

Study on the Integration of General Education and Law Education

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ABSTRACT

With the vigorous development of legal education today, the personality shaping and skill training of the educated must not be partial. For a long time, legal education has been affected by professionalization, specialization and marketization. Legal education in colleges and universities has increasingly focused on the limitations of professional education, ignoring the significance and role of general education in the training of law talents to a certain extent. In response to this, this article sorts out the general education and legal education, and proposes to integrate legal education and general education, so as to cultivate law elites who have both "general" and "professional" abilities and can promote social development in the new era.

Keywords: general education, legal education, integration

I. INTRODUCTION

Since the 1990s, the legal education in Chinese colleges and universities has made great progress. So far, the corresponding law major has been set up in most of the major universities. It should be said that Chinese universities has provided a large number of talents for legal construction with the training of law talents. However, due to the rapid development, it is inevitable that the market-oriented tendency of being too eager for quick success and instant benefits has emerged. The purpose and direction of education increasingly take the employment rate, the passing rate of legal examination, and the rate of further study after graduation as the main standards. However, the main value orientation of higher education is to cultivate a sound personality and a sense of social responsibility. At the same time, since the beginning of this century, there has been a trend of strengthening general education in Chinese universities, attracting the attention of major universities in recent years. The emphasis on comprehensive knowledge and personality quality in general education is undoubtedly of great significance to correct the training orientation of marketization and professionalization in current legal education. Therefore, it is necessary to observe law education from the perspective of general education, and try to combine the two organically, so as to open channels for the cultivation of law elites with sound personality, knowledge literacy, strong sense of social responsibility and national feelings.

II. ANALYSIS ON GENERAL EDUCATION AND LAW EDUCATION

The thought of general education has a long history, which can be traced back to the "liberal education" in ancient Greece. It was first put forward by Aristotle, and the core concept is freedom, focusing on the pursuit of mental liberation. The purpose of liberal education is to train people to develop their own quality. On the contrary, it is "non-liberal" education if the practical purpose is achieved by learning some skills. [1] Liberal education first affirms the value of knowledge itself and pursues pure truth, goodness and beauty. Since it requires the educated not to be partial to one idea, the content of liberal education is broad, whether the "seven liberal arts" in medieval Christian schools or the classical humanities in the Renaissance, both cover the modern liberal arts and science. [2] The thought of liberal education has been playing a unique role in the history of western education. However, many foreign scholars believe that there is a certain historical inheritance between the classical liberal education and the general education advocated today, but they are not exactly the same, which mainly lies in the fact that there are great differences between the two in the historical situation, training objectives and corresponding education types. Liberal education is a typical elite education, which was set up for the ruling class and elite class in ancient Greece, aiming at cultivating gentlemen. It is opposite to the vocational education accepted by the ruling class. Rational training itself is the purpose of education. It does not directly prepare students for a specific occupation. General

education came into being in the stage of popularization of higher education in western countries. It is faced with students from all walks of life. Its purpose is to cultivate compound talents with broad professional foundation and comprehensive development. From the other types of education, liberal education corresponds to vocational education, and general education corresponds to professional education.

There are various interpretations of the general education in foreign countries. Parkard, the professor at Bowdoin College in the United States, linked general education with university education firstly, believed that "our college is expected to give young people a general education, a kind of classical, literary and scientific education, and a kind of comprehensive education as far as possible. It is the preparation for students to study any major, which will provide teaching for all branches of knowledge. This will enable students to have a comprehensive understanding of the overall situation of knowledge before they devote themselves to learning a special and specialized knowledge." [3] Some American scholars believe that "general education refers to non-professional and professional education, and the purpose is to cultivate healthy individuals and healthy citizens in a free society." [4] The definition of general education in the west is the critical transformation and development of liberal education in ancient Greece. As for the Chinese general education, it started relatively late. After entering the 21st century, Fudan University and other well-known universities took the lead in carrying out the general education. The landmark event was that Fudan University established Fudan College to comprehensively implement general education in 2005. However, it is gratifying that although the development is very short, it has become a consensus to strengthen general education in Chinese universities in recent years, and the establishment of general education colleges or general education centers has become a common practice in universities.

