

Developments in Legal Education in Times of Globalisation
- Observations from the Experience of Academic Teaching in Europe and Asia -

Abstract

For a long time, law studies were exclusively nationally orientated and varied greatly from country to country. This changed slowly from the late 1990s with the Bologna process. Nowadays, there are more parallels, even if not all countries follow the concept of dividing law studies into bachelor and master studies (and the basic understanding of law and legal science may still differ). Semesters abroad, more courses on comparative, international & supranational law, in foreign languages or by foreign guest lecturers, and at some universities even study programs in English or double degree programs with foreign partners have become common. The horizon has widened and even law faculties are internationally connected. However, not all are as well prepared for international cooperation as they claim. Moreover, the Bologna process caused a shift of power towards the faculty and university management, the raise of an industry of business-orientated consulting and accreditation agencies (who will come up every year with new annoying ideas), strong bureaucratisation and studies like at school, of low academic quality. Research at the university may suffer from this and courses may not present anymore the state of science. Finally, the Covid-19 pandemic has pushed digitalisation at the universities, a chance but at the same time a threat to high-quality academic teaching and research. And what about the new challenges brought by the (ab)use of artificial intelligence?

The lecture cannot deliver in-depth analysis but will raise issues, comment on them and present observations from the perspective of a long experience as international university lecturer in a number of European and Asian countries. Moreover, it shall invite discussion.

(Date: Legal education & globalisation (KAFU 2024, Abstract))

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Developments in Legal Education in Times of Globalisation - Observations from the Experience of Academic Teaching in Europe and Asia -

I. Law studies before globalisation: nationally orientated, nationally limited and varying greatly from country to country

- focusing exclusively on the national legal system, with little or no regard to international and foreign law
- limited to the national scientific debates, with little or no regard to international or foreign discourse
- heterogeneous in the specific national concepts, structures, curricula and methods
- little international cooperation in scientific legal research
- this was *not the traditional European approach* but typical for the era of solitary nation-states
 - before, there had been thousand years of pan-European scholar and student mobility

II. Reform and internationalisation in the Bologna Process

1. The need for internationalisation of legal education
 - a natural consequence of Europeanisation and globalisation, apparent with the rise of European Union law (esp. internal market law) and international law (esp. intern. business law, WTO law, intern. human rights law)
 - in particular: the need to prepare future lawyers for the developing international legal cooperation
2. The combination of internationalisation with far-reaching reform
 - in legal science inevitable due to the heterogeneity of the national law studies
 - but also misused for changes that served particular interests and ideologies rather than improving higher education
3. The Bologna Process as a game changer
 - a European reform process with a global impact
 - officially initiated with the *Bologna Declaration*² of 29 European ministers of education of 19.06.1999, calling for the creation of a single *European Higher Education Area (EHEA)*
 - implemented in two decades in all European states (in Germany: the Länder), and also non-European states who joined the EHEA (e.g. Kazakhstan)
 - a comprehensive higher education reform with some outstanding elements:
 - *three defined study cycles: Bachelor* (undergraduate), *Master* (graduate) and *doctoral studies*
 - standardised description of the achieved qualification in diploma settlements
 - quality assurance according to international standards
 - a *European Credit Transfer and Accumulation System (ECTS)* that allows to compare study programmes internationally and to recognise foreign study achievements in a domestic study programme
 - process has also boosted international research mobility and triggered *international institutional university cooperation in joint centers and institutes* and *double and joint degree study programmes*
4. The support of the Bologna Process by the growing international academic mobility
 - *exchange and scholarship programmes* (incl. DAAD scholarships) promote on a large scale international study, research and teaching mobility
 - enabling students to pass a semester or whole study programme abroad
 - enabling young researchers to pursue doctoral studies, postdoctoral research or short research projects abroad
 - enabling scholars to teach as *visiting professors or lecturers* abroad (e.g. DAAD lecturers, Fulbright scholars)
 - *commercial study programmes in English* attract foreign students to states with advanced legal education
 - the European Union's *Erasmus & Erasmus+ programmes*: first steps towards an international mass exchange of students
 - consequence: universities must offer study, research and teaching opportunities in international, European and comparative law and other legal disciplines that are relevant for foreign and domestic students, researchers and lecturers

III. Observations on developments and challenges in the reform and internationalisation process

1. Observations concerning the reforms in general
 - a) Quality of law studies suffers under division into Bachelor and Master studies
 - *Bachelor studies too short & superficial* to provide sound legal education, but in many countries most students do not continue with Master studies, although attractive employers require more and more a Master degree
 - lack of permeability between Bachelor and Master programmes can demotivate committed students
 - Germany achieves better results by maintaining the concept of integrated comprehensive law studies

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² Underlined text passages indicate links to relevant internet resources. Just click on the link in the pdf file!

