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Scholarship on the Teaching of International Law: An Overview of the State of the Art

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Scholarship on the Teaching of International Law – An Overview of the State of the Art

Lucas Lixinski*

Abstract: This chapter surveys the scholarly literature on the teaching of international law in a number of key European languages (English, French, Italian, Spanish, and Portuguese). It points to three major trends in this scholarship. The first is the focus on self-reflexive writing, when the international law scholar reflects on their own practice as a teacher. This literature showcases a turn to granular analyses of international legal teaching practices, and a focus on the localization of these practices to serve local interests, which simultaneously grounds this literature and contributes to important theoretical interventions elsewhere in the discipline, which query the universality of international law. The second major trend, historically prevalent but now in decline, is major assessments of international legal curricula, and attempts at creating uniform practice in the field for the entire world. The third trend observed in the scholarship relates to the place of the international lawyer in the broader university community, particularly within the legal curriculum. This body of scholarship aids in the grounding of international law in the immediate reality of the place where it is taught, since it displays an attempt by the international law teacher to see themselves validated in relation to other legal fields. I argue that, considering these trends, what is needed is more critical reflection on how international law is taught, for what purposes, and based on what premises about the place of international law in the broader legal discipline. This field of scholarship seems to have moved past the point where simply calling for deeper engagement with pedagogical theory is sufficient, without doing the work. The diagnostic is well-established, what is now needed is addressing the diagnosed problems.

1. Introduction

There is a growing body of interest in writing about the teaching of international law, as this volume so comprehensively demonstrates. Nonetheless, there is little in the way of analysis of what this growing body of scholarship on teaching does, what its key concerns are, and what the trends are in the teaching of international law as seen through the eyes of those international law teachers who write about teaching itself in addition to their own disciplinary subfields (I refer to them in this chapter as "teacher-authors"). This chapter aims to address that gap, surveying the scholarly literature on the teaching of international law.

While I aimed to be as comprehensive as possible, my research was limited by the languages with which I am sufficiently familiar, which are European languages (English, French, Italian,[1] Portuguese, and Spanish). While most of these languages are spoken in multiple continents, they still exclude a full engagement with practices in certain parts of the world, particularly Asia and the Middle East. Therefore, the trends I indicate here should take this caveat into account, a particularly important limitation considering one of the main trends is precisely the localization of international law, as discussed below.

The literature on the teaching of international law is primarily the work of practitioners of teaching. Most of the literature is written by accomplished scholars in their own respective subfields who write in those subfields from theoretically informed, nuanced analytical positions. When they write about teaching, however, they tend to write as practitioners first,

* Professor, Faculty of Law & Justice, UNSW Sydney. PhD in Law, European University Institute. This chapter builds significantly upon work previously made available online. See Lucas Lixinski, 'Teaching International Law: An Annotated Bibliography' (2015), at https://www.academia.edu/23383446/Teaching_International_Law_An_Annotated_Bibliography.

[1] Despite my best search efforts, however, I was unable to locate relevant scholarship in Italian.

with theoretical and analytical engagement giving way to more self-reflexive pieces which may sometimes nod at pedagogical literature, but more often than not leverages other literature on international law instead. As a result, when this scholarship dialogues with other bodies of literature, it tends to intervene on substantive issues of international law, rather than on pedagogical theory. This mode of intervention, while useful within the field, and attentive to the primary readership (other international law teachers and researchers), also tends to fall short of engaging with best pedagogical practice.

Consequently, there is relatively little literature that deeply connects with pedagogical scholarship or theory in the context of teaching international law. Most of it is grounded on the experience of those who teach, and then write self-reflexively.

In terms of systematic reviews of teaching beyond the individual experiences of teacher-authors, these modes of intervention have largely fallen by the wayside. The reason is not only a predilection for self-reflection of teacher-authors, but also, markedly, an increasing rejection of certain attempts at comprehensiveness in favor of more granular understandings of what international law is. Specifically, while there were some more systematic attempts up until the 1980s and 1990s to create uniform curricula for teaching international law, those efforts have since been largely abandoned in favor of more region-specific or even country-specific teaching, as a means to embrace local politics and cultural diversity. Part of the reason for this move might be that those international legal scholars more prone to self-reflective scholarship also tend to align with critical movements or New Approaches to International Law, which have led the way in rejecting universalistic claims of international law more broadly as a field, thereby also impacting on pedagogical practice. Practice may be different in (continental) Europe, where one of the prevalent views is still to think of international law as a universalizing project, even if this view is also increasingly subjected to scrutiny in the unpacking of the European legal tradition.[2] Further, there is among its critics a growing realization that perhaps the reason for the persistent hold of the universalist project in Europe is because that universal view is, at its core, Eurocentric.

Another tranche of scholarship focuses on the way international law sits within the curriculum of a single institution, thus comparing the international law teacher to its colleagues not in the field, but within their departments. Namely, much of the literature centres on the place of international law in the broader curriculum of legal education, and what that means for the position of international legal scholars vis-à-vis their peers in other legal fields.

Related to this concern about the place of international law in the curriculum, or in relation to other legal fields, there is a great concern in the literature about the connection between international law as an intellectual endeavour and something that affects ordinary legal practice. With very few exceptions that embrace international law teaching as a broader intellectual endeavour that does not necessarily need to be connected to everyday practice, a large number of texts in the literature tries to convey the relevance of international law teaching as being of immediate use to law graduates, whether they practice as private lawyers or work for government. All of these concerns seem to echo early 20th-century discussions about whether international law is "real" law, and reflect an urge to validate a field of inquiry that in all likelihood does not need validation.

I argue that, considering these trends, what is needed is more critical reflection on how international law is taught, for what purposes, and based on what premises about the place of international law in the broader legal discipline. Reflections about the doctrinal teaching of international law and literature engaged in the political dimensions of international law teaching would both benefit from being more serious grounded on pedagogical theory. Some

[2] For a recent collection of essays, see Hilpold, Peter (ed.). *European International Law Traditions* (Springer, 2021) (surveying European traditions through the lenses of Austria, France, Germany, Italy, the Netherlands, Russia, Scandinavia, and the United Kingdom).

literature to that extent already exists, and has made important contributions to the field, renewing interest in the teaching of international law as an important part of the international lawyer's role, as opposed to an activity that detracts from research. There are even more calls for those modes of engagement, even if the texts themselves only scratch the surface of doing this work. Nevertheless, this literature also highlights the importance of interdisciplinary conversations in the discipline in the classroom, and of grounding international law in everyday reality. International law thus moves away from something that is done at the distant halls of diplomacy, to become an important means of articulating everyday political struggles. International law is thus made relevant to everyone, and the teaching of international law is secured a place in legal curricula.

To support this thesis and the trends indicated in this introduction, what follows further expands on each of these trends, woven around different descriptors to showcase how they are placed pervasively across the field. My aim is not to engage with every single text in depth in its own merits, but rather to connect texts to one another to weave a tapestry of the state of the art in this field in ways seldom attempted in legal scholarship. This chapter is therefore primarily a critical literature review, and is structured as such.

2. General Overviews and Reference Works

Historically, there are a range of significant reference works dedicated to the subject. These texts look more broadly at teaching international law, and are usually the product of larger projects backed by learned societies, particularly the American Society of International Law (ASIL). The first volume, published in 1992, is the product of an extensive survey funded by the Ford foundation on the status of international law teaching in the United States and Canada. The study was compiled through questionnaires sent to law schools and political science departments, offering important systemic insights which have become rarer in the available literature.[3] A few years later, ASIL sponsored a second volume, this time bringing together theoretically-grounded contributions and case studies on specific materials and techniques for the teaching of international law, building upon the descriptive insights of the first volume.[4]

The United Nations Educational, Scientific, and Cultural Organization (UNESCO) has also backed a significant project in the area.[5] This volume is an early attempt to promote more cooperation in the design of international law curricula in a specific region. It surveys the status of teaching in nine countries (Australia, India, Indonesia, Japan, Republic of Korea, Pakistan, The Philippines, Sri Lanka and Thailand), and includes suggestions for closer cooperation. Despite the call for cooperation being based on an impulse towards universalization in this volume, it is worth noting that calls for regional approaches still persist in the literature, but with different objectives (further regional grounding), as discussed below.

Among those works by individual scholars without specific institutional backing, Bin Cheng edited an important collection in the early 1980s, which examines the relationship between international law teaching and diplomatic practice. This edited volume brings together contributions from authors such as Rosalyn Higgins and Robert Jennings to discuss the relationship between diplomatic practice and the teaching of international law. It is enlightening reading to stress the need to focus on international law teaching as an enterprise grounded on reality, rather than abstract categories and doctrines.[6] The theme of grounding international law in everyday life is a recurring one in the literature henceforth, as discussed further below. This aspiration, while generally concerned with the place of international law in

[3] Gamble, John, *Teaching International Law in the 1990s* (1992).
[4] Gamble, John, and Joyner, Christopher (eds.), *Teaching International Law: Approaches and Perspectives* (1997).
[5] UNESCO Regional Office for Education in Asia and the Pacific, *Teaching and Research in International Law in Asia and the Pacific* (1985).
[6] Cheng, Bin (ed.), *International Law Teaching and Practice* (1982).

legal training, also extends to other disciplines. Joyner for instance explores the perspective of teaching international law in political science or international relations. He focuses on international law's political utility, and ultimately tries to unify curricula for the teaching of international law, with a focus on collaborative learning.[7]

Authors like Manfred Lachs undertook broader intellectual enterprises about the role of the teacher in shaping students.[8] His book focuses on the role of the teacher in shaping the minds of students, more broadly than simply imparting knowledge. It focuses on the diversity and individuality of ideas that the teacher can transmit, and fights against the idea that the teacher transmits "doctrine", which is simply "an image against which to test and adjust one's perception of reality."[9]

These major survey works showcase a tendency towards universal insights. It is somewhat telling that few similar efforts have been undertaken in the twenty-first century, with the notable exception of Anthea Roberts' book on whether international law is truly international.[10] Before getting to this volume, however, and its call for more specificity in international law teaching, it is worth focusing on some historical texts on the teaching of international law, the focus of the next section.

