

COLLEGIATE LAW, THE CITIZEN, AND BUSINESS

BY RONALD A. ANDERSON

The future of the teaching of business law, as in the case of the teaching of every other subject, depends not upon theory but upon whether it will contribute to the needs of our future society in general and of the students in particular. The teaching of business law at the post-high school level can make a number of distinctive contributions.

(1) *Experience in the selection and evaluation of data.* Life, whether social, business, or political, is a never-ending chain of problems. These present a mass of disconnected and often incomplete data, and there is often the initial problem of analysis to determine what the problem to be solved really is. Whatever tomorrow holds, the ability to select and evaluate data will be of great importance, and this ability will be increasingly demanded as one rises to the higher levels of administration and leadership. A most important step in the learning of law is the selection and evaluation of data.

(2) *Training in communication.* Law can train the student in the precise use of language. It may seem strange to classify law as a training field for English, but many intelligent college students have great difficulty in drawing ideas from a printed page and in expressing their own thoughts clearly and concisely. Whether the student is going to be the chairman of the board or merely the lowest of subordinates in business, it is of vital importance that he be able to communicate effectively with his fellow man.

(3) *Experience in the forming of judgments on matters governing and affecting people.* A great part of the welfare of the individual, the citizen, and the businessman depends upon his ability to make decisions affecting people and society. Because of the imponderable and variable elements involved, these decisions cannot be controlled by a mathematical or scientific formula. Training in law will develop the student's facility in making decisions in which "human" considerations control the logic of strict analysis. Here the student finds the "humanities" not as philosophical utterances from a remote past which he cannot understand but as living concepts in the world about him which he can understand.

(4) *Appreciation that law is the product of social, economic, and moral forces.* It is of the greatest importance to tomorrow's citizen, tomorrow's worker, and tomorrow's executive to recognize that law is not an alien restraint imposed upon society, and that it is not inevitably and unalterably fixed. Instead, law is the product of society; that is, on the long-term basis, law is the way it is because we either want it that way or we do not care enough about it to change it. This

appreciation will tell the executive that law is a variable factor with which he must always reckon in his plans. He must have the foresight to realize the extent and the way in which government by statute or by administrative agencies may step in to regulate or prohibit his conduct. The appreciation that law is the product of societal forces is vital to the citizen, for that appreciation will bring home to him that it is his responsibility as a voter to preserve good laws and to improve the law.

(5) *Appreciation of the continuity of life.* Regardless of what changes the future may hold, we can be certain that many of tomorrow's problems will basically be the same as those of today and as those of yesterday. Each generation has said "Gee dad, things aren't the same as when you were a boy." Each generation in turn comes to see the truth of the French philosopher's statement that the more things change, the more they are the same. There is a continuity in life that is not broken by inventions, new business practices, or atom bombs. The teaching of law, in tracing old principles through new problems, gives an insight into the continuity of life. Today's student, whether as a citizen, a worker, or an executive, can profit by realizing that much of his new world is really very old.

(6) *Appreciation of the problem of flexibility within stability.* Closely related to the preceding point is that of appreciating that life, whether of a nation, a business, or an individual, is a constant conflict between the need for stability and the need for change. It calls for a mature mind to distinguish between things that should remain as they are and things that should be changed. It is a much easier step to bind everything in a strait jacket of the past or to smash everything and attempt to make the world anew. Both society and business have suffered enough at the hands of the ultra-conservative and the arch-radical. We need mature minds that can accept both stability and change as concurrent characteristics of life. Law, with its long history of clinging to principles, but changing when needed, is excellent training in this area.

(7) *Knowledge of basic principles of law that govern society.* The individual, as an aspect of knowing the world in which he lives, should have some knowledge of the principles that govern him. While the student is not to be misled into being his own lawyer, there are many everyday transactions that he should understand. Particularly one who plans to be an executive should have an understanding of the law so that he can discuss his problems intelligently with his lawyer. No executive can consider himself adequately prepared for leadership responsibility until he appreciates the uncertainties that exist in the law, the hazards of litigation, and the duties of a client in cooperating with and supplying information to his attorney.

In forming our judgment of business law, or of any other college subject, it is of course necessary that we consider the needs of the students and the potentialities of the various educational alternatives.

(1) *Inevitable limitations on all teaching.* Neither the business law course, nor any other course, should be criticized for failing to do that which no school course can do. No teacher, whether of law, economics, or business management decisions, can teach into a student the qualities or characteristics of integrity, courage, determination, motivation, vision, awareness of social responsibility, or humanism. We are told that the bees by specialized diet can create a queen bee. I challenge any swarm of educators to create a business leader, or even a well-

balanced citizen. We can do great work by providing information and skills, by creating standards, and by pointing the way and encouraging the student; beyond that, the making of a leader, the making of a man, rests in the hands of powers and circumstances beyond a teacher's control.

