

## Cultivating Path of Undergraduates' Legal Thinking

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**Abstract:** *As the comprehensive recommendation for rule of law construction, the education of the rule of law in colleges and universities is undoubtedly an important part. Correctly handling the relationship between practice and theory is critical for colleges legal education. Launching the second classroom activities in legal education is a significant method for enhancing students' practical ability, and meanwhile it is also undoubtedly of great urgency to cultivate qualified and society-required legal talents, so as foster the realization successful legal cause. What's more, it is out of the status quo, that is, to meet the historical requirement for application-oriented undergraduate.*

**Keyword:** *second classroom; the rule of law; practical teaching*

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### 1. The significance of the second class

On May 3, 2017, General Secretary Xi Jinping pointed out during his visit to the China university of Political Science and Law that law as a science of very high practice, should pay immense attention to the practical teaching of law in legal education. The orientation of the relationship between theoretical teaching and practical teaching in traditional thinking caused the disconnection between knowledge learning and working ability training, and further caused the disconnection between talents training and social needs, the disconnection between classroom teaching and social practice, which in turn, further deepened the gap of knowledge teaching and practice teaching. Therefore, to synchronize the relationship between practical teaching and theoretical teaching, and to give play to the positive role of the second classroom, is an important means for colleges and universities to train qualified talents with legal thinking for the society.

Carrying out the second class in teaching practice is an indispensable component of the cultivation of law thinking (Yu 2017). Although colleges and universities begin to attach importance to practical

teaching, many of them are mere forms, which are not enough to cultivate qualified application-oriented talents. The second class is to further consolidate the theoretical teaching, so that students review the theory in the process of practice and prepare for the future work and life. Because of teachers' participation, the second class has four main characteristics: first, it is practical. The practicality of the second class is mainly reflected in the further integration of theory and practice, and the purpose of feeding into practice is to test theoretical learning with practice. The second is openness. In the second class, all students are required to participate, and different practical plans are made for different students, so that each student can have his or her own practical direction. Third, diversity. The second classroom is not a single form of practice, but a variety of suitable for undergraduate students to carry out the integration of practical activities, to achieve individualized teaching. Fourth, it has subjectivity. The second class is student-oriented, with the team of teachers as the guidance, and the cooperation of both sides finally achieves the goal of practice.

## **2. Constructing the second class**

The discipline of law is a practical discipline, and the cultivation of students' rule of law thinking needs to be based on practice, which has been recognized by various universities. Obviously, a single teaching model cannot meet the requirements of students' comprehensive cultivation of law thinking (Qiu & Wang 2017), so theoretical teaching and practical teaching should be combined. Effective development of the second classroom is an important means to improve the practical ability of college students, reasonable planning of the teaching content of the second classroom will be conducive to the cultivation of students' law thinking in application-oriented undergraduate universities. Therefore, legal clinic, moot court, case study and other practical methods can be integrated as a whole to arrange the content of the second class.

### **2.1 Legal clinic**

The law clinic is a kind of teaching form that merits experience from medical teaching mode and trains students' practical ability (Zhu 1983). It was originally produced in American law education as a teaching method to train students' practical ability. After 2000, this teaching method was introduced into the law major of seven universities including Tsinghua university, Peking University and southwest university of political science and law. At present, many universities in China have realized the importance of legal clinics and started to set up clinical education courses. To establish a legal clinic, we should contact with real cases under the guidance of teachers, find our own shortcomings in practice, and apply the theory of practice feedback, so as to achieve the effect of improving both. Students have direct contact with clients and provide legal services for them through consultation, investigation and evidence collection, and production of legal documents, thus participating in the legal clinic (Jiang & Han, 2019). Under the guidance of teachers, students develop legal thinking in the process of solving practical legal problems.

## **2. 2 Case analysis**

In the late 1980s, case teaching method was introduced into China and gradually developed into case analysis method. The introduction of case analysis in the second class will not only help college students consolidate their theoretical knowledge of law and cultivate their thinking of law, but also help them to make up their deficiencies and check their own shortcomings, so as to further improve their practical skills. The case analysis of the second class should be carried out from three aspects: selecting cases -- discussing cases -- summarizing after class. Teachers should play an important role in the case study rather than leave the class entirely to the students.

### **2. 2. 1 Selected cases**

Randall believes that the most effective way to master the principles of law is to learn the classic cases that contain them (Robert 2017). So the selection of cases is very significant. Teachers should follow the following principles to select cases suitable for students at different learning stages: first, they should select classic cases, especially those related to practical matters. Second, cases should be controversial. Only controversial cases can stimulate students' passion for discussion and analysis, and at the same time cultivate students' legal thinking and ability to use "French". Third, cases should be authentic. Cases in real society are often complex. The application of such real cases can not only motivate students' interest, but also make students think more comprehensively, so as to give play to the optimal effect of practical education.

