

Creating a global law graduate: The need, benefits and practical approaches to internationalise the curriculum

Carmel O'Sullivan

Lecturer, QUT School of Law
Carmel.osullivan@qut.edu.au

Judith McNamara

Head, QUT School of Law
j2.mcnamara@qut.edu.au

Abstract

The increasingly integrated world has facilitated important international and trans-border trends, such as a progressively connected global economy, a significant growth in transnational business transactions and an increase in global regulation of global issues. Such globalisation has had a transformational impact on the legal profession in a number of ways. These include the need to provide advice on issues or transactions that have a transnational or international element; the increasing globalisation of large law firms; and the delivery of offshore services by legal service providers. This means that not only do law graduates need to be prepared to practice in an increasingly globalised economy and legal profession, there will also be new career opportunities available to them which require understanding of international law, for example in emerging international institutions and non-government organisations. Accordingly there is a need to ensure that law students develop the knowledge and skills they will require to succeed in a globalised legal profession. That is, there is a need to internationalise the law curriculum. This paper provides an insight into the recent progression of law schools in internationalising the law curriculum and provides practical avenues and strategies for the increased integration of international law, foreign law and a comparative perspective into core subjects which will develop the graduates' knowledge and skills in international and foreign law, in order to enhance their ability to succeed as legal professionals in a globalised world.

Keywords

Law curriculum, internationalisation, legal education, Australia, curriculum development, globalisation

Introduction

Globalisation has led to a progressively integrated world. Advances in communication and transport technology and the advent of the Internet have greatly reduced physical distance and geographical boundaries as a barrier to human communication and interaction (James & Field, 2012). Such globalisation has had a transformational impact on the legal profession in a number

of ways. These include the need to provide advice on issues or transactions that have a transnational or international element; the increasing globalisation of large law firms; and the delivery of offshore services by legal service providers. Not only do law graduates need to be prepared to practise in an increasingly globalised economy and legal profession, dealing with issues that have a transnational or international element, there will also be new career opportunities available to them which require understanding of international law, for example, in emerging international institutions and non-government organisations. Accordingly, there is a need to ensure graduates receive a legal education that will develop the knowledge and skills required to address such issues and to undertake careers in the global arena. That is, there is a need to internationalise the law curriculum. This paper provides an overview of this need while also discussing the benefits, hurdles, and methods to internationalise the curriculum. In addition, it examines the various approaches for internationalising the law curriculum adopted by three well-established and respected universities in order to garner an insight into the recent progression of law schools and how and the extent to which they internationalise their curricula. Given that there has not been substantive growth in the internationalisation of the law curriculum in recent times, the final section of this paper sets out practical avenues and strategies for the increased integration of international law, foreign law and a comparative perspective into core subjects. The adoption of these strategies will develop the graduates' knowledge and skills in international and foreign law, which will enhance their ability to succeed as legal professionals in a globalised world.

Why internationalise the law curriculum?

The increasingly integrated world has facilitated important international and trans-border trends such as a progressively connected global economy, a significant growth in transnational business transactions, and an increase in global regulation of global issues (Coper, 2013). In this context, private international law has become increasingly important in the regulation of business transactions and human interactions that cross a nation's border and public international law has expanded to govern pressing global issues, such as human rights issues and climate change. In addition to the growth in private and public international law, the nature of the legal profession is also changing with a significant increase in the number of global law firms with offices in a multitude of different jurisdictions (Hall, 2013). The advent of global law firms provides opportunities for lawyers to work overseas and to work on international disputes and transactions, and in providing advice to multi-national corporations and institutions. The significant growth of international law is also reflected through the creation and growing influence of young international institutions, such as, the World Trade Organisation, the International Tribunal for the Law of the Sea, and the International Criminal Court. This growth in both international law and global legal services is not only inspiring students to study international law but also creates the need for lawyers trained in international law (*see* International Legal Services Advisory Council, 2004).

The effects of globalisation and the growth of international law are not limited to the international sphere; they also impact on Australian domestic lawyers. The roles of legal professionals include facilitating clients' transactions, resolving disputes, upholding rights and enforcing responsibilities (James & Field, 2012). Increasingly, in the performance of these duties, domestic practitioners deal with matters that have a transnational or international element. Indeed, domestic matters that involve an international or foreign element can arise even if the practitioner is not seeking international or foreign clients. Instead, globalisation is a routine feature of domestic practice (*see* Silver, 2013). In order to address or resolve these issues, lawyers must engage with the law of other nations and/or international law. In addition, today, many areas of legal practice have an international dimension and some fields of law have an "inescapable international dimension" (French, 2012, pp. 1-2). Such fields include: banking and finance; competition; trade law; mergers and acquisitions; securities regulation; dispute resolution; environment law; human rights law; criminal law; family law; intellectual property and taxation (Hall, 2013; French, 2012). The increasing international and transnational component of legal practitioners' duties means that lawyers need to develop the necessary knowledge and skills in these areas of law, international law, and the law of other nations. Further, as argued by Hall (2013) lawyers also need to be

educated regarding ethical issues arising in relation to global legal practice to ensure they are able to meet their professional obligations.

