Introduction

The focus of this paper is a critical review of the impact of globalisation on international higher education both at the national level and at my own institution, the University of East London (UEL), where I am Programme Leader for the LLB, an undergraduate degree that provides the foundations necessary to qualify for the legal profession. Globalisation, along with internationalisation, has been one of the forces that have most changed the educational landscape in this country over the last two decades. Although closely related to each other, globalisation and internationalisation are usually regarded as distinct forces – the former being defined as the economic, political, and societal forces pushing 21st century higher education towards greater international involvement and the latter as the policies and practices of higher education that have been developed to deal with this.[1] Whilst these phenomena have wide implications for higher education as a whole, they present opportunities and challenges that are very specific both to an institution like UEL, which has a high proportion of students from international backgrounds, and to my own discipline, Law, which has an increasingly global profile in terms of both legal education and professional practice.

The first part of this paper will examine what globalisation has meant for UK higher education generally. The paper will then turn to what globalisation has meant for UK legal education in particular. Finally, this paper will conclude with an assessment of the impact of globalisation at UEL (particularly its Law school) and what more might be done to meet the challenges and make the most of the opportunities mentioned above. Changes in institutional policies at UEL in response to globalisation will be examined and new activities, structures and teaching practices at the Law school will be identified. At policy level the issues that will be explored will be (a) how institutional practices have interacted with national policies and (b) whether instability has resulted from changes in response to these policies. In terms of student and staff mobility the questions that will be asked are whether funding issues have been resolved through capacity building and whether there has in fact been over-dependence on the international market. The impact on the quality and equity of education provision will also be investigated.

The impact of globalisation at national level

For Clegg, Hudson and Steel "The key determining characteristics of globalisation are taken to be demonstrated by the dynamics of technological innovation and capitalist expansion, coupled with the decline of the nation state as a locus of power".[2] Clegg et al.'s statement neatly summarises the main drivers of globalisation as technological, economic and political change, although caution needs to be exercised in viewing the significance of each of these phenomena. The Greenwich Speech (2000), in which the then Secretary of State for Education and Employment, David Blunkett, expressly stated that the future of higher education

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[1] P. Altbach and J. Knight, 'The Internationalization of Higher Education: Motivations and Realities' (2007) 11(3) *Journal of Studies in International Education* p.290.

[2] S. Clegg, A. Hudson, and J. Steel, 'The Emperor's New Clothes: Globalisation and e-learning in Higher Education' (2003) 24(1) *British Journal of Sociology of Education* p.42.

policy started with the challenge of globalisation, reflects the technological aspect.[3] In this speech Blunkett presented globalisation as an inevitable consequence of the development of new forms of information communication technologies (ICT). But Clegg et al. raise the possibility that the importance of ICT in education as a driver of globalisation has been overstated.[4] It seems correct not to make an automatic link between ICT and globalisation, given that not all countries are at the same technological level and because ICT may in fact be a barrier to learning for some students lacking the technological aptitude of others, which may well be due to their international background as much as any other reason.

Economic drivers for globalisation are income generation and capacity building, largely in response to the intensified need for higher education provision as a result of the emergence of the so-called global 'knowledge economy'. In this context, as noted by Altbach, knowledge is an increasingly valued commodity for individual wealth and career progression across the world and there is a need for this increased demand to be met.[5] As identified by Taylor, higher education providers are commonly viewed as vital engines of development and key agents of change in this knowledge economy by providing readily transferable skills and qualifications.[6] However, the availability of other sources of knowledge production from providers other than traditional higher education institutions and from other parts of the world means that, as pointed out by Scott, maintaining competitiveness in the knowledge economy is an equally important economic driver in the context of globalisation.[7] Enabling greater competition, while removing unnecessary regulations, is an important theme of the White Paper (2011), because of the perceived benefits for all users of higher education.[8] Marginson and van der Wende have also identified global university rankings and prestige as a powerful impetus to international competitive pressures in the higher education sector.[9] There is also a risk, however, in the rise of the global knowledge economy being overstated as a financial driver of globalisation in higher education. As Deem has argued, the separate concepts of new managerialism, entrepreneurialism and academic capitalism (all of which are related and at their core based on capital accumulation, profit maximisation and achieving efficiency through competition in higher education) may all be equally responsible for economic changes in the funding and management of higher education institutions.[10] None of these ideas are necessarily global in either their origin or impact, and arguably owe more to neoliberal reforms

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[3] D. Blunkett, *Modernising Higher Education: facing the global challenge (Greenwich Speech)* (London: DfEE, 15th February 2000).

