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Peculiarities of foreign language training of lawyers in Northern Europe: Finland and Sweden

Streszczenie: Edukację wyższą w zakresie prawa w Finlandii i Szwecji poddano analizie na przykładzie wiodących uniwersytetów. Wybór uczelni do badań oparty został na światowych rankingach oraz dostępności nauczania języków obcych na studiach magisterskich na kierunku prawo. Zidentyfikowano główne cechy charakterystyczne nauczania przyszłych prawników w zakresie języków obcych w Europie Północnej.

Słowa kluczowe: nauczanie języków obcych, edukacja wyższa w zakresie prawa, światowy ranking uniwersytetów, język obcy

European aspirations of Ukraine cause significant changes in all social spheres, particularly in the field of law. Therefore, appropriate changes are necessary in the field of legal education due to modern European requirements for highly skilled professionals who are capable to act effectively in terms of cross-cultural communication. European Higher Education Area provides for having a good command of at least one foreign language in the list of transferable competencies of a modern graduate. Thus, the value of foreign language training cannot be overestimated when acceleration of the harmonization of the national and European legal systems has arisen as a challenge for the Ukrainian society.

The purpose of the article is to identify the characteristics and main peculiarities of foreign language training within master's courses in law on the base of analyzing the relevant experience of some Nordic countries – Finland and Sweden.

The selection of examined universities is based on the data of the world leading rankings, such as “Times” (Times Higher Education World Reputation Ranking) 2013¹, “Shanghai” (Academic Universities) 2013² and “QS” (QS

¹ <http://www.timeshighereducation.co.uk/world-university-rankings/2013/reputation-ranking>.

² <http://www.shanghairanking.com/ARWU2013.html>.

World University Rankings)³, on the indices of internal ratings of the specified countries, as well as on the presence of law schools in educational institutions.

For example, the authoritative “Shanghai” ranking includes five Finnish universities, and the University of Helsinki took 76th place there in 2013⁴. It should be noted that this ranking is considered the most accurate and objective by experts; it is based on the study of 2000 universities in the world, of which only the top 500 are part of the ranking table.

There are around 2300 students pursuing degrees at the Faculty of Law at the University of Helsinki. In addition, every year the faculty hosts around 120 exchange students from all over the world and approximately half of the master’s degrees which students completed at the faculty include a period of study abroad.

Law degrees at the faculty can be completed in Finnish, in Swedish or in English. The Faculty of Law started offering LLM (Master of Laws) course in English in 1991 and has developed teaching in English ever since. Now the faculty offers a list of courses in English at undergraduate, graduate and doctoral levels. In addition to Finnish bachelor’s and master’s degree courses, the faculty offers also four international master’s degree programmes that are taught fully in English (“Democracy and Global Transformations”, “Economy”, “State and Society” (Erasmus Mundus EU Program), “European Studies” and “International Business Law and Public International Law”)⁵. Doctoral studies can be completed in either of the three languages as well⁶.

The Faculty of Law of this University is involved in many kinds of cooperation activities to strengthen international aspects of teaching and research and to increase graduates’ knowledge and skills of working in the international and multicultural environment in Finland and abroad. Research institutes, Centers of Excellence and disciplines at the faculty host a constantly growing number of international doctoral students and researchers, and they are actively engaged in international cooperation. The academic staff participates in numerous international research networks.

When it comes to student mobility, the Faculty of Law is one of the most active faculties at the University: annually about 120 exchange students study

³ <http://www.topuniversities.com/subject-rankings/2014>.

⁴ <http://www.shanghai ranking.com/World-University-Rankings/University-of-Helsinki.html>.

⁵ <http://www.helsinki.fi/internationalprogrammes/subjects.html>.

⁶ <http://www.helsinki.fi/law/studies/index.html>.

for one term or full academic year at the Faculty and around 140 Finnish law students study abroad for one term or two. The Faculty has 100 student exchange agreements with European, Asian and US law faculties. Through bilateral multidisciplinary agreements which the Rector of the University has signed, the Faculty is furthermore involved in overseas exchanges with nearly 80 universities on all continents. The Faculty of Law participates in several Erasmus Law Networks in Europe and in this way promotes international mobility and cooperation with partner universities.

