparation* for the exercise of higher teaching, which will be carried out primarily (and not exclusively) in *stricto sensu* programs” (PIMENTA; ANASTASIOU, 2010, p. 40, author's emphasis). Therefore, in order to become a university professor, according to the LDB, it is not necessary for future teachers to go through a minimum training aimed at pondering over the teaching profession, or specific knowledge of teaching and evaluating, the teaching and learning process, school management etc. Thus, “preparation, without concern with pedagogical training, as proposed in the LDB (BRASIL, 1996), becomes a simplistic view, since the preparation for teaching is intertwined to the training process of these professors” (JOAQUIM; VILAS BOAS; CARRIERI, 2013, p. 355).

According to the LDB, the professional who may attend a master's or doctoral course will be prepared for higher education teaching, namely, teaching classes, but this professional is not trained to be a teacher. It should be said, moreover, that this law does not even regulate the way this preparation should be done in *stricto sensu* graduate courses. Instead of enforcing the commands of Art. 65, according to which teacher education must contain teaching practice of at least three hundred hours, the LDB excludes from this rule the training of teachers of higher education, not anticipating these hours of teaching practice in *stricto sensu* graduate studies, as it can be seen in: “Art. 65: teacher education, except for higher education, will include teaching practice of at least three hundred hours” (BRASIL, 1996)<sup>8</sup>.

**8-** A very significant change in the LDB that deserves our prominence occurred in the drafting of art. 61, as amended by Law No. 12014/2009, and then by Provisional Measure No. 746/2016 and Law No. 13415/2017. The original wording of this article, before the legislative amendments, was this: “Art. 61. The training of education professionals, in order to meet the objectives of the different levels and modalities of teaching and the characteristics of each phase of student's development, will have as foundations: I – the association between theories and practices, including training in service hours; II - utilization of previous training and experience in educational institutions and other activities” (BRASIL, 1996). We observed that, according to this device, it was necessary that, regardless of the teaching modality (basic schooling or higher education) in which the teacher acted or intended to act, the training of teachers would train teachers for the relation between theory and practice, so that teaching did not remain unrelated to the reality of which teachers, students and the educational institution were part of. According to this provision, teacher education should take into account the training that teachers have already undergone and their previous experiences. According to the previous excerpt, all professionals were considered teaching professionals. This article, as we have mentioned, has undergone several modifications, but, in our view, the most substantial change occurred in 2009, with Law No. 12014, which gave it a new text, namely: “Art. 61. Basic school education professionals are considered as those who, being in effective exercise and having been trained in recognized courses, are: I – teachers

Taking into account this provision of the law, it is observed that the understanding provided from the LDB is that *stricto sensu* graduate programs are not necessarily a space in academic life to train teachers, but to prepare professionals for the exercise of teaching, meaning that “it is possible for the professionals who decide to enter and seek a master’s or doctoral degree to become a professor to complete their course without having contact with teaching, theoretically” (OLIVEIRA, 2010, p. 47). Thus, “*stricto sensu* graduate programs develop activities, fundamentally aimed at the training of researchers, to the detriment of the necessary pedagogical training of professionals for the practice of higher education teaching” (PAIVA, 2010, p. 170).

Through the reading of art. 66, it is perceived that the knowledge of experience (TARDIF, 2010; THERRIEN, 2002) is valued and recognized as fundamental for teacher education, unlike pedagogical knowledge. In this respect, we briefly discuss the concept of professional knowledge, by Tardif (2010), which consists of knowledge, competences and skills used in the daily work of the teacher to perform their tasks and achieve their goals.

Tardif (2010) says that teaching knowledge, which is a professional knowledge, is plural and heterogeneous because it is formed through the combination of various expertises from training institutions, specific professional training, curricula and daily teaching practices. For Tardif (2010), teaching knowledge is therefore integrated by other types of knowledge, such as: a) pedagogical knowledge, which concerns reflections upon the educational practice; b) disciplinary knowledge, which is the knowledge for the various fields of expertises; c) curricular knowledge, which are the discourses, contents, methods defined by the educational institutions; and d) experiential knowledge, which is derived from daily teaching practices.

The teaching knowledge is a multiple knowledge that is articulated in the complex teaching and learning process. Therefore, the teaching professional needs to be understood through his triple relationship with knowledge, that is, they must be seen “as a subject who dominates knowledge, who transforms these same knowledge and at the same time needs to maintain the ethical dimension of these types of knowledge” (THERRIEN, 2002, p. 109). Thus, in order for the teacher to be able to practice teaching, it is essential that they go through initial and continuing training processes that support them, theoretically and methodologically, in the construction of professional identities and teaching knowledge (PIMENTA; ANASTASIOU, 2010).

In view of this knowledge, it is concluded that teacher education is done “[...] in a *continuum*, from the teacher’s family and cultural education to his formal and academic

or professors qualified in high or higher level for teaching in early childhood education and in elementary and high school; as well as those with master’s or doctoral degrees in the same areas; [...] III – workers in education, holders of a diploma of technical or higher education in a pedagogical or related area; IV – professionals with notorious knowledge recognized by respective education systems, to teach contents of areas related to their training or professional experience, attested by a specific degree or teaching practice in educational units of the public or private network or private corporations in which they have acted, exclusively to meet item V of art. 36; V – graduate professionals who have undertaken pedagogical complementation, as provided by the National Council of Education” (BRASIL, 1996). We see that the Law no longer applies the foundations of teacher education to higher education professors, restricting their application to those of basic education. Moreover, it reduced the scope of the term education professionals, not applying it to higher education teachers. We need to consider the effects of this relocation of words, because, as Austin (1990) reminds us, words not only say things, but also do things, especially if we consider that we are talking about a federal law that establishes guidelines for national education.

