



**Canadian Social Science**  
Vol. 10, No. 5, 2014, pp. 196-200  
DOI:10.3968/5065

ISSN 1712-8056[Print]  
ISSN 1923-6697[Online]  
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[www.cscanada.org](http://www.cscanada.org)

## Legislation Assessment Lesson Is the Construction Direction of Freshmen Seminar for Law Major in China

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Received 5 April 2014; accepted 18 June 2014

Published online 27 June 2014

### Abstract

Freshman seminar is a kind of emerging curriculum and teaching mode in the teaching field of undergraduates; the introduction of it into the discipline of legal science in China is helpful to cultivate freshman's abilities of legal thinking, legal expression and discovering legal facts. The seminars for freshmen majoring in law should be featured in structure diversity, humanistic content and small class teaching, and thus help freshmen choose the discipline direction, improve their ability to listen, speak, read and write, cultivate their spirit of scientific exploration and form a harmonious relationship between teachers and students.

**Key words:** Freshman seminar; Legal science; Legislation assessment

Zhao, Q., & Zeng, X. L. (2014). Legislation Assessment Lesson Is the Construction Direction of Freshmen Seminar for Law Major in China. *Canadian Social Science*, 10(5), 196-200. Available from: <http://www.cscanada.net/index.php/css/article/view/5065> DOI: <http://dx.doi.org/10.3968/5065>

### INTRODUCTION

Freshman seminar is a kind of symposium course in small class specifically opened for freshmen, and its class form and idea originate from the seminar courses in German University in the 18<sup>th</sup> century. The actual freshman seminar established by Harvard University in America at the end of 1950s initiates a kind of new course and teaching mode in the teaching field of undergraduates and plays a significant role in freshman's transition to the university's academic role.

The Boyer Committee gives a lot of attention to the freshman seminar and regards that the first year at university is the most important turning point for students in social and academic aspects, new positive learning experience is needed and the small discussion class taught by experienced teachers is the most crucial. The class discussion should revolve around the theme which can inspire students and broaden their knowledge field, and should provide opportunities for students to learn in the cooperative environment through the exploration. (Gu, 2002).

After the 1980s, freshman seminars developed rapidly in institutions of higher learning in the United States. Until now, more than 80% of U.S. colleges and universities have set up seminars for freshmen. Tsinghua University in China took the lead in introducing the freshman seminar into the undergraduate teaching, and currently many research universities have different degrees of trying and deepening. However so far, almost no one in China studies the application problem of the freshman seminar in the teaching of legal science, and not a paper related to the theory or practice of the freshman seminar in the specialty of legal science is published. Relevant researches are more confined to the introduction of classic discussion teaching method in the teaching of law. Therefore, the study on the freshman seminar for Chinese law majors has shown the academic space and necessity, and the freshman seminar of "legislation assessment" can be taken as the example to explore the construction direction of the freshman seminar in the discipline of legal science.

### 1. THE ESTABLISHMENT OF THE OBJECTIVE OF THE SEMINAR FOR FRESHMEN MAJORING IN LAW IN CHINA

Legal thinking, legal expression and discovering legal facts are students' basic abilities which will be cultivated

by the teaching of law. "If a person is a legal craftsman who only knows trial procedures regulations and is proficient in the specialized rules of positive law, he can not become a first-class legal worker" (Bodenheimer, 2004, p.531). Legal thinking should consist of the abilities to accurately master the legal concepts, correctly establish and grasp the legal proposition, do legal reasoning and demonstrate the legal decisions or advice which are about to be made. Legal expression that is composed of oral and written expression is the ability of law majors to express legal opinions for specific facts or issues through language or writing. Exploring legal facts means students' ability to investigate, collect, produce, combine, analyze and certify legal facts, it is a process for law majors to judge, analyze, confirm and choose facts with laws and also an opposite and unified process of objective facts and legal facts (Zhou & Ni, 2004, p.11).