- b) Explosion of bureaucracy not always accompanied by corresponding quality gain
 - *lecturers spend* much more time on bureaucracy and *much less time on their substantive work*, although the latter is decisive for the quality of academic education
 - some *lecturers do not* study and *present the state of science anymore*, because too much working power is absorbed by their administrative tasks
 - some even confuse bureaucracy with real work and think that they have done a good job by filling forms...
- c) A shift of power from the scholars to the management
 - university management must serve the scholars, not the other way around!
 - *deans and rectors* must stay *primi inter pares* and not become authoritarian rulers!
 - the phenomenon of the emergence of new bodies and posts that were not necessary before but now create more bureaucracy to prove how important they are
- d) The rise of business-orientated consulting and accreditation agencies
 - the Bologna reforms as welcome opportunity to make money
 - complex accreditation procedures at commercial accreditation agencies require enormous work and resources but do not always ensure quality
 - a constant hype of new trends in higher education didactics and management that often primarily serve the interests of experts, consultants and agencies
 - the reforms can never stop because there are too many professional and business interests involved...
- e) The risk to degenerate academic teaching to school-like instruction
 - strict curricula limit courses to specific study years and leave the students little own choice
 - homeworks and assignments like at school degrade university students to school children
 - the need to defend the essence of academic education: self-motivated and self-initiated, self-determined and self-responsible studies of adults!

2. Observations concerning internationalisation

- a) A trend towards more homogeneous curricula
- b) More courses on international, supranational and comparative law
 - some universities (e.g. MNU in Astana) even offer *minors in foreign or international law*
 - innovative: *course contributions from the perspective of comparison of laws* to courses on domestic law
 - also of international interest: courses on side disciplines (e.g. legal methodology, legal writing, legal theory)
- c) Courses in foreign languages
 - in particular in English (now standard at leading universities), but also in other languages
- d) Openness of study programmes for semesters abroad, student exchange and double degrees
 - requires a broad range of courses in English (or another foreign language)
 - requires advanced study programme management and support infrastructure for the foreign students
- e) Courses by foreign guest lecturers
 - also by DAAD lecturers in law who may stay up to five years at the host university
 - an enrichment but also challenge for the host university, as the guest lecturer may follow different academic practices and standards, introduce sensitive ideas and not know or respect unwritten "taboos" in the host country
 - long-term guest lecturers may become a challenge because they will notice the weak sides of the host university, which cannot be concealed in daily work (bad academic practice, insufficient infrastructure or library, overbearing management etc.) and report them in their home country
- f) Special problems
 - aa) Different basic understanding of law and legal science
 - can be irritating but also makes international cooperation in legal science exciting!
 - the basic idea of the role of the law and how to deal with the law can be different (e.g. in Europe and Asia)
 - the prevailing methodological approach can be different (e.g. legal methodology in Europe, empirical socio-legal research in Indonesia)
 - bb) English as lingua franca of legal science in the 21st century
 - finally also in legal science, decades later than in other disciplines
 - although English is not very suitable for legal science, due to its unprecisiness and poor grammar
 - intern. conferences, seminars, courses and even study programs are more and more held exclusively in English
 - activities in other languages are still possible but increasingly rare and limited to small target groups
 - sponsors are less willing to fund conferences with expensive simultaneous translation
 - law faculties must adapt to this and
 - require advanced English language skills from new lecturers (if possible at B2 level)
 - provide training for their lecturers and students in English language skills, esp. in English legal terminology and legal writing
 - employ admin. staff with advanced English language skills for the communication with foreign guests
 - leading law faculties must start to offer postgraduate study programmes in English or they will lose influence
 - a warning signal: the loss of influence of German legal science in the 2010s and 2020s
 - scholars must be aware that they will not have a successful career without advanced English languages skills
 - faculty bodies and staff cannot insist on communication with guest students or lecturers in Russian, unless the programme is in Russian and Russian language skills have been made a condition for hosting the guests
 - this can have consequences for the composition of committees, commissions etc.

