

How Should China's Law Schools Train Men For International Legal Challenges

Li Shuguang

China University of Politics and Law

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As economic globalization has become a reality, not any country in this present world could separate itself from others and develop alone. As economic contacts are becoming increasingly globalized, legal practitioners are assuming more and more functions at co-ordination, negotiation, dispute resolution and so on in such international contacts. Harmony, efficiency and order in international economic contacts are, to a large extent, achieved through the work of legal workers. Since legal education today has developed from an apprentice-mode of technical training to an academy-mode of professional training, law schools have become a major educational base for legal training. In this sense, law school education of a country determines the depth and width of the country's involvement in the development of the world's economy, determines its international competitiveness and therefore the rhythm of the world's economic globalization.

China's contemporary legal education which started from the last years of the Qing Dynasty had experienced an uncultivated period in the 1970's of the last century. Affected by the idea of "legal nihilism", most law schools in China were dismissed. At the beginning of 1970's, there were only two law schools survived in China (i.e. Law Department of Peking University, Law Department of Jilin University). From 1971 to 1976 only 114 students were recruited in these 6 years. However, after the reform and door-opening policy legal education in China has gone through overall restoration and rapid development. By 1998, there were 85000 law school students in China and in that year, about 30000 students were recruited by the Chinese law schools. By 2003, only the China University of Politics and Law itself has more than 3000 law students (both undergraduates and graduates) graduated. Follow a strong demand for rule of law, legal education in China has become a "conspicuous study" and "hot

study”. China now enjoys the world’s largest scale on legal education and training. However, a widening gap is emerging between this type of legal education and the demand of economic environment’s development for international legal talents. Particularly, with the establishment of a market economy system, clarification of rule of law and involvement in a dramatic change in economic environment after entering the WTO, legal education in China is facing severe challenges in ideology, concept, objective, pattern and mode, system as well as contents and forms.

Challenge 1: The inherent drawbacks in the law school education system make it hard for the legal education to obtain high level development. The drawbacks exist in two aspects. One is the low threshold of law schools. In China, legal education is undergraduate education in which a high school graduate can apply directly for studying law in a law school, which leads to a comparatively narrow academic background of law students. The other is the over-sized scale of legal education that many universities have set up a law school. There are in China 204 colleges and universities establish law courses. Among these colleges and universities, some don’t meet the requirements of legal talents education in faculty strength, the collection of law books and cultivation system, which affect the quality of legal person cultivation.

Challenge 2: The courses of law school can’t adapt to the need of training international legal talents. In China, legal education courses consists of compulsory subjects and selective subjects. The compulsory courses are specified by the Ministry of Education of China, including 14 subjects (Jurisprudence, China’s Legal History, China’s Constitutional Law, Administrative Law and Administrative Procedural Law, Civil Law, Commercial Law, Intellectual Property Law, Economic Law, Criminal Law, Civil Procedural Law, Criminal Procedural Law, International Law, Private International Law, International Business Law). Besides compulsory subjects, different majors set up different selective subjects in accordance with their specific requirements. However, the actual subjects arrangement is rather monotonous in the sense of subject coverage and the contents of subject are not consistent with the

development of times. For instance, for the market economy related subjects such as Bankruptcy Law and Intellectual Property Law etc., the contents are somewhat out of date and lack of timely updating; for the legal course relating to economic development and international economic communication such as Transnational Investment, Corporate Finance and Modern Economics etc., they are generally neglected in legal subjects arrangements.

Challenge 3: The target orientation of China's legal education is not correct. In China, legal education is considered as a shortcut towards government offices. Only very few law school students really like to practice law, especially as a lawyer. Large amount of law school graduated flood into government organizations while only a very small part enters law firms. In fact, there are only 102,000 practicing attorneys in China. For a nation with the population of 1.3billion, the demand for lawyer is very high.

Challenge 4: The mode of legal education is backward. Legal education should adopt the education contents and forms which emphasize both ability training and practice. In China's current legal teaching, the practical nature of law is not fully reflected. The communicative teaching modes such as Clinic Teaching, Case Teaching, and Seminar Teaching are not applied and theory-instruction mode of teaching still dominates law school lectures.

Facing these challenges, China's legal educationists have carried out active and beneficial exploring, pondering and deliberating of legal education mode or have started profound modifications and reforms. One focus of the reform is that the law school will train talents in the background of globalization and the talents trained should face the international market with international vision. China's legal education reform should start from the following aspects.

First, in educational system, China should change her way of starting legal education

from the stage of bachelor. Bachelor legal education should be deleted and only after obtaining a non-legal bachelor degree can a student further study the law courses, which makes it possible to select law students from the most excellent students. In teaching orientation, we should clearly position legal education as law firms and as sending talents for legal profession, therefore changing law education into elite education, professional education, academic education and science education. We should let legal education provide scientific and strict professional training for those preparing to enter this professional community, enabling legal education to be the base of China's legal profession community.

Second, training legal talents with international vision need cultivating environment with globalized ideology and legal education should provide such environment through nes arrangement of courses. In the idea of education, both studying local legal problems and drawing lessons from foreign laws should be stressed; the legal spirits and system operation of both the civil law system characterized in ideology and logic structure and the common law system characterized in procedure and practice should be given equal attention; the course concerning legal rules closely related with international economic transactions such as WTO rules, anti-dumping laws, transnational judicial applications and cross-border bankruptcy laws should be particularly included.

Third, with the forward advance of human society, the legal rules should also develop continuously. Legal persons will confront many new legal problems in their practice of laws and the lawyer engaging in international legal affairs will also face more new problems. This require law schools attach importance to the cultivation of the students' spirit of creativity and the cultivation of legal spirit, ideology of thinking and method of thinking rather than the sheer instruction of legal knowledge.

Last but not the least, legal education should cultivate the students' independent personality and legal reasoning. A student should, from the first day of his law school

study, establish his rule of action and legal belief as a law practitioner and develop his hearty respect for the justice-centered legal spirit and legal profession. This is the fundamental of a real legal person.

The waves of globalization bring common challenges for both China and the world. The world as well as China should make deliberations upon problems brought there from. The deliberations involve many aspects such as economics, politics and culture and the training of international legal talents is one of the important aspects. In such a times of change and thinking, the communication and cooperation and the share of ideas and practices among states will be necessary and beneficial.