1. Breeding lawyers for the global village: The internationalisation of law and legal education

Jürgen Basedow

When the legendary First Fleet arrived at Botany Bay, Australia in 1788, its voyage from England had lasted approximately eight months. Today the same distance is covered by air travel in less than 24 hours. This comparison points to the tremendous acceleration in travelling, made possible by technological progress over the last 200 years. Innovations such as steam engines, aircraft, steel vessels, telegraphy, railroads and the internet have not only increased the speed of the transport of passengers, cargo and data, they have also allowed for a formidable extension of transport capacities. The consequences are usually encapsulated in the term ‘globalisation’, which has led to what has been described as an ‘eradication of distance’\(^1\) or the ‘shrinking’ of the world.\(^2\) Economists and social scientists have described the resulting changes; the extension of markets, the anational, binational or plurinational identity of persons and groups and the growing internationalisation of political decision-making. All this has a stark impact on law-making and the application of laws to issues and disputes which are increasingly framed by expectations arising from various economic, social and cultural backgrounds. It is up to education in general and legal education in particular to respond to these changes. The following chapter outlines the evidence for the internationalisation of the legal systems, before discussing the objectives to be pursued by legal education in response to globalisation. Lastly, whilst formulas conceived in other countries have to be applied with

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some caution at home, some experience gathered abroad provides a useful basis for further discussion.

LEGAL GLOBALISATION

Towards the Internationalisation of Legal Systems

For the last 200 years the European order, which ultimately became the world order, essentially built on the role of the sovereign nation-state. After 1800 the nation-state was increasingly considered the sole source and ultimate home of language, culture, economic welfare, military power, law and justice. Nation-states have created their own legal orders which are distinct networks composed of statutes, regulations and judge-made rules. They are administered by judicial personnel and a legal profession which, in respect of education, careers, organisation and procedures, are peculiar to each country. Currently it is still the firm belief of many people that law is essentially national in nature with regard to its origin, content and object – those fact situations addressed by legal rules.

Globalisation has struck a severe blow against this national confinement of the law. This is evident in the many legal rules of national origin which have been amended in response to the requirements of open societies. It would be a fascinating subject for a comparative investigation into areas such as the law of asylum and immigration, commercial law or private international law. However, the following discussion focuses on another aspect of legal globalisation, namely the gradual emergence of an international legal order that is not confined to relations between states, but instead has a direct impact on the rights and obligations of individuals and companies, that is, of private actors.

Substantial efforts for the creation of such an order, one of legal globalisation, were already made in the first phase of globalisation before World War I. The second phase started after World War II. It gained greater momentum in the years leading up to and beyond the end of the twentieth century. Four aspects of legal globalisation may be distinguished: the growing significance of private law-making; the progress of legal regimes with a global dimension; the increasing role of international organisations as lawmakers and the emergence of international tribunals. They all suggest or even require an adjustment of legal education.
Private Initiatives of the Nineteenth Century

In the second half of the nineteenth century, lawyers across the globe became aware of the dangers and inconveniences inherent in the nationalisation of law. In the absence of well-functioning government cooperation at the international level, private actors began to look for private solutions. To this end, non-governmental organisations (NGOs) such as the International Railway Union (IRU) or the Comité Maritime International (CMI) were set up before 1900 to discuss the legal problems of international transactions relating to specific markets. The Institut de Droit International (IDI), the International Law Association (ILA) and the International Chamber of Commerce (ICC), all of a similar vintage, tackled numerous issues of a more general nature. These institutions have produced a great number of resolutions, contract forms, standard conditions of contract, business guides and model laws which have gained practical significance through the approval of business circles; some of them such as the Uniform Customs and Practices for Letters of Credit and the Incoterms have literally found worldwide acceptance. The approval of these instruments of non-state law has been fostered through international commercial arbitration.3

The Unification of State Laws

Legal globalisation is even more visible in the area of state law.4 The international community started as early as the 1880s to unify, harmonise or render more compatible, the divergent national laws in areas such as intellectual property, rail transport, private international law and some issues of maritime law, for example, the collision of vessels and salvage. In the period between the World Wars, the unification of maritime law continued, in particular with the so-called Hague Rules on bills of lading, as well as air transport, bills of exchange and cheques. However, the

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3 For a comprehensive assessment and theoretical reflection on the emergence of non-state law, see Nils Jansen and Ralf Michaels (eds), Beyond the State – Rethinking Private Law (Mohr Siebeck, 2008), and in particular, the contributions by the following authors: Annelise Riles; Marietta Auer; Jürgen Basedow and David Snyder.

