

Exploring the Ideological and Political Elements of the Curriculum and Cultivating High-Quality Foreign-related Legal Talents: Taking the International Business Law Course as an Example

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Abstract

This paper explores the ideological and political elements of the international business law course and attempts to make a reflection on how to achieve the goal of ideological and political education in legal education. It finds that it is important to shape students' values through a combination of explicit and implicit approaches. Through the different teaching methods and means, values such as patriotism, integrity, and friendliness are integrated into the teaching process. This not only enhances students' legal knowledge and critical thinking abilities, but also cultivates their correct outlook on life and values, as well as their sense of cooperation and teamwork skills.

Keywords: *Ideological and Political Education; International Business Law; Learning Autonomy*

1. Reflecting the Overall Goal of Ideological and Political Education in the Teaching Syllabus

1.1 Teaching Objectives and Overall Requirements

The course of International Business Law is a composite discipline that combines legal and business knowledge from an international perspective. It is a specialized legal discipline that studies the rights and obligations arising from international commercial transactions. Our International Business Law course adopts a fully English teaching mode that integrates theoretical teaching and practical teaching. It is an important basic course for international business majors, business English majors, and "Business English + Law" dual bachelor's degree majors. It is also a basic compulsory course in the training of foreign-related legal talents, aiming to cultivate integrated foreign-related legal talents who are proficient in international business law rules and capable of handling foreign-related legal work in international organizations and multinational corporations [1].

Through the professional study of this course, students will be able to understand the concepts, origins, and basic principles of international commercial law, become familiar with relevant international conventions and commercial practices, understand the main forms of international commercial organizations and related legal concepts, and master relevant legal norms such as international sales of goods law and international transportation and insurance law. Through multimodal practical teaching methods such as classroom presentations, case analysis, and group discussions, students' legal logical thinking and analytical abilities are improved, enabling them to combine trade practice operations, apply basic theoretical knowledge and principles of international commercial law to solve legal problems in practice, and use international commercial law knowledge to negotiate trade and avoid contract risks, thereby shaping high-quality foreign-related legal talents suitable for contemporary international economic and trade activities[2].

1.2 Course Ideological and Political Objectives

This course actively responds to the national requirement of "cultivating a group of foreign-related legal talents with firm political stance, excellent professional quality, familiarity with international rules, and proficiency in foreign-related legal practice as soon as possible". In the teaching process, it cultivates students' patriotism, establishes the political concept of putting

national interests first, enables students to fully understand the basic requirements of socialist core values, and cultivates a sense of compliance with laws and regulations and a moral code of honesty and trustworthiness. By discussing open-ended issues closely related to real life, teaching and analyzing case facts, cultivating students' active and progressive learning spirit, fair and just social concepts, and pragmatic and innovative professional spirit, students can solve practical problems in international trade from the perspective of national interests and become capable foreign-related legal talents of the country [3].

1.3 Other Information

The ability to resolve international commercial disputes is one of the important skills for cultivating foreign-related legal talents. This course is based on the OBE concept, exploring the ideological and political objectives of the International Business Law course, and based on these objectives, exploring ideological and political elements, selecting appropriate teaching carriers and methods to organically integrate ideological and political education into the teaching process, ensuring that students have a firm political stance and cultivate patriotism.

2. Exploring the Point of Penetration of Ideological and Political Elements from the “Teaching Topics”

2.1 Overview of the Teaching Topics

This course includes the following topics: International Business Legal Environment, Fundamentals of International Business Law, International Contracts for the Sale of Goods, Rights and Obligations of the Parties, Performance of Contract, Remedies for Contract Breach, Passing of Risk and Transfer of Title, International Commercial Dispute Resolution Mechanism, International Contracts for the Carriage of Goods by Sea, Carrier's Liability Issues, etc.

2.2 Examples

Point of Penetration 1: In the chapter on the international commercial legal environment, by introducing the institutional differences between the common law system and the civil law system, guide students to establish institutional confidence; And by introducing China's Civil

Code, it is clear that China is constantly keeping pace with the times, innovating its legal system, and building a socialist legal system with Chinese characteristics.