- cc) The risk of insufficient research papers of students and young lecturers affecting the reputation of the university
- course papers of advanced students and research papers of lecturers have an effect like a business card: they create an image of the quality of the university
 - widespread inadequate quality can cause foreign partners to consider withdrawing from cooperation
 - foreign professors asked for peer reviews cannot accept papers that do not comply with international academic standards, even if they comply with local standards
 - be aware that in 2025 you cannot write a legal research paper anymore in the old post-soviet style!
 - in legal science, where the paper does not report about the research but *is* the research, standards are even higher
 - widespread problems:
 - too complex topics discussed in a too short paper
 - insufficient structuring of the text
 - insufficient practice of scientific citing
 - insufficient processing of the relevant jurisprudence and legal literature
 - missing or unprecise reference to the relevant legal norms
 - papers in English written as if they were addressed to a local audience (see for illustration reports about problems in Indonesia and Kazakhstan which are common in many countries)
 - therefore, in their own interest, universities must focus on an advanced and up-to-date training of students and lecturers - in the skills and intellectual and formal standards of scientific legal research and writing
 - tip: ask a colleague with extensive international experience or a foreign professor to review your paper before you submit it!
- dd) Confrontation with different views, attitudes and expectations: a challenge not only for the foreign guest but also for the host university
- if international cooperation shall not fail, the host university must be ready for this:
 - a diligent student who deliberately presents a court decision incorrectly because he does not agree but thinks it is inappropriate to criticize an authority such as a court
 - a religious Muslim student who insists to temporarily leave the lecture for the Friday noon prayer
 - a student with archaic worldview who advocates discrimination of women or sexual minorities in the human rights course
 - a Western student who vividly criticises ideologically biased statements of the lecturer in the course
 - a foreign guest lecturer who gives the students the assignment to work out why a much-celebrated and popular new law in the host country violates human and constitutional rights
 - a foreign visiting professor who questions openly decisions of faculty committees, the Dean or the Rector
 - note that *international experience is always a new experience for both sides!*

IV. Observations on the challenges for legal education in the Covid-19 pandemic

- *universities with individual lecturer offices and strong internet performed better*, since their lecturers could give their online lectures in their office and did not depend on the usually inadequate conditions of home office
- different approaches to deal with the *technical challenges* of the transition to online teaching
 - best practice at Universitas Gadjah Mada (Indonesia): on request provision of a video conference workstation or individual support by a technical assistant in and outside the lecturer's office
 - a problem out of reach of the university: the quality of the students' internet connections
 - the problem of attendance of students who switched off their cameras during the lecture "for technical reasons"
- the *impossibility of proctored online closed-book exams*, which resulted either in a dilution of the examination or the transition to more demanding open-book exams
- the challenge of *progressive demotivation of the students* during the pandemic, since they were missing campus life
- the growing demand for online master study programmes (which do not require relocation to the university city) after the end of the pandemic

V. Outlook: The challenges brought by the (mis)use of artificial intelligence

- the need for students to acquire the ability to write an academic paper independently, on their own initiative and responsibility, in their own words and based on their own research
 - the need to learn how to find themselves the relevant sources
 - the need to learn to read and process themselves the relevant sources
 - the need to learn how to design, structure, formulate and format an academic text
 - the need to learn how to plan, implement and finalise a demanding project in time
- consequently, the *use of artificial intelligence in writing course papers and theses should be strictly prohibited*
 - except for linguistic correction and smoothing of a foreign-language text (→ law exams are no language exams)
 - monitoring: on request, student must be able to explain in detail every single sentence and reference in his text
- at present, assignments to write course papers with the help of artificial intelligence would *seriously overchallenge* students
 - since the simple work would be done by the ai and consequently the intellectual demands would increase dramatically
 - however, in the long term, students should be trained and expected to use artificial intelligence in a smart and professional way to *produce papers of a dramatically increased scientific quality*
- serious problem: the *tendency of artificial intelligence bots to lie*, e.g. to "invent" non-existing court decisions and articles