

China-EU School of Law: A School of Great Promise

By China Law reporter Yu Xi

On October 23, 2008 a high-profile ceremony was held in the auditorium of the Changping campus of China University of Political Science and Law (CUPL) to inaugurate the newly established China-EU School of Law (CESL).

In an address delivered at the inaugural ceremony, Chinese Vice-Premier Li Keqiang, who is also a member of the Standing Committee of the Politburo of the Chinese Communist Party Central Committee, said that he was pleased to be attending the ceremony for the inauguration of CESL at CUPL on behalf of Chinese Premier Wen Jiabao, together with Jose Manuel Barroso, President of the European Commission.

Li also said that as a major project of cooperation between China and the European Union (EU) in the field of education, CESL is not only operated in China, but is also jointly managed by China and the EU. CESL is open to the world, he said, expressing the hope that CESL might one day become a first-rate law school in the world.

President Barroso stated in his address that the evening of the opening ceremony was a critical moment in the history of China-EU relations. Through massive collaborative effort by various parties from both sides, CESL had eventually been established, and the ceremony was a testament to the excellent cooperation between China and the EU, narrowing the distance between the two sides, and enabling the two sides to cherish a common expectation, Barroso said.

Also speaking in an address delivered at the inaugural ceremony, Professor Xu Xianming, then president of CUPL and the top leader in charge of the work of competitive bidding and planning for the CESL project, said that CESL, as China's first Sino-foreign managed law school, would act as a bridge for promoting legal exchange between China and the EU, and would serve as an example for future Sino-foreign cooperation in similar areas. Xu expressed his belief that CESL would not only be a base for Chinese students to study European law, but would also be a center for raising awareness of Chinese laws across the rest of the world. He pointed out that CESL exhibits four major characteristics: 1) it was initiated by the highest levels of government; 2) it is an international institution of higher education; 3) its academic standards are of the highest level; and, 4) it is a combination of Chinese and Western cultures. The outstanding human resources developed by CESL will certainly become leading forces for development of the rule of law in China, Xu said.

At the inaugural ceremony, Li and Barroso together unveiled the plaque of CESL to officially open CESL at CUPL.

I. Planning and establishment: Creation of an elite school of law

The founding of CESL was preceded by more than two years of preparation. CESL, as a team operated school, comprises 17 partner higher educational institutions from 12 countries that are well known in China and abroad. With such an extraordinary lineup, and with a highly qualified staff, CESL is indeed a global village of legal education. The creation of CESL is a landmark achievement for China-EU legal and judicial cooperation as well as for China-EU educational cooperation.

Back in 2003, Zhang Fusen, member of the Standing Committee of the National Committee of the Chinese People's Political Consultative Conference (CPPCC), director of the Committee for Social and Legal Affairs of the CPPCC, and former Minister of Justice, was the first to promote and implement the idea of creating CESL.

In 2003, Mr. Zhang discussed the idea with senior EU officials and received a positive response. After many rounds of negotiations, the Chinese government and the European Commission – the executive arm of the EU – signed in January 2007 an agreement on the creation of CESL. In January 2008, Mr. Zhang, together with representatives of the other Chinese institutions in partnership with CUPL to establish CESL, traveled to Hamburg, Germany to attend the first meeting of partners for the creation of CESL. At this meeting, Mr. Zhang was elected the Chinese Chairman of the first-term Joint Managerial Committee of CESL. Throughout the whole process of the establishment of CESL – from the formation of the idea to create CESL, to the drawing of a blueprint for its establishment and finally to the implementation of CESL, the foresight and sagacity as well as rich experience of Mr. Zhang were manifest.

For its own part, CUPL underwent a process of extremely strict selection and comparison in bidding for the establishment of CESL on its campus. It was only with a high sense of responsibility and extremely careful preparation that CUPL eventually won the bid to establish CESL at the foot of Mount Jundu in the Changping District of Beijing. The top leader in charge of the work of competitive bidding and planning for the establishment of CESL was Professor Xu Xianming – then president of CUPL. In July 2006, Xu paid a visit to Mr. Serge Abou, the Ambassador of the Delegation of the European Commission to China, expressing the wish of CUPL to participate in the competitive bidding for the project of establishing CESL.

In April 2007, CUPL established a panel of leaders in charge of preparatory work for the establishment of CESL, with Xu working as its chief and convener. On such key issues of choosing a site for CESL, designation of facilities as office and teaching buildings, and formation of the bidding taskforce and the Joint Managerial Committee, Xu always made decisions resolutely after hearing opinions from all concerned parties. He managed to find solutions in a timely manner, which enabled CUPL to gain an advantage in the competitive bidding for the project of establishing CESL. In November 2007, after winning the bid, the team of the University of Hamburg and CUPL began the process of applying for permission from the Chinese Ministry of Education to initiate a jointly-operated Sino-foreign school in Beijing. Throughout this process, Xu was in frequent contact with the central government administrative authorities for education, exchanging views with them and expounding the position and concerns of CUPL. After overcoming numerous difficulties, the work of establishing CESL was completed as scheduled. The wisdom, grace and personal characteristics of Xu were essential to the successful establishment of CESL.

