

# WHAT ARE THE CHALLENGES INVOLVED AND THE STRATEGIES EMPLOYED IN TEACHING AUSTRALIAN LAW TO NON-LAW STUDENTS FROM NON-ENGLISH SPEAKING BACKGROUNDS AND CULTURES?

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For students who choose to study law, the attraction to law is a given but for students who study law as incidental to their degree, the intrinsic interest in law is not a given. This challenge is further magnified in the case of students for whom English is a second language and the law is foreign to their previous civic experiences. This paper begins with a brief conceptual discussion of the perceived benefits and challenges of studying Australian law as a non-law student from a non-English speaking background and culture. It then reports on the findings of focus-group research conducted with non-law students from non-English speaking backgrounds who are enrolled at the Sydney campus of CQUniversity and with the academic staff who are involved in teaching these courses. The focus group research components of the paper seek to identify the perceptions of the teachers and students engaged in the incidental study of law and the pedagogical approaches and strategies that facilitate teaching and learning in a culturally diverse teaching and learning environment. Student-participants express their opinions about studying law as part of their degree and reflect on the value of the courses in relation to their professional and personal outcomes. The lecturers and tutors discuss the challenges they have encountered and the strategies they have adopted to effectively engage these students in legal issues, processes and discourse. Effective teaching approaches, strategies, materials and assessment will be identified to assist in the education of second language, non-law students.

## I. INTRODUCTION AND OVERVIEW

Australia is the third most popular study destination in the English-speaking world and there are over 200,000 international students enrolled in Australian institutions across the higher education sector.<sup>1</sup> Australia's international tertiary sector has proved to be resilient through the recent global economic crisis,<sup>2</sup> although current internal and external factors, including concerns about student welfare, changes to skilled migration legislation and a high Australian dollar, have lead some commentators to predict a decline of up to 20% over 2011.<sup>3</sup> Australian university business and accounting degrees, in particular, have attracted vast numbers of international students over the last two decades. For the successful completion of these degrees, law courses such as Contract Law, Company Law, Commercial Law and Taxation Law are compulsory. As a result, the number of university students who study law as incidental to their major discipline is likely to exceed the number of students who study law as a degree. At CQUniversity's

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1 Australian Education International (AEI), Monthly Summary of International Student Enrolment Data (2009) <[http://aei.gov.au/AEI/Statistics/StudentEnrolmentAndVisaStatistics/2009/Summary\\_Archive\\_2009.htm](http://aei.gov.au/AEI/Statistics/StudentEnrolmentAndVisaStatistics/2009/Summary_Archive_2009.htm)> at 17 November 2010.

2 'Australia's Buoyancy' Education Travel Magazine (January 2010) <<http://www.hothousemedia.com/etm/etmbackissues/janetm10/janetm10destanalysis.html>> at 17 November 2010.

3 Tony Adams, 'We're in Danger of Creating a Backwater' the Australian, Sydney, Australia, 8 June 2010; Dennis Murray, 'Australia Talks' Radio National, ABC Radio Australia, 8 June 2010.

Sydney Campus alone, more than 2000 international students were enrolled in Business and Accounting degrees in the first term of 2010. In order to retain the international student interest in Australian university study in an increasingly competitive market, teaching and learning approaches in all disciplines, but particularly business, can explicitly and meaningfully include culturally and linguistically diverse learners and global contexts in course content, pedagogy and assessment. As law is essential to business study, research of international non-law students and their teachers provides useful insights into how this can be achieved.

The aim of this project is to assess the benefits and the challenges of studying Australian law for non-law, non-English speaking background students. Since it is anticipated that the study of law is both beneficial and challenging, this paper will firstly provide a brief conceptual discussion of the perceived benefits and challenges of studying law as part of a non-law degree and then report on the findings of focus-group research interviews conducted with: a) current international students from non-English speaking backgrounds (NESB) who are studying law as part of an undergraduate accounting degree, and; b) their law teachers as a comparative study and analysis. Students discuss their experience of law within a non-law degree and provide opinions about the benefits and challenges they perceive to have derived from their knowledge or familiarity with Australian law. Law teachers discuss the challenges they have encountered and the strategies they have adopted to effectively engage culturally diverse, non-English speaking background students in Australian legal issues and processes. The effective teaching strategies and materials employed by the teacher participants to assist students to succeed in a culturally, cognitively and linguistically unfamiliar discipline serve to potentially assist other law teachers who teach law for a non-law qualification within a culturally and linguistically diverse teaching and learning environment.