trajectory, remaining as a vital process while his professional cycle takes place” (CUNHA, 2013, p. 211-212). This knowledge, therefore, is cumulative and is incorporated into the practice of teachers as they are formed – initially and continuously – and as they practice their profession. Thus, we emphasize that, when problematizing the initial training of teachers offered in graduate programs in law, we do not consider that master’s and doctoral courses should exhaust the entire formative process of future professors, nor that students should finish these courses fully prepared for the teaching practice. Our intention is to reflect upon a type of initial formation that can “present, discuss, reflect and build elements that subsidize – and that will subsidize – a complex social practice: teaching in higher education” (CORRÊA; RIBEIRO, 2013, p. 331), observed in law courses. Thus, we understand that initial formation is, as its name implies, “a formal beginning of the construction of an identity (CORRÊA; RIBEIRO, 2013, p. 331), and not the final touch of this construction, which is dynamic and continuous *per se*.”

Veiga (2014) points out that the professor in higher education is a multiple professional, since he has to deal with teaching, research, extension, assessment, management activities, etc. However, the author recalls that many of these teachers, when starting their activities as teachers, have only experiential and disciplinary knowledge, without having “the pedagogical knowledge necessary to perform teaching” (VEIGA, 2014, p. 332). For this reason, it maintains that the pedagogical training of the teacher should be seen as part of an institutional policy, because “teaching requires professional training for their exercise” (p. 332), and is constructed from the articulation of experiential, disciplinary, curricular and pedagogical knowledge (TARDIF, 2010).

From the reading of art. 66, it can be perceived that the LDB does not consider teacher education for higher levels as relevant as it is in basic education, given that the law does not regulate the process of initial and continuing training of teachers in *stricto sensu* graduate courses, limiting itself to the mere preparation for performing at a higher education level. Moreover, it does not impose any obligation on graduate programs (PPGs) for specific training for teaching, so that “a change of scenery is at the discretion of educational institutions” (OLIVEIRA, 2010, p. 48). That is, in practice, the LDB makes teacher education optional for the PPGs when it comes to teaching in higher education (OLIVEIRA, 2010)<sup>9</sup>.

**9-** Although it is not the objective of our work to make a comparative analysis between the initial training offered to students in undergraduate and PPGs, we highlight that the policy of initial and continuing training of basic education teachers is structured, from a formal point of view, in a much more consistent way than that of higher education professors. There are several studies that analyze the regulation of basic schooling teachers in Brazil (DOURADO; 2015; KINGS; ANDRE; PASSOS, 2020; TREVISAN; SARTURI, 2016), and one of the most important characteristics that we observe in these works is the existence of several normative acts, such as laws, decrees, resolutions, ordinances etc., that regulate the process of training teachers of elementary and high schools. As Dourado (2015, p. 302) points out, “discussions and studies on the training of teaching professionals for basic education have been the subject of debates along the trajectory of the National Council of Education (CNE). This process, resumed in the 1990s, resulted in the approval of several Resolutions aimed at training these professionals.” As a result of these discussions and debates, Resolution No. 2 of the National Council of Education of December 20, 2019 was drafted, which “defines the National Curriculum Guidelines for the Initial Training of Teachers for Basic Education and establishes the Common National Base for the Initial Training of Teachers of Basic Education (BNC-Training)” (BRASIL, 2020). Of course, the existence of these normative acts does not necessarily imply adequate teacher education, nor the valorization of the teaching profession, but indicates that training for teaching in basic education is structured as a public policy, unlike teaching for higher education.

Torres and Almeida (2013) state that the three main characteristics of higher education in Brazil are the valorization of technical-disciplinary knowledge to the detriment of pedagogical knowledge; the prestige of research to the detriment of undergraduate education; and the omission of public and institutional policies regarding teacher education.

The first characteristic, according to the authors, is related to the predominance of traditional content-focused classes (TORRES; ALMEIDA, 2013), typical of the banking teaching model (FREIRE, 1987), in which the educational process is reduced to the act of passing and transmitting the content, and in which the teacher of higher education is “a mere *‘giver’ of classes, an information repeater*” (DOTTA; LOPES; GIOVANNI, 2011, p. 587, author’s emphasis).

The second characteristic denotes the deprecation of teaching. According to the authors, there is a misstep between the financial and symbolic value attributed to teaching activities and research activities, because the “teaching career is thought from a scientific production point of view and focused on research” (TORRES; ALMEIDA, 2013, p. 15), that is, while research is produced and published, wage changes and career levels are possible.

The third and final characteristic is associated with omission, from the LDB and public policies, related to teacher education, as seen above. As the authors point out, the legal provisions established in the LDB regarding the training of teachers for higher education are minimalist and do not stimulate the “pedagogical knowledge in the conduct of teaching, extension and, perhaps even, of research itself” (TORRES; ALMEIDA, 2013, p. 16).

Training for teaching does not mean disassociating it from research. On the contrary, it means training the teaching professional for the practice of teaching, research and extension. For this reason, Demo (2005) proposes the challenge of educating by research so that the formal competence (technical-scientific and professional quality) and political competence (citizen quality) of the students, in basic and higher education, with the reconstructive questioning of reality, can be developed. Demo (2005) points out, however, that education through research is not a pedagogical view of the practice of the teaching work, but a propaedeutic approach at the education process. That is, it is a way of making the research an instrument of the trait and necessary to the process of education.

Severino (2004), in turn, believes that research should become an axis for the (re) structuring of the university, because “the practice of research in the scope of academic work would contribute significantly to taking higher education out of this current irrelevance” (SEVERINO, 2004, p. 8). In this case, it is observed, as in Demo (2005), that research is an indispensable element in the process of knowledge construction and the implementation of changes in the teaching models currently in force.

