

Innovative Research on Teaching Model of Environmental Law Courses in China

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Abstract

At present, the teaching model of environmental law courses in China is mainly lecture-based learning (LBL) teaching model whose disadvantages are closeness, unidirection and weak teaching practice. This model does not fit in with the characteristics of environmental law courses and the objective changes of ecological civilized society for the demand of talents of environmental law. Therefore, we should actively reform the current single teaching model, learn from foreign advanced teaching concepts and experience. By comparing to international education models, PBL as a teaching model of interdiscipline subject, is more appropriate to the characteristics of environmental law courses. Meanwhile environmental law teaching should be extended to the society though various ways, such as participation of environmental protection activities, social survey, and environmental public interest action etc. Only changing the present situation of environmental law education , It is possible for China to cultivate high-quality talents in the field of environmental law.

Keywords: Environmental law, Teaching model, PBL teaching model

Introduction

The report at 18th Party Congress pointed out: we must raise our ecological awareness of the need to respect, accommodate to and protect nature. We must give high priority to making ecological progress and incorporate it into all aspects and the whole process of advancing economic, political, cultural, and social progress, work hard to build a beautiful country and achieve lasting and sustainable development of the Chinese nation. Ecological civilization construction needs professional talents of environmental law with the concept of ecological civilization, which brings an opportunity to the development of environmental law courses and also proposes new challenges and requirements on teaching concept and model of environmental law courses. The superior and inferior of teaching model directly determine the quality of environmental law talents fed to the society, so innovative research on teaching model of environmental law courses and cultivation of applied talents with the awareness of ecological civilization, knowledge of environmental law, innovative spirit as well as the sense of social responsibility are the important matters which are related to the success or failure of environmental protection and ecological civilization construction[1].

1. Current situation of environmental law education

1.1 Current situation of Environmental law education in China

Peking University firstly set up environmental law courses in Department of Law for undergraduates since Environmental Protection Law (for Trial Implementation) was issued in 1979. "Environment and Resources Protection Law" was added as the core curriculum of law by Ministry of Education in 2007, which reflected the attention of country to environmental law education and demand for the talents of environmental law under the background of grim environmental problems in China. Now Environmental law is a professional course for law undergraduate. However, as a new discipline, it has developed for a short time, its theoretical basis is relatively weak and teaching system is not perfect enough. Currently, China's teaching model of environmental law courses is the single and traditional teaching model, namely, lecture-based learning (LBL) teaching model.

1.2 International situation of Environmental law education

Environmental law education has begun in the United States, Japan and other countries since 1970s. Law education model of the United States is one of scientific and systematic education models. It has the characteristics of freeness, openness and pluralism and is the example for many countries to learn. American contemporary environmental law education is a comprehensive teaching model with case teaching as the dominance and inquiry teaching model as well as clinic education as the supplement. Among of the models, case education model focuses on cultivating the students' generalization ability, logical thinking ability and critical thinking ability. Inquiry teaching model is a research method based on discussion and learning, it has no examination and requires the students to write a series of small papers, which is beneficial for the students to improve the ability of writing and solving problems. Clinic education model cultivates the student's consciousness of environmental law and occupation ability mainly by providing legal service for the parties who are lack of right relief or participating in public welfare activities of environmental communities.^[2]

2. Existing disadvantages of current teaching model of environmental law courses in China

Currently, China's teaching model of environmental law courses is traditional teaching model, namely, lecture-based learning (LBL) teaching model that the teacher adopts cramming teaching to mainly teach the basic concepts and theories of environmental law and focuses on the interpretation of legal provisions, and the students just understand and master the contents that the teacher teaches. The advantages of LBL teaching model are systematicness and strong system, and its disadvantage is that the method can not adapt to the characteristics of environmental law courses such as intersection, application, practice and sociality^[3] and objective changes of ecological civilized society for the demand of environmental law talents. Main disadvantages of current teaching model are as follows:

2.1 Closeness and not opening.

Environmental law, as a typical intersectional interdisciplinary subject, not only involves the knowledge of other subjects of law, but also is closely related to humanities such as economics as well as ethics and natural sciences such as environmental science, chemistry and technology.^[4] Environmental problem has become the most serious and urgent problem in contemporary society, and it can not be solved alone by any one department of law or a discipline. In order to solve the environmental problems, environmental law has held an open spirit to actively make academic exchanges, cooperation and dialogue with traditional law sciences as well as other subjects. It seek solutions and strategies from other department of laws and other subjects without few forbidden zones on theory. Therefore, not only brilliant distinctive principles and systems of environmental law, but also theoretical knowledge of traditional law as well as economic system based on economics and environmental standards and specifications based on science and technology are embodied in environmental law. Even through environmental law holds an open spirit in content, academy and practice, environmental law teaching basically presents a status of closeness that few teachers with the background of other subjects participate in the teaching and interaction. Obviously, traditional teaching model ignores the characteristics of subject such as intersectionality and openness, single discipline background, single course teacher and closed teaching model are not beneficial for widening the students' knowledge, cultivating the students' divergent thinking and ability of all-round observation.

2.2 unidirectionality and lack of interaction.

In traditional teaching model, "teaching" is highlighted that the teacher occupies the absolutely dominant position and ceaselessly keeps imparting knowledge to students in the whole process, with so much information and strong systematicness, while the students, like receiver, passively accept the information from the teacher and have no opportunity to respond or question the knowledge that the teacher narrates, thus, there is no interaction between the teacher and students. This unidirectional, vertical and mechanical model greatly restricts the students' subjective initiative of study, which is not helpful for cultivating the students' interest on study, spirit of criticism to the law and attitude of reflection to the knowledge that they learn.

2.3. Weak practical teaching and mere formality.

Environmental law education aims to cultivate applied talents with the concept of sustainable development and awareness of environmental protection. These talents can directly participate in China's "resource-saving and environment-friendly" social construction. They may use their own professional knowledge to deal with environmental legal disputes and carry out environmental administrative management. Of course they may take part in any works related to environmental protection such as publicity and education of environmental law. However traditional teaching model focuses on theory teaching and pays little attention to practical teaching. So it causes that environmental law education is out line with environmental law

occupation, and students can not do specific works on environmental law after graduation as the result of lack of occupation ability. In order to overcome this disadvantage, general law schools set up practical teaching for law undergraduates. However, the course becomes formalistic so that the result is not effective. At present, the ways and paths of practice mainly include: firstly, practice in academic year, namely, there is practice for one to three weeks in every academic year for undergraduates, with practical forms including becoming an observer at a court, visiting judicial organs and writhing paper at the end of academic year. For these practical forms, the students can not completely participate in the activity, so the goal to train the students' ability can not be achieved. Secondly, graduation practice, namely, the seniors are required to practice for about half a year in units related to law such as judiciary department and law firm. As most students themselves contact the practical units, so the school actually losses the control of supervision to the students. Thirdly, moot court. For environmental law course, the biggest difficult of this form is the selection of case. Actually, there are very few environmental cases to enter the proceedings in China. Therefore, it is more difficult to choose a case suitable for students, which also gives a sharp discount to the effectiveness of moot court.

3. Innovative exploration of teaching model of environmental law courses

In allusion to the disadvantages of traditional teaching model of environmental law courses, domestic and international scholars and related experts of environmental law have researched and explored some advanced, practical and feasible teaching models and methods, such as PBL teaching model, clinical teaching model, forum teaching model, etc. We should learn from these teaching models, then we should combine the actual situation of China's environmental law education to carry out reformation and innovation of traditional teaching model. Only in this way, we can overcome the disadvantages of current teaching model of environmental law courses such as simplification, verticalness and mechanicalness. The author argues that we should start from the following three aspects.