On the EU side, the University of Hamburg established a taskforce for the competitive bidding and eventually implementation of the CESL project, its members being primarily: Professor Hans-Heinrich Trute, Dean of the Law Faculty of the University of Hamburg and the European Chairman of the Joint Managerial Committee of CESL; Professor Ninon Colneric, former Justice of the European Court of Justice and the European Co-Dean of CESL; Professor Armin Hatje, from the Faculty of Law of the University of Hamburg and Co-Director of the CESL Master Program Committee; and Daniela Jänicke, European Manager of CESL. The members of the EU taskforce closely cooperated with their counterparts in China to jointly design and complete the competitive bidding plan. At the end of August 2007, the two sides formed a bidding team grouping 13 European higher educational institutions with 3 Chinese higher educational institutions. After winning the bid in November 2007, the University of Hamburg, on behalf of all the partners, signed a sponsorship agreement with the European Commission. Afterwards, the Hamburg taskforce did a great deal of work to publicize and promote the CESL program in Europe and to coordinate steps with the European partner institutions in organizing a teaching staff and developing the academic courses. The Hamburg taskforce frequently traveled to Beijing for talks with officials from the Chinese Ministry of Education and to consult with the Chinese taskforce on the application for Sino-foreign joint management of CESL, as well as to assist with preparations for student admission and inauguration. Together with their Chinese colleagues, Professor Colneric and Ms. Jänicke have been permanently posted on the Changping campus of CUPL – the site of CESL – since the end of September 2008. The Hamburg and Chinese teams have consistently managed to find common ground through consultation, promoted cooperation on the basis of mutual trust and, through their high efficiency and creative work, succeeded in meeting the target of inaugurating CESL in mid-October, 2008.

In the golden autumn of 2008, CESL took root at the foot

of Mount Jundu in Changping District, Beijing with the royal tombs of the Ming Dynasty (1368-1644) not far away. In the years to come, we can expect to see more and more world-class Chinese and foreign jurists frequently traveling to work and visit CESL, at the foot of the Great Wall, to introduce global legal traditions to one of the oldest civilizations in history. CESL, ready and able, is accommodating the surging desire to develop law in China, focusing its efforts on the creation of top-tier legal human resources and working towards the peaceful adaptation of rule of law in China.

II. Integration: CESL, based in China, orients itself towards the whole world

In China's current era featuring high levels of both internationalization and nationalism, the pace of China's integration into the global economy has continued to accelerate. The blueprint for promotion of the rule of law in China being drawn by Chinese legal professionals is reflected by the background of development of the rule of law across the world. China is in serious need of developing legal human resources with a global vision.

Judging by its name, we can see that CESL is a result of inter-continental cooperation in this endeavor. Mutual integration of Chinese and Western cultures and mutual influence of Chinese and Western ideals are the greatest characteristics of CESL. In a recent interview with China Law, Wang Miao – a student at CESL, exclaimed: "Studying at CESL, I can feel the impacts of both Chinese and Western cultures. The study of the same laws here has enabled me to view the world from a different perspective." Certainly, with the integration of seven different legal traditions in a single platform, CESL, with its embrace of internationalization, has every reason to arouse widespread attention.

"The basic idea of CESL is to lead students to study and understand Chinese law in the context of the internationalization of knowledge, and at the same time guide them to understand international law from China's perspective," said Co-Dean Fang Liufang in a recent interview with China Law. This goal has two significances – the first pertaining to China and the second to the international community. To meet these objectives, CESL has designed a unique Double Master Program combining the Juris Master or LL.M of Chinese Law with the LL.M of European Law. Courses for the Double Master Program are intended to develop high-level legal human resources with an international vision, adept in both Chinese and European laws, and capable of using both Chinese and English as working languages. Yet, the ultimate goal of CESL is to develop legal professionals of maximal competitiveness in China's job market. Therefore, CESL still focuses on providing a Chinese legal education as its basis of operation.

Although the scope of CESL is global, the starting point and basis of its educational programs are definitively Chinese. CESL expects its students to become highly learned in principles of jurisprudence, to well understand Chinese law and international affairs, to have a broad vision and rich knowledge and to develop sufficient linguistic capacity to conduct international exchanges. The widely different academic styles and ways of thinking brought to CESL by its international

professors, in combination with a fully English teaching environment and the use of textbooks originally published in foreign countries, enable the students of CESL to enjoy many benefits of international legal education while maintaining their focus on studying Chinese law. This unique approach to legal education at CESL is a leap-forward for China's existing legal education system.

The incorporation of such policies by CESL can easily remind people of a separate law school successful in integrating Chinese and Western cultures – the Soochow University School of Law founded in the early 1900s. In those years, the Soochow University School of Law used to write in its admission notices: "The operational goal of legal education at the Soochow University School of Law is to enable students to well understand the basic principles of the world's leading legal systems, while the critical aim here is to develop a generation of legal human resources capable of contributing to the development of a new and better legal system in China." To meet this aim, the Soochow University School of Law would simultaneously offer courses on civil law, Anglo-American and Chinese legal systems.

As a result of its adoption of this policy, the Soochow University School of Law succeeded in producing a large number of famous legal experts reputed in China and abroad, including Wang Chong-hui, John Wu Ching-hsiung, Ni Zheng, Li Haopei, Pan Handian and Yang Tie. With similar creative ideas, and with a similar systematic design, the prospects for the future development of CESL are high.

III. Trial: Exploring models of legal education

In discussing their recent experience of academic study at CESL in the accompanying interview to this article, students all used such words as "moving," "novel," "intense," "exciting" and even "marvelous" to describe their personal feelings.

However, Co-Dean Fang Liufang does not think that there is anything "marvelous" at CESL, saying that CESL needs creativity, but any creativity should not be intended to seek just for being different. According to him, as far as the operation of legal education is concerned, what is imperative for CESL is to respect successful experience and convention, and to abide by the educational rules proven to be successful over many years of education. For example, professors at CESL must distribute the relevant teaching program and reading materials to students well in advance of class, and they need to inform students exactly what is expected of them in terms of preparation. Upon entering the classroom, students should already be familiar with the content of the professor's lecture in order to encourage exchanges. Otherwise, students are likely to become passive listeners, with nothing better to do than to take notes. "Acquiring notes is not a basic reason for attending lectures. In this electronic age, there exist many channels for the dissemination of information that are more effective than note-taking. It is only when teachers and students share a common basis of knowledge that constructive interaction can be realized, making classroom lectures significant."

CESL supports this aim by employing teaching assistants: each lecturer typically has one or two teaching assistants who are responsible for organizing panel discussions among

students. Each of these tutorial sessions accommodate anywhere from 8 to 30 students at a time. By raising questions, giving answers and participating in the debates, students can have more opportunities to express their ideas, effectively serving as both a process of review and a supplementary form of training. CESL encourages students to think independently and critically, focusing on developing legal skills within an international context.