The preliminary platform of realizing active participation in class teaching and learning for freshmen majoring in law should be provided in order to cultivate their learning interest in relatively esoteric, complicated jurisprudence courses and lay a solid foundation for the cultivation of the three basic capabilities. But the system design of Chinese traditional jurisprudence courses cannot solve this problem properly. At first, the new students need to learn the theoretic law courses like nomology and constitution whose teaching features traditional class teaching which regards teachers' teaching and teaching materials as the center and the students as the passive recipients of knowledge. In the actual lecturing process, if the focus is put on the theory depth, the class tends to become boring, and the students are easy to lose interest in learning the legal science and then the teaching effect of the following courses will be affected; if case teaching is taken as the focus, though it's vivid, the time to teach theories will definitely be reduced in the limited class hour, and inaccurate theoretic depth will not offer enough theoretic attainment for the follow-up courses. While the seminar for freshmen of law majors can balance the two problems well because it stresses students' participation and places them in the center of class teaching through seminars and fundamentally transfers students' position in the class teaching from passive recipients of knowledge to active knowledge explorer, then students can actively realize the balance between theory study and case study under the guidance of teachers.

Taking the Law School of China Southwest University as the example, the educational reform of legal science has achieved substantial breakthrough starting from the 2011 freshmen, curriculum provision, teaching system arrangement and major orientation division all got a large reform. Up to now, the teaching methods of discussion, case, Internet and practice have been taken in the teaching of theoretic law course in 2008, 2009, 2010 and 2011 freshmen of law majors. Based on this, to explore the construction idea of seminars for freshmen majoring

in law, the following issues should be first taken into account: whether the seminar is open only for freshmen and what scale of the class is appropriate; whether the teachers are limited to senior teachers; whether the curriculum guidance will combine academy, special topics, subjects and basic learning skills; how the methods of teaching and learning highlight research-oriented teaching and inquiry-oriented study; how the teaching content is determined according to the common interests of teachers and students, whether it can not be limited to the books, moot questions, academic frontier issues or not yet mature theoretical issues; whether the evaluation method is only restricted to the final closed-book examination and score, whether students' performance of participating in class discussion, quality of course paper and attendance should become the assessment elements, and the feasibility of rank evaluation.

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## 2. THE DEFINITION OF THE CONNOTATION OF THE SEMINAR FOR FRESHMEN MAJORING IN LAW IN CHINA

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### 2.1 Features

#### 2.1.1 Diversification of Course Structure

The structure of the freshman seminar for law majors should be diversified for providing students enough selection space. The specific content can be deep or shallow, including that of introduction, frontier and research. The college should announce various information about seminars via open technological platform like the Internet for students to select, such as the instructor's condition, teaching content and methods, and study requests of this seminar, in order that students can make full preparation for choosing the course in which they are interested before accepting the course. The design of teaching content should balance the academic nature of legal science and the openness of learning environment, put developing students' interests and hobbies in the chief position, and let students choose the seminar with different difficulties and scopes in line with their own learning capability and interest and give them instructions.

#### 2.1.2 Humanization of Course Content

Except the courses about different discipline directions of legal science, the freshman seminar of law majors should also show the characteristic of "liberal education" and help the freshmen accomplish the necessary humanistic rational training. The course content should particularly penetrate into the micro level to unfold the specific project research through the classic methods and materials of legal science, such as the attention to a jurisconsult's comments, appreciation of a classic book of law, study of a sort of social legal phenomenon and some legal

behavior. Students' ability to analyze and solve legal problems and pass on humanistic spirit and value can be developed by micro research, and the freshmen can be guided to cognize the legal world by stressing students' professional knowledge learning, the combination of rational cognition with social reality.

### **2.1.3 Small-Class Course Teaching**

The participant number of the freshman seminar of law majors should be strictly restricted, that is carrying forward the small-class course teaching. The number of each class should be less than 20, and the teaching is organized through the interaction between the teacher and students and among students, that is the interactive teaching mode. For instance, each course of the freshman seminar of Harvard University in the U.S. is limited to 10 students for election, the average student number of each class of Berkeley University is about 15, and the number in general universities is 20 at most. Small-class course teaching can let every student take part in the exchange and discussion with the teacher and classmates and ensure students' learning initiative and effect.

