

Teaching Law to Business Undergraduates: The Singapore Experience

Jack TEO Cheng Chuah

LOI Soh Loi

**Nanyang Business School
Nanyang Technological University, Singapore**

This is a personal account of how the authors used active learning strategies to help business undergraduates overcome their fear of law and stimulate their interest in the subject. The authors observed that Accountancy and business undergraduates at the Nanyang Technological University's Nanyang Business School ("NBS") often find law a complicated and difficult subject to understand. This is not surprising as most NBS students enter the university after completing their General Certificate of Education ("GCE") 'A' Level courses where law does not form part of the curriculum. To compound the problem, most fresh undergrads do not possess the higher order learning skills necessary for the study of law. Most of them are more familiar with study methods using memorising and rote learning. The authors would like to share their experience of how they were able to succeed in helping the students through the use of active learning strategies.

在新加坡商學院教法律的經驗

這是作者利用靈活方法教學幫助商學院學生克服對法律這一科目的恐懼，以及激發他們對這科目產生興趣的體會。在新加坡南洋理工大學商學院就讀的學生一般上都認為法律這一科是較棘手的科目，也許是這一科不在普通教育高級課程範圍裏。加上大多新學生的學習方法較保守，缺乏靈活學習技巧來學習這一科。作者與你分享他們如何以靈活教學方法幫助這些學生。

Introduction

The Bachelor of Business (“BBus”) programme at Nanyang Technological University’s (“NTU”) Nanyang Business School (“NBS”) was launched in 1991. NBS’s BBus programme is unique in Asia as it allows students to choose a major from one of six different specialisations. These are Actuarial Science; Applied Economics; Banking and Finance; Human Resource Consulting; Information Technology and Marketing. In the more than ten years since its inception, the BBus programme has gone from strength to strength and it is now widely recognised as one of two world class undergraduate degree programmes being offered in NBS (the other being the Bachelor of Accountancy (BAcc) programme).

Current enrolment in NBS stands at approximately 3,000 with students coming from a varied academic background. The majority enter the university after completing their two-year General Certificate of Education (Advanced) Level courses (“GCE ‘A’ Levels”) at junior colleges and in the case of male students, their National Service as well. A smaller number have diplomas from the polytechnics and a few mature students make up the balance of the student population.

The Problem

Given the fact that the majority of NBS students have their academic background in the GCE ‘A’ Levels, it is not surprising that they find the study of law particularly difficult. Firstly, there is no law module in the “A” Level curriculum. Secondly, the study of law requires a approach different from the other courses that the students are familiar with it does not centre on the search for the “correct” answer but requires each student to interpret a given fact situation and put forward an argument derived from legal principles.

Another reason why fresh undergraduates find the study of law difficult is that it requires students to possess “higher order thinking skills”. In Bloom’s taxonomy (Bloom, 1956), such higher order learning skills include the abilities of analysis, synthesis and evaluation. Most

fresh undergraduates do not have such abilities as they have been able to get by using rote learning and memorising study methods. They have been able to make it to the university because they are “exam smart” (i.e. they are very good at answering examination questions) not because they know how to think. The authors decided to find out how they could help these students overcome their fear of the law.

Discussion

While most fresh undergraduates do not possess higher order thinking skills at the time they enter the university, they do share one encouraging characteristic, their enthusiasm. Snyder (Snyder, 1971) discovered that students were idealistic at the beginning and eager to learn. However, as time went by, the students’ desire to study issues in depth became frustrated by the heavy amount of coursework that they had to complete.

As educators, the authors felt that the students’ enthusiasm was the key to unlocking this dilemma. There had to be some way in which they could harness this initial idealism and enthusiasm in order to develop the higher order thinking skills necessary for the study of the law. They believed that the solution lay in the use of active learning strategies. Chickering and Gamson (Chickering & Gamson, 1987) and Bonwell (Bonwell, 1992) have all shown that students are able to develop higher order thinking skills if active learning strategies are used in conjunction with the traditional lecture. Students who sit passively in a lecture theatre are constrained to the role of listeners. They behave passively, not only behaviourally but cognitively as well (Gage, 1985). They have difficulty paying attention to a presentation for more than fifteen to twenty minutes (Pauk, 1989) and most recall very little of the middle third of a fifty minute lecture (Menges, 1988).