Inquiries of student mobility partners of the faculty concerning research cooperation and visiting scholars should be addressed directly to researchers and coordinating teachers of disciplines. Erasmus Program and bilateral co-operation agreements are taken care of by International Affairs Coordinator⁷.

The specific Scandinavian characteristic features of Finnish law have been traditionally stimulated by Nordic cooperation in the field of legislation and research. At least in some branches of law, the “internal Nordic market of law” may be distinguished. The European integration and membership of the European Union have brought new aspects to legal research and teaching at law faculties in Finland. Owing to the implementation of European Community Law, international cooperation and research on international legal developments have become essential in many fields traditionally considered “national”.

As an essential part of their work, faculty members maintain their particular research interests in a wide array of individual projects. Research is carried out by academic staff within all the departments, by postgraduates and other researchers closely connected with the university. All departments are working on establishing financial networks independent of the university budget. The Academy of Finland provides funds for several researchers and postgraduate students, who carry out their work within the auspices of the faculty. Outside funding has primarily been obtained for the research projects of the Institute of International Economic Law (KATTI) and the Erik Castrén Institute of International Law and Human Rights, University of Helsinki Conflict Management Institute (COMI), Vaasa Unit of Legal Studies, The Centre of Excellence in the Foundations of European Law and Research, Graduate School Law in a Changing World, Graduate School Foundations of European Law, Graduate School Innovation Incentives and the Regulatory Infrastructure (INNOCENT).

⁷ http://www.helsinki.fi/law/studies/general/affairs_office.html.

It should be noted that the University of Helsinki also takes its rightful place in the ranking QS, which is largely formed by employers. For example, in 2013/2014, it had the 69th position in QS Top Universities⁸. It is interesting that this university has only the 8th place in the national ranking of universities in Finland⁹, and it does not appear in the Times Ranking¹⁰. Obviously, the university did not submit data for this ranking. This triggers some surprise, since it is known that Times is based on the survey of the professional community representatives. This year, more than 16 300 people have been interviewed, 39% of whom came from the countries of Americas, 26% – from Europe, 25% – from the Asia-Pacific region and 12% – from the Middle East, North Africa and Central Asia. Each expert could not name more than 15 universities in their category. Universities from 20 countries are presented in the Ranking.

Another Finnish university which offers study courses in law and holds prominent places in prestigious rankings is the University of Turku. For example, in the Shanghai ranking of 2013 it is within the fourth hundred of the best universities in the world; in the overall QS Ranking the University of Turku takes the 205th place, and within the “Social Sciences” category it is generally on the 126th place.

The Faculty of Law at the University of Turku was established in 1960. Since then the Faculty has educated over four thousand lawyers, among whom there is a considerable number of legal scholars and high rank decision-makers in the Finnish society, the European Union, international institutions and enterprises. The basic degree system of the Faculty comprises two stages: Bachelor of Laws degree and Master of Laws. The Faculty also offers a master’s course in Sociology of Law and Criminology (in Finnish), in cooperation with the Faculty of Social Sciences, as well as a master’s course in Innovation and Communications Law (ICL, in English).

Apart from lecture-based learning, seminars and workshops, language studies are emphasized and they form an integral part of the degree curriculum. The Faculty has two-year courses in English, Swedish and German. The Faculty has its own graduate school for postgraduate students.

The Faculty abounds in international cooperation activities. It is a member of ELPIS (European Legal Practice Integrated Studies), ELFA (European Law

⁸ <http://www.topuniversities.com/qs-world-university-rankings>.

⁹ <http://www.4icu.org/fi/>.

¹⁰ <http://www.timeshighereducation.co.uk/world-university-rankings/2014/reputation-ranking/>.

