



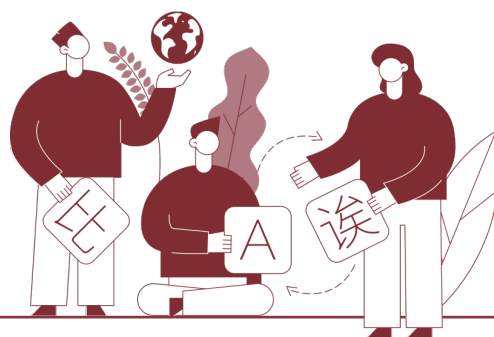
# Global education - how to connect Asia and CEE?

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## Foreword

China, as the growing superpower, has several well established higher education institutions with high influence on the global education market. The significance of Chinese universities and their international reputation (represented i.a. in international rankings) is spreading year after year.

Meanwhile, higher education institutions from the CEE region, often dating back to the medieval, renaissance and enlightenment eras are striving to re-establish themselves on the global education market after opening to the West in the 1990s. While offering high-quality programmes of learning and increasingly good conditions for study and research, the influence and position of the CEE Universities still require growth. A common mechanism of achieving such is through cooperation with foreign, well-established institutions and adoption of best practices and it requires effective communication and exchange of modes of operation.

The *Global education - how to connect Asia and CEE?* conference, held at the University of Warsaw in March 2021, was one of the forums of communication and exchange of practices in terms of the advancement of internationalisation of higher education, through disseminating expert knowledge among participants about global trends in education and international cooperation of universities from Asia and Central and Eastern Europe. 5 main panellists, established members of academia with experience in the management of studies gathered around the globe, discussed the issue of globalisation in education. The post-COVID World will be more digitalized than ever - we now know there will be no coming back to the old classrooms and lecture halls. This might be a significant chance to globalise education, as there already is a substantial easement to studying abroad - no need to move anywhere from home.

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## **Teaching Polish Language in China: Educating Proponents of Poland-China Academic Exchange in the 21<sup>st</sup> Century**

### **Summary**

*At present, the state of teaching Polish Language and Culture at Chinese universities benefits from the OBOR initiative. This new dynamic situation is based on the strong foundations laid in the past. Right now, there are almost 20 universities in China where students can broaden their knowledge of Central Europe through studies focused on Poland and Polish affairs. The author attempts to answer the question whether the cooperation between our two countries is going to be in good hands.*

Contemporary Poland-China cooperation is multidimensional. For the academic community, its most important aspect is scientific and cultural exchange between the two countries. From a historical perspective, it has been fostered by good political relations. Poland was the second country to recognise the new China after the Second World War. This fact has never been forgotten, even though both countries went through trials and tribulations during the historical and political changes of the last decades. The beginning of the 21<sup>st</sup> century is a fruitful time as well, due to the new policies implemented by the leadership of Mr Xi Jinping, especially when it comes to promoting Central and Eastern European (CEE) languages and cultures among Chinese students and academics.

The University of Warsaw's (UW) contribution to academic cooperation between Poland and China does not require much in-depth description. Great experts in sinology, such as Mieczysław Jerzy Küntler, Olgierd Wojtasiewicz, Bogdan Góralczyk, and others, dedicated their lives to Chinese studies, educating new generations of specialists. The development of modern Polish studies and teaching/learning Polish as a Foreign Language (PFL) as a discipline created new links and relations with universities in China. The format of Polish studies has been changing and adjusting to the new global reality, as well as the needs and expectations of the students searching for their place in the labour market. New possibilities brought about by the current cooperation prompted the senior staff of partner universities to modify the programmes of language and culture studies. Right now, synergies between disciplines such as Polish studies / Polish philology, international relations, economy, etc. seem to be the most reliable path towards establishing a community of proponents of Poland-China exchange, capable of addressing the challenges of the future. For them, Poland, as a member

state of the European Union, becomes a gate to Europe, an example of European heritage and its contribution to the world's civilisation.

For the Polish state, teaching PFL falls under the broader field of public diplomacy. Building a positive attitude towards our country via promoting our language is interlinked with the position of Polish, which is the biggest Slavic language of the EU. Its growing popularity, prestige, and significance reflect the political and economic importance of the Republic of Poland among the EU members. Since its accession, Poland has drawn the attention of many actors, both as a location and as a market. A steady increase in foreign students coming to Poland, a growing number of people learning PFL, a more frequent presence of Polish in the public sphere outside Poland (not only due to Poles emigrating) are all evident facts. It should be noted that despite the crisis of traditional philological studies, new educational centres of Polish language and culture are emerging all over the world. Popularising Poland and the achievements of Poles through such institutions ranks among the priorities of the Polish government. Other public diplomacy tools include teaching PFL and training experts capable of enhancing the 'fanbase' of Poland.

It is evident that the 'expansion' of our language would not be possible without the dynamic development of PFL methodology, promoting and implementing the best techniques for one of the less frequently taught languages. My discipline, in the Chinese context, owes its current status to the strong foundations laid in the past, shortly after the two countries established a political connection in the aftermath of the Second World War. In 1954, a group of Chinese students sent to the UW, led by Mr Xiao Huimin, returned home to start the first Polish programme in the People's Republic of China: the Polish Language and Literature course at the **Beijing Foreign Studies University** (BFSU, *Pekiński Uniwersytet Języków Obcych* – 北京外国语大学). The academic position of the oldest Polish programme in China is credited to the decades of achievements and work of Cheng Jizhong, **Yi Lijun**, Chen Yuanzhi, Wu Indzen, and Li Jintao: raising generations of specialists, translating Polish masterpieces into Chinese, taking care of Polish matters through the stormy decades of the 20<sup>th</sup> century). They had the support of a number of Polish language teachers, seconded to Beijing by the Polish ministry, including: Leszek Cyrzyk (1954-57), Teresa Iglukowska (1956-57, from UW's Polonicum), Maria Juraszek, Halina Rybicka-Nowacka, Tadeusz Dziewisz, Tadeusz Jeromin, Tadeusz Zwierchowski, Bożena Zaorska, Marcin Wodziński, Agnieszka Jasińska (Polonicum), Jagna Malejka, Andrzej Ruszer. At the beginning of the new century, the Polish Studies Center at the BFSU, led by Zhao Gang and Li Yinan, is the strongest academic institution of that kind in China, a think tank serving Chinese diplomacy by providing expertise and skilled interpreters. Its strong ties with the Polish Embassy and Polish Institute in Beijing have yielded many projects, including specialist methodological training for Polish language teachers, nationals of both countries working in the PRC.

It took more than half a century to open a Polish programme outside the capital of China. In 2009, the **Harbin Normal University** (HNU, *Uniwersytet Pedagogiczny w Harbinie* – 哈尔滨师范大学) decided to contribute to the cooperation between Poland and China in that field. This was an event of historical importance. At the turn of the 20<sup>th</sup> century, there was a visible presence of Polish immigrants in the Manchurian city

of Harbin, mostly involved in the construction of a rail link connecting Russian south Siberia and Vladivostok. This new investment, which came as a result of a Sino-Russian agreement, encompassed a nearly-1,500-kilometre railroad built thanks to the talents of Polish specialists in construction. The diaspora of Poles (*Harbińcy*) maintained its presence in Manchuria for almost 50 years. This fact, coupled with the symbolic meaning of Harbin, was a key factor leading to the decision of the government in Beijing changing the dynamics of its academic cooperation with Poland.

The Polish programmes introduced at Chinese universities following that decision benefited from the One Belt One Road (OBOR) initiative, which prompted many new international partnerships at the highest level of education and opened new opportunities to all parents and students interested in CEE, specifically in Poland. Among the most important and valued by the PFL authorities and experts are:

- **Guangdong University of Foreign Studies in Guangzhou** (GDUFS, *Katoński Uniwersytet Studiów Międzynarodowych* – 广东外语外贸大学), est. 2014, under the leadership of Prof. Mao Yinhui;
- **Sichuan University in Chengdu** (SCU, *Uniwersytet Syczuański w Chengdu* – 四川大学), est. 2017, led by Prof. Yu Miao;
- **Shanghai International Studies University** (SISU, *Szanghajski Uniwersytet Studiów Międzynarodowych* – 上海外国语大学), est. 2017, supervised by Mao Rui;
- **Dalian University of Foreign Languages** (DUFL, *Dalieński Uniwersytet Języków Obcych* – 大连外国语学院), est. 2018, supervised by Li Jintao, Professor Emeritus of BFSU.

The establishment of Polish studies in Shanghai, Guangzhou, and Chengdu reflects the position of these cities and their provinces on the map of the global economy. It is also a good example for other cities and provinces in the PRC with connections to European markets, looking forward to educating future specialists who could take care of contacts with Poland. Other universities that decided to open Polish programmes under the OBOR initiative are:

- **Beijing International Studies University** (BISU, *Pekiński Uniwersytet Studiów Międzynarodowych* – 北京第二外国语学院), est. 2015;
- **Chengdu Institute Sichuan International Studies University** (CISISU, *Syczuański Uniwersytet Studiów Międzynarodowych, Instytut Chengdu* – 四川外国语大学成都学院), est. 2017;
- **Xi'an International Studies University** (XISU, *Uniwersytet Studiów Międzynarodowych w Xi'an* – 西安外国语大学), est. 2017;
- **Tianjin Foreign Studies University** (TFSU, *Tianjiński Uniwersytet Języków Obcych* – 天津外国语大学), est. 2017;
- **Changchun University** (CCU, *Uniwersytet w Changchun* – 长春大学), est. 2018;

- **Jilin International Studies University** (JISU, *Uniwersytet Studiów Międzynarodowych w Jilin* – 吉林外国语大学), est. 2019;

- **Zhejiang International Studies University** (ZISU, *Uniwersytet Studiów Międzynarodowych w Zhejiang* – 浙江外国语学院), est. 2019.

Limitations imposed by the pandemic have prevented us from visiting the universities and verifying how effective the recently opened programmes are. In addition, according to the information gathered by my former students, in 2019, new universities decided to launch BA studies focused on Poland: Sichuan International Studies University in Chongqing, Zhengjiang Yuexiu Foreign Studies University, Beijing Sports University, and Sichuan Agriculture University in Dujiangyan. Once the health issues are hopefully solved, there will be a chance of obtaining broader knowledge about the challenges facing these most recent institutions.

In addition to the universities offering Polish studies and degree programmes, there are also academic institutions providing language instruction only, for all Chinese speakers eager to learn the basics of Polish:

- **Zhaoqing University** (ZQU, *Uniwersytet w Zhaoqing* – 肇庆学院), est. 2013;

- **Northeastern University** (NEU, *Uniwersytet Północno-Wschodni w Shenyang* – 东北大学), est. 2013;

- **Hebei Foreign Studies University** (HFSU, *Uniwersytet Studiów Międzynarodowych Hebei* – 河北外国语学院), est. 2014;

- **Ningbo Institute of Technology, Zhejiang University** (NIT, *Instytut Politechniczny Uniwersytetu Zhejiang w Ningbo* – 浙江大学宁波理工学院), est. 2016;

- **University of Hong Kong** (HKU, *Uniwersytet Hongkongu* – 香港大学).

Also **National Chengchi University, Taipei** (NCCU, *Narodowy Uniwersytet Chengchi w Tajpej*, 台湾国立政治大学) offers high-quality Polish language classes.