Compared with general education, the history of law can be traced back to ancient Greece and Rome. As early as ancient Greece, the appearance of "Statute law of Draco" and Solon's "Attica code" promoted the formation of law. At that time, many thinkers and politicians made many discussions on the basic problems of law in the literary works of ancient Greece, especially in the philosophical and ethical thoughts of Plato, Aristotle, Sophists and Stoics. In ancient Rome, due to the great development of statute law, law also flourished, forming a class of jurists who mainly taught private schools. However, it is generally believed that the legal education in the true sense was born in the University of Bologna in Italy in the 11th century, and it has been evolving, integrating and developing for more than a thousand years.

Up to now, the operation mode of the legal profession system is almost still in the mode before modern times, which is reflected in both the continental law system and the marine law system. In short, legal education is relatively conservative. Posner, the American Judge, once described the legal industry as "a cartel of service providers involving the law of society", which means a monopoly industry. This statement vividly shows that due to the unique immunity of the legal profession, the impact of previous industrial and scientific and technological revolutions on the legal profession is always relatively small. From the training of lawyers to the selection of judges, the mode of operation of the legal profession system is almost the same as that before modern times, especially in western countries. Since the modern legal education was introduced into China at the end of the 19th century, it mainly takes the West as its teacher. Therefore, even in the current legal education in colleges and universities, it also shows the same characteristics of western law. Generally speaking, it highlights the professionalism and professionalism of legal education in a professional package.

However, it is worth noting that legal education has not been completely independent from philosophy, ethics and political science before modern times. At the birth of law, and even as early as the ancient Roman period, jurists claimed that law was "the knowledge of God and human things, and the science of justice and injustice", which actually seemed to contain the inherent ethical requirements of law. If this ethical requirement is reflected in law education, it is not only to cultivate some skilled legal practitioners, but also to cultivate the educatees to have perfect personality and pursue the "fairness and justice". Even with the development of the specialization of law today, people cannot ignore the essential requirements of justice law education. Therefore, from this point of view, there are some natural connections between legal education and general education in history.

III. THE NECESSITY OF INTEGRATING GENERAL EDUCATION AND LEGAL EDUCATION AT THE LEVEL OF PURPOSE

From the perspective of the current training mode in universities, it is mainly divided into the following categories [5].

A. Professional education mode

The mode of professional education refers to that colleges and universities pay attention to the theoretical teaching and legal thinking in the course teaching when formulating the training plan of law students, so as to cultivate professional talents with solid theoretical foundation and strong legal logic ability. Most law schools of colleges and universities in China adopt this

mode to develop training programs, which are mainly reflected in the teaching of teachers' theoretical knowledge and the sorting of teaching materials. This teaching mode improves the students' understanding of specific legal principles, legal rules and legal theories, and cultivates students' ability to apply theoretical knowledge to judicial practice and solve relevant legal problems.

B. Vocational education mode

In the 1960s, American clinical legal education laid the foundation for the rise of vocational education mode. By contrast, it takes case teaching method and clinical teaching method as the main teaching methods, which is an education mode with the main teaching purpose of cultivating practical skills and professional quality of law students. This kind of teaching mode makes the teaching plan and curriculum arrangement in accordance with the characteristics of case teaching in the course design, sets the classroom teaching objectives before class and carries out teaching summary after class. In addition, by encouraging students to actively participate in case discussion and guiding students to conduct case analysis, the students constantly enhance their legal professional skills and consolidate legal theoretical knowledge.

