

Conference Abstract

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Barriers and Bridges: some reflections on teaching New Zealand commercial law to international students

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In this paper, I consider the application of reflective practice in teaching New Zealand commercial law to non-vocational students, particularly students from countries with civilian legal systems. Adopting an undogmatic approach to Kolb's experiential learning cycle (experience; reflection; conceptualisation; concept testing) and related models, I consider barriers and bridges to each stage of an effective learning process.

Firstly, I consider the possibility that international students studying an introductory commercial law course in New Zealand may lack sufficient experiential data to ignite a learning cycle. This problem may be overcome by fostering a 'community of experience' in the classroom in which vicarious or synthetic experience can make good the experiential deficit.

Secondly, I take cognisance of the possibility of reflective practice, as prescribed by Western pedagogical commentators, having culturally specific content. To overcome this and similar culturally derived barriers, I consider ways to promote methods of reflection that are appropriate for a culturally varied student body.

Thirdly, I consider barriers to engagement with legal concepts. The Anglophone common law tends to be imagined in a way that is dominated by the interests of the legal profession. I consider such a discourse to be inappropriate and unhelpful in teaching law to non-vocational students. They may be exposed to a 'law school lite' teaching experience, which is likely to be of little practical value to them. In counterpoint, I draw upon certain jurisprudential ways of understanding the law, including sociology of law and comparative legal studies. These academic versions of the law, which rarely influence quotidian legal practice, promote understanding of the fundamental social issues that the law seeks to solve and commonalities of legal systems.

In conclusion, I explore ways in which the classroom-community's experience, once reflected upon, can give meaning to a demythologised, demystified and decontextualised conception of the law which is useful and appropriate for international and domestic non-vocational students alike.