As far as the goal of its legal education is concerned, CESL is intended to "educate students to become Chinese legal professionals." "This is nothing extraordinary," said Co-Dean Fang Liufang. He explained that law schools are simply intended to educate students to become judges, prosecutors, lawyers and legal advisors in the future. If too many students are pursuing legal studies without the intention of working as legal professionals in the future, the allocation of legal education resources needs to be questioned. The purpose of CESL is to develop "legal human resources adept in all laws that will be capable of working in many professions of law," which in the eyes of Co-Dean Fang Liufang is something normal and conventional, and nothing "marvelous." According to him, the direction of a student's future legal career will be based not primarily on what they have studied in law school – whether that is civil procedure or criminal procedure, civil law or economic law, etc – but rather by the nature of their early job positions following graduation and in combination with their academic interests and practical consideration. Law schools can never determine the direction of their students' future specialties. If there is something unique about CESL in China's legal system, it is the reality that CESL intends to return to conventional legal education. Professor Fang emphasized: "The ground for innovation should be common sense developed from experience rather than fantasy."

There are three key elements of the legal education provided by CESL:

Firstly, there is knowledge of jurisprudence. When studying Chinese law, students should be able to grasp or understand the principles of Chinese law and the existing legal rules and judicial practices in China, all within the general background of the interrelation between Chinese society and the rule of law. In studying EU laws and the laws of European states, students will gradually develop the capability to compare and analyze laws and learn how to find multiple solutions to identical or similar legal questions.

Secondly, there is legal thinking. Besides having a deep understanding of the law, students should be aware of the many factors capable of affecting laws, such as government policy, culture, the economy and social affairs. Through the study of the practice of law students can acquire the capability to interpret and implement laws, grasp legal trends and advance their opinions on legal reform. Laws are normally applied through the activities of legal proceedings between the two parties concerned in a legal dispute. When law students study the practice of law, they need to be aware of the myriad relations among all those involved and the core legal proceedings. Then, in accordance with the role under study (i.e. as lawyers, judges, or prosecutors) they need to learn how to judge and balance the legal questions involved in the

dispute being analyzed, rather than simply interpret the laws on the basis of their own opinions or according to the relevant authoritative legal theories.

Finally, there are professional ethics. Legal professionals are often confronted by the weak elements of human nature. However, the weak points in a lawyer's personal character are often manifested in his or her professional practice or application of the law. Qualified legal professionals or legal workers should maintain a strict sense of the field's required professional ethics, such as good faith and diligence, which are not only an element of their legal knowledge and professional thinking, but should also be a major part of their personal philosophy.

IV. Future: A strong sense of duty

In his inaugural address at CESL's opening ceremony, Mr. Xu Xianming, then president of CUPL, said that CESL had already created three miracles even in the process of its establishment – firstly, the high efficiency of work shown in the implementation of the project; secondly, the success of attracting so many excellent partners; and thirdly, the involvement of legal traditions from so many countries. In addition to these three miracles, Xu said he still expected CESL to create a fourth miracle: to become the best law school in China and a first-rate law school in the world within the years to come. Likewise, in his address at the same ceremony, Serge Abou, Ambassador of the Delegation of the European Commission to China, also said that CESL should strive to become one of the top ten law schools in the world.

These great expectations are both an encouragement to CESL and a target to strive for in the next few years. On its website, CESL writes: "The duty of CESL is to educate students to become a new generation of legal professionals who well understand Chinese law and international law by

advocating comparative jurisprudence and by introducing the legal educational experience of the international community."

Chinese leaders have attached great importance to the establishment of CESL. In an address delivered at the 4th EU-China Business Summit on November 28 2007, Chinese Premier Wen Jiabao said: "The China-Europe International Business School has become a cradle for developing excellent management human resources. We are now expecting the China-EU School of Law, which is to be inaugurated soon, to develop a large quantity of legal human resources well learned in both Chinese and Western laws."

The Chinese premier officially announced the start of the CESL program, on behalf of the Chinese government. On the morning of May 4, 2008, Premier Wen, accompanied by Liu Yandong, member of the Politburo of the Chinese Communist Party Central Committee and State Councilor, Minister of Education Zhou Ji, Wei Liqun, Director of the Research Office of the State Council and several other senior officials, inspected CUPL. During the inspection, Wen said: "There exist many forms of dialogue between China and the EU, with rule of law being one of the most important." The Chinese premier also said: "A ceremony will be held in October this year to inaugurate the China-EU School of Law. President Barroso, if you (Barroso) are to attend this ceremony, I will attend it together with you." The Chinese premier's ardent expectations for CESL, raised with great foresight in his capacity as a statesman, will encourage CESL to make an unremitting effort to fulfill its duty.

Pioneers need to cherish ideals. Pathfinders should be full of courage. Explorers should have wisdom. Those who create history through endless exploration and with a clear set of ideals will certainly be winners. We sincerely wish CESL great success in realizing its ideals and creating history – in creating a fourth miracle! ☺

China-EU School of Law: A Cradle of Knowledge – Both Old and New, Chinese and Western

An Interview with the Co-Deans, Teachers and Students of China-EU School of Law

Interviewees: Fang Liufang, Chinese Co-Dean of China-EU School of Law (CESL); Ninon Colneric, European Co-Dean of CESL;

Wang Jun, Director of the Ph.D. Programme at CESL; Liu Shuqing and Chang Le, students of CESL.