In addition to its relevance for domestic legal practitioners, an understanding of international law, foreign law and global issues creates more diverse career opportunities. There are career opportunities in the international institutions previously mentioned, namely the World Trade Organisation, the International Criminal Court, and the International Tribunal for the Law of the Sea, but also with non-governmental organisations and the international offices of larger firms (James & Field, 2012). In fact, Australia has witnessed “unprecedented growth in the operations of global law firms” (Hall, 2013, p. 1) and a considerable number of Australian law firms currently have international offices (French, 2012). Furthermore, as legal knowledge and skills continue to be utilised widely across society and the economy, law graduates work not just in the legal profession but also in a wide range of organisations including government departments, lobby organisations, corporations and business entities. Studies show that many law students are not intending to work in the legal profession and many leave the profession relatively soon after graduation. For example, a 1998 study found that, of those who graduated in 1995, only 55% were then still working in the private legal profession (Vignaendra, 1998). The need for law graduates to have the knowledge and skills to work in other fields is compounded by the fact that “the number of law students has doubled in the past decade” and there are over 12,000 students graduating into a market of approximately 60,000 solicitors each year (Tadros, 2014). The incorporation of international law and global issues into legal education leads to a more “vocationally oriented education” that will be better suited to the needs of law graduates (International Legal Services Advisory Council, 2004) and enhance their ability to work in both legal and non-legal practice.

Accordingly, globalisation has resulted in legal practice, even for domestic lawyers, increasingly incorporating international and transnational elements. It has also created the potential for new career opportunities for law graduates. However, in order for the legal practitioner to be able to resolve legal issues with an international element or to avail of these emerging career opportunities, they need to have an understanding of international and foreign law and global issues. Consequently, law curricula should incorporate knowledge of international law and the skills to work in international spheres.

Internationalising the law curriculum has benefits for the university as well as the law graduate. The internationalisation of the law curriculum, when combined with high and robust standards, promotes the interests of the university. It facilitates the export of Australian legal education by appealing to overseas students and “underscores the quality of Australian lawyers and Australian lawyering and thus assists the export of Australian legal services” (Coper, 2012, p. 16). Law degrees that incorporate international and foreign law promote the quality of Australian legal education and services abroad while attracting foreign students to Australian institutions. As such, internationalising the law curriculum in Australia instils law graduates with the knowledge and skills that they will need for future legal or non-legal careers as well as promoting the interests of the university and Australia’s legal services.

These benefits and the significance of internationalising the law curriculum are reflected in the Threshold Learning Outcomes (TLO) for Law and the Council of Australian Law Deans (CALD) standards (CALD, 2009). The TLOs acknowledge generally that the legal services industry has been globalised and, accordingly, the law degree should facilitate students’ development of international law and comparative perspectives on the law (Kift, Israel, & Field, 2010). In particular, TLO 1, which addresses knowledge, states that law graduates should have “an understanding of a coherent body of knowledge ... including international and comparative contexts” (Kift, Israel, & Field, 2010, p. 10). A similar provision is articulated in Section 2.3.3 of the CALD standards. It specifies that the law curriculum must aim to develop “knowledge and understanding of ... international and comparative perspectives on Australian law and of international developments in the law” (CALD, 2009, pp. 3-4). The express inclusion of international law and comparative perspectives, even if in general terms, highlights the growing relevance and importance of these bodies of law. This was again reinforced when the Australian

Government Office of Learning and Teaching funded a research project on *Internationalising the Australian Law Curriculum for Enhanced Global Legal Education and Practice* (Bentley & Squelch, 2012). This Office of Learning and Teaching project emphasises the wide consensus among law schools and legal practitioners that the law curriculum needs to be internationalised to include international law and global perspectives (Bentley & Squelch, 2012). Therefore, it is apparent that a contemporary curriculum should include international and foreign law and global perspectives in order for graduates to develop the knowledge and skills that they will need, to promote universities' interests and to meet educational standards.

Methods for internationalising the law curriculum

The noted 2012 Australian Government Office of Teaching and Learning project (Bentley & Squelch, 2012) also outlined four main complementary approaches available to internationalise a law curriculum. These are: the aggregation approach, the segregation approach, the integration approach and the immersion approach. These or similar approaches for the internationalisation of curricula are also seen in other nations (Maxeiner, 2008) and in other disciplines (Salehi-Sangari & Foster, 1999). These different approaches are not mutually exclusive and are often complementary to one another. Indeed, many universities use a combination of two or more of these approaches (A-Khavari, 2006).