[4] Clegg et al., *supra* n.2, p.45.

[5] P. G. Altbach, 'Globalization and the University: Myths and realities in an unequal world' (2004) 10(1) *Tertiary Education and Management* p.22.

[6] J. Taylor, 'Toward a Strategy for Internationalisation: Lessons and Practice from Four Universities' (2004) 8(2) *Journal of Studies in International Education* pp.167-169.

[7] P. Scott, 'Globalisation and Higher Education: Challenges for the 21st century' (2000) 4(1) *Journal of International Studies in International Education* pp.9-10.

[8] Department for Business, Innovation and Skills, *Higher Education: Students at the Heart of the System (White Paper)* (London: BIS, 2011) p.19.

[9] S. Marginson and M. van der Wende, 'To Rank or To Be Ranked: The Impact of Global Rankings in Higher Education' (2007) 11(3-4) *Journal of Studies in International Education* p.309.

[10] R. Deem, 'Globalisation, New Managerialism, Academic Capitalism and Entrepreneurialism in Universities: is the local dimension still important?' (2001) 37(1) *Comparative Education* pp.10-15.

in the 1960s and 1970s, founded in a belief in the supremacy of the market over state intervention.

Clegg et al. simultaneously link the political aspect of globalisation with the emergence of increasingly global political institutions and the decreasing importance of the nation state and its components.[11] Arthurs has argued that globalization plays a dominant role in government and political economy, which in turn influence legal education by setting higher education policies, establishing the structure of legal education, licensing educational providers, providing funds for law faculties, imposing fees on law students, requiring legal academics to meet quality standards in their teaching and research, and measuring the success of law schools in recruiting top students and improving the job prospects of their graduates.[12] However, Deem makes an important point in this context – that while more localised factors affecting higher education institutions may be under-emphasised because they are harder to illustrate than global factors in isolation, they are equally relevant.[13] As stated by Marginson, "the global dimension is not all-consuming, nor are global effects uniform everywhere" and "Global engagement varies from nation to nation".[14] This point is particularly significant to the scope of this paper, which seeks to explore the impact of globalisation on international higher education at the national level. That the process of internationalisation is taking place at institutional level, as has been identified by Taylor[15] and Knight[16], cannot be ignored. But the counter-point to this analysis of growing global interdependence is the danger, highlighted by Clegg et al., that globalisation is over-extended as a category when, in fact, educational policies may be responses to purely national or institutional factors, such as new agendas resulting from changes in government or university leadership, personnel and funding.[17] For example, Hardt and Negri have stated that while global political factors cannot be ignored the nation state remains vitally important, particularly in the sphere of educational practice.[18]

While there may be other drivers of globalisation, the technological, economic and political drivers discussed above, even contested as they are, seem to be the most potent in terms of their effects on national policy. The Dearing Report in 1997 was the first fundamental review of higher education since the Robbins Report in 1963 and the need to maintain standards in line with other competing higher education institutions across the globe is apparent from some of its key recommendations, including further expansion in higher education and addressing and assessing skills acquisition and development.[19] The Browne Report in 2010

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[11] Clegg et al., *supra* n.2, p.42.

[12] H. W. Arthurs, 'Law and Learning in an Era of Globalization' (2009) 10 *German Law Journal* pp.629-640.

[13] Deem, *supra* n.10, p.11.

[14] S. Marginson, 'Dynamics of National and Global Competition in Higher Education' (2006) 52(1) *Higher Education* p.2.

[15] Taylor, *supra* n.6, pp.149-171.

[16] J. Knight, 'Internationalization Remodelled: Definition, Approaches, and Rationales' (2004) 8(1) *Journal of Studies in International Education* pp.5-31.

[17] Clegg et al., *supra* n.2, p.43.

[18] M. Hardt and A. Negri, *Empire* (Cambridge MA: First Harvard Press, 2001) Preface.

[19] National Committee of Inquiry into Higher Education, *Higher Education in the Learning Society (Dearing Report)* (Hayes: NCIHE Publications, 1997).

proposed a sharp increase in tuition fees with the aim of improving quality by increasing competition between higher education providers.[20] These proposals were taken forward in the White Paper (2011), which states that "The overall goal is higher education that is more responsive to student choice, that provides a better student experience and that helps improve social mobility".[21] In terms of addressing worldwide competition in a specifically legal context, the First Report on Legal Education and Training by the Lord Chancellor's Advisory Committee on Legal Education and Conduct in 1996 (ACLEC)[22] and the 2013 Legal Education and Training Review (LETR)[23] emphasise the role of professional skills training in legal education. The underlying theme of UK higher education institutions maintaining competitiveness on the global stage is clear from all of these policy documents. Having explored the main drivers of globalisation, its impact and effects will now be considered.