3. Historical Texts

These texts are for the most part not exercises in history, they are historical themselves. They are included here because they mark specific moments where large events shaped debates about the teaching of international law. Whittuck for instance situates the teaching of international law in its role in the waning British Empire.[11] He centres on the United Kingdom experience, and other parts of the waning British Empire (Ireland, Australia, Canada, New Zealand and South Africa are discussed). Whittuck instrumentalizes the teaching of international law to governmental needs, particularly diplomatic and military. In this way, international law teaching, and a universality-aspiring curriculum, become a clear instrument of the imperial project, a trend later rebuked by other scholarship.

Other historical texts have less overt global ordering aspirations. Merrills, for instance, is one of the earlier attempts to engage with the possibility of uniform curricula in international law teaching. This historical text focuses on what the author perceives as the five key problems of international law that need to be in any course: (1) the size of the field; (2) the importance of background knowledge; (3) understanding the international system; (4) the relationship to politics; and (5) whether international law is really law (the Austinian handicap).[12] These trends still reoccur in much of the later scholarship, even into the twenty-first century.

Stone explores the connection between the teaching of international law and the general public as an audience of someone who was taught international law. This text, written by a United States State Department and from that vantage point, stresses the need to connect the teaching of international law to diplomacy and the education of the public at large. The teaching of international law becomes a part of United States cultural diplomacy.[13] It foregrounds a need to connect international law to the everyday lives of citizens, while also nodding to the

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[7] See also Joyner, Christopher, 'Teaching International Law: Views from an International Relations Political Scientist' (1998) 5 *ILSA International & Comparative Law* 377.

[8] Lachs, Manfred, *The Teacher in International Law: Teachings and Teaching* (1982).

[9] Id., pp. 1-2.

[10] Roberts, Anthea, *Is International Law International?* (Oxford University Press, 2017).

[11] Whittuck, E A, 'International Law Teaching', (1917) *Problems of the War – Papers Read before the Society in the Year 1917* 43.

[12] Merrills, J. G., 'On Teaching International Law' (1968) 10 *Journal of Society of Public Teachers of Law* 169.

[13] Stone, William, 'The Teaching of International Law in Adult Education of the General Public' (1947) 41 *American Society of International Law Proceedings* 88.

importance of the teaching of international law to pursue foreign policy agendas, imperial or otherwise.
Somewhat similarly, Wilson et al. consider specifically teaching international law to non-lawyers. This text, the proceedings of a panel at an ASIL Conference immediately after the end of the Second World War, focuses on the needs of the post-war world in terms of teaching of international law. It is centred on the teaching of international law in political science and international relations courses, once again highlighting the connection to US diplomacy. In the view of the panellists, the connection to practice is needed to validate the discipline.[14]
These texts remark on specific events that help set up global ordering, underscoring the awareness of international law teachers of the value of pedagogics to promote substantive agendas in the field, and larger political projects. These trends are still reflected in contemporary scholarship, and are also noteworthy in a thread of scholarship on the teaching of international law that highlights the importance of teaching to help shore up the then new United Nations organization and the global ordering project it sought to further.

3.1. Teaching as a Response to the United Nations Era

These texts document the influence of the Second World War in how international law was thought of and taught. Many leading figures of mid-twentieth-century international law participated in this body of scholarship, such as Jessup, Schwarzenberger, and McNair.
Jessup documents the effects international law teaching can have on judicial practice. While focused on the United States experience, and an older text, here Jessup highlights a phenomenon that is still felt today: the lack of teaching of international law means that domestic judges, when faced with cases requiring the use of international law, create bad judicial practice. In his view, international law training was needed for the entrenchment of international legal doctrine, which was essential for a world where the UN mattered.[15]
Schwarzenberger considers the role of the new "international society" in shaping the way the discipline was taught. He focuses on the need to include more sociological approaches in the teaching of international law. Schwarzenberger also admonishes that teaching international law based primarily on the division between war and peace is an artificial division that should be reconsidered. It is primarily focused on the United States and United Kingdom experiences, but showcases key concerns about re-establishing a new world order after the Second World War, aligned with the UN project.[16]
McNair goes a step further and argues for the need to train international lawyers to staff United Nations agencies. He speaks in his position as President of the International Court of Justice, focusing on the need to internationalize the curriculum, emphasizing the connection to practice, and the need to supply law graduates to international organizations (most notably the then young United Nations) and diplomatic service.[17]
Connected to the UN project, but more recent, Gamble explores the potential of the United Nations Decade of International Law as a means to raise the profile of teaching of the discipline. John Gamble is one of the most prolific authors in the area of teaching of international law. In this piece, published in 1993, he highlights the need for more systemic data on the ways international law is taught in the United States, all the while being celebratory of the United Nations Decade of International Law, which he sees as having the potential to boost teaching

[14] Wilson, Robert, 'The Teaching of International Law in Undergraduate and Graduate Courses in Political Science' (1947) 41 *American Society of International Law Proceedings* 77.
[15] Jessup, Philip, 'The Teaching of International Law in Law Schools' (1947) 41 *American Society of International Law Proceedings* 66.
[16] Schwarzenberger, Georg, 'On Teaching International Law' (1951) 4 *International Law Quarterly* 299.
[17] McNair, Arnold, 'The Wider Teaching of International Law' (1952) 2 *Journal of Society of Public Teachers of Law* 10.

in the field.[18] The piece's publication around the end of the Cold War can be read as an attempt to reinvigorate the teaching of international law as a mechanism to shore up international legal ordering.

These pieces do not comprise the entire work in the field at the time, however. Other work is less grounded on the needs of universal enterprises like the UN, and focus instead on the experience of specific countries.

3.2. Specific National Experiences in Historical Perspective

These texts include numerous references to the status of international law teaching in specific countries. However, rather than make explicit calls for localization and critical engagement that twenty-first literature does (discussed further below), these texts tend to focus on a stock-taking of practice in specific countries. Their ambitious scope often results in more descriptive insights, which, while useful at the time and still of historical relevance, tell us little about contemporary preoccupations in the field. Nevertheless, they are important in setting the foundations for a concern with local experiences in teaching international law.

Butler for instance discusses the Soviet Union. He tells the story of how every law school in the Soviet Union adopted the same international law curriculum, imposed centrally by the state. It also contains a translation of said curriculum, as an annex.[19] Elsewhere in the communist space, Wang explored the Chinese perspective historically, particularly framing the moment of recovery of (international) legal education in the aftermath of the Cultural Revolution.[20]

Many other scholars look at the United States specifically. Gamble and Shields map out numbers of scholars teaching international law across the US, while also mapping out the number of scholars engaged in research. It is written from the perspective of teaching international law in political science or international relations, but still a useful stock-taking of the field, and what it meant to be an international law teacher in the US at the time.[21] Louis Sohn emphasizes the need to connect the teaching of international law to practice and government, in alignment with other scholarship discussed above.[22] Sohn, alongside Louis Henkin, Oscar Schachter, and others, was also the subject of a symposium organized by the Harvard International Law Journal interviewing a number of international law teachers in the United States, reflecting on the strengths and weaknesses of international legal teaching, considered across the spectrum of public and private international law, and its connection to practice.[23] The same theme animates Michael Reisman, who wrote a piece aligned with the mandates of the New Haven School, of which he is one of the founders. He discusses the need to connect international law teaching to its practice, and mainstreaming international law across the legal curriculum.[24]

Just north of the US boarder, McDonald does a "deep dive" into one prominent law school in Canada, and analyses the practice of international law teaching through the prism of the

[18] Gamble, John, 'The Decade's Emphasis on Education in International Law' (1993) 87 *American Society of International Law Proceedings* 362.

[19] Butler, W. E., 'The Teaching of International Law in the USSR' (1982) 8 *Socialist Law Review* 183.

[20] Tieya, Wang, 'Teaching and Research of International Law in Present Day China' (1983) 22 *Columbia Journal of Transnational Law* 77.

[21] Gamble, John, and Shields, Natalie, 'International Legal Scholarship: A Perspective on Teaching and Publishing' (1989) 39 *Journal of Legal Education* 39.

[22] Sohn, Louis, 'The Present Importance of Teaching International Law and Organization' (1954) 7 *Journal of Legal Education* 199.

[23] 'Special Feature: The State of International Legal Education in the United States', (1988) 29 *Harvard International Law Journal* 239.

[24] Reisman, Michael, 'The Teaching of International Law in the Eighties', (1986) 20 *International Lawyer* 987.

biographies and interests of teachers themselves.[25] He stresses the biography of all teachers, their adopted textbooks and areas of expertise, and institutional reactions to the expansion of international law teaching and its place in the broader curriculum. While fundamentally a descriptive piece, it foreshadows later scholarship on the teaching of international law that is animated by the same concerns, from a more granular or even individualistic perspective.