The aggregation approach develops separate specialist subjects for international law or comparative law and these courses are often offered as elective subjects. While this approach is popular and is a particularly useful approach if the school has limited resources, it can also create the façade of incorporating international law or foreign law without truly internationalising the curriculum (Backer, 2008; Bentley & Squelch, 2012). The segregation approach establishes one or more separate international or global institute or centre. This approach means that all international courses and activities can be located in the same centre which has the benefit of making it easier to monitor performance and resources (Backer, 2008; Bentley & Squelch, 2012). The integration approach “seeks to provide the most extensive and comprehensive incorporation of international elements into the law curriculum, research and services” (Bentley & Squelch, 2012, pp. 34-5). Included in this comprehensive incorporation is the integration of international law, the law in other jurisdictions and global perspectives into core subjects and electives as well research and student services. This model is the most effective means to internationalise the curriculum and is generally associated with the top end law schools in the United States. However, it is more difficult to implement and its success is dependent on the university being committed to the approach and willing to dedicate resources as well as challenge the traditional academic attitude and culture (*see* Bentley & Squelch, 2012). The immersion approach provides opportunities for students to study in a different jurisdiction. This approach adopts the philosophy that it is best to learn the law of another jurisdiction while in that jurisdiction. A benefit of the immersion approach is that it allows the student to have a deeper knowledge of the law of an overseas jurisdiction and, in some cases, means they may be licensed in multiple jurisdictions. While this approach does not require the law school to use resources to create or alter subjects or to train the teaching staff, it entails a strong commitment to establishing networks and reciprocal agreements with other institutions (Backer, 2008; Bentley & Squelch, 2012).

It is important to note that in addition to direct approaches for internationalising the curriculum, the development of generic skills can also assist graduates in addressing legal issues with an international or foreign element. The 2004 International Legal Education and Training Committee report notes that globalisation means that the development of generic skills in the law curriculum is important (Australian Universities Teaching Committee, 2003, cited in International Legal Services Advisory Council, 2004). Many have argued that the development of generic legal skills (for example, problem solving, legal analysis and reasoning, legal research, litigation and alternative dispute resolution, mediation and arbitration) should be prioritised (Australian Universities Teaching Committee, 2003; Christensen & Kift, 2000). The development of such skills better prepares graduates to work not only in a domestic context but also in an international context and across jurisdictions. In line with this, the purpose and benefits of internationalising a

curriculum is not limited to developing some knowledge in international law or foreign law. Instead, it is also “about achieving a greater depth of understanding of the core general principles that underlie the operation of our own legal system” (Coper, 2012, p. 18). Building an understanding of other laws will create a greater appreciation and more rounded understanding of domestic laws and provide the opportunity to enhance and practice important generic legal skills in a new field. That is, the incorporation of international and foreign law will enhance the graduates’ knowledge not only of international and foreign law but will also develop their understanding of their own domestic laws and core principles (see, for example, Maxeiner, 2008) and advance important generic legal skills. Instead of being competing objectives, they can complement each other in developing the knowledge and skills required by contemporary law graduates.

Despite the accepted benefits of the incorporation of international and foreign law, the internationalisation of a curriculum faces certain obstacles or hurdles. Amongst these is the requirement for law schools to incorporate certain areas of substantive law as well as pressures to incorporate a range of other areas of law while also developing legal and transferable skills. As a result, the curriculum is already relatively crowded. In Australia, law curricula must contain the “Priestley 11” areas of legal knowledge. This requirement ensures a certain standard of knowledge and consistency across jurisdictions within Australia. However, the Priestley 11 may also act as a barrier to the integration of other areas of knowledge, including international and foreign law, and the development of skills if they are applied too prescriptively (Bentley & Squelch, 2012). Although, in this regard, it is also noted that employers have emphasised that, in order to be successful in global legal practice, graduates must be “well grounded in the fundamental legal concepts and principles of the main discipline areas, ... [and be] able to demonstrate essential professional skills and attributes that are relevant to any work context” (Bentley & Squelch, 2014, p. 114).

The hurdle presented by the Priestley11 requirements can be compounded by the need to comply with the recently enhanced regulatory environment for the Australian higher education sector. The range of new regulatory bodies, such as Australian Qualifications Framework (AQF) and Tertiary Education Quality and Standards Agency (TEQSA), and corresponding regulatory requirements may potentially lead to overregulation and limit the law schools’ ability to develop graduates with the knowledge, skills and attributes required by employers (Bentley & Squelch, 2012). However, much of the regulation of higher education in Australia is focussed on quality and standards and the assurance of outcomes, rather than on the content of tertiary qualifications. Law schools are generally not constrained in relation to the content of their law degree other than in relation to the inclusion of the Priestley content (Chen, 2014).

In addition to competing for “space” within the curriculum, lack of funds can hinder the internationalisation of a curriculum (Salehi-Sangari & Foster, 1999). It is more expensive to internationalise the curriculum than to maintain the status quo especially if law schools seek to adopt the integration approach (Bentley & Squelch, 2012). It has been suggested that other hurdles include the supposed lack of interest or closed attitude of some academic staff towards international and foreign law (Maxeiner, 2008; Salehi-Sangari & Foster, 1999) and the difficulty in finding teaching staff with the requisite qualifications and experience (Bentley & Squelch, 2012). However, given the importance and the benefits of internationalising the law curriculum discussed above, it is crucial that these hurdles or perceived hurdles are overcome.