Both globalisation and internationalisation have an impact on costs of, demand for and access to higher education. Some of the main opportunities resulting from both globalisation and internationalisation in higher education include the potential for cultural exchange, income generation and capacity building, while the attendant challenges include the need for internationalisation of the curriculum, and support for students from international backgrounds. These challenges and opportunities have led academics to identify and suggest a wide range of changes in curriculum, quality, equity, pedagogy, facilities, support, infrastructure and teaching at higher education institutions. To limit the scope of this paper the discussion will focus on certain areas, expanded upon below, which will also be re-visited in later sections due to their importance and particular relevance both to my own institution, UEL, and the discipline of Law.

Student and staff mobility across national borders has increased as a result of globalisation, meaning that higher education has become an increasingly transnational industry. As Marginson has stated: "Although most higher education students continue to be educated within their national systems a growing number now cross national borders".[24] In theory the mobility aspect of globalisation is a positive, if it is based on a two-way flow of staff and students and mutual cultural enrichment. However, the reality may be quite different and, in accentuating global inequalities, may well be having negative consequences. Altbach has pointed out that higher education students crossing national borders is nothing new but that historically this was characterised as one-way flow from the poorer countries in the 'South' to the richer countries in the 'North', who were also in many cases formerly their colonial masters.[25] The concern for Altbach is that little seems to have changed in modern times and, as Marginson has also identified, in practice global student and

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[20] Department for Business, Innovation and Skills, *Securing a sustainable future for higher education: an independent review of higher education funding & student finance (Browne Report)* (London: BIS, 2010).

[21] White Paper, *supra* n.8, p.8.

[22] Lord Chancellor's Advisory Committee on Legal Education and Conduct, *First Report on Legal Education and Training* (London: ACLEC, 1996).

[23] Legal Education and Training Review, *Setting Standards: The future of legal services education and training regulation in England and Wales* (LETR, 2013).

[24] Marginson, *supra* n.14, p.17.

[25] Altbach, *supra* n.5, p.12.

staff mobility today is "characterised by uni-directional student flows and asymmetrical cultural transformations".[26] There may be several reasons for this, including the predominance of the faculty-dominated Western academic model, the prevalence of the English language in academic publications and the better salaries (for staff) and better recognition (for students) that results from working and studying at universities in Western Europe and North America. Whatever the reason, the biggest beneficiaries of student and staff migration across national boundaries seem to be the world's richest countries, and therefore significant inequalities still exist in this context. Altbach, for instance, has highlighted the argument that in some respects globalisation works against the interests of developing countries in some ways reinforcing international inequalities: "Many smaller developing countries, for example, lack the facilities for research, do not provide degrees beyond the bachelor's, and are unable to keep up with current journals and databases due to the expense".[27]

There are a number of consequences of globalisation related to the mobility of staff and students. One example of internationalisation in teaching and learning referred to by Taylor is the delivery of programmes overseas by universities.[28] While this is a major opportunity for student recruitment and income generation, it also has significant resource implications, including the provision of infrastructure, staffing, administration, support services, quality assurance processes and learning resources. Distance learning provision, including online courses and MOOCs, is an important aspect of this process with attendant risks, for example the provision of support services (particularly in relation to ICT support) and the difficulty of giving distance learners the sense of belonging to a wider student community. Taylor has also referred to exchange programmes as forming an important part of any strategy for internationalisation.[29] Reciprocal arrangements between universities that offer opportunities for overseas study have obvious advantages for students in terms of widening their experiences and making them more attractive to employers whose businesses have a global aspect. Essential to overseas study, however, is the need for the qualifications and credits acquired on exchange programmes to have international recognition through transferable accreditation.

All of the various aspects of globalisation and internationalisation have important consequences for institutional policy. Taylor has highlighted the importance of internationalisation as an influence on institutional management,[30] while Knight has argued that it is usually at the institutional level that the real process of internationalisation is taking place.[31] In this regard Knight makes a distinction between approaches to internationalisation at the national and institutional levels.[32] The former tend to focus on strategies to achieve a country's goals both domestically and internationally, policies that address or emphasise the international dimension in higher education, rationales for why a national higher

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[26] Marginson, *supra* n.14, p.18.

