
The Internationalization of Higher Education in Law – An Analysis in the Portuguese Context

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Abstract

The globalization process of the last decades and the increasingly competitive world we live in has broadened the labour market for new graduates. This has had an impact on higher education institutions by moulding what they do and how they develop their activities, namely on how to prepare their students for professional paths in a globalized world. There are several ways for a higher education institution to face this challenge and to internationalize. Moreover, the degree and ways of internationalization of these institutions may vary, depending on multiple factors. One very important factor that has received very insufficient attention is its field of study. Several studies pointed out the strong international orientation of certain subjects, such as engineering or management and economics. For other fields, particularly for law, the available evidence is scarcer. Because law has historically been strongly oriented for national context and issues, we would think it cannot be as easily “internationalized” as other fields. Hence, this dissertation aims to study the internationalization strategies and processes of higher education institutions in the field of law, notably by looking at their motivations, their level of internationalization, and the instruments they adopt to achieve such purpose. We will focus on the Portuguese context, in order to contribute to the literature and research of the process of internationalization in legal education. The empirical analysis will be based on two case-studies of Schools of Law in public Portuguese Universities. The analysis will include the analysis of data and relevant documents about their approaches to internationalization, which will be complemented by interviews with several relevant actors of each of the two Law Schools. These interviews will aim to help us understand the motivations and overall specificities of their internationalization process, among other relevant questions regarding internationalization. We believe this will provide an original and relevant contribution to the study of internationalization challenges and processes in higher education.

Key words: Internationalization; Higher Education; Education in Portugal; International Education; Law.

Resumo

O fenómeno da globalização das últimas décadas e o mundo cada vez mais competitivo em que vivemos, têm vindo a alargar o mercado de trabalho para recém-formados. A globalização teve um impacto significativo nas instituições de ensino superior, ao moldar os conteúdos e a forma como as universidades atuam, nomeadamente na forma como devem ensinar os seus estudantes, de forma a prepará-los para os seus percursos profissionais no contexto de um mundo globalizado. Há diversas formas para as instituições de ensino superior enfrentarem este desafio e se internacionalizarem. Os modos e grau de internacionalização destas instituições pode variar de acordo com uma multiplicidade de fatores. Um fator bastante relevante, que não tem recebido a devida atenção, é o da área de estudos. Alguns estudos evidenciam a forte vertente internacional de algumas disciplinas, tais como engenharias ou gestão e economia. Para outras, nomeadamente para a área do direito, o volume de investigação é menor. Dado que o direito tem sido historicamente considerado uma matéria bastante nacional, poderíamos assumir que não é tão facilmente “internacionalizável” como outras áreas. Assim, o objetivo desta dissertação é o de estudar as estratégias e processos de internacionalização em instituições de ensino superior da área do direito, analisando as suas motivações, grau de internacionalização e instrumentos adotados para esse propósito. Iremos focar no panorama português, de forma a contribuir para a pesquisa e literatura relativa aos resultados da internacionalização da educação em direito. A análise empírica terá por base dois estudos de caso de faculdades de direito de universidades públicas portuguesas. Esta análise irá incluir uma análise de dados e de documentos relevantes relacionados com as suas abordagens à internacionalização, que serão complementadas por entrevistas a vários atores relevantes em cada uma das faculdades de direito abordadas. O objetivo destas entrevistas será o de compreender as motivações e especificidades dos seus processos de internacionalização, entre outras questões pertinentes. Acreditamos que esta dissertação será uma contribuição original e relevante para o estudo dos desafios e processos de internacionalização no ensino superior.

Palavras-Chave: Internacionalização; Ensino Superior; Educação em Portugal; Educação Internacional; Direito.

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1. Introduction

The globalization process and the increasingly competitive world we live in has come to broaden the scope and dimension of the labour market for new graduates. Globalization impacts the cultural, political and economic order of the world, which is rapidly and continuously changing. This “continuously-adapting” world requires for new graduates to be able to adapt to it as well, and so the market demands that students have not only professional and academic knowledge, but also other skills such as speaking foreign languages, international knowledge and experiences, as well as intercultural understanding (Alpenidze, 2015; Paige, 2005; Qiang, 2003). Other factors such as tacit knowledge and creativity have also become central for the competitiveness of human capital, which in turn has become crucial to innovation and competitiveness of our economies (Minola et al., 2016).

This phenomenon has had an impact on higher education because it influences what universities must teach to prepare their students for their professional lives in a globalized society (Paige, 2005). As our economies become more and more exposed to a highly competitive environment in international markets, universities face the challenges of providing an adequate preparation for their students in an increasingly globalized labour market (Qiang, 2003; Stromquist, 2007). As such, higher education institutions, and especially internationalized ones, can represent an institutional competitive advantage to the local economies they are inserted in, as they are motors of innovation (Landau, Karna, Richter and Uhlenbruck, 2016). This makes higher education institutions fundamental actors both in the national and international economies, as creators of increasingly qualified human capital, which can be enhanced by an internationalized education.

Several studies have explored the process of internationalization by looking at specific fields of study and the importance of this dimension. Thus, several studies pointed out to the strong international orientation of certain subjects, such as engineering, communication and most abundantly management and economics (Bartell, 2003; Échevin and Ray, 2002; Elkin et al., 2008; Ma and Yue, 2015; Stromquist, 2007). These studies also indicate that subjects related to mathematics and other natural sciences, will be more internationalized given that they are based on “universal languages”, for which internationalization has a clear potential and the knowledge acquired can be more easily transferred to an international labour market.

For other fields such as law, the extant research is more scarce. Some studies point out the low internationalization level of law as a discipline (Ma and Yue, 2015). For law graduates, the labour market is (to some extent) circumscribed to their own country – so why do Law Schools internationalize? Are higher education institutions in this field less internationalized than in other fields? Or is the internationalization different (*e.g.*, more focused on raising global citizens instead of internationalizing the curricula)? What specificities does this subject present regarding internationalization? Are these an advantage or disadvantage to the internationalization process for Law Schools? What are the outcomes or impacts of such a process for the several groups involved (students, teachers and faculty members, organizational structure of the school as a whole, etc.)? Or putting it in a different perspective - because strategy is often thought by the university as a whole, how do the law departments adapt or align with the broader internationalization strategies defined by their affiliated universities?

This dissertation aims to study the motivations, the degree and the instruments of internationalization that characterize higher education institutions in the field of law. We will focus in the Portuguese context, in order to contribute to the literature and research of the process of internationalization in legal education. The empirical analysis will be based in two case-studies of Schools of Law in Portuguese public Universities. The analysis will include the analysis of data and relevant documents about their approaches to internationalization, which will be complemented by interviews with several relevant actors of each of the two Law Schools. These interviews will aim to understand the motivations and specificities of their internationalization process, among other relevant issues regarding internationalization.

This dissertation is structured as follows. In the next chapter we will review the relevant literature, focusing on the concept of internationalization in higher education and institutional strategies associated with it. We will give particular attention to the specificities of internationalization in the field of law. We will then present the methodology and the data. In the empirical part, we will discuss the experience of two Portuguese Law schools. In the final chapter, we present the main conclusions of this study, as well as reflect about its limitations and possible ways to develop it in the future.

2. Literature Review

In this chapter we will analyse the variety and complexity of the internationalization process and we will discuss some key issues and implications in the context of higher education.

2.1. Internationalization in Higher Education and Basic Concepts

In most of the literature, the concepts of internationalization and globalization are discussed hand-in-hand. However, it is important not only to define them, but also to differentiate the two. According to De Wit and Knight (1997), globalization is the cross-border flow of not only technology and economy, but also of values, ideas and knowledge, which impacts each nation differently, according to their individual culture and history. Furthermore, Stromquist and Monkman (2000) define it as a set of processes through which the world is becoming increasingly integrated into one economic space. Therefore, Waters (1995) concludes that “globalization is about the world economic, political and cultural order”. It refers to an increasing interdependence and convergence of markets and ultimately, of societies (Kreber, 2009). On the other hand, internationalization is regarded at the national, sector and institutional level, and is related to the role of these institutions in integrating a global and intercultural dimension into their functions (Knight, 2003).

Another relevant distinction that is often made in the literature regarding internationalization of higher education, is the one between “internationalization” and “internationalism”. This is an important distinction because it reflects, within the distinct definitions of these concepts, two major motivations for internationalizing: one of an economic, instrumental and competitive order; and another of global cooperation and importance of raising global citizens. In the context of universities, Jones (2000) defines internationalization as the pursuit of an international presence, mostly guided by principles of competition, where the sense of service to society is overridden by the search for both domestic and foreign student markets. Stromquist (2007) concludes that the term “internationalization” (in higher education) is related to “academic capitalism”, where the search for new student markets leads to more students, which in turn triggers the need for more faculty members and for decisions based on both the international and national environment – and so the main driver of internationalizing is an instrumental one, that aims at “producing” increasingly more and of gaining reputation. On the other hand, “internationalism” promotes values such as global peace, international cooperation and community, where the learning experience in

universities would contemplate global issues. Related to this concept is the one of global citizenship (Kreber, 2009), which can be defined as one's ability to compare and balance different realities observed in the world surrounding them, as well as the capacity of critical thinking and concern for other's well-being and their rights (McIntosh, 2005; Landon-Billings, 2005). However, it is recognized that there are not only economic, but also cultural, social and political intentions in internationalization, and as such, the notion of "internationalism" can be included within the term "internationalization" (Murphy, 2007).

In the analysis of internationalization processes it is also relevant to distinguish some concepts that are commonly interchangeably used. For instance, it is important to discuss the differences between the concepts of transnational, global, multinational, cross-border and/or international. Firstly, it is important to disclose that the adaptation of these concepts to the field of education and educational institutions is not absolutely direct and will inevitably differ, as the nature of these institutions is not the same as the one of companies and other corporations – namely in the good (or rather, service) being provided; the search for profit; and the substantial difference of who composes the demand (as the characteristics of students cannot be fully compared to the ones of a "regular" consumer).

From an entrepreneurial, economic or managerial point of view, four models have been developed by Bartlett and Ghoshal (1989), to characterize enterprises with operations abroad (commonly called multinational enterprises) and their strategies to managing them – they are the Global; Transnational; International and Multinational models (Harzing, 2000). We will use these models as a means to "materialize" the abovementioned concepts and how they differ, before entering the realm of education. From an economics and management point of view, these models differ in what concerns global integration *versus* local response and so each model has a different stance on these two axis. The Multinational enterprise can be described as a decentralized federation, where the entity outlines different strategies for each country and tries to meet the local markets' needs through customisation, almost treating each foreign subsidiary as a separate business, thus maximizing local response but having a low global integration scheme. The Global enterprise is, on the other hand, like a highly centralized federation which tries to take advantage of economies of scale, focusing on efficiency, through standardized products and a "one size fits all" approach – as such, it disregards local response but it is very globally integrated as a whole. The International model focuses on domestic activities and it can be visually represented by an octopus and its

tentacles – it is present in a number of different countries but the organisation, the values and the *modus operandi* are the same in all of them, meaning that this type of entity has a lower (yet existing) local response but is also not so globally integrated as the “tentacles” are commanded by the head office. Finally, the Transnational enterprise is strong both at the local response and the global integration levels – it is a complex strategy to achieve and to maintain, as it enjoys a disperse network of resources and skills that result from interdependent and differentiated branches, with freedom for innovation and complex flows and interactions between them, making it a rich “ecosystem” that although flexible, has a strong and robust integrated process that builds on the multiplicity of internal perspectives. These four models (and other models developed within the realm of economics and management) are based on a set of different variables: the industry and environment; their corporate level strategy; their organizational design; human resources practices; subsidiary structures: and mostly the roles of their subsidiaries and control mechanisms. Hence, the “adaptation” of these concepts to the reality of higher education institutions (HEIs) is not straightforward.

