



BE WHAT YOU WANT TO BE

What are the benefits of teaching Australian law to non-law students from non-English speaking backgrounds and cultures?

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Internationalisation of Australian higher education

Over 220,000 international students in Australian higher education (>20%) – the majority studying business and accounting and therefore also studying non-law.



Internationalisation: Australian competitiveness

- But the success story is beginning to falter:
 - Recent issues of student security
 - Changes in skilled migration
 - Strong Australian dollar

- To remain competitive Australian universities need to provide an education that recognises and addresses the needs of international students

Challenges for non-law, NESB students

- English as a global language/lingua franca/commodity
- The language(s) of law: English, Latin, French – modern and archaic
- Australian accent and colloquial language
- Domestic law for international applications?

- What's the point of it all?

Research aims and method

What are the benefits from the perspectives of:

- Second language international students?
- Law teachers?
- Focus groups - rationale



Summary of student comments

- They really like it!
- It empowers them – personally, professionally and commercially
- Commonwealth relevance and international resonance

Student criticism/problems

- The material is too condensed
- The reading (especially the sections) is crippling
- Lexical problems – new words, new meanings for old words
- Syntactic issues (Long, complex, multi-clause, hypothetical sentences)
- Semantic density & subtlety – fine distinctions and deceptively simple words
- Culturally specific meanings ('reasonable person' & 'law enforcement')
- The issue of giving your own opinion

Student comments

“There are many words from other languages and these are very hard to understand. Sometimes law makes language difficult. It says, okay, that’s the law, but then you have these five sections and it makes you confused because it seems it repeats the same thing, again and again.”

Student comments

“I failed my law course before because in accounting and other courses you can give your own opinion or conclusion, right? But law... you have to stick by the rules, you can't just say something, you have to say on what basis, from what principles or rulings, how are you figuring it out... I got terrible marks in my assignment and went wrong in the exam as well because I was using strategies from other classes.”

Student recommendations

- Small classes
- Linguistic analysis, explanation, rephrasing, repetition
- English pronunciation
- Guessing from context, legal dictionary -word building games/tools
- Linking – by week/topic and to real world/media and to assessment



Summary of teacher comments

- Cultural diversity is both a bonus and a challenge
- Extrinsic motivation and the problem of engagement
- Linguistic and cultural knowledge
- The most interesting subjects accountants study ?

Teachers criticisms

- Condensed materials: ‘shoving everything together’
- Assessment design –
 - skills based & business-context focused OR
 - traditional ‘legal specialist’ advice to client
 - EXAMPLES - handout

Teacher explains the problem

“The students are constantly trying to understand what the judges are saying because it is a high court decision, not just a simple trial judge on something quite simple, and of course you’ve got the high court judges stating what the trial judge said, what the tenant argued, what the landlord argued, what the full court argued at federal court before it came on appeal. The students are being asked questions like what was the high court’s view of all these arguments, what was the high court’s view of a number of cases, how did the high court interpret this lease... accountants don’t need to have this level of understanding.”

Teacher explains the alternative

“...go to ASIC website, find out when the company was registered, then find out about enforceable undertaking. What did the liquidator do? Can you find this? Find that? Next one is go to the stock exchange website, look up this,.. what’s the main point about corporate governance? How can you apply it? What’s recommendation 1, 2, 3? Basically,... when they come out and practice, this is the sort of thing they will need to know, you know, it’s all one mark, two marks, it takes a long time, there are easy bits, harder bits...Someone breached ASIC wants you to turn up with files, do you have to provide them? What’s the penalty, if you don’t? There are some give-aways and some hard bits, a nice skills assignment.”

Teachers strategies & recommendations

- More white board and handouts – terminology/games/glossaries/acronyms
- Cultural contexts – questioning and critiquing the law
- Legal ‘opinion’
- Linking and scaffolding
- Ambiguity – process over answer
- Have accounting teachers read law exams for non-law students

Concluding comments

- Relevance to future work contexts of business & accounting students:
 - Recognition legal issues
 - Problem solving skills
 - Accessing and using legal resources
- Addressing the needs of distant and/or different cohorts
- Endorsement of international students at Australian unis – curricula?
- Legal studies may address the ‘under-protected’ or ‘disenfranchised’ condition of the international student