

A Study the Criminal Law Teaching Approach to Promote "Three Recognitions" through "Three Qualities"

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Abstract: The cultivation of professional knowledge and skills, as well as the effective education of people, are not only the functions of criminal law teaching but also its significant responsibilities. During the teaching process, the basic needs of the first level, encompassing knowledge, methods, emotional input, and output, and the second level, involving ethics education's progression from point-to-point to face-to-face interactions, have already been established. Nevertheless, the relationship between criminal law teaching and the cultivation of legal talents has been selectively overlooked, leading to a lack of a visible holistic perspective, consciousness perspective, and overall perspective in criminal law teaching. This has hindered the first two levels from fully realizing their potential effectiveness. Under the overarching concept of promoting "three recognitions" through "three qualities," an effective connection is established among the academic, regularity, practical aspects, course recognition, identity recognition, and professional recognition, facilitating the transformation and metamorphosis from the first level of basic teaching needs and the second level of actual expansion to the third level of aggregation. Specifically, the promotion of students' course recognition is achieved through regularity, their identity recognition through academic quality, and the construction and development of their professional recognition through practicality. The realization of "three recognitions" aims to continuously achieve the completeness and effectiveness of the cultivation of legal talents.

Keywords: Criminal Law Teaching; Cultivation of Legal Talents; Course Recognition; Identity Recognition;

Professional Recognition

1. Introduction

Criminal law, as a prominent field within legal studies, is encompassed by both theoretical research and criminal law teaching, which rise and fall in accordance with the fortunes of the rule of law. The study of criminal law is centered on criminal law norms and concepts, playing a pivotal role in the construction of the rule of law within a country. As a result, the fate of criminal law is closely linked to the progress of the rule of law in the nation: the flourishing of the rule of law leads to the flourishing of criminal law, and its demise leads to the demise of criminal law. [1] The study of criminal law norms and concepts is consistently taken as the subject, and the teaching process unfolds in a similar manner. Over the past three decades, the core of criminal law teaching has been continuously enriched and deepened by the significant development of criminal law research in our country. The first level needs of the teaching process, which include the integration of knowledge and methods and the application of learning (referred to as the basic teaching needs), have been fulfilled in stages and across different regions due to the core status of the "Criminal Law" course. In 2016, relevant systems explicitly stated that ethics education should be run through the entire process of education and teaching, which has led to profound reflection on the "Criminal Law" course teaching regarding "what kind of people to cultivate, and for whom to cultivate them."

Subsequently, in 2020, guidelines for the construction of ethics education in higher education were issued by the Ministry of Education, which facilitated the transformation of the "Criminal Law" course into the "era of comprehensively promoting ethics education in the curriculum in the

teaching logic of criminal law." This transformation is particularly evident in the two-way infusion of knowledge and emotion within the course teaching, and the shift of ethics education from point-to-point interactions to face-to-face engagement, known as the second-level requirements or the second-level cognition of teachers and students (referred to as the actual expansion of teaching). In the teaching process of "Criminal Law," the vast and logical knowledge system occasionally causes frustration among students, but the vividness of cases also inspires an endless tension for exploration, motivating students to look forward to criminal law without hesitation and to persevere despite setbacks.

However, despite the excellent educational ecology of the "Criminal Law" course, higher education commonly remains at the first and second levels of cognitive recognition and practice, with an excessive magnification of the basic functions of "input and output" of knowledge, methods, and skills, as well as the educational effectiveness of point-to-point and face-to-face interactions. This results in an oversight of the intrinsic connection between the teaching of the "Criminal Law" course and the cultivation of legal talents. Teaching inherently possesses a "beginning heart" and a "true heart," as proposed by the founder of modern educational science, Herbart, in the 19th century: there is no teaching without education. The cultivation of legal talents necessitates that criminal law teaching adopt a holistic perspective, a consciousness perspective, and an overall perspective, indicating that the course teaching is deficient in the third level of cognitive recognition and development. In other words, there exists a gap and crack between the basic teaching needs, the actual expansion, and what teaching should ideally be. Therefore, under the influence of "academic, regularity, and practicality (three qualities)" in promoting "course recognition, identity recognition, and professional recognition (three recognitions)" within criminal law teaching, and in combination with the developmental narrative of criminal law teaching and its ethics education, an effective linkage is established between the academic, regularity, and practicality aspects and the course recognition, identity

