

CHIEF EDITOR'S NOTE ON 'BOLOGNA PROCESS' IN RUSSIAN LEGAL EDUCATION

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It is believed that one of the causes of some uncertainty in modern legal education in Russia is the ill-fated transition to the two-level higher education system according to the Bologna Declaration ('Bologna Process'). Law schools still do not understand the advantages of this system, can only see its shortcomings, and, as a result, cannot effectively enforce this model.

Strangely enough, these problems are typical not only of Russia. Talk of crisis in legal education resounds in many countries, editorials with significant headings like 'Legal Education in Crisis' appear both in Europe, and in America (e.g., N.Y. Times, Nov. 26, 2011, at A18). Moreover, it is not only the Russian President who deals with all problems, including the problems of the legal education, in 'manual mode.' Two years ago, Barack Obama personally offered such radical measures that it turned almost the whole legal academic community in the USA against him (N.Y. Times, Sep. 20, 2013, at A16).

Teachers and students around the world feel changes, active reforming and revision of traditions and the settled techniques. Former approaches do not meet the current requirements, and now a transformation is under way. It shows the transition state of the higher law school, a search for its new mission, place and role in a changing world. In different countries this process occurs differently.

It is important to consider domestic problems while taking into account universal changes. It is obviously wrong to deny the Russian origin and character of many problems, so the proposed measures for solving those problems also have to consider national features. A universal model for the improvement of the educational system is unlikely to exist.

As well as in Russia, in Europe the way out of a crisis situation was believed to have been found through the 'Bologna Process' at first. Although, initially, there was no unambiguous positive perception of the Bologna Declaration principles anywhere, many countries tried to enforce these principles. Others refused them at once.

In Russia, for some reason, nobody cares that some countries of continental Europe did not accept the principles of the 'Bologna Process,' and we continue to diligently enforce that scheme, the shortfalls of which we were warned about more than ten years ago.

At the moment, the master's courses in Russian law schools only just starting to gain popularity. For example, in Moscow State University, this is the first academic year that the majority of bachelors graduating will enroll in a legal master's program. In other key higher education institutions the situation is similar. Interesting programs are an exception, rather than a rule.

The bachelor graduate (4 years) is now facing a dilemma: to get a job as a legal assistant and not do a master's program, or to get a job as a legal assistant and skip the classes. Other options do not exist in real life. If a student does not get a job in the end of the 4th year, his / her career chances only decrease. Only far-sighted employers (who are not that numerous) employ a master's graduate with vast academic knowledge, but without experience. In real life, both the master's diploma and experience are required. But combining both without damage either to work, or to study, is impossible. So, as a result, we have a situation, where a master's degree, in fact, is only 'for show.' Students do not need it, teachers do not know how to fill it, as they have to create two years out of one.

Let us come back to when the master's degree was founded. It was introduced through the realization of the principles of 'Bologna Process.' In fact, transition to a two-level system was imposed, lobbied by authors of the declaration. To whom is such a model of education favorable now?

In the globalized scenario, English has in fact become *lingua franca* of law and of world science in general. The international competition in education is now taking place at the level of master's programs. The person gets the minimum basic higher education in the form of a bachelor's degree at a national level, and thereafter he / she has an option. Given the prevalence of English, preference is given mainly to English language programs. And there is nothing reprehensible in this. It is possible, and even necessary to rejoice in the strengthening of academic mobility which, undoubtedly, promotes the development of science and overcomes its isolation. The problem is that, in such conditions, law schools in the USA, Canada and other English-speaking countries have the dominating advantage. The number of foreign students in Russia is minimal, and the reason is not quality, but the aforementioned language of education. Law is not mathematics, for the sake of which one can specially learn Russian. It is more likely to be opposite.

It turns out that the two-level system bears practically no relation to the improvement of the quality of education. It is a specific project acting rather as a means for international competition in the educational sphere.

Therefore, Europeans were so reluctantly adapting the principles of the Bologna Declaration. By carrying out the transition to the two-level system, Russia

automatically becomes a participant of the international competition where the master's degree is a key link. It must be emphasized that there are many positive moments here. But there are two key positions, and without them participation in that competition becomes useless and even harmful: 1) language of training; 2) quality of training.

The first is the language of training. More and more, non-English-speaking countries start offering master's programs in English. Although it is naturally hard for them to do so, it is the achievement of the purpose which is important for them – the effective participation in the international educational competition. Examples are the Scandinavian countries, Holland, China, Japan, Israel, *etc.* Unfortunately, in Russia, we do not have such programs in the field of law. The second is the quality of training. In Russia we only start introducing the master's courses and there are practically no really qualitative programs. They are rather an exception, than a rule. What do we have as a result? We joined the international competition absolutely unprepared and without any of the means that are vital for effective participation. So far, we have nothing to offer at the level of legal education that could be of interest to foreign students, or, at least, something that could keep our own students, wishing to receive master's preparation abroad, in Russia.

So what to do? The main problem of today's educational model is the lack of choice. The 'bachelor-master' scheme is now imperative and it does not assume any exceptions. While high-quality master's preparation is not created, it is impossible to enforce the imperativeness of the two-level system of preparation. It is necessary to give people a chance to decide: either 5, or 4 + 2 years. Of course, it is necessary to develop attractive master's programs which would be demanded not only in Russia, but also abroad. However, they do not yet exist and master's preparation has not yet found its feet in our country or its niche in our education. In most cases the formalistic approach is present, which is, in fact, the lengthening of the last year of a specialist program. Naturally, this approach only emasculates the idea of a master's course. This is the root of the extremely negative attitude / posture towards master's programs in the Russian academic environment.