There are, obviously, some other initiatives worth mentioning, bringing together specialists in Polish matters. Some of them go beyond bilateral relations and create a broader platform for discussion on Poland. A unique value, connecting Asia and Pacific with our country, is offered by **Tripartite Polish Studies Meetings** – China, Japan, Korea (SPTK – *Spotkania Polonistyk Trzech Krajów: Chiny, Japonia, Korea*): a series of recurrent meetings and conferences involving influential Asian academics, translators, and leaders responsible for most important Polish programmes in the region. This idea emerged in 2007 at the international conference *Polish Studies in Asia*, organised by the Hankuk University of Foreign Studies (HUFS) in Seoul in celebration of the 20<sup>th</sup> anniversary of the Polish programme at HUFS. The goal of the representatives of Poland-centered courses at HUFS, BUFS, and TUFS (Tokyo University of Foreign Studies) was to establish a platform for cooperation between ‘distant’ academic allies of Poland. Since 2009, SPTK has been organised six times: in 2009 and 2014 in Tokyo (TUFS), in 2010 in Beijing (BFSU), in 2012 and 2018 in Seoul (HUFS), and in 2016 in Guangzhou

(GDUFS). In 2020, the event was canceled due to the pandemic. After each conference, the organisers publish a book collecting the most important papers, providing a very interesting overview of Chinese, Korean and Japanese perspectives on Polish culture, history, and language.

Another significant project, **Contemporary Poland and Central European Studies**, was started by Prof. Jakub Zajączkowski and co-funded by the Ministry of Foreign Affairs of the Republic of Poland (co-operation in the field of Public Diplomacy). It brings together the University of Warsaw's Faculty of Political Science and International Studies, Centre for Europe, Centre of Polish Language and Culture for Foreigners Polonicum; an NGO – Polish Association of International Studies; and international partners: from India – Jawaharlal Nehru University (New Delhi), Manipal Academy of Higher Education, University of Calcutta; from China – Peking University, Xiamen University; from the Republic of Korea – Kyungpook National University (Daegu). As a result of this initiative, many academic institutions have decided to establish their own centres of research on CEE topics, including Poland, mainly focused on the economy, geopolitics, and international relations, e.g. **Peking University** (est. 2013). The example of SCU in Chengdu has shown that such a project can lead to the next level of cooperation: starting a new section/department at a university (in this case, Polish Language and Literature) under a pre-existing institute/faculty (College of Foreign Languages and Cultures), with a pioneering and innovative form of studies: the double-degree *Polish+* programme. In the 2+1+2 formula, the students spend two years at SCU, and three years at UW. In addition to the Polish language training, they choose their second major – either International Relations or Economy. They can obtain two BA degrees: in Polish Studies from SCU in their fourth year, and in International Relations or Economy from UW in their fifth year. The curriculum is based on the effective use of three languages: Chinese, English, and Polish.<sup>1</sup> The *Polish+* programme puts less emphasis on the philological aspect of studies, treating the Polish language and culture as tools, part of a more practical skillset on the contemporary labour market.<sup>2</sup>

As the most promoted CEE language in China (the second being Hungarian, and the third – Czech), Polish is reaching new groups of young people interested in learning about Europe through Poland. This is a very optimistic fact, especially from the standpoint of Polish cultural diplomacy. Chinese universities compete trying to attract more students by offering a language programme that they see as trendy. The question is, how long will this trend last? Which universities will be able to develop their Polish programmes, and which will close them due to issues such as the lack of quality lecturers, low number of students, etc.? And how will this impact other universities, with a more grounded position and reputation?

It is very difficult to answer these questions now, but looking at the strong position of BFSU, GDUFS, SCU, and SISU, we can predict a relatively bright future, especially now that there is a political will to continue this type of cooperation on the highest governmental levels. Polish studies in China seem to be in good hands, but they need attention and support from both academic and political circles.

<sup>1</sup> More on the *Polish+*: P. Kajak, *Polish+. Program nowych studiów polskich na Uniwersytecie Syczuańskim w Chengdu*, „Poradnik Językowy” 3/2020, p. 69-82.

<sup>2</sup> The full cycle of the first edition will end in 2022. At that point we will sum up the strong and weak points of our project, especially after it was hit by the pandemic.



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## **Challenges and opportunities of the internationalisation strategy based on cooperation with China**

Internationalisation of education has become a key trend worldwide and one of the key indicators of the quality of educational institutions used for different rankings. Ranking in its turn is a way of promoting an educational institution. Therefore, internationalisation is a necessary part of any development strategy pursued by higher educational institutions, particularly those with the objective to not only survive on the global educational market but also to rank higher thanks to their links with foreign partners.

The rise of the Chinese economy and the strengthening of its political weight, the recognition of educational development as a priority by Chinese authorities all make cooperation with China very attractive, for Russian universities as well.

In the present paper, the main ways of cooperation between Russia and China in the field of education will be considered, and the key opportunities and the recent challenges for the implementation of joint projects will be analysed.

### **1. China as a strategic partner of Russia in the field of education**

In recent years, political cooperation and good relations between the two presidents, Vladimir Putin and Xi Jinping, have become the key prerequisites for the establishment of cooperation at all levels of authority as well as between educational institutions. In the Joint Statement signed by the Chinese and Russian Heads of States on 16 July 2001, the Presidents declare that they will expand "friendly exchanges and cooperation in the field of education, culture, health and sports, [which] will serve to strengthen and consolidate the social basis of good neighbourliness and friendship and mutual trust between the two states".<sup>1</sup> The Sino-Russian Committee on Friendship, Peace and Development was supposed to have a significant role to play in this regard. The establishment of the joint university in Shenzhen is one of the main achievements of this Committee.

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1 [https://www.fmprc.gov.cn/mfa\\_eng/wjdt\\_665385/2649\\_665393/t15772.shtml](https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t15772.shtml)

The official support for cooperation has led to a real boom in the number of cooperation agreements between Russian and Chinese universities. At the present moment, around 1,000 partnership agreements have been signed by Russian and Chinese universities and organisations. 120 Russian universities and approximately 600 Chinese universities have been involved in achieving the objectives set by the Presidents. The cooperation includes the implementation of joint training programmes for specialists, advanced training courses for scientific and teaching staff, Chinese and Russian language studies, forums for the rectors of leading universities.<sup>2</sup>

## 2. Key opportunities for Sino-Russian cooperation in the field of education

The attention of high ranked Russian and Chinese officials to the field of education provides universities, scholars and students with several opportunities for development and professional growth, such as the establishment of joint universities, special research centres, the creation of joint educational programmes, academic exchange and the collaboration between Russian and Chinese academics.

The joint university in Shenzhen stands out as the largest Russo-Chinese academic project of the 21st century.<sup>3</sup> This university is the initiative launched by Moscow State University (MSU) together with Beijing Polytechnic Institute, as well as the Shenzhen Municipal People's Government. Modelled on the famous main building of the Moscow State University in Moscow, the new joint university in Shenzhen has several departments which represent those areas of scientific knowledge where the position of MSU is especially strong: natural sciences (in this subject area, MSU ranked 21st in the world in 2019 according to QS World University Rankings), mathematics (where Moscow State University holds 34th place), linguistics (23rd position in the world), and economics.<sup>4</sup>

Another leading Russian university, as well as the oldest one, Saint Petersburg State University (SPbSU), which is preparing to celebrate its 300<sup>th</sup> anniversary in 2024, also has several initiatives in the field of Sino-Russian cooperation. The cooperation with the People's Government of Heilongjiang Province is of particular importance. In 2014, the Rector of Saint Petersburg State University met with the Governor of Heilongjiang Province, Mr Lu Hao, and reached an agreement to develop scientific and educational cooperation with universities of the province, which was reflected in the Memorandum of Cooperation signed between Saint Petersburg State University and the Heilongjiang Government. One of the main goals of the Memorandum was the creation of a joint university of Saint Petersburg State University and Harbin Polytechnic University (hereinafter HPU) in Harbin. Currently, the relevant documentation is being prepared. Provincial Governor Wang Wentao allocated a piece of land in the centre of Harbin for the construction of a joint university campus. It is scheduled to be completed in 2022.

Speaking about joint initiatives of Saint Petersburg State University with Chinese partners, there is a need to mention the joint Center of Saint Petersburg State University and the People's University of China

2 N.L. Fedotova et al. Implementation of Sino-Russian educational programs for training engineers in China. *Education Integration*. 2019. Vol. 23, Issue 2. Pp. 164-181.

3 <http://russian-chinese.com/proekty-presentation/>

4 <https://szmsubit.ru/wp-content/uploads/2019/07/Jelektronnaja-broshjura-MGU-PPI-ijun-2019.pdf>

for Russian Studies that has been successfully functioning for 4 years now. The opening ceremony was held in 2015 with the participation of Deputy Prime Ministers of Russia and China, O. Golodets and Liu Yandong. The participation of high-level officials from both sides highlights the importance of these projects for the authorities.

The Center's activities include comparative studies of political economic and legal systems of Russia and China; exchange of research and teaching staff, under- and postgraduate students; preparation and implementation of joint educational programmes; expert activities; organisation of conferences, seminars, round tables and cultural events. Joint master's programmes in economics, law, and journalism are being developed in the Center as well. Leading experts and scientists from Russia and China are involved in the Center's work.

Currently, Saint Petersburg State University has partnership agreements with more than 60 organisations from China and 30 companies with Chinese capital, where students may work as interns. For example, scientific work in mathematics and chemistry is carried out through cooperation with Huawei.

The university's key academic partners include Tsinghua University, Peking University, Fudan University, Harbin Polytechnic University, Shanghai Transport University, and many more.

Saint Petersburg State University is the first university in Russia to sign a cooperation agreement with the Ministry of Education of the PRC, which provides for the organisation of internships for students and teachers, translation of educational regulations, and inviting Chinese professors to give lectures.

We were also the first university in Russia to sign a cooperation agreement with the Chinese national educational platform XuetangX.com, which allowed the university to enter one of the largest online education markets in the world.

The growing number of joint projects has also contributed to the rise of scientific publications written in collaboration between Russian and Chinese scholars. It was noted by the media that the number of co-authored publications involving Chinese and Russian academics increased by 95.5 per cent between 2013 and 2017, according to Elsevier's Scopus database, and the patronage of the two Presidents indicated the importance of higher education to ties between the two countries.<sup>5</sup>

The experience of Saint Petersburg State University is very illustrative: according to the SciVal analytical database, Spotlight for the period from 2013 to 2019, the research and teaching staff of Saint Petersburg State University contributed to 700 publications co-authored with colleagues from 151 scientific centres and universities in China. The largest number of those were joint publications prepared with research and teaching staff of the Central China Normal University – 183 (weighted average citation index – 3.3), the China Institute of Atomic Energy – 121 (weighted average citation index – 2.32), the Chinese Academy of Sciences – 72 (weighted average citation index – 3), the Chinese Academy of Sciences – 72 (average citation index – 3.37),

<sup>5</sup> Nick Mayo, Growing Sino-Russian Academic Ties Are both countries seeking alternatives to the West? Times Higher Education on June 20, 2019. Available at: <https://www.insidehighered.com/news/2019/06/20/academic-ties-grow-between-russia-and-china> (accessed 10.03.2021).

Harbin Institute of Technology – 31 (average citation index – 0.79), Guangdong Ocean University – 27 (average citation index – 2.9), Peking University – 22 (weighted average citation index – 3.36), Beijing University of Technology – 18 (weighted average citation index – 0.48). This data shows that there is a continued interest in the research of common scientific problems on both sides of the border.

The establishment of academic links between Russian and Chinese academics is also an important way of enhancing the internationalisation of Russian universities. Guest lectures, international seminars and conferences, international summer schools at Saint Petersburg State University demonstrates that the successful attraction of Chinese specialists may be more efficiently organised and achieved through personal contacts than through the international departments of the universities.

The wide publicity of the joint Sino-Russian educational projects also helps to increase the number of Chinese students who are interested in studying in Russia and/or in Russian. The same brings more and more Russian students each year to China. When evaluating the experience of Saint Petersburg State University, we might notice that the number of Chinese students is also gradually rising year-on-year. There was a particular increase in the time of the pandemic. Our University succeeded to provide access to all the types of classes and other educational activities to all the Chinese students who could not come to Russia due to travel restrictions. A live webcast was organised for all classes held offline.