C. Balanced education mode

Balanced education mode integrates the characteristics of the first two modes of education and believes that the law education in colleges and universities should pay enough attention to students' mastery of professional theoretical knowledge and improvement of practical skills, and the two should not be biased. The balanced education model has been approved and implemented in some foreign countries. The characteristic of this teaching mode is that law students learn professional theoretical knowledge and complete the required credits, and then carry out practical skills training and regular assessment. Legal talents should take part in the pre-job practical skills training organized by the work unit before they go to work, so as to improve their work adaptability and work skills.

Similarly, there are three representative approaches to the selection of training target mode of legal education talents in China. The first is "professionalization" or "marketization". Based on the current situation that the training scale of law students is increasing sharply and the employment situation is getting tighter, it is suggested that the main focus should be on improving the employment rate of law graduates, and vigorously strengthening the professionalization and marketization of law education in China. It is believed that the long disconnection between legal education and legal profession is the main cause of many problems in China's legal

education. [6] It is proposed that legal education should be positioned as vocational education, and the training standards of legal talents should be designed according to the legal talents supply and demand. [7] The second is the theory of "humanization" or "the cultivation of legal rationality". This theory puts the legal education into the overall framework of higher education and considers that humanistic care should be placed at the core of legal education. Besides knowledge imparting, legal education should have higher pursuit, explore eternal justice and profound spiritual world. And law graduates should have profound knowledge, lofty goals and noble morality, and become legal workers who can shoulder the responsibility of benefiting the country and society. [8] Third is the theory of "comprehensiveness". That is to say, the aim of law education is not only to cultivate the students' sound legal personality and humanistic quality, but also to reflect the requirements of the legal profession and provide necessary professional training for law students. Therefore, legal education should be both a general education and a professional education, and should seek its own growth point in the organic integration of the two. [9]

Of course, as a practical discipline, the first thing for law majors to cultivate talents is to serve the society. Especially, the legal examination is the employment threshold for every legal student. It seems that such a training method is justifiable from the utilitarian point of view. However, combining the recent case of "Peking University Student killing mother", it is obvious that the cultivation of sound personality is an indispensable link in university education. Starting from this, it is quite necessary to introduce general education into law education.

IV. THE SIGNIFICANCE OF GENERAL EDUCATION IN LAW EDUCATION

From the perspective of the purpose of higher education activities, it is nothing more than to spread civilization and cultivate personality, and to cultivate envoys to transform society and promote civilization. This is determined by the public welfare nature of higher education. Therefore, in the ultimate sense, promoting social civilization and progress should become the value pursuit of all higher education activities. The purpose of law education is subordinated to the purpose of higher education, but it grants the "law" as the "weapon" for the educated to act as the messenger of civilization. The significance of all its activities can be summed up. By virtue of legal knowledge, legal skills, legal thinking and legal values, the educatees can observe, maintain, improve and pursue the social order of fairness and justice, so as to promote human well-being and social civilization and progress. Legal education is to train students to discover, think and solve social problems by means of

legal logic and legal thinking mode. This kind of problem has regional characteristics. The emphasis of law education in China is to cultivate students' ability to solve social problems in China by means of "law". In terms of academic contribution, legal workers are required to provide national legal wisdom to promote the progress of human legal civilization. The purpose of law education activities can be attributed to the purpose of the rule of law, that is, to make human behavior and social interaction rules infinitely fair and just, infinitely approach the natural requirements of good humanity, and constantly increase the happiness index of human beings. [10]