A similar effort was undertaken by Shearer in relation to Australia, but this time focused on all looks schools in the country. He undertakes a stock-taking of the field of international law in Australia, not confined only to teaching. He includes biographies of scholars in specific schools in Australia, and also discusses the founding of the Australia-New Zealand Society of International Law in 1933. Shearer also discusses the challenges of teaching international law in an "unreceptive community," a concern that animated much scholarship then, and is perhaps still echoed in the preoccupation in more recent scholarship with the grounding of international law on the everyday reality of students.[26]

This prevalence of scholarship on the experience of English-speaking countries has effects on scholarship produced about other parts of the world in the period, too. Speaking to the Spanish experience, for instance, Pueyo Losa draws comparisons with the United States, United Kingdom and France. The piece also contains a relevant summary of initiatives of international learned societies like the International Law Institute on the matter of teaching of international law. He writes in the context of imminent reforms to the Spanish university system, and ultimately advocates for the adoption of the Socratic method for the teaching of international law, which is a staple of teaching in common law jurisdictions (particularly the United States).[27] Therefore, even these more localized experiences, perhaps because of other available scholarship at the time, perhaps in sharing a fundamental aspiration of universality in the discipline, still look for transplantable practices, if anything as reform mechanisms, in a direction that suggests a hegemony of certain (particularly English-speaking) countries. These perspectives come to be challenged in later literature, which I discuss next, as part of a shift to greater theoretical and critical engagement with the practice of teaching of international law.

4. Theoretical and Critical Works

This is the body of literature on the teaching of international law that is growing most quickly at the time of writing. Most authors who have based their writings on international legal education on theory come from a critical perspective. This literature relies centrally on self-reflection, positioning the scholar in the position of practitioner, and often connects to broader theoretical concerns in the substantive field of international law, especially international law's relationship to power and hierarchy. Increasingly, this literature also refers to pedagogical theory, particularly the writings of the Brazilian scholar Paulo Freire, a central figure in critical pedagogical theory.[28]

David Kennedy, for instance, wrote an article based on his own personal reflections as a student and then teacher of international law. He stresses (negatively) the connection between international law teaching and legal practice that has the result of perpetuating, among other things, ethnocentrism in the field. He calls for "alternative points of access to the field", and makes a number of suggestions that have since come to fruition, such as the increase in clinical

[25] McDonald, Ronald St. John, 'International Law at the University of British Columbia, 1945-2000' (2003) 41 *Canadian Yearbook of International Law* 3.

[26] Shearer, Ivan, 'The Teaching of International Law in Australian Law Schools' (1983) 9 *Adelaide Law Review* 61.

[27] Pueyo Losa, Jorge, 'Reflexiones sobre la Enseñanza del Derecho Internacional Público', (1987) 5 *Revista de la Facultad de Derecho* 303.

[28] For more insights, see the work of the foundation that bears his name, at https://www.freire.org/paulo-freire/.

offerings.[29] Similarly, Orford engages with the ethics of teaching more generally, and the notion of lawyers being located in "global networks of power". Coming from critical, feminist and Marxist perspectives, the author puts forth the idea of understanding international law "as a process that is implicated in the reproduction of inequality."[30] Later work of hers focuses on the discipline of international law more broadly, using teaching practices as a device to assess the discipline. In a section specifically dedicated to teaching, she accuses international law of being a means of reproducing hierarchies, by portraying international law as the lofty ideals and aspirations of white, male, heterosexual and property-owning persons. International law thus is normally framed in an exclusionary way, which has the effect of stripping it of its potentials as a vocabulary of resistance.[31] And Simpson adds to this thread in a piece that, although ostensibly not engaging with theory, contains a lot of theoretical depth. It is a critical take on the connection between doctrine and theory in the teaching of international law, which discusses the position of international law vis-à-vis other legal fields. Similarly to Kennedy, he concludes with a call for more experiential learning, as long as it is grounded in theory.[32]

Other texts in the critical tradition tackle pedagogical theory more openly. Ignacio Forcada also engages with theory, drawing upon with insights from linguistics and cognitive psychology to articulate critical means of perceiving and teaching international law. He launches a thorough critique of the discipline's teaching in Spain, and articulates what he sees as the key ideas of a critical international law course.[33] Otto builds on the pedagogical theory of Paulo Freire as a means to question the role of international law teaching in reproducing and reinforcing hierarchy. The hierarchical practices with which she engages have to do with hetero-normative, sexist, colonialist, racist and nationalist ideologies. Specifically, she argues that "progressive possibilities do not emerge from the argument over which side of the public-private dichotomy can be relied upon to deliver economic and social justice, but rather from the recognition of the complex interactions between the two discourses in their shifting boundaries and multiple ideological purposes", and suggests, "as a strategy for contesting global hierarchies, exploration of the intersections between the public and private domains of international law in legal education."[34]

Schwöbel-Patel makes a forceful call for greater engagement with pedagogical theory, applying the pedagogical theory of Paulo Freire to the teaching of international law. In her view, teaching conveys either conformity or transformation. She emphasizes as a result the relationship between doctrine and theory, and that international law teaching should foreground theory more as a means of disrupting these hierarchies that plague the discipline.[35] Later work of hers pursues this agenda further, bringing in the German concept of *Bildung*. For her, this concept, "as opposed to training, encompasses a sense of activity rather than passivity; it includes the idea of reflexiveness and critique. I suggest that this notion of *Bildung* may be a

[29] Kennedy, David, 'International Legal Education', (1985) 26 *Harvard International Law Journal* 361.

[30] Orford, Anne, 'Citizenship, Sovereignty and Globalisation: Teaching International Law in the Post' (1995) 6 *Legal Education Review* 251.

[31] Orford, Anne, 'Embodying Internationalism: The Making of International Lawyers' (1998) 18 Australian Yearbook of International Law 1.

[32] Simpson, Gerry, 'On The Magic Mountain: Teaching Public International Law' (1999) 10 *European Journal of International Law* 70.

[33] Forcada, Ignacio, 'La Enseñanza del Derecho Internacional Público en España: Una Perspectiva desde el "Análisis Crítico del Discurso"', (2001) 3 *Revista Electrónica de Estudios Internacionales*

[34] Otto, Dianne, 'Handmaidens, Hierarchies and Crossing the Public-Private Divide in the Teaching of International Law' (2000) 1 *Melbourne Journal of International Law* 35.

[35] Schwöbel-Patel, Christine, 'Teaching International Law Critically – Critical Pedagogy and Bildung as Orientations for Learning and Teaching', in Bart van Klink and Ubaldus de Vries (eds.), *Academic Learning in Law: Theoretical Positions, Teaching Experiments and Learning Experiences* (Edward Elgar, 2015).

starting point for a counter-hegemonic approach to teaching law, and in particular international law."[36]

Schwöbel-Patel stands in contrast with Kennedy and Simpson in relation to the importance of connections to practice in the teaching of international law. Dame Rosalyn Higgins contributes to this debate from her own perspective, focusing on need to connect the teaching of international law to practice, particularly judicial and diplomatic practice. She discusses how a growing number of domestic cases before courts have international elements, and how international law is misapplied or rejected by judges with no training on the subject.[37] In doing so, she invokes threads in earlier historical scholarship, echoing the role of international legal education in shoring up global legal governance projects.

Similar elements occur in a text by Freya Baetens and Wui Ling Cheah, which resurrects earlier practices of massive surveys. Their work is an ambitious mapping across 150 law schools around the world, covering all continents. Looking at coverage of topics in survey courses and electives, whether international law mandatory in curriculum, and other key issues pointed out in earlier literature. It is a useful descriptive exercise, precisely because of its scale, even if it does not offer many insights in terms of pedagogical tools, nor is it not grounded in theory. A chief concern of the authors is the link between scholarship and practice of international law. They make a case for a connection to practice in international legal education, and research-led teaching.[38]

Other authors bring theory not from pedagogy, but from international law itself, to bear on pedagogical analysis. Li-ann for instance offers a critique of the teaching of international law based on its Eurocentrism. It stresses the need for post-colonial understandings of international law to permeate teaching across Asia, and how at the same time one cannot essentialize "Asia". It concludes by stressing that the teaching of international law inevitably shapes the identity of the field in any one region.[39] Similarly, Mickelson leverages Third World Approaches to International Law (TWAIL) to serve pedagogical purposes. She argues for more engagement with TWAIL scholarship in teaching, particularly in the "developed" world (where the author is based). She suggests that TWAIL works best when it is one of the methods or approaches students are confronted with, and that it helpfully helps critique and undermine students' assumptions about their roles as "saviours" of the third world "victims" or "savages".[40] Amaya-Castro similarly makes the case that place matters for international law teaching. He seems to leverage that insight into a call for taking learners' lived experience into account in teaching international law, which is a key and well-established pedagogical trope, even if the author seems to articulate it as a relative novel insight from his practice, with relatively little reference to pedagogical literature.[41] This text showcases, unfortunately, a potential shortcoming of self-reflective pieces that are not sufficiently grounded on pedagogical theory,

[36] Schwöbel-Patel, Christine, ''I'd like to learn what hegemony means' Teaching International Law from a Critical Angle' (2013) 3(2) *Recht en Methode in onderzoek en onderwijs* 67.

[37] Higgins, Rosalyn, 'Teaching and Practicing International Law in a Global Environment: Toward a Common Language of International Law' (2010) 104 *American Society of International Law Proceedings* 196.

[38] Baetens, Freya, and Cheah, Wui Ling, 'Being an International Law Lecturer in the 21st Century: Where Tradition Meets Innovation' (2013) 2(4) *Cambridge Journal of International and Comparative Law* 974.