The methods in action: outline of three universities’ approach to internationalising their curriculum

A previous study (Lo, 2012) on the extent of internationalisation of Australian Law Schools, as evidenced by an audit of material available on law school websites, concluded that there is slow progress in the internationalisation of legal education in Australia. The purpose of this study is to gain insight into whether there has been any significant shift in the extent of internationalisation of legal education in the intervening period particularly given the need for curriculum renewal leading up to the introduction of the strengthened Australian Qualifications Framework in 2015.

Although a detailed and comprehensive study of the current practice of all Australian law schools to the internationalisation of their curricula would be a worthy contribution to legal education and curriculum design, such a study is outside the scope of this paper. However, in order to provide an insight into current practice and whether it has developed significantly since the Lo (2012) study, this paper examines the subject outlines of law programs in three universities to determine whether their law curriculum is intended to be internationalised and, if so, which of the four approaches for internationalisation they adopt.

This study differs from the Lo (2012) study in that it focussed purely on the curriculum of the relevant course providing the academic qualifications for legal practice rather than on internationalisation of law schools more generally. The Lo (2012) study examined internationalisation of law schools, considering issues such as post-graduate study options, international students and internationalisation of research. The current study is focused exclusively on the undergraduate law curriculum, rather than internationalisation more broadly. Further, the Lo (2012) study analysed the approach to internationalisation based on an alternative categorisation of pedagogic approaches to internationalisation, namely: (i) the inclusive approach (international law subject are offered as electives); (ii) the integrative approach (international law is incorporated into domestic law subjects); (iii) the experiential approach (students may complete an intensive summer exchange or special study program); and (iv) the preferential approach (students may study overseas through formal exchange programs). Despite these differences, this study affirms Lo's (2012) conclusion that the LLB in a majority of law schools within Australia are focused on "a locally oriented legal training" and there is a need for these law schools "to appreciate the wider global context for which they need to prepare their graduates and to embark on more systematic and coordinated efforts to internationalise legal education" (p. 37).

The law schools examined were: the University of Sydney, Griffith University, and the University of Technology Sydney. The University of Sydney is part of the Group of Eight (Go8), a group which promotes itself as "Australia's Leading Universities" based on the reputation of their academic staff, their research outputs, graduate outcomes and industry links. Griffith University is a member of the Innovative Research Universities (IRU) which market themselves as research universities. The University of Technology Sydney is part of the Australian Technology Network (ATN) which emphasises the practical application of their research and tertiary studies (*see* Australian Education Network, 1998-2015). The University of Sydney and Griffith University were chosen to represent the Go8 and IRU respectively as they were explicitly mentioned in the Office of Learning and Teaching's report for the internationalisation of their law curriculum (Bentley & Squelch, 2012). As such, they are illustrative of some of the more progressive and successful attempts to internationalise their curricula by law schools. Although the University of Technology Sydney was not specifically mentioned in the report, it was included in this study in order to represent a greater cross-section of the types of Australian universities as well as their corresponding academic and teaching objectives, namely, leaders in academia, research focused or practical focused.

Since this study was restricted to the subject outlines of the universities' undergraduate law programs that were openly available online, there are certain limitations.¹ It was not apparent from the subject outlines whether or not a subject was part of a separate international or global institute or centre and accordingly they do not provide insight on the segregation approach. Moreover, while the subject outlines provide important information on what is intended to be taught to students, it is not possible to determine from the subject outlines whether the subjects as taught are consistent with the published outlines,² the impact on the students' learning, and whether the learning outcomes are achieved. That is, the subject outlines only show the "input" and not the "output" of learning. Indeed, Bentley & Squelch's (2012) study noted that there are challenges to the integration and progressive development of the knowledge and skills needed by a global

¹ The unit outlines were surveyed between August and October 2014.

² Some unit outlines specify that they are not currently available and/or that the availability of the unit is dependent on a minimum number of student enrolments.

graduate and to the subsequent assessment to ensure these learning outcomes were achieved. In line with this, there has been little written on this area to date (A-Khavari, 2006; Bentley & Squelch, 2012). Accordingly, this is a fertile area for future research but is outside the purview of the current paper. In addition, some of the subject outlines did not have sufficient detail to conclusively determine whether they incorporate international law, foreign law, or global perspectives. In response, only courses where it was clearly evidenced from the subject outline that they notably include international or foreign law or global perspectives are considered in this study. The majority of the subject outlines also lack adequate descriptions on how they would incorporate international or comparative law or global perspectives into the course. As such, it is generally not possible to determine from the subject outlines the pedagogy adopted, including the teaching and learning methods, materials and resources, and students' experience with respect to international or comparative law or global perspectives within a particular subject. While this information would have allowed for richer analysis, the details provided were sufficient to determine whether the approach to internationalisation adopted in the relevant course is categorised as the aggregation approach, the integration approach, or the immersion approach. That is, which of the three common approaches for internationalisation of a curriculum the universities purportedly adopted.