4 The several hundred uniform law treaties cannot be cited here in detail; for references and surveys see numerous entries in Jürgen Basedow et al (eds), Max Planck Encyclopedia of European Private Law Vols 1 and 2 (Oxford University Press, 2012).
success of the latter attempts was limited, demonstrated by the number of ratifications.

The unification movement received new momentum after World War II in areas such as the recognition of foreign arbitral awards, the sale of goods, financial leasing and factoring contracts, various areas of intellectual property, the protection of cultural objects and the law relating to several modes of transport. This movement has not been limited to commercial law or private law, but affects all areas of the law. Thus the non-binding *Universal Declaration of Human Rights* of 1948 has given rise to several regional treaties on the protection of human rights. Cooperation between administrative authorities of different states is ensured through a number of treaties, relating, for example, to the abduction of children, the recognition of driver’s licences, the issue of certificates of origin for cultural objects and the issue of certificates of oil pollution liability insurance relating to merchant vessels.

International cooperation, the recognition of foreign state acts and the application of foreign law have penetrated all areas of the law. These facets of unification are ensured by international treaties which span the globe in the hundreds or even thousands. Interaction of different states is particularly intense within the EU with the effective implementation mechanisms of EU law, but it can be ascertained everywhere. As an example, Australia is a contracting party to 11 conventions of the Hague Conference on Private International Law, to more than 30 conventions in the field of maritime law, to a similar number of treaties relating to air law and to nearly 20 instruments on intellectual property. Thus whole areas of the law are paved with uniform or harmonised law, and it goes without saying that lawyers working in these fields must take account of the framers’ intention to create not only uniform law in the books, but uniform law in action.

**Institutionalisation**

**Intergovernmental law-making agencies**

The major driving force pushing this development has been the institutionalisation of the unification of laws.\(^5\) Initially unification efforts were driven by private interests, for example the initiative of ship owners in establishing the CMI for the unification of maritime law, or by single states that invited other governments ad hoc to diplomatic conferences, such as the Hague Conference on Private International Law. Over the

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\(^5\) Basedow et al, above n 4.
years a large number of intergovernmental organisations have been established and entrusted with the permanent task of legal unification. Some of them are specialised agencies, for example the World Intellectual Property Organization (WIPO) in Geneva, the International Maritime Organization (IMO) in London, or the International Civil Aviation Organization (ICAO) in Montreal. Others, such as the Hague Conference, the United Nations Commission on International Trade Law (UNCITRAL) at Vienna or the International Institute for the Unification of Private Law (UNIDROIT) in Rome have a wider focus. Next to the traditional instrument of unification – the international treaty – they have in more recent times favoured a kind of soft harmonisation by way of model laws, legislative guides or general principles. In terms of unification these instruments may be even more effective than binding treaties, but their international origin is less visible to the individual lawyer concerned with their application; therefore, a uniform application is much more difficult to accomplish.

**International bodies of dispute resolution**

The modern development of law is increasingly characterised by the foundation of international tribunals and similar institutions of dispute settlement.\(^6\) They allow for a uniform interpretation of a great number of treaties, thereby establishing a nucleus of authority that is not rooted in the sovereignty of an individual state. Alongside the International Court of Justice (ICJ) at The Hague, the international community has set up other judicial bodies such as the European Court of Human Rights (ECtHR), which suffers under a burden of thousands of cases, the war crime tribunals for the former Yugoslavia and Rwanda, the International Criminal Court (ICCt) at The Hague and the International Tribunal for the Law of the Sea (ITLOS) at Hamburg. They have an increasing significance for the stabilisation of the international legal system. Over time this may also be expected from the dispute settlement mechanism under the WTO Treaty. Finally, the numerous arbitration proceedings conducted under bilateral investment treaties (BITs) and in the International Centre for Settlement of Investment Disputes (ICSID) at Washington DC should not be forgotten; such proceedings may be initiated by private parties and can often lead to the publication of awards, thereby establishing a new body of international investment law.