recognition, and professional recognition. Specifically, the promotion of students' course recognition is achieved through regularity, their identity recognition through academic quality, and the construction and development of their professional recognition through practicality. Collectively, these efforts contribute to the cultivation of legal talents who are both morally and legally proficient in the new era of "morality and law together."

2. Basic Needs at the First Level: Knowledge, Methods and Skills

From the perspective of literature retrieval and research, the attention given to the teaching of the "Criminal Law" course originated in the 1980s. Despite not being as prominent as criminal law research, it remains in its early stages and is primarily based on the recognition and resolution of issues across several dimensions.

Firstly, consideration is given to the teaching philosophy and teaching orientation. The educational philosophy is frequently employed as a "mantra" by numerous educators, but the precise definition of what constitutes an educational philosophy is often debated. According to Baidu Baike, it is regarded as a concentrated expression of understanding, representing people's views and basic attitudes and concepts towards teaching activities, serving as the belief that guides their engagement in teaching. This definition endows teaching philosophy with an extremely broad inclusiveness, encompassing early interactive, cooperative, and humanistic teaching philosophies, as well as the introduction of Western educational philosophies such as OBE (Outcome-Based Education) and STEAM (Science, Technology, Engineering, Arts, and Mathematics). In the exploration of "Criminal Law" teaching, little attention is given to the teaching philosophy, possibly because it shares similarities with the teaching philosophies of other disciplines, as it is suggested that "a teaching philosophy is rarely entirely new, with its roots always traceable in history." [2] Nonetheless, the teaching orientation varies and evolves according to the characteristics of each discipline, and "Criminal Law" is no exception. For example, its teaching is adjusted based on the legal profession admission system, which reflects

legal practice and judicial reform, serving as a teaching orientation. [3] Students are guided to establish a criminal law concept that centers on human rights protection, and the cultivation of modern educational concepts of punishment is strengthened. [4] Student employment is taken as the orientation, with teaching being centered on the enhancement of professional skills and the improvement of competitiveness, aiming to achieve a seamless connection between teaching and employment. [5] The fundamental theories of criminal law are clarified by employing the logical trajectory of criminal law, fostering a way of thinking among students that aligns with the general requirements of criminal law logic. [6]

Secondly, there is a reasonable reflection on teaching models and teaching methods. The focus on teaching models mainly involves two dimensions: the diversification of teaching carriers and the diversification of teaching forms. For instance, approaches such as classroom discussions, presentations, observing trials, simulated trials, and court debates are advocated to elaborate on methods for cultivating students' practical abilities, which are highly operational. [7] In criminal law teaching, there are also dual-teacher co-teaching models, "integrated teaching, practice, and combat," thematic research-oriented teaching models, and blended teaching models that are adopted. [8] The focus on the reflection and improvement of teaching methods has been the most concentrated, with early approaches generally based on criticism and reflection of traditional didactic teaching, with a teaching method that combines theory with case studies being advocated. [9] Following the consensus on the combination of theory and case studies, further enrichment of teaching methods in their respective or shared domains has been achieved, such as the implementation of a "five-in-one" practical teaching method that includes case teaching, case analysis, trial observation, simulated trials, and legal internships during the teaching process. [10] The application of interest and inquiry-based teaching methods is aimed at questioning, inquiring, commenting, and presenting different perspectives until the issue is thoroughly researched. [11] Furthermore, the proposal of a "three-dimensional" criminal

law teaching method aims to train students to grasp the knowledge system of criminal law from three different dimensions: legislative, theoretical, and judicial. [12]