Interviewer: Dong Yanbin, Executive Editor-in-Chief of China Law magazine

Comparison of China-EU School of Law and China-Europe International Business School (CEIBS)

Dong: I remember that Wang Pijiang (1887-1966), a modern-time Chinese poet, once commented on the poems of Xia Zengyou (1863-1924), another modern-time Chinese poet: "[His poems] integrate Chinese philosophy with Western philosophical theory, applying what is conventional to bring forth the new, with a style that never neglects convention and dedicates its thoughts to innovation." As far as I can see, the

CESL is developing in this direction. I also remember that Professor Wu Mi (1894-1978), when commenting on the academic accomplishments of his student Qian Zhongshu (1910-1998), a prominent Chinese writer, called Qian "A student highly-learned in all knowledge – both old and new, Chinese and Western." I think it is tenable to say that CESL is a higher educational institution designed to develop students "highly-learned in all knowledge – both old and new, Chinese and Western."

CESL attracted a lot of attention even before its formal

inauguration, in large part due to the great success of CEIBS. Today, when people talk about CESL, it may often bring to mind the similarly named international business school. So, could you please compare the two schools for our readers? How are they similar to one another and how are they different?

Fang: This is actually a very interesting question. One of the major significances of drawing a comparison between CESL and CEIBS, identifying their similarities and differences, is to enable CESL to better understand itself. As far as the founding of the two schools is concerned, there are indeed several similarities. Both schools are the product of cooperation agreements between China and the EU and both are joint creations of the Chinese and EU governments. Both schools have received financial support from the two governments and the names of both institutions reflect their origins, implying a symbolic element common to the both. Both schools are engaged in professional education: CEIBS is mainly for entrepreneurs while CESL focuses on legal professionals. With regard to these characteristics, we can accurately say that the two schools carries out correlated mission.

Of course, what I have just outlined is nearly the extent of the similarities between the two schools. What is more important here are the differences, some of which are technical and some of which are substantive. Most obvious among these is the matter of recognition. According to the 2009 Financial Times Global MBA Rankings, China-Europe International Business School is ranked #8 among the Top 100 business schools globally operating MBA programs, putting it just ahead of MIT's Sloan School of Management. For five consecutive years, CEIBS has maintained the top ranking in Asia. In comparison, China-EU School of Law is still in its infancy, having not yet concluded its first full year of operation.

One point of legal interest is that CEIBS is a legal entity whereas the full name of our school is China-EU School of Law at China University of Political Science and Law, its legal status being equal to that of a school or department of China University of Political Science and Law (CUPL).

In any event, the aforesaid differences are of only moderate importance. The greatest difference between the two schools is actually something that I just mentioned as a superficial similarity between CESL and CEIBS: namely, although both schools are engaged in professional education, there is a significant difference between the formation of legal professionals and the managerial professionals. First off, legal education must be embedded in the host country of the school. For example, a student who has earned a degree of law in China cannot work as an attorney in the United States and vice versa. One person can hold more than one law degrees of law in different countries, but each one can only permit him to enter the professional industry in a specific country. This is a basic characteristic of legal education.

In comparison, an MBA education is generally speaking globally and universally applicable. Someone who has completed an MBA degree in the United States can choose to do business in China while likewise a person with a Chinese MBA can choose to do business in the United States. In reality, as far as the MBA is concerned, it is not a required credential for access to the field of business administration. As I have

just said, there are strict regulations about which law degrees are necessary for access to a given country's legal sector. It is in part due to this consideration that international rankings of MBA programs are so prominent whereas at present there are no international rankings of law schools.

Another substantial difference to consider is that legal education is normally pre-employment vocational education and it is formative for lawyers, judges and prosecutors. In a majority of countries, obtainment of a degree of law is an indispensable requirement for admission into the legal profession. By contrast, it is not the case that a majority of businessmen gain admission into the business profession only after they have received an MBA degree. Therefore, all law school graduates will face the question of employment upon graduation whereas graduates from schools of business administration normally will not confront the same circumstance.

Finally I will mention one more substantive difference, that being the financial source of tuition for two schools. As far as MBA or E-MBA education is concerned, funding for study comes mostly from the revenue of enterprises deducted and reserved for the education of their employees. All enterprises in China are required to deduct and reserve a portion of their income as educational funds for their employees, which are incorporated into the costs of that enterprise and are tax-deductible. The managers entitled to dispense of these educational funds are generally the same group of employees likely to be most interested in an MBA or E-MBA education. Therefore, the target market for MBA programs is management level employees capable of determining how their company's educational funds will be dispensed.

Legal education is quite different. Who comprises our target group of students? Most often, the target group for legal education is made up of young people qualified to consume these education resources because of their talent. However, this group cannot necessarily afford to pay for their own legal education. Therefore, China-EU School of Law is not only a nonprofit organization, but also delivers its legal education without the computation of costs. Our policy since the time of our first intake of students is that no student will be rejected admission to CESL because of an inability to pay tuition. Our students are spending their own money, whether it comes from their parents or from banks extending education loans. No one is going to reimburse these students' tuition costs. So, our tuition policy is meant to offer some preferential treatment to students in dire economic situations or who come from ethnic minority groups. We even offer several scholarships that go beyond waiving the tuition fee. This is a practical approach that we have adopted from the inception of CESL.

Our idea is that in aspiring to be an outstanding school, we should endeavor to provide opportunities for students who repeatedly prove their capabilities. This is also why we focus on admitting excellent students, namely students with broad prospects for future development in their fields of legal practice, rather than focusing on professionals who already have a successful career. This is a fundamental difference between our legal education and the education of business administration. Of course, we do not rule out the possibility of combining our legal education with an MBA program of some

kind. This could very well be a rewarding prospect. We are now conducting some research in this direction.

Dong: The creation of CESL and role of host institution for this international legal education program – China University of Political Science and Law – will become a much-told story in the history of legal education. Could you please talk about some interesting or meaningful details from the process of developing the idea to create CESL through to the implementation of this idea and the actual establishment of the school?

Fang: To establish CESL was indeed a creative idea. The CESL team is composed of partners from 17 higher educational institutions – 13 from 11 European countries and 4 from China, namely the National Prosecutors College, the National Judges College, Tsinghua University and China University of Political Science and Law. The cooperation of so many partner institutions in jointly establishing a school such as CESL is itself a unique event.