## II. THE PERCEIVED BENEFITS AND CHALLENGES OF STUDYING AUSTRALIAN LAW FOR NON-ENGLISH BACKGROUND, NON-LAW STUDENTS

For students who choose to study law, the attraction to law is a given, but for students who are required to complete law courses as part of a non-law degree (hence, for whom law subjects are subsidiary to their degree), the intrinsic interest in law is not a given. In fact, these students may find the obligatory study of law to be a daunting and perhaps unwelcome experience. These sentiments may be even further heightened in the case of students for whom English is a second language and English law a foreign law. Moreover, because legal English is a product of English history, in which Anglo-Saxon mercenaries, Latin-speaking missionaries, Scandinavian raiders, and Norman invaders have left their mark, the language of English law is a blend of languages including archaic English, Latin and French. For second language learners, the language of the law poses multiple challenges by introducing: unfamiliar English words, such as 'appellant' or 'covenant'; many non-English words, such as 'tort' or 'vis-a-vis'; as well as new, legally-specific meanings to English words in common use, such as 'consideration', 'appeal' and 'reasonable'. In addition to learning the complex concepts and processes of the discipline of law, second language students confront the further cognitive burden of translating and interpreting meaning across languages as well as intra-linguistically between standard and legal English; that is, re-interpreting learned English.<sup>4</sup>

There are nevertheless many benefits to studying law. As a discipline, law connects with many other disciplines, including economics, history, philosophy, psychology and political science. The study of law also provides a sound education for future professions in accounting, business, banking, technology, the property market, construction, public administration, journalism, and many more. The broad generic skills that students develop during their studies in law, such

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4 See for example, Gerard-René de Groot and Conrad J.P. van Laer, 'The Dubious Quality of Legal Dictionaries', *International Journal of Legal Information* (2006), <<http://scholarship.law.cornell.edu/ijli/vol34/iss1/6>>; Diane Larsen-Freeman, 'Chaos I Complexity Science and Second Language Acquisition', <[http://www.uibk.ac.at/anglistik/staff/freeman/course-documents/diane\\_chaos\\_paper.pdf](http://www.uibk.ac.at/anglistik/staff/freeman/course-documents/diane_chaos_paper.pdf)>, at 20 November 2010.

as incisive analysis, logical reasoning, creative problem-solving, clear communication, and practical negotiation therefore equip them for a variety of careers and generate valuable life skills.<sup>5</sup> Indeed, over a third of law graduates choose not to practice law but to pursue a career in a discipline annexed to their law degree.<sup>6</sup> Moreover, as both an intellectually and culturally enriching experience, the study of law has the further potential of contributing to enhanced international and cross-cultural understanding and building awareness of global issues, such as human rights, climate change and world peace.<sup>7</sup> Since law is a mechanism for holding society together, by studying law, students become aware of the social mores in Australian society and the way in which these are reflected in the law. Moreover, students gain a greater understanding of their position within Australian society, as well as of the rights and obligations that flow from this. In this sense, the study of law can serve to empower international students by enhancing their capacity to know and deploy their rights within Australian society in which they are at risk of exploitation as a consequence of their unfamiliarity with the culture and community and their isolation from family and friends.<sup>8</sup>

### III. METHOD

As this research sought to describe and understand the benefits and challenges to the study of law for NESB and non-law students and their law teachers, sample focus group research was selected as the most appropriate and efficient method. Focus group research is frequently used in cross cultural research for such reasons as the group interview can better accommodate cultural variables.<sup>9</sup> Focus group interviews allow researchers to select participants who share some feature or characteristic of interest to the research and engage them in consideration and discussion of questions related to this characteristic;<sup>10</sup> in this case, to the perceived benefits and challenges to the study of law for non-law qualification. As students were NESB and culturally diverse, small focus group interviews were anticipated to be less confronting than individual interviews and also more effective and candid than a large group interview, as it allowed the students to exchange ideas and prompt each other to speak within an encouraging and non-threatening environment. For both students and teachers, the small focus group interview conducted in this research project further allowed for the possibility of valuable collegial sharing and further learning in a university context.