[39] Li-ann, Thio, 'Formalism, Pragmatism and Critical Theory: Reflections on Teaching and Constructing an International Law Curriculum in a New (Post-Colonial) Asia' (2001) 5 *Singaporean Journal of International and Comparative Law* 327.

[40] Mickelson, Karin, 'Rethinking Modes of Diffusion and Research and Teaching Methods: A TWAIL Perspective", in Mark Toufayan, Emmanuelle Tourme-Jouannet & Hélène Ruiz-Fabri, eds., *Droit International et Nouvelles Approches sur le Tiers-Monde: Entre Répétition et Renouveau* (Societé de Legislation Comparé, 2013)

[41] Amaya-Castro, Juan M, 'Teaching International Law: Both Everywhere and Somewhere', in Juan Carlos Sainz-Borgo et al. eds., *Liber Amicorum in honour of a Modern Renaissance Man His Excellency Gudmundur Eiriksson* (OP Jindal Global University, 2017).

since a substantive insight about international law is re-packaged as if a novel pedagogical insight, disregarding decades of pedagogical literature.

Eslava on the other hand makes much more extensive use of pedagogical theory. But he still seems to be making a disciplinary substantive intervention in international law. Unlike others who use substantive disciplinary insights to discuss pedagogy, Eslava uses pedagogical insights to articulate a vision for both the teaching of international law and its theoretical underpinnings.[42]

Saberi undertakes a similar effort, also reflecting on agency theory to offer "new avenues for a more reflective stance on international law as an intellectual medium through which to relate to the world more responsibly." He seeks to do so "by shifting the focus from ontology to epistemology; by offering an integrative approach without the moralizing baggage of foundations; by accounting for experience without the risk of subjectivity; and by reconciling intellectual demands and dispositional traits to avoid a hegemonic pedagogical blueprint and instead allow for responsible creativity."[43]

With few exceptions, these attempts at theoretically grounded and critical engagement with the teaching of international law so far speak only to the experiences of individual teachers, and do not aim at providing systematic insights. Nonetheless, more comprehensive work also with theoretical ambition has been undertaken in the field, usually under the stewardship of learned societies, particularly the ASIL and the International Law Association (ILA). These deserve separate analysis.

4.1.Reports of Learned Societies

Learned societies have often produced their own reports on teaching of international law, often attempting to leverage collective insights from the experiences of their members. Therefore, while these texts are still largely grounded on the individual experiences and reflections of teachers, in the aggregate they showcase a significant level of ambition. Some of these expand their views further by recording audience reactions to their insights as well.

One example are the recorded minutes of a panel, alongside the ensuing discussion, focused on topics such as the role of politics in teaching international law, the influence of practical work on the way scholars teach and think about international law, the role of interdisciplinary studies on teaching, and the way teaching is shaped by textbooks (their coverage and organization).[44]

Other published work also records panels, such as an ASIL meeting in the 1980s. ASIL devotes to this day significant efforts to the exchange of best practices among teachers. One of the noteworthy records of these discussions focuses on international law as a discipline of crises. It emphasizes the connection to politics in the teaching of international law, and the need to historicize the field. It also highlights the need to educate the general public on international law matters, and the potential role of the United Nations Institute for Training and Research (UNITAR) in this realm. The panel also decries Eurocentrism in the teaching of international law, foreshadowing important discussions later in the field, and that continue to this day.[45]

Another panel is built around six main questions, with the aim of coming up with general guidelines for a somewhat uniform international law curriculum, covering everything from themes in a course, teaching materials, assessment, and the place of international law in the

[42] Eslava, Luis, 'The teaching of (another) international law: critical realism and the question of agency and structure' (2020) 54(3) *The Law Teacher* 368.

[43] Saberi, Hengameh, 'Virtue Pedagogy and International Law Teaching', in Luis Eslava, Michael Fakhri, and Vasuki Nesiah eds., *Bandung, Global History, and International Law: Critical Pasts and Pending Futures* (Cambridge University Press, 2017).

[44] Alvarez et al., 'The Politics of Teaching International Law' (2008) 102 *American Society of International Law Proceedings* 305.

[45] Weston et al, 'Promoting Training and Awareness--The Tasks of Education in International Law: Remarks' (1981) 75 *American Society of International Law Proceedin*gs 159.

curriculum. The panel conveys experiences from both law and political science or international relations, stressing, among other things, the potentials of using hypothetical cases from international law moot court competitions like the Jessup as teaching tools in larger courses.[46] These efforts by ASIL are important in foregrounding important tensions later attended to by other scholars in the field. Similarly, the ILA had an important Committee devoted entirely to collecting information and best practices on the teaching of international law across the world, leveraging the ILA's extensive (if sometimes still Eurocentric) membership. The first report of the now defunct Teaching of International Law Committee of the International Law Association briefly examines the experiences of members in South Africa, Brazil, the United States, the United Kingdom and Australia. It also highlights the potential of clinical legal education, and the connection between teaching and diplomatic practice.[47] Subsequent work of the ILA focuses on assessment practices,[48] and the committee concluded its work and dissolved in 2010, turning into an interest group within the Association. In its final report, the ILA Committee highlighted the use of technologies in the teaching of international law, as well as means of increasing student participation.[49]

The work of these learned societies is worth highlighting because it showcases the intuitive nature of the work many scholars produce on the teaching of international law. Many insights are gained from sharing experiences among peers in these fora, which provide supportive networks for international law teachers to discuss their own positioning vis-à-vis one another, but, also importantly, vis-à-vis their colleagues in their home institutions. A significant body of scholarship exists focusing on the position of international law in the broader legal education curriculum, which intersects with debates about the role of international law for legal practice and the grounding of international law in everyday reality, already discussed above. The next section devotes further attention to these issues of internationalization of the legal education curriculum.

5. Internationalization of the Curriculum

These texts are broadly divided in two categories, taking aim at different pedagogical aspirations in relation to international law. Some of the texts advocate for international law to be "mainstreamed" across the legal curriculum, driving home the idea of international law as an essential and pervasive component of everyday life (or at least everyday legal practice). This aspiration, while ambitious and sound, poses difficulties in terms of teacher expertise. In contrast, other work focuses instead on simply ensuring that international law is a mandatory subject in the legal curriculum, a practice that is still not prevalent around the world.

In the first thread, Akhavari for instance discusses three ways in which legal education is being or can be internationalized in law schools: (1) creating a global law degree to equip students for international legal practice; (2) strengthening the domestic curriculum to include foreign and international materials when teaching domestic law; and (3) catering to the needs of foreign students. It also decries the fact that it is existing possibilities within law schools that have been driving internationalization, as opposed to alternative views about legal education more generally.[50] D'Silva focuses on the ways in which legal ethics instruction should incorporate

[46] Osakwe et al., 'Reexamination of the Teaching of International Law' (1984) 78 *American Society of International Law Proceedings* 198.

[47] International Law Association, *'Teaching of International Law Committee: Conference Report New Delhi' (2002)[http://www.ila-hq.org/en/committees/index.cfm/cid/1009]*

[48] International Law Association, *'Teaching of International Law Committee: Discussion Document Berlin' (2004)[http://www.ila-hq.org/en/committees/index.cfm/cid/1009]*.

[49] International Law Association, *'Teaching of International Law Committee: Committee Report The Hague' (2010)[http://www.ila-hq.org/en/committees/index.cfm/cid/1009]*.

[50] Akhavari, Afshin, 'The Opportunities and Possibilities for Internationalising the Curriculum of Law Schools in Australia' (2006) 16 *Legal Education Review* 75.

foreign and international law dimensions. The focus of the article is on the teaching of ethics in England and Wales, but reference is also made to experiences in the United States and Australia.[51] Lo focuses on Australia, and stresses the connection between teaching of international law and legal practice, decrying the idea of tokenism in the internationalization of the curriculum. Lo argues that international content should be mainstreamed across domestic offerings, and offers a number of other strategies, that include offering courses abroad, and enhancing exchange programs.[52] And Grossman discusses the need to make foreign and international law a part of teaching in all law courses, particularly as students need to be prepared for "practice in a global world (where the distinction between domestic and international is becoming increasingly blurred)".[53] Note the Anglophone bias in these pieces, but authors speaking to civil law experiences like Tanja emphasize the need to connect the teaching and practice of international law, particularly the practice of law firms. His work is primarily focused on transnational business law, with an European focus, and it also explores the connections between the common law and civil law worlds.[54] Somewhat similarly, Valcke also focuses on the teaching of "transnational" law, as opposed to international law. She focuses on questions such as teaching means, depth of coverage, level of expertise required of instructors, and the connection to domestic law subjects.[55] This scholarship in particular underscores a connection between international law and everyday legal practice as a reason for the mainstreaming of international law.

This connection to practice also animates the second thread of scholarship in relation to the position of international law in the curriculum. Hey for example discusses the relationship between public and private international law, and how both are necessary themes in the legal curriculum, especially if the curriculum is to be connected to contemporary legal practice.[56] Somewhat against the grain, Corell calls for broader use of philosophy and history in the teaching of international law, and how international law should be a part of the mandatory curriculum of all law schools. He argues for mainstreaming, and adding international and foreign aspects to traditionally domestic law courses.[57]

These pieces that attempt to locate international law in the broader legal education curriculum speak to the connection to practice, and the need to mainstream international law content in domestic legal subjects as well. Doing the latter in particular helps ground international law, answering to calls for more localization of international law that defy classic universality aspirations of the discipline. These calls connect to a growing trend in the scholarship on the teaching of international law, which focuses on country-specific experiences as means of grounding international law on everyday reality in practical and theoretical terms. The next section engages with this literature.