Our degree program is a merger of Chinese and European degree programs. That is, the degree we award is a dual-master's degree of law incorporating the Juris Master's degree conferred by China University of Political Science and Law and the LL.M degree conferred by the University of Hamburg, Germany. Our professors come from the 13 European partner schools and from several Chinese universities. Certainly, the establishment of such a school requires rich imagination and the courage to test new waters. However, at the same time, we are also aware that the implementation of any creative idea is an experiment in terms of trial and error exposing such creative ideas to the test of practice. Therefore, in addition to creative ideas, China-EU School of Law attaches the greatest importance to the development of its mechanism of self adjusting and error correction. Even a seemingly perfect solution may prove to be unfeasible in practice. That is why we need a mechanism for self-adjusting.

The following is an example to demonstrate my point. There is still an issue regarding the dual-master's degree program that has yet to be resolved: In China, applicants for the Juris Master degree must be university graduates from a discipline other than law (i.e., the J.M degree is intended to be a first law degree.) However, the LL.M programs operated by European universities including the University of Hamburg only admit students who have previously attained a first law degree. The merger of these two degrees to form a new legal education program necessitates a certain question: Who should be considered as an eligible applicant? We must rely on ourselves to answer such questions. The management of China-EU School of Law is continuously implementing creative and pragmatic solutions.

According to arrangements made by former president of CUPL Xu Xianming, I was appointed to take charge of bidding for the CESL project and later the planning and establishment of the school. To this effect, I was fortunate enough to oversee an extremely dedicated team of administrators, grouping together: Associate Professor Qi Hong (CESL Coordinator); Professor Xu Lan (Director of the Foreign Affairs Office of CUPL); Dr. Zhang Wei (Deputy Director of the Human Rights Research Institute of CUPL); Associate Professor Zhang Qing; Associate Professor Wang Qinghua; Du Juan (Director of the Administrative Office of the School of Juris Master,

CUPL); Associate Professor Wang Jun (Director of the Information Department of CESL); Chris Day (Editor, CESL); Cheng Zongyan (Webmaster, CESL); Zhu Bofu (website design and development); Fang Juan (CESL Program Officer and Secretary to the Co-Deans of CESL); and Zheng Nan (Accountant). I frequently assigned an excess workload to all members of this team, confronted them with seemingly unsolvable problems and even required them to work on holidays or weekends when necessary.

Over the past two years, all members of the CESL team have exceeded every expectation. Their diligence, dedication, creativity and intelligence have deeply impressed me. Without such a high quality team of workers, CESL could never have become a reality.

Operation of China-EU School of Law

Dong: What different elements of legal education are CESL capable of bringing to China?

Fang: It is probably too early to make any predictions in this regard given that we are still in the initial stages of our development.

Dong: Then, how does the theory and practice of CESL's legal education differ from China's existing model?

Fang: I have already mentioned that compliance with experience and common sense is a basis for creativity or innovation, which is a common guiding ideology for most law schools. As far as this point is concerned, CESL is no different from other law schools. Of course, CESL is a highly internationalized law school. The basic idea of CESL is to lead students to study and understand Chinese law against the background of the internationalization of knowledge, and at the same time guide them to understand international law from China's perspective. China is a large country that has recently adopted a policy of opening up to the world. Today, China is integrating itself into the global economy in ever-increasingly in-depth ways. The structure of knowledge, vision and capabilities of Chinese legal professionals should be of a certain international character in order that they may be competitive in the market for legal professionals, and so that they will have a broad and integrated knowledge of law to meet future legal challenges. Therefore, as far as CESL students are concerned, we attach relatively great importance to the following aspects:

Firstly, we critically evaluate the linguistic capacities of our students. Our English proficiency requirements are stringent because all lectures on foreign laws are given by teachers from the EU.

Secondly, we emphasize training our students as broad-based legal human resources adept in all laws. The reason for this is that the future direction of a students' legal career, whether that be public or private law, procedural or substantive law, company law or maritime law, is likely to be determined as much or more by the nature of the institutions that employ them after graduation (e.g. law firms, courts, procuratorates, etc.) as it is by their early personal interests. A student's personal inclination should be balanced with the potential opportunities likely to be available to them after graduation. Only under the combined effects of many factors including institutional demand, market changes, personal interests and the nature of job posts,

and only on the basis of a truly comprehensive consideration, is the lifetime inclination or specialty of an individual eventually determined. This is something which cannot be predetermined in law school. The demand of employers is not in exact correspondence to the division of sub-disciplines at law schools. What law schools are supposed to do is develop broad human resources for the legal profession who will be adept in all laws, in order that their students will have more choices available to them when considering job openings, and further ensure that they will have sufficient knowledge to meet the demands of various legal professions.

This idea is actually not new in any way; it is the customary practice around the world. In most other countries, legal education leading to the first law degree is not divided into specialties, nor is the education of postgraduates of law divided into specialties. In reality, the division of specialties in legal education is a Chinese characteristic formed in the 1980s, stemming from the gradual restoration of the so-called "sub-Disciplines of Law" system of graduate legal education. Likewise, the establishment of a "degree point" (xuewei dian) among the institutions of higher education designated to operate graduate legal education is also based on the division of "sub-Disciplines". Unfortunately, this practice has not originated from experience and its rationality should be questioned. It stems instead from the administrative management of higher education in China and as such, it does not reflect market demand in the legal profession. It is only a matter of time before this aspect of Chinese legal education is eliminated entirely.

Although CESL is an internationalized law school, our program is fundamentally based on Chinese jurisprudence. This is because our students will be engaged in Chinese legal professions after graduation, their careers will be based in China and their career success will correlate directly with the legal education they have received.

Dong: What is the structure of courses offered by CESL? And what are the conditions for CESL's lecturers like?

