
International Law Teaching in China: Engaging in a Pedagogical Reform or Embracing Professionalism and Internationalization?

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Abstract:

As international law is becoming increasingly relevant to the rising China, serious problems have been found to cluster in the international law teaching in China. Since its introduction, the development of international law in China has been plagued by the love-and-hatred attitudes of the Chinese regimes in succession towards it. What Chinese law schools and beyond are lacking is a true professionalism that demands an estrangement from political reality and internationalization that calls for retrench of the pedagogical approaches. This article is intended to contribute to the understanding of the landscape of international law teaching in this rising country as it faces challenges.

Key Words: China, International Law, International Law Teaching, Professionalism, Internationalization

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INTRODUCTION

International law has shaped China's perception of the world since its introduction into the Central Kingdom in the 1860s. Nowadays, international law is becoming increasingly relevant to the rising China. So is the teaching of international law. What Chinese law schools and beyond are lacking is among others, a precise overview of the development charts of the discipline of international law in China and the state of international law teaching in China. Problems about the teaching have clustered at both the undergraduate and graduate levels. At undergraduate level, teaching international law remains largely on the periphery of legal education; while at graduate level, teaching of international law is generally seen as part of training program supposedly tailored to cultivate specialized personnel. Besides, quite standardized curriculum-mapping has a negative influence on the student's interest. A lion share of courses is business-related, whereas courses concerning other fields of international law are relatively rare. Also, students are ill-prepared in language skills and lack practical training. This article is intended to contribute to the understanding of the teaching of international law landscape in this rising country as it faces challenges.

1. HISTORICAL CONTEXT

Any discussion of international law teaching in China has to be perused in the historical context of the development of international law discipline in the country.

1.1. Origin (before 1949)

Modern international law was formally and systematically introduced into China in the 1860s. The self-isolated China had gradually been exposed to the outside world since the Opium Wars¹ in 1840 and the second Opium War in 1856-1860² awoke the Imperial Qing Court and its elites. They were desperate to open their eyes up to Western countries. In 1861, as part of its Westernization Movement (Self-Strengthening Movement, or *Yangwu Yundong*),³ the Qing Court established the *Tsungli-Yamen*,⁴ which was tantamount to a Ministry of Foreign Affairs in the Imperial Court.⁵ It was borne to adapt to the tough situation at home and abroad.⁶

¹ The First Opium War broke out between Great Britain and Imperial Qing in 1840 and ended with the conclusion of Nanking Treaty in 1842 by which China ceded Hong Kong and open five trade ports to Britain.

² The second Opium War was fought in 1856 between the Great Britain and France on one side and the Qing on the other. During the war, the Imperial Summer Palace was burned and looted by the invaders. The war was ended in 1860 when the fighters signed the Tianjin Treaty, under which China was obligated to pay gigantic compensation to its opponents and opened its capital to foreign embassies.

³ The Westernization Movement (1861 – 1895) was a period of institutional reforms initiated in China during the late Qing dynasty following a series of military defeats and concessions to foreign powers.

⁴ Written also *Tsung'-li Ya'men* or *Tsung-li-Yamen*.

⁵ Webster's 1913 Dictionary. Also see Meng, S. M, *The Tsungli Yamen: Its Organizations and Functions*, Harvard East Asian Monographs, Volume 13, East Asian Research Center, Harvard University, 1970.

⁶ Yang Zewei, *The History of International Law*, Higher Education Press, 2011, p.340.

To get a better understanding of international norms, the Imperial Court hired William A. P. Martin to translate *Elements of International Law* (by Henry Wheaton)⁷ into Chinese.⁸ This book, which was not limited to the rights of legation, but extended to the law of war, the law of the sea, the prize law, the treaty law, got published in 1864 with the assistance of *Tsungli-Yamen*. And it was then well known as *Law of Nations (Wanguo Gongfa)*, and had the immediate effect of facilitating Chinese diplomacy, but an impact on China and beyond in the long run.⁹ It was the very first that an international law publication introduced to China.¹⁰

In 1869, William A. P. Martin was appointed as Head of the School of Combined Learning (*Tongwenguan*), which was established in 1862 to prepare talents capable of dealing with foreign affairs. He was also made the person responsible for teaching of the “law of nations”. Given the crises plaguing the Imperial Qing Court in late nineteenth century, teaching of international law was timely and relevant. Later, international law was taught at the Imperial University of Peking (*Jingshi Daxuetang*), the predecessor to today’s Peking University, replaced *Tongwenguan* subsequently in 1902, which signified China’s acceptance of the law of nations, though its attitude towards international law seems always a combination of love and hatred.