Over the past 10 years, the number of Chinese students has been growing from 500 to 2,000 per year, and the variety of educational programmes chosen by Chinese applicants has expanded 15-fold (previously the Chinese chose mainly programmes in philology and linguistics, whereas now it is also the arts, mathematics, international relations, management, economics, biology, etc.).

The number of educational programmes with a “Chinese component” increased from 16 to 60 during the same period (representing now 1 in 14 educational programmes at the University). Today at Saint Petersburg State University, new programmes devoted to Chinese studies are being launched, including Economics (with in-depth study of the Chinese economy and Chinese language), Law (with in-depth study of Chinese language and Chinese law), Organization of Tourism (with Chinese language), International Management (with the study of European and Oriental languages), and many others. At the present moment, around 1,000 students of Saint Petersburg State University learn the Chinese language, which is a triple increase since 2009. The experience of organising programmes with a “Chinese component” will be considered in more detail further on the example of the Law programme.

Academic mobility of scientific and pedagogical staff between Saint Petersburg State University and research and educational organisations of China also demonstrates a positive trend. The academic mobility of scientific and pedagogical staff from Chinese universities to Saint Petersburg State University is 120 people annually, which is more than 10 times higher than in 2009. Every year, about 160 Chinese scientists visit the university to participate in scientific conferences, which is also 10 times more than in 2009.

### 3. Recent challenges for the implementation of joint educational programmes

To date, Russia and China have implemented around 125 Sino-Russian joint educational programmes and approximately the same number of Russo-Chinese programmes.<sup>6</sup> A great part of these programmes is carried out by Saint Petersburg State University. Further, we will briefly discuss the issues that recently emerged in the implementation of these programmes on the example of the undergraduate programme “Law (with in-depth study of Chinese language and Chinese law)”. This programme has been run by SPbSU since 2016, attracting more students each year, including many from China. The study of the Chinese language is a large part of the programme. The network of partners from Chinese universities and the agreement with Confucius Institute in Beijing served for years as the necessary platform for sending our students to China to learn the language (either for one semester or for short-term educational visits). The pandemic and the following travel restrictions did not allow for such stays last year. The impossibility to foresee the Chinese approach to the question of lifting travel restrictions for students has led to uncertainty as to how to organise student exchanges this year as well. The same uncertainty applies to the internships planned in Chinese consulting companies. Many companies from Beijing and Shanghai, very much interested in hiring our students in 2019, are not ready to switch to the remote mode of such internships.

Another important issue for the programme is the general decrease of Chinese investments in the Russian economy and the same trend for Russian business in China. In 2017, Russia was one of the top 15 investment destinations for Chinese companies and is one of China’s top ten partners in terms of accumulated investment under the One Belt, One Road initiative.<sup>7</sup> However, even before the pandemic, total direct foreign investment from China in Russia collapsed by 24% according to the Russian Central Bank statistics.<sup>8</sup> The trend worsened during the pandemic.<sup>9</sup> The fall of cross-border economic activities might in the short-term period influence the labour market and reduce the demand for specialists with the knowledge of both Russian and Chinese law.

### Conclusions

The experience of cooperation with China has demonstrated that joint projects are win-win activities, enhancing the potential and the qualifications of the teaching staff, giving new opportunities to both Russian and Chinese students. Thanks to international integration in the field of science and education, the internationalisation of curricula and academic mobility, the introduction of digital technologies and institu-

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6 Guruleva T.L., Bedareva N.I. Cooperation between Russia and China in creating network universities and joint educational institutions // Higher Education in Russia. 2019. T. 28. № 4. C. 108-123.

7 Sizykh E.Yu. China’s Direct Investment in the Russian Economy: Dynamics, Structure, Influence Factors // Bulletin of Eurasian Science, 2019 No. 2, <https://esj.today/PDF/78ECVN219.pdf>

8 Chinese investors are fleeing Russia. 04.06.2019 <https://www.finanz.ru/novosti/aktsii/kitayskie-investory-begut-iz-rossii-1028252462> (accessed 10.03.2021).

9 United Nations Conference on Trade And Development From Global Pandemic to Prosperity For All: Avoiding Another Lost Decade. Report 2020 [https://unctad.org/system/files/official-document/tdr2020\\_en.pdf](https://unctad.org/system/files/official-document/tdr2020_en.pdf)

tional partnership, our countries can significantly increase their competitiveness in the international arena.<sup>10</sup> Even though the pandemic and the recent decrease of trans-border economic activities and direct investments between the two countries currently influence the implementation of certain projects and educational programmes, we believe that in the long term perspective all the challenges referred to in this paper will be overcome. Experts note that a careful, gradual, and transparent reopening process is likely to be optimal to both minimise the healthcare costs of the pandemic and increase the chances of a faster recovery.<sup>11</sup> Counting on the wise approach of both China and Russia to lifting pandemic restrictions, we might be optimistic in evaluating the perspectives of collaboration in the post-Covid future.

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## Openness and Localization: Modern Legal Education in China

“Global education” and “remote learning” are common phenomena occurring in modern education. After the outbreak of Covid-19, new technologies, including online teaching platforms, online conference systems, smart campus systems, more convenient E-libraries have been rapidly implemented into daily educating activities. “Teaching and learning together” gained new meanings. When everything takes place online, situations that we used to think must be dealt with face to face can now be done together in a virtual conference room. The world is open and connecting with each other has never been so easy.

What kinds of changes are brought into legal education because of this new trend? How to evaluate the impact of new technologies on traditional legal education? When AI experts, big legal databases, open online courses are becoming common to our daily teaching and researching, how to find our grounds to hold the meaning of education, without being drifted away by the dazzling array of new technologies?

This paper will look back a bit further into the process of modernization of Chinese legal education, try to identify some historical rules and principles, and help us understand the current situation in a social and historical context. The core idea is if the new trend is nothing but a single part of a historical process, then we only need to cope with the development and maintain our original objectives of legal education.

### 1. Westernization: The Beginning Stage of Modern Legal Education in China (1840-1949)

Transforming from the traditional legal system to the modern legal system occurred in the late 19th century in China. Legal education transformed accordingly. Looking back to the infancy stage of modern China, the modernization of legal education can be seen as synonymous to westernization.

In 1867, American missionary William Alexander Parsons Martin (1827-1916) translated into Chinese and taught the *Elements of International Law* in The School of Combined Learning Peking (京师同文馆), which marked the beginning of modern legal education in China.<sup>1</sup> Beiyang Western Studies School (北洋西学学堂) was built in 1895 and was the first School with law specialisation in modern China. Statutes and Precedents

<sup>1</sup> See Wang Weijian, 1984, “W. A. P. Martin and School of Combined Learning Peking.” *Journal of Sun Yat-sen University (Social Science Edition)*, [2]:100-112.

Studies were taught there. The Chinese modern educational system was established in 1904, following the promulgation of the Outline of Educational System (学务纲要). Before the collapse of the Qing Dynasty, the Zhili School of Law and Politics (1905) and the Peking Imperial Law School (1906) were established in Tianjin and Beijing; most of the teachers were Japanese or Chinese that came back from Japan.<sup>2</sup>

If we take a quick glance at the statistics concerning legal education in China before 1949, we can see that more than 1/3 of the higher educational institutions were Schools of Law and Politics and half of the students in universities were from Law Schools in 1909.<sup>3</sup> Due to the Civil War and World War Two, from 1912 to 1949, the proportion of Schools of Law and Politics in the total number of Universities decreased from 56% to 20%.<sup>4</sup> Some graduates from these modern legal education institutions played important roles in the development of China. Wang Chonghui (1881.10.10. - 1958.3.5), recruited in Beiyang Western Study School in 1895, was the first university diploma winner in modern China. He served as Minister of Foreign Affairs, Acting Prime Minister and State Prime Minister of the Republic of China, and was the first person in China to serve in the Hague International Court of Justice.<sup>5</sup>

From the early stage of modern legal education in China, we can conclude the following: first, the rise of legal education in modern China is part of the process of westernization which began in the middle of the 19th century; second, Legal education is an important part of the early establishment of China's modern education system; third, the development of legal education has helped China to speed up the process of modernization, and also helped China to improve its international influence.

## **2. Localization and Globalization: Establishment and Development of Legal Education in P.R. China (1949-)**

After the birth of People's Republic of China, building socialistic political, economic, and social systems was crucial to the new country. It started from imitating the Soviet Union, and then embarked on a journey to discover its own character, and gradually found its position in the world. If I may, I would like to define it as a process of localization and globalization occurring simultaneously. Especially after 1977.

Since 1992, China's legal education has flourished and developed. An advanced educational system and a pluralistic educational model have been formed.<sup>6</sup> In terms of quantity, China is currently a giant of legal education. There are 628 Law Schools and 609,628 enrolments in 2019.<sup>7</sup> The number of students in law schools increased steadily from 2015 to 2019, and the number of students enrolled has increased by an average

2 Hou Xinyi, 2004, "Japanese Influence on the Legal Reform in Late Qing Dynasty", *Review on Law and Social Development*, [5]:34-45.

3 See The Ministry of Education, 1934, "The First China Education Year Book", *The Kai-Ming Book Co, Ltd*, (Part C):143-144.

4 See The Ministry of Education, 1934, "The First China Education Year Book", *The Kai-Ming Book Co, Ltd*, (Part C):145-146.

5 See Zhang Sheng, 2016, "The first jurist in the Period of the Republic of China", *People's Court Daily*, 18 March.

6 For details, see "The Status of China's Legal Education" ed Xu Xianming, China University of Political Science and Law Press, 2006, Part One Retrospect of Chinese Legal Education.

7 See Ministry of Education of the People's Republic of China, "Number of Regular Students for Normal Courses in HEIs by Discipline", [http://www.moe.gov.cn/s78/A03/moe\\_560/jytjsj\\_2019/qg/202006/t20200611\\_464767.html](http://www.moe.gov.cn/s78/A03/moe_560/jytjsj_2019/qg/202006/t20200611_464767.html), [Accessed:30th March 2021].



of 2.65% per year. The sum of full-time teachers of law in colleges and universities had steadily increased year by year from 2016 to 2019, with an average growth rate of about 3.85%.<sup>8</sup> In 2019, the total number of full-time teachers increased by approximately 4.67% year-on-year, amounting to 86044.<sup>9</sup>

I would like to say China's legal education is unique, not in a closed manner, but due to its own historical situation, due to legal profession's own characters.

### A. Domestic law focus

Legal education mainly focuses on domestic law. There are abstract and concrete reasons for this. The abstract reasons include local democratic pressure on legislation and also on legal education, the assumption that "legal education serves local people". And also, legal education needs to take a national position, we can say "national interest priority". The concrete reasons are as follows:

- a. Lack of legal personnel: as statistics show, after the cultural revolution, only 9 law schools were left in China, and after that law schools grew fast, but still, there was a significant gap between the number of graduates and the need for legal professionals. The main objective of legal education was to produce qualified graduates to fill the gap created. Therefore, Law Schools mainly focus on the training of legal professionals with domestic law background.
- b. The solution of legal disputes is mainly based on the domestic law, and the legal practice mainly requires domestic legal knowledge.
- c. The phenomenon of monopoly of legal profession is common, such as the nationality requirement of judges and the practice requirement of lawyers. Let's take National Judicial Examination as an example: in China, engaging in legal related work requires taking the National Judicial Examination to obtain the Legal Professional Qualification Certificate (LPQC). The pass rate is 13%.<sup>10</sup> A person can take the exam only if they fulfil the following conditions:

The first requirement is to be a citizen of the People's Republic of China. The other requirements include: full-time undergraduate degree in law and bachelor's degree or above; full-time undergraduate degree or above in other majors and master's degree or above in law; full-time undergraduate degree or above in other majors and three years of legal work.<sup>11</sup>

8 See "Education Statistics Yearbook of China", ed. Liu Changya, Li Jiancong, *China Statistics Press*, 2016.pp.52; "Education Statistics Yearbook of China", ed. Liu Changya, Li Jiancong, *China Statistics Press*, 2017.pp.54; "Education Statistics Yearbook of China", ed. Liu Changya, Li Jiancong, *China Statistics Press*, 2018.pp.54; "Education Statistics Yearbook of China", ed. Liu Changya, Li Jiancong, *China Statistics Press*, 2019.pp.55.