Wang Jun: The courses leading to completion of the dual-master's degree are generally divided into two sections: those pertaining to Chinese law and those pertaining to European law. The class hours and workload for courses from both sections are essentially the same. In the section of Chinese law, priority is given to developing jurisprudential knowledge, legal thinking and professional skills, with the aforementioned target of developing broad-based legal human resources. The lecturers in the Chinese law section are not necessarily teachers from CUPL. We publicly invite applications for all teaching posts within this program.

Courses in the European law section are divided into required courses and elective courses, all being designed to educate students in EU law and the laws of EU member states, from basic to advanced levels. The comparative law approach is the primary method of teaching, in order that students will develop a comparative and global vision of law. The lecturers on European law all come from the EU partner universities of CESL. Two weeks prior to their arrival in Beijing, they supply us with their teaching outlines and reading materials. We in turn distribute the relevant materials to students in a timely

manner. The textbooks used for the European law courses are all existing textbooks from the relevant universities.

Each professor visiting Beijing to lecture will normally have one or two teaching assistants. In addition to the dozen or so hours of classroom lectures given by the professor, the teaching assistant(s) will divide the students into groups for panel discussions. Therefore, for each course students will have both classroom lectures from the professor and tutorial sections with the teaching assistant(s). A characteristic of the courses on European law is that every course is taught in units, and each unit contains lessons related to a specific subject. For example, a course we will offer next week will be the general introduction to European justice. This course comprises three units -- the law of torts, property law and contract law, all of which will be taught separately by three different teachers. The lessons from one unit will generally be completed on a consistent date scheduled just before an examination is administered. All EU law courses at CESL generally follow such a structure.

Fang: If there is any difference between CESL and other law schools in China, it is that professors must let the students know what they are planning to lecture on, when the lectures will be given, and how the students are expected to prepare. Only when students have been pre-informed in these three respects can the professor begin to give lectures. Based on this themed knowledge of upcoming lectures, the students will spend four or five hours reading the materials concerned in order to prepare for class. Professors are not allowed to suddenly lecture on a certain topic having not given the students a chance to prepare for it. This arrangement is intended to foster exchanges between teachers and students. Only when students are prepared in this manner can they enter the classroom to listen intelligently. Likewise, only after students have made certain preparations should teachers begin to lecture. We feel that this system is necessary to establish consistency in our courses and to constantly keep students engaged. Of course, such a system is not an invention of CESL, although it is likely to be rare in China. However, it is relatively common practice.

Dong: The Chinese often compare their country to the West and frequently conclude that China is inferior to the West. We should say that there are indeed many shortcomings in Chinese culture, but we cannot say that Western approaches are all perfect. Then, as far as the Western model of legal education is concerned, what shortcomings, in your opinion, does it have? Does CESL take any measures to make up for such shortcomings?

Fang: First of all, CESL will always pay attention to the advantages of legal education in other countries, and will actively learn from the others in accordance with its own need. But CESL will not mechanically transplant the Western model of legal education, nor does it have the need or capability to do so. In reality, there is no uniform Western model of legal education. We are even less interested in making up for shortcomings in the Western model of legal education, as you mentioned. What we are focusing on is the legal education system in China itself and the development of human resources for legal professions in China, which is our basic attitude. There is one point that needs to be specified

here: CESL is not an experiment in China of the Western model of legal education. What we offer here is an education in Chinese law. Our use of the comparative study of foreign laws is intended to develop human resources with an international vision for legal professions in China.

Dong: There is a frequent phenomenon in China: A great and perfect expectation is often obstructed by endless impediments in reality. Those who are steadfast and sober-minded and who have made compromises will become successful while many idealists end up giving up in frustration. In your opinion, are there any elements of idealism in the concepts and targets of CESL? What impediments do you expect CESL to encounter in the future?

Fang: This is a philosophical question. All businesses will face impediments. As far as I can see, CESL needs to identify the limited space available to it for development, establish its targets, and strive to achieve objectives clearly within its defined range. As the Co-dean, I will carefully separate my own imagination from realistic institutional aim. In reality, if an institution wishes to make real progress, it must be aware of the limitations of its situation. If a target goes beyond an institution's realistic scope, it should be expected that it will be snared and foiled at every corner. There will certainly be difficulties. Difficulties will continue to occur throughout the whole process of CESL's advancement. Even within each specific procedure, there will be difficulties. We are accustomed to encountering obstacles and we are also accustomed to resolving them.

Why should we expect so many difficulties to occur? First off, because we should comply with various systems domestic and international. But we cannot expect ready-made solutions to problems arising from our effort to comply with the existing systems. We are always facing fresh questions in our process of development, from regulation of the CESL program to the exchange of foreign currencies, and from the obtainment of tax receipts to the payment of social insurance premiums for our staff members. Yet despite this, our team is a highly efficient and enterprising taskforce with a spirit of dedication and a high sense of responsibility. All members of our team spare no effort in cooperating and will act to solve any problem that occurs. We are confident because CESL is an inalienable part of legal education in China, and an integral part of a much larger system.

In addition to our own efforts, we have received full support from the Chinese Ministry of Education with respect to all preparations for the initialization of CESL, the establishment of the school and the admission of students under unique circumstances. While still ensuring that CESL meets all fundamental policy requirements, the Ministry of Education has offered CESL significant decision-making autonomy. Moreover, CUPL has invested substantial resources into the establishment of CESL, with the top leaders of the university taking decisive leadership throughout the process of its establishment and with all departments of the university extending full-scale cooperation. As a result of this coordinated effort, CESL was able to smoothly complete recruitment of an elite class of students in less than one month's time following the finalization of all state administrative procedures last fall. This proved to be an extraordinary consequence of our coordination among the top levels of leadership and the grassroots.

Dong: Just as its name implies, China-EU School of Law has formed as a result of partnership between China and the EU. It is expected that the Chinese and EU sides of the school not only have common understandings and common beliefs, but also differences. From the macroscopic to the microscopic, what are the differences between the Chinese and EU sides? How have the two sides managed to coordinate their positions?