On the one hand, legal education aims at promoting social civilization and improving the level of human happiness. On the other hand, as the content of legal education, "law" is a professional system with high technical content. The practitioners can obtain the essentials through formal vocational learning and training, which is also an important basis for the existence of legal education. This determines that the law education should not be limited to the rights of any local interests in terms of personnel training specifications and intellectual output, but should be based on the promotion of social civilization. It is the fundamental purpose of law education and makes law education belong to higher education. Therefore, the orientation of general education or professional education cannot make law education fully competent for its own responsibility. General education emphasizes the cultivation of humanistic quality, aiming to enable the educated to develop good ideological and moral quality and broad cultural foundation of social sciences. Among them, the education of ideals, beliefs and values is in the fundamental position. To measure the legal education with this target mode is to require law students to master the cultural knowledge of social science extensively, and to develop the character of legal person with justice, integrity, kindness, fraternity, advocating rationality, believing in rules and law. At the same time, it responds to the mission of law education civilization. However, this kind of general education is extensive but not refined. It cannot meet the high technical requirements of legal education. Facing the instrumental orientation of legal education, general education is powerless. Legal practice is not only a process of value judgment, but also a highly regular technological operation process. Practitioners must be familiar with the technical rules and system of "law" in order to effectively promote legal practice. Only when the legal education is operated as a professional education, can the practitioners who are proficient in the "law" rules be cultivated. On the contrary, overemphasizing the specialization orientation of legal education will make the educated lack the belief and pursuit of the ultimate goal of legal education,

resulting in the confusion and even the complete wrong choice when making the value judgment and choice of the major right and wrong in the future legal practice. This undoubtedly runs counter to the original educational goal of promoting social civilization and progress. Therefore, to solve the special social problems and promote the social civilization, law education must be able to effectively realize the organic combination of general education and professional education.

The practice of law education in major European and American countries shows that the key to the success and innovation of legal education lies in the successful coordination of the relationship between general education and professional education. And the talent training mode of their legal undergraduate education embodies the dual pursuit of being "general" and "professional". Also, the reform of legal education in the new period is also carried out along this target value. At present, the European model and the North American model are two typical representative modes of foreign law undergraduate education. As for Germany, a typical representative country using the European model, its undergraduate education of law is clearly divided into two stages, namely, the stage of basic knowledge and theoretical study of law and the stage of legal professional practice. The training contents of the two stages respectively embody the requirements of being "general" and "specialized". In recent years, in order to correct the tendency of paying too much attention to the study of legal theory and passing the examination, Germany and other European countries have gradually increased the proportion of legal vocational training in the undergraduate education of law, thus making up for the lack of professional education in law education. Relatively speaking, the North American model, which takes the practical training of legal education after undergraduate as its basic content, seems to pay attention to legal vocational training in an all-round way. In fact, this mode also has some elements of general education.

V. MEASURES TO STRENGTHEN GENERAL EDUCATION IN LAW EDUCATION OF CHINESE UNIVERSITIES

Back to China's colleges and universities, the general education and law education have made great progress today. In most cases, the relationship between them has not attracted enough attention, or even separated. For contemporary Chinese universities, due to the influence of traditional "specialization" thought and social utilitarian thought, they still equate professional education with vocational education, knowledge training with skill training, and legal education is no exception. However, the emergence of general education provides an opportunity for the

transformation, so the author thinks that it is necessary to introduce general education into law education in colleges and universities through the following measures.

A. Establishment of guiding ideology and principles

It is necessary to establish the guiding ideology of training high-level legal talents. There are two levels of legal talents: "legal technical workers" and "legal pioneers". Considering the historical mission of law education, the orientation of personnel training can be easily solved. It is required to focus on the goal of training "legal pioneers" while taking into account the two as much as possible. That is to say, the higher-level talent training goal requires the trained talents to have outstanding qualities worthy of carrying heavy responsibilities: first, they should understand the problems of Chinese society; second, they should have sufficient legal knowledge reserves to understand Chinese laws and their crux; third, they should have good philosophy, and be good at looking for the focal points for dealing with the relations between man and man, between man and society, and between man and nature based on China's reality; fourth, they should have the spirit of protecting the law and have the confidence, courage, perseverance and other personality qualities needed to pursue the goal of legal value.