\(^6\) For the various dispute resolution bodies and tribunals see corresponding entries in Rüdiger Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law Vols 1–10* (Oxford University Press, 2012).

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**Breeding lawyers for the global village**

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Summary
The overall effect of these developments is the penetration of national legal systems by a growing number of principles and concepts of an international origin, and broadly speaking, the emergence of an international legal order that is in permanent interaction with national legal systems. As Mary Hiscock and William van Caenegem wrote in 2009: ‘we have moved from a perception of a palette of disparate and “sovereign” systems tangentially connected to the perception of a single underlying system or structure’.7 The evolution of that structure is due to universal efforts, and since it is binding in several languages and for so many states, it calls for a uniform implementation by lawyers who look beyond the limits of their own national system and habits. It is obvious that legal education has to prepare students for a world where national legal systems are ever more frequently exposed to the impact of principles and concepts flowing from international law and foreign law. This chapter now takes a closer look at the objectives of legal education to be pursued in the future.

LEGAL GLOBALISATION AND THE OBJECTIVES OF LEGAL EDUCATION

The far-reaching changes of the factual and legal environment engender the need for an adjustment of education including higher education and legal education in particular. The lawyers of the next generation should perceive law as a framework that is not exclusively rooted in the nation-state, but affiliated to a global economic and societal order. Before looking at the steps to be taken in that direction we should first ask ourselves, what are the objectives that should be pursued in this context? They will determine the form and scope of the changes that may be contemplated.

Matching Market Demand

One possible and obvious goal of reform in legal education could be a better response to the demand for lawyers on the labour market. There is no doubt that this demand has evolved with the changes of the economic, social and legal environment outlined above. As early as 1990, this author

conducted pertinent research and analysed the qualifications required by the job advertisements in the leading German periodical for legal practitioners, the *Neue Juristische Wochenschrift*; in those days almost all jobs covered by the various legal professions were advertised in that journal. The results emerging from a comparison of data from 1977 and 1989 were abundantly clear: with regard to all professional groups, the share of those advertisements which explicitly required some skills in foreign languages had risen from 22 per cent in 1977 to 32 per cent in 1989; regarding only the advertising of law firms with a particular focus on commercial law, the respective share soared from 25 per cent to almost 43 per cent.\(^8\) The demand for lawyers with some experience from a foreign country had noticeably increased as well: 16.6 per cent of all job offerings by commercially oriented law firms required such experience in 1989, compared to only 4.4 per cent in 1977. Likewise across all professional groups, the relative demand for experience gathered abroad quadrupled in those years from 1.5 to 6.1 per cent.\(^9\)

On the other hand, the data collected in that research does not reveal a comparable rise in the demand for expertise in foreign or international law: across all professional groups this demand was voiced by only 2 per cent of all ads in 1977, and it rose to not more than 3.4 per cent in 1989.\(^10\) I have not pursued the same research in more recent years, but there can be little doubt that the development unleashed in the 1970s has continued after 1990 until today. It would follow that the labour market is less interested in experts on international and foreign law, but rather, candidates with international experience, open-mindedness and a cosmopolitan background. This might be interpreted in a twofold manner; either the expertise in foreign and international law is needed less often than might be expected in a globalised world, or applicants with good legal qualifications and the additional abilities outlined above are trusted to quickly acquire that expertise when needed. The message is clear: in light of globalisation, the labour market primarily looks for candidates with some kind of international biography.

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\(^9\) Ibid.

\(^10\) Ibid.
Political Guidance: The Bologna Process

This conclusion is underpinned by the goals laid down in the so-called Bologna Declaration on a European area of higher education of 1999.¹¹ The Declaration was signed by ministers of education of no fewer than 29 European countries. While it does not constitute a binding international treaty, it contains a very clear political commitment from the participating governments to achieve the goals set forth in the document.¹² The paramount goal of the Bologna Declaration is the establishment of a European area of higher education. To this end, a number of instrumental sub-goals are listed:

1. The adoption of a system of easily readable and comparable degrees.
2. The adoption of a system essentially based on two main cycles; undergraduate and graduate. The degree awarded after the first cycle, a Bachelor, should be relevant to the labour market as an appropriate level of qualification. A further degree, the Master, should be conferred after another two years.
3. A uniform system of credits should be established as a means of promoting student mobility across frontiers.
4. The mobility of students should be promoted by overcoming obstacles to the effective exercise of free movement.