The current approach to internationalisation

The University of Sydney, Griffith University, and the University of Technology Sydney all adopt a similar approach to the internationalisation of their undergraduate Bachelor of Laws curricula. The University of Sydney offers 24 elective subjects, Griffith University offers 19 elective subjects, and the University of Technology Sydney offers 26 elective subjects that incorporate international or foreign law or global perspectives to a notable extent. Some of these electives are specialised international law subjects, for example, *International Economic Law* (University of Sydney), *Public International Law* (Griffith University), and *International Humanitarian Law* (University of Technology Sydney). Other electives are comparative or include an international or foreign perspective when addressing a substantively domestic area of law or the elective is dedicated to a foreign law or legal system. Examples of these electives include *International/Comparative Jurisprudence* (University of Sydney), *Animal Law* which addresses international developments (Griffith University), and *Asian Law and Legal Systems* (University of Technology Sydney). The extent to which international and foreign law is incorporated into these subjects will vary between the electives. Some of the electives clearly have a very strong international or foreign law element while for others it is only a small component of the elective. This difference can be seen in subjects such as:

- *International Commercial Transaction* which has a strong international element (University of Sydney);
- *Media Law: Contempt and Open Justice* which appears to be predominately focused on domestic law with reference to international and comparative perspectives (University of Sydney);
- *Law and the Limits of Expression* which integrates North American perspectives (Griffith University);
- *Sexual Citizenship in the Law* draws on legal developments in America, Europe, Canada, UK and China (Griffith University);
- *Refugee Law and Practice* which has a strong international law focus (University of Technology Sydney); and,
- *Copyright and Design* which is principally focused on a domestic context and incorporates an international perspective to a more limited extent (University of Technology Sydney).

In addition to these electives, all three universities offer students the opportunity to partake in international moot electives. However, enrolment is by special application, expressions of interest and/or a selection process. As such, it is not available to all students.

The internationalisation of these universities' curricula is not limited to an "add-on" system through optional electives. Instead, international law and foreign law are also integrated into core subjects. The University of Sydney requires students to study *Private International Law A*, *Public International Law*, and *Foundations of Law*; Griffith University requires students to complete *Global Law*, *Crime 1*, and *Property Law 1*; while the University of Technology Sydney requires students to undertake *Public International Law* and *Australian Constitutional Law*. Again, there is a variance in the extent to which the subjects are internationalised. For example, *Private International Law A* and *Public International Law* are clearly international in nature. However, *Foundations of Law* is principally concerned with the Australian legal system and only looks at English legal history to discuss the development of judge made and statute law. *Global Law* draws comparisons with other legal systems and traditions as well as introducing the basic features of international law and legal institutions, while *Crime 1* and *Property Law 1* adopt a more referential approach with *Crime 1* making reference to other common law states and *Property Law 1* making reference to Anglo-European perspectives on property. Similarly, *Public International Law* is solely dedicated to international law while *Australian Constitutional Law* is concerned with domestic law but incorporates an international law element. In addition to electives and core subjects, these universities provide students with a range of overseas study options. These include short-term offshore study and student exchange programs. Students from other countries are able to study at these Australian universities in a similar fashion.

Accordingly, the University of Sydney, Griffith University and the University of Technology Sydney all adopt a variety of approaches to internationalise their law curriculum. These include the aggregation approach with the availability of a range of specialised core and elective subjects, the integration approach with the incorporation of international and foreign law into general core and elective subjects, and the immersion approach with overseas study options. This aligns with A-Khavari's (2006) observation that the different approaches can be complementary to one another and that many universities use a combination of two or more of these approaches. The combination of these approaches also provides students with a much wider variety of opportunities to experience and to develop the skills and knowledge necessary for a practitioner in an increasingly integrated world.

However, it is important to note that there can be variances in the extent that each of these approaches is adopted. These universities have adopted a strong aggregation approach with a selection of specialised subjects that specifically focus on international or foreign law, and an integrated approach through subjects that incorporate international or foreign law or a global perspective to some extent. However, the majority of these subjects are electives and accordingly students can choose to or choose not to engage in these subjects and the resulting knowledge and skills in international and foreign law. That is, all law students are not guaranteed to benefit from these skills and knowledge. This is offset to a degree by the volume and diversity of electives with an international or foreign law element. In a similar fashion, these universities offer a range of overseas study options, including student exchanges for a semester that contribute to their law degree as well as shorter term study abroad programs. These provide students with the rich experience of learning about the law of another country in that country, which will facilitate the student in gaining a more comprehensive understanding and appreciation of the law as well as other cultures. However again, these study abroad programs are optional and therefore not all students will be able to avail of them. This is especially so given the cost and time involved in travelling abroad. As noted, the universities also adopt the integration approach through the incorporation of international, foreign law, or global perspectives into core and elective subjects. However, this is to a more limited extent. Given the pressures on the law curriculum discussed above, this is unsurprising. Yet, integration, especially in core subjects, is the main mechanism by which to ensure that all students gain knowledge and skills in international and foreign law.

Moreover, this study indicates that the landscape for the internationalisation of the Australian law curriculum has not advanced significantly since Lo's (2012) study. This lack of substantial progress is particularly apparent and relevant to the incorporation of international law, foreign law, or a comparative perspective into core subjects. That is, the integration approach for core subjects is adopted to a much more limited extent. Yet, it is the integration approach that can best guarantee that all graduates develop the knowledge and skills they will need to succeed in a globalised world. Accordingly, this paper now seeks to provide practical and achievable avenues for the stronger internationalisation of their core subjects.