Thirdly, the exploration involves differentiated teaching content and the technicalization of teaching methods. It is necessary to discuss how to scientifically arrange course content for the "Criminal Law" course based on different levels and majors. [13] The informatization and technicalization of criminal law teaching has been a hot topic in the past decade, with the construction of criminal law courses on network resource platforms, [14] the use of multimedia teaching methods, [15] the development of micro-teaching resources for criminal law, [16] and the establishment of virtual simulation teaching systems that transcend time and space constraints being topics of discussion. [17] In line with incomplete statistics, at this stage, the concentration of online criminal law courses is mainly on platforms such as China University MOOC, XuetangX, Zhihuishu, Xueyin Online, and the UOOC, which are platforms that cover national universities and shared platforms for online open courses of local higher education institutions, such as those in Zhejiang and Chongqing, with a total of around 60 platforms being covered.

3. The Second Level of Actual Expansion: Ethics education Rising from Point-to-point to Face-to-face.

"Criminal Law" as a specialized course is not only the recipient of professional knowledge input and output but also plays a part in the cultivation of professional skills, bearing the responsibility of education. Since 2016, the innovative attempts in ethics education teaching of specialized courses have been presented through developments and changes "from individual initiatives to inter-school alliances, from content innovation to form renewal, and from theoretical research to classroom practice." Against this backdrop, the reform of ethics education teaching in criminal law has also steadily advanced. The education system for cultivating people inherently contains the natural requirements of "freedom" and "justice," and is closely related to moral aspects such as judicial "civilization," judicial "integrity," and the "professionalism" and "friendliness" of

judicial personnel. It closely and logically aligns with the requirements of "integrating ethics education throughout the entire process of legal education and teaching, strengthening education in ideals and beliefs and in the core values of society, enhancing love for the country and responsibility education for society, and deeply advancing the ethics education construction of law specialties". Eight ethics education modules have been designed through criminal law case teaching, which integrates family and national feelings, political recognition, moral cultivation, cultural literacy, and legal awareness into a single design. Efforts have also been made to align with the practical demands of China's legal system construction for legal talents, vigorously advancing the transformation of legal education based on the model of applied innovative talent cultivation. Emphasis is placed on the establishment of a worldview and outlook on life by law students that embodies "legal faith, Chinese stance, international perspective, and commoner sentiment." [18] All these indicate that the ethics education in criminal law has evolved from point-to-point to face-to-face in actual practice.

4. The Third Level of Aggregation and Fracture: The Holistic Perspective, Consciousness Perspective, and Overall Perspective of Course Teaching.

The current discourse system of criminal law teaching is constructed by the first level of basic needs and the second level of actual expansion together. However, criminal law is not just an issue of the discipline's own knowledge system; it is, in fact, a crucial support for the cultivation of legal talents. Its external development requires practical talents in criminal law who are "morally and professionally competent." Therefore, the positioning of criminal law courses should primarily be associated with the cultivation of legal talents. Yet, the relationship between criminal law teaching and the cultivation of legal talents is often selectively forgotten, which is a significant factor preventing the teaching from achieving a complete cycle. Legal education models are distinguished between the Continental and Anglo-American legal systems, with the former focusing on imparting systematic, abstract, theoretical,

conceptual, and scientific knowledge due to the direct influence of codification, followed by practical training. The practical legal education model, which aims at cultivating students' practical abilities, falls under post-degree education. [19] The goals of legal education vary at different stages of cultivating legal talents, and China's higher legal education tends towards the Continental legal system model while also possessing its own characteristics, mainly divided into undergraduate legal education and graduate legal education. A significant difference exists between undergraduate and graduate legal education, and the graduate legal education itself also shows clear differences internally. However, criminal law, as an important component of legal education and legal theoretical research, is also imbued with the spiritual core and endless pursuit of cultivating high-quality legal talents for the construction of the rule of law in China and providing scientific theoretical support.