## **2.2 Functions**

### **2.2.1 Helping Freshmen Choose the Discipline Direction**

The freshman seminar for law majors is of the nature of "introduction", while puts more emphasis on guiding and stimulating students' interest in the discipline direction of legal science for better understanding of the discipline direction that interests them and deciding the later study direction. Hence, the initial and academic nature of the course should be stressed in the teaching process, and the freshman seminar for law majors is better taught by the associate professor or professor of each discipline direction of legal science in order to ensure the academic nature of the course guidance. "These seminars are helpful for students to choose the later major and even postgraduate subjects, and little preparatory course knowledge is needed, but the methods and materials of specific disciplines are used, they are actual research" (Zhang, 2002).

### **2.2.2 Improving Freshman'S Ability to Listen, Speak, Read and Write**

The professionalism of a jurist requires law majors to have better ability to listen, speak, read and write. The training of such kind of abilities should be started at the beginning when freshmen of law majors enter the college, and the freshman seminar for law majors offers the necessary practice chance. The seminar should require students to understand others' viewpoints and let others accept their own opinion for the purpose of mutual learning; should also demand students to do a lot of reading, and it's necessary for them to write a large number of reports in allusion to the discussion topics. Students can improve their abilities and confidence by repeated practice and mutual learning. The teachers should also consciously teach such kind of oral and written practice skills and give students tests.

### **2.2.3 Cultivating Freshman's Scientific Research Spirit**

The freshman seminar for law majors should request students to actively discuss topics, read the materials supplied by the teachers, look up a large quantity of materials after class and based on this form their own standpoint and understanding. Therefore, strict evaluation is not necessary for this course, the emphasis should be put on inspiring, guiding and cultivating students' learning interests and creative thinking and asking for them to actively read, think and study issues. In this process, students should go through the overall procedure of legal science research to the greatest extent and from it understand and learn the research methods, and then gradually cultivate the scientific research spirit.

### **2.2.4 Forming Harmonious Teacher-Student Relationship**

The freshman seminar for law majors should abandon the traditional cramming teaching mode but adopt the discussion method to let students freely express opinions. The teachers' role is to control the discussion process, guide students' discussion and assess their viewpoints, multidirectional exchange and cognitive interaction should be done between teachers and students and then the questioning and accusing academic discussion process among students or between teachers and students can be formed.

The existence of the university lies not in that it passes on knowledge to students or that it provides teachers the research opportunities, but lies in that it connects the young people with the older generation in the imaginative exploration of knowledge and transfers the excited atmosphere generated from active imagination into knowledge. (Ding, 2005)

Open knowledge exchange offers teachers and students chances and space to imagine express and think, and students can fully show their cognitive and speculative abilities on the basis of knowledge accumulation and academic accumulation.

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## **3. THE DESIGN OF THE TEACHING CONTENT OF THE SEMINAR FOR FRESHMEN MAJORING IN LAW IN CHINA**

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It may as well take the freshman seminar of "legislation assessment" as the example to explore the design idea of the teaching content of the seminar for freshmen majoring in law.

### **3.1 Teaching Aim**

After studying the theoretic law courses of nomology and constitution in the first semester, Chinese undergraduates of law majors have possessed a certain legal accomplishment and relatively macroscopic theory

knowledge of law. Hence it's necessary to instruct students to utilize the theory knowledge of law in the following course learning.

Legislative science as the following elective course of application law of the basic theoretic law courses of nomology and constitution, its traditional teaching design in teaching content, teaching methods and teaching process still stays in the stereotype of "closed" teaching mode of traditional theoretic law but hardly highlights its specialty of application law. There is a need to add the freshman seminar of "legislation assessment" in this course, guide students to apply the theory knowledge of law into the legislation practice, and from the ideal level to the real level actively think various controversial issues in the legislation process, form their own standpoint and make innovation properly.