There is a growing belief that exclusive reliance upon exposition by the lecturer is not the most effective approach to instruction. Active learning strategies not only motivate students to think about what they are learning but they encourage students to relate what they are learning to

their past experiences and apply what they are learning to their daily lives as well. Such strategies when properly used, enhance students' motivation to learn, retention of knowledge, depth of understanding and appreciation of the subject taught (Bonwell and Eisen, 1991). Law is one of the best examples of a course that is well suited to the use of active learning strategies. As law does not exist in a vacuum, the impact that it has on everyday life makes it easy for students to apply by relating it to their personal experiences. This is especially so for the first year Business Law module which deals mainly with contract law.

At this juncture, the authors feel that it is necessary to mention the peculiar difficulties faced by professors who teach law to non-law students. These difficulties can be divided into "Micro" and "Macro" difficulties. "Micro" difficulties relate to the subject matter itself while "Macro" difficulties arise out of the students' "big picture" perspective (or rather, the lack of it!).

Amongst the "Micro" difficulties can be included the perceived dryness of law subjects; the difficulty in understanding legal concepts and the considerable amount of memory work required. Because of these difficulties, few, if any, students adopted active learning strategies. As a result, students found themselves unable to answer the case-study hypothetical type questions found in law examinations as these are designed to test higher order thinking skills. Without the ability to, *inter alia*, analyse and synthesise, students found themselves unable to identify the issues raised in the case study hypotheticals and apply the knowledge which they had so painstakingly memorised. The end result was that many of the students fared poorly in law examinations.

Other "Micro" difficulties arose from the lecturing styles of the law professors. Most used a very "user unfriendly" unstructured approach which left the students wondering how all the pieces mentioned in the lecture were supposed to fit together. A typical law lecture often consisted of a monologue by the professor who would regurgitate great amounts of detail about various legal principles without any attempt to show how everything fit into the "big picture". This left the

students totally lost as to how each individual topic related to the whole. This problem was exacerbated by the unimaginative presentation of some professors which actually mirrored the rote learning style of the students. Oftentimes, no effort was made to show how the legal principles taught relate to real life.

"Macro" difficulties, on the other hand, arose from the fact that students did not consider law to be a mainstream subject. As Business students, their contact with law during their entire undergraduate programme in NBS is extremely limited and most of them would (fortunately, from their perspective) have to read only one compulsory law module, "Business Law" in their first year.

The authors believe that part of the reason why students adopted the wrong study approach was the fact that their professors were not adopting teaching techniques which encouraged active learning. This resulted in the students memorising facts in an attempt to pass examinations instead of trying to acquire an in-depth understanding of the material.

The Active Learning Strategies Adopted

The authors will now discuss the active learning strategies used by them to wean the students from the bottle. As their name implies, active learning strategies encourage students to interact overtly with the course material in order to motivate the students and make the learning process more efficient. In other words, active learning strategies enable teachers to stimulate and motivate students so that they would participate in lessons and be elevated to a higher plane of learning.

Bonwell (above) has come up with a number of active learning techniques:

- 1) note taking
- 2) pause/one minute reflection and repose technique
- 3) short tests or quizzes
- 4) short in-class writing assignments
- 5) short tests or quizzes

- 6) practical demonstrations
- 7) completing surveys or questionnaires
- 8) students' self assessment activities
- 9) short discussions during lectures
- 10) brainstorming
- 11) extended discussions based on audio-visual materials
- 12) small group (pairs/buzz group) discussions
- 13) role playing
- 14) small group projects/presentations
- 15) guided imagery exercises

Of the above techniques, the one which the authors favoured most was the use of guided imagery exercises in lectures. The use of such exercises involved the authors making frequent use of examples to illustrate the various points raised in their lectures. The authors took great pains in their choice of examples to make sure that they were not only very practical but also down-to-earth in nature. This enabled the students to relate easily to them. In other words, the authors believed that the right way to get the message across to the students would be to "speak their language".

For instance, when one of the authors had to explain the concept of *ratio decidendi* (the rationale upon which the judge decides a case), he did so using the example set out in Appendix 1. It was an example which the students could readily relate to and they were able to grasp the facts quickly allowing the author to use a series of guided imagery exercises to guide them through the ever higher levels of abstraction of the possible *rationes decidendi* which could be drawn from the same set of facts. To enhance the appeal to the students, the names of the characters in the example were carefully chosen. Readily identifiable names were used, Portia (phonetically similar to Porsché); BMW Z3 (a car from a James Bond movie); Leonardo DiCaprio / Mel Gibson / Brad Pitt (popular American actors) and Vicki (a common enough ladies' name and also the name of a small car manufactured by Subaru). The use of names familiar to the students went a long way towards achieving success in the guided imagery exercises during the lecture.