Cross-border mobility of students as the basic prerequisite for the establishment of a European area of higher education is the basic theme


¹² While the ‘explanation’ published on the website of the European Union (ibid 4) explicitly characterises the Bologna Declaration as ‘a binding commitment to an action programme’, the text of the declaration itself leaves no doubt that the participating states undertake to attain the objectives ‘within the framework of our institutional competencies’; thus the Declaration does not amount to a change of the domestic laws; see Matthias Kilian, ‘Die Europäisierung des Hochschulraumes’ (2006) 5 JuristenZeitung, 209, 209: ‘Kein verbindliches Vertragswerk … lediglich Absichtserklärungen der Teilnehmerstaaten’ (no binding treaty, … only declarations of intent of the participating states).
of the Bologna Declaration. This objective is obviously in line with the changing demand of the labour market outlined above. The Bologna Declaration covers all academic disciplines including the study of law. However, the programme outlined in the Declaration has had little success with regard to student cross-border mobility. Legislators and faculties of law all over Europe started to adjust the programmes of legal studies to the sequence of Bachelor and Master degrees, to structure the teaching programmes by so-called modules and by assigning certain credit values to these modules. Mobility may have been the motivation at the Bologna Conference, but it was soon lost from sight at the stage of implementation. The resulting curricula were so specific to the individual faculties that it became increasingly difficult for students to change their place of study, both within a given country and across intra-European frontiers.\(^\text{13}\) Germany finally decided to retain its system of state examinations; consequently credit gained in domestic or foreign law schools has only a minor significance for the ultimate success of a German student.

The failure of the Bologna process does not mean there is no cross-border student mobility in Europe. However, the existing mobility is due to the cooperation agreements between numerous faculties of law all across the continent. Since the late 1980s, the EU has encouraged universities to enter into multilateral networks, which have been subsidised under what is commonly known as the Erasmus Programme. In some faculties of law, up to 20 per cent of the students spend a semester or even a full year in a university of another European country. The credit gained there will usually count as credit for corresponding courses at the home university.

\(^{13}\) Apparently student mobility has been of little significance in the discussions conducted in the various member states and universities of the EU, see numerous national reports in Christian Baldus, Thomas Finkenauer and Thomas Rüfner (eds), *Bologna und das Rechtsstudium* (Mohr Siebeck, 2011); the Finnish reporter, Heikki Pihlajamäki concludes at p. 52 that the Bologna process has had a very low impact on the mobility of students: ‘There are only some cases where Master studies in Finland have been completed after Bachelor studies in another country.’ The Austrian reporter points out at p. 127 that the main concern in her country was ‘to recognize the limits of mobility’ (author’s translations). A slightly more optimistic view is expressed by Stéphanie Francq, ‘Bologna Reform in Belgian Law Schools’ (2008) *Zeitschrift für Europäisches Privatrecht* 135, 146.
The Humanist Ideal

Both approaches outlined so far appear to deal with education in a rather instrumental way: the first in an economic sense, following the dictates of demand on the labour market; the second in a political sense, considering legal education as a response to the objectives of European integration and to the needs flowing from economic globalisation. Yet should we not give priority to a non-instrumental, more humanist ideal of education? We are, after all, discussing the education of young adults who are still in their formative years, whose personality is still developing and who are receptive to the emotional and intellectual influences of their environment.

In 1792, Wilhelm von Humboldt – the great architect of the Prussian and German educational system – criticised the instrumental approach of those ‘wishing to make men into machines’.14 In his view, ‘the true end of Man or that which is prescribed by the eternal and immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers to a complete and consistent whole’.15 The German term ‘Bildung’ has been translated here as the ‘development of his powers’, which is also to mean education. Ever since the days of Humboldt, ‘Bildung’ has been considered as a humanist ideal, the optimal development of the individual’s talents and forces, which by their combination create the distinctive character of each man and woman. In this sense, ‘Bildung’ is contrasted with ‘Ausbildung’ which connotes the education and training for a specific profession and employment in an instrumentalist sense.