With the emergence of dozens of law schools (*fazheng xuetang*) in the first decade of the 20th century,¹¹ international law teaching took roots. If it was during the late Qing that international law was first introduced, it was in the Republican China that international law became widely accepted. According to a study, 67 law schools were established during the Republican period.¹² It is unknown if all law schools offer international law curriculum, it is safe to say that international law was taught in most law schools (*fazheng xuexiao*). At the National Beijing College of Law (previously, Jingshi College of Law during the Qing Court period), for example, public international law and private international law were collectively taught as “Law for Negotiation” (*Jiao She Fa*).¹³ Beiyang University was even known, *inter alia*, for its long list of

⁷ Henry Wheaton, *Elements of International Law*, Fourth English Edition (ed. by J. Beresford Atlay), London: Stevens and Sons, 1904. First published in 1855.

⁸ See Yang, Zhuo, *A Study on the Translation of Elements of International Law by W.A.P. Martin*, Hong Kong Polytechnic University Dissertation 2014.

⁹ Lydia H. Liu, *The Clash of Empires: The Invention of China in Modern World Making*, Harvard University Press, 2004, pp.113–15.

¹⁰ Zou Zhenhuan, *One Hundred Translated Books that Most Influenced China*, China Translation Publishing Company, 1996, p.56.

¹¹ In 1907 alone, 16 law schools (*fazheng xuetang*) were established in major cities across the country. See Office of General Affairs, Ministry of Education and Learning, *The First Education Statistical Chart*, quoted from Li Yunlong (ed), *Series of Historical Records (zhongguo shiliao congkan)* No 3, Collected Vol 10 Issue 10, p. 19.

¹² Li Xuezhi, *A Preliminary Exploration of the Law Schools (Fazheng Xuexiao) in the Early Republican China Period*, *Journal of Tianjin Normal University*, Vol. 155 (2001), No 2, p. 26.

¹³ Lin Jingzhong, *From Law of Nations to Public Law Diplomacy: The Introduction, Interpretation and Application of International Law in Late Qing*, 2009, pp.126–27, 153.

mandatory courses on international law and Soochow University for its teaching of international law in English.¹⁴ In addition to most universities that were founded by Western missionaries,¹⁵ national universities were required to offer international law as mandatory course.¹⁶ It should be pointed out that during the Republican China period, the international law teaching was heavily influenced by Japan. Japan rose abruptly as a result of its Meiji Restoration.¹⁷ Japan, which used to be a tributary state of the Chinese Empire, even destroyed the Imperial Fleet of the Imperial Qing Court during the Chinese-Japanese War of 1895. The rise of Japan triggered interest among Chinese intellectuals. The significant event, along with geographic proximity and language similarity, turned out to be an incentive for Chinese students to pursue legal studies in Japan. Chinese graduates from Japanese schools subsequently influenced the Republican China's discipline of international law and international law teaching. For example, until the 1920s, most of China's international law textbooks were translated from Japanese either by Japanese professors in China or by Chinese students in Japan.¹⁸ It is fair to say that the Republican China period witnessed the utilization of international law in advancing the country's diplomatic objectives, and professionalization of the discipline of international law, which was based on the Imperial Qing's legacy on the reception of the law of nations.¹⁹ It is even argued that international law prompted the Central Kingdom's intellectual shift from *tianxia* (all-under-heaven)²⁰ to the nation-state concept.²¹ An example is that international law became a mandatory subject in both judicial and diplomat examinations in the 1910s.²²

After the May 4th Movement in 1919, a variety of universities opened up the course of international law.²³ National Wuhan University, Soochow University and Chaoyang University

¹⁴ Pasha L. Hsieh, *The Discipline of International Law in Republican China and Contemporary Taiwan*, 14 Wash. U. Global Stud. L. Rev. 87 (2015), http://openscholarship.wustl.edu/law_globalstudies/vol14/iss1/7

¹⁵ Among the missionary universities that offered international law course were Yenching University, Soochow University, St John's University, Hangchow University, etc.

¹⁶ Pasha L., Hsieh, *supra*.

¹⁷ The Meiji Restoration (from 1868 to 1912) was a chain of events that restored practical imperial rule to Japan in 1868 under Emperor Meiji. It was responsible for the emergence of Japan as a modernized nation in the early twentieth century, and its rapid rise to great power status in the international system.

¹⁸ The list of Japanese translations, see Rune Svaaverud, *International Law as World Order in Late Imperial China: Translation, Reception and Discourse, 1847–1911*, Brill: Leiden, 2007, pp. 269–302

¹⁹ Pasha L. Hsieh, *supra*.

