

Reflections on Undergraduate Education in Law

Hongfei Song and Lin Zhang

No. 19 Keji Road, Songshan New District, Taihe District, Jinzhou City, Liaoning Province, China

No. B15-59, Songshan New District, Taihe District, Jinzhou City, Liaoning Province, China

song0412@163.com, zhanglin06111@163.com

Keywords: Undergraduate Education in Law; Research-based Learning Philosophy; Guiding Ideology

Abstract: Undergraduate law education in China is affected by traditional education concepts. There are three major problems: low graduates' practical ability, incomplete curriculum, and inadequate establishment of school institutions and systems. Proceeding from the diverse social needs, a research-based learning concept is proposed. In order to implement the concept of research-based learning, the implementation of the concept of research-based learning in law undergraduate education must first clarify the educational guiding ideology of colleges and universities. To this end, we should clarify the guiding ideology of colleges and universities by encouraging teachers to boldly innovate classroom teaching, stimulate students' learning interest, rely on practical bases, and organize students to conduct unified internships, so as to cultivate more outstanding legal talents for China's legal education cause.

Law undergraduate education has cultivated a large number of legal professionals for the development of the national legal cause in recent years, which meets the development requirements of China's legal field. Since the founding of People's Republic of China, there is a great shortage of legal professionals in the field of law. Therefore the undergraduate legal education has trained numerous professional and practical legal talents for the prosecution, law, and lawyer industries. However, with the development of society, legal education is facing new challenges. We have to return to the starting point of university education to explore what kind of philosophy the undergraduate education should hold. At present, there are several problems existed in the undergraduate education of law in China.

1. Inadequate Practical Ability of Graduates

Most law graduates lack the skills needed for legal practice, such as the production of legal instruments, court trials, defending, oral and written skills, as well as the comprehensive quality needed to solve complex legal issues. Although the employers have different requirements for the employees, they are highly consistent in the overall abilities of employees. However, according to the judicial department, it will take the graduates at least three or four years to be competent to deal with the trial of cases and various legal affairs.

2. The Incompleteness of Undergraduate Curriculum Setting

Based on influence of traditional education concepts, colleges and universities in China have specialized courses and elective courses. In the specialized courses classes, teachers mainly give lectures about conceptual questions. Elective courses are also closely related to their majors, but the knowledge is narrow. Like most of the liberal arts courses in China, there are few practical courses for law major students. Even if there are practical cases teaching activities in some classes, most of the students follow the procedures in the textbooks or copy the content from the Internet. Due to the lack of practical courses, it cannot make every law student get practical legal exercise. To a certain extent, the curriculum setting has affected the learning mode. Case teaching, clinic teaching,

simulated court and other practical and research activities are carried out in the class of law schools in many universities, which can improve the students' abilities in many aspects and meet the requirements of the concept of research-based learning. However, due to the inflexibility of the curriculum setting, not every student can benefit from it. If there is no curriculum that can improve students' thinking ability, knowledge expansion capacity and practical ability, it will cause significant obstacles to the development of research-based learning.

3. The Incompleteness of Institutions Setting and the Formulation of the System

The implementation of research-based learning needs the support of system and the cooperation of management institutions. The establishment of management institutions in law schools in China is relatively single, and there is no special department to guarantee the implementation of research-based learning, which hinders the development of research-based learning. Many law schools have no institutions that specifically implement and conduct research-based learning, and they also attach less importance to the research-based learning, which is also an important factor that research-based learning cannot be carried out.

Rules and regulations are the guarantee for the implementation of research-based learning. There is no provision for the implementation of research-based learning, including how to train and assess teachers under the guidance of research-based learning, and how to evaluate students' research-based learning. However, most colleges and universities have a system that uses score to evaluate teachers' teaching level and students' learning achievements. Without the guarantee of system, research-based learning is bound to become a mere formality. Many colleges and universities have offered some courses or activities relating to research-based learning. However, many of these courses and activities have not been carried out effectively. Therefore, the guarantee of the system is necessary to launch research-based learning. Many colleges and universities establish rules and regulations for dormitory management, students and teacher assessment, but there is no research-based learning system. Without linking the achievements of research-based learning with the assessment of teachers and the evaluation of students, it is easy to make the ideas advocated become mere formality and cannot be effectively implemented [1].

In view of the above problems, the author analyzes the causes as follows:

The guiding ideology of higher education in our country is subject to the traditional education idea, which often has some limitations. Under the guidance of the traditional education idea, the education in our country focuses on the linking of teachers' teaching and students' learning and the cultivation of professional knowledge talents, while ignoring the development of students' thinking capacity and the improvement of their comprehensive ability. The limitations of the educational guiding ideology of education are mainly reflected in the lack of clear and unified training objectives and unreasonable curriculum system.