Faculties Association) and IALS (International Association of Law Schools) networks, and a member of law network under Nordplus programme which promotes cooperation within Nordic higher education. The Faculty has a great number of student-exchange places in various countries, mainly in Europe and the USA.

Turku Law School is a cooperative organization comprising the three units offering law education in Turku: the Faculty of Law at the University of Turku, the Department of Law at the Abo Akademi University and the Department of Business Law at the Turku School of Economics. Turku Law School offers a wide range of courses taught in English. Each year, Turku Law School has several visiting lecturers from various countries and the Turku Law School courses offer a meeting place for exchange students and local students of the three institutions¹¹.

The faculty strongly emphasises international peer review. In addition, research published in national languages is considered necessary. The faculty aims at improving all researchers' readiness to participate in the discussion on law studies in foreign publications. In practice, this is carried out by investing in the postgraduate study resources through the doctoral programme, improving the doctoral students' ability to produce high-quality scientific articles for local and foreign scientific publications, supporting the publication of dissertations written in English, increasing international research cooperation by creating a support structure for research projects (research support), training students to write for international journals and securing resources for language revision services.

A long-term aim is to create an infrastructure which makes it possible to coordinate international research projects. For the Faculty of Law this means an additional resource for seeking and coordinating research funding. The necessary resources for supervising and reporting research funding as well as managing the projects in practice are secured within the administrative services unit and the financial controller's function. The faculty supports the initial stages of research by recruiting a full-time Research and Postgraduate Coordinator. The resources for the post of Education Coordinator will be directed to the post of Research and Postgraduate Coordinator. The international coordination duties related to the post will be directed towards the internationalisation of the research at the faculty. The Education Coordinator's former duties in coordinating English master's degree programmes will be

¹¹ <http://www.utu.fi/en/units/law/faculty/Pages/Presentation-of-Faculty.aspx>.

transferred to the Head of Student and Academic Affairs, who is responsible for all basic studies. A post for a Student Advisor will be created to support the academic administration of Action Plan 2012¹².

Master's degree programme in Law and Information Society (LIS) has substantial popularity among master degree candidates. The regulation of internet-related activities continuously goes beyond the traditional distinction into private and public law, into different branches of law, as well as global, European and national levels of regulation.

Master's degree programme in Law and Information Society offers a unique combination of international and European intellectual property, constitutional and communications law, and some interdisciplinary perspectives. Such a broader understanding of legal phenomena of the information society is inevitable for both practicing lawyers at demanding positions and law scholars.

The discussed programme is based on a mixture of advanced research-oriented perspectives and more practically oriented lectures and exercises, thus providing the students with a balanced combination of theoretical insights and practical capabilities. Developing one's skills in legal analysis, critical thinking, research and writing is what distinguishes good from excellent lawyers or law scholars. Interactive study methods are based on the latest pedagogical research, and enhanced by the small group of selected international students of Master's Degree Programme in Law and Information Society¹³.

What should be also mentioned is the functioning of Law School on the base of the University of Turku. Law School is a cooperative organization which involves the two universities in Turku. It was founded in 1993 and is organized by the Faculty of Law and the Turku School of Economics at the University of Turku, and the Department of Law at Abo Akademi University.

Turku Law School offers a wide range of high-quality academic law courses which are held in English. At Turku Law School special attention is paid to internationally-oriented teaching. The courses at Turku Law School are open for exchange and visiting students as well as degree students of the cooperative institution Turku Law School¹⁴.

¹² <http://www.utu.fi/en/units/law/faculty/actionplan/Documents/Action%20plan%202012.pdf>.

¹³ <http://www.utu.fi/en/units/law/studying/masters-degree-program/Pages/home.aspx>.

¹⁴ <http://www.utu.fi/en/units/law/studying/turku-law-school/Pages/home.aspx>.