On the other hand, Paiva (2010) stresses that there is a mistaken presumption that a good researcher is inevitably a good teacher, which would have justified the preference of priority activities aimed at the training of researchers in the scope of *stricto sensu* graduate programs.

The excessive emphasis on research, often without guaranteeing its quality, implies unpreparedness for teaching, and the consequence of this unpreparedness are teachers/professors who, by force, learn to be teachers/professors (PIMENTA; ANASTASIOU, 2010).



In entering the classroom without theoretical methodological preparation on teaching knowledge and practices, the teaching profession becomes a corollary of research or even of technical professions, such as those of judge, lawyer, sheriff, etc.<sup>10</sup> Master's and doctoral courses, therefore, play an important role in the training of future teachers, "because *stricto sensu* graduate courses are the main way of training university professors", which makes "prominent the practice of teaching in conformity and harmony with research, so that one does not overlap with the other" (JOAQUIM; VILAS BOAS; CARRIERI, 2013, p. 366).

In this sense, taking into account the reality of legal courses in Brazil, in which, as a rule, teaching is an ancillary profession of the other legal professions (FGV, 2013), and also considering that graduate studies should be the space for preparation – or training – of higher education teachers, we will analyze, in the next section, some Capes documents, in order to research how the training of teachers in master's and doctoral courses in law is evaluated by the institution.

### **Capes and the assessment of PPGDs: training research in first place and initial teacher training nowhere**

Capes is the institution of the Ministry of Education responsible for evaluating *stricto sensu* graduate programs offered by Brazilian higher education institutions (IESs). Its assessments are carried out through area documents, assessment forms and assessment reports, which are prepared every four years.

The area documents are "the guidelines for the assessment processes, both in the preparation and submission of proposals for new courses and in the assessment of the courses in operation" (BRASIL, 2019b, p. 7). These documents contain "[...] the current condition, characteristics and perspectives, as well as the aspects considered priority in the assessment of graduate programs in each of the 49 assessment areas" (BRASIL, 2019b, p. 7). The area for law is number 26.

According to the "Working Group Report" of Capes<sup>11</sup>, the assessment forms contain the "terms of the aspects and items to be evaluated" (BRASIL, 2019b, p. 8). Each area has the liberty to "propose how these aspects and items will be evaluated, as well as, within the limits established by the assessment regulation, propose their weights" (BRASIL, 2019b, p. 7). In this sense, the assessment forms aim at establishing criteria for the assessment of *stricto sensu* graduate programs. Finally, in the assessment reports, which are the results of the assessment carried out by each area are presented.

The last area document for law, available on the Capes website address, refers to the 2017-2020 Quadrennial Assessment, published in 2019. This document is divided

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**10-** By the way, as Angelo and Forte observed (2016, p. 8), in law courses "many professors of technical courses are people who also perform technical and legal activities (judiciary, law etc.), and, in most cases, identify much less with the profession of professor than with the other professions of the legal field", a fact that hinders the processes of professionalization (WEBER, 2007) and construction of professional teaching identity (DOTTA; LOPES; GIOVANNI, 2011). In this same realm, Guimarães (2008), in his research with law professors in a private institution in Distrito Federal, observed that, in the process of constructing knowledge related to teaching practices, the knowledge of experience and disciplinary knowledge outweighed pedagogical knowledge.

- A publication that discloses the results of studies and propositions from Working Groups created by Capes, with the purpose of improving the process and instruments related to the assessment of graduate studies.

into two parts, i.e.: I – Considerations on the state of the art of the area<sup>12</sup>; and II – Considerations about the future of the area. The first part of the document deals with the general considerations about the current stage of the area of law and provides a brief explanation about the origin and formation of graduate studies in law, addressing the characteristics and trends of this area of knowledge in recent years.

This document is quite extensive and presents the current scenario of graduate law in Brazil, pointing out that there was a significant increase in the number of graduate courses in law in the country, especially in private educational institutions. Currently, of all 109 PPGDs, 72 are in private institutions; 30 are in public and federal institutions; and 7 are in public and state institutions (BRASIL, 2019a). According to Capes,

Between 2013 and 2019, the area of law grew substantially from 84 (eighty-four) to 109 (one hundred and nine) programs, excluding those approved in 2019 in the reconsideration phase. As for doctoral courses, in the same period, the evolution occurred from 30 (thirty) to 42 (forty-two) courses. The most noticeable change in the Area focused on professional master's degrees. From one (1) single course, the area increased to four (4) courses in 2016. In 2019, the area presented 11 (eleven) professional master's programs. (BRASIL, 2019a, p. 4).

In this first part of the document, other important issues are raised, such as the regional imbalance regarding the distribution of PPGDs in Brazil, the working regime of the PPGD faculty and the interdisciplinarity in the assessment area. There is also a topic that deals with the configuration of the area, in which the general policy of the area of law stands out. We observed that the guidelines of the general policy of the area of law guide the assessment of master's and doctoral programs with great emphasis on research production.

At this point, it is important that we highlight a caveat. The fact that we have found that there is a predominance or emphasis given to research in Capes assessment policy does not allow us to assume that the research produced in master's and doctoral courses in law is theoretically and methodologically sophisticated, has a high quality or a relevant scientific and social impact. We make this observation because the analysis of the quality of the research produced by the PPGDs was not the objective of our research, from which we draw attention only to the recurrence of the research category in the official discourse of Capes and to the consequent erasure of the initial training of teachers in the PPGDs and in the assessment policies of the Brazilian graduate program. In any case, we highlight that Capes is considerably guided by a productivist logic that values the quantity much more than the quality of published works and dissertations and theses defended in the stipulated time, which, in itself, would already be the subject for other studies and research.