Fang: It is impossible for any group of partners to maintain consistency in all respects. A relationship of complete consistency would be an abnormality; differences are normal and to be expected. Each day might reveal a particular difference or highlight varied points of view. What we can ensure however, is that no work will be delayed because of differences, and no aspect of partnership relation will be negatively affected by contrasting points of view. Whenever a difference arises, it is our job to find points of consensus and resolve them within a certain period of time. I am a Co-Dean of CESL and I work with Justice Ninon Colneric, who is the European Co-Dean. Every day we exchange points of view on our work. I am frequently in contact with the representative of the University of Hamburg, and both sides utilize mail, phone and other means of contact in a timely manner. We all aim to be frank with one another, and when divergences arise we hold discussions to identify their causes. Divergences may stem from differences in intention, or occasionally they may be caused by linguistic problems. The two sides in the joint venture of CESL are from China and Germany, while the working language is English. Neither side is communicating in their mother tongue. Therefore, it is necessary that we are patient and that we listen carefully to the statements of the other side. In order to resolve our discrepancies within a limited timeframe everyone understands that differences of opinion have to be restrained. In any case, we also have a mechanism for settling differences – a conference of partners. Each year, representatives from the partner institutions will gather together to discuss a host of issues. The Joint Managerial Committee is the final decision-making body of CESL, comprising eight members – four from the Chinese side and four from the EU side. If ever there is a substantive difference of opinion or divergent point of view, it can always be sufficiently discussed at a general meeting of the Joint Managerial Committee. Although it may be impossible for us to expect that all differences can be ironed out, most can be shelved when necessary or at least narrowed. Our first attempt is always to try and reach a consensus; in this regard, all partners are typically optimistic about the resolution of difficulties.

Feelings of European staff members

Dong: There are now several CESL professors and staff members designated by the EU to work here in China. So, I would like to ask why they have chosen to work here in China, how they feel about working here, and what opinions they have towards legal practice in China?

Fang: I think these questions would best be answered by Professor Ninon Colneric in her capacity as the European Co-Dean of CESL. Her Chinese name is Gao Meilian.

Ninon Colneric (from Germany): At present I am the only European permanently working for CESL in China. The

professors who teach in the European law program of CESL are members of a flying faculty. They are usually here just for a short time. The same goes for the lecturers participating in the professional training program of CESL. The recruitment of permanent CESL professors from Europe is under way; yet it will still take some time.

Those who have contributed to CESL programs so far will have had a variety of different motives for doing so. But I think that they had one motive in common: they wanted to contribute to the overall objective of CESL, and that is to support the Chinese government in its efforts to develop a society based on the rule of law.

Many of them came to China for the first time. Their typical reaction is: It is so different from what we have thought it would be, different in a positive way. Often they mention how pleasantly they were treated by the Chinese people in everyday situations.

The professors from CESL partner universities who have taught so far in the European law program were enthusiastic about the high standard of the students. European judges and prosecutors who gave lectures at the National Judges College and the National Prosecutors College highly appreciated the open-mindedness of their Chinese colleagues and the intense discussions they had with them. The European lawyers who contributed to the training courses for lawyers come from internationally renowned law firms which are either associated with CESL or otherwise support its objectives. They share their knowledge with Chinese lawyers hoping that a win-win situation will develop. In the field of research, CESL organized a first workshop. Some participants had already set-up Sino-European teams and were obviously looking forward to intensifying their joint work. Those Europeans who were not very familiar with China were amazed about the frankness with which even delicate issues were treated and felt enriched by the multifaceted insight they gained into the Chinese legal system.

As for myself, I am glad to be given the chance to participate in this unique project. After the expiration of my term of office as a judge at the European Court of Justice, I was looking for another post that would suit my professional profile. When I was asked whether I could imagine becoming the European Co-Dean of China-EU School of Law, I did not hesitate one second to agree. I am aware of the history of Sino-European relations. It is marvelous that we have reached the state of mutual trust that made CESL possible.

Unfortunately, I am not yet an expert of Chinese law and legal practice in China. I can only tell you my first impressions of this. I am fascinated by the rapid development of Chinese law. The effort made to identify best practice elsewhere before legislating is admirable. I also appreciate the technique, used sometimes, of testing new legislation in a limited area before applying it on a large scale. A major problem – not just in China – is law enforcement. In the financing agreement between the European Community and the People's Republic of China on which CESL is based, law enforcement is listed as one of the absolute priorities in the strengthening of the rule of law.

I hope that CESL can make an important contribution to achieving this goal and that we shall be able to do so not only through teaching and research activities but also through

consultancy services which we are ready to offer.

Expectation of new teachers and new students

Dong: I get the impression that relations between the teachers and students of CESL are quite harmonious. In your opinion, what has led to such a favorable campus atmosphere? What manner of study and what academic culture does CESL advocate? And what is the tentative plan of CESL for the recruitment of new faculty?

Fang: There is now a tentative plan in place for the recruitment of new faculty: In 2009, we will admit a number of full-time professors. Specifically, the EU side will admit three full-time teachers from among candidates from all parts of the world. The Chinese side will admit six or seven full-time teachers also from among candidates from all parts of the world. As far as the Chinese side is concerned, we have made the following considerations in this regard: First, the selection of new faculty will be made in accordance with our course requirements. Secondly, we aim to recruit some interdisciplinary faculty (for giving lectures on more than to sub-disciplines of law.) We will not limit the knowledge and interests of our professors within the scope of a certain sub-discipline of law or reserves it as an exclusive field of a certain faculty member. What we are seeking are jurists capable of developing human resources for legal professions who will be adept in all laws. Also, in the process of admission, we will consider giving younger people more opportunities.