Point of Penetration 2: In the chapter on the basics of international commercial law, the characteristics and legal sources of international commercial law are emphasized, allowing students to understand the important significance of international treaties, conventions, and international commercial practices in international commercial transactions, understand the connotations of different international trade terms, and learn to think from the perspective of benefiting national interests and our own parties.

Point of Penetration 3: In the chapter on the application of the international convention CISG, the rules for interpreting conventions and contracts are introduced, enabling students to understand that for international sales contracts of goods, the first step is to interpret the contract terms based on the principle of autonomy of will, according to the statements or actions of the parties. Secondly, the parties can negotiate to resolve any contradictions in the contract terms. Thirdly, interpretation can be based on the transaction habits of the parties. By explaining these rules, students should understand the socialist core values of honesty and friendliness that should be established in commercial transactions, in order to achieve business success.

Point of Penetration 4: In the chapters on the establishment of international contracts for the sale of goods, the basic rights and obligations of both parties, the performance of contracts, and remedies for breach of contract, a comparative analysis was conducted on the relevant provisions of the international convention CISG and China's Civil Code. This aims to help students understand both international commercial rules and relevant domestic laws and regulations in China, enhance their confidence in the system, cultivate a sense of compliance with laws and regulations, and learn to solve practical problems in international trade from the perspective of national interests.

Point of Penetration 5: In the chapter on international commercial dispute resolution mechanisms, in addition to introducing the types of international commercial dispute resolution mechanisms, the focus is on the international commercial arbitration system, such as the types of arbitration institutions, the formulation of arbitration agreements, arbitration procedures, and the recognition and enforcement of arbitration awards. Through the

knowledge explanation and case analysis in this chapter, we aim to cultivate students' international perspective, enhance their sense of national pride, and equip them with the moral qualities to participate in international cooperation and competition.

3. Improving Students' Learning Autonomy through Pre-class Thinking Questions and Case Study

3.1 Pre-class Thinking Questions

Before each unit of this course, self-study tasks will be assigned, requiring students to refer to relevant materials, read and think based on the pre class preview questions provided by the teacher, and actively share during class. For example, in the chapter on fundamentals of international business law, students are required to consult materials in advance and attempt to answer the following two questions: (1) Can you tell the differences between the common law system and the civil law system? Can you name some sources of international business law?

For another example, in the chapter on introduction to the law of international contracts for the sale of goods, students are required to think in advance about the following questions: (1) What is a contract as you see it? (2) Can you describe a situation in daily life in which a contract exists? Can you describe some advantages and disadvantages of CISG?

For another instance, in the chapter on international commercial dispute resolution mechanisms, students are required to think about the following questions before class: (1) What are the advantages and disadvantages of arbitration? (2) Can you name some international commercial arbitration institutions?

By using the above pre-class thinking questions, students can enhance their learning initiative, cultivate their professional spirit of being willing to think, practical and innovative, and increase their classroom participation, broaden their thinking, and develop an international perspective.

3.2 Case Study

According to the content of the teaching unit, select classic cases related to the knowledge points and distribute them to students in advance. Students are required to search for relevant case materials based on the case and conduct independent thinking and analysis. In class, after explaining an important knowledge point, teachers usually require students to have group discussions on classic cases first, and then randomly invite a classmate to analyze them.

For example, in the chapter on the establishment of the contract, the following case studies on auction sales should be issued in advance for students to independently review materials, think and analyze problems.

Auction Sales/Bids

Step 1. Advertisement of auction or a statement of auction

Step 2. The auctioneer invites the bids

Step 3. The prospective buyers bids for the commodity

Step 4. The auctioneer strikes the table.

Which step is invitation to offer, which step is offer, and which step is acceptance?

Through pre class information retrieval, in class knowledge point teaching, and specific case analysis and discussion, students can have a clear and comprehensive understanding and mastery of key knowledge, thereby enhancing their ability to apply theoretical knowledge to practical life.