The integration approach: a suggested model

In addition to the benefits of internationalising the law curriculum discussed earlier, a small-scale survey of employers by the Office for Learning and Teaching found that employers are concerned with students gaining a solid foundational knowledge of international and comparative law in core subjects, particularly, contract law, torts law, and trusts (Bentley & Squelch, 2012). The integration approach is the preferable model to incorporate international law, the law in other jurisdictions, and global perspectives into core subjects as well as many electives as it is the most effective means to internationalise the curriculum and ensure that all graduates engage with international or foreign law. However, this approach generally requires strong university commitment and resources. Incorporating an in-depth international or multi-jurisdictional perspective into all core subjects may not always be feasible as all law schools operate within constraints, such as finding space in a "crowded curriculum" (Bentley & Squelch, 2012) or it may not be in line with the Law School's priorities. An alternative approach is to reference international law, foreign law, or a comparative perspective into all or many core subjects. The reference approach is where an international, foreign, or comparative perspective is highlighted to students but is not developed or assessed. This approach would increase awareness of the relevance, prevalence, and importance of international law and the law in other jurisdictions within the constraints imposed by competing curriculum objectives. This "reference approach" should be considered by law schools and unit coordinators for subjects where it is not possible to provide students with a more in-depth knowledge of international law, foreign law, or a comparative perspective.

Where it is feasible to incorporate an international, foreign, or comparative perspective to a more meaningful extent, this paper outlines practical and achievable options. An obvious method to more strongly internationalise a majority of subjects is to adopt a comparative perspective. That is, to compare the Australian law with the law of another jurisdiction. This paper offers a range of options for incorporating international law, foreign law, or a comparative perspective into subjects. However, this paper aims to provide options with a level of detail that enables law schools and unit coordinators to see what aspects of a unit are particularly amenable to internationalisation and to stimulate ideas for future practice. For example, when a comparative perspective is suggested, it is noted what topics within the unit would be appropriate for comparison, or if an international perspective is suggested then a particularly relevant treaty for incorporation is proposed. The suggested avenues for internationalisation are deliberately simple. This is because they are intended to be options that can be feasibly and more readily adopted within the constraints of competing curriculum objectives as they are natural extensions of the content generally covered, but which also develop the graduates knowledge and skills in international and foreign law.

As noted, employers have identified the development of graduates' knowledge of international and comparative law in contract law, trusts, and torts law as particularly relevant. Public international law could be incorporated in contract law through the inclusion of the *United Nations Convention on Contracts for the International Sale of Goods*, which applies to contracts for the sale of goods between businesses in different nation states (Article 1, United Nations Convention on Contracts for the International Sale of Goods). Australia is currently party to this Convention (United Nations Treaty Collection, 2015, United Nations Convention on Contracts for the International Sale of Goods) and therefore it potentially governs contracts between Australian and overseas businesses. For trusts law, an international and/or foreign perspective would be pertinent to a

discussion of estate and business planning for wealth management, protection, and transfer - including the tax implications – for companies or individual clients with assets in multiple jurisdictions.

Private international law and/or a comparative perspective could be embedded into torts law. Torts law lends itself to a comparison between rules and procedures across different nation states. A comparison with the traditionally partnered states of the United Kingdom and the United States would be beneficial. An alternative and enriching option would be the inclusion of an analysis of the strengths and weaknesses of the No-Fault system adopted in New Zealand (for an overview of the No-Fault system in New Zealand see *Injury Prevention, Rehabilitation, and Compensation Act 2001* (SNZ); Campbell, 1996; Schuck, 2008). Finally, a comparison with civil law systems would provide graduates with a more comprehensive and expansive perspective. However, providing an adequate understanding of the civil law system may be hindered by the limitations of time and the need to cover other relevant material. For this reason, some law schools may not be able to avail of this comprehensive option. In addition to the comparative approach, torts law can organically include private international law. Indeed, private international law would develop graduates' knowledge of which jurisdiction and law applies when a torts dispute crosses states' boundaries. Globalisation and increased international travel means that this knowledge would be particularly pertinent to the contemporary law graduate. As well as incorporating an international or comparative perspective into the core subjects of contract, torts and trust law, many other core and elective subjects could be enhanced by adopting an international element.

An international and/or multi-jurisdictional perspective can be incorporated in many other subjects, such as corporate law, remedies, personal property law, and civil procedure. In corporate law a comparative study of corporate governance with another jurisdiction or an examination of the liquidation process for international firms could be included, and in remedies a discussion on the enforcement of remedies, such as injunctions, abroad could be integrated into the unit. Personal property law could embed an international or foreign perspective by covering how cross-jurisdictional legal issues are resolved, for example overseas bailments, security interest in personal property, or product liability, and/or a comparative study of different countries' approach to legal issues, for example misleading conduct and consumer guarantees. Alternatively, a similar approach to Griffith University for *Property Law 1* can be adopted which draws on Anglo-European perspectives on property when theoretically and critically assessing the legal justifications for property. Again, a foreign perspective can be incorporated in civil procedure law by examining how cross-jurisdictional legal issues are resolved, for example overseas subpoenas or the enforcement of court orders abroad. Litigation is one of the top areas where legal practitioners' work includes an international or multi-jurisdictional element. By incorporating an international and/or comparative perspective into this unit, students will begin to gain the knowledge that they may need in litigation practice. Evidence law provides the opportunity to develop not only graduates' knowledge of the law of other jurisdiction but also to develop their cultural awareness and competence. This can be achieved by integrating an appreciation of other cultural and religious beliefs and the position of vulnerable groups, such as immigrants, when addressing the examination of witnesses generally, and of particular witnesses whose evidence may require an appreciation of gender and cultural differences.