²⁰ *Tianxia* is a Chinese word and an ancient Chinese cultural concept that denoted either the entire geographical world or the metaphysical realm of mortals, and later became associated with political sovereignty. In imperial China, *tianxia* denoted the lands, space, and area divinely appointed to the Emperor by universal and well-defined principles of order. The center of this land was directly apportioned to the Imperial court, forming the center of a world view that centered on the Imperial court and went concentrically outward to major and minor officials and then the common citizens, tributary states, and finally ending with the fringe "barbarians".

²¹ Pasha L. Hsieh, *supra*.

²² Quoted from Pasha L. Hsieh, *supra*.

²³ Sun Xiaolou, *Legal Education*, China University of Political Science and Law Press, 1997, pp.124-132.

emerged as the leading institutions for international law teaching.²⁴ This period witnessed the abundance of translations of Western works of international law and Chinese scholarship of international law was rare and heavily affected by the Western tradition.²⁵ This situation was lasting until the establishment of the People's Republic of China in 1949.

1.2. The Discipline of International Law in PRC (1949-present)

After the founding of the People's Republic of China in 1949, the international status of China, as well as the domestic politics underwent a significant change, so did the theory and practice of international law. Meanwhile, teaching of international law also underwent great fluctuations.

From 1949 to 1952, Chinese universities, particularly the missionary universities such as Yenching University, St John's University, and leading Chinese universities such as Soochow University continued offering international law courses. However, the courses were suspended due to the College Reshuffle (*Yuanxi Tiaozheng*) in 1952,²⁶ which followed the Soviet style of college layout-characterized with political allegiance, discipline alignment and regional planning. For example, the law, political science and sociology faculties of Beijing-based Yenching University, Peking University, Fu-jen Catholic University and Tsinghua University were ordered to dissolve and a new law university, i.e., Beijing College of Political Science and Law (the predecessor of China University of Political Science and Law), was established with the above faculties.²⁷

In the meanwhile, new universities that had founded by the Communist Party of China as it came to power, e.g., Renmin University of China (RUC), began to teach Soviet-style international law. The RUC even hired specialists from the former Soviet Union to teach international law.²⁸

After the nationwide college reshuffle, some universities resumed teaching international law courses since 1956, such as Peking University and Beijing College of Political Science and Law. Old international law textbooks were discarded. Meanwhile, professors were mobilized to

²⁴ See Wang Guiqin, *An Inquiry into the Studies of International Law in the Republican Period*, *Journal of East China University of Political Science and Law*, 2007, No.4.

²⁵ Yang Zewei, *The Introduction of Contemporary International Law into China and Its Implications*, *Journal of Legal Studies*, 1999, No 3. For a list of books translated into Chinese, see He Qinhua, *The Birth and Growth of Contemporary International Law in China*, *Jurists*, 2004 No 4.

²⁶ Cheng Xiaoxia, *Theoretical Issues in International Law*, Tianjin Education Press, 1989, p.42.

²⁷ See Zhang Peijian, Liu Changmin, *History of China University of Political Science and Law (1952-2012)*, China University of Political Science and Law, 2012.

²⁸ Thirty-five legal experts were dispatched from the Soviet Union to China to serve as high ranking advisors to legal departments of the Communist Party of China and governments or as professors in selected universities to train Chinese jurists and legislators. As one of the universities that received Soviet legal experts, RUC had 13 Soviet experts to advise Chinese counterparts and students how to conduct socialist legal education. Of the 13 legal experts at RUC, 4 worked in the field of international law. See Tan Shichun, *A Group Profile of the Soviet Legal Experts in China*, *Legal Sociology*, 2010, No.5, p. 133. See generally, Hui Huifan and Liu Xiangbing, *Soviet Experts and the Emergence of Renmin University of China in Disciplines*, *The Journal of Renmin University of China*, 2013, No 6.

study soviet international law as well as Marxism and Leninism. Selected professors were organized to compile the teaching materials of international law from the Soviet point of view. At that time, teaching of international law followed the suit of the former Soviet Union due to the political reality. It might not be an exaggeration to argue that the Chinese discipline of international law was immersed with the Soviet discourse of international law.²⁹

The withdrawal of the Soviet experts in 1960 marked the worsening of the relationship between the Communist party of China and the Soviet Union.³⁰ And the ensuing Cultural Revolution from 1966 to 1976 ushered nihilism of law and saw a clear departure from the Soviet institutions and practice. It became evident that this time the country was hostile to both the Western version of international law and the Soviet-style international law. The attempt was palpable even when it joined the United Nations and other international Institutions in 1970s and thereafter.³¹ As the political movement went on, most of the law schools were suspended or even revoked, while the remaining schools could just have a few limited courses, which resulted in the great shrink of teaching and research of international law.