Another opportunity for the author to use practical examples arose in the lecture on contract

formation when he had to explain that a contract which was not in writing is still perfectly valid. In this lecture, the author had the opportunity to use not one but two, real life examples. After mentioning that the point is a very basic one which applies to everyday life, he showed the students a transparency of an article from the local press containing an account of the troubles faced by American actress, Kim Basinger over the alleged breach of an oral contract (Straits Times, 1995). The article described how she had reneged on an oral agreement to act in the movie, "Boxing Helena". Even though the majority of the students (being under 21 years of age at the time) had not seen the movie which had an R(A) classification, they could immediately relate to and identify with the point which the author was trying to make. They were struck by the "immediacy and applicability" (Downs-Lombardi, 1996) of the example given. Here was an event which affected someone which they were familiar with (even though "Boxing Helena" was a movie which was released some years ago, Kim Basinger is a popular and well-known actress partly because of her Golden Globe and Academy Award winning role in the highly acclaimed movie, "L. A. Confidential").

To drive home the point that contracts need not be in writing, the author then used his second example, two short lines from a popular song sung by a famous British pop group, Depeche Mode:

"The handshake seals the contract,
From the contract, there's no turning back..."

Playing the two lines during the lecture caused quite a stir amongst the students (it most certainly woke up those who were sleeping!) especially since the author had deliberately chosen a "live" version of the song which incorporated a very dramatic introduction which lasted an entire minute! To this day, many of the students who attended that particular lecture remember this point because they remember the song. The use of everyday examples made it easy for the students to relate law to their daily lives and see how it was applied. In this way, the authors

were able to establish a connection between the students' world (that of the classroom) and that of the real world.

The authors also used other active learning strategies which were effective in stimulating and maintaining students' interest even though they had a very close resemblance to the traditional lecture. These strategies included distributing an advance organiser (Asubel, 1978; Bellanca, 1990 and Gibbs, 1992) for the students to read before as well as after the lecture. The advance organiser would serve as a framework during the lecture and an overview after the lecture. Together with the very detailed and structured lecture notes which the authors distributed before the lecture, this meant that the students need not spend time during the lecture copying copious notes. It also allowed the authors to spend time on explaining only the most important and conceptually difficult points, leaving the students to learn the rest for themselves (Felder & Brent, 1996). The advance organisers and lecture notes gave the students the responsibility of independently working outside of the lecture which resulted in significant improvements in the students' participation and learning.

The authors must stress that the use of such active teaching techniques need not be a barrier to the continued use of the traditional lecture style. Active learning strategies need not take up more than a small proportion of lecture time but the use of such strategies, even in small amounts, can be successful so long as they are spaced at well timed intervals during the course of a lecture (Ruhl, Hughes & Schloss, 1987). Although time spent on active learning constrains the amount of information which can be presented during a lecture, what is lost by this slight reduction in coverage will be more than made up for by the fact that students have significantly higher levels of understanding and retention.

As icing on the cake, the authors also relied on various principles of good teaching practice, including the use of appropriate pacing, the provision of clear explanations and the conveying of enthusiasm for the subject matter to enhance students' attentiveness and active processing of

information during a lecture.

Active learning strategies were also used for tutorial classes. In the Asian context, many students are reluctant to engage actively in tutorial participation because of the fear of "losing face" in the event that they answer a question wrongly. To overcome this fear, the authors tried their best to create a non-confrontational atmosphere through the use of "explanation prompts" (Webb, 1995). By using these prompts, students have an idea of how to formulate their own explanations and are encouraged to elaborate on their responses (Palincsar, Anderson & David, 1993). Having been assured that they are on the right track, students can attempt a response without "losing face". In this way, they are encouraged to participate and benefit from active learning.

Concluding Remarks and Suggestions for Future Research

As the semester progressed, the authors observed a gradual but noticeable change in the students. The students had become more vocal in class. They not only voiced their opinions without being called on but the responses which they gave and the questions that they asked were also more complex. This showed that they had begun to think more deeply. To the authors, this showed that their use of active learning strategies has succeeded in helping the students overcome their fear of the law and stimulate their interest in the subject.