In the second part, “Considerations about the future of the Area”, Capes perspectives on future assessments and expectations regarding the ongoing four-year assessment (2017-2020) are presented. In the first paragraphs, the document states that, after the

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**12-** This part is divided into: a) trends, assessments, orientations, area diagnosis (including the distribution of PPGs by region, grade and modality); and b) interdisciplinarity in the area (BRASIL, 2019a).

last assessment cycle, there was “a greater appreciation of publications in journals. This orientation should be maintained, even if the production in books is characteristic of the area and deserves to be adequately appreciated” (BRASIL, 2019a, p. 14). We highlight that in none of the parts of the document and in none of its various items, training for teaching was mentioned as a guideline of the general policy of the area of law.

Moving on to the analysis of the 2017 Assessment Report, referring to the 2013-2016 four-year assessment, there is a very interesting item that deserves our attention: the “Program Efficiency in the training of scholarship master’s and doctoral students: Time of training of master’s and doctoral degrees and the percentage of scholarship students that complete the program” (BRASIL, 2017c, p. 27). Note that this document associates the efficiency of scholarship training with the number of months in which these students finish their dissertations and theses. Thus, the sooner the scholarship holder completes the course and graduates, considering the stipulated period, the greater the efficiency of the program. There is no criterion related to the theoretical-practical training for the teaching offered to the scholarship holders. Thus, according to Capes, respecting deadlines for completing the courses is the only criterion used to evaluate the efficiency of the training of scholarship master’s and doctoral students, and, consequently, to classify PPGDs as very good, as portrayed below:

VERY GOOD is the Graduate Program with a time for the degree of up to 30 months for the master’s degree and 48 months for the doctoral degree; GOOD, the Graduate Program with a time for the degree of up to 36 months for the master’s degree and up to 52 months for the doctoral degree. (BRASIL, 2017c, p. 27).

With these demonstrations, it is clear that the research, despite its substantive quality, occupies a prominent space in *stricto sensu* graduate studies in law in Brazil, to the detriment of teacher training, which remains institutionally invisible. That is, by analyzing Capes official documents, the institution responsible for the assessment of PPGs, it is demonstrated that the training for teaching offered by master’s and doctoral courses in law does not go through the same control, supervision and incentive as training for research, because the assessment of PPGs is mainly based on criteria related to productivity, noticeably the number of published papers and dissertations and theses defended, the time to obtain the title and the formal quality of research. It is also perceived that the criteria for evaluating the quality of courses, teachers and students refer much less to the quality of teacher education than to training for research. Thus, it is necessary to reflect on the place of teacher education in master’s and doctoral courses, especially in law, the focus of this analysis.

In the 2017 Evaluation Report, an overview of PPGDs in Brazil is presented, and the criteria used to evaluate master’s and doctoral courses as very good, good, regular, weak or insufficient stand out. The document is also quite extensive. However, considering that we seek to analyze the training for teaching offered in the PPGDs, we highlight the following excerpt, which deals with the “coherence, consistency, comprehensiveness and

updating of the areas of concentration, lines of research, ongoing projects and curricular proposal” (BRASIL, 2017c, p. 21). The document considers:

VERY GOOD the course that demonstrates (1) articulation and coherence between disciplines, research projects, lines of research and areas of concentration; (2) consistency between the fields of research, which should maintain organicity between each other and a strong connection with the concentration area; (3) relevance of the theme of disciplines, research projects, research fields and areas of concentration, avoiding repetition of traditional “branches” of law, which does not consider any problematization or critical specification; (4) updating and relevance of programs and bibliographies of disciplines; and (5) adequacy of the titles of the disciplines with their syllabuses. In courses with two areas of concentration, it is essential that there are points of contact that unite the areas of concentration. In courses with three or more areas of concentration, proximity among concentration areas is not a determining factor for the concept. In all hypotheses, the minimum number of professors per area of concentration and the internal consistency of each concentration area should be observed. (BRASIL, 2017c, p. 20).

In this document, there is an item that integrates the assessment called “distribution of research and training activities among the faculty of the program” (BRASIL, 2017c, p. 24), but there is no definition, nor detail, of these training activities.

In Capes documents, the lack of attention to teacher education of students for teaching higher levels points to the existence of a contradiction: the institution that should “stimulate, through the act of granting of scholarships, grants and other mechanisms the formation of highly qualified human resources for the higher education...”<sup>13</sup> (BRASIL, 1992) leaves several students of PPGDs adrift: the prospective professors.

It should also be said that, for Capes, “VERY GOOD is the program in which (1) the entire Faculty develops research, guidance and training activities in the program and (2) Collaborating Professors do not take more than 20% of the guidelines in the Program [...]” (BRASIL, 2017c, p. 24). The assessment, therefore, takes into account the engagement of teachers of the programs in research, orientation and training activities, and not the quality of the training offered to students in these courses.

Despite the fact that the *stricto sensu* graduate law is responsible for the function of preparing teachers for teaching in higher education, the 2019 law area document and the 2017 area report do not mention teacher education as the objective of master’s and doctoral courses. There is talk of promoting and recognizing research, in scientific production, in publications etc, but the promotion of teaching, recognition and training of professors is not considered.

Since we analyze how Capes evaluates and measures the quality of PPGDs in Brazil, in the next sections we will go on to investigate how Unifor and UFC PPGDs regulate the functioning of their master’s and doctoral courses, especially with regard to their teacher education policies, which is why we will examine the internal rules and the four-year assessment form (2017) from Capes for each program.