In order that students had adequate experience of studying law, an invitation to participate in the research was restricted to second and third year students who had completed a minimum of one or two law courses prior to their current law study. Students were from China, India, Indonesia and Nepal. Separate focus groups were formed for: a) NESB students and; b) their law teachers by seeking volunteers through email invitation and class announcement. Two focus groups of NESB students (six students in group 1 and eight students in group 2) were interviewed after their weekly law tutorial in the tenth week of term at their university campus in April, 2010. One focus group of six law teachers was also interviewed in the same week. The teachers involved in the study teach law to both law and non-law students and to both native and non-native speakers of English across various universities in Sydney, including the Sydney Campus of CQUniversity. All participants were encouraged to respond to each of the questions<sup>11</sup> and these interviews were audio-taped and transcribed for analysis. Data from interview transcripts was analysed to identify common trends in perceptions and opinions as well as deviant or contradictory views expressed by each group.

5 Council of Australian Law Deans (CALD), Australia as Your Study Destination (2006) <<http://www.cald.asn.au/slia/Australia.htm>> at 17 November 2010.

6 Ibid.

7 Ibid.

8 Peter Kell and Gillian Vogel, 'Perspectives on Mobility, Migration and Well-Being of International Students in the Asia-Pacific' (2008) 4(1) *International Journal of Asia-Pacific Studies* 25.

9 Jenny Kitzinger, 'Qualitative Research: Introducing Focus Groups' (1995) <[www.ncbi.nlm.nih.gov/pmc/articles/PMC2550365/.../bmj00603-0031.pdf](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2550365/.../bmj00603-0031.pdf)> at 17 November 2010.

10 Catherine Marshall and Gretchen Rossman, *Designing Qualitative Research* (2nd ed, 1995) 24.

11 See Appendices One and Two below.

#### IV. OVERVIEW OF FINDINGS

##### A. *Student Focus Groups*

All students from both focus groups strongly supported the inclusion of law courses in their accounting program variously describing law as ‘useful’, ‘necessary’, ‘essential’ and ‘fair’ (they also offered a variety of reasons for this assessment). Firstly, the knowledge of law of contracts, taxation and business would ensure that they ‘did the right thing’ as practising accountants. Students discussed the importance of ‘ethical’ practice as well as the enhanced protection — commercial, professional and personal — provided through knowledge of the law. Two or three students from different cultural backgrounds noted that this was particularly valuable knowledge for them as foreign residents in an Australian culture with which they were only partly familiar: “...we come from another country where the common sense are maybe different... some laws are common sense but common sense is maybe different from other country.” The examples of privacy and confidentiality were raised by one student in particular:

“I have to care for other peoples’ privacy... before I came to Australia I didn’t know this.”

“If I have a misunderstanding with my employer, I can go away but I cannot take any of the information from there, it is a very small matter but may lead to endangering your career.”

A common problem identified by all of the students in both focus groups was the condensed nature of material in law courses for non-law students: “...there is too much packed into the law courses.” Several students complained of the large quantity of material they had to read and remember: “Remembering the sections is the hardest!”. In addition to the quantity of text encountered in studying law, the semantic density and subtlety of legal discourse was also deemed to be a problem by the majority of students:

“There is a very thin margin to separate two cases, they sound so similar but they may be contradictory to each other.”

“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.”

“The language of law is very difficult as a second language learner, especially in assignments. I have to read it three or four times and sometimes I still don’t understand.”

As anticipated, the language of law is difficult for NESB learners on the lexical level of single words, the syntactic level of sections and subsections of sentences and how they interrelate (for example, who said what), as well as on the semantic level where a commonly meaningful notion, such as a ‘reasonable person’ or ‘law enforcement’ may elicit culturally different associations and require extensive explanation.

Although there was some debate over the relevance of commercial law to accounting work, most students felt that studying Australian law was locally and globally relevant as the Commonwealth system was highly influential in many parts of the world. An Indian student pointed out that even if the specific laws are different, the basic principles of consumer rights, for example, resonate in all laws. The majority (about ninety per cent) of students had an intention to seek work in Australia on graduation and so considered knowledge of the local legal system essential. Students argued that knowledge of the law was most significant at senior levels in the accounting profession where decision making required negotiating and consultation rather than calculations, and was therefore a career benefit. One student reported a potential employer asking him to explain ASIC sections relevant to compliance in a recent job interview which he was able to do: “If I hadn’t studied law, I would be sitting there like a dummy.” Most students (again about ninety per cent) also pointed out the relevance of laws that they had learned to daily life, including notions of negligence as well as tenancy agreements, employment contracts and sales contracts:

“If I see I bought an expired thing, I will go and see the seller and explain what they have done. It is against human law, you cannot sell this to western people and you cannot sell this to me, so I have got the same human rights as everyone has got. I have learned this from the culture.”