The Bartlett and Ghoshal models have helped us understand how these concepts differ among each other, but it is also important to understand how they differ from an economic to an educational point of view. There is some literature dedicated to this topic in the context of education and its internationalization. Firstly, it is important to understand that the primary difference between the entrepreneurial and educational approach lies in the set of variables that are taken into consideration when categorizing a corporation or an institution into one of the different definitions. In education, the considered factors relate to: the concept of crossing borders and “who” crosses those borders (people, knowledge, accreditation, curriculum, faculty); the type of mobility or project (semester/year abroad, exchange, full programme, internship); the way in which the education is delivered (physically, remotely, or a combination of both); the provider of education and the provider of the accreditation; and the approaches being taken by the involved institutions (academic exchange, cooperation, development, commercial, non-profit, self-funded) (Knight, 2005). To help materialize these aspects, see Table 1 where a number of definitions provided by different education-related institutions over the years is summarized (Knight, 2005). As illustrated by these definitions and their multiple nuances, it becomes clear that the delivery of education between countries is not that easy or straightforward in its definition - this is a challenge that has persisted for a long time as the terminology can suffer from a blurry

distinction that makes it hard to outline where one concept ends and the other begins. To systematize, according to Knight (2005) cross-border higher education recognizes the effect and implications of jurisdictional borders in the policy-making and regulations for national education. Differently, transnational education has been used to refer to the mobility of academic programmes and education providers between countries, distinguishing itself from international education which is more centred in the mobility of students. Adding to this already complex matter, comes the borderless nature of virtual learning – as e-learning continues to grow (especially in the current pandemic and post-pandemic world), further consideration will need to be given to distance education and how it aligns with the terms being discussed. Hence, it matters to be aware of the nuances between the related issues of international, transnational, cross-border or global education.

Table 1

Source	Year	Definition	Key Elements
Global Alliance for Transnational Education (GATE)	1996	“ <u>Transnational education</u> denotes any teaching or learning activity in which the students are in a different country (the host country) to that in which the institution providing the education is based (the home country).”	Location of the provider of education and location of the student
Report on the “Business of Borderless Education”	2000	“ <u>Borderless education</u> refers to the blurring of conceptual, disciplinary and geographic borders traditionally inherent to higher education.”	Crossing borders – disciplinary and geographic
UNESCO and Council of Europe Convention on the Recognition of Qualifications: “Code of Practice for <u>Transnational Education</u> ”	2001	“All types and modes of delivery of higher education study programmes, or sets of courses of study, or educational services (including those of distance education) in which the learners are located in a country different from the one where the awarding institution is based.”	Location of the provider of accreditation and location of the student
UNESCO/OECD “Guidelines for Quality Provision in <u>Cross-Border Higher Education</u> ”	2004	“Higher Education that takes place in situations where the teacher, student, programme, institution/provider or course materials <u>cross national jurisdictional borders.</u> ”	Crossing borders – the faculty, the students, the curriculum
IAU, CHEA, ACE, AUCC Statement	2004	“Sharing Quality Higher Education Across Borders”	Crossing borders

OBHE Report on Transnational Education and Regulations	2005	“ <u>Transnational Education</u> is used to designate higher education provision offered by one country in another and to exclude provision where solely the student travels abroad.”	Crossing borders – excluding the mobility of people
GATS Agreement	1994	“ <u>Cross-border supply</u> focuses on the <u>service</u> crossing the border, which does not require the customer to physically move”	Crossing borders – excluding the mobility of people

*Adapted from Knight (2005)

2.2. Contributing factors to the growing of the importance of internationalizing HE

With time and technological developments, drivers for internationalizing have changed, as well as the ways of internationalizing. For the past decades, there has been a shift in motivations for internationalizing in higher education. There has been a growing interest for academic cooperation, but also for status building and fund raising. Other reasons and needs have emerged as well due to the globalization process itself. In this chapter we will be reviewing some of the main driving forces or contributing factors for the rising importance of internationalization in higher education and for higher education institutions.

In the past, internationalizing education was seen and promoted as a means of perpetuating peace between nations. After the World Wars, there was a need to fight oppression and to foster mutual understanding – there was a worldwide shift in trade, law and also in the institutions’ outlook of “the rest of the world” (Sellers, 2008). A slightly internationalized education then became a tool for long-lasting peace, as a provider of open-mindedness, appreciation for diversity and a conductor of international cooperation that would allow addressing global inequalities and managing worldwide issues (Padilla, 2008). Nowadays, the “peace pursuing” factor may not be seen as such a pressing need, however, as a consequence of the economic, social and cultural issues that are emerging throughout the world and the rising of nationalist movements and governments, the mutual cultural understanding is fading and international education remains an extremely important tool to fight it (de Wit and Hunter, 2019).

Other key factors related to the globalization phenomenon itself have led to the increasing relevance of international education. The increased international labour mobility might be the most obvious one, however, innovations in technology and communications have also shifted the world economies in the sense that the focus is now in the production and dissemination of information and knowledge. The internet, satellite communications and

other advanced technological services have made information an essential asset, which impacts (among other aspects) global trade, law and education and the way it is provided. Virtual learning, easy access to information and the importance of knowledge (technical but also tacit) have immensely allowed for an international dimension of education. Besides, in a knowledge-based and globalized society, international education provides a huge advantage to those who are able to access it (Knight, 2004; Padilla, 2008).

Another interesting driving factor for internationalization in the higher education context is the one of increasing competition among HEIs. This also derives from globalization, which inevitably leads to greater competition across borders (Sellers, 2008). The pursuit of prestige and legitimacy is reflected in the desire of a high positioning in international rankings, which becomes a goal in itself for some schools. Rankings (such as “The Times Higher Education”) can bring international reputation to a school and attract more foreign students, faculty members, and partners for collaborative research, bringing some prestige to the school and making it more competitive in the global arena. On a national level, it also legitimates the ranked schools in a way, making them more attractive to national students and academics and thus more competitive on national grounds as well. This international recognition also attracts investment and funding to the ranked schools, both from the public and private sectors (Cattaneo and Meoli, 2016). As such, ranking considerations are increasingly taken into account in university’s strategies. Even though these rankings contemplate several aspects (for example: the learning environment; international outlook; volume and reputation of the research; innovation) (Times Higher Education, 2019) - not all of which international in nature - the use of international dimensions, such as the number of foreign students, may help boost the schools ranking position, as to compensate for a low rating in other aspects. In this way, rankings have also become a driving factor for internationalizing HEIs (Sursock, 2018).

The government can also play a major role in the internationalization agenda of universities, as they have interest in positioning the country’s universities internationally in order to pursue national interests. Such interests could be: improving national R&D; building diplomacy and foreign policy capacities through the recruitment of foreign students; and the “production” of global citizens who are apt to work in an international environment and thus leverage the benefits of economic, social, political and cultural cross-border collaboration. In other words, governments are more likely to support an internationalization

venture of a higher education institution when they see it as part of a bigger move to leverage the country's position in an international frame (Davies and Hunter, 2018; Elkin, Devjee and Farnsworth, 2005). Given that most higher education systems in the world highly rely on public policy and public funding, it is important to understand the national policies in order to make sense of the internationalization framework in education in different countries. The governmental incentives have an important influence on higher education internationalization through different dimensions: investment and funding of programmes and research; policy-making; national participation in international alliances (for mobility, research, etc.) and regulatory frameworks – all of which may allow for HEIs to pursue a more well-rounded internationalization strategy (Knight, 2004; Padilla, 2001; Rumbley and Helms, 2018).

The interest and involvement of private companies in recruiting cheaper, but qualified labour force has also become a contributing factor for the internationalization of higher education. Nowadays it is common for corporations, a lot of which international, to locate near university campuses or knowledge clusters to be able to recruit qualified new graduates looking for their first job. Given the shift in the skills that employers look for in their employees, brought by the need of being able to adapt to an “internationalized world”, it is important that graduates have not only the expertise on their field of studies but also other competencies, such as speaking foreign languages; intercultural understanding or international knowledge and experiences. To ensure that, some incentives are provided by those corporations as well, such as trainee programmes; academic competitions or lectures offered by the companies (Knight, 2004; Paige, 2005; Qiang, 2003).

Lastly, we can consider that another extremely important catalyst in the internationalization of higher education was the process of European integration and the involvement of the European Commission in bringing quality education not only within the union, but also across the globe. This key factor has been translated into the programmes, institutions and organizations that have enabled international learning and international education in Europe. Programmes such as ERASMUS+, the best-known European mobility programme that enables higher education students to study abroad for part of their degree, or the Marie Skłodowska-Curie Actions (MSCA) which is a programme that aims at building, supporting and contributing to an European scientific community, have been very important. The Bologna Process was also an essential step to build a system that allows to compare degrees,

to some extent, from different countries which grants the opportunity of acknowledging a “national” degree not only among EU members but beyond that (since many other countries have followed this process). These are all examples of European efforts to provide an international (or at least European) dimension into education, but there are other organizations that work on an even more global perspective, such as: The Association of International Education Administrators (AIEA), which aims at bringing international education leaders together in a dialogue to share best practices; and the European-American Consortium for Legal Education (EACLE), which is an international network of Law Schools and faculties of law that provide several exchange opportunities (Elkin, Devjee and Farnsworth, 2005; Sellers, 2008; AIEA, 2020; Sursock, 2018). These are just a few examples of the many developments that have helped disseminate the importance of an international education and that have enabled it.

2.3. Institutional Internationalization Strategies

The relationship between higher education institutions and internationalization is dynamic. They have always been, in many ways, international institutions as their role is to develop, collect and transfer knowledge across political and physical borders (Middlehurst, 2008). Knight (2003) defines internationalization in higher education as “the process of integrating an international dimension into the teaching, researching and service functions of the institution” (p.2). Although many institutions may see internationalization as a goal itself, Qiang (2003) points out the key idea that internationalization is not a set of isolated actions, but a dynamic process that aims at integration in a way that contributes to the sustainability of the international dimension. Van der Wend (1997) adds to the above-mentioned definition that internationalization of higher education relates to the efforts aimed at making higher education adaptable and responsive to the challenges posed by the globalization of the economy, of society and of labour markets. As such, internationalization in this context should be seen not merely as a goal in itself, but as a dynamic process and fundamental resource for developing higher education systems so they can grow, respond and adapt appropriately to an increasingly globalized environment (Paige, 2005; Qiang, 2003). As put by Minola et. al (2016, p. 566), “internationalization is a strategic response to global competitive challenges”. This is why internationalization of higher education is not only relevant, but essential for the future of a prosperous labour force that can adapt to the challenges of a globalized world.

There are many ways for a higher education institution to internationalize. This can be done through aspects such as: the curriculum; mobility programs (both for students and faculty); research collaboration and international research initiatives; or setting international goals, mission and vision for the university (de Wit and Knight, 1995; Paige, 2005). The degree and ways of internationalization of HEIs may vary, depending on multiple factors, for example: field of study; private (profit-driven) or public schools; ranked or non-ranked institutions. Also, the search for a more internationalized stance can derive from many different motivations such as: reputation and legitimacy; access to networks; staff development; strategic alliances; research and knowledge production; financing and grants; ethical reasons; desires of internal actors; and economic rationales (Bartell, 2003; Cattaneo and Meoli, 2016; Elkin et al., 2008; Qiang, 2003; Seeber et al., 2016; Stromquist, 2007).

Internationalization in the university context can mean several different things to different stakeholders - teachers may associate it with internationalizing the curriculum, and academics possibly think of international cooperation in research, whereas policy makers often think of it as the number of foreign students (Coper, 2012). It may be relevant to dissect the definition of internationalization into two components: internationalizing abroad and internationalizing at home. The former is connected to all activities and forms of education that take place across borders – such as mobility of people, or projects. In contrast, internationalization at home focuses on including a global dimension into academic rationales - such as programmes, curriculum, research, provided services and extra-curricular activities - that aim at providing domestic students an education that will prepare them as global citizens, promoting intercultural skills and global understanding. Obviously, there are limits to this distinction, as the mentioned ways of internationalizing in higher education are not exclusive to one or the other designation – for example, internationalization abroad can be curriculum related (Hunter and de Wit, 2018; Middlehurst, 2008).

Given the multiplicity of interpretations that arise for internationalization, particularly in education, it becomes necessary to have a more focused definition and parameters that allow for internationalization to be assessed (Knight, 2004). It is also important to look into frameworks that aim to make sense of internationalization strategies for higher education institutions. The available literature has systematized several possible ways for internationalization in higher education – through the curriculum; mobility of students and faculty members; academic programmes; leadership aspects of internationalization;

collaboration on research or institutional networks (just to name a few). However, strategic planning for internationalization is more complex than simply taking a set of individual actions that could lead to some degree of international engagement. According to Davis and Hunter (2018), institutional strategies for internationalization require “developing and implementing a coordinated and systematic institutional response to external challenges and opportunities in order to promote the international dimension through a set of agreed actions over a given period of time” (p. 1).