3.1. Change of close teaching model to dialogue teaching model

Though Environmental law courses is different from the traditional law, it developed on the base of traditional law. Complex environmental problem can not be solved by a single subject, so it is necessary to communicate and make a dialogue between environment law and other subjects. That is to say, other subjects are helpful for environmental law. Certainly, affected by the concepts such as sustainable development and ecological civilization, "greenness" of other law subjects is the requirement of the times. Therefore, they also need be inspired by environmental law. It should advocate eliminating the barriers between different legal subjects teaching and strengthening the interdisciplinary research on teaching experience. Professor Wang WenHua argues to eliminate the barriers and strengthen the interdisciplinary study on teaching experience between different legal subjects teaching.^[5] Professor Xu FengGuo also argues to adopt multidisciplinary teaching means in the process of environmental law teaching.^[6] One of ways of dialogue between environment law and other law subjects is to attempt to take dialogue teaching model. In the teaching process of environmental law courses, the teachers with the background of civil law, administrative law and criminal law can

participate in the teaching activity and teach related professional knowledge for students. For example, when teaching the content of environmental administration, the teachers of administrative law can participate in the teaching or the related teaching activities; when teaching the content of environmental tort and civil liability, the teachers of civil law can participate in the teaching or related teaching activities. On the one hand, closeness of current traditional teaching model can be solved by this teaching model. Environmental law refers to the knowledge of civil law, criminal law and administrative law. If the teachers with the background of these laws participate in the teaching activities on the content related to these laws, it is good not only for the teachers to learn widely from others' strong points and better teaching experience, but also it is good for the students to learn the theory more deeply and widely. On the other hand, dialogue teaching model can make different law subjects propose different academic points of view, positions and ways from different perspective of views, ways of thinking and value orientation in allusion to the same environmental problem, it can broaden the academic vision among subjects, breakthrough the thinking limitation of single discipline and promote the harmony and common congress of discipline system of law.

The implementation of dialogue between environmental law and other department of laws firstly requires the teachers and students should have certain knowledge of traditional laws such as civil law, administrative law, criminal law, etc. Most colleges set up environmental and resources protection law courses in the first term or the second term of junior year, which provides feasible condition for the implementation of dialogue teaching model because the student have basically learnt the most core curriculum of law.

3.2. Transition from unidirectional teaching model to bidirectional teaching model

In unidirectional teaching model, the students are passive to learn with no high interest of study and easily in fatigue. It is not good for the students to master the knowledge of environmental law and cultivate dialectical thinking. Therefore, unidirectional teaching model should be abandoned in current teaching of environment law courses and bidirectional teaching model should be adopted. Bidirectional teaching models mainly include case teaching model, discussion teaching model and PBL teaching model, etc.

Case teaching model, known as Socratic Method, is firstly used in Law School of Harvard University in 1970s. In this model, the teacher chooses the good typical case and the students think and analyze the case based on their own mastered legal knowledge and information, then form the preliminary views and opinions before the class. In the class, the students act as lawyer or judge to state their own views, carry out debate and discuss the controversial question under the guidance of teacher. eventually, the teacher makes a comment and summary. Students' learning initiative is fully mobilized in case teaching model and their language expression, logical reasoning and analytical skill are greatly exercised.^[7] Case teaching model is particularly suitable for the countries of Anglo-American law system which give priority to case law, but it is not completely appropriate to the countries of continental legal system with code in the dominant position because it is not conducive to student's systematicness of knowledge if only adopting case teaching model. So-called "case teaching model is also used in law teaching, but only more

cases are added in the traditional teaching model, considering “example teaching” as “case teaching”.^[8]

Discussion teaching model, is a kind of bidirectional teaching model, it mainly refers to that the teacher and students discuss together, air opinions and study on some leading and controversial issues of the subject. This project-based teaching model is generally carried out for graduate students or postgraduate students in high grades, aiming to cultivate the students’ academic and scientific research ability, so this model is not applicable to the basic theory teaching of environmental law for undergraduate students.

Problem based learning teaching model was firstly used in Canadian medical teaching in 1969. In this teaching model, the teacher initially proposes a problem in the form of specific case to the students, then the students look up information based on the problem ahead. Meanwhile they need to break disciplinary boundaries to integrate the knowledge of various basic and clinical disciplines to seek the method to solve the problem. PBL, as an interdisciplinary teaching model, pays more attention to the students’ active learning ability, the ability to analyze problems as well as the problem-solving ability. Now, PBL is widely used not only in medical teaching but also in other subjects, including law teaching.