A significant challenge identified by about half of the students was adjusting to the discipline-specific process of legal problem solving. Students pointed out that whilst they were encouraged in their other courses to develop their own opinion on a question, this was not appropriate in legal problem solving. One student commented on this as follows:

“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.”

Students suggested a variety of teaching approaches and strategies they considered helpful in overcoming some of the challenges in their study of law. Small class sizes were considered important by all students. The opportunity to interact with the teacher in small groups was also considered to be particularly beneficial for second language students who needed to check the meanings of words and clarify problem solving processes regularly. Ongoing linguistic analysis, explanation, re-phrasing and repetition of legal terms were considered good teaching practices by most students and the quality of English pronunciation of teachers was considered critical by all student participants. All students made continual use of legal dictionaries and practised much guess work from context in reading law text. Vocabulary development material and exercises were considered highly beneficial and glossaries, crosswords and ‘word lists’ were listed as useful learning aids by all students. Emphasising links within the course materials by explaining topic links between “last week, this week and next week”, as well as linking the course concepts and topics to real world examples in business and accounting were considered by all students to enhance student comprehension and engagement with content.

### *B. Teacher Focus Group*

All teachers declared that they enjoyed teaching non-law and NESB students but at the same time acknowledged significant challenges in engaging these students in legal topic and overcoming language and culture barriers. Several teachers expressed the view that many international students studied accounting to gain permanent residency on the basis of skilled migration. Such extrinsic motivation was considered by these teachers to limit learner engagement with their study of law. However, all teachers described successful strategies to enhance international student engagement including the use of examples from everyday life focusing on employment contracts, tenancy agreements, student rights and consumer protection as well as including scenarios from daily newspapers and popular movies. Sourcing and deploying examples that were “simple and universal enough” was deemed an important consideration. Although all teachers acknowledged that it was difficult to overcome linguistic and cultural differences that interfered with understanding, it was also pointed out that the cultural diversity characteristic of their classes provided rich material for consideration of alternative views which is critical in legal analysis:

“I like to teach to a diverse group of students because the ideas and perspectives raised in group discussion are more comprehensive. Teaching classes with all domestic law students tends to involve a fairly narrow group where alternative views need to be introduced to them. The students take on this role themselves in culturally mixed classes.”

Teachers agreed with the view expressed by one teacher participant that law was one of the more interesting topics encountered by accounting students as it incorporates aspects of sociology and philosophy which allowed for cross cultural learning as well as a generalist understanding of society and the role of the law. In concordance with their students’ views,

however, all teachers expressed discomfort with the condensed nature of law courses for non-law students, or, as one teacher put it: “shoving everything together”.

“If you have law students and you teach tort law, they study it for a whole term or a year ... they get to tease apart little judgements and subtleties but in some of our subjects here they get one week to study torts. I think this is difficult for our teachers. You’ve got to teach the basics but our students will get an exam question that is not much different to what a law student will get and we have had to teach it in one week.”

Teachers discussed the critical importance of the design of assessment tasks and examinations in law courses for non-law, NESB learners. Most law courses include time-restricted final examinations which are always more challenging for second language learners who may take up to thirty percent longer than native speakers to absorb a second language text.<sup>12</sup> Teachers also explained that the more difficult assessment is the more class time needs to be devoted to covering and rehearsing assessment material rather than examination of the breadth of topics and concepts of the course and their practical applications as well as the topics of particular interest to international students, such as indigenous issues. The assessment tasks of two specific Law courses offered within the same business program were discussed and compared in terms of complexity and relevance. The ‘Course One’ assignment is heavily skills-focused and mirrors the kinds of problems and tasks that a practising accountant, rather than a legal specialist, would be faced with. It is explained in a step by step manner using simple, short English sentences and questions requiring students to access critical information through a range of relevant online sources and resources (such as the ASX or ASIC). It includes simple procedural tasks but also more complex case-analysis and argument tasks. The ‘Course Two’ assignment was more traditionally and abstractly structured around a series of cases. Questions were complex containing multiple clauses, long (often five or six lines) and written in sophisticated legal language. Hypotheticals and speculative, multi-layered questions were posed. Students were required to consider complex cases and to advise hypothetical ‘clients’ on their legal rights and legal ramifications as a legal specialist may be expected to do. One teacher described the complexity of the case provided for the assessment in ‘Course Two’:

“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.”