[27] Altbach, *supra* n.5, p.8.

[28] Taylor, *supra* n.6, pp.159-160.

[29] Taylor, *supra* n.6, pp.158-159.

[30] Taylor, *supra* n.6, pp.163-164.

[31] Knight, *supra* n.16, pp.6-7.

[32] Knight, *supra* n.16, pp.18-21.

education sector should become more international and programs that facilitate opportunities for institutions and individuals to engage in international activities. The latter, meanwhile, are directed at specific activities (e.g. study abroad schemes and branch campuses), desired outcomes (e.g. student competencies and increased international profile), rationales (e.g. income generation and cultural diversity) and the process through which an international dimension is integrated into the teaching, learning and service functions of an institution. But, as Taylor has pointed out, international strategies cannot exist in isolation and must be balanced against the other aims, which may be unclear, varied and numerous, that universities, as complex organisations with many distinct characteristics, may have.[33] The need for effective central leadership and the investment of time, money and other resources by universities therefore seems crucial in this context.

In the next section further consideration will be given to some of the drivers and consequences of globalisation mentioned above that have particular relevance to Law, including labour mobility, market competition, ICT, curriculum design, pedagogy and transnational education.

The impact of globalisation on legal education

In terms of what globalisation has meant for UK legal education in particular, it is crucial to highlight that Law graduates today must be able to work in an environment that is both diverse and culturally charged,[34] since the expansion of businesses and the world economy has led to the globalisation of the legal profession. Many Law firms have clients who reside in different parts of the world and offices in more than one country.[35] There is more mixing between national legal systems than ever before and Chesterman has identified the consequent need for lawyers to be comfortable in multiple jurisdictions.[36] The impact of globalisation on legal practice varies, however, with some Law firms still remaining national, regional or local in their outlook. It is also vital to emphasise the European dimension to globalisation. Bosch has stated that the UK must further future European integration in legal education so that it "…remains competitive in the European market and continues to successfully ensure its students' employability beyond national boundaries".[37] Although Law students do pursue other careers (only around 25% of Law graduates become solicitors for example),[38] what is particularly notable in legal education is that many of the responses to globalisation – such as ACLEC,[39] the

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[33] Taylor, *supra* n.6, pp.151-152.

[34] S. K. Ragavan, 'Acquiring skills for a globalised world through a peer mentoring scheme: a UK Law school experience' (2012) 46(1) *The Law Teacher* p.19.

[35] K. P. Lewinbuk, 'Can successful lawyers think in different languages?: Incorporating critical strategies that support learning lawyering skills for the practice of Law in a global environment' (2007) 41(3) *The Law Teacher* p.278.

[36] S. Chesterman, 'The Evolution of Legal Education: Internationalization, Transnationalization, Globalization' (2009) 10 *German Law Journal* pp.877-888.

[37] G. S. Bosch, 'The "internationalisation" of Law degrees and enhancement of graduate employability: European dual qualification degrees in Law' (2009) 43(3) *The Law Teacher* p.284.

[38] The Law Society, *Entry Trends* (2015) https://www.lawsociety.org.uk/Law-careers/Becoming-a-solicitor/Entry-trends/ [Last accessed 17 January 2016].

[39] ACLEC, *supra* n.22.

LETR[40] and the European Lifelong Learning Programme (2008) – have been profession-led in terms of the need for Law students to develop skills such as critical thinking, oral communication, problem solving, team work, drafting and ethical standards. Whilst such skills have to some extent always been important for legal study and practice, there seems now to be a renewed impetus for their acquisition by students in the context of an increasingly globalised legal profession. There is a greater need than ever before for legal skills to be transferable and to travel with newly qualified lawyers, whether in terms of them working abroad or dealing with work of an international nature at home.[41] This drive towards transferable skills is apparent from several recent policy documents related to legal education.