But the instrumentalist or market-oriented approach and the humanist approach do not necessarily lead to different results when it comes to the consequences of globalisation for education in general and legal education in particular. The individual’s ability to match the challenges of the environment depends on his or her perception of the world, on whether this environment is perceived as a closed or an open society, as a society with a homogeneous body of moral and legal rules or as a normative conglomerate. From the humanist perspective, globalisation certainly commands a change in education that confronts everyone with the

15 von Humboldt, The Limits of State Action, above n 14, 10 translated from von Humboldt, Ideen zu einem Versuch, above n 14, 22.
economic reality and the cultural diversity arising from globalisation. The difference from the instrumentalist or market approach may be that the latter addresses a growing, but still limited, demand in society which may be satisfied by a change in education affecting only part of the student body, for example those specialising in comparative or international law. By contrast, the humanist approach would require changes in legal education across the board, that is, for all students.

My following considerations adopt the humanist approach and do not deal with the internationalisation of legal education as a parameter of competition available to law schools aiming at a particular segment of the market for lawyers; a perspective that is very common in the US.\(^\text{16}\) For Australia – with its high percentage of immigrants\(^\text{17}\) – the all-embracing approach appears more appropriate as it is undergoing a development which mirrors the globalisation occurring on a broader scale throughout the world.

MEASURES FOR THE INTERNATIONALISATION OF LEGAL EDUCATION

Learning Foreign Languages

In view of globalisation, the most important skill that young people can acquire is a command of foreign languages. In English-speaking countries this proposition may come as a surprise; is English not the true and only lingua franca of the present time? It is so widespread across the globe that communication does not appear to depend on anything more than a good mastery of English. But language is more than a means of communication of the conferral of functional information of an economic or legal content. Language is also the vessel of culture and group identity that is reflected by the myriad of customs and habits, of preferences and typical reactions prevailing in any given community. Knowledge of a foreign language means access to those specificities of the community where the language is spoken. This knowledge is perhaps not important


\(^\text{17}\) For the year 2011, a World Bank study has indicated an immigrant population of 25.7 per cent for Australia, see World Bank, *Migration and Remittances Fact Book 2011* (World Bank, 2nd ed., 2011) 63.
in itself, but rather because it depicts modes of societal cohabitation that are unfamiliar to us and that provide us with insight into the diversity of human cultures, a diversity which reflects a normative framework different from our own.

It is in the latter sense that the French philosopher and Nobel Laureate Henri Bergson, suggested that the path to international understanding should be paved by education in foreign languages. At a time when French was still the dominant international language, he wrote around 1930 that ‘the mastery of a foreign tongue, by making possible the impregnation of the mind by the corresponding literature and civilisation may at one stroke do away with the prejudice ordained by nature against foreigners in general’. In countries with high levels of immigration such as Australia, people are sufficiently aware of cultural diversity, and arguably need not learn foreign languages to preserve that awareness. But experience from other immigrant countries demonstrates that this awareness becomes lost after one or two generations and may cede to provincialism unless society makes an effort for its perpetuation. This is primarily the task of the general school system, but institutions of higher learning including faculties of law, could and should contribute by offering language courses of both a general, and a more legal and professional orientation.

Student Mobility at the Undergraduate Level

A second set of possible measures relates to the implementation of student mobility. With regard to undergraduate law students, the most radical programme is that of the Bucerius Law School, a private law school in Hamburg, Germany. Like the curricula of all other German faculties of law, it prepares students for the state examination after four years or 12 terms of legal studies. It is nonetheless compulsory for all students to spend one out of the 12 terms, that is, a period of three to four months, at a foreign partner university. To this end, Bucerius Law School maintains reciprocal arrangements with around 90 universities located in

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30 different countries.\textsuperscript{19} However, the compulsory curriculum components are not appreciated by all students. This is particularly true of a stay in a foreign country which might compel the student to separate from family and friends or may fortuitously fall at a time when one’s emotions or psyche are in a fragile state. A system of voluntary choice, operating with incentives such as the grant of additional credit or a tuition waiver, might be more effective, although, it will certainly engender a situation where less than 100 per cent of the students go abroad. Whatever model will be preferred, law schools have to engage in intensive networking with foreign universities in order to facilitate a large-scale student exchange.