Despite the difficult times, international law research was not completely interrupted due to the need arising from 'diplomatic struggles'. Due to the fact that international law was highly relevant to the foreign affairs, the specialists in Ministry of Foreign Affairs continued the research. At this time, prominent figures that must be referred to were Professor Zhou Gensheng³², Professor Chen Tiqiang³³ and Professor Li Haopei³⁴. Occasional endeavor was seen to socialist-ise and Chinese-nise international law.³⁵ In 1976, Professor Zhou published his

²⁹ Yu Minyou and Liu Heng, The Development Trend of International Law in China, Journal of Wuhan University, 2010, No 5, pp. 705-706.

³⁰ See Shen Zhihua, Soviet Experts in China, Xinhua Publishing House, 2009.

³¹ China's independence and non-ally foreign policy and Mao Zedong's Three Worlds theory stemmed from this mentality. According to the Third World theory, both the United States and Soviet Union belonged to the First World, Japan, Europe, Australia and Canada were the Second World, and countries of Asia, Africa and Latin America belonged to the Third World.

³² Zhou Gensheng (1889-1971): Dean, Wuhan University Department of Law, 1929-36; President, Wuhan University, 1945-49; Premier Chou En-Lai's advisor, 1950-1971

³³ Chen Tiqiang (1917-1983): former professor, Institute of International Law, and advisor, Ministry of Foreign Affairs.

³⁴ Li Haopei (1906-1997): Advisor to Ministry of Foreign Affairs, and later Judge of International Court for the Criminals in the Former Yugoslavia.

³⁵ According to official Chinese discourse, treaties not customs are the most important source of international law. Among treaties are unequal treaties. A unequal treaty, which is referred to any of a series of treaties signed with Western imperial powers during the 19th and early 20th centuries by Qing Court China after suffering military defeat by the foreign powers or when there was a threat of military action by those powers, is invalid from the time of its conclusion. See Dong Wang, "The Discourse of Unequal Treaties in Modern China," Pacific Affairs (2003) 76, No.3, pp. 399-425. In contrast, under traditional international law, *pact sunt servanda* does not allow the excuse of unequal treaties. When it comes to customs, no official statement has formerly recognized the binding force of customary international law whilst customary international law is the primary source of international law under western version of international law. for more information about the concept of custom, see American Law Institute, Restatement of the Law, Third, the Foreign Relations Law of the United States, St. Paul, Minn.: American Law Institute Publishers, 1987, The comments of §102, particularly 'b' through 'e'.

International Law with the Commercial Press. The book was the first important international law publication in the PRC before 1980³⁶ in that it developed a set of Marxist and Chinese discourse about international law.³⁷

Nevertheless, this period saw a decline of international law scholarship. Soviet books of international law were translated and introduced into China. According to a study, the Oppenheimer's *International Law*³⁸ was the only non-Russian language book of international law that was translated into Chinese.³⁹

As a result of the third plenary session of the 11th Plenary Session of the Central Committee of the Chinese Communist Party in 1978, China began to implement an open-door and reform policy. Consequently, teaching of international law began to prosper. Some scholars called this time as the foundation ten years of international law in China.⁴⁰ Legal education was resumed in selected universities. In 1981, so was teaching of international law in a small number of universities, thus kicking off a new era for teaching of international law.

At this time, the leading figures are Wang Tiewa,⁴¹ Han Depei,⁴² Yao Meizhen,⁴³ and etc. All of these professors made a great contribution to the revival of the teaching of international law. It was Wang Tiewa that organized a dozen of Chinese international law professors to write a new textbook on international law in 1981, full of Chinese discourse of international law in the open-door period.⁴⁴ This textbook and its new editions have been designated as the textbook of public international law up to now.⁴⁵

³⁶ Chen Tiqiang, *Treatises on International Law*, The Law Press, 1985, p.266.

³⁷ For example, Zhou's *International Law* asserted that international law is a result of the compromising wills of the ruling classes of various countries. Zhou's discussion on the Five Principles of Peaceful Co-existence, PRC's international recognition, succession, state responsibilities, sovereign sea and the representation in the United Nations, the nationality of overseas Chinese and their protection, foreigner's privileges in old China and unequal treaties are full of Chinese discourse. See Chen Tiqiang, *A Book Review on International Law* (Zhou ed), *Chinese Yearbook of International Law*, 1982, p.337.

