Recurring Themes / Thèmes récurrents

The Teaching of International Law / L’enseignement du droit international

Introduction, Teaching International Law Matters

How and what to teach law students about international law is a question that continues to occupy the minds of the members of the editorial board, both in our roles as teachers of international law as well as more in general as practitioners in various areas of international law. The issue that concerns us, it hardly needs emphasis, we thought, is not if international law, in the broadest sense of the term, should be part of the law school curriculum. However, as John King Gamble illustrates in his contribution, that remains a question in the United States, as well as in several other countries. A worrying phenomenon given, especially, the single super-power role that the United States plays in the present day world – although of course it may be precisely due to that role that the ‘if-question’ has not been answered with a straightforward ‘yes’.

What concerned us in particular when preparing this issue was the manner in which future lawyers should be prepared for their work in an increasingly transnational environment; an environment in which various legal systems are likely to be relevant to any one given situation and in which various cultural perceptions are likely to play a role. To put it in other words: an environment in which there is no escaping from legal pluralism. Gerhard Tanja’s plea for the inclusion of a large component of comparative law in the curriculum of those students wishing to pursue a career with global law firms, underscores this point.

In preparing this issue, we approached a number of potential authors from various walks of legal life. For their inspiration we developed an introduction and a list of questions (see Annex to this introduction), but left them free to develop their own thoughts on the topic. We were lucky to find three authors willing to share their thoughts with us on the topic: Hans Corell, Legal Advisor of the United Nations, John King Gamble, Professor of Political Science and International Law at the Pennsylvania State University, and Gerard Tanja, from Clifford Chance. Sir Lawrence Collins, Judge in the High Court, Chancery Division, also shared his thoughts with us. His remarks have been included in this introduction. Moreover, we found Craig Scott, Associate Professor at Osgood Hall Law School, willing to contribute the profile of Ronald St. John Macdonald, who ever-energetically promotes the teaching of international law both in his own country and abroad.
this column we thus benefit from the insights of practitioners and teachers of international law, most if not all of whom have functioned in both roles.

While all authors agree that teaching international law matters, and all agree that this should involve private international law, public international law and comparative law, as might have been expected, when becoming more precise, they differ as to the ‘how and what’.

Hans Corell maintains that international law, including public international law, should be part of every law school’s curriculum. John King Gamble, for his part, argues for the development of what he calls a ‘bare-bones course in international law’ as a basic minimum. Gerard Tanja makes the point that from the perspective of global law firms ‘a rather basic knowledge of the main concepts of public international at an undergraduate level is sufficient’ because, he adds, ‘[i]n their future career/practice public international law plays virtually no role. And when it does play a role, one of the very few specialists from within the network will provide the answers or an outside expert will be instructed.’ This assessment, if correct, by Tanja raises the question whether it might be problematic that public international law plays virtually no role in the work of lawyers employed by global law firms. Take the prominent calls for partnerships between the public and private sectors in the attainment of sustainable development, for example at the recent Johannesburg Summit. If these and similar calls are to be properly implemented, should public law in general and public international law more in particular not play a more prominent role in the work of those employed by global law firms and thus in their education? With the private sector increasingly being regarded as a partner in attaining proper governance, should those employed in that sector not be aware of the relevant law? What responsibility do universities and the private sector have in this regard? Given recent corporate scandals, what role should ethics play in educating international corporate lawyers? Rhetorical questions? Apparently not, given Tanja’s assessment.

A point on which all authors agree is that teaching international law is not about teaching rules and regulations. Hans Corell states that ‘teaching international law is not simply a matter of conferring factual information,’ it should instead take a liberal approach ‘and not approach the learning of law as if it were simply some kind of technical vocational training.’ John King Gamble advocates the greater use of information technology (IT) in teaching international law. Gerard Tanja proposes a ‘dual-learning system,’ that includes training in various areas of law as well as in management and inter-personal skills and learning on the job, facilitated by partnerships between law firms and universities, while Sir Lawrence Collins advocated that international litigation courses be made available to students.