Strategic planning, particularly in the context of education, can be defined as the process of charting a course of action based on certain goals, that come about through assessing the internal strengths and weaknesses of the institutions and setting a vision for the desired future of the organization. It is the developing of specific plans to get the institution from where it is to where it wants to be - a tool to help leaders conceive the kind of institutions they would like to have for their students. As such, strategic planning requires research of information and strategic alternatives, as well as an emphasis on the future implications of current decisions (Bryson, 1995; Cawelti, 1987; Cooper, 1985; Hambright and Diamantes, 2004). Clay et al. (1989, as cited in Hambright and Diamantes, 2004) add that educational strategic planning must also combine features both from “top-down” and “bottom-up” management approaches, where the top management is responsible for the over-all route being taken, but other groups of stakeholders are consulted, to ensure that the plan converges with their needs – meaning that everyone that is affected by the institution and the services it provides should be involved in accomplishing the vision.

Strategic planning can pose a challenge for universities, given that it is sensitive to a number of individual factors: the organizational culture of the institution; its geographic location; its history and traditions; the type of university (entrepreneurial, research-oriented, etc); some internal cultural aspects (such as the level of bureaucracy, for example); expectations of different stakeholders; among others. As a consequence, there are many models for internationalizing in higher education (Davies and Hunter, 2018).

As previously mentioned, an international strategy is composed of several parts, the first of which should be a diagnosis regarding both internal and external factors, as well as the relationship between them. According to Middlehurst (2008) and Davies and Hunter (2018), the institution should start by evaluating and identifying a desired trajectory by asking two main questions: “where are we now?” and “where do we want to be in the future”? Davies

and Hunter (2018) then suggest that the institution reflects on their existing mission, vision and values; their traditions; strengths and weaknesses regarding academic programmes, human resources, finance; research exchange and its leadership capacity in regards to partnerships, processes and structures. According to the same authors, the institution should also analyse the external perception of their status and mission by international stakeholders; the weaknesses and strengths of the competition; scan possible partnerships, as well as opportunities and challenges in the international market (such as alliances) (Davies, 1995). Middlehurst (2008) synthesises this proposal in a SWOT and PESTEL analysis. Then, from these evaluations, a few main goals will emerge. Integration of these goals in the action plans of the entities is a key aspect in distinguishing true desire for internationalizing and mere propaganda (Davies and Hunter, 2018).

The “International strategy implementation mix” from Davies (2001) is presented as a framework for positioning a higher education institution along two axis: between *ad hoc* or systematic approaches; and small or large volume of international activity. This aims to help the institution to place itself in the present and trace their desired future path - to plan and strategize accordingly. Naturally, shifting the behaviour of all involved parties and stakeholders is a difficult accomplishment, as it deals with the prevailing institutional culture, personal goals and leadership installed across the organization and its people. Appropriate leadership is fundamental to promote strategic changes, and there are several challenges related to behavioural and political issues within the institution that need to be dealt with before embarking on the implementation of an internationalization strategy (Davies and Hunter, 2018).

Qiang (2003) proposes a slightly different conceptual framework to place universities in a four quadrant matrix regarding their approach to internationalization. Firstly, the author recognises that the implemented policies in each individual university vary according to several rationales: be it more political; cultural and social; academic or even economic. With that in mind, Qiang (2003) also proposes that the institutional approach to internationalization strategies should be viewed along two axis. Similarly to Davies (2001), the first axis contemplates the procedure structure in what concerns international activities (some universities will internationalize some elements in an irregular and sporadic manner, while others will have well defined procedures): along *ad hoc* and highly systematic. The second axis concerns the spectrum between marginality and centrality, in regards to the role

and importance attributed to internationalization in the university's activities. Universities should place themselves in one of the four quadrants that result from these two axis, according to their operating characteristics. To move from one quadrant to another, the author admits the influence and existence of external pressures but reassures that leadership, entrepreneurialism and the financial state of the institution are strong factors that may impulse (or hinder) the desired trajectory. Regarding the question on how to turn an institution's strong commitment to internationalizing into a structured strategy and the fact that it might pose a challenge for the institution, the author states that this process ends up being cyclical in the sense that the reward and reinforcement that comes from taking a few steps towards internationalization leads to even more commitment, which in turn feeds (or builds) the drive for planning, stimulating more changes (either in policies and programmes, or in the development of new activities). Ultimately, the author believes that there will be an increased awareness and commitment that improve quality and bring recognition and other incentives to keep internationalizing.

Elkin, Devjee and Farnsworth (2005) propose a more specific model – the “eleven-dimension model” – that aims at assisting universities with the actual strategic planning for internationalization. This model allows for institutions to rate their performance (on a scale from 0 (low) to 10 (high)) on eleven dimensions of internationalization: both at the moment and on a desirable future. Those dimensions are: (1) internationally focused programs of study; (2) international institutional links; (3) student exchange programmes; (4) internationally recognised research activity; (5) international research collaboration; (6) staff interaction in international context; (7) support for international students; (8) attendance to international conferences; (9) postgraduate international students; (10) undergraduate international students; and (11) staff exchanges programs. The order in which they are presented above also reflects the results of the authors' study, with (1) being considered the most important factor of an HEI's internationalization. By measuring each dimension twice (once for where they place at the moment, and then again for where they wish to place in the future), the model allows for a visual “star” representation that confronts the current with the ideal level of internationalization. The biggest differential between the two answers for one specific factor represent the areas with biggest room for improvement, whereas the smallest will represent a small breakthrough in the overall internationalization level. Thus, this is a tool both for diagnostic analysis and for future resource allocation, that the institution can use to make strategic decisions about how to internationalize and in what particular areas.

Finally, Knight (2015) defends that although there is no (and there shouldn't be) one standardized model for an international HEI, it is important to understand that there are different models for international universities as a way of understanding the multitude of the concept of internationalization in education itself. The author generically distinguishes between three major models: Classic, Satellite and Co-founded. The Classical model represents the most common interpretation of what an international university looks like – an institution with diverse international partnerships with other universities, research centres and other organizations; international staff and students; and both domestic and abroad activities that promote intercultural collaboration (through academic, research or management initiatives). Most of these partnerships are driven by academic reasons, but some are in fact motivated by other economic or commercial rationales and status building. Knight (2015) considers this to be the “first generation” model, as it represents one of the first models of an international university to emerge that has been developed over several years, and still being the most common one in the present. Furthermore, this model can be used to “translate” the aforementioned Bartlett and Ghoshal's International model into an educational context. The Satellite model would be the “second generation” model, in a timeline of emergence of different types of internationalized HEIs. This model refers to the institutions that focus on developing activities off-campus, such as research, consultancy, *alumni* support or student and staff recruitment, through establishing “satellite” branch campuses, offices or research centres. These HEIs have a marked presence in other countries through stand-alone and independent branches, from where they develop projects and activities that go beyond the teaching aspect of the university. These branches are usually embedded in a partner's facilities or in national embassy buildings. The main characteristic of this model is the strategic plan of developing a strong international presence in targeted countries through collaboration in several fields (research, teaching, management or recruiting). As such, we can say that this model resembles the Multinational model referenced above, but adapted to an educational reality.

It is interesting to point out that European universities seem to be keener in establishing management contact offices around the world and less on building branch campuses in different countries (Knight, 2015). This model is very broad in terms of how the universities implement and operate it, therefore, the “satellite” classification is a very generic one that does not indicate one standardized approach. It is expected that “satellite centres” grow in numbers in the next years and diversify in activities. Lastly, the Co-founded model represents

the most recent generation of international universities – independent institutions that have been created by two or more international partners. These HEIs operate in the host country but were co-developed through international cooperation by academic partners. The author states that a benefit that is common both to the Satellite and Co-founded model is the embedded rich cultural mix of these HEIs, that translates into an international staff and student body and the opportunities for cultural exchange of values and knowledge. According to Knight, this model is the one that better translates the concept of transnational education. These three models are not mutually exclusive – they are in fact related - and the author admits that the institutions may evolve in time into different models.

Summing-up, regardless of the model being used, in order to thrive in a sustained way, strategic plans need supporting mechanisms to insure its implementation such as a well-defined mission and a supportive organizational culture. According to Davies and Hunter (2018), the main components of an effective implementation are aspects such as: building a long-term plan with annual operational plans that assign particular responsibilities to particular individuals; assigning specific responsibilities to specific actors; an explicit coordination with budgetary constraints; the creation of administrative unit plans that set goals that are aligned with the university's general international strategy; a public and transparent calendar; standardized documentation; open and regular communication flow between all levels; and realistic priorities regarding the action items at several levels of the internationalization plan.

2.4. Specificities of the Internationalization of Education in Law

Internationalization strategies need to be embedded in their contexts, thus, the field of studies is a very important factor when looking at internationalization processes in higher education. Hence, we will discuss some of its main specificities in the field of law and analyse the particular challenges and opportunities identified in internationalization of education in this field. Considering the idea that law is a rather national matter, for which new graduates seem to be limited to the national labour market, the reality is that the world is continuously globalizing and future lawyers; solicitors or law makers (for example) will be forced to work in and deal with an increasingly globalized environment. National borders have become practically invisible for business transactions and communications, meaning that even though the legal framework may still be national in its nature, a lot of enterprises and other organizations no longer feel as such. Thus, it is important that law students and graduates

are able to adapt and gain “transnational” skills, to be prepared to practice in the best way that supports the realities of how people interact and how businesses operate in a global context (Coper, 2012).

Law itself, as a discipline, needs to adapt this “new” world as well in order to serve its purpose of supporting a now global community and its aspiration to create a fairer and more democratic civilization – if the internationalization of law is occurring as a result of (or as a response to) economic changes and ethical pressures (such as universal human rights), then the internationalization of education in law should also keep up with this “new and improved” vision of the discipline (Padilla, 2008). However, Sellers (2008) identified two main schools of thought that illustrate two dividing stances on the path to follow in what concerns legal education. One aims at maintaining the *status quo* within the education in law – it defends that there is no need to adapt it because these global changes are of minor concern for law graduates, that deal mostly with domestic affairs, and can be dealt with as a simple matter of translation. The second school defends that a radically different approach is needed - one that consists of qualitative change, in order to properly prepare law graduates to this changing world, that demands more than mere translation. This view or perspective proposes increasing global exposure by adding courses with an international view of the matters; opening research centres with international contributions; building global networks within the faculty and hiring international faculty; or sponsoring more international programmes. These two different approaches represent a challenge that Law Schools need to overcome when internationalizing. This is related to the possibility that the leadership of Law Schools may have a narrow view about the discipline itself.

There are other challenges that Law Schools may face when internationalizing. Although it may not be not exclusive to law, it is particularly an important one in the field – the preferred language of teaching is a big issue for non-English speaking schools, particularly if the plan is to attract international students (who most likely are not fluent in the language). Particularly in law, because it is a more country-specific matter, the classes and lectures tend to be accessible only in the national language (Coper, 2012; Sellers, 2008). Some concerns related to the internationalization of the curriculum may arise. Although Law Schools can internationalize their curriculum through a comparative perspective of different legal systems, there is a risk of superficiality and of reducing the expertise and depth of understanding domestic law. In this scenario, it is important to reflect on the conditions

needed to foster cross-cultural understanding in the students. Besides the difficulties of measuring the impact of the presence of foreign students, the lack of an international dimension in the curriculum will make it extremely difficult to attract international students (Coper, 2012). Related to the above-mentioned more conservative approach, Coper (2012) identifies some resistance from the academics to including an international perspective into legal research, as it is often heavily local or national, and the efforts of mastering these subjects are perceived to leave no room for what is considered a “superficial” international contrast. Padilla (2008) adds a challenge that is even more embedded in the culture of the university: he reports that in some countries, more traditional universities view the professors as government employees, who ought to be national citizens. This is a perception that does not encourage internationalization, given the perceived strong national character of the faculty members, and poses a systemic challenge for such schools. Finally, Knight (2015) highlights the issue of global accreditation of programmes and exams, since it is extremely difficult to obtain an international recognition on a national degree or an equivalence for admission exam for legal practice in a different country, due to differences in the legal systems that translate into different legal education programmes.

