

# Teaching “International Business Contracts” Based on Production-Oriented Approach

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Production-Oriented Approach (POA) is a new concept of foreign language teaching proposed by Professor Wen Qiufang of Beijing Foreign Studies University. Initially designed for teaching foreign languages in lower grades in domestic universities, its application has now been gradually expanded to more subjects and has been repeatedly proven to be effective after active experiments by some university teachers. In this paper, the author attempts to apply the production-oriented method to the teaching of international business contracts, and take one of the units as an example to demonstrate the teaching design and teaching process.

*Keywords:* Production-Oriented Approach (POA), international business contracts

## Introduction

The course “International Business Contracts”, as an elective course for business English majors, is a language course realized in the context of business contracts, focusing on training students to master the relevant provisions of domestic contract law, international trade practices, and international conventions, and to systematically understand the types of international trade contracts and the main terms and conditions of various international trade contracts. The course focuses on training students to master the relevant provisions of domestic contract law, international trade practices, and international conventions, and to systematically understand the types of international trade contracts and the main terms and conditions of various international trade contracts. The textbook uses *A Short Course in International Contracts*, published by Shanghai Foreign Language Education Press and edited by Karla C. Shippey, an American lawyer. The textbook takes into account the basic theory of international contracts and the standard language of various contracts.

The characteristics of the course on international business contracts make it difficult to teach, and the conventional language teaching methods emphasize language knowledge and skills, making it difficult to teach professional knowledge. Therefore, as a front-line teacher of this course, I try to use the output-oriented method in the international business contracts classroom and achieve better results.

## The Production-Oriented Approach

The Production-Oriented Approach (POA) is a new concept of foreign language teaching proposed by Professor Wen Qiufang of Beijing Foreign Studies University. The teaching philosophy of “Production-Oriented Approach” includes “learning-centered approach”, “learning-use integration approach”, and

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“whole-person education approach”. The teaching assumptions include “output-driven”, “input-enabled”, and “selective learning”.

The teaching process consists of three stages: “motivating”, “enabling”, and “assessing”, focusing on teacher-led and teacher-student co-construction, aiming to overcome the “separation of learning and use” in teaching. It aims to help improve college English teaching, stimulate students’ learning enthusiasm, and let students learn, think, and use.

The POA divides the teaching process into three stages: motivating, enabling, and assessing. The teaching process of a unit consists of several “motivate-enable-assess” cycles (Wen, 2016; 2015). The teacher plays an appropriate mediating role in the whole process.

Teaching philosophy is the guiding idea of the other two parts, teaching assumptions are the theoretical support of the teaching process, and the teaching process is the way to realize the teaching philosophy and teaching assumptions. The teaching process is the way to realize the teaching philosophy and teaching assumptions.

In the motivating session, the teacher presents students with a specific communicative scenario and asks them to try to complete the communicative task. The purpose of the POA motivating session is to motivate students to learn new knowledge and willingness to produce output by making them aware of their own shortcomings by trying to complete the production task. Subsequently, the teacher introduces the course’s learning objectives to the students and helps them develop a reasonable learning plan.

In the enabling session, the teacher first describes the output tasks to the students so that they are clear about the specific requirements of each step. Students then engage in selective learning, and the teacher provides linguistic input appropriate to the students’ level to help them acquire the necessary language, knowledge, and discourse structure. Finally, students practice the productions and the teacher is responsible for checking them.

In the assessing session, first, the teacher and students learn the evaluation criteria together, and then the output results are evaluated collaboratively. In this process, teachers and students participate together to form good feedback for teaching and learning, which will provide a basis for the arrangement of the next unit.

Compared with other teaching methods, the POA has certain innovative features. First of all, the teaching objectives are set close to reality, instead of vague language learning; clear and specific teaching objectives are set from the actual needs. Secondly, the facilitation is more detailed, and the three aspects of language, knowledge, and discourse structure are used to improve students’ practical skills. Finally, the feedback efficacy of teaching assessment is emphasized, requiring teachers and students to take each evaluation seriously, effectively, and efficiently enhancing students’ understanding and execution of production tasks.

