

aspirations, rather than minimum instructional competences. Whilst such self-assessment is vital for any self respecting law school, it does not address the issue of minimum instructional competence, which the inspection teams should be investigating. The justification, on the basis of cost, of the substitution of aspirational fulfilment for a minimum instructional competence investigation is not well founded and must be questionable. An inspection by the accreditation team may be unnecessary if the minimum instructional competence standard were used. In the end, is it terribly meaningful in terms of accreditation to ask a school if it is fulfilling its own aspirations? As aspirations are extremely arbitrary, the whole accreditation process as it stands is an invitation to arbitrariness and far from the consumer protection role that accreditation should provide. The aspiration fulfilment enquiry method should be purged from the accreditation process.

INDIVIDUAL SUBJECTS/AREAS OF LAW

The study of law in Canadian management education: pedagogical goals

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Business, like other forms of social interaction, requires a system of order to ensure a fair, predictable and efficient marketplace for buyers, sellers, firms, workers, regulators, borrowers, lenders and others. The legal consequences of

business decisions are important to the success of a business. Strangely enough, anecdotal evidence suggests that the teaching of law in management courses is in decline in Canada, despite the importance of law in business as reinforced during the 1980s, the glut of mergers, acquisitions and take-overs, demands for a level playing field and the rise in the importance of management and of intellectual property. However, several highly-publicised legal events in the last decade demonstrate that business schools should today be strengthening their business law curriculum.

The first goal of a business law course is to inform students what the law and the legal system is, as well as its sources, and to introduce the institutions of law. The second pedagogical goal is to develop proficiency in written and oral communication skills. Clear and persuasive speaking and writing are indispensable to modern business interactions. The third goal of a business law course is to afford the student some skills in taking the law and principles studied and successfully applying them in every day business contexts, while at the same time instilling a sense of when and how to consult a lawyer. It should not attempt to prepare students for complex legal problems.

The study of law will assist in the refinement of skills required for success in business. For instance, gathering relevant information, asking the right questions, identifying alternatives and exercising judgement will be facilitated by business law. In law there are often no obviously right or wrong answers, so a relentless

emphasis is placed on reasoning and analysis. Correct answers are those that are well reasoned. Such open reasoning is useful to business people in areas such as policy development, ethics, communication and negotiation.

Many legal frameworks, especially those in business, rely on voluntary compliance with laws, due to the difficulty and sometimes impossibility of policing those within the purview of the regulation. Business law may have the effect of motivating responsible corporate citizenship, as it is often only conscience that separates compliance from illegal behaviour. Such illegal behaviour will usually not be uncovered and so the conscience must be strong. Business law courses can go some way toward showing that business and accepted morality are not mutually exclusive. Economic efficiency will usually be the justification for immoral corporate decisions. Business law courses provide an unequalled forum to explore the ethical issues in the business environment.

The teaching of commercial alternative dispute resolution: problems and opportunities

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The author's motives for teaching a course on commercial alternative dispute resolution stem from his time as a practitioner. The ADR movement challenges the traditional role of the lawyer as a concerned advocate fighting to enforce the rights of the aggrieved client by means of a transformation into a dispute manager. Courses on ADR assist in dispelling the myth that most