³⁸ Oppenheim L, *International Law*, Vol. 2, Seventh edition, London: Longmans, 1952.

³⁹ See Yu Minyou, Liu Heng, "The Development Trend of International Law in China, *Journal of Wuhan University*, 2010, No 5.

⁴⁰ Cheng Xiaoxia, *The Decade when International Law Took Roots in China*, *Law Studies and Legal Scholarship*, 1990, p.2.

⁴¹ Wang Tiewa (1913-2003), late Professor, Peking University; former President, China Society of International Law, and former Judge of International Court for the Criminals in the Former Yugoslavia.

⁴² Han Depei, late professor and Dean, Wuhan University Department of Law; founding President of China Society of Private International Law

⁴³ Yao Meizhen (1915-1993), Professor, Wuhan University, founding President of China Society of International Economic Law.

⁴⁴ It was hailed as "an exemplary work of international law work with Chinese characteristics" and an excellent textbook on International Law which laid down the foundation of international law teaching in China, see respectively, Deng Zhenglai, Wang Tiewa and the Establishment of International Law, *China Legal Science*, 1997, No.6, p. 110, and Yin Xiong, *A book Review on International Law* (Wang ed), China Dianli Education, 1988.No. 9. pp.44-45, 33.

⁴⁵ The latest edition is Wang Tiewa (ed), *International Law*, The Law Press, 1995.

After a short period of stagnation and recession after the Tiananmen incident, teaching of international law has stepped onto a new stage with the deepening of open-door and reform policy since 1992. International law, which was considered to be instrumental to opening-up policy, has propagated. Peking University, Wuhan University, CUPL, Xiamen University, ECUPL, Jilin University, Sun Yat-Sen University and Fudan University emerged as the leading institutions for international law studies.

International law scholarship during this period multiplied. However, it is fair to say Chinese scholarship in this regard has not been up to the international standard.⁴⁶

In concluding, since the introduction of international law into the Central Kingdom in the second half of the 19th century, time has witnessed the ups and downs of the discipline of international law in China. While the vicissitude of teaching of international law was in line with the political transformation in the country, it is also associated with China's love and hatred for international law. Once hostile to Western version of international law, the PRC is in a constant effort either to socialist-ise or Chinese-ise international law. The former was characterized by embracing the Soviet-style international law, which came to an abrupt stop after the Communist Party of China's breakup with the Soviet Union. Its effort to Chinese-ise international law is still going on. As China is rising, it even becomes an urgent task.

2. STATUS QUO OF INTERNATIONAL LAW TEACHING

2.1. Curriculum

In 1998, the Ministry of Education, in the name of the National Steering Committee of Legal Education, announced 14 key courses for law education.⁴⁷ Three international law-related courses were among them, i.e., public international Law, private international law and international economic law. From then, international law has become compulsory courses among all Chinese law schools in more than 600 law schools at undergraduate level. At undergraduate level, there are three compulsory courses: public international law, private international law, international economic law, with each course accounting for normally 2-3 credits. And most school offer selective courses concerning international law such as international trade law, international investment law, international finance law, international environment law, international commercial law, maritime law, advanced studies of public international law, advanced studies of private international law, international commercial

⁴⁶ He Zhipeng, *Thirty Years of Chinese International Law: Achievements and Lessons*, Contemporary Legal Science, 2009, No 1.

⁴⁷ At present, the core courses have added up to 16, which are Jurisprudence, History of Chinese Law, Constitutional Law, Administrative Law and Administrative Litigation Law, Criminal Law, Criminal Procedure Law, Civil Law, Civil Procedure Law, Economic Law, Commercial Law, Intellectual Property Law, Public International Law, Private International Law, Environment Law and Labor Law. See the official website of Ministry of Education: http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/A08_gggs/201212/145797.html.

arbitration, etc.⁴⁸ Normally, each of these courses accounts for 2 credits. However, whether a course can take place depends on the number of students that select the course in question. In fact, most of the selective courses are designed for junior or senior students, who are more concerned with job hunting, the number of students who participate in these courses are relatively low.