9 See "Education Statistics Yearbook of China", ed. Liu Changya, Li Jiancong, *China Statistics Press*, 2019.pp.55.

10 From 2016 to 2020, a total of 3.13 million people has signed up for the legal professional qualification examination (judicial examination), and more than 420,000 people have passed the legal professional qualification examination. The pass rate is 13%. See "The pass rate of the legal professional qualification examination is 13%", <http://www.fxcxw.org.cn/dyna/content.php?id=18671>. [Accessed:30th March 2021].

11 "Implementation Measures for the National Uniform Legal Profession Qualification Examination", *Order No. 140 of the Ministry of Justice*.

To my knowledge, there are similar requirements in many other countries. These thresholds for legal professions have huge impact on legal education. First and foremost, legal education is an elite education; second, cooperative effort is the only way to deal with transnational legal disputes; third, the more focus on a specialized area the more valuable a legal professional is.

## **B. Embrace Globalization**

Nevertheless, economic globalization has brought about profound adjustments, the force of internationalization wraps up everything. China has no other alternative but to embrace globalization. We can identify the tendencies in legal education as well:

- a. The reference or transplantation of rules and systems of other countries. The Chinese legal system is a socialistic system, but at the same time it has the characteristics of a civil law system due to the beginning of modernization when it was strongly influenced by Japan which was influenced by Germany. So, you can recognize many concepts, institutions, and methods from the civil law system. The popularization of Legal hermeneutics in China was somehow influenced by the German legal theory.
- b. Legal support for trade. The transnational nature of economic exchanges requires knowledge of other countries« domestic laws and international laws as well. Law is a system of rules that regulate social relations. When social relations change, law changes accordingly. When the economic market is open, the law is open too.
- c. Exchanges and cooperation of legal professionals. Judges, lawyers, prosecutors (China), legal academics belong to the legal profession. Their exchange and cooperation between different countries are crucial for mutual understanding.
- d. Global governance of international organizations. China is a member of the UN and other international organizations. Global governance has its influence in China.

How does legal education reflect globalization in China? First, we could point to the subjects which most of the Law Schools provide: Jurisprudence; Civil and Commercial Law; Criminal Law; Economic Law; Procedural Law; Constitution and Administrative Law; Environmental and Resource Protection Law; International Law; Legal History; Military Law, etc. There are no difficulties in communicating with any other foreign Law School.

Second, teaching in foreign languages. Legal professional vocabularies are huge obstacles to legal study overseas. Most of the Universities in China provide foreign language courses to foreign students. Although foreign citizens cannot take the National Judicial Examination, but still, they have the knowledge of the Chinese legal system as a background to find a career in other professions. I would like to take Jilin University School of Law(my School) as an example. We provide the following English courses to foreign students: Human Rights Law; Constitutional Law; Legal Theory; British Company Law; International Relations and

International Law; Judicial Systems; Company Law; Antitrust Law; Labor Law, etc.

Third, Government scholarship. Chinese government provides scholarship to support studying and researching in China. Universities in China compete with each other to recruit the most talented youth, various financial programs are established by the Ministry of Education to support foreign students to study, even find a life in China.

Forth, active engagement in international collaboration. There are some universal, established ways to collaborate with our partners worldwide: cooperative research, students exchange, visiting scholars; many international conferences are bridges between common interests and individual ideas. International research platforms that help to shape the academic community worldwide are also worth mentioning.

With the development of new technology, such as Big Data, internet, learning analytics, the common ways of international collaboration become somewhat traditional.

### **3. Challenge and Opportunity: New Era of Legal Education**

If we truly turn to each other despite the political, economic and cultural conflicts, what are the challenges and opportunities the New Era brings to legal education?

The New Era is an information era, big data era, and post-covid era. New technology and new ideas bring challenges as well as opportunities to legal education.

#### **A. Challenges**

First, flexibility. Learn everywhere, with or without textbooks, inside or outside campus; learn with anybody, many open online courses are free (low price) and easy to obtain, some even are high quality systematic teaching; analysis with Big Data help, or AI expertise, some complex analysis methods become easy to deploy. Learn in any life phase, it is lifelong education, today, knowledge and skills are being updated at an unprecedented rate. It means people can not expect to gain a lifetime knowledge and skills through the education in universities.

Second, diversity. Students come from all parts of the globe, they hold different values, speak different languages; teaching institutions are diverse too, there are many untraditional legal training institutions: judicial examination training institutions, legal professional skills training institutions attached to Courts, and prestigious law firms.

Third, innovation and transformation. New legal issues, such as facial recognition, massive violation of right to privacy, high intelligent crime; rapid development of inter-disciplines; and various international conflicts, economic and political. Role models, such as America, UK, etc., are losing its status and becoming a thing of the past. The world is changing, old powers are challenged by new rising forces. The world governing systems are challenged by the new idea of a fair and just order.

## B. Opportunities

There are challenges but also opportunities.

Efficiency. Legal education is more efficient, low cost, sometimes customers only need to pay a very low price to buy good online courses, due to the huge amount of buyers. Legal education becomes easy to be accessed, and anyone wanting to learn law can find useful sources, thus the level of legal knowledge of citizens has gradually improved. Big Data helps to study and teach law, there are more than one a billion judgements on the database of China Judgements Online (<https://wenshu.court.gov.cn>), it is a gold mine for any research. In China, when most of the judgements became accessible online after 2014, it even changed the methodology of legal research, from value law to positive law.

Possibility. Citizens who want to learn law have more choices; Law Schools who want to expand their size have more choices; students who don't want to idly sit in the classroom have more choices; Targeted training can be obtained by people who have special needs. The Law Schools are far more inclusive now than they used to be.

Development. New technology brings strong extrinsic motive to the development of legal education, comparative study can be more popular, people worldwide can connect easily with one another and learn together; the language barrier is less unconquerable in the legal profession. Legal research areas are expanding dramatically, new interdisciplinary area grow fast, such as Law+AI, Law+Genes, etc.

## C. What can we do as a Law School and an educator?

First, acknowledge the competitive advantages of Law Schools and protect traditional legal education. Can judicial artificial intelligence substitute the judges and prosecutors? To some extent, yes. But not all, not soon. Can the environment of Universities with rich history be substituted by online teaching institutions? In the short term, yes. But not for a long period, not continually. I want you to know how much I wish you could come back to my campus and I hope you feel the same. To keep the competitive advantage of Law Schools, we need to use Smart Teaching strategies: to offer systemic study on legal theory; to cultivate students' ability to use legal wisdom to solve legal conflicts; to help students build the ability of finding the essence through the phenomenon.

Second, take advantage of high technology. We need to fully understand how profound impacts new technology brings to legal education, long distance teaching is more common; online courses become normal, we no longer compete with colleagues next door, but we are involved on a nationwide, even worldwide level; one-to-one tutorials should be moved online as well, and then we can provide quality education.

Third, teaching and researching should be more responsive. Rapid response and problem focus will help us quickly perceive the developing needs of legal education, such as massive information gathering and massive information leak due to the lockdown of epidemic crisis; Online teaching and conferences have re-

duced the cost of academic communication, including researchers and students exchange; we have more opportunities to take a flexible approach to organize students exchange programs.

#### **4. Conclusions**

One day, when I drove to my campus, I heard a radio program that discussed the Sino-Euro, Sino-Asia Cargo Railway. It occurred to me as a perfect example to illustrate the openness and localization of modern legal education in China. It is open because the world is open, world market connects different countries, law cannot separate itself from the facts of globalization. It is unique, not only because China is a socialist country, but also because its geography, its products, its tradition, its development phase, its legal system. I would like to call it localization. Localization and globalization are the different sides of legal development. The challenges of the new era add a lot of new elements to the legal system, but they do not change the foundation of the law. Domestic law focus + internationalization in the long run will always be the character of legal education. China or the other countries will all be on the same page.

**Dr Steve Terrett***Director of Studies**British Law Centre**Faculty of Law and Administration, University of Warsaw***The British Law Centre: 30 years of teaching (and learning from) foreign students**

This article attempts to summarise 30 years of experience<sup>1</sup> of the British Law Centre<sup>2</sup> (BLC) in teaching English law and legal skills to students from a wide range of countries predominantly, though not exclusively, in Central and Eastern Europe (CEE). None of the comments herein are intended to suggest that the BLC possesses some secret formula to ensure the success of educational projects involving the teaching of foreign law. Far from it. Those involved with the BLC's management and activities are perfectly aware that trying to identify a magical formula is as elusive as trying to find the proverbial pot of gold at the end of a rainbow. And insofar as the BLC's continued existence indicates at least some degree of success, we must be humble enough to realise that this has been a result of good fortune just as often as a result of good judgment. Nonetheless, the length of the BLC's existence does permit some general comments to be made which may, or may not, be of use to some other educational service providers.

Changing politics (global, regional and national), changing educational trends and changing student expectations ensure an ever-changing landscape against which educational services are provided. This creates both challenges and opportunities and it is sometimes necessary to embrace the chaos and use it as motivation for making useful changes to a course or institution. At the very least, educational organisations and projects must do their utmost to avoid fossilisation. To do that, it is necessary to adapt to the challenges and opportunities that life presents in a way that best reflects the project's deep-seated or 'constitutional' roots whilst also trying, insofar as possible, to meet its contemporary students' expectations. That is not much of a secret nor anything near as exciting as a magical formula. It is something that requires constant self-reflection and hard work, combined with a significant degree of guesswork and, at times, pure luck. With those caveats in mind, allow me to proceed to briefly describe the origins of the BLC and to summarise some of the lessons we have learned over the years of teaching English law and legal skills in Central and Eastern Europe.

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1 Although the British Law Centre was formally incorporated in 1992, the first teaching of the "English law school", as it was originally known, at the University of Warsaw, Faculty of Law & Administration, took place in the 1991-1992 academic year.

2 For further details of the British Law Centre, see: [www.britishlawcentre.co.uk](http://www.britishlawcentre.co.uk)

## The origins of the British Law Centre

The BLC first began teaching English law at the University of Warsaw in 1992. It was the brainchild of His Honour George Dobry QC CBE, a Polish-born lawyer, judge and philanthropist who emigrated to the UK as a young man when World War II broke out<sup>3</sup>. The BLC's formal institutionalisation happened in 1992, following a one-year experiment organised by Judge Dobry, whereby a group of English academics came to Poland to teach English law to students of the Faculty of Law & Administration of Warsaw University (UW WPiA), the University at which he would, if not for the War, have completed his studies.

This experiment was successful, in the sense that the teaching content and methodology proved popular and, before the course was finished, other students had heard about the 'English Law School' and wanted to sign-up for the next academic year. As the experiment was only envisaged to last for one single year, this required some quick thinking and skilful organisation.

Judge Dobry's desire to build academic bridges between Poland, as his birthplace and spiritual home, and the United Kingdom, as his professional and family home, were given a tremendous boost when Professor William Cornish QC CMG, of Cambridge University, agreed to become involved<sup>4</sup>. Professor Cornish, as the first director of Cambridge Law Faculty's Centre for European Legal Studies ("CELS"), ensured that the BLC acted firstly under the auspices of CELS and then as part of Cambridge University's Institute of Continuing Education ("ICE"). Professor Cornish was amongst the signatories of the cooperation agreement which officially created the BLC, as was Professor Jerzy Harasimowicz, representing Warsaw University. Another signatory was His Royal Highness Prince Philip who attended the signing ceremony at the University of Warsaw and, signed the BLC's 'birth certificate' in his capacity as chancellor of the University of Cambridge.