These authors also point out to some opportunities for internationalization of higher education in law. The first relates to the several ways of internationalizing the curriculum – particularly, the potential of visitor programmes, where a steady stream of international guests (*e.g.* for teaching or research, short-term or long-term) would bring new ideas, contribute to building new networks and stimulate students, becoming a catalyst of internationalization in the school at several levels (Coper, 2012). Secondly, globalization and the broadening of opportunities for new graduates is something that weighs in the mind of the students, which compels them to think about pursuing careers that go beyond the traditional, local legal practice. Besides the skills they acquire from the “traditional” legal education (such as advocacy, problem-solving, mediation or communication), they should also be exposed to other matters and contexts that could help them broaden their career goals, through, for example, double degree programs that touch on other subjects such as liberal arts or natural sciences that help form better professionals in specialized areas of, for instance, environmental or art law (Coper, 2012). Another opportunity that seems to be rising relates to the narrowing of the contrast between different types of law and law systems. Although the continental legal education is almost monopolistically controlled by the state and considered much more doctrinal, *versus* the much stronger private sector influence in

North American education, which is also considered more liberal, it seems that both schools are increasingly learning from each other (Padilla, 2001). It seems that for both, in terms of substance and approach, there is a turn in attention to legal policy issues that go beyond the more doctrinal aspects of law. Also, there are some efforts for cooperation that can be represented by organizations such as, for instance, the EACLE (European-American Consortium for Legal Education) - which is a programme that aims at greater integration between Law Schools worldwide and more student and faculty exchanges so that legal education can somehow “escape” the confines of its local views in order to foster a better understanding of their own national institutions as well as of foreign ones (Sellers, 2008). Lastly, the fact that globalization is happening and that law has been “forced” to keep up with it represents a big opportunity for legal education. Law is slowly becoming more similar worldwide (in some matters) through the existence of several multilateral deals and international laws that are adopted by several countries (Mahoney, 2013; Sellers, 2008)¹. As the world is changing, the laws need to adapt to a new global reality: one that involves new technologies, the internet and new types of international contracts. Alongside that there is the fight for equal human rights – which is a fight that should be fought worldwide, and thus implies international laws (Sellers, 2008).

Overall, globalization has come to call into question both the approach and the contents of legal education which will inevitably have to adapt. At the moment, it is difficult to know how it will evolve, as there are several opportunities and ways to do so, which in turn may also be hindered by the challenges that this particular field of study faces. In the remainder of this dissertation we will address these issues in more detail by analysing the Portuguese case in the empirical part that follows. Before that we will present our methodology and data.

¹ As, for example, UNCITRAL - United Nations Commission on International Trade Law; UNIDROIT – International Institute for the Unification of Private Law; CISG – United Nations Convention on Contracts for the International Sale of Goods.

3. Methodology and Data

Research methodology provides the link between evidence and theory. It consists of the journey between the formulation of the research question and getting to a conclusion. This journey involves analysing research designs and methods to be used. The research design consists of the way of deciding how to rule out alternative explanations in a systematic way when executing the research. The specific detailed methods, in turn, are the ways in which the data is collected and analysed – past records; observations; interviews or questionnaires, to name a few (Tan, 2017). These three aspects together – the philosophies (or worldviews), the design and the method – will define which research approach to use (Creswell, 2017).

There are three main common approaches to research: quantitative, qualitative or mixed methods. The person conducting the research should anticipate the type of data required according to the aim of the study and the type of research question that is being posed, as well as the audience who is most likely to take interest in the study and the level of experience of each researcher. The quantitative method aims at providing an objective analysis of reality, as it deals mainly with numerical data, that is then analysed and interpreted statistically through testing quantitative hypothesis. The qualitative method deals with textural data (in a variety of forms – interview data, observation data, document data, etc.) and allows for exploration and more in-depth understanding of the complexity of the subject matter, as it relies more on open-ended questions that may provide contextual richness to the study. The mixed method approach is used where both quantitative and qualitative data are required to address the research question. It is important to denote that the qualitative and quantitative methods should not be viewed as rigid, polar opposites – rather, they represent two ends of a continuum (Creswell, 2017; Williams, 2007; Yin, 2016).

For this study, we will follow a qualitative approach by conducting two case studies of two public Portuguese Law Schools. The main advantage of qualitative methods, and particularly of case studies, is the opportunity for a more in-depth and detailed analysis of the information that is being collected and the chance to analyse real-world scenarios (Creswell, 2017). In this particular study, as the literature lacks data and detailed empirical studies on the internationalization of legal education, a qualitative research will allow to address the unavailability of data by providing new and relevant data about this topic. Moreover, and though time consuming, case studies take into consideration multiple sources of evidence,

that allow for multidimensional data, resulting in more comprehensive and enriched conclusions (Williams, 2007; Yin, 2016).

The criteria for the selection of the two Portuguese Law Schools was based on several reasons. Firstly, both schools are public institutions, which will allow (1) for greater comparability between the two (rather than comparing a public institution *versus* a private institution) and (2) for easier access to their strategic documents which will be used to gather more information that will help us characterize each school (since private institutions tend to provide more limited access to their data and documentation). Secondly, the existence of relevant international activities at both Schools in education and research. Thirdly, the accessibility to relevant actors at both institutions that would be available to provide key elements, data and views regarding the major internationalization issues to be covered. Finally, the relative geographic proximity between the two Schools, which will allow to minimize the impact of some differentiating factors between the two regarding internationalization.

The case studies were based on semi-structured interviews (primary data) and analysis of strategic documents (content analysis of secondary data). The interviews were aimed at collecting the point of view of several relevant actors within the schools regarding several aspects of the internationalization process of each school. Before that, we analysed the available strategic documents of the Schools in question (or of the universities they are affiliated with) to collect information on their strategies and results on internationalization, to help characterizing the schools (according to how they present externally) and to identify the main issues to be covered in the interviews. These elements would also be helpful in triangulating the views provided by the interviewees.

The selection of interviewees was based on their roles within each school and there was an attempt to interview the same (or equivalent) roles for each school to allow greater comparability between the two. The interviewees were: the deans of each school; the person in charge of internationalization activities or the international relations office; and the program directors at the Master's level. The latter were chosen given the greater potential and relevance for internationalization at that level, rather than at the undergraduate level in the Portuguese system. The interview scripts were similar for all interviews, though, for the interviewees with different roles, there were some different or more specific questions (based on the strategic and operational relevance of each role). The questions were the same for

the interviewees with equivalent roles in each school. The questions posed to them were related to several topics of the internationalization process of the schools, which were supported by the literature review, namely: 1) main drivers of internationalization for each school; 2) main goals and priorities for internationalizing; 3) specificities of law as a discipline and challenges faced by the law schools; 4) specific instruments for internationalization; 5) internationalization strategy at the school level; and 6) the effects of internationalization on different groups (faculty, students, graduates, staff).

The interviews were conducted remotely not only due to the current pandemic context, but also because it was more effective to find a suitable schedule for the interviewees. In some cases, the interviewee requested the script prior to the interview in order to prepare. All interviews were conducted through a video call. The interviews were recorded after obtaining the informed consent of the interviewees (under the commitment of anonymity for both for the interviewees and the schools), and were transcribed for analysis. Each transcription was sent to the respective interviewee for validation.

Both transcription and analysis were conducted using the Nvivo software. When performing a qualitative analysis, using software programmes to assist with data analysis can help to organize and search more effectively for relevant content within the text database (Creswell, 2017). One of the challenges of qualitative data is the richness that it may present. Using Nvivo helps structuring the criteria for interpreting the findings in an efficient way, reducing the personal bias that the researcher may bring when analysing textual data (Cohen, Manion and Morrison, 2018). After the interviews were transcribed, a systematic analysis was conducted – the information was coded by organizing it by themes and sub-themes (based on the literature review), and a group of key words was used for each sub-theme in order to run a text search query, which allowed to draw out the most relevant contributions of each interview (for details see the annexes).

The goal was to conduct a content analysis both on the interviews and official strategic documents of the faculties, and compare the gathered information from both, in order to address our main research questions, as already presented in the introduction: are Law Schools less internationalized than schools in other fields? What are the specificities of internationalization in legal education? Are those specificities hindering the internationalization of these schools or are they a competitive advantage to their process? What are the core motivations for internationalizing at Law Schools?

4. Empirical Analysis

This chapter will focus on the analysis and discussion of the results collected from the 5 interviews conducted and the information collected from the strategic documents of the school's correspondent universities (published Annual Reports, Action Plans, Strategic Plans, Activities Reports). First, we will characterize the two schools and associated universities using their strategic documents which are publicly available. Then, we will discuss the main motivations and goals for internationalizing in each school, as well as the specificities and challenges identified for law and Portuguese Law Schools on this topic. We will also analyse the instruments used for internationalization by each school, the definition and implementation of internationalization strategies, and the effects of internationalization for different groups and at different levels.

4.1. Characterization of the two Law Schools

In this section we will use the strategic documents of each University to characterize the two Law Schools being studied, as well as the Universities they belong to. We will take a look at and compare their age, size and some overall internationalization indicators. To be noted that there is not much information available at the school level, however, it is relevant to look at the “bigger picture” in which the school is inserted in (*i.e.* the University) to better understand their stance on certain topics – which will be discussed in the following sections.

Although University A (UA) is significantly older than University B (UB), both Law Schools were established around the same time and are more recent (less than 30 years old). UA is larger than UB, both in terms of total number of students and number of schools it is composed of. Both Universities are public institutions. For UA, student tuition represents a significantly larger percentage of its revenues when compared to UB, although for both Universities student tuition is not the main source of revenue. In its mission and vision, UA places itself as a research institution and highlights the importance of an active participation in society. It also highlights the goal of international influence and recognition. For UB, its mission highlights the role of the institution's activities as a contribution to society, by promoting quality of life and multidisciplinary. Internationalization is stated as a clear goal for UB – the institution wishes to be characterized as an international University, mainly through its research production and quality as to sustain improvements in the educational offer. In terms of internationalization and international recognition, both Universities have

been recognized on the same rankings for several years. UA tends to be ranked higher than UB, though at the latter the percentage of foreign students is higher than at the former.

In its website and strategic documents, UA mainly references joint programmes with foreign Universities and cooperation protocols; partnerships with embassies and consulates; teacher and researcher mobility; incoming and outgoing student mobility (particularly under the Erasmus+ programme); participation in international conferences; several applications for European financing; strong ability to attract international students and researchers; and rising participation in global scientific networks. It is also interesting to note that the Lusophone context and the Portuguese language are mentioned as one of the focal points of internationalization (although not dismissing the relevance and importance of other regions and communities as well). UA also points out some weaknesses in regards to internationalization, including: a certain difficulty in balancing the common strategic goals of the University with the ones of the schools (given that there is some autonomy); the insufficient support structures for international competitiveness; low offer of programmes and courses in English language and low educational offer in partnership with foreign Universities.

In its strategic documents, UB highlights its participation in international organizations by other important Universities; the existence of several bilateral agreements with institutions around the world; promoting strategic partnerships with developing countries; participation in European programmes and initiatives; the rising strong scientific reputation of its researchers internationally; attendance to international conferences; European financing for several of its projects; the diverse educational offer that can be suitable to foreign students; the relevant number of international students and the rising of the mobility numbers for students, teachers and non-teaching staff. For UB, the importance of the Lusophone relations in internationalization is also mentioned, but the main focus seems to be turned to the European and global frameworks, and to broadening the educational offer as to strengthen its “at home” internationalization.

In respect to the Law Schools in particular, UA’s Law School (UA LS) offers two bachelor degrees (one in Law and one in Criminology), three master programmes, one doctorate programme and six courses (non-degree attributing). The Law School has its own international relations/mobility office and it presents a relevant number of incoming mobility students, but a lower number of outgoing mobility students. It also offers incoming

and outgoing mobility for teachers, which is not particularly relevant given the total number of teachers in the school.

UB's Law School (UB LS) offers the same two bachelor degrees (Law and Criminology), ten master programmes, one doctorate programme and six non-degree attributing courses. Within its educational offer, one of the master's programmes is exclusively taught in English and it verses on international and European matters. The school has bilateral agreements with schools of other countries and there is recognition of foreign law bachelor degrees. The Law School does not have its own mobility office (it exists at the University level), but there is a mobility coordinator in the school, as well as dedicated role to the internationalization of the school².

4.2. Motivations for Internationalization

Under this section we will analyse the different motivations for internationalization for each school. For both Law Schools, specific academic and pedagogical reasons do not seem to be the main motivation for internationalization. It was pointed out by interviewees from both schools that there are pedagogical gains from internationalization in law, which will be discussed further. However, UB LS pointed out that one of main drivers for internationalization is the understanding of the role of law in the world and as of law as a global matter (not as an only national concern), in the sense that most of the criminal and legal issues are the same around the world - only the solutions presented by each jurisdiction may differ, but that we should learn from those different solutions and rationales as well. Therefore, the sense of cooperation and understanding different ways of thinking the same subject are seen as important cornerstones to convey to law students. For UB LS it is also relevant that their students, teachers and staff are able to gain other transversal competencies in their formative years with the school, that often come with either a mobility period or engaging with other realities, cultures and different ways of looking at the same problems. UA LS mentioned the relevance of research networks and research collaboration, in particular with former colonies, the CPLP³ and PALOP⁴, highlighting the importance of the Portuguese language and the cultural ties between Portugal and its former colonies in the

² No information is publicly available regarding the incoming and outgoing student mobility numbers for University B's Law School.