At graduate level, students are given more options. In more than 50 law schools, there is systematic teaching of international law at graduate level. Most of the prominent law schools are primarily located in Beijing and Shanghai, with 7 in Beijing and 8 in Shanghai. Among them are five specialized international or transnational law schools, which are China University of Political Science and Law (CUPL), East China University of Political Science and Law (ECUPL), Southwestern University of Political Science and Law (SWUPL), Northwestern University of Political Science and Law (NWUPL) and Peking University School of Transnational Law (STL). Advanced studies of public international law, advanced studies of private international law, advanced studies of international economic law are often offered as compulsory courses. International trade law, international investment law, international finance law, international environment law, international commercial law, maritime law, international arbitration law, international civil procedure law, law of the sea, international human rights law, international air law, international space law, international humanitarian law, international criminal law can be offered as elective courses. Students may freely choose courses based on their interest. Nevertheless, graduates are more willing to take those practical courses given the current difficult job market into consideration, leaving those theoretical courses with much less participants.

2.2. Course structure

At undergraduate level, international law courses are primarily lecture-based due to the breadth and complexity of the material. On one hand, some courses, such as public international law, are primarily rule-based, relying heavily on readings about the international conventions. On the other hand, private international law and international economic law courses focus on the application of the law in specific cases, either domestically, internationally, or both. It is found that the course structures are flawed in that for example, there is lack in logic connection between various parts of the course.⁴⁹

At graduate level, faculty interest drives the teaching of international law. The five specialized international law schools have well-developed curriculum. Most of these courses are taught through a combination of lecture, seminar or other pedagogic techniques, allowing students to focus on a particular area of international law.

⁴⁸ See Han Xiuli, A Reflection of International Law Teaching in China, *Jiaoshu Yuren* (Imparting Knowledge and Educating People), 2010, No 9, p. 62.

⁴⁹ Feng Hanqiao, An Exploration of The Curriculum Mapping for the Course of International Law at Undergraduate Level, *Theory Research*, (29) 2009

2.3. Textbooks

In the Chinese context, textbooks, which are attached great importance to, are traditionally regarded as models for the students to follow. Textbooks are worth noting in any discussion about teaching of international law. At undergraduate level, standardized textbooks (which are officially dubbed as *Red Books* for their cover in red) are recommended to nation-wide law students for compulsory courses, which are normally published by some of the universities. On the contrary, there are no standardized textbooks for elective courses. Professors may recommend relevant materials to the students. Take textbooks of public international law as example, among the textbooks that are often recommended are Wang Tieya (ed), *International Law*,⁵⁰ and the Chinese translations of Roberts Jennings and Arthur Watts, *Oppenheim's International Law*,⁵¹and Wolfgang Graf Vitzthum, *Lehrbuch Völkerrecht (International Law)*⁵².

At graduate level, there are no standard textbooks for all the courses since ordinary text books do not contain enough contents that can fulfill the needs of the graduate students. Most of the teachers may refer to some materials that are helpful for the understanding of the issues at discussion. But it is necessary to point out that there are no standardized English textbooks taken as reference books, e.g., Ian Brownlie's *Principles of International Law*.⁵³ The teachers may recommend some English materials. However, these are not easily available to students because of limited resources.

2.4. Teaching Language

In China, while international law is primarily taught in Chinese, occasionally English is used as teaching language. Take CUPL as an example, all the compulsory courses are taught in Chinese, the only courses that are taught in English are *International Sale of Goods and International Payment*, *Advocacy in US Courts*, *Selected Cases: WTO Dispute Settlement*, *International Humanitarian Law*, and *Case Study: International Law*.⁵⁴

The major problem lies in language barrier. On one hand, some of the teachers are not competent for English teaching. On the other hand, students major in international law lack language proficiency. Even though students may have better English skills, they are still not good enough to complete English courses.

2.5. Pedagogy

⁵⁰ Wang Tieya (ed), *International Law*, The Law Press, 1995.

⁵¹ Roberts Jennings and Arthur Watts's textbook, which is generally known as *Aobenhai Guojifajia*, was translated by Wang Tieya and published by China Encyclopedia Publishing House in 1996.

⁵² The fifth edition of Wolfgang Graf Vitzthum's *Lehrbuch Völkerrecht* was translated by Wu Yue and published by The Law Press in 2012.

⁵³ James Crawford, Ian Brownlie's *Principles of International Law*, 8th edition, Oxford University Press, 2012.

⁵⁴ Dean's Office, China University of political Science and Law, *The Curriculum Mapping for Undergraduate Programs*, 2015-2016.

Chinese students and professors are used to lecturing course.⁵⁵ International law is made such a course. Seminars and colloquiums, though not alien to some top law schools, are rarely used as often as lecturing courses in international law teaching.