### **2. 2. 2 Cases analysis**

Discuss the case part of case analysis is the most important one annulus, should pay attention to the following questions: first, case discussions number is not too much, if excessive number does not guarantee every student have a chance to speak, over time this will hit the enthusiasm of students, at the same time the number too much is bad for teachers to observe students' learning situation. Second, be fully prepared before class. Since students are still in the learning stage, their mastery of theories needs to be supplemented. Detailed preparation before class is conducive to the normal performance of discussion. Students should find relevant materials by themselves according to the cases provided by teachers before class.

The teacher's summary is the summary of the student case analysis and discussion. It examines the students' shortcomings in the discussion process from the teacher's perspective and proposes solutions. After observing the students' discussion, the teacher can evaluate the students' achievements from the aspects of whether the materials are well prepared, whether the speech in the discussion session is smooth, whether the students' opinions are correct, whether the arguments of the opinions are sufficient, analyze the students' shortcomings, and formulate the improvement plan suitable for each student's situation.

Moot court is one of the important means for law students to practice. It is widely used in law practice teaching in many universities, which is beneficial to the cultivation of students' legal thinking(Huo 2003). However, there are still a series of problems in the application of moot court

activities, such as the evolution of litigation, insufficient participation of individual students, and lack of a specialized teaching team. In order to improve the second class, better help students practice and provide help for their future career, the part of the second class about moot court should adopt the following suggestions:

#### Equipped with a special teaching team

The teaching quality of the school depends on the good teachers, only to provide students with a full range of three-dimensional diversified guidance, in order to fully cultivate students' comprehensive quality and ability. It is not only necessary to guide teachers to participate in students' moot court practice class in the whole process, but also necessary to build a professional team of teachers with legal knowledge to meet moot court practice teaching, to better train students' practical ability, and more conducive to the cultivation of students of law thinking.

#### Set up an independent moot court laboratory

The purpose of moot court teaching is to make students have the feeling of immersive, so that students have a further understanding of the seriousness and solemnity of the court. In order to make students have a strong sense of involvement, the moot court needs to have a special laboratory, so the moot court classroom in the second class should be arranged in accordance with the requirements of the court rules of the people's court of the People's Republic of China. Moot court in such a professional place is more conducive to students to participate in it, and enhance their pride, enhance their interest in learning.

#### Strengthen students' participation

The teaching of moot court should be divided into two steps. The first step is conducted in the first class to make students understand the procedure of trial and lay a good theoretical foundation in the process of departmental law explanation. The second step is to give priority to students in the second classroom, students' autonomous organization moot court work, from the case of search, grasp the process of using, making use of legal document, should guide the student to independently as much as possible, make its respective according to score good role ordered in advance, and after a period of time to change the role.

#### Organize students' debate activities and law popularization activities

The most basic requirement of a qualified person with legal thinking is to have good expression ability and the ability to adapt to changes. Debate activities are conducive to the improvement of students' ability of expression and adaptability, and make students become talents with law thinking(Huang 1987). Therefore, debate activities should be an important part of the second class. First of all, it is very important for teachers to choose the right topic before the debate. The debate activity should be held regularly when the new students enter the school. The new students have little knowledge of law, so the debate topic should be selected according to the students' grasp of law knowledge from general debate to legal debate. Secondly, there should be some training before the

activity, so that students can master some debate skills, so that they can play better in the debate field, which is not only conducive to the cultivation of students' ability but also conducive to the enhancement of students' self-confidence. Finally, the debate activity should be followed by a certain summary, so that students recognize their own shortcomings, so as to correct.

The activity of law popularization should be carried out in the second class of the junior year. During this period, students have learned some basic courses, have a certain grasp of basic law, and hope to have the opportunity to solve practical problems in mind. In the process of law popularization, some activities of law popularization can be organized timely so as to know the legal issues that the masses are eager to know, so as to test the mastery of knowledge, examine their own shortcomings, and determine the direction of future efforts. Of course, the activity of law popularization cannot be completed by students independently, and should be accompanied by the instructor. In this way, problems that students cannot solve can also be solved by teachers, which not only truly achieves the goal of law popularization, but also makes students review theoretical knowledge in practice.

### **3.Epilogue**

The main goal of the cultivation of law thinking of undergraduates is to make the students complete all the contents of the study in the university, to achieve the integration of legal theoretical knowledge and practical skills, to meet the basic requirements of the society for the law thinking talents, so as to achieve the basic purpose of cultivating qualified talents for the society in application-oriented undergraduate universities. As a necessary link of law practice teaching, the construction of the second class and the reasonable arrangement of law teaching contents are conducive to the transformation of students' identity from students to social talents in the university and the better employment of students after graduation.

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