While acknowledging that attempts to combine the doctrinal study of law with its more practical aspects have been made since the time of Blackstone in 1758, Ragavan refers to a number of recent government studies which focus on professional skills and their place in legal education in order to maintain competitiveness on the global stage.[42] These include the DfEE's 1998 consultation paper, 'The Learning Age', which was subsequently integrated into the Subject Benchmarks for teaching assessment by the Quality Assurance Agency for Higher Education, 2000-2002;[43] the First Report on Legal Education and Training by the Lord Chancellor's Advisory Committee on Legal Education and Conduct in 1996;[44] and the Leitch Review of Skills in 2006.[45] The importance of considering the specific needs of students from culturally diverse backgrounds in relation to curriculum design, assessment and feedback has also been made clear by the regulatory bodies for both UK higher education and the legal profession in England and Wales. The Higher Education Academy has identified Law specifically as an area where students, who may previously not have had such prior opportunities, should have the chance to develop the skills required for a legal context through inclusive approaches to learning and teaching.[46] Specific recommendations in relation to curriculum design, assessment and feedback for Law students have been made by the LETR, the report that followed a review of the academic stage of legal education and training conducted on behalf of the regulatory bodies for the legal profession.[47] The main thrust of these various reports and studies is the role of skills teaching in enhancing, as Harvey and Mason put it, the "transformational potential, rather than in (the) specific knowledge"[48] of Law graduates. Embedding lifelong learning skills and employability training therefore seems to be a priority for university Law schools.

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[40] LETR, *supra* n.23.

[41] Bosch, *supra* n.37, p.289.

[42] Ragavan, *supra* n.34, pp.15-37.

[43] Department for Education and Employment, *The Learning Age: a renaissance for a new Britain* (London: DfEE, 1998).

[44] ACLEC, *supra* n.22.

[45] Department for Education and Employment, *Prosperity for all in the Global Economy: World Class Skills (Leitch Review of Skills)* (London: DfEE, 2006).

[46] Higher Education Academy, *Inclusive curriculum design in higher education - considerations for effective practice across and within subject areas (Law)* (HEA, 2011) https://www.heacademy.ac.uk/sites/default/files/resources/Law.pdf [Last accessed 7 January 2016].

[47] LETR, *supra* n.23.

[48] L. Harvey and S. Mason, 'A Quality Graduate', in *The Management of Independent Learning* (London: SEDA, 1996) Chapter 2.

However, there are several unique challenges in teaching undergraduate Law students from internationally diverse backgrounds, who may face difficulties coming to terms with technical or unfamiliar legal jargon, presenting legal arguments both orally and in writing and criticising or applying the Law as opposed to simply learning and understanding it. Often these issues may not present as great a challenge to the home students taught alongside international students, which may be a source of friction in the classroom.[49] A theoretical solution to the challenge of teaching to students from international backgrounds is a radical shift in teaching to support student participation in the discourses of an unfamiliar knowledge community. For Northedge, knowledge within any academic discipline is acquired out of a process of specialist discourse within a knowledge-sharing community (e.g. Law students belong to the same community sharing legal knowledge as practising lawyers) and it is therefore crucial for teachers to facilitate opportunities for their students to participate actively in these communities through structured debate, reading and writing etc.[50]

Northedge's ideas have been widely supported by other academics and regarded as particularly relevant to students from international backgrounds. The importance of creating opportunities for international students to participate actively in classroom learning activities, such as group discussions and presentations, have been highlighted by Carroll.[51] Cassidy emphasises the need for international students to develop self-regulated learning skills in order to improve their prospects for employment and lifelong learning – this is particularly important for aspiring lawyers, who are obliged by their professional bodies to engage in continuous professional development and adapt to changes in the Law throughout their careers.[52] Collins has identified the need for Law students to be assessed on critical thinking, oral communication and the art of argument, all of which are vital to the practice of Law.[53] Formative opportunities to practice and improve on these areas in the classroom prior to summative assessment are therefore essential. Also particularly important for students on a vocational course such as Law is the acquisition of 'tacit knowledge', defined by Rust, Price and O'Donovan as something known that is difficult to express, highly personal, hard to formalise, experience based and the very essence of a great deal of professional expertise.[54]

The response to globalisation is also apparent at European level and hence the European dimension is increasingly important to UK legal education. As stated by James, "the EU has always had a significant role in the recognition of professional

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[49] K. Coate, 'Exploring the unknown: Levinas and international students in English higher education' (2009) 24(3) *Journal of Education Policy* pp.271-282.

[50] A. Northedge, 'Rethinking teaching in the context of diversity' (2003) 8(1) *Teaching in Higher Education* pp.169-180.

[51] J. Carroll and J. Ryan (Eds.), *Teaching International Students: Improving Learning for all* (London: Routledge, 2005) pp.84-91.

[52] S. Cassidy, 'Self-regulated learning in higher education: identifying key components and processes' (2011) 36(8) *Studies in Higher Education* pp.989-1000.