4. Course Ideological and Political Examples: How to Practice Socialist Core Values in the Special Topic of Breach of Contract and Its Remedies

4.1 Special Introduction to Performance of Contracts and Remedies for Breach of Contract

This topic mainly introduces the performance principles, methods, types of breaches, exemptions for breaches, and common remedies for breach of contract under the international convention CISG. By explaining legal concepts, students will master the Chinese and English expressions of contract performance methods, types of breaches and their exemptions, as well

as remedies for breach of contract; By analyzing specific legal provisions, students can understand under what circumstances the parties to a contract constitute a fundamental breach, what circumstances constitute an expected breach, and how specific remedies for breach are applied; By discussing classic cases, students can improve their legal analysis and oral expression skills. This topic mainly includes the following contents: (1) principles for performance; (2) conditions for performance; (3) classification for breach of contract; (4) excuses for nonperformance; (5) remedies for breach of contract.

4.2 The Concept of Exploring Ideological and Political Elements in Legal Courses

The ideological and political elements of this topic mainly emphasize the importance of establishing good moral values of honesty, trustworthiness, fairness, and friendliness in the performance of contracts, as well as the importance of establishing correct legal concepts, valuing contracts, and keeping promises in the relief of contract breaches. The specific mining concept is as follows:

- (1) Based on vigorous reform and innovation, we carefully organize every teaching link including pre class preparation, classroom teaching, post class Q&A, extracurricular reading and homework, and practical teaching. Assign learning tasks centered around students, supplemented by appropriate classroom lectures, enhance students' classroom participation, improve their legal analysis ability, oral expression ability, and comprehensive quality.
- (2) By combining explicit and implicit approaches, socialist core values such as patriotism, dedication, fairness, integrity, and friendliness are presented in the process of knowledge transmission and ability development, helping students shape correct worldviews, outlooks on life, and values.
- (3) Through the use of images, videos, mind maps, and other media, and through heuristic, exploratory, discussion based, and situational teaching methods and means, ideological and political elements are integrated into various aspects of teaching. While imparting professional knowledge and skills, emphasis is placed on ideological education and value guidance, achieving an effective combination of international commercial law knowledge and its value.
- (4) Establishing a fair and reasonable diversified curriculum evaluation mechanism,

changing the previous single scoring standard mainly based on teacher evaluation, adding peer evaluation and student self-evaluation in daily grades, and classifying and scoring students based on their classroom performance, group case presentation, personal written homework, online self-directed learning, etc., in order to enhance students' comprehensive quality and ability, and cultivate high-quality legal talents who can adapt to society.

4.3 Specific Course Ideological and Political Teaching Practice

(1) Explicit ideological and political education based on the basic principles of contract performance

This topic first explains the basic principles of contract performance based on the international convention CISG, namely the principle of full performance and the principle of good faith. The principle of full performance emphasizes that the parties should fully fulfill their obligations in accordance with the provisions of the contract. The principle of good faith emphasizes that all parties should abide by the principle of good faith and fulfill obligations such as notification, assistance, and confidentiality based on the nature and purpose of the contract or transaction practices. Therefore, these two basic principles clearly express the values of commercial contract transactions and guide students to establish correct transaction concepts.

- **When parties enter into a contract, they generally do so in the expectation that it will be performed according to its terms.**
- **Principles for performance:**
- **(1) full performance (完全履行原则): The parties shall perform their obligations thoroughly according to the terms of the contract.**
- **(2) good faith (善意原则): The parties shall abide by the principle of good faith and perform the obligations of notice, assistance and maintaining confidentiality, etc. based on the character and purpose of the contract or the transaction practices.**

(2) Emphasizing the importance of compliance from the types of breaches

In the section on types of breach, the differences between fundamental breach and non-fundamental breach, actual breach and expected breach are highlighted. For example, when explaining fundamental breach of contract, it is emphasized that in the event that the other party constitutes a fundamental breach, the non-breaching party has the right to refuse to fulfill its obligations, terminate the contract, and sue for compensation for losses. And based on this, open questions are proposed: What would you do to avoid breach of contract in the future?



What would you do to avoid breach of contract in the future?