A fertile area for the meaningful internationalisation of the law curriculum, outside the core Priestley content areas, is legal research and other skills and foundational subjects. Most Australian law curricula include in the first year subjects that provide an introduction to the Australian legal system and the legal profession, contextual issues, and foundational legal skills including research and writing. A strong international and comparative perspective can be incorporated into these subjects. For example, reference can be made to potential careers in the international field or in other jurisdictions. The inclusion of career opportunities for law graduates outside of Australia would also enhance the students' understanding of the role of lawyers in the profession and broader community and create an awareness that the Australian legal system exists within a wider context. This awareness should be cultivated through simultaneous and later

subjects with the objective of progressively developing the students' knowledge of and ability to interpret and resolves issues from various global perspectives.

Legal research and other skills subjects have a strong potential for the incorporation of international law, the law of other jurisdictions and global perspectives. An ability to research for primary and secondary sources in an international and foreign context is an important learning outcome that would benefit students in practice because the legal profession is increasingly resolving legal issues with an international or foreign element. Where the course includes more than one research or skills unit or where there is a stream of honours subjects focused on the attainment of AQF Level 8 Bachelor Honours learning outcomes, the courses can progressively develop these skills. This approach is in line with the best practice model of ensuring that the knowledge and skills required by graduates to prepare them to practice law in a globalised world are articulated, taught, developed, and assessed through the program in an integrated and incremental fashion.

Greater internationalisation of the curriculum can be achieved by including an international and/or multi-jurisdictional component to research problems. Examples of how an international and multi-jurisdictional component can be incorporated include requiring students to find, interpret, and apply an international treaty, for example, the *Convention on the Rights of the Child* which is domestically incorporated in the *Family Law Act 1975* (Cth), or requiring students to compare the approaches of different countries to contentious legal issues, for example, euthanasia, or freedom of speech, or a comparative study of the liquidation of a corporation in Australia and another jurisdiction. Such an approach also aligns with the teaching of advanced principles of statutory interpretation.

Conclusion

There has been a growing awareness and appreciation by universities and the legal community of the need for and benefits of law graduates who have an understanding of international and foreign law. Australian law schools have adopted a range of approaches to internationalise their law curricula, namely, the aggregation approach, the integration approach, the segregation approach, and the immersion approach. An examination of the undergraduate law curriculum at three universities that represent a cross-section of Australian universities show that the internationalisation of the law curriculum in Australia appears to be at a similar stage of progression to when Lo (2012) conducted her study. It appears most Australian law schools predominantly adopt an aggregation and integration model for electives when internationalising their law curriculum, and the integration and aggregation model for core subjects and immersion model are adopted to a more limited extent. However, electives and study abroad programs do not guarantee that all law graduates will develop knowledge and skills in international or foreign law. Incorporation of international or foreign law or global perspectives into core subjects is necessary to ensure this objective. The three universities examined in this paper have taken notable steps to achieve this aim, especially considering the restraints in contemporary curricula. However, given the benefits of an internationalised curriculum for law graduates entering into an increasingly integrated world, the advantage in tackling the challenges in more strongly internationalising the core curriculum is both apparent and necessary. In this respect, this paper has sought to provide practical avenues that law schools can utilise in order to more strongly incorporate an international, foreign, or comparative perspective in core subjects. These suggested avenues are aligned to the general content of the core subjects and are designed to be natural extensions of the content rather than the artificial imposition of another subject matter into an already crowded unit. That is, this paper seeks to offer law schools pragmatic strategies for the meaningful internationalisation of the core curriculum that take account of the hurdles that impede the incorporation of international or foreign law into an already crowded curriculum.