[53] P. Collins, 'Inclusive team assessment of off-campus and on-campus first year Law students using instantaneous communication technology' (2010) 44(3) *The Law Teacher* p.314.

[54] C. Rust, M. Price, and B. O'Donovan, 'Improving students' learning by developing their understanding of assessment criteria and processes' (2003) 28 (2) *Assessment & Evaluation in Higher Education* pp.151-152.

qualifications",[55] for example through the formal identification of vocational training as an area of Community action in the Treaty of Rome in 1957. Bosch has pointed out that policy developments at European level, such as the Lifelong Learning Programme (2008), feature a commitment to making Europe a competitive and knowledge-based economy by, for example, promoting joint degrees through co-operation and mobility between universities.[56] In the specific context of higher education, the European Commission has since 1987 operated the Erasmus Programme, which enables hundreds of thousands of students across Europe to study abroad each year. However, James has identified two reasons why there may be little incentive for many Law students in the UK to undertake a period of study abroad under the Erasmus Programme.[57] Firstly, it is not possible for a student to study abroad for part or all of one of the three years of a standard three-year LLB degree under the standard Erasmus student mobility scheme, since this would result in the student missing out on one or more compulsory foundation subject modules. Secondly, the alternative of adding a fourth year of study abroad into a three-year degree may be unattractive to students: the Erasmus grant does not cover all of their living costs and therefore most students will be adding to their debt burden by increasing the length of their degree. The common perception that the British are either less willing or less able to learn languages may also be a barrier to European integration that needs to be overcome.[58] Numerous academics have stressed the importance of language and its use in legal education. The need to focus on teaching language skills has been identified by Lewinbuk,[59] who has stressed the need for aspiring lawyers to be able to think in the same language in which they intend to practice Law. This is of course as important for international students coming to the UK as it is for British students intending to study and ultimately work abroad.

However, while time abroad is not required in order to qualify for the legal profession in this country, there is no doubt that this will make a student's CV stand out. The most recent official study into the impact of Erasmus mobility on students who have participated in the programme by the University of Kassel demonstrated that such students were perceived by most employers as having significantly superior competencies than students who had not participated in a number of important spheres, leading to enhanced employability.[60] This was on the basis that they were noticeably ahead of their counterparts in foreign language proficiency, intercultural understanding, knowledge of other countries, preparation for future employment and academic knowledge and skills. The relative lack of interest in the Erasmus programme here also seems to be in sharp contrast with our European neighbours, where the demand for such programmes has been more successful. The proportion of the student body involved in the Erasmus scheme in this country is considerably smaller than in a number of other European countries: fewer than 2%

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[55] C. James, 'Enhancing the QLD: internationalisation and employability: the benefits of Erasmus Intensive Programmes' (2013) 47(1) *The Law Teacher* p.68.

[56] Bosch, *supra* n.37, pp.284-286.

[57] James, *supra* n.55, p.68.

[58] James, *supra* n.55, p.68.

[59] Lewinbuk, *supra* n.35, pp.275-286.

[60] International Centre for Higher Education Research, University of Kassel. *The Professional Value of ERASMUS Mobility*, Final Report, 2006.

of students in the UK, compared with 4% of French students, 6% of German students and 10% of Spanish students.[61]

The impact of globalisation at institutional level

At first glance, the LLB programme at UEL seems to take full account of the literature on globalisation relating to Law. The web pages for the Law school specifically highlight both its professional nature and its international dimension. It is clear from its publicity materials that UEL prides itself on its commitment to cultural diversity – the website states that it is "one of the most diverse universities in the UK, with more than 120 nationalities represented on our campus".[62] The programme of study also seems geared specifically towards emphasising professional skills – it is stated, "the programme provides a structured approach to the development of key study and transferable skills (such as critical analysis, oral and written presentational skills, and the ability to work independently) which are central to many other types of employment".[63] However, the most recent Review and Enhancement Process (REP) report for 2013-14 reveals concerns about the level of internationalisation and globalisation on the LLB programme at UEL.[64]