**13-** Excerpt from Article 1, paragraph 1, item III, of Law No. 8405 of January 8, 1992, which establishes as a public foundation the Coordination for the Improvement of Higher Education Personnel (Capes).

## **Teacher education in the Graduate Program in Constitutional Law at Unifor (Unifor PPGD)**

Unifor is a private higher education institution (IES). Its master's program in constitutional law has been in force since 1999; and the doctoral program, since 2007, being the first doctoral course in law created in the state of Ceará. Currently, its score is 6, according to Capes assessment (BRASIL, 2017a).

It is possible to observe what Article 3 of the Bylaws of Unifor PPGD states as the objectives of master's and doctoral courses:

*Art. 3. The objective of the Program is to provide broad and in-depth scientific training in the field of legal studies, and should, in order to achieve its purposes: I – qualify Professors, researchers and other professionals, with the objective of training staff for the University and other educational, research and extension institutions, contributing to the training of university professors; II- stimulate and develop scientific research activities; III – contribute to teaching, research and extension, focusing on national problems, with an emphasis on regional needs; IV – improve the training of professional, scientists and legal professionals, with the objective of qualitatively expanding legal science and promoting its greater interaction to society and legal agents, contributing to the training of specialized human resources; and V – cooperate for the integration of legal studies in the process of social and economic development of the country, especially in the state of Ceará and the Northeast region. (UNIFOR, 2018, p. 313, author's emphasis).*

From the analysis of the bylaws, training for teaching appears as one of the objectives of the PPGD, portraying adequacy to Article 66 of the LDB, which determines that the preparation for teaching will be done, as a priority, in the *stricto sensu* graduate program (BRASIL, 1996). However, it is necessary to question the institutional mechanisms for the implementation of these objectives. According to Article 29 of the Bylaws:

*Art. 29. Master's and doctoral courses must have, respectively, at least 24 (twenty-four) and 48 (forty-eight) credits in teaching and research activities. §1 ° In the 24 (twenty-four) units of credits in disciplines, required for the master's degree, 12 (twelve) will be obtained from the common mandatory courses, the two areas of concentration and among the specific courses of each concentration area for which the student was approved. The other twelve credits (4 courses) will be obtained from the elective courses, chosen by the student, through the opinion of the Academic Advisor and initiation to teaching. For the doctorate, 48 (forty-eight) credit units are required, from which 12 (twelve) are obtained in mandatory courses in the area of concentration of the student and 36 (thirty-six) in elective courses, as well as in other activities established by the Program. (UNIFOR, 2018, p. 326).*

We noticed that students must, according to that article, meet a minimum workload in mandatory and elective courses in the master's and doctoral courses. In the aforementioned bylaws, all courses, mandatory and optional, are listed and distributed according to the areas of concentration. The mandatory subjects for the two areas of concentration are Legal Epistemology and Didactics of Legal Education, both with three credits – 45 hours. The incorporation of this last course into the hall of compulsory disciplines represents a significant change, as it was not mandatory during Capes assessment in 2013 (BRASIL, 2013). As for the elective disciplines, Article 33 §1 of the Internal Rules of Procedure, only states that “the student must attend at least 50% (fifty percent) of the elective courses from the student’s area of concentration” (UNIFOR, 2018, p. 328).

In addition to the fulfillment of credits in courses, other mandatory activities are planned to be developed by the students. Observe the following component:

Art. 32. These are mandatory activities for the Student Body, independent of credit assignment, participation in Accredited Research Groups with the CNPq Group Directory, as well as in other didactic-pedagogical activities established by the Program Coordination. (UNIFOR, 2018, p. 328)<sup>14</sup>.

The Bylaws of Unifor PPGD, in its 3rd article, established its main objective as: “providing broad and in-depth scientific training in the field of legal studies” (UNIFOR, 2018, p. 313). It occurs that, from what is observed from the analysis of this document, the training for teaching was not treated in the same way and with the same degree of importance as the training for the research, a fact that corroborates the thesis that there is “an overlap of the image of the researcher in relation to that of the professor” (JOAQUIM; VILAS BOAS; CARRIERI, 2013, p. 356) in the training offered by *stricto sensu* graduate studies in diversified areas.

In the PPGD at Unifor, the master’s student must attend 24 credits – equivalent to eight courses, each with three credits; in the doctoral program, the student has to attend 48 credits – equivalent to sixteen courses, each with three credits. In the master’s course, for example, four theoretical disciplines are mandatory, but only one of them is related to teacher education. As for the elective subjects that must be taken in the master’s degree – four, in total – at least 50 percent of them, that is, two, should be related to the student’s research area. This means that, out of the total of eight subjects, the master’s student must necessarily attend at least six subjects related to the area of concentration of their research, while the other two can be freely chosen from among the optional ones. We emphasize that from a total of 36 disciplines offered in Unifor PPGD there are only two related to the discussion about teaching in higher education, i.e.: “Didactics of legal

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**14-** We highlight an interesting aspect in Unifor PPGD, which is the existence of a research group called Study and Research Group: Teaching and Researching in Law (GEPED), registered since 2014 in the Directory of Research Groups in Brazil in the National Council for Scientific and Technological Development (CNPq).

education” – mandatory, 45 hours<sup>15</sup> – and “Teaching internship” – elective, 45 hours. The Bylaws state the following regarding the Teaching Internship in Arts. 36 and 37:

*Art. 36. The students of the Program holding a scholarship provided by research funding agencies should participate in the Unifor Teaching Internship Program, which is characterized by the exercise of didactic-pedagogical activities in undergraduate disciplines, under the supervision and assessment, whenever possible, of their respective advisors, and must comply with the criteria and procedures established in the standard procedures of Unifor and the respective funding agency. (UNIFOR, 2018, p. 330-331, author’s emphasis).*

