

## Legal Education in 21st Century Vietnam: From Imitation to Renovation

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### Introduction

In May 2015, in Tiền Giang, a southern province of Vietnam, at the age of fifty-five, a Vietnamese woman, named as Phan Thị Kim Hoa, who sold bananas in a corner at a small market, received a bachelor's degree in law from Cantho University Faculty of Law, a young law school, through a distance learning program. 'Lawyer Hoa', as the local people now call her, had a dream of becoming a lawyer when she was very young, but poverty prevented her from realizing her dream before she was fifty-five years old. Explaining her enthusiasm for studying law, she said that she wanted to be a lawyer to protect the peasants who are oppressed and suffer arbitrary trials because of their lack of legal knowledge.<sup>2</sup>

The story tells two sides of legal education in Vietnam. On the positive side, the story highlights the rising social need for legal education and the speedy development of legal education in Vietnam, which allows more people to access legal education. It is only in the context of the change of legal education in this twenty-first century that 'Lawyer Hoa' could obtain a law degree. On the other hand, the story reveals the loose and easy access to legal education in Vietnam, which may constrain its quality.

The need for legal education and the challenge of ensuring its quality, as indicated in the story above is just one of many tensions in the Vietnamese legal education system. This paper will broadly explore two sides of legal education in Vietnam in the early twenty-first century, namely change and constraints. The change may not reflect the move '*from imitation to innovation*' as the theme

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2 Hồ Nam, 'Bà Bán Chuối Nhận Bằng Cử nhân Luật ở Tuổi 55' ('A Woman who Sells Bananas Has Received a Bachelor Degree in Law at the Age of 55') (*Vnexpress*, 10 June 2015) <<http://vnexpress.net/tin-tuc/giao-duc/ba-ban-chuoi-nhan-bang-cu-nhan-luat-o-tuoi-55-3231424.html>> accessed 5 May 2017.

of the conference that originally inspired this chapter suggests. ‘Innovation’ is defined by Oxford English Dictionary as ‘the alteration of what is established by the introduction of new elements or forms’, implying original, and more or less radical, changes. The change in legal education in Vietnam has not yet happened in that innovative way. Rather, the change resonates with Vietnam’s more general approach to national building captured by the term *đổi mới* (renovation), which is also the name of the famous reform program introduced by the Communist Party of Vietnam in 1986 with the goal of transforming the Soviet model of planned economy into a market-based economy with socialist orientation. Consistent with this *đổi mới* approach, changes in legal education in Vietnam involve revamping, improving, or modifying the outdated system of legal education which imitated the Soviet system. This chapter attempts to explore how and why such renovation has happened, and why innovation has not taken place.

Legal education in Vietnam has been examined by both Vietnamese and international scholars. Vietnamese scholars, such as Phạm Duy Nghĩa,<sup>3</sup> Bùi Thị Bích Liên,<sup>4</sup> and other commentators,<sup>5</sup> have documented the history and the general structure of the system of legal education in Vietnam, and revealed its changes and problems. Many Vietnamese commentators invoke the experiences of legal education in developed countries, such as the United States, Australia, and Japan, to offer normative suggestions for renovating legal

- 3 Phạm Duy Nghĩa, ‘Dạy Luật ở Việt Nam’ (‘Teaching Law in Vietnam’) (*Tuổi Trẻ Online*, 23 December, 2006), <<http://tuoitre.vn/tin/giao-duc/20061223/day-luat-o-viet-nam/179225.html>> accessed 5 May 2017; Phạm Duy Nghĩa, ‘Gia tài 60 Luật học,’ (‘The Heritage of 60 of Legal Studies’) in Phạm Duy Nghĩa, *Bay Cùng Đàn sếu* (‘Flying with the Crane Flock’) (Ho Chi Minh City: Youth Publishing House, 2007); Phạm Duy Nghĩa, ‘Cử nhân Luật UEH: 10 Năm Nhìn lại’ (‘Undergraduate Law Program in UEH: A Review of 10 Years’), (*UEH Law School*, 24-09-2014) <<http://law.ueh.edu.vn/cu-nhan-luat-ueh-10-nam-nhin-lai>> accessed 5 May 2017.
- 4 Bùi Thị Bích Liên, ‘Legal Education in Transitional Vietnam,’ in John Gillespie and Pip Nicholson (eds), *Asian Socialism and Legal Change: The Dynamic of Vietnamese and Chinese Reform* (ANU E Press and Asia Pacific Press 2005) 135–158; Bui Thi Bich Lien, ‘Legal Education and Legal Profession in Contemporary Vietnam: Tradition and Modification,’ in John Gillespie and Albert H.Y. Chen (eds), *Legal Reform in China and Vietnam* (Routledge 2010) 229–319.
- 5 Vũ Văn Huân, ‘Chất lượng đào tạo cử nhân luật và quy định giảng viên luật không được làm luật sư,’ (‘The Quality of Legal Education and the Provision that Law Teachers cannot be Lawyers’) (2012) 12 *Tạp Chí Nghiên Cứu Lập Pháp* 37; Nguyễn Thị Ánh Vân, ‘Đào tạo Cử nhân luật ở Việt Nam trước những thách thức của Hội nhập quốc tế’ (‘Legal Education in Vietnam under the Challenges of Global Integration’) (2012) 19 *Tạp chí Luật học* 67; Phạm Trí Hùng, ‘Một số Ý kiến về Chương Trình Đạo đạo Cử nhân luật ở Đại học Luật Thành phố Hồ Chí Minh’ (‘Some Comments on the Legal Education Program in the Ho Chi Minh City Law University’) (2009) 1 *Tạp chí Khoa học Pháp lý* 49.