While case study has been widely used in most law schools for international law teaching,⁵⁶ case selection remains a big problem. Firstly, cases concerning public international law are not up to date.⁵⁷ Secondly, rarely China's practice of international law is used as reference in classrooms, partly due to the unavailability of systematic materials regarding the country's modern practice of international law.⁵⁸ Thirdly, selected international law cases are often tailored to the needs of students for convenience.⁵⁹ Although international economic law cases, such as those trade disputes dealt with by the WTO or investment disputes by the ICSID, are conveniently retrievable on the Internet, most international economic law cases used in classrooms are abridged and translated into Chinese before they are presented to students.

Clinics are used on a pilot base by dozens of law schools. But they are rarely used in international law course.⁶⁰ International law mooting, such as Philip C. Jessup International Law Moot Court Competition, William C. Vis International Commercial Arbitration Moot,⁶¹ has been introduced in late 1990. However, only about two dozens of law schools are active participants.⁶² Moreover, naturally, only a small portion of students are beneficiaries of these international law mooting activities.

2.6. Some Pedagogical Observations

⁵⁵ Liu Bin, A Preliminary Study of Reform of International Law Teaching for Undergraduate Students, Wuhan University International Law Review, 2015, No.1, p.388-390.

⁵⁶ Liao Li, Case Study in International Law Teaching for Undergraduate Students, Fazhi Bolan (Legality Vision), (23) 2015, pp.288-290.

⁵⁷ The only case book publicly available is Chen Zhizhong and Li Feinan, Selected Cases of International Law, The Law Press, 1986.

⁵⁸ Li Qingling, A Preliminary Comment on the Role of China's Practice in the Teaching of International Law for Undergraduate Students, Economic and Social Development, (14) 2016, No.1, 127-129.

⁵⁹ Li Bojun, Choice of Cases and Discussion in Case Study of International Law, Contemporary Education: Theory and Practice, 4 (2012), No.5, pp.124-126. Popular case books include Wang Chuanli, International Economic Law Case Analyses, Higher Education Press, 2008; Tang Shumei, International Economic Law Case Analyses, Renmin University of China Press, 2006.

⁶⁰ Dong Jingbo, Experiential Education/ Advocacy Skill Training in International Law Classroom, China Legal Education, 2008, No.4, pp. 127-137

⁶¹ Jessup is the world's largest moot court competition, with participants from over 550 law schools in more than 80 countries. The Competition is a simulation of a fictional dispute between countries before the International Court of Justice, the judicial organ of the United Nations. The Willem C. Vis International Commercial Arbitration Moot is an international moot court competition held annually in Vienna, Austria attracting more than 300 law schools from all around the world. Chinese law students must first compete in qualifying competitions or pre-moot in China and most students end at this stage.

⁶² There is so far no accurate statistics. The figure is based on the international law mooting competitions that are organized by China University of Political Science and Law in the past five years.

Based on the analysis above, it is fair to conclude that the current state of international law teaching in Chinese law schools has the following problems:

(1) At undergraduate level, teaching of international law remains largely on the periphery of legal education. In general, the teaching of international law at the undergraduate level in China is often dubbed as “slogan jurisprudence” and “abstract jurisprudence”.⁶³ International law courses are the last courses that are given during the undergraduate studies, when students’ interest is worn out throughout the years at the university. They are now under the pressure of seeking jobs, and courses are no longer their only focus. At graduate level, teaching of international law is generally seen as part of training program supposedly tailored to reap specialized personnel. Students prefer more practical knowledge which helps them find a job, and pay inadequate attention to the critical analysis of international law.

(2) Quite standardized curriculum-mapping has a negative influence on incubation of the student’s interest in international law. Major courses of international law are still public international law, private international law and international economic law. Although there are many other selective courses, most of them are merely restatement of the basic rules and are comparatively easy, not in a position to grow their curiosity.

(3) A large share of courses is business-related, whereas courses concerning other fields of international are relatively rare. At the present time, attention is mainly paid to the economic or business issues, so civil and commercial law is always the focus of legal studies. Among the courses of international law, international economic law is the hottest subject. On the contrary, the other departments of international law are rather unpopular, not only the students have the least passion for them, but also there are only a few courses about these subjects.

(4) Students are ill-prepared in language skills. One of the toughest problems in the teaching of international law is the language barrier. Chinese students in general lack the English ability to complete English courses. For a subject whose original materials are written in foreign languages, it is rather inadequate to rely solely on Chinese translation materials. Besides, some of the original materials are written in French or other languages apart from English, but most students can only speak poor English, which leave a lot of materials unattended.