This provision determines that students receiving scholarships from research funding agencies must participate in a teaching internship. However, there is another device that allows students who do not receive scholarships to participate in the “Teaching Internship”. Art. 37 also imposes restrictions on the participation of students who are not beneficiaries of scholarships from funding agencies in the curricular component of “Teaching Internship”:

*Art. 37. Program students who are not beneficiaries of scholarships provided by research funding agencies may participate in the Teaching Internship, provided they meet the following requirements: I – obtain written agreement from the Advisor; II - have no financial and/or academic pending issues with the Program. Sole Paragraph – The Teaching Internship will give the Student 3 (three) credits per semester and can only be undertaken in 1 (one) semester for the Master’s degree and in 2 (two) semesters for the Doctoral program. (UNIFOR, 2018, p. 330-331).*

Therefore, there are three requirements that students who do not receive a research incentive scholarship must fill out in order to be able to attend the “Teaching Internship”, students a) need to obtain the agreement of the advisor in writing; b) shall not have

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**15-** The syllabus of the course “Didactics of legal education” has the following subjects: “Teaching and learning law. What you teach and what you learn. Traditional teaching methods and participatory methods. Development of legal skills by using appropriate instruments in the classroom. Learning Assessment. Perspectives, instruments and modalities of Assessment. Traditional and advanced support instruments (technology)” (UNIFOR, 2018, p. 196). The syllabus portrays relevant subjects from teacher education to law courses, such as teaching and learning and assessment processes. However, it also contemplates matters that have little or no relation to the pedagogical training of professionals for higher education. Hegeto (2019, p. 102) recalls that the course of Didactics has as its scope “providing the student with the study on the elements of teaching (classical themes of Didactics) and about the teaching and learning process”. In light of these facts, the expectation of this course, specifically for legal education, leads us to think that the keynote should be that of research, studies and practice on the teaching and learning process of the contents taught in the specific area. In this sense, the scope of the course should not be to train a legal expert, nor a coach, but rather a teacher, a teaching professional in law who would work, based on scientific training and pedagogical practice, with the process of teaching the future professionals in the legal field. However, when analyzing the objectives and programme content, we found a miscellany of themes not explained on the syllabus, some related to teaching work in higher education and others related to the work of the jurist and to non-academic activities, such as coaching, in a prescription format. Regarding the teaching methodology, it is necessary to clarify that the analysis and instrumentalization of the methods are different from the instrument of support and use of technological resources for teaching work. There is no clarity on a specific teaching methodology for law courses. In addition, the document points to an alien theme in a didactic discipline focused on legal education, that is: “Development of lawyers’ own skills through the use of appropriate instruments in the classroom” (UNIFOR, 2018, p. 196). Regarding the bibliography, we included a few titles, five of which deal with subjects that are relevant to the methodology of legal education, but not specifically of higher education didactics, in publications carried out until 2014.

financial debt to the IES; and c) should not have incomplete academic activities with the program. We also observed that the discipline can only be completed in a maximum of one semester by master's students; and in two, by doctoral students.

It is important to highlight that, in the Unifor PPGD Assessment Form of 2017, for the four-year period 2013-2016 (BRASIL, 2017a), there is no information on the number of graduate students of the program who currently work as teachers. However, in the 2013 Unifor PPGD Assessment Form, referring to the triennium 2010-2012, data were collected in this category and this type of data is relevant for thinking about the paths followed by the students. According to this document, in 2010, 60% of graduates of master's and doctorate courses worked as professors; in 2011, 42%; and in 2012, 50% were professors (BRASIL, 2013)<sup>16</sup>.

These data indicate that the majority of students who attended a master's or doctoral program at Unifor PPGD started or continued to work professionally as a professor, and that many of these students, despite having attended *stricto sensu* graduate studies that privilege the training for research (DOTTA; LOPES; GIOVANNI, 2011; OLIVEIRA, 2010; TOWERS, TOWERS, TOWERS, TOWERS, ALMEIDA, 2013), curiously directed themselves mostly to acting as university professors; that is, "when they complete their courses, Brazilians with a master's or doctoral degree start to work primarily in higher education institutions [...]" (VALVERDE et al., 2017, p. 82) as professors, and not necessarily as researchers.

In this section, we showed how Unifor PPGD regulates training for teaching in its master's and doctorate courses; in the following section, we will look at the analysis of this regulation in the UFC PPGD, using the analysis of its internal rules and the 2017 UFC PPGD Assessment Form, referring to the four-year period 2013-2016.

## **Teacher education in the Graduate Program in Law at Federal University of Ceará (UFC PPGD)**

The master's degree in law at UFC is the oldest in the state of Ceará and has been in force since 1977. The doctoral program was created in the last decade and has been in operation since 2011. According to the 2017 UFC PPGD Assessment Form, referring to the 2013-2016 four-year period, the program holds a grade 4 in Capes Assessment (BRASIL, 2017b).

Article 3 of the Bylaws of UFC PPGD<sup>17</sup> states "it is the objective of the program to enable the scientific and professional competence of graduates, developing and expanding skills

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**16-** As for the graduates of the UFC PPGD, the 2017 Evaluation Form (BRASIL, 2017b) does not say exactly how many former students are currently professors, it just points out that: "Since the first class of doctoral candidates in 2013, three former students of the program have been approved in public tenders for UFC professors and two others are teaching classes in undergraduate courses in private universities. The master's program has also trained many professors, including its own coordinator. In addition, others have completed their master's degree at UFC, such as Ministers of the Supreme Court, judges, federal prosecutors and other professionals. As for relevant works, it should be noted that the work of one of the professors substantiated the edition of *Súmula Vinculante* 24 of the Supreme Court" (BRASIL, 2017b, p. 7).