Higher education should be carried out in an open and inclusive way. The guiding ideology of education should follow the development of the society and meet the needs of the society. China's higher education is deeply influenced by the traditional concept of education. Confucius' thought of "honouring the teacher and respecting his teaching" is difficult to break through the hierarchical boundary between teachers and students. It is difficult for colleges and universities to give up the traditional teaching mode. The learning mode and curriculum setting which are not open enough restrain the development of students' subjective initiative to some extent. There are no more courses to improve students' thinking ability, nor other courses to broaden students' knowledge. Curriculum design is rigid and one-sided, which cannot arouse students' interest, stimulate their thinking, and cultivate awareness of problems and innovation. It is precisely because the guiding ideology of education is not open enough, and students are not given enough dominant position, which leads to the limitations in the curriculum and classroom model, and affects the implementation of the open, creative and practical research learning concept.

The guiding ideology of education in colleges and universities is mostly aimed at training professional knowledge-based talents, emphasizing the teaching of theoretical knowledge. Paying attention to the guiding ideology of theoretical knowledge transfer, students' problem awareness,

practical ability and innovation ability are often ignored. And students cannot be given enough space to develop their own abilities. Therefore, the traditional education thought pays too much attention to the cultivation of knowledge-based talents, which leads to a single cultivation goal, and hinders the implementation of the research-based learning concept in the undergraduate stage of law to a certain extent.

Thought is the source and motive force of practice. The imperfection of educational ideas makes the higher education in our country unable to give clear guidance in training objectives and curriculum setting. The defects of curriculum and training objectives restrict the effective development of research-based learning in colleges and universities.

Examination-based education system hinders the development of education in our country. Starting from the imperial examination system, China's education is closely connected with examination-oriented education. For hundreds of years, exam-oriented education has been deeply rooted in our educational system. To some extent, the way of evaluating students' education by score has hindered the development of education in China and the improvement of students' comprehensive ability.

Higher education should be distinguished from secondary education and vocational education. It should pay more attention to the development of students' open thinking, and cultivate students' spirit of questioning and innovation in academics. However, in the stage of higher education in China, scores still occupy a considerable position in the evaluation standards of students. The final exam is the standard to evaluate whether students have completed enough credits this semester. Examination results are the criteria to evaluate whether students can be awarded scholarships and honors. Many students also say that they can pass the exam if they begin to prepare for it just one week before the exam. At the same time, there is a situation in which teachers would highlight key points before the exam to help students pass the final exam. These situations are the performance of examination oriented education. University is supposed to be a place of academic opening and innovation. In learning activities, students should give full play to their subjective initiative, put forward problems and solve problems, so as to continuously innovate. However, due to the influence of exam-oriented education, learning becomes boring, students' enthusiasm for learning is not high, and they are lack of creativity. The idea that examination oriented education focuses on scores is an important reason for the imperfection of the evaluation system of higher education in China and the loopholes in the teacher assessment system. It is precisely because of the far-reaching influence of exam oriented education that the research-based learning concept cannot be fully implemented.

There is a lack of a correct understanding of research-based learning. Although research-based learning can be traced back to the educational thought of Confucius, an educator more than 2000 years ago, the concept of research-based learning that we advocate today originates in western countries. It is a kind of educational thought with Chinese characteristics that is summarized and abstracted from western educational thoughts. The idea of research-based learning is a shock to Chinese traditional educational thoughts, but it is difficult to break the shackles of traditional concepts on our education.

The idea of research-based learning should not only be put into practice among the top students in some top schools. Many schools mistakenly understand the characteristics of research-based learning, and think that research can only be carried out in universities with research ability and top students, and more in the natural sciences. Although some schools respond to the call of research-based learning concept, they do not set up curriculum based on this learning concept, but simply carry out some research-based learning activities. The real purpose of research-based learning is not for individual schools or the cultivation of individual students, but to adapt to the rapid development of society. Based on the traditional education concept, it is proposed to cultivate students' thinking ability, so as to improve students' creativity and ability to adapt to society. The school lacks a correct understanding of the concept of inquiry learning, teachers and students adapt to the traditional role division of "teaching and learning", it is difficult to liberate from the traditional teaching mode. Although research-based learning has been put forward for a long time, it has not

been widely accepted by teachers and students. In the classroom model of teachers, influenced by the concept of research-based learning, they will carry out some small activities or put forward some questions to activate the classroom atmosphere. However, these are far from the meaning of research-based learning. Research teaching activities cannot be carried out just for teaching. We should fully respect the students' subjectivity, take the students as the starting point, and observe the students' interests and problems to carry out activities or guide students to put forward questions. In the undergraduate education of law, the teaching modes like case teaching and clinic teaching are favored by teachers recently. However, many teachers simply regard this kind of teaching as a teaching task. For the limited cases and problems, they should follow the following steps. The steps of the class can't expand the students' thinking. In many cases, due to the limitation of class hours, these research-based teaching methods are mostly in form. In order to pass the judicial examination, many students don't care whether they need to carry out research-based learning or not. Even if research-based learning is adopted, it is mostly to meet the requirements of schools or teachers. Students themselves, lack of correct understanding of research-based learning.