It is noted, for example, that the number of full-time international students is modest, 61 out of a student body of around 500, evenly distributed across the globe, and has in fact decreased from the figure of 63 the previous year (although, in terms of broader student mobility across borders, the REP does also note that a general decrease in international students is common in the sector, which is substantiated by the Higher Education Statistics Agency).[65] This can be contrasted with the data on ethnicity, which shows a majority of non-white students of 85:15 in percentage terms. Therefore, while it is certainly true that the Law school has a diverse student body, there is not a great deal of evidence of cross-border mobility in terms of the presence of large numbers of international students on campus and there has been no effort to create an international branch campus of the Law school abroad. Although efforts have been made to establish reciprocal student exchange arrangements with partner universities abroad, there has been very little take-up – as little as one or two students per year. This contrasts with London South Bank University, an otherwise comparable institution in terms of league table position and student demographics, which was approached in 2009 by Inholland University of Applied Sciences in Rotterdam about the possibility of being one of five partner universities to apply for funding for a three-year Erasmus Intensive Programme.[66]

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[61] Grove, J. "Russell Group Students Dominate Erasmus Scheme", *Times Higher Education*, 29 July 2012.

[62] University of East London (UEL), *School of Business & Law website* (2015) http://www.uel.ac.uk/study/courses/law.htm [Last accessed 17 January 2016].

[63] ibid.

[64] University of East London, *School of Business & Law Programme Level Review and Enhancement Process Form 2013-14* (UEL, 2014).

[65] The most recent statistics on the HESA website, available at www.hesa.ac.uk (accessed 17 January 2016), show that in 2012/13 there were 425,265 non-UK domicile students studying at UK HE providers. This was a fall in numbers from 435,235 the year before following a continuous year-on-year rise since HESA started collecting data in 1995.

[66] James, *supra* n.55, p.68.

Another similarly comparable institution, Brunel University, recently introduced a mobility programme for postgraduate students from abroad undertaking an LLM in the UK[67] – a significant development given that postgraduate study attracts significant numbers of international students (approximately 100 at UEL alone). Also missing is any set training or established guidelines for all lecturers to use in teaching students from international backgrounds – this is an aspect of course delivery that appears to be left entirely for the discretion of individual lecturers rather than being centrally led. Another document that highlights areas of improvement is the school action plan in response to the results of the National Student Survey – this identifies one area in need of specific attention as being ICT support, particularly for distance learning students.[68]

While UEL has undoubtedly made serious efforts to adapt to a new global educational landscape with study support schemes and curriculum changes, there is certainly considerable scope for further development, and it is therefore useful to consider a range of other enhancements suggested in the literature. In order to address the difficulties that international students at UEL are experiencing in integrating, for example, it is useful to consider Ragavan's proposed peer-mentoring scheme *for* international Law students *by* international Law students.[69] This scheme has two benefits in particular for Law students from international backgrounds, the first being that it extends beyond the acquisition of knowledge to the development of skills and values that will enable future graduates, whether mentors or mentees, to become competent as workers as well as learners. The other benefit is the evidence that the students on Ragavan's scheme seem to appreciate learning from those with similar international backgrounds, who have already successfully negotiated the period of acclimatisation and adjustment to a new academic environment that they are currently undergoing. A mentoring scheme of this kind can be introduced fairly easily at UEL in order to foster a greater sense of community among international Law students.

Given that ICT is one area of weakness at UEL, both in its use and the level of engagement of students and staff with it, Collins's approach to inclusive team assessment of off-campus and on-campus Law students using instantaneous communication technology (in the form of web-based conferencing tools) appears relevant.[70] Accessing ICT is of vital importance in order for students and staff to adapt to a changing global world, and this needs to be more interactive in order to address the sorts of skills gaps that exist in legal education in terms of oral communication, teamwork and debating skills. This is particularly so for off-campus students, who may not normally have the same opportunities as other students to develop such skills. The sort of instantaneous audio-visual communication technology proposed by Collins is therefore a key factor in overcoming this barrier for distance learning students, who can thereby participate fully in teaching and assessment based on teamwork and oral presentations, together with their on-

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[67] F. Ferretti, 'The design of an international mobility programme for PG Law students at Brunel Law School: putting theory and policy into practice' (2010) 44(2) *The Law Teacher* pp.181-194.

[68] University of East London, *National Student Survey – School of Business & Law Action Plan for 2014/15* (UEL, 2014).

[69] Ragavan, *supra* n.34, pp.15-37.