**17-** The research that originated this article focused on the analysis of the regulation of teacher education for the teaching of law between 2017 and 2019. Having said that, the internal regiments and course programs analyzed were those that were prevailing during the period. On July 21, 2020, the previous text of the UFC PPGD bylaws (2015) was ratified (UFC, 2020a). On March 3, 2021, the UFC PPGD Board approved changes in the text of the rules of procedure of that program, which, by the way, did not bring significant changes in relation to the previous wording of the regiment analyzed, remaining basically the same normative guidelines in relation to teacher education. The UFC PPGD bylaws (UFC, 2020a),



for research, teaching and extension and for qualified professions” (UFC, 2015, p. 1). This text portrays the objectives of the *stricto sensu* graduate studies, without mentioning the instruments to be used to obtain such results, especially with regard to the training for teaching. The Arts. 4 and 5 of the Bylaws focus on curricular integration and establish the maximum time for completion of the courses:

Art. 4 The master’s course will have a maximum duration of 24 (twenty four) months, exceptionally extendable for another 03 (three) months, assuming the payment of at least 30 (thirty) credits, of which 06 (six) related to the dissertation activities. Art. 5 The Doctoral Course will have a maximum duration of 48 (forty eight) months, exceptionally extendable for another 06 (six) months, assuming the payment of at least 60 (sixty) credits, of which 12 (twelve) related to the activities related to the thesis. (UFC, 2015, p. 1).

These devices deal with the obligation for students to attend a minimum number of credits related to research activities. The subjects are distributed in courses of the area of concentration and in propaedeutic courses, according to art. 23 of the Bylaws (UFC, 2015). It occurs, however, that the text of the Bylaws of Procedure presents some contradictions and shortcomings, which makes it very difficult to understand. Through the analysis of its text, we verified that all theoretical courses – from the area of concentration and propaedeutics – are elective, and that the only mandatory activities for master’s students are the Integration Seminar, proficiency in a foreign language, the “Teaching Internship I” – with 64 hours –, qualification and dissertation. For doctoral students, the “Teaching Internships II and III” – 64h/each – are mandatory, foreign language proficiency, the Integration Seminar, the thesis qualification and the thesis (UFC, 2015).

Therefore, most of the mandatory activities are destined to research activities, and, in a very incipient way, it is directed to pedagogical training. The fact that teaching internships are mandatory for master’s and doctoral students – regardless of whether they receive scholarships or not – points to a relevant characteristic of UFC PPGD. However, it is still evident that there is a gap between courses training for research and training for teaching offered in this program. This is because the only theoretical course offered – elective, moreover – that refers to teacher education is that of “Methodology of legal education” (UFC, 2020b)<sup>18</sup>, which has only 32 hours – two credits – unlike the

dated July 21, 2020, with the amendments approved on March 3, 2021, are available at: <https://ppgdireito.ufc.br/wpcontent/uploads/2021/09/regimento-internoppgd-atualizado-03.03.2021.pdf>. Accessed on: 20 Dec. 2021.

**18-** During the period of our research, no detailed information on the courses was available on the UFC PPGD website. Regarding the course “Methodology of legal education”, there was only the list of bibliographical references and the syllabus that contains the topics to be addressed during the course, which are: “The interdisciplinary and systemic view of law. Curriculum problems. Pathology of Legal Education and attempts at Innovation. The ideals of changing legal didactics in the face of a new sociocultural context and the development process. Didactic aspects of legal education” (UFC, 2020b). In this document, there are no details about the methodology used or about the contents covered, which makes the analysis difficult. As for the bibliography, we noticed that its most current titles are publications of 2008, with an update of studies and research on teacher education and law teaching in the last thirteen years, a period of expressive growth in higher education, mostly in the private sector (BRASIL, 2019b), and law courses in Brazil (BRASIL, 2019a). However, unlike the course of “Didactics of legal education” of PPGD-Unifor, this discipline of UFC PPGD brings relevant authors from the field of education, such as Paulo Freire, Noam Chomsky, Jean Piaget, José Carlos Libâneo, Cipriano Carlos Luckesi, Ilma Passos Veiga, Maria Isabel da Cunha, Marco Antonio Moreira etc. (UFC, 2020b). The analyzed syllabus was available at: [http://www.ppgdireito.ufc.br/public\\_html/index.php/grade-curricular/112-metodologia-do-ensinjuridico-02-creditos-32h-a](http://www.ppgdireito.ufc.br/public_html/index.php/grade-curricular/112-metodologia-do-ensinjuridico-02-creditos-32h-a). Accessed on: 19

other theoretical courses, which have 64 hours each – 4 credits. As it is an elective course, students can take it or not. Therefore, despite the fact that teaching internships are mandatory in the UFC PPGD, there is, in practice, an overlap of technical knowledge and experience about pedagogical knowledge, since students can perform these practical activities without even having undergone an elementary training process for performing this occupation.

Although the discipline “Teaching Internship” makes it possible to articulate theory and practice, “it is necessary to pay attention to the fact that a good theoretician is not always a good teacher; these two realities need to coexist, and not be understood as polarities” (JOAQUIM; VILAS BOAS; CARRIERI, 2013, p. 362). In addition, there is another element that needs to be highlighted, especially when we talk about law courses and other courses that only exist in the modality of bachelor’s degree, namely: “[...] most graduate students are bachelors and do not have any type of training degree” (p. 363). Thus, considering that there is no initial training for professors in bachelor’s courses, especially in law, “the training of these teachers deserves greater care, since the internship is often the only alternative offered to them for the construction of a didactic posture before a group of students” (p. 363).