Above three teaching models emphasize on the students’ initiative in the process of learning and the interaction between the teacher and students, but they have certain limitations. Compared with other two models, PBL as a teaching model of interdiscipline subject, is more appropriate to the characteristics of environmental law courses as a interdiscipline. In addition, at present, environmental problem is the most complex and difficult problem to be solved for the society and countries, so it is necessary to cultivate the students with the awareness of environmental problem and ability to solve the environmental problem. PBL teaching model can meet the demands for the society to cultivate the environmental law talents’ ability. Therefore, PBL teaching model should be tried to introduce in environmental law teaching based on other teaching models. In specific implementation, the teacher should choose domestic and foreign typical real environmental case and design an appropriate problem. The knowledge to solve the problem cannot be restricted in environmental law but including the knowledge of other subjects, and even the knowledge of economics, ethics, engineering technology, etc. The students learn by themselves based on the problem, look up information and discuss the method to solve the problem. At last in the class, after the students make the narration, the teacher makes a summary and comment, and then further teaches and deepens the knowledge related to the problem.

3.3. Classroom teaching extending to the society

Traditional teaching model pays more attention to the teaching of theoretical knowledge and ignores the students’ ability to apply the theoretical knowledge to solve practical problems. Students’ ability to solve the problem can be improved in real case and scenario simulation by using case teaching model and PBL teaching model, but after all, in spite of the case and situation so real, the students do not personally contract the society and person concerned,

they also can not personally solve the problem or participate in solving the practical problem. That is to say, the students are just armchair strategists. In order to realize the goal to feed applied talents through environmental law education and meet the requirement that students can quickly adopt and serve the society, the current classroom teaching should be extended to the society. By the docking of classroom, school education and society, the students can serve the society with the knowledge by depending on the social platform and accept the social inspection. Meanwhile it makes the students know the significance of knowledge of environmental law and strengthen the students' sense of social responsibility.

Of course, the students will be at a loss and has a sense of fear when they entering the society from the classroom. Therefore, an intermediate link should be added between classroom and society, namely, students' practical ability can be initially trained in practical teaching of the school including environmental moot court, environmental law clinic and debate competition, etc. By this way, the students can be skilled at mastering the procedures and methods of dispute handling, basically form the ability to analyze and solve the problem with legal knowledge. Then they can further exercise the ability after entering the society. Teaching model of environmental law can be extended to the society through various ways, for example, participation of environmental protection activities, social survey, environmental public interest action and local legislation research as well as actual dispute handling in the existing practice teaching base such as courts and law firms, etc. ^[9] Thus, the students can directly contact the society and actual problems, and find the problem from a professional perspective, think the problem with divergent thinking, analyze and solve the problem with professional knowledge. the goal of environmental law education should realize that the teaching responds the society and practice gives feedback to the theory.

Conclusion

Legal education is a form of expression of legal culture. The education model of any country is permeated with a strong national characteristics and the foreign culture should experience critique absorption process of "localization" to fuse and develop without causing rejection. In China's environmental law education, we can not easily imitate the way of the countries of Anglo-American legal system because we have no case law system for over one hundred years. Therefore, we shall combine the characteristics of continental law system to implement flexibly. Admittedly, reform and innovation will meet obstacles and difficulties. Traditional teaching model has existed in China for a long time, so breaking this pattern will be affected by traditional concepts, teachers' control ability and teaching funds, etc. But the solution of environmental problem and ecological civilization construction needs environmental law talents, and the cultivation of environmental law talents is inseparable from the environmental law education. ^[10] Therefore, we should reform the present situation of current environmental law education, learn from international advanced teaching concepts and teaching experience, create diversified teaching model and cultivate talents of high quality on environmental legislation, environmental enforcement as well as environmental judiciary for the society.

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