

# Bilingual Legal Education in Taiwan



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## 1 The National Taiwan University College of Law

In 2016, the total number of law students at National Taiwan University College of Law was 1526 (including students in the undergraduate, master and Ph.D. programs).

For the purpose of comparison, in 2016, there are 35 universities having the department, college or school of law or having a bachelor or advanced legal studies program. There were 119 legal studies programs, including 40 undergraduate programs, 66 master programs, and 13 Ph.D. programs.

In 2016, the total number of law students in Taiwan was 19,662, including 13,503 students in undergraduate programs (bachelor of laws), 5845 students in master of laws programs and 314 Ph.D. students.

There are two types of foreign students at NTU College of Law. The first type is “degree students” pursuing a degree, such as a bachelor of law degree (LL.B.), master of law degree (LL.M.) or doctoral degree (Ph.D.), who must comply with the same requirements in order to obtain the respective degree. The other type of foreign students is coming as exchange students who usually stay for one or two semesters and enroll in courses they select.

As for the degree students, the number of foreign students at NTU College of Law has maintained at the range of 77 to 82 during 2007 and 2016. The proportion of foreign students to local students at NTU College of Law was 5.6 to 100 in 2016 and 6.6 to 100 in 2007. In other words, foreign students constitute 5.3% if the student body at NTU College of Law in 2016 and 6.19% in 2007.

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With regard to the Exchange students (foreign students not seeking for degrees) coming to NTU College of Law, there has been an upward trend in the number of exchange students over the last 18 years. The number was in the single digit by 2008, crossed 10 in 2009, and exceeded 100 in 2016.

At the College of Law, National Taiwan University, 100% of full-time faculties are the nationals of Taiwan. However, there are visiting professors who are paid to teach a course (in a regular semester or complete teaching intensively in less than a month) and visiting scholars who are unpaid and come to conduct short-term research.

Many different nationalities are represented in the student's body, there were many international students enrolled in undergraduate, master and doctoral programs at NTU College of Law during the period from Academic Year 2000 to 2017. The top 5 foreign countries in terms of number of degree students at NTU College of Law during that period are China, Japan, Korea, Mongolia and Thailand.

The majority of courses are conducted in Mandarin at NTU College of Law. However, they do provide English courses and some conducted in German and Japanese for local and international students to enroll. In the last 10 years, there were 12 English courses offered in Academic Year 2009 (the fewest offered year), while there were 39 English courses offered in Academic Year 2015 (the most offered year).

The number of visiting professors in 2016 was 344 constituting 8.2% of the faculty at NTU.

## **2 Bilingual Legal Education Program in Taiwan**

What courses can be considered as bilingual legal education courses is, as mentioned by the national reporter, an issue itself. By the definition of bilingual education, we usually refer to courses that are conducted in the native language and another language. In Taiwan, a bilingual legal education course is a legal course that is taught in Mandarin (or Taiwanese), the native language of Taiwan, and English (or other foreign language). From personal observation, there may be very few courses that are considered to be bilingual legal education courses according to the strictest definition.

As the national reporter points out, the importance of bilingual legal education courses is that it provides students many benefits in learning the legal regimes. Firstly, students learn how to read foreign legal material in foreign languages, particularly in English. Secondly, they learn how a legal concept is expressed in other foreign jurisdictions. Furthermore, local students may interact with international student in the courses. Finally, students may learn the comparative approach in learning law.

In the National Taiwan University College of Law there are professors that teach courses in both languages. English courses are offered in line with the policy of NTU to accommodate more and more international students who have not yet been able to

attend the courses conducted in Taiwan's language. Another type of English courses is designed to train the local students to learn in English environment. These courses are usually related to foreign law, Anglo-American laws and international law. Occasionally, local professors co-teach a course with foreign professors who come for the full semester or for only a few weeks. For example, during 2008 to 2012, Professor Ming-cheng Tsai, former Dean of NTU College of Law, initiated a Comparative Law Course held in several semesters, inviting guest speakers from universities of different countries.