It is required to adhere to the overall principle of "all-round development and flexible combination". The so-called "all-round development" refers to the integration of general education and professional education in the whole process from the development planning to the specific implementation of law education. Under the guidance of organic combination, the existing legal education should be reformed and adjusted, so that it is required to form a comprehensive security mechanism in the guiding ideology of school running, talent training program, discipline and specialty setting, curriculum arrangement, textbook compilation and teaching activities and other links. The so-called "flexible combination" means that it is necessary to grasp the key points and links according to the actual needs, flexibly adopt different combination methods according to the time and place, and timely adjust the proportion of general education and professional education according to the new situation and new problems in the process of combination, so as to achieve the best effect of cultivating high-quality talents. At the same time, all law colleges and departments should make full use of their own advantages and take the road of characteristic development. In the face of unconventional development of law education, enhancing the connotation has become the development theme of all law schools and departments. One of the important contents of connotative development is "characteristic management". To give full play to its own

characteristics is related to the survival and development of law colleges and departments in the future. Law colleges and departments that can quickly complete resource reorganization and structural optimization and occupy a dominant position in obtaining external resources will become the leaders in the next round of competition of law education in China.

B. Problems to be paid attention to in concrete implementation

It is required to cultivate students' sense of mission and responsibility of paying attention to the society and solving problems while having professional education. As mentioned earlier, the ultimate function of legal education is to cultivate professional elites who promote the process of social civilization. Therefore, China's legal education should take the cultivation of legal elites as its pursuit. It is necessary to consciously guide students to pay attention to and think about the problems of China's society, form a strong sense of mission of appealing for the people, and consciously cultivate the professional ability and scientific spirit to solve problems. Only in this way can China's legal education really play a role in boosting China's social progress.

It is required to strengthen the proportion of general education courses in law undergraduate courses. At present, there is a growing demand for strengthening the professional component of law undergraduate education. In view of the poor practical ability of law students, some law colleges and departments in China have begun to try the clinical legal education, and have comprehensively strengthened the exploration of practical teaching, forming a trend of strengthening law application education. In addition, the cultivation conditions of students' general literacy are inherently insufficient. Facing the rising trend of professionalization of legal education, the status of general education in law undergraduate education is worrying. Strengthening applied education is conducive to improving students' practical and innovative ability, but the content of professional education should be strengthened on the premise of ensuring the goal of general education, and the proportion of general education in the current undergraduate education of law should be guaranteed. Therefore, the existing content of legal quality education should not be abandoned. At the same time, professional spirit training courses should be set up separately or in the whole process of professional education.

It is better to reform the existing legal education and teaching system to provide channels for the cultivation of "general" and "specialized" legal talents. The national education authorities should create a good external environment for law colleges and departments to build a school-running system to achieve the training

objectives. In the evaluation and management of colleges and universities, independent evaluation system should be set up for law colleges and departments to adapt to their special situations. For example, learning from the practical experience of foreign law education, it should appropriately extend the undergraduate education system of law. Colleges and universities can implement the undergraduate training mechanism of law. In the senior stage of undergraduate, the students who have the quality of legal practice can enter the formal legal vocational training stage, and finally become judges, prosecutors and other legal workers; the students who are suitable for law researchers enter the graduate stage of study; and the students who do not have the quality of legal workers are required to take the employment combining with their interest. In the design of teaching plan, it is necessary to make full use of the favorable conditions of credit system management to open up all professional courses in the school, so that law students can choose courses of other majors and disciplines according to their specialty, discipline characteristics and their own learning needs. [11]

VI. CONCLUSION

There is no doubt that the legal education in Chinese colleges and universities in the 21st century has made considerable progress. At the same time, it has indeed strongly supported the talent needs of building a socialist country under the rule of law. However, for the current over-professional and market-oriented higher education, it is a great challenge to cultivate a healthy personality and pursue the values of justice. It is not exaggerated that law students cultivated today will, in a sense, determine the development direction and value orientation for the rule of law in the next two decades. Therefore, the relationship between legal education and general education actually involves the difference orientation between training "legal technicians" with proficient and simple professional skills or training "legal pioneers" full of rationality, ideals and humanistic care. In fact, the answer should be obvious for every legal person who is engaged in legal education like the author. People should pay enough attention to the long-term weakness of general education.

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