The youngest Finnish university, which was opened in 2010, is the University of Eastern Finland, Noteworthy. Despite its short existence (only 4 years), the University already occupies worthy positions in the well-known world rankings: the 314th – in Times, 291st – in QS, and it is listed in the Shanghai fifth hundred of the best universities in the world. Interestingly, there is no faculty of law at the University, but instead the Faculty of Social Sciences and Business Studies functions there. It offers only one English master programme – “International Economic and Resources Law”, but it is quite popular. This master’s degree programme combines high-level teaching with practically-oriented educational objectives. The programme covers international investments and trade. It focuses on the legal frameworks surrounding trade in public assets and resources, such as energy, food and technological infrastructure. All students major in law.

The programme is designed to respond to a growing need for expertise in the area of international economic law. The programme equips students with the understanding of the decision-making processes and teaches them how to apply the available legal means to maintain the sustainable development of scarce resource markets. Graduates qualify for positions in companies that are active in the international resources sectors. The programme also provides general expertise, for example for placements as government officials that prepare legislation or implement economic policies.

The Law School also functions on the base of the University of Eastern Finland (UEF). It is the leading Finnish research institution in the area of natural resources, climate change, energy and environmental law. The master’s degree course in Economic and Resources Law is part of the Center for Climate Change, Energy and Environmental Law (CCEEL), established in 2013. The CCEEL brings together a range of activities from UEF Law School and provides a common platform for discussion, research and education. The new master’s programme complements and broadens the competence to include Business and Contract Law as well as focuses on intellectual property protection and technology transfer in international trade.

The program benefits from the research and education network of the Institute for Natural Resources, Environment and Society (LYY) operating at the UEF. The LYY network brings together the expertise of researchers from a variety of traditional and new fields of study to carry out socio-cultural scrutiny of the environment and the use of its resources, with further dissemination of the results. The Institute’s researcher network includes over

100 researchers and postgraduate students of International Economic and Resources Law¹⁵.

Finally, another Finnish university that educates specialists in law is the University of Lapland. It does not appear in world rankings but it is quite popular with (future) experts in Arctic studies, as it specializes in the research and problems of the Arctic region.

The Faculty of Law at the University of Lapland was established in 1979 and is one of three faculties nationwide. It supports its broadly based educational mission through research in all of the traditional fields within the discipline as well as in the novel specialisations of legal cultures and linguistics, legal informatics and space law. The Faculty works in close cooperation with courts, other law faculties in Finland and its counterparts worldwide.

The Faculty offers a number of courses and lectures in English: “European Law”, “Public International Law”, “Private International Law and Comparative Law”, “Introduction to the Legal Informatics”, “Arctic Law and Governance”, “Comparative Environmental Law”, “International Environmental Law”, “Law of the Sea”, “International Human Rights”, “International Trade Law”, “International Environmental Law in the Arctic”, “Arctic Law and Governance”, “International Law, Climate Change and the Arctic”, “Global Commerce (International Trade Law)”, “International Investment Law” etc. Annually, there are 40–50 incoming exchange students and about the same number of outgoing students at the Faculty¹⁶.

The Faculty of Law offers university degrees in all three academic levels: undergraduate, master and postgraduate. International students have the possibility to pursue Master of International and Comparative Law, Licentiate of Laws and Doctor of Laws degree in English. Incoming exchange students are provided with various courses in different legal fields such as Commercial Law, Constitutional Law, Criminal Law, Environmental Law, EU Law, Civil Law, Property Law, Labour Law, Legal Informatics, Legal Cultures and Legal Languages, Private International Law and Comparative Law, Procedural Law, Public International Law, Sociology of Law, Tax Law, Administrative Law, Arctic Law and Governance, which are also available for other degree students.

Students are encouraged to deepen their knowledge in the disciplines of “Environmental Law”, “European Union Law” and “Arctic Law and Govern-

¹⁵ <http://www.uef.fi/en/resourceslaw>.

¹⁶ <http://www.ulapland.fi/InEnglish/Units/Faculty-of-Law/About-the-Faculty>.

ance” as the ones highly promoted by the University of Lapland. “Environmental Law” lies at the heart of sustainable development especially in the Arctic and the North in general whereas “EU Law” has a far-reaching impact on every member state – therefore a growing demand for legal expertise in this field is prominent. “Arctic Law and Governance” deals with key areas such as climate change, ocean governance and the rights of indigenous people and is one of the main fields of specialization at the Faculty of Law of the University of Lapland¹⁷.