This freshman seminar needs to instruct students to evaluate the hierarchy legislations above the administrative laws and regulations that China issued and modified in the last year, and to organize a range of legislation research and finish the four teaching tasks of legislation list, thesis proposal of legislation assessment, legislation research and result report of legislation assessment. In the process of completing the teaching tasks, students can cognize relevant legislation background, assess the legislation information, research the legislation demand of the public and explore the issues of legislation theory, and then try to demonstrate, draft the legislation text and accomplish the application of the theory knowledge of law in practice from the deficiency of the ideal level to the improvement of the real level.

### 3.2 Teaching Style

The freshman seminar of "legislation assessment" can be opened together with the course of legislative science in all kinds of training program of undergraduate law majors. Several class hours of can be singly set for the freshman seminar in the prescribed class hour of legislative science. If the prescribed class hour is 36, 9 hours can be given to the freshman seminar. The freshman seminar is divided into 3 stages, and each stage is 3 hours. Its score is separately calculated, making up 40% of the course's final score. The legislation list and the thesis proposal of legislation assessment in the first stage make up 20% of the freshman seminar score ratio, the legislation research in the second stage and the result report of legislation assessment in the third stage respectively make up 40%.

### 3.3 Teaching Process

The teaching hour of the first stage can be arranged as the forepart of the syllabus of legislative science. If the syllabus is set for 12 weeks (3 hours each week), it can be arranged in the third week. The teaching content in this stage includes: firstly, organizing every student to finish the legislation list after discussion, this legislation list demands that the hierarchy legislations above the administrative laws and regulations that China issued and

modified in the last year should be listed chronologically; secondly, after discussion, organizing every student to select the assessment object from the legislation list and accomplish the thesis proposal of legislation assessment which requests the clarification of the theoretic and real meaning of assessing this legislation. The theoretic meaning asks for students to evaluate the theoretic value of law of the selected assessment object; the real meaning requires them to analyze the social background, real purpose and the anticipated practical effect after implementation. The third is after discussion to organize every student to form an assessment group according to the selected same analysis object and determine the labor division of the leader and members of assessment group. Each member needs to finish analyzing one chapter of the selected object in the assessment part one by one and at least more than one paragraph in the overall assessment part.

The teaching hour of the second stage can be arranged as the middle and latter part of the syllabus of legislative science. If the syllabus is set for 12 weeks (3 hours each week), it can be arranged in the ninth week. The teaching content in this stage is mainly organizing each assessment group to finish the legislation research after discussion. The first is to make the investigation questionnaires in line with the specific regulations of the selected analyzing object, the actual interests and specific situations of the respondents. Then the investigation object, time and place must be decided. The last is to arrange the specific investigation, retrieve and count the questionnaires.

The teaching hour in the third stage can be arranged as the rear part of the syllabus of legislative science. If the syllabus is set for 12 weeks (3 hours each week), it can be set in the 12th week. The teaching content in this stage is mainly organizing each assessment group to accomplish the result report of legislation assessment after discussion. The first is to analyze the selected assessment object item by item in combination with the learned legislative science and other theoretic knowledge of law. Then analysis of the overall advantages and disadvantages should be finished by combining the investigated statistics data, and the future development and perfecting direction of this assessment object should be explored.

### 3.4 Teaching Features

First, as to the teaching subject, the cooperative teaching should be put into force. In the teaching of each stage, the teachers cooperate with students with whole heart and give instructions in the whole course, and cultivate students' cooperative awareness and teamwork spirit by organizing them into groups.

Second, as to the teaching content, the theory should be linked with practice; the study of theoretic knowledge should be dynamically combined with institutional solutions of real problems. In terms of the study of theories, the topics of collecting legislation information, analyzing the selected assessment object, legislative



demonstration and legislative technology are established. The real issues are mainly about the legislative practice of the selected assessment object, the future development and perfection idea of such legislations in China should be demonstrated and given some solutions by the comparative method.

Third, as to the teaching method, the interaction and discovery methods should be adopted. They are multidirectional selection of objects, teachers' extracurricular instruction all the way, group practice, summary and feedback and so on. The lecturing atmosphere should be lively with free speech and discussion. And then the interaction among students, between students and teachers can be realized via this program and become the basic form of information transfer and knowledge communication in teaching.

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