While there is a high level of student mobility at Bucerius Law School, other schools have conceived programmes for a smaller number of students which attain an even higher degree of international intensity or quality. A pioneer programme in this respect has been the joint curriculum between the universities of Cologne and Paris I (Panthéon-Sorbonne) which started approximately 20 years ago. A joint group of roughly 60 German and French law students, each of whom is enrolled in one of the two universities, spends all four years of study together, the first two years in Cologne, the second two in Paris. At graduation they receive a Master’s degree (Maîtrise en droit/Magister legum) from both the French and the German partner university.\textsuperscript{20} Moreover graduates are admitted to the German state examination and to the entrance examination of the French bar. The programme is operated with strong support from the judiciary, the bar associations and the respective governments. It attracts particularly talented students and is said to produce excellent results. The continuous exposure to the foreign language of the partner institution brings about a unique level of skill in that language and the corresponding law.

In accord with this pioneering step, a large number of similar double degree programmes have been initiated by law schools in various European countries. All schools pursue the objective of conferring upon the student the traditional law degree of their respective country, combining the study programme with a prolonged stay in the foreign partner university that facilitates the completion of a foreign academic degree and allows access to the legal profession in that country. The programmes

\textsuperscript{19} See the information in English at Bucerius Law School <http://www.law-school.de/jurastudium.html?&L=1> with a link to the German pages containing further information.

\textsuperscript{20} See the information on the bilingual website <http://www.mastercologneparis.info/>.
differ in detail and cannot be comprehensively described here, although one of them deserves specific mention since it accords students greater flexibility and appears to be less demanding for the schools involved.

This is the Anglo-German programme organised by King’s College London and the Humboldt University of Berlin. The programme extends over four years with students spending their first two years at King’s College. Students are given the choice of deciding, after the first year, whether to pursue the German First State Examination or the English Master of German and European Law and Legal Practice (LLM). Students who choose the former will spend the third and fourth years at Humboldt University and will be able to sit for the First State Exam in Berlin within an additional year. Students who pursue the LLM option will spend only the third year at Humboldt, receive a Master’s degree and will return to King’s College for the fourth year in order to continue their studies for the LLB degree with a view to the future practise of law in England.21 It should be noted that the first two years at King’s College comprise studies in German law alongside the basic common law courses.

Both the joint degree programme of Cologne/Paris I as well as the Anglo-German programme of King’s College/Humboldt, confront students from the very beginning with the diversity of laws. Encouraging an early comparison of corresponding rules and principles, they inhibit what has been a very common occurrence in the more traditional programmes, that is, the emergence of an emotional link with one national legal system and a corresponding prejudice against foreign law.

Student Mobility at the Graduate Level

Traditionally efforts at student mobility addressed only the post-graduation phase. After World War II, US law schools started to offer one-year Master programmes which were essentially targeted at, but not confined to, foreign students who had already acquired a basic law degree in their home country. LLM programmes now appear to be a flourishing industry, and not only for the top law schools. Tuition fees range from less than US$10 000 to as much as US$50 000 per year. Some schools only accept 20 or 30 students per year, others up to 200. The programmes differ widely: some are more professionally oriented, others are academic in nature; some open up the whole array of courses

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21 For further information, see the website of King’s College London <http://www.kcl.ac.uk/prospectus/undergraduate/english-law-and-german-law/print>.
of the law school curriculum to foreign law students, others provide for a specific curriculum for foreigners; some permit a choice from a wide range of courses, in others, students are enrolled in a fixed set of required subjects; some are general in nature, others focus on special fields such as taxation or human rights, environmental law or transnational business transactions. But they all provide the student with profound insight into the American educational system. They also increase the student’s fluency in the English language and make him or her familiar with the methods of legal research in, and with the basic structures of, US law. The long-term effects of these programmes are clearly visible: the graduates have contributed to the emergence of a global legal services industry, in particular of law firms operating on a worldwide scale with thousands of partners. Moreover US law schools continue to recruit excellent graduates for academic careers in the US in an attempt to compensate for the loss of international competence prominent amongst US law students in recent times.