So far, all members of the management staff from the Chinese side other than me, whether they are full-time or part-time, and regardless if they come from within CUPL or from elsewhere, have been recruited to CESL through a job posting. All new hires of CESL, whether of faculty or staff, have been recruited under the auspices of the personnel department of CUPL. In addition to making public all job posts available at CESL, we have also adopted some difficult standards. For example, we refuse to accept any resume with a photo attached. This is because we believe the abilities of applicants have nothing to do with their appearance. Many job applicants spend energy and money preparing resumes with photos on them just to appease potential employers. It is the employers themselves that have encouraged this unfortunate social tendency. Therefore, we feel it is our obligation to redress this tendency. Besides, applicants for job posts at CESL are not required to disclose their personal information to us, such as their income level or marital status. We simply do not need such information. However, we do wish to know whether applicants for job posts at CESL have relatives or friends at CUPL, or whether they have ties to members of the management staff of CESL.

How an institution can successfully attract able, dedicated and honest human resources is a question that management needs to consider at all times. Institutions first need to provide their employees with ample scope for their abilities and then they have to create a working environment emphasizing positive relationships and mutual recognition among colleagues. In reality, the faculty of a university can to some extent be regarded as a club. The basic characteristic of

a club is that its members are of generally similar background and similar qualifications. The only question here is how to design such a club, i.e. how to determine the qualifications of its members and how to establish a feasible and effective organization system, which needs to be taken into consideration by the management. The maintenance of a club needs rules. Likewise, there need to be rules for regulating the relationships among members, between members and the club and between members and the management. Relatively stable relationships within an institution cannot be maintained simply through ideals. Rather, there need to be defined roles for all members. If a club or faculty can have everyone fulfill his or her duties and can acknowledge the contributions of everyone, it will be capable of maintaining itself in a stable way.

Dong: What expectation does CESL have for its student applicants? What qualities should they possess? And what are your expectations of future graduates?

Fang: We expect our students to develop strong linguistic capacities and a full range of legal knowledge. Our hope is that they will be among the most competitive entrants into marketplace of legal professions after graduation. In selecting candidates for admission into CESL, we place the most emphasis on testing their linguistic, logical thinking and analytical capacities, because these characteristics will be directly related to their legal studies and to their future legal careers.

China Law: What do students think of CESL?

Liu Shuqing (student of CESL): Every professor at CESL emphasizes a certain remark before the first class: "Do not hesitate to interrupt me whenever you have any questions." The part on Exercise of Government in the Analects of Confucius says: "When you know a thing, to hold that you know it; and when you do not know a thing, to allow that you do not know it; -- this is knowledge." This statement is well known to all, but very few can genuinely live up to it. There could be a variety of reasons for failure to live up to this statement. Besides the role of vanity or feelings of inferiority, there could be a reason that can easily be ignored by all -- the expectations and encouragement of teachers. Although we cannot rule out the possibility that the remark emphasized by every professor is only a common classroom custom, it is still a great encouragement to us.

Chang Le (Class of 2009 graduate student recommended to CESL): I would like to talk about the process of my admission into CESL. In October 2008, I was fortunate to be ranked among the 3.8 percent of students recommended for graduate academic studies of law, after I succeeded in overcoming all the barriers. At the time when I was selecting a discipline, the CESL program had just been approved by the Ministry of Education. The formal start date of admission to CESL was October 14. On that very night, I wrote in my diary: "No matter whether I have a predestined relationship with CESL, what I feel today is the move and experience left by an extraordinary test, which I will never forget."

The written test for admission consisted of two parts of an ability test -- one part in English and the other in Chinese. In addition to 20 topics for listening comprehension, the test in English also had a topic on writing a legal document. The topic

was a real legal case -- a case of dispute over the overbooking of tickets involving China's civil aviation industry. The topic also supplied a judicial proposal made by the Chaoyang District Court in Beijing. The topic required the test takers to write a legal letter with the material supplied, from the perspective of a practicing lawyer. The topic, meanwhile, expressly stated that the test takers did not have to worry about the accuracy of their use of words or making of sentences in legal English, because the test was intended to check whether the writers could demonstrate clear logic and a well-established way of thinking.

One and a half hours later, when I was still immersed in the brain-racking anguish of logically ordering my responses, the Chinese test once again moved me -- It required the test takers to express their points of view on a paragraph taken from the Classic of the Way and Virtue, which is the main classic of Taoism, attributed to Laozi of the late Spring and Autumn period (770-476 b.c.). The openness and novelty of the topic were of course beyond any doubt. But what was lying behind the topic was obviously the profound intention to test the depth and width of knowledge and the language organizing capacity of the test takers. In one hour, I wrote extensively from "letting nature take its own course" to the government night watchman, and from the Governance with Huangdi and Laozi Thoughts during the early Western Han Dynasty (206 b.c. -- 24 a.d.) to the adoption of the policy of reform and opening up in 1978. Even by the time the bell rang to collect test papers, I was still writing extraordinarily fast on my paper. Handing in my paper, I took a brief look around, just to confirm that everyone in the test room seemed to have a nervous but excited look. Even for people like us who had earned high scores in academic studies over the past three years, we were all so excited because of the extraordinariness of the topics given on that day's test. (The test takers in the test room in which I sat were all outstanding students recommended for graduate studies of law.)

The interview portion of the admission test was conducted in two separate groups, with the interviewers in one group all being Chinese, and the interviewers in the other group including the Chinese and European Co-Deans of CESL. While the interviewees in the first group might occasionally speak Chinese, in the second we could only speak in English. When talking about China's system of supervision over the correction of misjudged cases, I became deeply aware of my serious deficiency in oral English. I frequently babbled or forgot certain words. Sometimes, I even had to express ideas in Chinese, and Professor Fang Liufang, the Chinese Co-Dean, patiently interpreted, sentence by sentence, what I said to Miss Ninon Colneric, the European Co-Dean. I performed so poorly in the interview that I was very much dismayed, feeling that I might be rejected by CESL. I never expected that the result would turn out to be a pleasant surprise. I really could not understand why I survived the extraordinarily high rate of elimination on the admission test with such a poor performance during the English speaking interview. The answer I received was that CESL attached the greatest importance to the thinking capacity of its students, and did not simply consider only the linguistic capacity of its students. Now, I am among the 15 students admitted into CESL in 2009. ◊