On the other hand, ‘Course 1’ required students to:

“...go to ASIC website, find out when the company was registered, then find 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 agreed that there was no reason to teach law to business students as if they were law students, yet they felt assessment design over which they had limited input, did not always reflect the future professional context of business graduates or accommodate the second

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<sup>12</sup> See Neil Anderson, ‘Scrolling, Clicking and Reading English: Online Reading Strategies in a Second/Foreign Language’ (2003) 3(3) *The Reading Matrix* <[http://www.readingmatrix.com/archives/archives\\_vol3\\_no3.html](http://www.readingmatrix.com/archives/archives_vol3_no3.html)> 17 November 2010; Keiko Koda, *Insights into Second Language Reading* (2005) 18.

language status and skills of many students. They suggested that a useful strategy was to ask accounting lecturers to read the law exams set for international accounting students and provide feedback to the law exam writers. Also referring to the professional accreditation guidelines of the Institute of Chartered Accountants and CPA Australia is a useful strategy.

Teachers acknowledged the multilayered linguistic challenges their NESB students faced in studying law in Australian university. A range of teaching strategies were deployed to assist students comprehend new words and meanings including: more writing on the whiteboard to expand points and explain language presented on PowerPoint slides; use of handouts to further support learning terminology; repetition of terms; linking and scaffolding learning from one concept and set of terms to the previous and next concepts and terms:

“I explain the differences in meanings of words, for example, I talk about the different meanings of the word ‘mean’: average, nasty, signifier, slang for great, and so on. I also do this for legal terms like ‘material facts’, ‘consideration’, ‘reservation’ and so on, so... to deconstruct or pull words apart makes it easier for second language students to understand.”

“The law I teach uses a lot of acronyms. I get students to complete an acronym quiz in week one. I also use crosswords and word searches... these types of exercises free up cognitive space so that when they are reading textbooks, they do not need to keep looking words up as they are more comfortable with the terminology.”

Finally, teachers discussed some of the cultural issues that affect student engagement with and comprehension of Australian law. It was pointed out that some overseas students originate from more authoritarian societies where questioning of authority and of law makers is discouraged so learning about Australian legal practices is also cross-cultural learning:

“The concept of the reasonable person, the relationship between citizens and the state and the questioning of authority is an important insight into Australian culture, as is the concept of precedent as they learn that even judges have restraints.”

Teachers noted that there was some tension between teaching students to question authority and also teaching them that their opinion was not important in the context of law:

“It’s not your opinion about whether older women should be doing such and such a thing at a certain age, but what is your opinion of this judgement of the law...”

International business students also tend to expect a single and correct answer and may find the ambiguity around the law confusing and frustrating. Teachers stressed the importance of demonstrating to students that an answer is not as important as the process of getting to an answer:

“Law is a process and a reflection of politics and society and is not always right. It is therefore always a work in progress.”

## V. DISCUSSION OF RESULTS

Both students and teachers noted a tendency to condense or over-pack the content of law courses for business students. Treating business students in law courses as quasi-law students was described by Corbin as being ‘unrealistic’.<sup>13</sup> Ensuring the relevance of course material and assessment tasks to the future work contexts of non-law students is thus recommended, particularly to enhance business student engagement with learning law.<sup>14</sup> Whilst lawyers

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13 See Lillian Corbin, ‘Teaching Business Law to Non-Law students’ (2002) 9(1) *Murdoch University Electronic Journal of Law* <<http://www.austlii.edu.au/cgi-bin/sinodisp/au/journals/MurUEJL/2002/8.html?stem=0&synonym=0&query=teaching%20business%20law%20to>> at 17 November 2010.