References

- A-Khavari, A. (2006). The opportunities and possibilities for internationalising the curriculum for law schools in Australia. *Legal Education Review*, 16(1&2), 75-98.
- Australian Education Network. (1998-2015). Grouping of Australian universities. Retrieved from <http://www.australianuniversities.com.au/directory/australian-university-groupings>
- Australian Universities Teaching Committee, Johnstone, R., & Vignaendra, S. (2003). *Learning outcomes and curriculum development in Law*. Canberra, Australia: Commonwealth of Australia.
- Backer, L.C. (2008). Internationalizing the American law school curriculum (in light of the Carnegie Foundation's Report). In J. Klabbers & M. Sellers (Eds.), *The Internationalisation of Law and Legal Education* (pp. 49-112). Helsinki, Finland: Springer. Retrieved from http://law.ubalt.edu/downloads/law_downloads/IusGentium_14_2008.pdf
- Bentley, D., & Squelch, J. (2012). *Internationalising the Australian Law Curriculum for Enhanced Global Legal Practice*. Sydney, Australia: Office for Learning and Teaching. Retrieved from http://curriculum.cald.asn.au/media/uploads/Internationalising_Aust_Law_Curr.pdf
- Bentley, D., & Squelch, J. (2014). Employer perspectives on essential knowledge, skills and attributes for law graduates to work in a global context. *Legal Education Review*, 24(1), 93-114.
- Campbell, I. (1996). *Compensation for personal injury in New Zealand: Its rise and fall*. Auckland, NZ: Auckland University Press.
- Christensen, S., & Kift, S. (2000). *Legal skills and ethics: Integration or disintegration?* Paper presented at the Commonwealth Legal Education Association Conference, Adelaide, April.
- Chen, J. (2014). *What does internationalisation of legal education mean in Australian Law Schools?* Paper presented at Sino-Australian Law Deans' Meeting, Zhejiang University Guanghua Law School, Hangzhou, China. Retrieved from <http://www.cald.asn.au/assets/lists/External%20Engagement/Chen,%20Jianfu.%20Paper%20presented%20at%20the%20Sino-Aust%20Law%20Deans%20Meeting%2028-29%20Sept%202014.pdf>.
- Coper, M. (2012). *Internationalisation and standards*. National Symposium: Internationalising the Australian law curriculum for enhanced global legal education and practice, Canberra, March.
- Coper, M. (2013). Reflections on the internationalisation of legal education: Essay in honour of Professor Satoru Osanai's 70th Birthday, *Hogaku Shimpo (Chuo Law Review)*, 99(9-10), 27-60. Retrieved from http://sydney.edu.au/law/anjel/documents/2013/Michael_Coper_Reflections_InternationalisationEducation.pdf
- Council of Australian Law Deans. (2009). *The CALD Standards for Australian Law Schools*. Canberra, Australia: Council of Australian Law Deans. Retrieved from <http://www.cald.asn.au/docs/CALD%20-%20standards%20project%20-%20final%20-%20adopted%2017%20November%202009.pdf>
- French, R. (2012). *Horses for Courses*. Speech delivered at *Internationalising the Australian Law Curriculum for Enhanced Global Legal Education and Practice National Symposium*, Canberra, Australia, March.
- Griffith University. *Griffith global mobility*. Retrieved from <http://www.griffith.edu.au/international/global-mobility>
- Hall, K. (2013). *The expansion of global law firms in Australia and Asia*. ANU College of Law Research Paper No. 13-12.
- Injury Prevention, Rehabilitation, and Compensation Act 2001* (SNZ).

- International Legal Services Advisory Council. (2004). *Internationalisation of the Australian Law Degree*. Canberra, Australia: Commonwealth of Australia.
- James, N., & Field, R. (2012). *The new lawyer*. Milton, Australia: John Wiley.
- Kift, S., Israel, M., & Field, R. (2010). *Learning and teaching academic standards project: Bachelor of Laws learning and teaching academic standards statement*. Australian Learning and Teaching Council. Retrieved from <http://www.cald.asn.au/media/uploads/KiftetalLTASStandardsStatement2010%20TLOs%20LB.pdf>
- Lo, V.I. (2012). Before competition and beyond complacency - the internationalisation of legal education in Australia. *Legal Education Review*, 22(1/2), 3-49.
- Maxeiner, J.R. (2008, June 28). *Learning from others: Sustaining the internationalization and globalization of U.S. Law School curriculums*. Address to the Joint Study Institute 2008 American Association of Law Libraries, Washington DC, Georgetown University Law Center.
- Salehi-Sangari, E., & Foster, T. (1999). Curriculum internationalization: A comparative study in Iran and Sweden. *European Journal of Marketing*, 33(7/8), 760-771.
- Schuck, P.H. (2008). Tort Reform, Kiwi-Style. *Faculty Scholarship Series*. Paper 1679.
- Silver, C. (2013). Getting real about globalization and legal education: Potential and perspectives for the US. *Stanford Law & Policy Review*. 24, 457-502.
- Tadros, E. (2014, February 14). Law degree the new arts degree, students warned. *Financial Review*. Retrieved from http://www.afr.com/p/national/law_degree_the_new_arts_degree_students_1K7jPfp5dRkaZGVazcMAEP.
- United Nations Treaty Collection. (2015). *United Nations Convention on contracts for the international sale of goods*. Retrieved from https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=X-10&chapter=10&lang=en
- University of Sydney. (2015). *International agreement*. Retrieved from <http://sydney.edu.au/law/about/international/index.shtml>
- University of Technology Sydney. (2015). *Global exchange*. Retrieved from <http://www.uts.edu.au/current-students/opportunities/global-exchange/what-global-exchange>
- Vignaendra, S. (1998). *Australian law graduates' career destinations*. DETYA, Evaluations and Investigations Programme, Higher Education Division, 98/9.