Professor Cornish also helped to create and run a dedicated educational charity, *Juris Angliae Scientia*, (JAS) which, aside from the Universities of Cambridge and Warsaw, became the third partner to the BLC cooperation agreement. Since then, JAS has been responsible for the BLC's day-to-day organisation and course delivery<sup>5</sup>. Professor Cornish was the BLC's academic soul and inspired thousands of students in Warsaw when he visited to give lectures. Although he has now retired as a director of JAS, he still remains a member of the charity.

JAS's board and membership has, over the years, included numerous academic staff members of Cambridge University's Law Faculty, senior members of the English judiciary and Bar, and other renowned lawyers. Lord Carnwath, a Justice of the UK's Supreme Court and a close friend of Judge Dobry, has been the Chair of JAS's members for many years.<sup>6</sup> During his various visits to Warsaw, Lord Carnwath has delighted the BLC's

<sup>3</sup> For a brief summary of HH Judge Dobry's career, see: <https://www.telegraph.co.uk/obituaries/2018/04/16/george-dobry-judge-obituary/>

<sup>4</sup> For a brief summary of Professor Cornish's career, see: [https://en.wikipedia.org/wiki/William\\_Cornish\\_\(legal\\_scholar\)](https://en.wikipedia.org/wiki/William_Cornish_(legal_scholar))

<sup>5</sup> JAS's other project – the Central and Eastern Europe Moot Competition (CEEMC) is also worth of an article in its own right, but the restraints of the present work do not allow this. For further details, see: [www.ceemc.co.uk](http://www.ceemc.co.uk)

<sup>6</sup> Lord Carnwath of Notting Hill became a Justice of the Supreme Court on 17 April 2012. He formally retired from the court on 15

students by lecturing, given conference papers and even presiding over BLC graduation ceremonies.

Put simply, having intended to be a one-year project, the positive impressions made by a group of visiting UK academics in the 1991-92 academic year resulted in the British Law Centre becoming an established part of UW WPiA. Warsaw has been the BLC's home for the last 30 years. It has also been home for numerous lecturers who came to work at the BLC at UW WPiA before going on to have illustrious legal and academic careers, as lecturers at Cambridge, Oxford and other renowned UK Universities. For those many illustrious guests who have visited UW WPiA to teach at the BLC over the years, Warsaw has been a home from home.

### Geographical Expansion

As the history books indicate, notwithstanding how comfortable the British may feel at home, it is likely that their wandering spirit will lead them to seek adventure elsewhere. In this sense, the BLC is no different and quickly expanded the geographical scope of its teaching activities in the first. Since 1992, the BLC has taught courses and/or organised the CEEMC moot competition in multiple other countries throughout the CEE region. Aside from Poland (which continues to represent the BLC's equivalent of Blighty), the BLC has been active in Bulgaria, Croatia, Czech Republic, Georgia, Hungary, Latvia, Lithuania, Luxembourg, Malta, Romania, Russia, Slovakia, Slovenia and Ukraine. The covid-19 pandemic encouraged us to create a purely online course for the first time in 2020-21, which resulted in us teaching classes involving students based *inter alia* in France, Germany and the United Kingdom. In that same year, we also began online teaching to students located in multiple cities in China. All in all, we have brought the pioneering British spirit to our educational endeavours, but thankfully without any of the ugly connotations of imperialist expeditions from more distant history.

### Subject-Matter Expansion

Aside from the BLC's having increased its geographical reach, recent years have also seen the BLC expand the range of courses it offers. The *Diploma in English Law and Legal Skills (DELLS)* ran for the first time in 2018-19. In 2019-20, we also commenced a new *Commercial Law Diploma (CLD)*. Both have been enormously successful and have allowed us to both respond to our students' changing expectations and, simultaneously, remain ahead of the curve in comparison with many other courses that students might otherwise have chosen to attend.

The expansion of subject-matter manifests itself most clearly in the titles of some of the modules that have become regular parts of the BLC's teaching curriculum in recent years. Oral and written advocacy in liti-

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March 2020 but, as is the tradition of the Court, continues to sit on cases and deliver judgments. For a recent example of a case in which he sat, see: *Shannon (Appellant) v Rampersad and another (T/A Clifton House Residential Home) (Respondents)* [2021] UKSC 8 of 19<sup>th</sup> March 2021. Prior to joining the Supreme Court, he studied at Trinity College, Cambridge, and enjoyed an extremely successful career at the Bar, both as a junior barrister and later (from 1985) as a Queen's Counsel. He was Attorney General to the Prince of Wales from 1988 to 1994, a judge of the Chancery Division (1994 to 2002) and Chairman of the Law Commission (1999 to 2002). He was appointed to the Court of Appeal in 2002 and between 2007 and 2012 was Senior President of Tribunals and led the planning and implementation of the reforms of the tribunal system following the Leggatt report.



gation, negotiations, contract drafting, client interviewing, mediation and preparing client memoranda or oral advice have all become courses on the BLC's educational menu. Such practical, skills-orientated, subjects have become complementary to the more traditional subjects that have been taught since the BLC's earliest days, namely: constitutional law, contract law, tort law (negligence liability), trusts, company law, IP law, aspects of EU law and international litigation.

The changing nature of the BLC's course curriculum is merely one of a series of important changes which were introduced due to feedback from students on how the BLC could improve. In many important ways, the BLC's ability to successfully stay afloat and navigate dangerous waters where many other educational service providers have run aground or sunk over the past 30 years is directly due to valuable input from our students. The importance we place on asking, listening and implementing our students' feedback has perhaps been the greatest single element in the BLC continuing to survive and thrive. It is to this topic that I turn next.

### **Know Your 'Clients'**

In the modern world of commerce, it is increasingly likely to be met with a series of obligations which revolve around the concept of *Knowing Your Client* (KYC)<sup>7</sup>. The purpose of such obligations is largely to avoid fraud, money laundering and terrorist funding. The essence of such rules is to impose obligations on companies to perform due diligence to identify the people or companies with whom they intend to conduct business. In this sense, the scope and rationale of KYC obligations are clearly not directly comparable to the relationship that exists between educational providers course and their students. However, I would suggest that a crucial element of the likelihood of any educational course's survival is the duty to know your students – 'KYS obligations', if you will.

Whereas KYC rules are compulsory ('obligations') and designed to protect a greater interest, such as combatting money laundering, KYS 'obligations' are neither of these. They are simply good practices which help educational service providers to gather information from the 'users' of their 'products'. Such information will hopefully be capable of being used to improve the quality of the provider's course or institution itself. Although KYS may positively impact on higher norms, such as by contributing to educational quality standards in general, their true purpose is more self-serving than altruistic. Rather than seeking to protect any 'higher good', they aim primarily to protect the teacher, course or institution applying the KYS techniques. Any beneficial impact on society in general is, truth be told, collateral to the more 'selfish-gene' aims. However, the benefits that this provides to students is undeniable, albeit that the students who provide the beneficial information have often left the course by the time the helpful changes they inspired have been implemented.

This brief article is not the place to fully explore the potential scope of KYS obligations.<sup>8</sup> For now,

<sup>7</sup> In the UK, for example, such obligations are contained in the Money Laundering Regulations 2017 (see <https://www.gov.uk/government/consultations/money-laundering-regulations-2017>) and at an EU level, various AML (Anti-Money Laundering) obligations are laid down by *inter alia* Directive (EU) 2015/849 on preventing the use of the financial system for money laundering or terrorist financing (4th anti-money laundering Directive).

<sup>8</sup> Perhaps KYS *techniques* would be a more apt description, given their non-obligatory nature. However, just as breathing is not a formal

it suffices to say that the concept of KYS represents a toolkit to help ensure that an educational institution, course or teacher continues to be perceived as relevant and valuable by their target-audience - i.e. their student 'clients'. If the use of marketplace language offends, it is perhaps worthwhile considering how, like it or not, education has undeniably become commodified in recent years and subject to the normal pressures of any competitive marketplace<sup>9</sup>. Such commercial language merely reflects the realities of the current situation.

### **Students as 'clients'; universities as 'service providers'**

In most countries, higher education is increasingly likely to be a fee-paying service, whether provided by public institutions or private suppliers. By having adopted the mechanisms of the marketplace (i.e. fee-charging), educational institutions or courses also place themselves at the mercy of the marketplace (i.e. their survival depends upon the existence of consumer demand). It is true that, just as in certain other important marketplaces (e.g. the energy market), state-provided subsidies provided to educational providers can compensate for a lack of genuine demand to some degree and for some period of time. However, aside from a very small number of crucial service providers who are shielded by governments at all costs from market forces, the time will inevitably come when subsidies are reduced or removed, and a service supplier is left to survive, or not, based on their ability to attract consumers.

Consciously or subconsciously, when paying their fees, students are transformed into customers.<sup>10</sup> Historical and socio-cultural factors may temper the extent to which those students expect marketplace functionality and responsiveness from public ('state') universities, but such expectations certainly exist in relation to private education, including everything from private universities to yoga lessons.

From having had the privilege to travel throughout multiple CEE countries over the last 22 years, and having spoken with generations of students in multiple educational systems undergoing rapid transformation, I can attest to the fact that such expectations are also developing, or developed, in respect of public education. In some countries, this change has happened quicker than in others, but the general trend is undeniably towards an approach whereby students' opinions of education providers are based on many of the same criteria they use to assess other services or products, namely: quality, enjoyment and value for money. Any provider of educational services which ignores this truism does so at their peril.

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*obligation*, but rather a tried-and-tested survival technique with proven success, the fact that such KYS techniques lack any formally binding quality should be thought to mean that they are unimportant.

<sup>9</sup> There is much debate to be had about whether such 'educational commodification' is a good thing. Speaking personal, I have my doubts, particularly as regards the adverse impact this can have on the availability and popularity of less vocational subjects, such as arts and humanities. However, this brief article is not the proper place to conduct such a macro level debate.

<sup>10</sup> Naturally, the extent to which this is true may – and will – differ from country to country and course to course. By way of example, when I began University studies in 1990, all courses were free of charge and most students 'student grants', being an amount of money (income) paid by local government to University students, to compensate for the fact that, unlike their peers who chose not to commence higher education, they would be unable to earn income via full-time employment for the duration of their studies. Students from poorer families, including me, received sufficient money to cover their living costs, including an occasional alcoholic beverage. The Student Loans Company was also created in 1990 and started to loan supplementary income to students. Student grants were frozen at the 1990 amounts, and therefore decreased in real value over time, and were eventually replaced almost entirely by loans.

This is not a phenomenon limited to the CEE region. In the UK, contemporary students differ tremendously in their attitudes to education from those alongside whom I studied 30 years ago. They are no longer content to merely ask themselves (or the teacher) ‘*what* are we studying today?’ but are increasingly likely to ask an additional, and much more important, question – ‘*why* are we studying this at all?’ The current generation of students highly values the *utility* of their studies, and who can blame him? Within a few years after graduation, they will soon realise (if they do not already) that potential employers will not be ashamed of asking them how *useful* they and their knowledge will be to the employer’s company, or linking their salaries to the perceived added value they bring to the workplace. It should, therefore, come as no surprise that those same students also look at their studies and ask themselves what value it brings to them and their future employment possibilities.