(2) *Graduate studies available to a few.* For the purpose of our present problem we must in effect ignore the possibility of graduate study. Today only a small percentage of students take graduate studies, and many of these do so only after having been in business. We can also expect that shortages in graduate school plant and personnel, together with the additional cost and time involved in graduate study, will prevent more than a small percentage of college students from taking graduate courses for some years to come.

(3) *Company schools not a substitute.* The company schools cannot be relied upon to educate the students of tomorrow. The typical company school merely trains in the company's own methods and procedures. The essence of management and citizenship is the making of sound choices. The student must therefore have a less provincial approach to problems than the viewpoint of his current employer. He must see the business and long-term social implications of what is done and the relative merits and demerits of the possible choices that could be made.

(4) *Opposition to specialization.* It is claimed that students should be taught only generalizations and that specialization is undesirable. Of necessity a large portion of each student's learning will at best be generalizations because in the limited span of his student days it is not possible to do more than skim the surface of many areas. While this is true, we must not accept generalization as the one goal of education. When everything is taught in terms of generalizations, the young student will be misled into thinking that everything can be solved by a generalization; and, worst of all, he will think that because he knows some generalizations about some things, he knows everything. If, on the other hand, the student is required to learn some area intensively, he should be better able to think, analyze, and decide. He will realize that the many areas which he lightly passes over with a few generalizations are in fact not that simple and that if he wishes to make any decision relating thereto, he must use the same techniques of investigation and analysis that he has done in his area of specialization. Too many mistakes in business and in government have been made through underestimating the significance of the problem, through failing to recognize the forces to be met, and in assuming that all that was required was a slogan, an order from the front office, or the adoption of a new law.

The argument is made that specialization is undesirable because everything changes so quickly that the student will be learning matter soon to become obsolete. The first answer is that much of what the student learns in the field of specialization today will be valid for a substantial period after his graduation and, in the event of change, his background of specialization will have trained him to look for such change and to appreciate the changes that are made. The second answer is that the student will need basic standards or attitudes or points of reference to guide him in the future. The business world and society will not take the time to instruct our graduate in the basic factors involved and in the social and economic implications of his action. If we want an executive with long-term vision, we must through specialization get down to the bed rock of our basic subjects and give him

the basis for such vision while he is a student. There is too little time thereafter. The third answer is that, if history is any guide, the changes that will be made to the business world of tomorrow will be made by those who through specialization have become qualified to make new decisions. Our students are entitled to be trained by us to take part in that growth.

Some of the criticism of specialized training should perhaps be directed at improper teaching methods. Moreover, the very fact that the student is given a comparatively large mass of information can mislead the young mind into believing that it knows it all. In such cases specialization is worse than generalization, for we have only created deep-seated prejudices in the place of shallowness. I submit, however, that no one has proposed to abolish automobiles because some people are poor drivers. In contrast, specialization properly taught can train the student in analysis, intellectual tolerance, perspective, and balance.

(5) *Executive training is not the sole goal.* We must not think solely in terms of training executives. Many of our college students will not finally be in the executive or top managerial level. We must face the needs of the students as they come to us, rather than teach on a theoretical level that will not exist for the great mass of college students. We owe a duty to teach not only the potential leaders but also those who will form the army of the economy and the citizenry at large. We must give all of them the means by which to live, the standards by which to think, and the dreams for which to strive. We must not shirk from the great task of training the bulk of the population in a democratic society. We speak of the desirability of having leadership with good judgment and long-term vision. To what avail to have such leaders if the bulk of the people refuse to follow them because the people do not share the views of the leaders! To what avail to have socially conscious labor leaders if the mass of the union membership will not ratify their actions! To what avail to have socially conscious executives if the short-sighted stockholders vote them out of office! To what avail to have intelligent political leaders if the voters reject the voice of wisdom and follow the demagogue's call! Let us not be so concerned with the aspects of leadership that we ignore the fundamental basis for a democratic free economy. There will be no room for the leaders we are training in a society that is not democratic and in an economy which is not free.

By way of conclusion, let me express the hope that those who will plan the curricula for tomorrow's citizens and tomorrow's businessmen will exercise the same care and judgment which they would expect of a good executive. Let the facts be carefully examined. Let the past experience be carefully and accurately appraised. And above all let us avoid swinging from one extreme to another in the attempt to solve our problems by clutching at a slogan. The problem is not to be solved by periodically swinging back and forth between such soothing phrases as "liberal arts," "science studies," "business management," and the "humanities." We must recognize that these are merely points of view and not precise formulae specifying what should be taught to achieve the desired end. Above all, we must recognize that there is merit in each approach and that we will serve the cause of education by combining the best elements of each.