14 Ibid; see also Fritz Ewang, ‘Teaching Law to Accounting and Business Students: a Cumulative Dual Model’ (2008) 5(2) *Journal of University Teaching & Learning Practice* <<http://ro.uow.edu.au/jutlp/vol5/iss2/3/>> at 17 November 2010.

conventionally need to closely analyse legal principles and rulings pertaining to a specific scenario in order to advise clients of a course of action, accountants and business professionals are unlikely to do this. Rather they need law courses that will allow them ‘...to become business people who will be able to order their affairs to avoid legal challenges... [and] learn skills that are relevant to an introductory understanding of law in a business setting.’<sup>15</sup> Concurring, teachers and students in this research emphasised the importance of non-law students learning essential aspects of contracts and business law to the extent that, when they encounter legal problems or scenarios in professional practice, they will recognise the legal implications and know where to source the relevant sections and further information. Hence, an emphasis on recognising legal issues, problem solving skills and proficiency in accessing and using legal resources were considered the critical learning outcomes to non-law education. Not all law courses for non-law students in this research achieved this business-context, skills focused approach.

Many Australian universities, including, for example, CQUniversity, Curtin, la Trobe, University of Newcastle, Charles Sturt and Notre Dame operate multiple campuses across Australian states, including Sydney campuses, where international students are represented in large numbers. In this multi-campus scenario, and in the interest of consistent and equitable learning experiences, it is frequently the case that the course materials and assessment are authored by a single individual in the role of Course Coordinator. This arrangement may limit the ability of individual teachers to adapt learning material and assessment to their specific group of learners.

At the CQUniversity Sydney Campus where the research took place, the large majority of students are international business or accounting students originating from over 50 countries and many are second language English speakers. Although not all of the teachers interviewed acted in the role of Course Coordinator, all teachers practised many ‘local’ adaptations and provided supplementary materials to existing course materials to enhance understanding for international students. However, there was limited capacity for non-Coordinators to change course work or assessment which they may perceive to be inappropriate or ineffective for second language, non-law students. Revision of law courses for non-law students to properly account for increasing numbers of culturally diverse and second language learners was a strong recommendation from teacher focus group interviews. As international students now make up more than 20%<sup>16</sup> of enrolments for most Australian universities, and as so many of these students study business degrees incorporating law courses, providing a culturally and linguistically inclusive and sensitive non-law course experience is a challenge that extends across the sector. A further challenge is resourcing such revision so that academic staff who are willing to review their courses and their pedagogy to better account for the learning needs and linguistic challenges of international students are able to accommodate this work in the context of increasing student numbers and workloads.<sup>17</sup>

Teachers in this research displayed very high tolerance for second language learning difficulty and awareness of and respect for cultural differences and their impact on learning. An alternative ‘deficit-model’<sup>18</sup> response has been articulated in many reports on the large numbers of international students studying for degrees at Australian universities. In the deficit model international students have been negatively stereotyped as uncritical, passive, rote-learners, with

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15 Corbin, above n 13.

16 Adams, above n 3.

17 See Charlotte Frew, ‘An International Educational Literacy: Students, Academic and the State’ (2006) 3(1) *Journal of University Teaching and Learning Practice* <<http://ro.uow.edu.au/jutlp/vol3/iss1/4/>> at 17 November 2010; J Nagy, ‘Fit for Intended Use: a Manufacturing Metaphor Applied to International Business Students and Learning Outcomes’ (2008) 3(1) *Monash University, Centre for Population and Urban Research* <<http://www.deakin.edu.au/dro/view/DU:30017889>> at 17 November 2010.

18 See Brigid Ballard, ‘Academic Adjustment: the Other Side of the Export’ (1987) 6(2) *Higher Education Research and Development* 113; June Gassin, ‘Learning Difficulties of a Foreign Student’ (1982) 13(2) *Higher Education Research & Development* 138; Xiao Li Jiang, Kenneth Hawkins and Trevor Bransgrove, ‘Self-Concept of Tertiary Overseas Students in Australia’ (Paper presented at the Asia in a Global Context Conference, 12th Biennial Conference Asian Studies Association of UNSW, Sydney, (28 September – 1 October, 1998).



poor English skills and a tendency to plagiarise. Some Australian academics continue to explain international student learning difficulties as a consequence of English entry-test inadequacies<sup>19</sup> and others have claimed that the participation of international students in university programs is lowering academic standards.<sup>20</sup> Law teachers in this research articulated an alternative view endorsing the internationalisation of student cohorts and demonstrating intercultural sensitivity, awareness and adroitness in discussion of their pedagogical practice; acknowledging, for example, culturally different attitudes to authority as well as tolerance for uncertainty — two important dimensions of cultural difference.<sup>21</sup> As accounting employers have criticised the generic skills, including communication skills, of all Australian graduates, international and domestic alike,<sup>22</sup> a greater focus on providing linguistic development supporting improved English communication skills for students of law, may benefit all students.