- (3) Comparative analysis of typical cases of breach of contract exemption to enhance students' ability to distinguish right from wrong

Firstly, starting from the original text of the legal provisions, explain the four elements of breach immunity in the international convention CISG, namely: the impediment beyond the control of the parties; the impediment was not reasonably foreseeable at the time of contract formation; it is unavoidable and insurmountable; the impediment and its impact on the contract have been notified to the other party. Secondly, by comparing and analyzing two similar cases, students can truly understand their connotations, understand which situations belong to “force majeure” and can be exempted from responsibility, and which situations do not belong to “force majeure” and require responsibility, thereby enhancing their ability to distinguish right from wrong.

Case Study

Facts: In 1974, a company in Poland sold a passel of sugar to another company in England. The contract provided that the seller should deliver the goods within November or December. In August, because of heavy rain, the sugar beets were mostly destroyed. By the end of December, the seller could not deliver the sugar, and required exemption of the contract liability for force majeure.

事实：1974年，波兰的一家公司向英国的另一家公司出售了一批糖。合同规定卖方应在11月或12月内交货。八月，由于大雨，甜菜大部分被毁。截至12月底，卖方无法交付食糖，要求免除不可抗力的合同责任。

Issue: Can the seller exempt the contract liability for force majeure?

问题：卖方能否免除不可抗力的合同责任？

Case Study

Facts: In 1974, a company in Poland sold a passel of sugar to another company in England. The contract provided that the seller should deliver the goods within November or December. In October, the Polish government issued an injunction to stop exporting sugar. The seller informed the buyer the news immediately. By the end of December, the seller did not deliver the goods. The buyer claimed for compensation of damage. The seller required exemption of liability for force majeure.

事实：1974年，波兰的一家公司向英国的另一家公司出售了一批糖。合同规定卖方应在11月或12月内交货。10月，波兰政府发布禁令，要求停止出口食糖。卖方立即将这一消息通知了买方。截至12月底，卖方仍未交货。买方要求赔偿损失。卖方要求免除不可抗力的责任。

Issue: Can the seller exempt the contract liability for force majeure?

问题：卖方能否免除不可抗力的合同责任？

- (4) Strengthening students' concept of the rule of law through classic case studies on breach of contract remedies

Through classic case studies, students will further understand that law is an effective weapon to ensure the safety of transactions between parties. When others breach the contract, we should bravely take up legal weapons to protect our legitimate rights and interests. At the same time, the law provides multiple remedies for non-defaulting parties. We should master different ways of default remedies and learn to choose the best one to maximize our own interests.

Case Study

Facts: The buyer, a fine papermaker in the US, obtains rag from the seller in Uzbekistan. The rag is supposed to be 100 percent cotton, but the rag that arrives is less than half cotton. The buyer has no use for it, and there is no market for it in the US. The buyer promptly gives notice under CISG Article 39 and demands substitute goods. The buyer stores the nonconforming rag in the warehouse area of his plant. The night after sending the notice, the plant burns to the ground because one of buyer's employees negligently failed to follow the procedure for shutting down the plant at night, and a piece of manufacturing equipment overheated. The rag is destroyed in the fire.

Issue: Does the buyer have a right to substitute goods?

5. Summary of Course Ideological and Political Education

- (1) Based on the teaching content, explore the ideological and political elements of the curriculum. This topic mainly focuses on the content of "breach of contract and remedies for breach of contract" to reflect on the ideological and political design concept of the curriculum, and to explore the ideological and political elements contained in it, and to practice the socialist core values.
- (2) With the goal of promoting the coordinated development of legal professional knowledge and practical skills, design ideological and political teaching content for the course, and promote the comprehensive improvement of legal professional knowledge, practical skills, and professional ethics [4].
- (3) Lead the shaping of students' values through a combination of explicit and implicit approaches [5]. In instructional design, open-ended thinking questions are set to guide students in inquiry-based learning, true or false questions or multiple-choice questions are set for heuristic teaching, case analysis questions are set for discussion based teaching, group presentation assignments are set for situational teaching, and personal written assignments are set for reflective teaching after class. Through the different teaching methods and means mentioned above, values such as patriotism, integrity, and friendliness are integrated into the teaching process. This not only enhances students' legal

knowledge and critical thinking abilities, but also cultivates their correct outlook on life and values, as well as their sense of cooperation and teamwork skills.

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