A student can complete the following degrees in the Finnish language: Bachelor of Laws and Master of Laws. Master of International and Comparative Law can be completed in English.

The postgraduate degree is 2-year Licentiate degree that equals 120 credits meanwhile projected time required to complete Doctoral degree if studied full time is 4 years (240 credits).

Four years’ multidisciplinary Doctoral programme “Legal Cultures in Transnational World” (LeCTra) which focuses on legal cultural studies, key issues of cultural diversity and differences is open for students holding academic master’s degree, suitable for postgraduate studies¹⁸.

The postgraduate degrees in Law are the Licentiate of Laws (LL.Lic.) and the Doctor of Laws (LL.D.). The degree of Doctor of Laws is intended for those who are interested in pursuing careers as researchers and legal experts. The aim of the Licentiate of Laws degree is to provide practicing lawyers with additional professional education. The degree may also be used as a step towards completion of the Doctorate. It is possible to complete both degrees in English.

Master’s degree programme in International and Comparative Law has specializations in “Arctic Law and Governance” or “Transcultural Business Law”.

Swedish universities occupy significant places in world university rankings as well. For example, Stockholm University has the 103rd position in the Times ranking, the 82nd – in Shanghai ranking, the 70th – in QS ranking and the 7th – in the national ranking of Sweden.

The Faculty of Law at Stockholm University is the biggest law faculty in Sweden, both as regards the number of researchers and the number of stu-

¹⁷ <http://www.ulapland.fi/InEnglish/Units/Faculty-of-Law/Studies>.

¹⁸ <http://www.ulapland.fi/InEnglish/Units/Faculty-of-Law/Studies/Degree-Programmes>.

dents (approximately 3500). The law programme of four-and-a-half years leading to the Swedish degree of Master of Laws (LL.M., in Swedish: Juristexamen) is the standard law programme in Sweden. The law course is entirely taught in Swedish. The law course at Stockholm University is a comprehensive law course. The Faculty is the only one in the country that has the professorships in Law and Information Technology and in European Integration Law – and both subjects are compulsory. The standard Law programme consists of compulsory courses taught over a period of six and a half terms. During the last year, before completing a term paper under the supervision of a professor, the student can choose from about 60 specialized courses. Approximately one quarter of these specialized courses is given in English and the courses open to both foreign exchange and Swedish law students. Foreign exchange students who are proficient in Swedish may also apply to attend the courses taught in Swedish. Almost every course ends with a written examination. There is no final examination for the Swedish LL.M. (Master of Laws) degree but students have to obtain at least grade B in all the subjects in order to be awarded the degree. On the other hand, there are unlimited possibilities of re-examination for students who have failed an exam in the law programme¹⁹.

Stockholm University has an extensive student exchange programme and each academic year welcomes over 100 international students from partner universities all over the world. The exchange students are offered courses taught in English on the advanced level within the law programme. The following 26 courses are offered in English 2013–2014: “Swedish Law in Context (former Introduction to Swedish Law)”, “Constitutional Law of the European Union”, “Law and Information Communication Technology”, “EU Procedural Law”, “Human Rights in a Global Perspective”, “Modern Approaches to Legal Reasoning”, “Comparative Law”, “EU Banking and Financial Integration Law”, “European Union Law and Governance”, “European Intellectual Property Law”, “Rule of Law”, “Legal Reform and International Organisations”, “International Contracting”, “Marine Insurance”, etc.

As to taking master’s programmes of the Law Faculty, all master’s degree programmes are held in English. The following 5 programmes are offered in English in 2013–2014: “Master of Environmental Law”, “Master of European

¹⁹ <http://www.jurinst.su.se/english/education/courses-and-programmes/law-programme>.