A further and frequently linked criticism of international students in Australian universities has been the extrinsic motivation of many students to study based on potential for skills-based migration, a notion challenged by several teachers in this research as well as other studies in accounting that suggest that both domestic and international students ‘...share similar behavioural beliefs in terms of extrinsic motivation factors linked to potential financial rewards in employment that might be derived from studying in accounting.’<sup>23</sup>

It was evident from the interviews with international students that they had indeed enhanced their knowledge of their own rights as consumers, employees, tenants and students through their study of law. In addition to professional benefits, students demonstrated increased awareness of their rights and the rights of others in the Australian community, the workforce and the University. Phrases such as, ‘protects you’, ‘protection’ and ‘avoid being sued’, ‘avoid mistakes’ or ‘doing something wrong’ are regularly repeated in student focus group interviews. This sense of enhanced security and empowerment derived from the study of law may in part address what has been described as the ‘under-protected’ and ‘disenfranchised’<sup>24</sup> international student cohort in Australia. Perhaps all international students should enrol as non-law learners as one solution to their vulnerability?

## VI CONCLUSION

Research participants in this study endorsed the study of Australian law courses for international business and accounting students. Multiple benefits were identified for these students on both a personal and professional level as a consequence of legal studies. Academic law staff was largely positive about the presence of international students in their law classes but recommended a range of material and pedagogical adaptations to ensure both relevance to business practice (rather than legal practice), as well as an accessible and equitable learning experience for second language students.

19 See Nagy, above n 17; Tracey Bretag, ‘The Emperor’s New Clothes: Yes, There is a Link between English Language Competence and Academic Standards’ (2007) 15(1) *People and Place* (2007) 13-21 <<http://www.unisanet.unisa.edu.au/staff/homepage.asp?Name=Tracey.Bretag>> at 17 November 2010.

20 See Sue McGowan and Lucy Potter, ‘The Implications of the Chinese Learner for the Internationalisation of the Curriculum: an Australian perspective’ (2008) 19(2) *Critical Perspectives in Accounting* 190; Tony Burch, ‘Teaching and Learning Accounting with Overseas Students’ (2008) 16(1) *People & Place* 17, <<http://elecpress.monash.edu.au/pnp/view/abstract/?article=0000010700>> at 17 November 2010.

21 Geert Hofstede, *Culture’s Consequences: International Differences in Work-Related Values* (2nd ed, 1984) 22.

22 Jen Tindale (et al), ‘Are our Accounting Programs Preparing Graduates for Professional Accounting Work?’ (Paper presented at the 2005 Conference of the Australian Association for Research and Education, Sydney, (February 2005) [www.aare.edu.au/05pap/cos05667.pdf](http://www.aare.edu.au/05pap/cos05667.pdf), at 17 November 2010.

23 Beverly Jackling and Monica Keneley, ‘Influences on the Supply of Accounting Graduates in Australia: A Focus on International Students’ (2009) 49(1) *Accounting and Finance* 143.

24 Simon Marginson et al, *International Student Security* (2010) 26.

APPENDIX ONE

QUESTIONS FOR STUDENTS' FOCUS GROUPS

1. What was your initial reaction when you found that law courses were a compulsory component to your degree?
2. What were some of the challenges you encountered in studying law in Australia?
3. What benefits do you think you have gained from the study of law in Australia?
4. How do you think your knowledge of law will contribute to your professional career in your chosen discipline?
5. How do you think this knowledge has benefited your cultural understanding of Australia and similar communities?
6. How do you think your knowledge of law has benefitted you personally?
7. Has the study of law enhanced your problem-solving skills? How?
8. Has the study of law enhanced your critical-thinking skills? How?
9. Did you find the language of law to be very different from general English? How?
10. How did your teachers assist you to develop language skills required for legal study?
11. What strategies did you adopt to learn the language of law?
12. What recommendations do you have to improve the teaching of law subjects to international students?
13. Are there any other comments you would like to make?