

## Conference Abstract

### INTERNATIONAL CONFERENCE 23-26 June, 2005: Reflective Practice – The key to innovation in international education

#### When Legal Worlds Collide – Teaching Law to International Business Students

John Horsley and Jill Jones, Manukau Institute of Technology  
[John.horsley@manukau.ac.nz](mailto:John.horsley@manukau.ac.nz) / [jill.jones@manukau.ac.nz](mailto:jill.jones@manukau.ac.nz)

Most undergraduate degrees and diplomas include a core paper in commercial law. International students frequently find the study of a “foreign” legal system an exercise in frustration and irrelevance. One of the reasons is that in legal education there is a gap between what educationists Argyris and Schon call “espoused theory” and “theory in use.” Law courses are usually built on a rules-based framework that represents a “legal method” perspective, emphasising finite solutions to legal problems – be they personal or business-based. These solutions are reached by applying “legal reasoning.” In fact, as Kairys argues there is no legal reasoning in the sense of a legal methodology or process for reaching particular, correct results. There is, as he points out, a distinctly legal and quite elaborate system of discourse and body of knowledge, replete with its own language and conventions of argumentation, logic and manners. Grasping this elaborate system, especially in a short space of time, is difficult for all students, but the difficulties are exacerbated for international students who are essentially required to master a third language, as well as absorbing an extensive body of knowledge.

In this paper we argue that some of the difficulties that international students experience would be overcome by placing law in a contextual frame. Rather than identifying law as an absolute set of rules that are cloaked with mystique and authority, it is more useful to identify it as part of a social-economic narrative. There should be a shift in focus away from the rules based perspective to recognition of the reality that the legislative programme of each political party in power is as much an exercise in power politics as it is a reflection of shared societal values and expectations. In an appropriately redesigned curriculum the study of law should be contextualised. We propose that such a curriculum would identify the “drivers” for law and changes in the law in New Zealand. This would afford an opportunity for discussion from a comparative perspective. A redesigned curriculum would also address areas relevant to business activity such as bargaining processes, intergroup dynamics and negotiating skills. When teaching contract, rather than teaching only 19<sup>th</sup> century contractual “rules” students could learn about relational contract theory which stresses the relationship of the contracting parties as the primary driver for contractual terms, together with the goal and context of the shared business activity. This would go a considerable way to closing the gap between espoused theory and theory in use and make learning law a far more relevant experience for international students than it is at present.