Gone are the days when educational institutions could rely upon an endless supply of students, clamouring to be granted the opportunity (more – the *privilege*) to be allowed to study. No longer are students willing to accept any disrespectful, capricious or unprofessional behaviour from teachers of the kind their parents remember so vividly from their own university days<sup>11</sup>. Universities, faculties, institutions, courses and even individual teachers are all subject to ongoing assessments which impact on their ability to attract and retain students. Some assessments are official and organised by Ministries of Education, or other regulators. Others are, albeit unofficial, perhaps even more powerful. Negative comments about a teacher who is perceived by this year’s student cohort to be unprofessional can, via the magic of social media, markedly affect the popularity of that teacher’s course[s] in following years. Expensive and extensive PR marketing by any business can be undermined by online criticism from its previous clients<sup>12</sup>, and educational service providers are no different. The risk of ‘marketplace failure’ is the inevitable corollary of having commodified education and it is something which, in one guise or another, faces us all – from the large and most historic educational institutions, to modest-sized private schools or even individual teachers and courses.

## Raising the ALARM

With this in mind, and on the assumption that the survival of our institution, course or job is not something that will be unconditionally safeguarded by government actions or subsidies, our survival requires us to pursue a number of key actions which have KYS as their centre of gravity. They are perhaps best remembered by the acronym: *ALARM* and it is worth remembering that, unpleasant as it may be, the sound of an alarm is never the real source of the problem. Quite the opposite – alarms alert us to the existence of problems elsewhere which, left unchecked, could develop into more serious, sometimes fatal, situations.

<sup>11</sup> Of course, this was nowhere near a universal rule. Parents and grandparent may have far more positive memories of university than negative ones, and fondly reminisce about how pleasurable it was to be a student of Professor X or Y. A common theme, however, is that there was nearly *always* a problematic Professor Z, renowned for unprofessional or inappropriate behaviour which was widely-known and regularly repeated. The problem lies not in the existence of Professor Z *per se* (though many stories I have heard about university education in some parts of CEE pre-1989 involved behaviour which is quite shocking) but, rather, in the commonplace feeling that universities had no structures or policies to enable students to complain about Professor Z, nor any real desire to listen to any complaints.

<sup>12</sup> For example, the 2018 ReviewTrackers Online Reviews Survey found that negative reviews convinced 94% of consumers surveyed to avoid a particular business. For a review of a number of surveys which confirm this general statement, see: <https://www.forbes.com/sites/forbesfinancecouncil/2018/10/05/how-review-sites-can-affect-your-business-and-what-you-can-do-about-it/?sh=64ddbe8266ac>

The constituent elements of the *ALARM* approach are as follows:

- **Ask** (i.e. ensure that you regularly ask your students to provide honest feedback and provide platforms to enable and encourage them to do this);
- **Listen** (i.e. do not lightly dismiss feedback or complaints as ‘irrelevant’, ‘misguided’, ‘frivolent’ etc. until you have fully explored it and critically analysed your operations in light of such feedback, ideally with the input from independent, external advisers too)
- **Adapt** (i.e. where the feedback you receive demonstrates ‘client dissatisfaction’ in an area of your operations, implement appropriate adaptations. Where possible, precede this with consultations with the students themselves and return to stage 1 – i.e. Ask how the students themselves think the situation can be improved, or Ask for input on your suggested changes, and Listen carefully to the feedback you receive);
- **Review** (i.e. ensure that any changes to your operations – which can include personnel changes, delivering different course content, adapting teaching timetables etc. – are reassessed after an agreed period of time, to monitor the extent to which they have improved the situation identified in the student feedback)
- **Motivate** (i.e. seek to foster a positive attitude – from staff and students alike – towards any adaptations introduced. All changes will inevitably have both proponents and opponents, and it is often possible to pre-emptively avoid receiving future negative feedback by spending time to create a positive reception to the current changes<sup>13</sup>)

Being aware of the need for an *ALARM* is not the same thing as *enjoying* the process of hearing alarm bells ringing, nor should we expect it to be. It is often frightening, sometimes panic-inducing and occasionally downright painful<sup>14</sup>, but it remains crucial nonetheless. And, just as in real life we have all probably been forced to participate in a test-run fire alarm, and perhaps even heard other voices complaining (whilst forced to wait outside a faculty building on a cold November morning) about this being ‘a waste of time’, it is important to recognise how important such test-runs are. The alternative to such a ‘waste of time’ is to simply assume that the alarm is working perfectly, only to discover that, when it is actually needed, the building was half destroyed before the alarm activated. I hope that I need not further labour the fire analogy to make it clear what this could mean if, instead of a building, it is our institution, our course or our personal career which is burned to the

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<sup>13</sup> In my opinion, one exceptional example of this principle in action was when, following a decision by the UW WPiA to modify the way in which students can achieve the necessary ECTS points to graduate their studies. In a climate where it was far from clear that students would react positively to such changes, Professor. dr hab. Slawomir Żółtek (whilst acting as Vice Dean for Student Affairs at UW WPiA, prior to being appointed Prorektor for student affairs and educational quality at UW senate level) was extremely active on all social media, explaining the nature and reasons for such changes, organising Q&A sessions with students who were concerned or undecided about the desirability of such changes and generally spending much time creating a positive reception of the changes. This was, on the whole, an incredibly successful approach.

<sup>14</sup> Especially, for example, if student feedback indicates that problems exist with the content, delivery, organising, timing etc. of a part of your course which you *really* don’t want to change.

ground before we react.

### **The cynical rebuttal: part I**

At this point, it is not uncommon for some commentators (usually those who are the most vocal on those cold November mornings during fire alarm tests) to suggest that, as attractive as this may sound in theory, the reality is that students don't know what's best for them. The cynical commentator will suggest that, if educational organisations must unquestionably yield to the desires of their current students, we would soon all be required to abolish exams, double the length of the summer vacation period and ensure that luxury chocolate biscuits are provided during seminars. A brief answer to such cynicism is two-fold.

Firstly, I do not mean to imply that educational organisations must abandon their core values or principles simply because they follow a KYS strategy. The *ALARM* aspect of KYS does not require Law Faculties, for example, to quiver at the knees and wonder what to do if they receive feedback that there is 'too much law' in their courses. Equally, if feedback suggests that is perhaps 'too much history' in law courses, or 'too much theory', this does not *per se* mean that the institution or course is obliged to change. It does, however, mean that such feedback should be seriously assessed in terms of its frequency, consistency and veracity and that it should not simply be ignored without a full and frank discussion of the topic. The customer may not *always* be right, but we should strive to provide the customer the right to be heard and for their views to be given thoughtful consideration.

Secondly anyone who suggests that students, when asked about the ways in which their education can be improved, would be so flippant as to suggest lengthier holidays, fewer classes and more chocolate biscuits is either intentionally misrepresenting the true picture or uniquely cursed to have experienced such consistently frivolous feedback. My suspicion, and experience, tells me that the wider and the more frequent our student consultations are, the less likely such frivolousness is to occur. If, contrary to my suspicions, a teacher has received similar feedback for many years and from many students, perhaps the time has indeed arrived to think about giving fewer lectures or, at least, shopping for some truly amazing chocolate biscuits by way of compensation for not doing so. The wisdom of the group is, by and large, rarely wrong to such a consistent extent.

### **The non-cynical reality**

During many years of having sought and received student feedback, neither I nor other BLC staff have seen anything other than serious and thoughtful feedback from our students, barring a handful of counter-examples over a 20+ year period. That does not, however, mean that we have received no critical feedback whatsoever. Aside from being unrealistic, I think we would find it almost disappointing if our large cohort of students (comprising bilingual or multilingual people who voluntarily pay fees to study a complex foreign legal system and undergo lengthy and rigorous assessments, both written assignments and practical exercises, knowing that each year a number of students fail the course and need to repeat it in a subsequent academic year, for an additional fee) were incapable of finding *something* to complain about! I would suspect that we were

perhaps not properly teaching them the art of critical analysis and advocacy.

Having discussed the importance of feedback, and before providing some examples of changes implemented at the British Law Centre following student feedback, it is worth answering one very important question. How can reliable information be gathered from students?

### **How to Know your Students?**

The process of receiving useful student feedback is a combination of an art and a science. A common denominator of those two options is that they are often at their best when based on previous trial-and-error, whether by the artist/scientist themselves or by others in whose footsteps they are treading. Prepare to fail and to feel frustrated when first designing feedback forms, because they will rarely achieve the desired result at the first attempt. The BLC has certainly encountered a number of feedback problems, in terms of our design of the feedback form, and we will inevitably encounter such problems again in the future.

I believe that each course and each teacher should spend a serious amount of time thinking about which particular feedback they wish to receive and how their individual feedback form should best encourage students to reply and provide useful feedback. This is not a 'one size fits all' issue, but more akin to a tailor-made suit.

However, in our experience, a workable starting point for such considerations is to consider the 'standard interrogatives'. This means considering, at the very least, how the following factors would apply to any feedback you wish to receive about your course or your own teaching performance:

- **Who** should I ask to provide feedback? Consider the benefits of receiving information not only from current students (who are closest to the course at the present moment, and whose feedback has the quality of contemporaneity) but also from past students (whose feedback may avoid mere possibility of any fear – which can unfortunately sometimes occur amongst current students – that someone who provides negative feedback will be subject to 'seek and destroy' tactics by the teacher. Also, ask if you can enquire about potential future students to discover what they know or believe about the course. A few years ago, myself and other BLC teachers taught non-BLC classes at university purely in order to have the opportunity to speak to non-BLC students about what they knew about us and why they hadn't – until now – joined the course! Also consider using smaller focus groups as a supplement (pre-cursor or follow-up) to whole-group questionnaires, and to enable more intense backwards-and-forwards discussions – keep things varied to increase the chances of receiving quality information!

- **What** should I ask? This requires a great deal of thought and planning. The most well-constructed feedback forms are highly dedicated to individual products or services. The least useful are those that are the product of a 2-minute google search for 'feedback form'. As a course organiser, it is your responsibility to spend some time thinking about which issues/types of questions you wish to receive

feedback on. But don't forget that your students may have other ideas about what they think is important. Consider and deal with any possible mismatch of priorities between you and your students by either seeking their feedback on what should be in the feedback form (i.e. consultations on the design of the form itself, or by organising a competition to see which student can design the most popular feedback of the year) or, at least, by providing ample space for students to talk about issues that you may not have raised directly in your feedback form. This may require much more than a single question ('Do you have anything else you would like to tell us?') at the end of the questionnaire!

· **How** should I ask questions? Feedback is generally considered to be most reliable when it is provided anonymously. This is also the method the BLC adopts most frequently. However, this does not mean that there is no place for direct, face-to-face discussions. Don't be afraid to (also) ask students for their opinions during a conversation or class. Be aware, however that this requires sensitivity on the teacher's part and a good relationship to exist between the teacher and the class. Such a good 'working relationship' requires cultivation over the duration of the course. Consider starting to encourage students to give critical feedback by asking questions, as each class ends, such as: which part of today's discussion did you find most challenging, confusing etc.? How would you change this class if I asked you for some advice on giving it a fresh look for next year's students? Even if there is no/little feedback at first, you will have planted the seeds of your students consciously assessing the organisation, content and delivery of your classes (or, rather, *their classes*) and you will be giving the (honest) appearance of being genuinely interested in their feedback. That is a crucial pre-condition for them providing the useful feedback in more substantial half-way or end-of-year evaluations. It is unnecessary to have a degree in psychology to realise that people speak more when they feel that their thoughts are valued, and they are more likely to realise that their thoughts are valued if they receive direct and regular confirmation of this when you speak with them, meet with them, listen to them etc. Collecting a completed end-of-year questionnaire has certain weaknesses in this respect.

When considering *how* to seek feedback variety, rather than repetition, is often very important. Consider how written vs. spoken, quantitative (numerical) vs. qualitative (prose); online vs. offline and many other categories of feedback styles can be used to create a more holistic range of feedback.