³ Community of Portuguese Language Countries

⁴ African Countries with Portuguese as Official Language

internationalization of law. In this case, being a research centre that produces high quality science in Portuguese is one of the main motivations of the internationalization of UA LS.

Regarding social motivations for internationalization in law, UA LS recognized that “we live in the global village” (UA LS - Dean), and therefore we cannot be closed in on the borders of our own country alone. This is as much a motivation as a consequence of globalization, which pushes for the internationalization of the schools, even if simply due to the international demand that exists nowadays – students everywhere in Europe (and within the globalized world) are aware that they can consider foreign universities and schools to attend. Also, for UA LS there is a somewhat political factor that drives the desire to internationalize – the ties with Portugal’s former colonies. There is a strong link between Portuguese law and the laws of its former colonies, as they were created in the image of Portuguese codes and conducts at the time. The psychological distance⁵ is shorter, particularly in regards to law and administrative matters, as well as the proximity of the spoken language, which provides an incentive or a motivation to internationalize in those countries. The importance of the Lusophone context in research, as well as the concern of helping develop those developing countries that have an historic tie with Portugal are some of the main motivations for UA LS to internationalize. These concerns are also reflected in the strategic documents of the UA.

For UB LS, it was recognized that the relationship and ties with other countries (in projects, conferences, etc.) was a driver to the desire of internationalizing the school as well. Several interviewees highlighted that teachers and researchers of the school would meet and maintain contact with other teachers and researchers when going abroad for work related matters. Those contacts then would generate the will to do more in the international field, and that would motivate the school to internationalize in several ways. This is currently still one aspect that originates agreements and protocols signed with other foreign institutions. The Lusophone community was also identified as a relevant driver and a focus within internationalization, for the same reasons as explained above, although the focus is not so great as in UA LS. Another relevant driver for internationalizing at UB LS is the need to educate global citizens and to give its students a less closed in vision not only of law but also

⁵ On the subject of psychological distance, refer to Zhang (2014).

of the world. This seems to be one of the most present and underlying motivations in most instruments of internationalization of this Law School.

Economic motivations for internationalization do not seem to be the most relevant ones for either of the Law Schools. In both schools it was recognized that economic factors need to be taken into account in internationalization, and that there are some economic advantages of internationalizing, but that this aspect is not a driver for the schools in itself, but rather a consequence of the desire to internationalize that stems from other motivations. Regarding this subtopic, both Law Schools pointed out the same elements. Firstly, the demographic problem that Portugal faces – Portugal is an aging country, where there is lesser youth and more elders. This means that we will have significantly less students attending higher education (or any education level) in a few generations. This may cause a deficit in demand by Portuguese students, which will make demand inferior to the current supply of higher education. In other words, Portugal will not have enough students to feed the Portuguese higher education system. This is not an imminent problem, but it may be a very relevant and dangerous one in a few generations. Therefore, recruiting international students is a way to start bridging this gap, before it becomes an uncontrollable issue. Secondly, there is the issue of financing. As both schools are public, they are subject to state transfers programmed in the state budget. However, those transfers are not sufficient to cover for the fixed costs of running the schools and so each school has a need to find self-funding mechanisms.

One of the main sources of financing is student tuition. In Portugal, the international student's tuition is higher than those of a national student, as the state does not subsidise their tuition and therefore they pay “full price”, whereas for national students, the state subsidises part of the value. As such, by paying more tuition, international students will contribute more significantly to the schools' financial health. Additionally, and relating to the abovementioned demographic problem, less students will equate to less tuition, which although it is not the main revenue source for either school, it does have a significant role in financing them. By recruiting international students, this issue would also be mitigated by the higher tuition paid, even if there was a smaller number of students attending the school. All interviewees that mentioned this aspect disclaimed and highlighted that this is not a motivation for internationalizing, particularly as both schools are public and do not operate based on revenue, but recognized that this is a relevant economic factor that comes with recruiting international students. Regarding financial issues, UB LS also added the relevance

of submitting projects to EU and international funds, which will inevitably require some internationalization (for example, partnerships with foreign schools and Universities).

Regarding competitive motivations, the main aspects relate to the importance attributed by each school to international and national recognition; rankings and evaluations; attractiveness, visibility and projection of the school. For UA LS, the recognition by other Law Schools (nationally and internationally) as an excellence centre both in education and research is a very relevant factor. The school stated that there is already a great recognition by schools from the Lusophone countries (stemming from their work with local Universities), which is extremely relevant as their main focus of internationalization lies particularly in that community. UA is well ranked in several international rankings, as well as within the country, and the Law School benefits from that visibility and attractiveness of the University as a whole.

Prestige, ranking positions and international visibility do not seem to be a main driver for UB LS' internationalization. The recognition by its counterparties is a strong desire, but it cannot be classified as a motivation in itself or a priority, as the motivation is to be a centre of excellence, which will then naturally be internationally recognized. For UB LS, competitiveness seems to be a bigger focus. One of the stated goals in UB's strategic documents is to be an international University, therefore recognition, attractiveness and international projection and visibility are obvious motivations for this Law School. Ranking positions do not seem to be a driver in itself, however, it was stated by one of the interviewees that internationalization is one of the biggest factors taken into account in the evaluation performed by A3ES (Higher Education Evaluation and Accreditation Agency), which evaluates the quality of higher education in Portugal and participates in the same evaluation at the European higher education system level. This could be seen as an "imposed" motivation for internationalization, as it directly impacts the visibility and attractiveness of each school, although it does not seem to be the case for this school in particular. For UB LS, their research and international publications, as well as the effort to participate in international conferences and projects seem to be what brings the most visibility to the school. Also, their educational offer is appealing to international students (discussed further in section 4.5.1.), and being able to promote that offer also brings attractiveness and competitiveness to the school. The interviewees also mentioned that word of mouth from former international students that go work abroad or that go back to their home countries is

also great marketing that brings projection to the school. Overall, UB LS seems to be more motivated in becoming an internationally competitive and attractive school. UA LS also shares this motivation, but with the main focus on recognition and prestige, mostly with Portuguese speaking countries.

4.3. Goals for Internationalization

Within the aspect of internationalization goals, three main areas arose from the interviews, as well as from the literature review conducted in chapter 2. In this section, we will analyse the goals for internationalization in the areas of education; research; and impact on the community.

For UA LS, a main goal in education is to be able to attract the best students through its reputation of excellence in regards to the education it provides. According to the interviewees, for higher education to have quality, it should include some level of internationalization, as it provides different insights and makes room for comparison of different solutions to the same issues (particularly in Portugal, being a small country – this will be deeper looked into in section 4.4.). The ability to attract doctorate, master's and bachelor students is definitely a goal, but the main focus resides in post-graduation degrees in what concerns international students (not for mobility periods, but for obtaining full degrees in UA LS). Another goal that was highlighted by the interviewees is diversifying the nationality of international students, given that most are from Brazil.

For UB LS, one of the internationalization goals is to also reinforce mobility (both incoming and outgoing) for students, teachers, and non-teaching staff. Within the University, the Law School does not have a bad placing in terms of mobility numbers, however - and this might also be due to some characteristics of the discipline of law (discussed further on section 4.4.) – it is a desire of the school to see those numbers increase. Furthermore, and this the most prominent goal for internationalization for this Law School, the school is working towards increasing its educational offer in order to appeal to a broader and more international audience as well (both in regards to the language of teaching – English – and to the subjects that are dealt with, which will be more international in character). In subsequence, another goal is to reduce or even eliminate the language barrier that is very prominent particularly in national law (as Portuguese laws and their study are in Portuguese language).

It was also conveyed by the two schools that employability of the students is not a particular goal or driver for internationalization. It was recognized that an internationalized experience has a positive impact in the employability of its students, but it is not a goal nor a driving factor within itself for either of the schools.

In regards to research, UA LS identified building and joining research networks as a clear goal for the school, particularly within the Lusophone regions. UA LS' Dean clarified that this is not necessarily a unanimous opinion amongst the entire scientific counsel, but that most colleagues do agree with this strong investment in the Lusophone world given that, as stated in previous topics, the rules of law are similar between Portugal and its former colonies, which adds richness to the research – because the goal is to produce legal science of excellence in Portuguese. The aim is to be a centre of excellence in research and investigation that impacts mainly the Lusophone community. This can only be achieved by writing in Portuguese, so that those (developing) communities have access to the research and information – not only regarding Portugal and its former colonies' law, but also so they can learn about the legal solutions being encountered in other countries with different laws and law systems, such as the United States of America or other European countries besides Portugal. Therefore, there is also an emphasis on collaboration and cooperation with research centres in other countries outside the Portuguese speaking community. In sum, the main goal for internationalization for this school is producing quality legal science that explores national and international issues and solutions, but doing it in Portuguese mainly so that other Lusophone countries can access international legal research and literature.

For UB LS, research is also a very relevant aspect in internationalizing – the interviewees highlighted that either way, research cannot possibly be exclusively national, not for law or any other field of study. Some of the goals for research and investigation for this Law School include promoting and increasing the number of articles written in English and internationally published articles, as well as the participation in international conferences and the access to international networks. However, the main goal is to encourage and bring more dynamic to these instruments through international research projects in partnership with foreign universities and research centres. This is seen as fundamental not only for the financing of the school (as mentioned previously), but also for the international visibility and projection that the Law School (and the University) wishes to achieve. In conclusion, the

main goal for UB LS in what concerns research and investigation, is to engage in research projects or partnerships with international Universities.

Regarding the aspect of internationalization goals for the impact and interaction with the community, this is understood in different ways by the interviewees. Accordingly, “community” can denote society as a whole; the academic community; the law community and the Portuguese law system and all actors that interact with it; or the Portuguese and Portuguese-speaking communities. For UA LS, the clear main goal in this field is to help educate law experts in the Lusophone regions. This goal aims also at helping developing those countries so they can have better researchers and law makers, which will provide more autonomy and ultimately a better law system as well. For UB LS, the goal is to help the community in certain matters or issues in a practical way, through interaction with other entities. The goal is to combine what is the school’s core activity (education and research) with the more practical aspect of interaction with and service to society, intervening and helping to bring solutions to real issues. This school has a specific role dedicated to the interaction with society, which is also very linked to internationalization.

4.4. Specificities and Challenges of Internationalization in Law

Discovering the specificities of internationalization in the field of law in higher education was one of the main questions that motivated this study. In the following paragraphs, we will sum up the testimonials of the interviewees for both Law Schools in regards to the specificities and challenges faced in regards to internationalization of Law in Higher Education as a discipline and in the Portuguese context.

4.4.1. Specificities in Law

Regarding the specificities of law, both Law Schools identified the same main topics and referred to the discipline of law as a whole. Thus, we will not separate the analysis between the two schools in this particular analysis.

A first point that was conveyed was that the idea that law is an exclusively national matter is incorrect, and always has been – although it clearly requires an obvious national relevance in order to serve the society, its community (and its country). Although the singularities of each country and its jurisdictions cannot be ignored, the interviewees stated that law in Europe has never existed without some form of internationalization, because there has always been a concern in European law for taking into account what is common amongst the European

countries and what is particular to each one as well. Portuguese law applies the civil law, which is common to the countries in western Europe. Although these countries are ruled under different particular laws, they share similar processes of analysing the law. Interviewees from both schools stated that it is not possible to deal with Portuguese law without accessing other jurisdictions that apply the same principles of civil law. This also stems from a characteristic of dimension, as Portugal is a small country, with consequently a low number of law graduates. This means that when studying, investigating or learning about certain topics, there is little to nothing written in Portuguese or versing the Portuguese reality. Therefore, Portuguese law experts and law students are sometimes almost forced to look into foreign legal solutions and seek foreign elements due to this condition. Nonetheless, it is also extremely important that the international context does not substitute or impose on the national reality, which obviously has its own particular features, laws and legal system. If this were to happen, then law and legal institutions would no longer be able to fulfil its purpose and mission in society – law experts work together with the local and national courts in order to ground the courts' decisions. If the national and local reality were to be totally dismissed, then law would no longer be useful to its country because it would veer partly on irrelevant issues (in the eyes of the local context). Therefore, in law, it is very important to keep the balance between the national issues and the international issues and solutions, under the threat of not being able to respond to specific local problems.