Intellectual Property Law”, “Master of European Law”, “Master of International Commercial Arbitration Law”, “Master of Law and IT”²⁰. Applicants for whom English is not their mother tongue must be able to provide evidence of having attained the level of English adequate to meet the demands of the programme, preferably the TOEFL (Test of English as a Foreign Language) or IELTS (International English Language Testing System). A score of approximately 250 in the computer-based version of the TOEFL test or 6.0 on the IELTS test is required for admission. Swedish applicants must be able to document three years of English language studies in upper secondary school or the equivalent (Doctoral Level – General Information)²¹.

Doctoral studies in law at the Faculty of Law in Stockholm University consist of four years of full-time studies, leading to the Doctor of Laws degree. The doctoral courses are conducted in Swedish. No certificate proving language skills is required. Nevertheless, applicants must be sufficiently proficient in Swedish or English as the doctoral thesis is written in one of those languages (Frequently Asked Questions (FAQ))²².

Another university of Sweden, which is noted in rankings, is Uppsala University. Over the last years with only a few exceptions, it has been placed among the 100 best universities in the world in the three largest international rankings: Times – the 111th place, QS – the 79th place and Shanghai – the 73rd place. This University takes the 2nd position in the national ranking.

The Faculty of Law of this University is the oldest in the Nordic countries and it existed already when Uppsala University was founded in 1477. All bachelor courses at the Faculty are taught in Swedish so the students of the undergraduate level must master the Swedish language. There are about 2500 undergraduate students and 50 postgraduate students at the Faculty. Every year about 100 of Uppsala students travel abroad to study at foreign universities and Uppsala University receives about 130 foreign students.

There are two master’s programmes of the Law Faculty in this University: “Investment Treaty Arbitration” and “International Tax Law and EU Tax Law”. They started in the autumn of 2013 and were given the master’s pro-

²⁰ <http://www.jurinst.su.se/english/education/courses-and-programmes/master-s-level>.

²¹ <http://www.jurinst.su.se/english/education/study-information/faq>.

²² <http://www.jurinst.su.se/english/education/courses-and-programmes/doctoral-level/faq>.

gramme in English²³. For doctoral studies at the Faculty the applicants must have an adequate knowledge of Swedish or English. Proficiency in English must be documented (Admissions and Eligibility)²⁴.

Finally, Lund University is another institution of Sweden, which is known to the world rankings. It took the 123rd place in the Times, the 109th – in Shanghai and the 67th – in the QS ranking; it has the 4th place in the national ranking of Sweden. Education at the Faculty of Law is provided for both undergraduates and postgraduates. All the education within the Faculty is based on research. The majority of the Faculty's education activities focus on educating lawyers aimed at the Swedish degree of Master of Laws. The Faculty has student exchange agreements with major universities worldwide and offers a range of courses and two master's programmes in English: Master in European Business Law and Master in International Human Rights Law²⁵. Applicants for these two specialities need to prove English language skills (e.g. TOEFL or IELTS test).

The analysis of foreign language training for law students in Finland and Sweden has revealed the following features: 1) courses for law students taught in foreign languages (and often by native speakers) are given in all the universities, and 2) all studied higher education institutions implement international programs in Law (from one to five), in which undergraduate, graduate and postgraduate students may participate, which constitutes the best incentive for them to learn a foreign language (usually English).

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²³ <http://www.jur.uu.se/Education/ProgrammeandCourses/Masterutbildning/tabid/5726/language/en-US/Default.aspx>.

²⁴ <http://www.jur.uu.se/Education/Forskarutbildning/Blidoktorand/AdmissionsandEligibility/tabid/5449/language/en-US/Default.aspx>.

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Summary

Professional higher education in law in Finland and Sweden is analyzed at the leading universities as an example. The selection of universities for the research is based on the world rankings and on the availability of foreign language training within master courses in law at these universities. The main peculiarities of foreign language training for prospective lawyers in Northern Europe are identified.

Key words: foreign language training, higher education in law, world ranking of universities, foreign language

Translated by Olga Nitenko