· **When** should feedback be sought? Again, there is rarely a single answer to this question and it may depend upon what you are seeking feedback. If seeking feedback on materials in a course where various modules are taught consecutively, it is important to ensure that feedback is provided as quickly as possible – either during or immediately after the relevant study module. Waiting until the end of the academic year is almost certain to produce less, and lower-quality, feedback because students have other things on their mind by that time and are less able to remember the details which prove most useful to course organisers when updating materials. Conversely, if we seek to receive overall feedback about the entire course, it is of course necessary to wait until all teaching is completed. Give some time to formulate a plan of exactly which types of feedback you would find helpful and when it is best to

seek such feedback. Consider whether, in addition to the standard half-way or end-of-year feedback opportunities, possibilities exist for feedback at other times. Online apps can be used to create simple and anonymous feedback forms (or quizzes and other useful teaching tools) that take a few seconds to answer and can be done even during a class. But, also, be aware of the ‘feedback fatigue’ syndrome and consider how often it is realistically useful to ask your students for feedback throughout the year. Also consider how you can provide a year-round online feedback form, which can be completed whenever a student wishes and ask many times as they wish. For the less technologically-inclined, at least consider having a suggestion box permanently available and located somewhere that students need not fear being ‘caught’ putting a suggestion note inside it!

· **Why** am I seeking feedback? Whilst it is always rewarding to read positive feedback about a lesson, lecture or course, it is important to provide an opportunity – and even encouragement – for students to also provide negative feedback. Students may be happy enough overall with a course that they may omit to mention any problems which they perceived during their generally-positive learning experience. Without negative feedback, including from those who would generally rate a course highly, we may never know whether any problems exist, and we may lose the opportunity to remedy small problems quicker and easier than may be the case if they remain buried. Don’t be afraid to ask questions such as: *what was the worst aspect of the course? If you had to change something[s] about the course, what would it/they be and why?* Not only does this provide the most useful information when considering potential changes to a course, it also never hurts for teachers to be reminded of how it feels to read someone’s critical remarks about your teaching, materials or organisation. It should help to ensure that we remain empathetic and kind, yet critical if necessary, when next writing comments on students’ assignments!

In summary, it can be very difficult to design a feedback form which generates (i) a large number of replies; (ii) thoughtful *qualitative* analysis and suggestions to discussion with your team (iii) useful *quantitative* data which can be stored and used for inter-year comparisons of core performance markers (e.g. what was your overall level of satisfaction about the course from 1-10?). However, the difficulty of the task must be weighed against the value that properly-designed feedback opportunities can bring. The list of questions above clearly does not provide concrete answers, and would not be suitable for each and every course. When you first begin to design feedback forms, however, it can provide a useful set of anchor points to consider.

### **The cynical rebuttal: part II**

Without wishing to give too much of the spotlight to the author of cynical rebuttals, it is perhaps worth saying a few words to deal with the following argument: I don’t need to bother with any of this, because my university/faculty organises feedback forms and gathers anonymous information from my students directly.

The essential problem, in my view, with this argument is that it ignores the obvious fact that uni-



versity-wide questionnaires are, by definition, required to be drafted in a way which apply to a wide range of courses, from law to theology and sports coach training (depending upon the University). Faculty-level questionnaires are better in this respect, but still lack the specificity required to make positive changes to a course. Remember that your Faculty Dean (or relevant decision-maker) is not reading your students' feedback forms in order to later discuss with you how to further improve your course materials/delivery. More likely, it is part of a general staff review, to be acted upon at the level of employer-employee if it is problematic and forgotten about if the feedback appears acceptable. This is not intended to be a criticism of any Faculty's assessment procedures, but merely to point out the different *aims* of faculty-wide feedback forms and those which are course-specific. To claim that the existence of the former precludes the need for the latter is to entirely miss the point.

I remain healthily (I hope) sceptical about whether the BLC would be able to gather genuinely useful and specific feedback about our particular courses if, once a year, a standard-template and general feedback form were provided to students in the middle of a lecture, without students having any advanced notice of this being planned and therefore little time to gather their thoughts and provide truly reflective feedback. Students sometimes tell me that they can feel quasi-supervised when this happens, because their lecturer is at the front of the room when the forms are being filled-in. Moreover, as their feedback is provided only once a year, the exercise often does little more than gather information about a snapshot in time (i.e. the day on which the information is collected), and not necessarily from the full group of potential responders (i.e. someone who really dislikes the course in question may have stopped attending the lectures at which the questionnaire is distributed).

Most importantly, however, such questionnaires also often fail to glean the most important piece of information that is at the heart of feedback questionnaires in all commercial services – i.e. *what can we do better?* This is the quintessential core of feedback that course providers should wish to receive, so it is always worth consider the extent to which faculty-wide feedback forms will help in this regard.

Having spoken at such length about the importance of gathering as much information as possible from your current student 'clients', and ways in which this can be achieved, I feel it is now incumbent upon me to explain some of the ways in which students' feedback has led to changes in the British Law Centre's operations or policies.

I mentioned above that some fundamental changes have taken place in the content of our course curriculum, and how a new diploma was created with new legal-skills focused content, due to student feedback. Below are some further examples of student-initiated changes. They are not intended to be a comprehensive list of such changes, but merely to show that there are no sacred cows in terms of areas of potential criticism or suggestions that students can make to help us, collectively, continue improving the quality of the courses we provide.

### **Keeping things interesting: content**

When speaking to practising lawyers, the most common response one will hear in response to the question 'how are things?' is as follows: 'busy...but interesting'. Without the former of those adjectives, times would be financially difficult. Without the latter, they would be psychologically difficult. Based on considerable feedback we have received from students over the years, we know that the typical response to the question 'what is the BLC course like?' would also receive an answer such as: 'busy...but interesting'.

One way of keeping things interesting is to ensure that course materials are regularly updated. Law courses are both blessed and cursed by the fact that nothing in the law stays still. Law is always changing, whether due to activity by the legislature or the courts or, alternatively due to inactivity in the face of societal developments which indicate the need for legal change. This requires constant review and updating of course materials.

Another way of keeping materials interesting is to ensure that students are able to provide feedback on how they found the materials and which changes they would recommend to those materials for future years (in terms of *inter alia* the subject-matter, organisation, level of depth/complication, relevance to their current interests, relevance to their future professional interests etc.). When updating our materials to reflect new legal changes, we also review the student feedback and also attempt to incorporate any helpful student feedback insofar as possible. As mentioned above, this does not mean that we slavishly follow the demands of a frustrated student to 'remove [subject x] from the materials – I don't like it'. It does mean, however, that where feedback about materials is frequent and consistent, and where we feel we can meet the students' expectations without compromising the quality and cohesiveness of the materials, we will certainly do so. This results in changes to course material over and above those the teachers would make if left to their own devices and limited to monitoring legal updates.

### **Keeping things interesting: delivery**

In addition to keeping course materials up-to-date, it is important to explore new ways of delivering those materials to students. Experimenting with new delivery methods helps to avoid fossilization in terms of *how* information is communicated from teachers to students, which can be just as, if not more, important as the issue of *which* information is communicated. The worst lecture or class is where information is transferred from the lecturer's notes to the student's notes without having gone through the minds of either!

Student feedback has been extremely useful in making us aware of what students perceive to be good delivery of lectures and classes. To pre-emptively deal with another cynical rebuttal, any suggestion that students may not *know* what good lecture delivery is seems, to me, to be rather illogical. Even if we assume (I believe wrongly) that a student is 'objectively incorrect' to conclude that a lecturer's delivery method, whatever that be, is a good one, the result of that student's 'objectively incorrect' conclusion would be for them to give more attention to a lecture which they (subjectively) believe to be good. By definition, such greater attention

will achieve better results than an alternative method which the student found less appealing or stimulating. These better results prove that, ironically, the 'objectively incorrect' method proved to be subjectively correct because it resulted in greater attention and focus on the subject-matter. Voila – the student was correct after all!

Some of the BLC's students, at various CEE Universities, have told us that they sometimes prefer to have classes with younger, less-titled members of academic staff rather than with professors who are recognised as long-standing experts in the area<sup>15</sup>. Their stated reason has nothing to do with the level of knowledge of the more senior academics which is, unsurprisingly, much greater than junior academics but, rather, the more interesting teaching methodologies used by the junior staff members<sup>16</sup>. Such junior staff are more likely to ask the class to engage in interactive activities, group work, debates, student presentations etc. Overnight, the covid pandemic increased the importance of a teachers' willingness to explore teaching techniques which facilitate efficient learning. Some teachers, even at leading UK Universities, were forced to accept that simply reading from their hand-written lecture notes would be neither effective nor acceptable for as long as lectures took place online via zoom, MS teams or google classroom. If nothing else positive can be said about the covid era, it at least forced some teachers to discover how Powerpoint works! The unexpectedly lengthy period for which online teaching was thrust upon many courses and institutions means that students had lots of time to sit back and assess how courses were being taught by various lecturers. The experience and expectations which we all saw during the pandemic will remain long after covid has disappeared (at least from newspapers and the top of the political agenda, if not a disappearance *in toto*).

The message is clear: it is the students who are the ultimate consumers of your classes, lectures and materials so listen to their feedback and, insofar as possible, consider how you can use their advice to continue your own professional development.

### **Keeping things realistic**

One frequent piece of advice we received early on in the course was to ensure that the questions discussed in classes and the written assignments that need to be completed should be *practical* and *realistic*. Students expressly stated that they expected the BLC to counterbalance what they perceived to be an excessive focus on theory in some of their other subjects. Without in any way casting aspersions onto any other courses, we considered whether it was possible to achieve this aim without harming the course. The answer was, of course, yes. In fact, instead of harming the course it cemented the BLC's reputation for being one of the most practical courses available for law students. Put simply, the course benefitted enormously from the critical input and suggestions of our own students.

Now, in each of its study modules, the BLC aims to inject a healthy dose of realism. When writing a written assignment at the end of a particular study module, students are provided with a factual scenario and

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<sup>15</sup> This is, of course, nowhere near a general rule and I do not wish to imply or insinuate otherwise. I am fortunate to work at UW WPiA with many professors whose expert knowledge and teaching excellence go hand in hand. As with all things in life, however, there will always be exceptions to every rule.

<sup>16</sup> See for example: <https://www.nap.edu/read/9853/chapter/6>

required to advise one or more characters on how the law they have studied would practically apply to that scenario. This is more realistic of the skills they will be expected to possess if choosing to embark on a career in the law after University, as the vast majority of our students plan to do. Equally, so we are told, it represents a more interesting style of examination for students than attempting to rote-learn masses of abstract legal rules in anticipation of an oral exam with their professor.

A useful side-effect of giving such assignments to BLC students is that there are no fears about anyone plagiarising the answer to an assignment set in a previous year, if the question falls into the hands of students from a later year. On the contrary, we publish our previous assignments and actively encourage students to read them. We also publish anonymised students' answers from previous years, including the examiner's comments which indicate parts of the essay which were done well and advice on how to improve weaker parts. There is no fear of plagiarism between academic years because, although the examiners' comments indicate the kinds of preparational, organisational, analytical or stylistic problems that students experienced when tackling the assignment question, there is ultimately no way for a student in a later year to copying *the answer*, because the factual scenario changes each year (in fact, twice each year). Moreover, there probably doesn't exist a single, categorical 'answer'. Our factual scenarios are designed to be capable of being answered, or rather *argued*, to the highest grade level, in multiple different ways. Instead of looking for 'the answer', the best students are able to develop, articulate and defend multiple *arguments*, for and against their client's desired outcome, which is an important transferable skill for anyone to possess, even outside the law. For those who intend to practise as lawyers, it is an indispensable skill because, with a few notable exceptions<sup>17</sup>, lawyers will rarely get choose who their client is or which side of the dispute they are acting for. It is crucial for lawyers to be able to formulate arguments to support their client's position and to weaken their opponent's position. The best way to do this is to step into the shoes of the 'other side' and prepare the case as if you were acting for your client's opponent. All BLC assignments require students to do this and, consciously or subconsciously, to develop their skills of logic, persuasion and argumentation.