Therefore, in order to implement the concept of research-based learning in the undergraduate education of law, we must first make clear the educational thought of colleges and universities, which is the source of practice. To make clear the guiding ideology of colleges and universities, we must start from the following aspects:

Encourage teachers to make bold innovations in teaching mode. In order to attract students and arouse their interests, teachers need to make innovations in teaching. Teachers should innovate the teaching mode according to the characteristics of the course and students, and the innovation should be combined with the reality of the subject.

For law teaching, based on the social and practical nature of law, teachers have tried to innovate various teaching models in order to make teaching more vivid, interesting and effective in recent years. For example, case teaching method, clinic method and moot court method make the law classes full of vitality. Teachers should constantly implement innovative teaching models based on students' learning practices. For example, in order to cultivate students' individuality and divergent thinking ability, teachers can set up problem class and error correction class, in which students can put forward their own opinions and understandings boldly. In learning activities, it is not comprehensive to simply master theoretical knowledge. The idea of research-based learning advocates that students can use their acquired knowledge to solve practical problems. Under the guidance of this learning concept, more practical courses should be carried out so that students can apply what they have learned into practice. In order to enable teachers to carry out teaching innovation, in addition to improving their own level of knowledge, schools can establish a system of promotion and encouragement to enhance the enthusiasm of class teaching innovation. Innovative class can stimulate students' innovative thinking, and teachers' innovation ability is the driving force for the realization of research-based learning goals.

To stimulate students' interest in learning. Under the guidance of the traditional educational concept, students always in a passive learning state. There is a deep gap between teachers and students. Students always see what teachers teach as truth. Students and teachers can't communicate in depth, which makes both of these two groups have a distance and can't stimulate students' interest in learning. Therefore, many students are disgusted with learning, not to mention a serious attitude to acquire knowledge.

To encourage students to understand research-based learning correctly. Only when students find interest in learning can they generate motivation for learning. To stimulate students' interest in learning, we should pay attention to the motivation of students' learning. The motivation for learning is mainly reflected in the dignity and self-worth of students. The reason why many students hold a passive and negative attitude towards learning is that most of them do not find a sense of satisfaction in learning. Leave time and energy to the students so that they can feel freedom in their study. Teachers can't oppress students by achieving certain scores or completing certain learning tasks, but they should give students the initiative in learning. When conducting a project, teachers can give students a topic, or let students choose a topic freely. Then students should do their best to

find out the key points of this topic and summarize the solution of the problem. At last, teacher makes comments to their project, during which teachers should give affirmation and support. Only by doing these can students aware his role in learning and get self-satisfaction from it. In this way, students can be motivated to study in-depth and display great initiative in learning. That is to say, students' creativity can be cultivated when they get fully understanding of learning and then love to learn, which is the focus of implementing the concept of research-based learning.

To organize students to do internship practice. Years of experience has proved that practice teaching is conducive to the cultivation of practical ability of law students. Conducting internship in law firm has long been proved to be a very basic and important way to carry out the practical teaching of law. However, due to the lack of school funding, law schools find it is difficult to get the internship units. Coupled with the multiplied growth of the number of law students, most law schools ask students to secure a job. But its disadvantages are also obvious and almost insurmountable. We hold that the solution lies in the establishment of a fixed off campus legal practice base and the organization of unified practice for law undergraduates [2-3].

There are many advantages of establishing practice base and organizing law undergraduates to practice in a unified way. First of all, practical teaching, such as off-campus practice, enables students to get the real training of legal operation and thinking ability. Secondly, as an important part of practical teaching, off-campus practice is conducive to strengthen the cultivation of students' ability of integrating theory with practice. Thirdly, the practical teaching process helps to introduce competition and cooperation mechanism and to cultivate students' competitiveness and team spirit. Finally, the construction of off-campus practice base is conducive to solving the problems of students' employment and employers' selection.

It is often hard for law schools of many colleges and universities to establish an off-campus practice base. As mentioned before, it has been nearly ten years for law schools to expand their enrollment, and the history of establishing law departments in many schools is only ten years. The number of courts and procuratorates in different regions is fixed, and the number of law firms is also limited. While most of these units have established a long-term cooperative relationship with some top law institutes. With the rapid expansion of the number of law undergraduates, it becomes more and more difficult for newly established law institutes to get the internship units. Consequently, some law institutes are forced to set up legal clinics to make up for it. But few of the litigants would choose go to the legal clinics which lack professional qualifications to ask undergraduate law students for help, let alone carrying out litigation or non-litigation affairs. Hence, the author suggests that all kinds of law schools and institutes can consult with the internship units and the internship bases in turn, or develop some new internship units (such as newly-opened law firms or more remote courts and procuratorates) to solve this problem. It is believed that this problem will gradually be alleviated with the slowdown in China's university expansion and the decrease in university enrollment caused by population control policies.

In a word, the concept of research-based learning in China's undergraduate education of law is in line with the educational concept of all countries in the world and it is also inconsistent with the trend of social development. Under the guidance of this concept, law schools can cultivate more excellent legal professionals for China's education of law.

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