### **The Course of “International Business Contracts”**

“International Business Contracts” is a bilingual elective course for junior students of Business English. The teaching content is relatively comprehensive, including knowledge of international trade, legal background knowledge, and professional language knowledge. How to balance these contents so that language majors can understand, master, and apply professional business and legal background knowledge while mastering language skills and techniques is a major challenge in teaching.

### **Student Profiles**

This course is offered to junior university students majoring in Business English at Beijing International Studies University. They have studied business English writing, business English translation, and international trade practice before. Since this course is an elective course, two classes are combined with 52 students in total, which is a relatively large class size. In the context of the epidemic, it is often necessary to teach online and offline at the same time.

### **Classroom Practice of POA**

The author attempts to conduct this course based on the guidance of POA. Chapter 4 Drafting the International Contract for Sale of Goods will be used as an example to illustrate the class design process.

### **Choice of Teaching Materials**

Most domestic textbooks on international business contracts focus on contract translation, with emphasis on language knowledge transfer and translation skills training. But in the context of the social trend of lifelong learning and the increasing maturity of AI translation, language learning alone can no longer meet the needs of social development. The author chooses *A Short Course in International Contracts* published by Shanghai Foreign Language Education Press, which is written by Karla C. Shippey, an American lawyer, as the textbook. It integrates the supporting practical tutorials, which can better balance business and legal background knowledge and language training.

The book contains 21 chapters. Chapters 1 to 11 focus on the basic theory of international contracts, including the role of contracts in international business, factors affecting international business contracts, parties to transactions, how to draft international contracts for the sale of goods, international trade terms, accurate drafting of contract terms, contract validity, and the legal system behind contracts. Chapters 12 to 21 introduce various model contracts (agreements), such as sales offers, purchase orders, consulting contracts, distribution agreements, consignment agreements, etc. Each chapter is divided into six parts covering learning objectives, original articles, notes on vocabulary, terms and explanations of the main points of the articles, knowledge links, consolidation exercises, case studies, and extended readings in a comprehensive and clear manner.

Even though this course book is not specifically designed for POA teaching purposes. It proves by teaching practice that this book, with good design and adjustment by the teacher, can serve as good teaching material for POA method.

### **Teaching Objectives**

The POA subdivides the objectives of a foreign language course into three parts: language, content, and discourse structure.

Then, the teaching objectives of international business contracts are to master legal terms, special sentences in business terms, specialized terms, and contract-specific expressions; to understand and master the knowledge of international and domestic laws, international trade practices, and international business contracts related to the international sale of goods; and to understand the usual contents and structure of international business contracts.

## **Class Design of Chapter 4 Drafting the International Contract for Sale of Goods**

### **Teaching Objectives of Chapter 4**

The teaching objectives of Chapter 4 will be listed in three categories of content, language, and structure respectively as follows:

Content objectives: Necessary and enforceable terms in international contracts of sale of goods, and other due terms.

Language objectives: Time, business form, description of goods, payment, costs and expenses, packaging, transportation, insurance, title to goods, import and export documents, inspection, intellectual property rights, force majeure, arbitration, etc.

Structure objectives: Ranking the terms in order of importance.

### **Motivating—Communicative Scenario**

In POA teaching, the first step is to motivate students by setting out a production task that is based on real communication. A successful motivating scenario will arouse students' strong desire of learning and communicating.

According to Wen and Sun (2020), the scenario consists of four elements: topic (what the product is), purpose (why it is produced), identity (who produces it and for whom), and occasion (where it is produced).

So, the scenario designed for this chapter is for the students to act as an intern in a foreign trade company. After accompanying the department manager to the Shanghai International Import Expo, he/she will assist the manager in drafting an import contract for a foreign product with purchase intent.

Production task attempt: Students read the relevant chapter and draft the contract on their own. Awareness of their own language and background knowledge deficiencies will enhance their desire to learn.