A second issue highlighted by some interviewees was an interesting difference in law when compared with other fields or sciences – for most areas of law there is no truly international discourse for which several states and countries contribute to and that all jurisdictions can feed off. Instead, there are bilateral relationships - for example: Portugal-Spain; Spain-Germany; Portugal-Italy (and so on), but there is no such comparison in law such as Portugal-“the rest of the world” (as it is often made in economics, for example). This is because the law of the United States of America (for example) does not provide with any insight of any other jurisdiction besides the North American one. So another specificity for law is that for some aspects of it, internationalization stems from comparison and from understanding the laws and solutions of a different specific jurisdiction – internationalization looks a bit different in some areas of law, when compared with other fields of study (*e.g.*, medicine, economics, mathematics). However, it is very much relevant to highlight that some legal areas are as international as the latter fields mentioned, such as European Union Law, International Public Law and Human Rights – in these matters, there is no difference to

other scientific disciplines because the local and national dimension is almost insignificant, given that these are truly global affairs.

Additionally, there is the notion that in law there are only a few professional paths, which would be to either become a lawyer or a judge. The interviewees reinforced that this not true – advocacy and magistracy may be the classical or traditional career paths, but there are also several other options within international business law, banking law, environmental law, telecommunications law (to provide a few examples) that allow for an international career.

4.4.2. Specificities for Portuguese Law Schools

The interviewees also identified some aspects regarding the specificities of Portuguese Law Schools in terms of internationalization and internationalization possibilities in general. In their analysis they have also distinguished some differences between the two schools.

One of the main specificities for law in Portugal and for Portuguese Law Schools is the historic ties with its former colonies, PALOP and CPLP (aforementioned in section 4.2.). These former colonies have the same legal structure as the Portuguese codes and law, given that they were drafted from those codes at the time of the Portuguese discoveries. Therefore, there is a common “matrix” between the law of all these countries. These legal and administrative ties are as strong (or even stronger) than the link that arises from speaking the same language, because the rules of law they abide by and the way of interpreting and applying those legal norms is very similar. Also, to its former colonies and the Lusophone community, Portugal represents a strong reference for quality research and structured work, as well as a point of entry into and contact with the European reality. This is an advantage for all Portuguese Law Schools that no other University in the world has, as it stems from particular historical factors. For UA LS, the highlighted countries within the Lusophone community are Brazil, Timor, Macao, Angola, Cape Verde, Mozambique and Guinea, with emphasis to Timor, Cape Verde and Macao in regards to partnerships, and Brazil in regards to international students. For UB LS, Lusophony has been a priority for internationalization in the past, particularly due to ties with Brazil and Macao, however, as previously mentioned, this school no longer focuses on the Portuguese speaking countries as the main part of its internationalization (although it remains a relevant aspect of it).

Another very significant aspect, that has already been mentioned in section 4.4.1, was that Portuguese law and the legal science that is produced in Portugal cannot assert itself by

number or quantity, only by quality, given that Portugal is a small country and the number of law graduates is extremely small when compared to other countries and other jurisdictions. Therefore, education in law in Portugal inevitably resorts to foreign laws and foreign solutions. The same problem does not arise in other jurisdictions of civil law, because they are larger countries that produce more literature (in quantity). Therefore, Portuguese law studies need to assert themselves by quality, which in turn also implies accessing foreign literature.

This brings us to another specificity, which is language – for law in general, linguistic competencies are the main asset of a law expert, law student or any person who dedicates themselves to law, as they are required not only to be able to interpret the law, but also to express themselves well and articulately. Particularly in Portugal and Portuguese Law Schools, it is important to master not only the Portuguese language, but also to be familiar with other idioms, so that other jurisdictions and legal literature can be accessed.

Finally, other specificities pointed out by most of the interviewees related to the Bologna Process, which shortened the years of several bachelor degrees, and the specific consequences it brought to higher education in law. The bachelor degree in law was shortened from five to four years in Portugal. This meant that there was less time and less classes to teach the basics of law in the first cycle of higher education. Therefore, a certain priority was given to courses that versed on aspects of national law, as the foundations, the specifics and basics of the Portuguese jurisdiction could not be bypassed. This meant that law students opted (or rather, had to) specialize in the second cycle, the master's degree and it is up to the students to decide if they wish to follow a more international path or not. In Portugal, the first contact with the labour market is no longer made after graduating from the bachelor degree. Increasingly, students are directly moving forward to master's degrees right after they graduate. This was a consequence from the Bologna Plan, that generated the need to learn further and specialize by attending a second cycle of studies.

4.4.3. Challenges

Regarding the challenges that were identified by the interviewees related to the internationalization of law, some points were made by both schools, or are applicable to the reality of law in Portugal in general. The first challenge is related to the language aspect mentioned in section 4.4.2. In Portugal, most students are familiar with or are even fluent in

the English language (besides Portuguese) but there is very little knowledge of other languages. As also previously mentioned, for the students to be able to access all of the bibliography and literature that is needed (part of which is foreign: French, German, Italian, Spanish, etc.), knowing other languages (or even having some notions of Latin) would be an extremely important tool, because it would allow for access to these other relevant legal cultures. With the shortening of the first cycle to four years, there is no room in the curricula of bachelor degrees to include languages as a mandatory course. This is identified as one of the biggest obstacles to an international approach, given that the student does not have the sufficient linguistic tools to access other cultures that are necessarily mentioned when studying law. The only option would be either for students to learn other languages in parallel to the law degree, or implementing more language classes during secondary school – however, these decisions are not the University’s or the Law School’s to make.

The language of teaching being exclusively Portuguese was also identified as a challenge to internationalization by several of the interviewees. Although the Portuguese language represents an obvious advantage in the Lusophone world, it is a complex language that it is not easy to learn or to understand even by those fluent in languages with the same origin (such as Spanish or Italian, for example). Therefore, it also poses a challenge in internationalization mainly in attracting mobility and foreign students. Moreover, for national students, it does not provide any incentives to learn or improve a foreign language, which contributes further to the issue stated in the previous paragraph.

Another relevant challenge, which is also related to an aforementioned topic, is the one of finding and keeping the balance between the relevance of national aspects (which are obviously necessary) and the importance of taking international considerations into account as well. It is important but also difficult to not fall into one of the two extremes – either being completely closed in within our borders, which, as explained, would make Portuguese law almost obsolete (or at least much less capable of evolving); or almost replacing the national context with an international reality, that may not even apply to the country and its culture. One of the interviewees stated that “the greatest challenge for law is to be able to pay a strong service to the community it is inserted in, while at the same time not neglecting the international view, which is also essential” (UA LS - Master’s Member of Scientific Committee).

Particularly in Portugal, an additional limitation to internationalization in law regards the teachers and their own academic paths. Most law teachers do not have any international experience and most commonly, their doctorate degrees are entirely conducted in Portugal, versing over mostly national matters. It is obvious that the teachers and doctorates need to address foreign laws and literature along the way, but there is not much incentive for the teacher to have an actual international experience. This brings some constraints when creating or participating in international projects, as well as some constraints to the way of teaching and including subjects or facts that may be of more international relevance. The lack of “exposure” of teachers to international experiences creates insecurities and limitations in internationalization projects in law, which poses a challenge.

An additional difficulty that is felt in education in law, particularly due to the Bologna Process (that shortened the degree to four years), is the question of how to best include an international perspective into a law degree, while assuring that the foundation and basics of the Portuguese law is being taught in such a short period of time. Both schools agreed that adding a comparative approach and mentioning foreign laws and foreign solutions in each class is the best way to do it. However, this option leaves it to the teacher to decide if they should add and highlight that dimension for each subject – which can leave the student lacking that perspective if the professor chooses not to or does not feel confident in doing so. The other alternative would be to include a specific class dedicated to compared law, which would also be vastly insufficient. Subjects that are more specific, and also that verse on more international matters are thus further explored at the master’s degree level.

Furthermore, the structure of the curricula in the bachelor degree also poses a challenge to mobility, due to accreditation of equivalent classes taken abroad – simply because some subjects cannot be studied in other countries (the Portuguese penal system and Penal Law will not be addressed in a class of Penal law in Germany, for example). This causes some reluctance in students when considering going on a mobility period abroad, as students feel that they need to opt between the experience of mobility and completing certain mandatory classes. However, it was explained by one of the interviewees that the students can try to pass the class in the final exam, even if they were in mobility during the semester, which gives them an alternative solution. Furthermore, the interviewees from both schools highlighted that the mobility experience is encouraged to national students, and that the message is conveyed that they can learn (for example) Portuguese Penal Law further down the road.

Another common issue that was reported by interviewees of both Law Schools is the one of international student tuition. As previously mentioned, foreign students' tuition in Portugal is expensive (at least when compared with national student tuitions, which are subsidised by the state). This may pose a challenge in recruiting international students. However, UA LS pointed out that price is often times an indicator of quality, and for some cultures and countries, low tuition may signify less quality education. This is a complex matter for which most interviewees from both schools agreed should be revised.

Moving on to specific challenges for each Law School, UA LS recognized a need to diversify the nationality of its international students, as an extremely vast majority of international students is from Brazil. UA LS has noted a decrease in demand from students from other nationalities, but they do not seem to be able to pinpoint the reasons for that phenomenon. Therefore, a goal but also a challenge is to diversify their internationalization in this aspect. Another difficulty that is felt by this Law School is maintaining permanent and strong academic links to other European law experts and institutions. Lastly, for this Law School, a particular challenge that is faced is related to the goal of educating law graduates from the PALOP both in quantity but also with quality. The issue is related to the policies implemented to go forward with such plans, which often times prove to not be very robust.

Regarding UB LS, the particular challenges that were mentioned by its interviewees relate to its educational offer and international promotion. There was an issue in the ability to attract international students, because the educational offer of international relevance that the school provided was not being promoted internationally. The ability to attain that attractiveness was a challenge for the school, particularly being a public school and the associated financial challenges of being able to fund and finance an international marketing campaign. However, UB LS has been able to partly surpass this difficulty, as their courses start gaining more international visibility over the years and they have also been able to launch an international marketing campaign for the more international educational offer they supply (further looked into in section 4.5.1.).

4.5. Instruments for Internationalization

In this subtopic we will analyse the main instruments for internationalization of each Law School that were highlighted by the interviewees. In the following sections, the instruments

are divided in “at home” internationalization and “abroad” internationalization (a distinction previously made on chapter 2).

4.5.1. Internationalization at Home

A common instrument for both Law Schools is incoming mobility, mainly through the Erasmus+ programme. Both schools highlighted that mobility is more relevant in the bachelor’s degree, while in the master’s degree there are mainly international students attending the whole study cycle. Therefore, the classroom dynamic is different at the master’s level, as the international students bring additional debate and reflexion (which comes often times under a different jurisdiction’s perspective) on certain topics being studied, which is in itself also an instrument for internationalization at home. At the bachelor’s level this dynamic is not as present, although it still exists. Another instrument that is mentioned by both Law Schools, and that is considered by the interviewees as one of the most important are the teachers and their profiles – a teacher with an open mind and an international view of the subjects, will naturally bring this approach into the classroom and into the activities they organize or the research they conduct or supervise. A more “international” profile for law teachers will have a natural repercussion in the teaching of law. Recruiting teachers with international experience, or with a more international approach, or even promoting international experiences for teachers within the existing faculty of the schools can also be considered as an instrument.

For UA LS, another specific instrument used is at the master’s level. For its master’s in law, one third of the vacancies are exclusively intended for international students. As previously discussed, most of the foreign students are from Brazil, which is also a consequence of having Portuguese as the language of teaching, which is in turn aligned with the relevance given by this school to the internationalization mainly through Lusophone communities. Within the classroom, there is not much adaptation of the methods used. Other instruments of internationalization “at home” used by this Law School include: establishing formal protocols with other foreign schools that promote mobility for students, teachers and non-teaching staff; and building links with international research centres (currently, there are links mainly with centres from Macao, Timor, Brazil and Cape Verde).