Thus, the issue being addressed is why criminal law teaching requires a third level of aggregation beyond the first and second levels already established, and the fact that the aggregation at the third level is broken is objectively existent. The next proposition is what kind of holistic perspective, consciousness perspective, and overall perspective criminal law teaching should have. The transition from what criminal law teaching imparts to what the cultivation of legal talents should be is not entirely a process from factual judgment to value evaluation. The positioning of the former and the normative requirements of the latter both necessarily encompass issues of fact and value. The holistic perspective, consciousness perspective, and overall perspective of course teaching start with the needs-oriented approach to the cultivation of legal talents, the needs of the legal profession, the needs for the development of "elite" education, and the needs of talent cultivation goals, centering on student development and course development, to carry out relevant teaching activities, design and implement teaching content, and conduct teaching evaluations. Continuous improvement of teaching content is achieved based on evaluations, forming an organic closed loop from output to evaluation to ongoing improvement. The legal profession,

the development of "elite" education, and the goals of cultivating legal talents are interconnected rather than isolated. Consequently, the holistic perspective demands that criminal law teaching be guided by the cultivation of legal talents, with the consciousness perspective primarily focusing on the requirements for the teaching subject, organizing the awareness of criminal law teaching to serve the cultivation of legal talents, and the overall perspective involves understanding the significance of criminal law teaching for the cultivation of legal talents from the standpoint of the overall legal curriculum system.

However, it is not entirely clear whether the current criminal law course teaching is situated within the framework of cultivating legal talents, whether the teaching subject has internalized and externalized the awareness of talent cultivation, and whether it has considered the interconnectivity with other courses in the overall talent cultivation. The conclusion is neither a hundred percent negative nor affirmative. It might be considered that the "bridge connection" of criminal law teaching to the holistic perspective, consciousness perspective, and overall perspective of cultivating legal talents could be completed by knowledge, methods, and skills, along with the value guidance of ethics education. How many full-time teachers of criminal law teaching are familiar with (aware of) the cultivation plans of the students they teach? How many criminal law teachings can be linked to the shared destiny of cultivating legal talents? Such questions may seem overly harsh for criminal law teaching, but the same applies to other disciplines. In fact, like other law courses, there is a relationship between criminal law teaching and the cultivation of legal talents, where one is part of the other. According to Aristotle's understanding, the whole is seen as either "constituting" or "generating," with the former based on a constitutive combination relationship, where the whole is composed of parts; the latter is based on a generative process, which is difficult to divide. [20] Logically speaking, criminal law courses and the legal curriculum system are in a relationship where the legal curriculum system is a part that supports the cultivation of legal talents. Thus, criminal law teaching is

constituted and generated as part of the course teaching system, and also as part of the legal talent cultivation system.

5. The Solution: "Three Qualities" Promote "Three Recognitions"

The repair of the aggregation fracture at the third level essentially concerns how the basic needs of the first level and the actual expansion of the second level can continuously achieve the restorative aggregation expected at the third level. This is no longer a metaphysical issue but an exploration of specific solutions. According to the "National Standards for Quality of Teaching in Law Disciplines" released by the Ministry of Education in 2021, the cultivation of law professionals should adhere to the principle of fostering virtue through education and integrating moral and legal education. Talents should be cultivated who are morally and professionally competent, with a solid foundation in professional theory and proficient vocational skills, a reasonable knowledge structure, and the ability to govern according to law, legislate scientifically, administer according to law, adjudicate fairly, and provide efficient and high-quality legal services and innovation and entrepreneurship capabilities. They should adhere to China's legal system and be familiar with international rules, forming a pool of versatile, practical, and innovative legal talents for the rule of law. The restoration of the relationship between criminal law teaching and the cultivation of legal talents requires achieving "three recognitions", namely "course recognition", "identity recognition", and "professional recognition." Course recognition is the foundation, identity recognition is the sublimation, and professional recognition is the ultimate goal. The achievement of a solid foundation in professional theory and a reasonable knowledge structure requires that students develop a recognition with criminal law courses. This involves students' identity recognition with their status as prospective legal professionals and reserve legal forces reserve forces, as well as their proficiency in vocational skills. Goals such as governing according to law, legislating scientifically, administering according to law, adjudicating fairly, and providing efficient and high-quality legal services and innovation and