Another aspect of student feedback which was incorporated into the BLC's standard procedures was a request for us to provide more extensive written feedback and guidelines on how to improve in future assignments. Over time, as well as having increased the amount of comments each students receives on their written work (which is now very extensive), we have also produced videos to provide a walk-through of how to approach assignments in the various study modules (contract law, tort law etc.). We have also written and made available draft answers (or, better, potential arguments) to previous years' questions. We have begun sharing with students the individual-module assignment reports which are sent, along with students' graded assignments, to the BLC's external examiners at Cambridge and Glasgow Universities. These include not a general analysis by the BLC teachers of how the entire student cohort dealt with the assignment on the whole, but also actual (anonymised) samples of students' written assignments, along with the individualised feedback

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<sup>17</sup> One notable exception, which is more prevalent in civil law countries (including those in CEE where the BLC operates) is that law graduates who trained as prosecutors will not need to ask themselves whether they are acting for the prosecution or defence at work today. In civil law disputes, however, it is usual for lawyers to act for both claimants and defendants. This chimes with the adage that 'client may choose their lawyers, but lawyers may not choose their clients'.

they received.

Once again, we feel that, despite the extra efforts this demands of the BLC staff, the requests we received for further feedback were legitimate and useful for both students and for the course as a whole. Not only has this helped our students to continually improve their analytical and writing skills throughout the course, but it has also provided us with feedback that we would not otherwise have received.

## Conclusion

The longevity of the BLC's teaching activities and the fact that, even in recent years, it has continued to expand both the range of courses it offers and the locations at which they are taught, may justify a *prima facie* conclusion that it has been a success. This author, as someone who has been involved with the BLC for 24 of its 30 years and has no plans to seek new employment in the foreseeable future, clearly concurs with that conclusion. However, I hope that I have not given the impression in this article that the BLC possesses the 'secret of success' that enables me to provide pearls of wisdom that will guarantee a foreign law course will remain popular for 30 years if it copies strategies which the BLC has adopted after many trial-and-error attempts, which remain ongoing.

Ultimately, the best chance of success (or at least survival) in an increasingly difficult marketplace for educational services is for course provider's to spend a lot of time thinking about their course (know thyself) and then spending just as much, or more, time discovering how this gels with the expectations of the current and prospective student 'clients' you hope to attract to the course. This sounds easy when put so pithily but it requires, in the immortal words of Winston Churchill, 'blood, sweat and tears'<sup>18</sup>. I hope, for you all, that any tears will be few and far between and that your successes will be long-lasting and rewarding to you and your students alike!

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<sup>18</sup> As with so many ultra-famous quotes, the version quoted here is incorrect, but more famous than the correct version, in which Churchill referred to the UK's "...blood, toil, tears and sweat..." given to the war effort, during a speech given in the House of Commons on 13<sup>th</sup> May 1940.

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## Challenges and advantages of inclusive and activating teaching methods for international students

### 1. Introduction

I have been teaching international students for about 15 years at the universities of Leiden and Amsterdam and now at the University of Warsaw, and I have to admit that for me it has been a journey of trial and error. However, I think I have found a way to make my teaching inclusive by using activating teaching methods. In the next 15 minutes or so, I will explain how I got there and what I am currently doing to make my classes inclusive and open.

First, I will give some information about the type of classes I have been teaching and my teaching philosophy. Then, I will present my idea of inclusive teaching, to be followed by how I use activating teaching methods to achieve inclusiveness. I will finish with some conclusions.

#### *The classes I have been teaching*

I started teaching exchange students when I was a PhD student at Leiden University in 2006, initially with the idea that it would be a good way to practice my English. Of course, this is not the right motivation to teach international students. And I have to say that I was totally unprepared for the challenges that it entailed. Needless to say that my first year of teaching was not a great success in terms of inclusiveness. But that has changed completely since the teacher in me (I come from a family of a long line of teachers) took over.

#### *Type of classes*

Since my very first international classes, I have had students from China (especially in Leiden which has many strong links with Chinese universities), but also from various EU and European countries, as well as Russia, South Africa, Australia, Latin America, the US and Canada. Basically, from all over the world. Very interesting of course, but also challenging in various ways. First of all, students come in with various levels of pre-knowledge about the subject being taught, in my case always European Labour Law. Second, they bring in prior knowledge of very different legal systems. For example, using the word “European” causes confusion about what Europe is (the EU, the Continent, the Council of Europe?) and the same applies to the term “labour

law” which refers to collective labour law (trade union rights, basically) in the Anglo-Saxon countries (especially UK and the US), to be distinguished from “employment law” which refers to individual labour law issues like equal treatment. This distinction is not known in continental European countries. So, based on the content, many differences need to be bridged and nothing can be taken for known or granted.

Second, it is common in the Netherlands that you teach two type of classes per week on the same topic. The first are lectures in which the topic is introduced and the second are seminars in which students are divided into smaller groups of approximately 24-30 students. The lectures are “sending”, meaning that the professor speaks and the students listen. The seminars are supposed to be based on discussion, which in the field of law is usually done by dealing with fictional cases to which the positive law introduced in the lecture needs to be applied. The first form, lectures, causes hardly any issues, but seminars are another story. Even among Dutch students it does not always work as it ideally should. But with international students it becomes a major problem. Students with a common law background start dealing with the cases using case law and argumentation, continental European students replicate the positive law without applying it to the case, South African students (coming from a mixed system) have no idea where to start, and Asian students, mostly Chinese, remain silent, listen and give you a hesitant smile when you look in their direction, hoping that you will not ask them to say something.

### *My teaching philosophy*

For me, law is about argumentation and playing with language. This means that teaching law is in fact about showing students a way of thinking about law, playing with words and language, building arguments. This can only be done when the classes are open and interactive. I need to understand how students think, so I need to get them talking to hear their thoughts. Also, they need to practise and develop the skills for argumentation, which means developing their writing, presentation and communication (debating) skills. This can only be done by activating teaching methods. But this is also a risk when teaching international students with their diverse backgrounds when it comes to almost all aspects of the teaching. Nonetheless, as I said before, by trial and error and also after a number of courses on teaching methodology at the University of Amsterdam, I think I have found ways of doing that. The key is to create inclusiveness by establishing an environment in which students feel safe, respected, and accepted.

## **2. Inclusive teaching**

How to make teaching inclusive? Before answering this, I need to explain what I understand by “inclusive”. For me “inclusive” means that all students feel comfortable enough to fully participate in class and interact with their classmates, no matter their nationality.

There are a few relatively simple things we, as teachers, can do to create an environment in which students can feel safe and respected. Open doors are one, but students have told me that this is a rare situation. First, simply treat all students with respect. Even the student in the corner of the room who looks absent-minded

ed and not interested. Never be misled by the attitude a student seems to show. They came to your class, so they want to learn from you. Second, I always set some discussion rules.<sup>1</sup> Basically, these include: give everyone a chance to speak; listen to others; criticize ideas and not the person expressing it; it is about learning, not about being right or wrong; mind the language you use; no shaming or naming – everyone’s ideas, insights, etc. contribute equally to the overall discussion. Third, as teacher, make efforts to be a good discussion moderator to enable all students to participate. When I started teaching, I was already happy if I had a few students that were willing to talk and answer questions. In other words, I let the class lead me. I have learned rather fast that as teacher you in fact decide who speaks and can use this to have everyone involved, especially those who are not used or willing to do that for some reason. And last, in international classes you have to address the language issue and give students the confidence to speak out, even if their level of English is not that good.

For each of these points, I have learned that activating teaching methods are very helpful.

### 3. Activating teaching methods

As I indicated in the introduction, in the Netherlands, we work with a system of lectures to introduce the topic, often by presenting the positive law and highlighting some case law interpreting the positive law. Seminars are used to apply the positive law to case positions. The idea behind case positions is that you can use them to discuss with students the difference between the law in the books and the law in practice. The more advanced students are in their studies, the less black and white (as in correct and false) the answers to the case positions become. This means that discussions and building arguments become more important when exploring the full scope of the legal issues studied.

So, the challenge is to get students engaged in the discussion about the case positions. There are many different teaching techniques to achieve that. Over the course of time, I have experimented to find methods that help to create inclusiveness and full engagement by all students. I have ended up with a mix of methods and means to achieve this, and for the last 5-6 years of teaching they have proved to work well. These are the following.

#### *1. Size of seminar groups*

I try to keep them under 20. If they are larger, students can start to hide in anonymity. Of course, I know this is not always possible, but when it is, it is worth the effort.

#### *2. No ppt*

I teach seminars, i.e. discussion classes, without ppt. In my experience using ppt is a sign to students that the answer will show up at some point anyway, so they don’t need to engage to get them.

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<sup>1</sup> E.g. <https://learninginnovation.duke.edu/blog/2018/01/guidelines-interaction-better-class-discussions/>



### *3. Give assignments to be prepared*

This helps students to prepare for what they might be asked about and not to be surprised too much. Of course, the assignments are merely the starting point for the discussions, but they give students the opportunity to start from a point they have already thought about. The answer “I had no idea” is never enough. I always remind them of the fact that they are being trained to become lawyers, meaning they need to have an idea starting from the basics. No matter how meagre that idea is, I will take it as a starting point for discussion. As a result, students gain confidence in their own knowledge and understanding, trust me to treat them with respect (no shaming), and become aware that non-engagement in class is not an option.

Second, I make students submit the assignments and I study them before class (one hour or so is usually enough). I make notes of certain answers to start the discussion in class with. So, when I give a student a turn, I know they have something to say that is worth sharing. I also write down names of students that had something interesting to say to engage them if they don't do it themselves. After two or three classes, students understand how it works, and I hardly have to invite them to speak up. Of course, I still do it when I think someone has something interesting to say but seems to not realise that. This is often the case with Asian students (can also be culture and modesty).

### *4. Group work*

Group work has a number of advantages. In terms of inclusiveness, it makes students work together without the supervision of the teacher. Among each other, their communication dynamics will be different. Of course, as teacher, you have to think about which students you put together. They should be as mixed as possible. Work in groups fosters intercommunication between students. It is less scary to speak out in class after you have discussed your ideas with a few students before and know that they are interested in what you have to say. This can be further fostered by making sure that all students present the group work.

### *5. Open discussions*

In my classes there are no wrong answers. And the most stupid question is the question that is not asked. All ideas and remarks are equally relevant.

### *6. Polls, quizzes, etc.*

The use of polls, quizzes, etc. can be a good way to start discussions. Polls give a nice insight about the attitude of students towards a topic. It enables me as teacher to invite students to explain why and how they got to a certain answer in the poll. Quizzes, like Kahoot, are fun, but also a good tool to test the general knowledge of students and focus on what needs more attention.

The use of such tools fosters inclusiveness because students can initially engage while remaining relative anonymous. Once they are engaged, it is easier for them to get more fully engaged.

### *7. Flipped classroom*

Basically, all the other methods and means contribute to having a flipped classroom. They are all aimed at getting students actively engaged in the discussions. As a result, students do most of the talking and bring in the topics for discussion. Of course, it still requires much effort to guide those discussions, but it is more as a moderator, rather than a “sending teacher”.

### *8. Extra-curricular activities*

With all my courses, I try to organise extra-curricular activities. These can be guest lectures, but more often are activities that bring students together outside the classroom, which creates another dynamic of interaction between students. Such activities include for example visits to a trade union, employers’ organisation, or even a two/three-day trip to for example Brussels, but also cultural nights when students share food and drinks from their own country, and movie nights (often combined with sharing food and drinks).

The more relaxed interactions during these activities, the better the feedback during class discussions, as students feel more at ease.

## **4. Round up**

To sum up, what I manage to create by using an array of activating teaching methods and means is an inclusive class. In this class, students learn from me, but also from each other and grow to become (more) global citizens. Most of all, it is a class in which students feel safe and respected enough to interact and speak up. Including Asian, especially Chinese, students.