For UB LS, the main instrument for internationalization is their educational offer. The school offers short courses and master’s degrees that verse on international aspects of law; classes

taught fully in English; courses offered in association with foreign schools; and one master degree that is fully taught in English, which regards international and European law. This educational offer aims not only at recruiting international students, but also at preparing the school's national students for a more globalized world and at giving them an international experience at home. Linked to these courses and classes, there is collaboration with foreign teachers to come to the school to teach different classes – one of the interviewees pointed out that in terms of subjects, these teachers do not necessarily lecture on different matters than a Portuguese teacher would (as the courses verse on a truly international reality), but the school opts to do so in order to add to the international approach, to recreate an international experience for the national students as well. Related to this educational offer, there is also recognition of foreign degrees (for acceptance into the master's programmes). Another instrument used by the school in order to attract international students, is a strong communication and marketing campaign exclusively aimed outside of Portugal, to promote this educational offer that may be of interest to international students – social media is used as a marketing tool, but mainly this campaign was done with resource to a publicity company. The school's international website has also been remodelled as to be more user friendly and of easier access to anyone who is interested in attending or getting to know the school, which is useful both for students and potential institutional partners. Other instruments used include: seminars on current and international topics (such as space law and telecommunications law); established protocols and partnerships with other universities and institutions; approved projects by international entities, which involve collaboration with foreign universities and institutions; and international publication of research conducted by teachers and researchers of the school. UB LS presents a strong focus on internationalizing at home.

4.5.2. Internationalization Abroad

Regarding instruments for internationalization abroad, UA LS also identified the Erasmus+ programme as one of the strongest internationalization tools, including outgoing mobility, although it is not as expressive in number as the incoming mobility. Another highlighted instrument is the work being done by the school with a University in Cape Verde, helping plan and build the first law course in a public University. There is also teacher and researcher participation in international conferences, mainly in Macao as a result of the strong partnership with the University of Macao.

UB LS also highlighted outgoing mobility for students, teachers and non-teaching staff, as a strong internationalization instrument. For student outgoing mobility, the school's mobility coordinator is invested in helping the students understand how the mobility period works both in terms of course equivalences and grade conversion (which are concerns of law students, as mentioned in section 4.4.3) and in clarifying those criteria so that national students feel more confident and comfortable in going on a mobility experience. An additional instrument, related to student mobility is the revision of the mobility protocols and the Erasmus+ programme to include a relevant opportunity for students of the bachelor's degree in Criminology (which, being a more recent degree, suffered from the lack of equivalence offers in the current protocols), in order for those students to not be negatively affected (on an academic level) for going on a mobility period. Within the mobility-related instruments, the interviewees pointed out that mobility in staff is not very common, particularly because the school has a staff shortage, but that such opportunity does exist and it is encouraged. Furthermore, other internationalization instruments include participation in international conferences, and teacher attendance to foreign Universities in light of existing protocols or by institutional invitation.

4.6. Internationalization Strategy

This topic is dedicated to understanding how each Law School develops and implements their internationalization strategies, as well as what are their main priorities regarding internationalization in education and in research.

4.6.1. Strategy in Education

For both schools, the main focus on internationalization in education is on post-graduation and not on the bachelor degrees, as previously mentioned. In the bachelor's programme, internationalization is mostly (1) done by integrating a comparative dimension for each subject, which is done individually and by teachers' choice, and (2) through student mobility (incoming and outgoing). Therefore, for both schools, internationalization strategy in education mainly targets the master's (and doctorate) programmes.

For UA LS, the internationalization strategy focuses on Lusophony and in taking advantage of the aforementioned competitive advantage that Portuguese Universities have in the Lusophone world. In education, this strategy particularly includes helping to educate former colonies' and Portuguese-speaking-countries' law experts, by actively participating in and

even co-founding their law courses and degrees. This Law School's strategy also verses on attracting students at the master's and doctorate level. The internationalization strategy for this school and how they plan on achieving some of their goals is not fully clear through the interviews conducted – in regards to being an attractive school for foreign students as well and in what concerns the goal of recruiting more international and mobility students.

For UB LS, the internationalization strategy is focused on broadening its educational offer as to (1) be more appealing to international students, and (2) add an international approach and experience for the national students as well. This is further detailed in the previous section 4.5.1. Associated with this topic, there is also a strong communication and promotion strategy for the abovementioned educational offer, as it is essential to make the educational offer known to those who might have interest in it.

4.6.2. Strategy in Research and Investigation

For UA LS, the internationalization strategy for research also has a great focus on the Lusophone community, even more so than in education. The strategy consists of producing international legal science in Portuguese, mainly so it can be used and accessed by Portuguese former colonies, CPLP and PALOP, also with the underlying goal of helping develop those communities. The Law School's Dean pointed out that research and science produced at the school is already of great quality, but the strategy includes promoting the schools research centres. According to the interviewees, an analysis is being conducted by a working group on the research centres in order to understand how to deepen this international approach by interacting with other centres and Universities not only from the Lusophone world – as the goal is to produce truly international research, but in Portuguese so it can be of use to the mentioned communities.

For UB LS, the internationalization strategy in research and investigation mainly focuses on international projects of cooperation with other universities and research centres, which is linked with financing issues (also an aforementioned motivation and issue), but also opens doors for producing relevant international research, which brings visibility to the school (another motivation that has been previously discussed). Furthermore, the international communication and promotion campaign that was launched for the educational offer of the school was also conducted for the school's research centres.

4.6.3. Strategy Definition and Implementation

Regarding internationalization strategy definition and implementation, UA LS has its own “micro structure” that is autonomous but coordinated (to some extent) with a “macro structure”, which is the University. Within the school there is an internationalization and mobility office, which is focused on part of the internationalization approach. The school’s internationalization strategy is outlined by the scientific committee, and then revised and implemented by the school’s management board, which is responsible for assuring that the instruments being used can be practically executed. Essentially, the internationalization strategy for UA LS is of the competency of these two bodies. The school is autonomous in defining and implementing its strategy, but there is an alignment with the guidelines of the University – however, if in any case the school believes that a certain guideline does not apply to the Law School’s reality, it is free to not implement it. The school Dean emphasised that in the broader goal to internationalize, the school is perfectly aligned with the University, however, it also considers it a goal of its own, under its own context and reality. This alignment with the University is done through monthly meetings, gathering the Deans of all the schools belonging to UA in order to discuss and try to get to a consensus on several topics, one of them being, naturally, internationalization. In regards to its strategic priorities in internationalization, the main focuses for UA LS are the Lusophone communities (more prominently in research) and post-graduation degrees (master’s and doctorate programmes, in what concerns a more truly international approach to law).

In UB LS, within the management board there is a role specifically assigned for internationalization. The definition of the school’s internationalization strategy is the competency not only of this role, but of the entirety of the board, which is composed by representatives of education and research, besides the president and the representative for internationalization. The strategy for internationalization is outlined in collaboration with all these roles, so that it weaves together with the specific goals of research and education. Through the research and education roles of the management board, there is also a coordination with the scientific and pedagogical counsels. It was also pointed out by one of the interviewees that the students play a role in the definition of this strategy as well, through the school’s students associations, who participate actively in identifying problems and trying to solve them. Fundamentally, the internationalization strategy is defined by the management board of UB LS, together with the scientific and pedagogical counsels, and also taking into

consideration the student's concerns. In regards to the process of defining the strategy, one of the interviewees explained that firstly the school looks at where they want to be and what they want to achieve in the internationalization field; then those goals are confronted with the needs raised by the counsels, the teachers and the students and with what is already being done by the school in those aspects. Then a strategy is outlined according to those goals. The implementation is then carried out by several roles – not only the management board, but also by the students, teachers and non-teaching staff. Similarly to UA LS, there is also some coordination between this Law School and UB – “The school is autonomous but it is not independent from the University” (UB LS - Internationalization Coordinator). The school has autonomy in defining its own strategy and its own internationalization policies, but certain projects or programmes always need to be approved by the University. Therefore, the school's strategy is always connected to the University's strategy as there is also a close communication with the rectorate of the University, in particular, with the internationalization office that exists at the University level. However, the interviewees highlighted that there is no need or desire for the school to mimic what is being done at the University level. Regarding the school's strategic priorities, UB LS' main priority is to attract international students and there is a great focus on internationalizing “at home” in order to become an international school, as also stated in the University's strategic documents as a goal (to become an international University).

None of the Law Schools identified challenges at the organizational and structural level in the process of defining and implementing an internationalization strategy.

4.7. Effects of Internationalization

In our analysis we have also tried to identify the effects of internationalizing higher education (not only, but naturally including the particular case of law education in Portugal). The discussed effects cover different levels – effects on academic groups; on education, research and interaction with the community; and on an organizational and institutional level. All the identified effects are considered positive and no negative impacts were highlighted by any of the interviewees. One common effect that was emphasized by both Law Schools and identified as being transversal to all mentioned levels is an increase in quality. It is considered by all interviewees that internationalizing in higher education, particularly in law and in Portugal, brings additional quality to the research and education of the schools, which

directly impacts students, teachers and the community it is inserted in; but can also promote better quality in the organizational structure promoted by its non-teaching staff.

4.7.1. Effects on Different Stakeholders (students, teachers and staff)

Personal and cultural enrichment is one of the positive effects of internationalizing higher education identified by the interviewees for all groups: students, teachers and non-teaching staff. The contact with different cultures, realities and ways of thinking is a way of getting out of one's comfort zone, which leads to personal growth by confronting our reality with different perspectives. This stimulates a deeper reflexion in certain topics and might even help ground certain rationales, both for personal beliefs and for law-related aspects. On a professional or technical level, it also causes positive outcomes such as problem solving abilities and getting in touch with new and different approaches and work or study methods.

For students, one of the most important perceived effects is becoming global citizens. Internationalization in higher education allows for its students, at a younger and more permeable age, to be exposed to differences, which is extremely relevant for passing on humanistic values and promoting active citizenship, and being more aware of global (and national) issues. It is part of Universities' missions not only to educate its students but also to foster values of multiculturalism, equality and citizenship. It is important that higher education helps in moulding its students not only as law experts, but as citizens as well. Also, this permeability to difference is extremely relevant for law experts as well, given that law deals with issues of society and its people, who are all different amongst each other. Another mentioned relevant effect for students caused by internationalizing higher education is employability. The skills that are acquired from having some international experience (either "at home" or abroad) are a differentiating factor for employers – problem solving skills; speaking other languages; having access to a different culture or even having a certain ease in international settings represent an advantage for those students when applying for certain roles. Additionally, as previously mentioned, having an international or "internationalized" experience in higher education allows for the students to broaden their ideas of career paths, as it allows them to understand that law opens many doors, some of which will be international (for example, in regards to European Union law, international contracts and business, environmental law, human rights - to name a few).

For teachers, another impact is the obvious one of objectively acquiring further knowledge by collaborating with foreign colleagues, and learning more about different jurisdictions and realities, which may allow for furthering certain researches or studies. It also adds a different perspective that can be brought into the classroom and passed on to the students, as a teacher's function is not limited to lecturing on subjects uncritically.

For the non-teaching staff, acquiring different competencies and being able to compare how things are done in other settings can bring positive impacts in their professional roles. UB LS admits that internationalization for the non-teaching staff is residual and that this aspect needs to change, because organizational benefits can emerge from it as well.

4.7.2. Effects on the Different Missions

As stated previously, internationalization can bring an increase in quality of education. As stated by UB LS Master's Director, by opening up public education to an international audience, there is a bigger group to select the best students from. This will lead to more quality both in education and in research as well. Another positive effect (highlighted by interviewees from both UA LS and UB LS) is the obvious aforementioned one of adding a different, comparative dimension that will allow for a deeper and more complex analysis of the subjects being taught and studied and of the legal solutions being drafted for real life issues.

In research, one of the interviewees mentioned that Portuguese Law Schools were accused in the past of conducting insipid research because it was purely theoretical and had no practical implementation. Nowadays, this is no longer considered an issue and part of its solution was internationalization, which allowed for thinking ways of transforming the knowledge in law, where a strong theoretical approach remains, but that is now much more oriented to solving practical matters and impacting its community.

This is also an effect of the interaction with the community. Internationalization allows for thinking about different local issues collectively, with multidisciplinary teams. International projects are, often times, not purely rhetorical and aim at helping solve "real life" problems from the business world or from specific communities, for example. Having geographically diverse teams working on those issues brings varied and multifaceted approaches that add richness to the solutions. Also, it is important to look outside of the borders to learn if the same issues have emerged in other countries or other jurisdictions, and how it was solved –

perhaps such solution can be applicable to a particular problem that the community is facing at the moment.

4.7.3. Organizational and Institutional Effects

One of the interviewees of UA LS pointed out that the interaction with international students (for example) “keeps the wheels moving” and makes things change, as often times those students and have a more critical look and pose questions regarding the functioning of the school – be it a cultural aspect, or stemming from comparison with their home country’s educational system. This keeps the school’s faculty, staff and ruling bodies out of their comfort zone in comparison to a scenario of only national students, who a lot of times are familiar and conformed with the processes and way of functioning of the institutions.