6. Country-Specific Experiences

[51] D'Silva, Magdalene, 'A new legal ethics education paradigm: culture and values in international arbitration' (2013) 23 *Legal Education Review* 83.

[52] Lo, Vai Io, 'Before Competition and Beyond Complacency - the Internationalisation of Legal Education in Australia' (2012) 22 *Legal Education Review* 3.

[53] Grossman, Claudio, 'Integrating International Law into the First-Year Curriculum' (2005) 24 *Penn State International Law Review* 835.

[54] Tanja, Gerard, 'The Teaching of International Law: The Need for Curriculum Change' (2002) 4 *International Law forum du droit international* 199.

[55] Valcke, Catherine, 'Global Law Teaching' (2005) 14 *Legal Education Digest* 8.

[56] Hey, Ellen, 'The Teaching of International Law, L'Enseignement du Droit International' (2002) 4 *International Law forum du droit international* 189.

[57] Corell, Hans, 'International Law and the Law School Curriculum' (2002) 4 *International Law forum du droit international* 195.

A significant part of the more recent scholarship on the teaching of international law responds to this trend. This trend algins with ideas foreshadowed in some older scholarship, but also goes against the majority of that scholarship. Rather than embracing international law as a universalist project, which tries to create global legal ordering that applies equally to everyone, this trend of scholarship focuses instead on the way international law experienced locally, and therefore should be treated differently from one jurisdiction to the next. This move towards localization is important in that it responds to a desire, prevalent in the scholarship, to ground international law in everyday reality. What the original proponents of this grounding probably did not anticipate, however, is that international law would itself be fragmented in this grounding.

These localized accounts give us a better sense of how international law can be perceived differently in different countries, and also often the connection between the teaching of international law and the needs of that country's government. Scholars in this trend engage in both orthodox and critical theoretical traditions of international law, as we will see below. While these scholars align in the need for grounding the experience of international law, orthodox scholars tend to see this need more as tied to the importance of legal training for practice (therefore, an external mandate), whereas critical scholars tend to tie the grounding of international legal teaching to more substantive projects about the field of international law itself (therefore, an internal mandate).

In relation to the external mandates of localizing international legal education, Beckman discusses national experiences with a focus on problem-based teaching, which the author claims is needed in Singapore, and a better method of teaching international law. He puts significant emphasis on the relationship between teaching and the content of courses on the one hand, and the needs of government and industry on the other.[58] Blay, contextualizing the discussion about the place of international law in the curriculum in Australia, argues that internationalizing the curriculum more broadly should be accomplished by making courses on international and comparative law mandatory. This need is inspired by a close connection to the needs of a changing legal profession, and also the needs of the foreign student cohort, responsible for a significant proportion of revenue in a number of law schools in Australia.[59] Crawford also focuses on Australia, but broadens the landscape by engaging with the history of the early courses in international law in Australian law schools, as well as details of the curriculum of each law school such as courses offered, and the biographies of the early teachers. He also highlights themes of particular interest for Australian foreign policy. The article finally outlines the status of the field in general (including research), and relationships to the profession.[60] In a similar vein, and elsewhere in the Commonwealth, MacDonald published a monumental work discussing the implementation of international law teaching across all law schools in Canada. It includes detailed biographies of people who taught in Canadian law schools, and also references to their teaching materials, philosophical leanings, and so on.[61] These comprehensive mappings are insightful in locating international law in a domestic tradition, but go further in underscoring how local needs and traditions are only part of the equation, and much leeway is still left to individual teachers, in the exercise of their academic freedom.

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[58] Beckman, Robert, 'International Law at the National University of Singapore - Personal Reflections and Prospects' (2001) 5 *Singaporean Journal of International and Comparative Law* 426.

[59] Blay, Sam, 'The Function of International and Comparative Law in Australian Legal Education' (1996) *Australian International Law Journal* 80.

[60] Crawford, James, 'Teaching and Research in International Law in Australia' (1981) 10 *Australian Year Book of International Law* 176.

[61] MacDonald, Ronald St. John, 'An Historical Introduction to the Teaching of International Law in Canada' (1974) 12 *Canadian Yearbook of International Law* 67. Note this is the first in a series of four articles published in the same journal in 1974, 1975, 1976 and 1983.

Neville discusses how the new South African Constitution in the aftermath of apartheid created the impetus for more international law teaching, because of its provisions referring to international law. It also highlights the influence of the politics of the day in teaching. In the South African case, legal reform directly drives the need for more teaching of international law.[62] Vibhute also explores the external law reform incentives for teaching international law in his country (India). Specifically, he focuses on the relationship between the teaching of international law and the regulatory environment for the higher education sector in India. He offers three periods for analysis: (1) the separation from British content and the "indianization" of the curriculum; (2) efforts around the regulation of the legal profession; and (3) modernization of legal education to make it more socially relevant.[63]

Chimni, also speaking to the Indian experience, takes a different turn. He interrogates the relationship between the teaching of international law and the experiences and needs of third world countries. Chimni argues sensitivity towards these experiences and needs is lacking in education, and as a consequence international law is taught in an apolitical way, whereas it should be political.[64] Similarly, Juwana highlights the mismatch between the theory and the reality of international law, and the challenges of teaching it in Indonesia. It indicts international law with being taught at an exceedingly abstract level, without taking into account the challenges of a developing country. It concludes by calling for a challenge to the Eurocentrism of international law teaching.[65] Betancur and Prieto-Rios make a similar call in the Colombian context.[66] Forcada also critiques the teaching of international law's focus on practice, and argues for more critical engagement with human emancipation projects, even though, focused on Spain, he is not as interested in the impacts of colonialism. He uses this critique to reposition the student at the centre of the pedagogical experience, as opposed to a spectator.[67]

These critiques of international law's Eurocentrism are not contained to domestic contexts, however. Carvalho surveys a series of historical congresses of Latin American universities, which sought to introduce curricular reform "towards the Latin American", leveraging this sensibility to modernize the continent, and showcasing the importance of explicit political projects.[68] Brito and Nasser take up this call more contemporarily, surveying the Brazilian landscape of the teaching of international law to make a call for more Latin American cooperation in this area, so as to build a stronger Latin American tradition to both the teaching and the substance of international law.[69] Helal has made a similar argument in relation to Africa and the engagement of the African Union, particularly to promote African interests on the

[62] Botha, Neville, 'Teaching International Law in South Africa Ten Years into Democracy' (2004) 29 *South African Yearbook of International Law* 243.

[63] Vibhute, Khushal, 'International Law in India - Developing Curricula and Teaching: Some Reflections' (2001) 5 *Singaporean Journal of International and Comparative Law* 388.

[64] Chimni, B. S., 'Teaching, Research and Promotion of International Law in India: Past, Present and Future' (2001) 5 *Singaporean Journal of International and Comparative Law* 368.

[65] Juwana, Hikmahanto, 'Teaching International Law in Indonesia' (2001) 5 *Singaporean Journal of International and Comparative Law* 412.

[66] Betancur Restrepo, Laura; and Prieto-Rios, Enrique, 'Educación del derecho internacional en Bogotá: un primer diagnóstico a partir del análisis de los programas de clase y su relación con las epistemologías de no conocimiento' (2017) 39 *Revista Derecho del Estado* 53.

[67] Forcada, cit.

[68] Carvalho, Fabia Fernandes, 'História e crítica em direito internacional na América Latina: revisitando discussões pretéritas sobre ensino jurídico na região' (2017) 39 *Revista Derecho del Estado* 91.

[69] Brito, Adriane Sanctis de; and Nasser, Salem Hikmat, 'Ensinar direito internacional no Brasil: panorama de uma prática e seus desafios' (2017) 39 *Revista Derecho del Estado* 119.

international stage (so, leveraging a mix of internal and external mandates).[70] Sen also takes aim at Eurocentrism in the teaching of international law in Asia, but writes more self-reflexively about classroom and disciplinary frustrations with the apparent assumption of universality in Eurocentric international law.[71]

These regionalizing efforts are not only undertaken by individual scholars and loose associations of scholars. Besides the Pan-American initiatives discussed by Carvalho, other regional groupings have also focused on their localized needs in relation to the teaching of international law.

6.1. Learned Societies with Specific Geographical Coverage

A number of learned societies have decided to undertake reflection on the teaching of international law with a specific focus on their region or country. Castaño for instance reports on the VII Jornadas de la Asociación Española de Profesores de Derecho Internacional y Relaciones Internacionales, and summarizes four lectures and five shorter talks that paint a comprehensive picture of the teaching of international law in law and international relations schools across Spain.[72]

The efforts of ASIL have generally tended towards broader generalizations, as indicated above, but they have also on occasion taken very US-specific questions. The records of an ASIL roundtable in the 1990s for instance focus on the US national experiences. Participants highlight that the connection between teaching and practice is rather small, but that it does not necessarily matter. They also discuss the impact that teaching international law can have on untenured faculty in US law schools, and the need for mainstreaming foreign and international elements across the entire curriculum. An European (French) perspective is also offered by one of the participants.[73] The US branch of the ILA has also analysed the US experience, with a particular focus on the role of internationalizing the curriculum and specific techniques (clinical education). In this report, the US branch of the ILA focused in particular on the experience of New England School of Law in mainstreaming foreign and international content across domestic legal courses, and on the experience of clinical legal education at Suffolk University Law School.[74]

South of the Rio Grande, Acosta et al. are leading a project titled "Rethinking Education in International Law in Latin America" (*Repensando la Educación en Derecho Internacional en América Latina* – REDIAL). This grouping aims at exploring the role of international law in social reform and transformation projects, contextualizing and politicizing it, thus responding to a critical internal mandate of reimagining not only education, but also the boundaries of the discipline.[75] The same is the aspiration of learned societies in Asia, as Tan reports. He summarizes the efforts of two learned societies in mapping the status of teaching of international law across Asia. He focuses on third-world / post-colonial / North-South

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[70] Helal, Mohamed, 'Teaching Public International Law: Reflections on the State of the Art in an Era of Uncertainty' (2017) 416 *Public Law and Legal Theory Working Paper Series*, at http://ssrn.com/abstract=3046633.