[70] Collins, *supra* n.53, pp.309-333.

campus peers. This innovation also has the benefit of overcoming isolation and better integrating distance learning students into a community of learning, which is vital if the university is to attract international students who are unable or unwilling to study abroad in person. It must be emphasised, however, that the use of instantaneous communication technology as an alternative to face-to-face communication is not without its own problems. Issues in this regard that have been pointed out by Clegg et al. include the potential to limit the exercise of creativity by tutors and students, increase bureaucratic surveillance and control and limit inclusivity, particularly for less ICT-savvy students.[71] There may also be more practical barriers to the use of instantaneous communication in assessment and teaching, such as the impact of different time zones necessitating careful timetabling of classes and assessments to avoid disadvantaging overseas students.

In view of the increasing importance of the European dimension in legal education, James's suggestion that the internationalisation and employability of Law degrees can be enhanced with the benefit of Erasmus Intensive Programmes is attractive.[72] It was stated above that Law students have not in the past been attracted by Erasmus Programme study opportunities. Erasmus Programmes that do not add to a Law student's period of study due to their intensive nature, however, would seem to overcome this particular barrier to take-up, while providing students with the opportunity to improve their CVs with experience that will make them stand out in the competitive European legal market. Student and staff mobility is an important tool for achieving internationalisation of higher education, however UEL have focused more on recruitment of international students than on developing collaborative partnerships. It would therefore be sensible to consider the proposals of Ferretti, who has designed an international mobility programme for postgraduate Law students.[73] Developing collaborative agendas with foreign higher education institutions has the benefit of improving understanding of those countries, their education systems and their students. Ferretti identifies some of the crucial elements of such a successful partnership as being alignment of the language of teaching, subject match and choice, and format and timing of the modules taught at the partner institution.[74] In turn the benefit to the student from the UK institution is exposure to a cultural and comparative experience, which they will have the chance to use in the dissertation component of their programme. It is clear from Ferretti's proposal that there are considerable potential benefits from an overseas collaborative partnership, but it is essential that any such collaboration be properly thought out – choice of partners, programmes, modules and students are crucial.

Conclusion

Ultimately, it is important to stress the contested nature of the impact of globalisation at the national and institutional level, both in terms of its extent and its perceived benefits. It also seems reasonable to query whether the impact of this phenomenon has been overstated when it is noted that what has been described in

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[71] Clegg et al., *supra* n.2, pp.46-47.

[72] James, *supra* n.55, pp.64-82.

[73] Ferretti, *supra* n.67, pp.181-194.

[74] ibid, p.185.

this paper as drivers for globalisation – whether technological, economic or political – might equally be regarded as responses to it. Indeed, the related process of internationalisation, while defined in this paper as policy responses in higher education to deal with globalisation, has also been queried as a stimulant as much as a response to this phenomenon by Knight.[75] Taylor has also described internationalisation as a major driver of change, rather than simply a response to it.[76] The other major danger at both the national and institutional level, which has been highlighted in this paper, is the tendency to see almost any educational policy innovation as either a cause or effect of globalisation, when a range of other factors might be equally relevant.

However, the impact of globalisation cannot be ignored, and this is particularly so in a vocational discipline such as Law. The consequence of an increasingly global legal profession, guidance from professional bodies, and national and European policies is a greater emphasis on the teaching of the transferable skills most relevant to international legal practice. Economic drivers for globalisation, particularly the knowledge economy, seem particularly relevant in this context. The importance given to 'knowledge' is notable here and it seems possible to draw an analogy between the knowledge economy and the concepts of tacit knowledge and knowledge communities, which have been highlighted as vital to aspiring lawyers. In each case knowledge is both commodified and seen as a crucial goal, the attainment of which provides a clear competitive advantage in a crowded jobs market.

Finally, whilst the impact of globalisation at the institutional level at UEL is undeniable, it is not overwhelming either in terms of international Law student numbers or the transnational activities of the Law school. The reasons for this are not readily apparent and require further investigation – this may be due to the lack of a universal globally accredited qualifying law degree or a range of other factors affecting student recruitment that could be explored in a targeted study. Whilst a number of further innovations to change the school's profile have been explored in this paper, the question that must be asked is whether it is reasonable to make a large number of adjustments for what ultimately amounts to a relatively small proportion of the students and activities of the Law school. It is expensive and time-consuming to make the sorts of teaching and policy changes discussed in this paper, particularly in terms of managing collaborative partnerships. However, this is a question of degree and there seems no reason not to make some of the less disruptive innovations that have been identified in this paper – such as peer mentoring schemes – which would seem to benefit the school and its students more generally, as well as improving its international profile, at little cost.

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[75] Knight, *supra* n.16, p.6.
[76] Taylor, *supra* n.6, p.168.