Statement of teaching objectives: to master the necessary clauses and their roles in international business contracts, to master the basic language expressions of the common clauses in model contracts, to understand the legal significance of the clauses, and to accurately grasp business legal terms and related collocations.

### **Teaching Process**

Since the motivating task is quite challenging for students, the teacher then subdivides it into three sub-tasks.

**Task 1.** Motivating session: Watch the introduction video of the Shanghai Expo; students learn about the participants and the main role of the Expo, and get a more intuitive feeling of attending it as an intern in a trading company. Then students are asked to take on the role of interns, find a foreign product of interest, and think about what information they need to inquire about if they want to import it, and how to present it. And with their peers, they play the roles of importer and producer to perform the inquiry and answering respectively.

At this stage, students can activate the business knowledge they have learned in the International Trade Practices course about inquiries, quotations, offers, shipments, insurance, etc., and the corresponding language expressions learned in business translation and business writing. Due to the foundation, students are more motivated.

In the enabling session, the teacher must give full play to the role of mediator, guiding students around the production task and selecting appropriate input materials. The teacher will guide the students to sort out the

important knowledge according to content, language, and structure.

In a group of 10, a two-person group presentation is conducted, and students learn from each other's strengths and weaknesses.

The assessing focus is designed with the teaching objectives in mind. On the one hand, attention is given to the achievement of the communicative task, and on the other hand, the accuracy of the language. Students are reminded to pay attention to these two aspects.

**Task 2.** Motivating session: Watch a video on international commercial arbitration cases to help students understand the content and significance of generic clauses in contracts other than essential clauses.

Students are given the task of working in groups of four to share and discuss generic clauses, such as assignment, exclusion, confidentiality, force majeure, arbitration, governing law, etc., and to add specific information omitted from the examples based on the textbook, to produce a complete contract clause.

At this stage, the task becomes more difficult, as the general clauses are not covered in any other business English course before. However, due to the foundation of Task 1, students will be more motivated.

In the enabling session, the mediating role of the teacher, or the leading role, should be fully reflected. The teacher can lead students through the contract terms and explain important terms, key expressions, and important sentence patterns. Since this part of the contract is quite distant from students' existing knowledge, students should also be guided to pay attention to the analysis and evaluation of each contract clause and to understand the role and importance of the clause.

In the assessing session, the teacher reads the contract clauses produced by the students in advance and summarizes them concerning both language and content issues. A typical sample is selected and students are led through the analysis in class. For issues with a high error rate, an “eye test” activity can be used to motivate students and identify errors. For example, in the date clause of the contract, many students do not pay attention to the fact that to avoid confusion between the month and the date, it needs to be abbreviated in English, not in numerical form. And the date needs to be followed by th, st, nd, rd, etc., depending on the number.

**Task 3.** Based on the first two tasks, the students now should be well prepared for the comprehensive task.

And the motivating session will be for the students to act as an intern in a foreign trade company. After accompanying the department manager to the Shanghai International Import Expo, he/she will assist the manager in drafting an import contract for a foreign product with purchase intent.

In the enabling session, the teacher will guide the students to combine what they have learned and practiced in Task 1 and Task 2, and to produce a written contract. The teacher's role is to help the students focus on content, language, and structure at the same time.

Taking advantage of the instant communication of social software, the teacher will be able to enhance motivation by pushing for excellence. Students' best work is sent to the course WeChat group as a sample for other students to learn from. And encourage peer evaluation.

## Conclusions

International Business Contracts is one of the most important and difficult courses for Business English majors. It has unique features and differs from ordinary language courses. It is very necessary to introduce a new teaching concept. This paper tries to apply the POA to the teaching of international business contracts.

In this paper, the teacher tries to apply the production-oriented method to the teaching of international

business contracts by adapting the teaching materials and designing suitable communicative scenarios.

The results show that the output-oriented method has the advantages of clear objectives, and close-to-reality communicative scenarios, and thus can better motivate students. In future teaching practice, continuous improvement and innovation are still needed to make the production-oriented approach effectively improve the teaching and learning of the course of international business contracts.

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