[71] Sen, Rohini, 'Teaching International Law in Asia: The Predicated Pedagogue', *AfronomicsLaw* (24 September 2020), at https://www.afronomicslaw.org/2020/09/24/teaching-international-law-in-asia-the-predicated-pedagogue.

[72] Castaño Garcia, Isabel, 'Enseñanza e Investigación del Derecho Internacional y las Relaciones Internacionales' (1983) 4(3) *Revista de Estudios Internacionales 553.*

[73] 'Roundtable on the Teaching of International Law: Remarks' (1991) 85 104 *American Society of International Law Proceedings* 102.

[74] Epps, Valerie, and Scharf, Michael, 'Report of the Committee on the Teaching of International Law' (2001) *Proceedings of the American Branch of the International Law Association* 78.

[75] Acosta Alvarado, Paola Andrea et al., 'Repensar la educación del derecho internacional en Latinoamérica: reflexiones para un diálogo global' (2019) 1 *TWAILR: Reflections*.

relationships and their impact on teaching, decrying the lack of Asian state practice and values in the teaching of international law in the region, while at the same time noting the widespread use of English-language textbooks.[76] I will return to textbooks in the next section, in discussing specific techniques or courses that leverage local, universalistic, diplomatic, and critical ideas about international law.

7. Specific Techniques or Courses

The trend towards self-reflexivity has also led many scholars to focus on their specific courses as a starting point for their analysis of the teaching of international law. Many scholars have also attempted to extrapolate by reflecting on their own production of specific teaching materials, or, more recently, there have been more ambitious projects focused on the ways in which international law is taught through the analysis of teaching materials. Finally, there are also texts on specific experiential learning techniques, or the use of technological tools, which will be discussed further in subsections below. These texts underscore many of the tensions discussed so far, particularly the relationship between international law teaching and the discipline more broadly, the competing aspirations of universality and localization of the discipline, and the impact of specific techniques on bringing students to the centre of the learning experience, reflecting pedagogical insights that these authors seem to grasp intuitively, but generally without much anchoring on pedagogical theory or scholarship.

Salvioli is a typical example. He engages with his own experience in fully redesigning the international law curriculum for his faculty, in Argentina. The article focuses on the design objectives of the course, more specifically: (a) dynamic and flexible planning; (b) promotion of interactive teaching in the classroom; (c) enhancing academic freedom for teachers in the course; (d) enable internal capacity-building and research; (e) facilitating more interaction with other courses in the law degree; (f) democratic decision-making among the teachers of the course in the process of making changes to content; (g) centralized evaluation across the many groups that are being taught the course simultaneously; and (h) integration of interdisciplinary and contextual approaches.[77] Marcos undertakes similar observations in relation to Brazil, reflecting on the importance of international legal teaching to contextualize the law more broadly, and to broaden students' universes. He also emphasizes the importance of research-led teaching, and even of introducing research projects as central elements of assessment in order to facilitate student ownership of their own learning.[78]

Espaliú engages with the need to adjust international law teaching not to pedagogical imperatives, but to regulatory requirements. He considers the use of the jurisprudence of international (mostly European) tribunals as a means to conform international law curriculum to the requirements of the Bologna process. He engages with the case method, in the way it is taught particularly in the United States. The article is centred on the possibilities of using this method to meet the requirements of the Bologna process that attempts to harmonize higher education standards across the European Union. The article frames the Bologna process and the case method also in the context of the Spanish regulatory environment for higher education.[79]

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[76] Tan, Kevin, 'The SILS-DILA Conference on Teaching and Researching International Law in Asia: Report and Reflections' (2001) 5 *Singaporean Journal of International and Comparative Law* 441.

[77] Salvioli, Fabián, 'Algunas Consideraciones sobre la Enseñanza Contemporánea del Derecho Internacional Público', (2002) 11(22) *Revista Relaciones Internacionales* 1

[78] Marcos, Henrique Jerônimo Bezerra, 'Didática, Ensino E Pesquisa Jurídico-Dogmática Em Direito Internacional', in Wagner Menezes ed., *Direito Internacional em Expansão – Volume XIX* (Arraes Editores, 2020).

[79] Espaliú Berdud, Carlos, *'La Enseñanza del Derecho Internacional Público Basada en las Decisiones de Los Tribunales Internacionales en el Marco de la Implantación del Espacio Europeo de Educación Superior'[https://www.uco.es/docencia_derecho/index.php/reduca/article/view/22]*, (2010) 1 *Docencia y Derecho*.

Cattafi is a notable exception to this lack of engagement with pedagogical theory. He goes to great lengths to decouple pedagogical insights from specific educational contexts, and, unlike the bulk of scholarship that does nod to pedagogical theory, discussed above, Cattafi's primary intervention is on pedagogical theory itself, without a commitment to an intervention on the substantive field of international law. He describes a specific multisdiciplinary project for training higher education teachers, titled "Enseña con Pasión, Aprende con Imaginación" (Teach with Passion, Learn with Imagination), which "aims that the teacher achieves a personal change through self-knowledge and artistic awareness to strengthen their creative thinking and impact on their academic work." Educational improvement is at the centre of this project, and enhancing student engagement with international law as a consequence not of directly centring the student, but of empowering the teacher to be more responsive to student needs and better showcase their own passion for the discipline.[80]

Other scholarship focuses on specific courses as pathways to ask broader substantive questions about the field. Johns and Freeland discuss an experiment offering a course simultaneously and jointly in two universities also as a pathway to unpack basic assumptions about international law's universality, even in the same nominal jurisdiction. Their article focuses on an experiment conducted between the two teachers of bringing together students in their courses at different law schools in Sydney, Australia. One school is highly privileged, whereas the other is in a relatively economically depressed part of the city. The course brought the two cohorts together and highlighted tensions between the two cohorts, catalysing them into teaching that took two forms: a student conference, and a series of negotiations where students role-played different countries.[81] Florestal goes further, bringing together US and Guatemalan students, in Guatemala, to confront the mismatches between the promises and reality of international trade and development law.[82]

Turning to specific elements or techniques of teaching international law, Davis et al. for instance, highlight the need for teaching of foreign and international law research as a specific subject, discussing issues such as position of such research courses in the curriculum, whether they should be taught jointly with substantive courses on international law or separately, as well as specific teaching techniques. It is formed of vignettes contributed by each individual author, who are international law librarians in US law schools.[83] Similarly, Hutchinson focuses on the role of legal research in the training of the transnational lawyer. This article also highlights the need to design curricula connected to the needs of both government and industry, and the use of technologies in achieving these goals.[84]

Ku et al. reflect on methods of assessment. They focus on the idea of mainstreaming international legal education in law school curricula, highlighting that there are three elements needed for success in mainstreaming: faculty or staff interest, student interest, and administrative support. They also discuss the tension between transnational and international law in teaching, as well as ideas around courses offered abroad, and a few examples of syllabi. In other words, they take up the cause of mainstreaming of international law in the curriculum,

[80] Cattafi, Carmelo, 'Teaching Methods in International Law' (2018) 14(2) *Journal of International Education Research* 9.

[81] Johns, Fleur, and Freeland, Steven, 'Teaching International Law across an Urban Divide: Reflections on an Improvisation' (2007) 57 *Journal of Legal Education* 539.

[82] Florestal, Marjorie, 'A Tale of Two *Compadres*: Teaching International Trade and Development Across Cultures' (2013) 26 *Pac. McGeorge Global Bus. & Dev. L.J.* 33.

[83] Davis et al., 'Perspectives on Teaching Foreign and International Legal Research' in Hill et al. (eds) *Teaching Legal Research and Providing Access to Electronic Resources* (2001) 55.

[84] Hutchinson, Terry, 'Educating the Transnational Lawyer: Globalisation and the Effects on Legal Research Skills Training' (Paper presented at the 61st Annual ALTA Conference, Melbourne, 4 July 2006).

but position in specifically in relation to techniques that would allow for the implementation of this goal.[85]

Techniques of implementation of pedagogical goals are also central to scholarship that focuses specifically on the potential of simulations as means of centring the student in the learning process. Knechtle examines his own attempts to integrate his experiences in diplomatic work in domestic law- and constitution-making contexts, so as to mainstream international law throughout the legal curriculum. He stresses the need to connect the teaching of international law to its practice.[86] McCormack and Simpson discuss a specific technique for classroom teaching, in which a significant part of the semester is dedicated to a single, multi-layered role-playing exercise of treaty negotiation as a tool to teach the law and politics of international law. Differently from Knechtle, though, they emphasize this technique not just to ground international law in its practice, but also to engage broader theoretical tensions and reimagining the very foundations of the field, instead of assuming its technique.[87]

A similar objective is outlined by Badin, Giannattasio, and Castro, who look at the use of a case method adapted from business schools as a means to unpack the law, and its operation, beyond narrow documents like judgments and other primary sources. This case method is a pathway to contextualize international law, ground it in the everyday reality of the people affected by it, and ultimately empower the student.[88] Other work by the same team further details the technique behind assembling these teaching materials, and how this process simultaneously provides pedagogical value and consciousness-raising for teachers.[89] Fach also engages with similar techniques, focusing instead on Problem-Based Learning as a pathway to centre international law teaching on the student, and creating reflective habits on students.[90]

These specific techniques require the production of specific teaching materials. The production of teaching materials is also the focus of an increasing number of forays into the scholarship of the teaching of international law, particularly through textbooks. Some of this scholarship is produced by the authors of textbooks, while others focus on meta-analyses of textbooks.