entrepreneurship capabilities necessitate that students have a recognition with their profession. The cultivation goals for legal talents impose a requirement of "three recognitions" on criminal law teaching, and these "three recognitions" are realized through the promotion of "three qualities." Therefore, the challenge of repairing the aggregation fracture at the third level is addressed by promoting "three qualities" to achieve "three recognitions."

"Three qualities" refer to regularity, academic, and practicality in the process of criminal law teaching. The proposal of regularity originates from the inherent knowledge patterns of criminal law and criminal jurisprudence, as well as the important principles revealed by materialist dialectics, which state that the development of any matter must follow certain objective laws. Criminal law teaching must operate within the premise and foundation of adhering to the discipline's own laws, while also leveraging the subjective initiative of teachers and students. This is also a distinctive feature of criminal law courses, differentiating them from other courses, and it promotes students' recognition with the criminal law course within regularity. Academic nature emphasizes the "academic attributes" of criminal law teaching. The concept of "teaching scholarship" was first proposed in the 1990s by Ernest Boyer, former president of the Carnegie Foundation for the Advancement of Teaching in the United States. To be specific, teaching scholarship involves two levels of interpretation: first, teaching is regarded as a unique form of "scholarship," with the quality of talent cultivation being the most important outcome, and second, the legitimacy of conducting academic research on teaching is acknowledged. [21] Criminal law teaching and criminal law research have always been closely related and mutually reinforcing, with the transformation of criminal theory research into teaching being a significant factor in student development and promoting their recognition and recognition of their identity as law students, which is distinct from other majors. At the same time, teachers not only transform theoretical research into teaching but also regard criminal law teaching as an academic research subject, conducting scholarly research on criminal law teaching

itself by combining the laws of disciplinary development and the particularity of the identity of law students. A distinction exists between the practicality of teaching and practical teaching. The scope of practicality in teaching is broader than that of practical teaching. Practical teaching is a segment or module in the cultivation of law students, consisting mainly of professional cognitive experiences, professional internship experiences, and graduation internship experiences. The typical form involves students engaging in immersive internship experiences at internship units. Practical teaching usually occurs outside the process of criminal law teaching and involves the application of criminal law knowledge and the examination of criminal law teaching. However, the practicality of criminal law teaching extends beyond this, encompassing experiences of knowledge application during the teaching process itself. "Practical knowledge is the qualitative transformation of 'experience' by teachers." [22] The practicality of criminal law teaching aims to promote students' professional recognition with legal service providers.

6. Conclusion

The basic needs for knowledge, skills, and methods in criminal law teaching have been satisfied, and with ethics education being enhanced from point-to-point to face-to-face, a situation has been formed where the first and second levels of criminal law teaching are combined. However, a gap persists between course teaching and talent cultivation, indicating a fracture in aggregation rather than a successful convergence, meaning that the third level of teaching has not yet been achieved. The connection between the first level of basic needs, the second level of actual expansion, and the third level of talent cultivation aggregation in current criminal law teaching is established through the medium of "three recognitions," and the relationship between the "three qualities" that enable the realization of "three recognitions" is further facilitated. Specifically, students' course recognition is promoted through regularity, their identity recognition is fostered through academic nature, and their professional recognition is enhanced through practicality, all with the ultimate aim of achieving

sustained completeness and effectiveness in the cultivation of legal talents.

Acknowledgments

This paper is supported by "Research on the Teaching Design and Application of Ideological and Political Standardization of Criminal Law Course" of Teaching Content and Curriculum System Reform Project of Higher Education in Guizhou Province (Subject No.: 2022105).

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