While the empirical evidence shows that the students have become more interested in law, it may be possible to explain this change of behaviour on other grounds. For instance, the students could have become more responsive as they became more familiar with the subject being taught as well as the instructor. The authors will now have to take their research beyond empirical observation to the next stage of quantitative testing. A test cohort of students will have to be divided into two groups. The first group will receive instruction based on traditional learning strategies while the other will be taught using active learning strategies. If, at the end of the semester, the students in the second group are significantly more responsive than the students in the first, this will be the confirmation that the authors' research rings true.

References

- Asubel, D.P. "In defence of advance organisers: A reply to the critics." (1978) 48 *Review of Educational Research* 251.
- Bellanca, J. (1990). *The co-operative think tank: Graphic organisers to teach thinking in the co-operative classroom*. Palatine, Ill.: Skylight Publishing.
- Bloom, B.S. (Ed.) (1956). *Taxonomy of Educational Objectives: Handbook 1. Cognitive Domain*. New York: Longman
- Bonwell, C.C. "Risky Business: Making active learning a reality." (1992) 4 *Teaching Excellence* 3.
- Bonwell, C.C. and Eisen, J.A. (1991). "Active learning: Creating excitement in the classroom." *ASHE-ERIC Higher Education Report No. 1*. Washington DC: George Washington University.
- Chickering, A.W. and Gamson Z.F. "Seven principles for good practice." (1987) 39 *AAHE Bulletin* 7.
- Downs-Lombardi, J. "Ten teaching tips for newcomers." (1996) 44 *College Teaching* 62.
- Felder, R.M. and Brent, R. "Navigating the bumpy road to Student-Centered Instruction" (1996) 44 *College Teaching* 43.
- Gage, N.L. (1985). *Hard Gains in the Soft Sciences*. Bloomington, IN.: Phi Delta Kappa.
- Gibbs, G. (1992). *Improving the Quality of Student Learning*. Bristol: Technical and Educational Services.
- Menges, R.J. "Research on teaching and learning: The relevant and the redundant." (1988) 11 *Review of Higher Education* 259.
- Palincsar, A.S., Anderson, C. and David, Y.M. "Pursuing scientific literacy in the middle grades through collaborative problem solving." (1993) 93 *The Elementary School Journal* 643.
- Pauk, W. (1989). *How to Study in College*. (2nd ed.). Boston: Houghton Mifflin.
- Ruhl, K.L., C.A. Hughes & P.J. Schloss "Using the pause procedure to enhance lecture recall." (1987) 10 *Teacher Education and Special Education* 14.
- Snyder, B.R. (1971) *The Hidden Curriculum*. Wiley Press, New York, USA.
- The Straits Times*. 14 October 1995 back page.
- Webb, N.M. "Group Collaboration in Assessment: Multiple Objectives, Process and Outcomes." (1995) 17 *Educational Evaluation and Policy Analysis* 239.

APPENDIX 1

THE PERILS OF PORTIA

One Friday afternoon,
after her Business Law lecture,
Portia Lim,
a 19 year old undergraduate of NTU,
was driving
a red coloured
specially imported limited edition L/H drive BMW Z3
down Orchard Road.
in front of
Ngee Ann City,
she saw
Leonardo DiCaprio/
Mel Gibson/
Brad Pitt/
all of the above.
Portia Lim
wanting to get
their autographs/ a better look
swerves across Orchard Road
collides into
a Subaru driven by Vicki Tan.
Vicki Tan sues Portia Lim
and
wins.

Possible *rationes decidendi*

All persons owe a duty to others to use reasonable care in the conduct of their affairs, so as not to cause harm to others.

All drivers owe a duty to other drivers to use reasonable care in their driving, so as not to cause harm to other drivers.

All undergraduate drivers owe a duty to other drivers to use reasonable care in their driving, so as not to collide with other cars.

On Friday afternoons, 19 year old NTU undergraduates who drive limited edition L/H drive sports cars and who swerve across Orchard Road because of the presence of one or more of their favourite actors, owe a duty to drivers of small cars to use reasonable care in their driving so as not to collide with the small cars.

Author

Jack TEO Cheng Chuah & LOI Soh Loi, Associate Professor, Nanyang Business School, Nanyang Technological University, Singapore

(Received: 26.4.03, accepted 8.5.03, revised 18.7.03)

Email: accte@ntu.edu.sg