On the former, Hernández reflects on his own process of producing a textbook, in what he describes as "a confessional posture, a sharing of certain moments of unease as I realised the limitations of the medium and perhaps also was confronted with the pragmatism of my own methodological standpoint and training." He struggles with the line between establishing the field and its techniques, and conveying critical theory that goes against this canon.[91] In some ways, his reflection echoes Schwöbel-Patel's above, in which she queries the differences of teaching international law as technique- or theory-centred. Hernández insists that "legal education can equally be a political act, in that it can constitute the exercise or reproduction of existing modes of thinking, and thus existing structures of ideas and even power imbalances", and that textbooks "establish the grammar and structure of thinking about international law;

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[85] Ku et al., 'International Law and the Legal Curriculum' (2002) 96 *American Society of International Law Proceedings* 54.

[86] Knechtle, John, 'Teaching, Decision-Making, and International Law in the Twenty-First Century' (2003) 97 *American Society of International Law Proceedings* 217.

[87] McCormack, Timothy, and Simpson, Gerry, 'Simulating Multilateral Treaty Making in the Teaching of International Law' (1999) 10 *Legal Education Review* 61.

[88] Badin, Michelle Ratton Sanchez; Giannattasio, Arthur Roberto Capella; and Castro, Douglas, 'O Caso Didático no Ensino do Direito Internacional: Um Instrumento para um Aprendizado Interdisciplinar com Relações Internacionais' (2017) 47(18) *Meridiano*: 1.

[89] Badin, Michelle Ratton Sanchez; Giannattasio, Arthur Roberto Capella; and Castro, Douglas, 'As Eleições Implícitas na Pesquisa para a Elaboração e Aplicação de Casos em Cursos de Direito Internacional' (2016) 3(2) *Revista Pedagogía Universitaria y Didáctica del Derecho* 195.

[90] Fach Gómez, Katia, 'Ventajas del Problem Based Learning (PBL) como método de aprendizaje del Derecho Internacional' (2012) 64(1) *Bordón. Revista De Pedagogía* 59.

[91] Hernández, Gleider, 'Inculcating International Law: The Textbook as Gateway' (2018) 9 *European Society of International Law Conference Paper*.

they set the boundaries of relevance, establishing what sources can be validly invoked, what counts as an acceptable legal argument, and what outcomes and remedies may be sought."[92] He laments the inevitability of presenting international law through Eurocentric lenses, and argues that the contestation happens best pedagogically when set against the canon, not in its absence.[93] He shares Hoffmann's view that international law is best taught "as an objective reality, a particular language game, the grammar and syntax of which must be learned more than understood, a particular professional idiom, fluency of which is the distinguishing mark of the lawyer as opposed to the non-lawyer."[94]

On meta-analyses of textbooks and the work they do for the field and teaching with in, Binder and Hofbauer for instance focus on reviewing international human rights law textbooks. They query the absence of problematization of the "socio-political construction of contemporary society with a clear normative drive. From a practical viewpoint, there emerges the danger of taking human rights for granted and disregarding the political context in which they apply."[95] Roberts's comprehensive discussion of whether international law is international also focuses on meta-analyses of textbooks, aiming at the five permanent members of the United Nations Security Council. She does so with the aim of primarily mapping out the field, using pedagogical practice as a pathway to that, offering useful insights in claiming that textbooks "play an important socializing role in shaping understandings of which issues are core and form part of the field, which sources are important, which debates are controversial, which norms are settled, which rules are liable to change, and who and what the leading authorities are." She demonstrates that international law is much more context-specific than the Eurocentric canon might suggest, despite important areas of spillover in the movement of scholars who write textbooks, who train in European nations and have those insights reflected in the textbooks themselves.[96] She asserts that "cross-country differences between the approaches adopted in textbooks and casebooks are not limited to areas involving clashes of ideology or high politics." She further contends that "these divergences often betray deeper differences in the approaches and cultures of different legal systems regarding such issues as whether it is possible to distinguish between public and private law", and that "the books in different states often adopt one approach without describing the competing approaches or attempting to reconcile them. […] As a result, divergent approaches are often accepted by distinct communities of international lawyers, and passed down to their students, without much reflection or dialogue." This indictment of the acritical reception and flow of Eurocentric insights to the teaching of international law is further expanded in the Brazilian context by a research project that coded all international law textbooks in use in Brazil.[97] Because Brazil responds to the vast majority of the Portuguese-speaking world in terms of population, it has its own extensive production of legal textbooks, including in international law. The participants in this project examined the

[92] Id.
[93] Id.
[94] Hoffmann, Florian, 'Teaching General Public International Law', in J d'Aspremont and J Kammerhofer eds., *International Legal Positivism in a Post-Modern World* (Cambridge University Press, 2014).
[95] Binder, Christina; and Hofbauer, Jane A, 'Teaching International Human Rights Law: A Textbook Review' (2017) 28(4) *EJIL* 1397.
[96] Roberts, Anthea, *Is International Law International?* (OUP, 2017).
[97] Morosini, Fabio; and Leão, Luiza, 'Research Symposium – Direito Internacional "Na Palma da Mão" – Parte 1', *International Law Agendas* (6 April 2021), at https://ilabrasilblog.wixsite.com/blog/post/research-symposium-direito-internacional-na-palma-da-m%C3%A3o-5

biographies of textbook writers,[98] their normative commitments,[99] and the sources used by these scholar-teachers.[100] Ultimately, the project showed that, despite the importance of calls for particularization of international law, it is still largely taught as a universalized enterprise, at least as seen through textbooks as the primary teaching materials.[101]

These insights are central to the body of scholarship on the teaching of international law. Despite many calls for the grounding of international law teaching on local realities, and an intellectual rejection of Eurocentric approaches by many orthodox and critical legal scholars-teachers, the fact of the matter is that there is still a strong canon, at least within the legal discipline. Boundary-breaking is needed, with the help of tools drawn from pedagogical theory (as is the current trend in scholarship), or even with the use of other fields.

In relation to the engagement of international law teaching and other fields, there are two bodies of scholarship. The first is the teaching of international law in disciplines other than law, for their benefit. Schiffman for instance focuses on training non-lawyers in international law, echoing calls for the mainstreaming of the discipline for the benefit of world-making at the end of the Second World War and the advent of the UN, discussed above. Many of Schiffman's techniques focus on managing the expectations of students, and the underlying message is to focus less on imparting knowledge, and more on conveying passion for the field.[102] Focusing specifically on teaching international law in political science contexts, Zartner highlights the benefits of using cases, mooting and problem questions to teach students in these fields, as opposed to relying only primarily on textbooks and scholarly literature.[103] Zartner therefore calls for less engagement with textbooks as a repository of the (Eurocentric) canon, and with other materials, much like Badin et al. and Fach, discussed above.

The second body of scholarship on how international law engages with other fields focuses not on how international law teaching is exported to other disciplines, but rather how other disciplines can shape the teaching of international law. This body of scholarship, more important for our purposes, deserves separate treatment in the next subsection.

7.1. Bringing Other Fields into the Teaching of International Law

Scholars in this thread highlight the potential of bringing in ideas from fields separate from ("classic") public international law to bear on the teaching of the discipline. Schwelb for instance focuses on how to integrate international human rights in mainstream courses on

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[98] Macedo, Julia et al., 'Research Symposium – Direito Internacional "Na Palma da Mão" – Parte 2. Análise das Biografias dos Principais Autores', *International Law Agendas* (6 April 2021), at https://ilabrasilblog.wixsite.com/blog/post/research-symposium-direito-internacional-na-palma-da-m%C3%A3o-4

[99] Ratzkowski, Fernanda; Souza, Jamille Batista e; and Ospina, Julia Britto, 'Research Symposium – Direito Internacional "Na Palma da Mão" – Parte 4. Manuais-Projeto e Manuais-Instrumento: Uma Possível Tipologia dos Manuais de Direito Internacional Público Brasileiros', *International Law Agendas* (6 April 2021), at https://ilabrasilblog.wixsite.com/blog/post/research-symposium-direito-internacional-na-palma-da-m%C3%A3o-2

[100] José, Diego Flávio Fontoura; Brondani, Isadora; and Areosa, João Antonio Coutinho, 'Research Symposium – Direito Internacional "Na Palma da Mão" – Parte 3. Resultados Preliminares sobre os Manuais de Direito Internacional Público no Brasil', *International Law Agendas* (6 April 2021), at https://ilabrasilblog.wixsite.com/blog/post/research-symposium-direito-internacional-na-palma-da-m%C3%A3o-3

[101] Leichtweis, Matheus et al., 'Research Symposium – Direito Internacional "Na Palma da Mão" – Parte 5. Sobre o Eixo Universalismo/Particularismo na Pesquisa dos Manuais Brasileiros de Direito Internacional', *International Law Agendas* (6 April 2021), at https://ilabrasilblog.wixsite.com/blog/post/research-symposium-direito-internacional-na-palma-da-m%C3%A3o-1

[102] Schiffman, Howard, 'Teaching International Law to Undergraduates and Other Non-Legal Audiences: Practical Suggestions for Pedagogical Approaches' (2002) 9 *ILSA International & Comparative Law* 321.