We verified that the choice of subjects in UFC PPGD is made due to their suitability to the research conducted by the student in the graduate program, while the theoretical methodological preparation for teaching depends, above all, on a personal interest in becoming a teacher. It is observed, again, that, in general, the initial training of teachers in *stricto sensu* graduate courses is offered electively (OLIVEIRA, 2010), or, at most, in a non-systematized way, being marked by a voluntaristic conception, according to which it is up to the student to choose whether or not to finish the course as a professor. Thus, graduate programs, “predominantly, carry identity proposals aimed at research” (DOTTA; LOPES; GIOVANNI, 2011, p. 588), and not training for teaching. It occurs due to, on the one hand, PPGDs “do not know exactly how to do this and, on the other hand, because it is not a priority valued by regulatory bodies or programmes. Thus, semi-formation continues on” (JOAQUIM, VILAS BOAS, CARRIERI, 2013, p. 357). One of the consequences of this pedagogical semi-formation process is the unpreparedness for teaching, so that:

In most higher education institutions, including universities, although their professors have significant experience and even years of study in their specific areas, unpreparedness prevails and they even lack scientific knowledge of what the teaching and learning process is, even though they are responsible for it from the moment they enter the classroom. (PEPPER; ANASTASIOU, 2010, p. 37).

Thus, when entering the classroom without scientific and technical basis on teaching, and with only the knowledge of experience (TARDIF, 2010; THERRIEN, 2002), “teachers receive ready-made syllabuses, plan individually and in solitude, and it is in this

Sep. 2020. After our research (2019-2020), this syllabus was changed (UFC,2021), and is available at: <https://ppgdireito.ufc.br/pt/disciplinas/grade-curricular/dbp7200-metodologiao-ensino-juridico-32hoptativa/>. Accessed on: 20 Dec. 2021.

condition – individually and solitary – that they must take the responsibility for teaching” (PIMENTA; ANASTASIOU, 2010, p. 37).

## Final considerations

Analyzing the LDB, we found that the training of higher education teachers does not have the same prominence in legislation as the training of primary school teachers. Although there are differences between the training of children, adolescents and adults in elementary education, and the training of adults and adolescents in higher education, there is a common challenge that professors have to deal with: training people.

As we have observed, in the case of higher education, training is replaced by a preparation within the scope of PPGDs, which takes place, as we conclude in the research, in a very precarious way, due to the dissociation between research, teaching and extension, and the overlap of research activities on the teacher education of master’s students and doctoral students. Despite the fact that the LDB talks about this preparation, its regulatory content is short, since it does not effectively establish guidelines regarding teaching in higher education. Thus, being a teacher in higher education becomes the natural result of the participation in research or, even, if we consider the reality of undergraduate courses in law, the exercise of legal-technical professions.

After that, we examine the documents prepared by Capes that institutionally evaluate and regulate master’s and doctoral courses in law, and we realize that, with regard to the criteria of these assessments, the teacher education offered in the PPGDs is not observed. The focus of Capes assessment is in verification of the quantity and “quality” of research and publications of the PPGDs.

Based on the analysis we performed, we can affirm that the research occupies a prominent space in *stricto sensu* graduate studies in law in Brazil, which, by itself, does not mean that there is production of quality work in all PPGDs in the country, a fact that requires studies and research that focus on the quality of production in the research and assessment carried out by Capes.

We also analyze the internal rules of PPGDs, in order to unveil how the pedagogical training offered to students is regulated. In both programs, we noticed that there is a strong privilege of research to the detriment of teaching, which is perceived by the existence of only a theoretical discipline and a practical discipline related to training for teaching.

In the PPGD at Unifor, students have to attend a theoretical discipline related to teaching – “Didactics of legal education” – but, with the exception of the scholarship holders, it is optional for students to attend the only practical discipline, the “Teaching Internship”. On the other hand, in the PPGD at UFC, students do not need to attend any theoretical discipline related to teaching, but they must attend the practical disciplines of this “Teaching Internship” – which often have very flexible form and content – but without any previous theoretical training about teaching. In both cases, we identified an optionality that can dissociate theory from practice of teaching work.

What is in common between these two contexts is the great imbalance between training for research and teaching. Of course, this imbalance has different levels, depending

on each of the contexts studied. However, the case of UFC PPGD draws more attention due to the non-obligation of any theoretical-pedagogical disciplines and the lack of structuring and organization of teaching internships. With the analysis of the internal rules of the Unifor and UFC PPGDs, we conclude that, even in different measures, the training offered in these programs is insufficient to train professors because it is almost exclusively intended for research and there is little reflection and practice of teaching.

The lack of training for teaching work in both programs analyzed points to two structural factors: the first, political and legal, due to the fact that the LDB does not treat *stricto sensu* graduate studies as an effective training space for higher education teachers, with no specific regulation on it; and the second, of a political-institutional nature, which results from Capes' parameters and assessment criteria, which are based almost exclusively on the training of researchers, favoring the production in research and the number of publications, so that the PPGs evaluated by it are adapted to the criteria established in their assessment forms and in their area documents. Due to this confluence of factors, the initial training of teachers in higher education is neglected and invisible, which results in the absence of an articulated preparation between theory and practice of teaching work and between research and teacher education, fundamental relationships to executing the teaching profession.

Starting with the metaphor of the aimless boat, taken from its route by sea or wind currents, we analyze the regulation of initial teacher education in *stricto sensu* graduate programs in law, from which we conclude that teacher education is adrift, it is not on its right course or it is even lost, due to political-legal and political-institutional factors, a fact that significantly compromises the professionalization and construction of teaching identities, as well as the quality of teaching offered in law courses in Brazil.

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