In Europe, various law schools in the 1980s began to establish similar postgraduate programmes which run for a full year or, in some cases, even for two years, and lead to the conferral of a Master’s degree to students who have already graduated from a law school in their home country. Some of these programmes are offered in English; the Universities of Rotterdam in the Netherlands22 and of Lund in Sweden23 are such examples. In Asia, Kyushu University at Fukuoka/Japan has been the pioneer of an English language master’s programme in law.24 However, universities in the larger European countries often insist on the vernacular language. For foreign students, this means that they have to learn that language before they can enrol at the law school.

As discussed earlier, some of the programmes have been established in cooperation with law schools of other countries and allow students to acquire dual degrees. Thus the University of Zurich in Switzerland offers a Double Degree Master’s programme in law together with the University of Hong Kong, or alternatively, the University of California at Berkeley School of Law.25 Columbia Law School in New York City and the Institute of Law and Finance at the University of Frankfurt am Main offer

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23 For the two year Masters Programme in International Human Rights Law, see <http://www.lunduniversity.lu.se/o.i.s?id=24725&lukas_id=JAMRA>.
24 For the Faculty of Law – Programs in English see <http://www.law.kyushu-u.ac.jp/programsinenglish/prospectivestudents.htm>.
25 For further information, see <http://www.ius.uzh.ch/studium/studien/ gaenge/doubledegree_en.html>.
an LLM in finance as a double degree, thus building on the combined reputation of two of the major financial centres of the world.\footnote{For further information, see <http://www.ilf-frankfurt.de/exchange-double-degree-programs.153.0.html>; see also <http://www.ilf-frankfurt.de/programm-highlights.146.0.html?&L=0>.
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Again the variety of programmes is remarkable. As a common feature it should be noted, however, that these programmes primarily target foreign students and not domestic graduates who aspire to additional academic qualifications alongside their work in legal practice. The perusal of some websites of Australian law schools gives the impression that the focus of postgraduate legal education in Australia has been rather different so far, principally aiming at Australian law students looking to develop an even greater legal acumen through either full-time or part-time postgraduate studies.

A further step of internationalisation can be observed in numerous European law schools at the level of doctoral studies. The schools in many countries have introduced structured PhD studies, and many allow for a PhD dissertation to be written in English.

**Faculty Mobility**

A final element in the jigsaw of internationalisation of legal education relates to the overseas mobility of faculty. The Bologna Declaration cited earlier made explicit reference to staff mobility in a European area of higher learning.\footnote{See the joint declaration, above n 11.} In isolation, staff mobility of course does not contribute to a cosmopolitan mindset of students, but it can facilitate and may even be necessary for achieving the goal of greater student mobility outlined above.

A foreign professor teaching domestic students may be the first person to be addressed by students interested in an international exchange. He or she may help to lower the psychological barriers that young people feel before travelling to a distant country with a foreign language for the first time. But the permanent contact with a foreign faculty is of course also needed for the networks mentioned above, and for the organisation and adaptation of any double degree programme. The structuring of such programmes has turned out to be a rather complicated matter since the structure required for the international programme will often collide with the structure deemed necessary for the domestic programme. Foreign staff will also help to transmit the feedback of students of the foreign university.
who have attended the domestic school. Finally foreign professors may also play an active role as teachers in a double degree programme.

CONCLUSION

Globalisation, which can be traced back to technical innovations, has had a great impact on economics and societal cohabitation over the last 20 years. If we look at this period as the second phase of globalisation and extend our view to the first phase in the second half of the nineteenth century, we can also observe a gradual but undeniable impact on the legal systems of the world. Domestic orders have increasingly been penetrated by rules and principles of an international origin. Uniform law has been gaining ground in many areas, and international tribunals and commercial arbitration play an increasing role in dispute resolution.

Consequently, tomorrow's decision-makers need a wider perception of the world, which is not limited to the habits and lifestyle of their home country. A world of ever more frequent cross-border commercial and legal relations requires a general knowledge of legal diversity and additional skills in handling the resulting disputes. Legal education can match these challenges through a number of measures, including the teaching of foreign languages, postgraduate programmes in law targeted at foreign students, joint degree programmes with foreign universities at both the undergraduate and the graduate level, and the exchange of faculty. What is particularly important is the provision of incentives to students that encourages them to embrace the risk of immersion in a foreign educational system and culture. These appear to be simple options, but the devil lurks in the detail. Any law school interested in internationalisation will have to set new priorities. Since no programme can be expected to be successful in the initial years, a long-term commitment is undoubtedly required.