[103] Zartner, Dana, 'An Interdisciplinary Approach to Teaching International Law: Using the Tools of the Law School Classroom in Political Science', (2009) *PS: Political Science and Politics* 189.

public international law, particularly United Nations Charter-based human rights principles and concerns.[104] In doing so, he echoes calls for using the teaching of international law to shore up the UN's architecture, discussed above. Magallanes considers insights from business to the teaching of international law. She focuses on specific techniques for teaching, such as substantive skills in public and private international law, communication skills, and adaptation skills. The main focus is in training transnational practicing lawyers.[105] Otto looks at the possibilities of gender, focusing on specific techniques to include gender in classroom discussions of international law. The author outlines four specific techniques or strategies: (1) naming what goes unspoken in terms of gender; (2) acknowledging and legitimating the narratives behind the dominant narrative; (3) linking the global with the local; and (4) understanding the law as a socially constructed and contestable discourse, as opposed to static rules.[106] In a similar vein, Saul looks at Indigenous peoples' voices in the teaching of international law. He compares the places of Indigenous law and international law in the legal curriculum, and discusses the possibilities of mainstreaming the two areas, and merging them. He argues that Indigenous content can be better integrated in international law teaching, also as a means of changing attitudes in the profession over time.[107] Snyder, lastly, focuses on what an anthropological perspective can offer: "a new focus combining the 'inside' and 'outside' perspectives on law, which I encourage students to develop, even though often there are difficulties in distinguishing these perspectives and even though ultimately it is impossible fully to enjoy both perspectives."[108]

These perspectives, while useful in adding new voices and perspectives, do not seem to fundamentally challenge the basic assumptions about the teaching of international law elsewhere in the literature, even if their reinforcement of insights gained through other means are welcome. A theme articulated by this thread of literature is the connection to everyday practice and reality of international law, a theme reinforced I n specific literature on experiential learning.

7.2.Experiential Learning in International Law

Experiential learning is broadly understood as the techniques that allow students to experience international law as a living discipline with tangible and immediate repercussions. This thread of literature reinforces themes that already emerged elsewhere in this review, like the use of clinics and simulations, as well as cross-cultural teaching.

On clinical teaching, Wilson brings together perspectives from the United States, The Netherlands and Canada in terms of clinical education in international law. The participants in this panel address two main questions: (1) the method or philosophy in clinical legal education; and (2) the move towards international human rights clinics.[109] Hurwitz discusses clinical teaching participants as "transnational norm entrepreneurs", and articulates the potentials of clinical legal education for better integrating international law into the principal legal

[104] Schwelb, Egon, 'The Teaching of the International Aspects of Human Rights' (1971) 65 *American Society of International Law Proceedings* 242.

[105] Magallanes, Catherine J Iorns, 'Teaching for Transnational Lawyering', (2005) 55 *Journal of Legal Education* 519.

[106] Otto, Dianne, 'Integrating Questions of Gender into Discussion of the Use of Force in the International Law Curriculum' (1995) 6 *Legal Education Review* 219.

[107] Saul, Ben, 'Indigenous Peoples, Laws and Customs in the Teaching of Public and Private International Law' (2012) 4 *Ngiya: Talk the Law* 63.

[108] Snyder, Francis, 'The Contribution of Anthropology to Teaching Comparative and International Law', in Marie-Claire Foblets, Gordon Woodman and Antony Bradney eds., *The Trials and Triumphs of Teaching Legal Anthropology in Europe* (Ashgate Publishers, 2015).

[109] Wilson, Richard 'Teaching International Law: Lessons From Clinical Education' (2010) 104 *American Society of International Law Proceedings* 87.

experiences of law students. He discusses in particular two models of clinical legal education in international law: clinics based on international litigation, and clinics based on broader law reform projects.[110]

Another significant experiential tool is the use of simulations, whether full-blown treaty simulations discussed above, or specific moot court competitions. Brown engages with the Phillip C Jessup competition as a means of outlining the benefits of complex problem-solving in the teaching of international law for participants in the competition and students in general,[111] a theme echoed also by Osakwe et al.[112]

Lastly, an emerging experiential technique is to take international law students to specific sites where international law affects reality. Florestal, discussed above, took students to Guatemala.[113] Mitchell et al. describe two different courses put together by the authors, both of which are offered as experiential learning opportunities. One focuses on the work of international agencies, and the other on the work of the "global lawyer". The authors describe the connection between the courses and international careers, as well as the logistical challenges of taking groups of students abroad.[114] Similarly, Saul and Baghoomians look at the experience of creating an experiential learning course in Nepal on international law and development. They cover many of the logistical challenges associated with creating the course, and also the potentials of experiencing international law and development issues on-site. Socio-legal research methods are used as a learning tool, and it is a research-driven substantive curriculum.[115]

This thread of literature is important in presenting clear examples, or almost how-to guides, to other teachers of international law as they design new experiences aimed at responding to the major threads in the literature, such as the localization of international law and its effects, and the contextualization of international legal knowledge, theory, and practice in relation to student experiences and the experiences of those most affected by international legal ordering. They also show a concern with how international law is a practical discipline. These techniques are valid guides, as are those that grapple with the use of technology to facilitate international law teaching.

7.3. Use of Technology

While a number of texts discussed above (particularly the reports of learned societies, but also for instance texts focused on legal research) also inquire on the use of technologies for teaching international law, there is scarce literature focused primarily on the use of technology to teach international law, indicating a gap that warrants further exploration, particularly as events like COVID-19 force more engagement with technology-aided learning.

Of particular importance in the response to COVID-19, but predating it by over a decade, Beck examines specific blended learning techniques. He engages with a number of strategies for teaching international law. The blended approach consists of greater use of online resources to make available beforehand parts of the course that would be "taught" or "lectured", so that classroom time can be devoted just to discussion. In this way, classroom time can be decreased.

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[110] Hurwitz, Deena, 'Teaching International Law: Lessons From Clinical Education' (2010) 104 *American Society of International Law Proceedings* 95.

[111] Brown, Craig, 'The Jessup Mooting Competition as a Vehicle for Teaching Public International Law', 16 Canadian Yearbook of International Law 332 (1978).

[112] Cit.

[113] Cit.

[114] Mitchell et al., 'Education in the Field: A Case Study of Experiential Learning in International Law' (2011) 21 *Legal Education Review* 69.

[115] Saul, Ben and Baghoomians, Irene, 'An Experimental International Law Field School in the Sky: Learning Human Rights and Development in the Himalayas' (2012) 22(2) *Legal Education Review* 273.

The article focuses on the teaching of international law to students of political science or international relations, but offers many insights for a traditional legal curriculum as well.[116]
Gamble focuses on general technological tools. He calls for more surveys in the area, but also highlights the need for international law teaching to be related to the practice of international law, remarking on the potentials and pitfalls of using new technologies in the classroom.[117]
More recently, pedagogical literature has explored the potential of gamification for learning. Moffett, Cubie, and Godden explore this possibility in relation to the teaching of international humanitarian law. They argue that video games via a tactical war simulator offer formative scenarios to ground international legal rules more vividly to decision-making on the ground during conflicts.[118]
The use of technology can be a great aid in the teaching of international law, not only due to external imperatives like COVID-19, but also because it creates other opportunities for students to experience international law as it is translated, and has effects on, a wider range of scenarios and realities. If well-grounded on pedagogical theory and insights, the use of technology can offer promising pathways to addressing many of the dissatisfactions indicated by scholars-teachers writing in this field.

8. Concluding Remarks

This chapter showcased the major trends in the scholarship of international law. Growing theoretical ambition, the international legal scholar's self-reflective take on their own practice, and an increasing emphasis on granularity of experience and the grounding of international law on the everyday, whether from theoretical or practical perspectives. The field is still concerned with the role of international law in the curriculum, but the aspiration to use international legal education to pursue universalist projects or backing specific legal governance projects seems on the wane in many parts of the world, particularly outside of Europe. Many of the chapters in this volume attest to, represent, or challenge these trends. The field is ever-moving, and its growth is welcome. But, for growth to be sustainable and productive of real impact, scholars writing about the teaching of international law need to pay more than lip service to pedagogical theory, and we need to take the time to learn and think about the pedagogy we acquired as a practice. I make this call aware of its irony, as this review itself engages little with pedagogical theory. But I hope this review contributes to the realization of how much important work has already been done, and how to continue this work we need to push past the current plateau in the scholarship, and embrace educational theory insights.

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[116] Beck, Robert, 'Teaching International Law as a Partially Online Course: The Hybrid/Blended Approach to Pedagogy' (2010) 11(3) Journal of International Studies Perspectives 273.
[117] Gamble, John, 'International Law Teaching: Glass(es) Half Full - Rose Coloured - Red/White and Blue' (2012) 37 *South African Yearbook of International Law* 283.
[118] Moffett, Luke; Cubie, Dug; and Godden, Andrew, 'Bringing the battlefield into the classroom: using video games to teach and assess international humanitarian law' (2017) 51(4) *The Law Teacher* 499.

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