In order to provide local students opportunities to learn directly from foreign scholars, to access to foreign legal regime, to get familiar with foreign legal materials, and partly to accommodate more and more international students, particularly exchange students, professors are encouraged to start a bilingual legal education course.

The first reason to start a bilingual legal education course from the reporter's perspective is to correctly introduce foreign law and legal terminologies to local students. The second reason is to benefit local students to access to different sources of foreign legal materials so that they learn where to find foreign law and legal materials. The third reason is to accommodate the increasing international students who have not been able to attend courses conducted in local language. For this purpose, English courses have become the policy of several top universities to encourage professors to run English taught courses. Most English taught legal courses are in the master program and mainly in comparative legal studies in nature.

From several universities' point of view, to offer more English taught courses is in response to the trend of globalization and internationalization and to allow students to get used to the English learning environment.

In practice and in reality, from the national reporter perspective, there are, and I quote "several obstacles in carrying out the bilingual legal education program or in running English legal courses in Taiwan".

First, it takes more time to prepare an English taught legal course and there are not many incentives for local professors to conduct legal education courses in English. It is crucial to mention though, as the reporter later expressed, that he has not seen many objections or resistance against bilingual legal education directly, "these objections are mainly against university's policy requiring faculties to offer English taught courses". Professors offering BLE courses do not receive any additional financial concessions comparing with offering regular courses conducted in local language. The criticisms are mainly against the compulsory policy itself.

Another obstacle is that English taught courses are not popular among local students. A course not conducted in local language is not popular if it is not a required course to be taken.

The areas that they have decided to teach in a foreign language are the mentioned below.

Firstly, a popular option is Comparative law or for the purpose of comparative studies. Secondly, it is also commonplace to find courses related to International Law. Thirdly, they may also offer courses to study Anglo American Laws. Furthermore, other topics of law that have caught attention of international society such as

Arbitration and Intellectual Property Law, International Human Rights Law, International Disability Rights Law.

The majority of students who have received bilingual legal education or attended English taught courses have been able to outperform in terms of having better chances to getting into the top law firms and more internationalized listed companies as in-house counsels. Many top law firms look for lawyers with proficiencies in foreign languages, particularly in English.

Different professors evaluate students differently. In most bilingual or foreign language taught courses, students are evaluated by their performance in the class and the final exam or term paper.

Professors teaching bilingual legal education courses usually choose the area of law they specialize. Therefore, they usually are familiar with and able to obtain the necessary resources. Textbooks in some courses are used, such as Anglo-American Contract Law. Legislative materials, statutes, case law, scholarly writing, etc. are easily accessed from online legal research services, such as Westlaw and Lexis.

Different professors design their teaching and materials differently.

Students enrolled in bilingual legal education courses are usually having different levels of proficiencies in the foreign language used in the courses. In order to encourage students with lower proficiency in English, it is a policy for many professors to explain, in the course description, that English is not the major element for evaluating the students.

For BLE courses or English taught courses, the reporter states that the number has increased gradually or at least maintained the same level in the past 5 years.

The number of BLE courses is related with the number of visiting professors.

m. Most professors offer BLE courses mainly from the academic point of view. However, professors have noticed and encouraged students pointing out the advantage that BLE students have when applying for a job in comparison with the rest of students who have not enroll in a BLE course.

Law firms, particularly those with international businesses, will recruit students having received bilingual legal education.

The main language chosen as an option for bilingual legal education is English.

The reason the national reporter refers to English is because most of the literatures in the areas of law are in English.

If another language had to be chosen, due to the fact that Taiwan is a civil law country, they will chose German and Japanese laws, since many areas of law are patterned after those laws.

Bilingual Legal Education is not perceived by students, faculty members, State authorities or Law Firms as a threat to national roots and culture.