Regarding particular organizational effects of internationalizing, there is an organizational impact from the competencies that the employees (teachers and non-teaching staff) of the school acquire with internationalization, as it is felt in the functioning of the schools. It is also important to see “how things are done” in different places to help understand where the organizational structure could be better or more efficient or, on the other hand, to maybe understand that the current organizational structure actually works very well. A general positive effect is identified by the schools, although it is currently not felt in great scale.

Institutionally, internationalization also has a positive impact on financing, as previously discussed. Internationalizing opens several doors for alternative ways of funding and diversifying the financing of the schools – not only with the more expensive international students’ tuition (mentioned in sections 4.2. and 4.4.3.), but also with international projects that can be submitted to European and international funds. There is also the advantage of assuring a continuous influx of students, which adds to competitiveness; helps guaranteeing that all student vacancies are filled in each year; and adds to the critical thinking of the school as a whole.

5. Conclusions

The main questions that motivated this study were the specificities of internationalizing higher education in the field of law. We wanted to know the extent of which these schools internationalize and how would their internationalization differ from other fields of study. In order to find the answers to such questions, we have conducted an analysis on two public Portuguese Law Schools, by analysing their strategic documents and interviewing the Deans, Master's Directors and International Relations Coordinators for each school. The interviews aimed at gathering major elements about each school's strategy, motivations, goals, specificities, challenges, instruments, and effects regarding internationalizing.

As far as motivations for internationalizing is concerned, we found that social and cultural drivers seem to be the most relevant for both schools. The importance of raising global citizens as well as the desire to contribute to the Lusophone communities were the highlights of this topic which seem to reflect Kreber's (2009) concept of "internationalism" (*versus* internationalization). However, we were also able to understand the existing underlying relevance of competitive motivations for both schools and the role of economic factors (which cannot be considered a motivation *per se*). Academic and pedagogical improvements are seen as a (positive) consequence of internationalizing, but not a motivation in itself.

For each school, the internationalization goals differed. For University A's Law School, the main goal relates to excelling in research, while for University B's Law School the focus is in education. However, for both law schools, international recognition and prestige are also underlying goals that the schools hope will result from excelling in each field. This is slightly different from what is suggested in the literature by Cattaneo and Meoli (2016) and Sursock (2018), who portray prestige as a goal in itself and not as a consequence of providing quality services (*i.e.* education and research).

In terms of instruments for internationalization, we found that there is a greater focus in internationalizing at home rather than abroad, particularly for University B's Law School, through internationalization of the curriculum (mainly in post-graduation degrees), incoming mobility, collaboration with foreign teachers and researchers or offering English courses. This seems to confirm the view of several leading experts on the topic of internationalization in higher education (see, among others, Hunter and de Wit, 2018; and Middlehurst, 2008). This is also aligned with the opportunities identified in the literature for internationalizing

law (*e.g.* Sellers, 2018; and Coper, 2012), which mostly include a comparative approach of the discipline and the fact that international laws have an increasing impact in national laws. Moreover, we found that Law Schools' internationalization seems to be mainly conducted in post-graduation degrees, while at the bachelor's level the internationalization is limited to an optional comparative approach offered by the teachers, and some student mobility (more incoming than outgoing).

Given the frequent assumption that law is very different from other fields of study in regards to internationalization, we aimed to discover how these schools would adapt to internationalization guidelines from the University. We learned that there is some level of decentralization between both Law Schools and respective Universities – their goals are aligned but each school has autonomy to decide their particular internationalization strategy.

As for the effects of internationalization, they generally do not seem to be particularly linked to specificities in law. This means that the impacts of internationalizing higher education in law might be similar to the impacts in other fields of study – such as an improvement of quality in research and in the education provided, as well as the personal gains that arise from contacting with other cultures or realities (either in a mobility experience, or “at home”).

The specificities of law and Portuguese Law Schools were one of the main aspects addressed in this study. We found out that for law in general there is a relevant link between countries of the same legal family (in the Portuguese case, civil law) from which Portugal in particular benefits from, given that it is a smaller country with a smaller ability of producing great amounts of research. We also found that there are no global comparisons between one country and the rest of the world (as it is often done in economics, for example) for most legal matters due to national differences and specificities - so international literature reflects bi-lateral comparisons that can only be made for sets of two countries at a time. Language also has a particular relevance in law, which may not be as expressive in other fields – language is the main asset of a law expert or anyone studying law as it is an absolutely necessary tool to be able to interpret the law. We have also concluded that some areas of law are more international in nature than others (such as Human Rights Law or European Union Law), but that all have the potential of including an international approach, even if only by comparison – because law aims at ruling society and enforcing justice, it is very relevant that one looks outside of their borders in search of existing solutions to unsolved national problems, as the legal issues tend to be the same worldwide, what differs is only the legal

solutions found by each jurisdiction. In Portugal in particular, the historic ties with former colonies and Portuguese speaking countries have a great relevance in law and represent an advantage for Portuguese Law Schools in regards to internationalization, because it allows for a direct link and access to these countries and legal cultures, as the psychological distance is shorter between Portugal and these countries than with any other countries in the world given that law in such countries originates from Portuguese law, and this is a bond that can be particularly explored in this field of studies. We believe these specificities are a relevant and original contribution of this study to the existing literature.

As for challenges identified, some were predicted by the literature – such as the language barrier and the difficulty of attracting foreign students (Coper, 2012; and Sellers, 2008); the lack of international experience of law teachers; and the lack of strong national law basic knowledge that may arise from including a comparative approach in all courses of a short bachelor's degree programme (Coper, 2012). Others, such as the lack of knowledge of other languages by the students (needed to access the foreign literature that Portuguese law studies require); ability to send students in outgoing mobility (due to accreditation equivalences); and international student tuition seem to be specific to Portugal and Portuguese law schools. The main challenge seems to be finding the balance between the necessary national considerations and the relevant international input, without letting one overstep the other in a way that makes law obsolete for the community it serves - an idea which is often stated in the extant literature.

The major findings we draw about the internationalization process in law in Portugal are that internationalization seems to be mainly conducted at the post-graduation level, as at the bachelor level there are several challenges that require a national perspective to be prioritized. Also, the relevance of the Portuguese speaking countries in the internationalization of Portuguese Law schools is of great relevance and seen as a competitive advantage. The two schools have a strong desire to internationalize and their leadership is committed in doing so – University A's Law School with a strong emphasis in research and the Lusophone community, and University B's Law School turned to education and international recognition.

It seems that the opportunities outweigh the challenges in internationalization of these two Portuguese Law Schools and that in fact, law is not so different from other fields when it comes to internationalization. In comparison to the existing literature, we cannot say that

Law particularly diverges in a major way from what is stated in the internationalization of other fields. There are some specificities for Law – some may hinder the internationalization process, and some represent particular advantages, but generally, we cannot say that Law Schools are less internationalized than schools in other fields, they just might take different approaches, as opposed to what is suggested by Ma and Yue (2015).

In conducting this study, we were faced with a few practical and methodological limitations. Regarding practical limitations, we were not able to conduct all of the estimated interviews – namely, we were not able to interview the international relations officer for University A's Law School, which may have hindered some relevant information to come across in certain topics, particularly regarding strategy and instruments for internationalization. Also, for each University there was not much public information separated at the school level, therefore we were not able to conclude much for the schools in particular from the strategic documents. Another practical limitation was the pandemic context – for the years of 2020 and 2021 the data was not representative of the Portuguese Law Schools' (or the Universities') reality, therefore the strategic documents used were mostly from 2019. As for methodological limitations, despite the adequacy of a qualitative methodology to conduct this study, this type of data ends up limiting the number of case studies that could be conducted and how many actors could be interviewed, as well as the depth of the analysis conducted, due to time and format constraints. Therefore, in the future, we believe that it would be interesting to complement this analysis with studies on topics that we were not able to develop: deepen the analysis of differences in internationalization in Law in Portugal between different study cycles (namely between bachelor's and master's degree); or interview more roles (for example, students) and study the impacts of internationalization experiences in higher education in law for students in particular. It would also be interesting to compare the Portuguese context with different countries to better conclude on if the Portuguese case confirms or diverges significantly from the existing literature.

Despite such limitations, we believe that the results from this research contribute to the lacking literature of internationalization in higher education in law, and are of relevance to Portuguese Law Schools wishing to internationalize. Although some of the findings of this study may be particular to each school, we think that this study provides a relevant overview of the Portuguese context regarding the internationalization of Higher Education in the field of law.

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Websites of the two Universities – undisclosed for anonymity.

Websites of the two Law Schools - undisclosed for anonymity.

Annexes

Annex I - Themes, sub-themes and key-words used for text search query in NVivo.

Tema	Sub-Tema	Palavras-Chave
Motivações para a Internacionalização	Motivação Académica/Pedagógica	Académico, pedagógico, global, redes, rede de investigação, cooperação, colaboração
	Motivação Social/Política	Social, cidadão, experiência, Portugal, nacional, global, internacional
	Motivação Económica	Económico, financeiro, financiamento, sustentabilidade, receita, propina, lucro, orçamento, demografia
	Motivação Concorrencial	Prestígio, reconhecimento, afirmação, ranking, atratividade, visibilidade, projeção, avaliação
Objetivos da Internacionalização	Educação	Ensino, língua, mobilidade, prestígio, reconhecimento, afirmação, ranking, atratividade, competitividade, empregabilidade, pós-graduação, licenciatura, mestrado, doutoramento, oferta formativa, unidade curricular
	Investigação	Ciência, investigação, redes, projeto, artigo, produção, qualidade
	Relação com a Comunidade	Serviço, comunidade, sociedade
Especificidades/ Dificuldades da internacionalização do Ensino no Direito	Especificidades do Direito	Informático, tecnologia, Europeu, União Europeia, Negócio, Direitos Humanos, jurídico, Contrato, Penal, Direito Português, tradicional, nacional, dimensão, qualidade
	Especificidades das Escolas de Direito Portuguesas	Brasil, Macau, Timor, Angola, Moçambique, PALOP, Países Africanos de Língua Oficial Portuguesa, CPLP, colónia, língua portuguesa, Portugal, nacional, português, inglês, língua, poliglota, lusofonia, edifício jurídico, ordenamento jurídico, sistema
	Dificuldades	Problema, dificuldade, desafio, diferença, desvantagem, incerteza, entrave, barreira, limitação

Instrumentos de Internacionalização	<i>Internationalization at Home</i>	Mobilidade, in, acordo, programa, projeto, parceria, parceiro, protocolo, relações, ligações, colaboração, interação, conferência, colóquio, curricula, investigação, produção, publicação, artigo, rede, unidade curricular, inglês, língua inglesa, experiência, português, comparativo, abordagem, aula, cursos breves, oferta, oferta formativa, associação, cotutela, pós-graduação, mestrado, doutoramento
	<i>Internationalization Abroad</i>	Mobilidade, out, erasmus, intercâmbio, inglês, língua inglesa, estrangeiro, experiência, português
Estratégia de Internacionalização	Estratégia am Educação (Licenciatura e pós-graduações)	Ensino, licenciatura, mestrado, pós-graduação, atratividade, excelência, divulgação, promoção, Marketing, divulgação, campanha, associações
	Estratégia em Investigação	Investigação, ciência, atratividade, centro, redes, excelência
	Implementação da Estratégia e questões organizacionais	Reitoria, Universidade, gabinete, departamento, mobilidade, internacionalização, científico, pedagógico, direção, presidência
	Definição da Estratégia - Prioridades, processo e desafios	Estratégia, Estrutura, políticas, definição, implementação, mecanismo, prioridade, desafio, limitação
Efeitos da Internacionalização	Efeitos para os diferentes grupos (estudantes, docentes e pessoal técnico e administrativo)	Estudantes, docentes, professores, pessoal técnico e administrativo, staff, técnicos, enriquecimento, positivo, negativo, qualidade, melhoria, vantagem, experiência, diferente, comparação, realidades, mais valia, valência, competência, cidadão
	Efeitos para o ensino, investigação e relação com a comunidade	Ensino, investigação, relação com a comunidade, serviço, enriquecimento, positivo, negativo, qualidade, melhoria, comparação, realidades, competência
	Efeitos organizacionais e institucionais	Institucional, organizacional, positivo, negativo, qualidade, melhoria, vantagem