(5) Students lack practical training. Due to the characteristics of international law, students can hardly participate in the relevant practice training. Law school students mostly do internship in law firms or courts that deal with civil, commercial or criminal issues, and they barely get themselves involved in international affairs, not to mention doing their internships in international organizations.

(6) Most students majoring in international law do not stay in the field. According to above employment status, international law students who take an international law career account for

⁶³ Liu Bin, A Preliminary Study of Reform of International Law Teaching for Undergraduate Students, Wuhan University International Law Review, 2015, No.1, p.388-390.

a very little proportion, which in turn affect the enthusiasm of students studying international law. They only regard it as an ordinary compulsory course.

3. NEEDED: AN INTEGRATED PEDAGOGICAL APPROACH

3.1. A professionalism in International Law Teaching

The current situation of teaching of international law in China is evidently not consummate with the international status of the rising China and particularly with its ambition in international rule-making. Engaging in a far-reaching reform of international law teaching is the only choice. Given the historical vicissitude of international law in China, a mere pedagogical reform is not adequate to improve international law teaching. What Chinese law schools need is a retrench of international law teaching. Embracing professionalism shall be the direction.

An effective, efficient teaching of international law in China needs adopting a more integrated theoretical approach to the teaching of international law. While advocating for a fair and just international order, protection of China's national interests and illuminating the ultimate value of international law, Chinese professors of international law shall abandon "slogan jurisprudence" and "abstract jurisprudence". As to the teaching contents, the adherence to the "large and integrated" approach that can be found in traditional European textbooks of international law should be changed, and the curriculum mapping needs to be condensed appropriately in the light of practicability. Students shall be trained in interpreting legal provisions, legal reasoning and legal application skills with the help of classic case studies. International relations theories could be flexibly combined to interpret the macro construction of international law regimes and China's participation.⁶⁴

It is suggested that law schools shall set up no mandatory international law courses for undergraduate law students. Only some elective courses for students genuinely interested in international law may be enough. After all, not a large number of students may take up an occupation dealing with foreign affairs. These small but elaborated courses may provide the students who are truly willing to choose an international career with the rights knowledge of international law and skills therein.

As for graduate students, small-scale international law program is also advised. So graduate students can conduct in-depth studies of selected international legal issues and pursue what they are really interested in. What's more, international law courses at graduate level should be concerned with more international law –related subjects, and go far beyond business-related courses. New issues concerning international environment law and international labor law are being in a heated discussion among the international society. Students shall be introduced to

⁶⁴ Liu Zhiyun, *A Way to the Prosperity of the Discipline of International Law: Trial Introduction of The Analytical Approach Built in International Relations Studies*, *Wuhan University International Law Review*, (14) 2011, No. 2, pp. 254-274.

these newly development of international law. It is undeniable that internationalization of teaching of international law is a must. In order to achieve this, a wider use of English as the language of the teaching of international law must be included. On one hand, English requirements shall be imposed upon students majoring in international law. On the other hand, original foreign language materials shall be provided to the students as many as possible. Students could also learn other languages to get a full understanding of international law discipline in major countries.

3.2. Internationalization of International Law Teaching

Legal education is being internationalized as part of the globalization process. The internationalization of commerce and contemporary life has led to a globalization of legal standards and practices that is beginning to be reflected in legal education.⁶⁵ One previously saw the world as an archipelago of jurisdictions, with a small number of lawyers involved in mediating disputes between jurisdictions or determining which jurisdiction applied. In the era of globalization, one must see the world as a web, with lawyers required to be comfortable in multiple jurisdictions. Global issues call for global solutions. Global solutions mean global coordination and international law. Given China's rise, its global reach and aspiration, international law has become more relevant to the globalized world, as well as to China. Internationalizing the teaching of international law is now an urgent issue and internationalization shall be one of the themes of any reform to upgrade international law teaching in China.

4. CONCLUDING REMARKS

Since the introduction of international law into China, the country has had an increasingly close yet somewhat unwilling relationship with the "law of nations". As international law is becoming increasingly relevant to a rising and assertive China, international law teaching in the country also needs examining. What Chinese law schools and beyond are lacking is among others, a truly professional approach to the discipline of international law and international law teaching, which goes beyond its love-and-hatred attitude towards international law, and an international approach which lies at the center of a pedagogical reform for international law teaching.

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⁶⁵ See generally, Frank Upham, *The Internationalization of Legal Education: National Report for the United States of America*, *American Journal of Comparative Law*, Volume 62 / Summer 2014, pp. 97-126(30); and Jan Klabbbers and Mortimer Sellers (Eds.), *The Internationalization of Law and Legal Education*, Springer, 2008.

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