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Integrating International Law into the First-Year Curriculum

Claudio Grossman*

To begin, I would like to express my gratitude for the leadership of Professor Louis F. Del Duca in convoking these meetings. They have become a valuable tradition, exploring international, transnational and comparative legal issues year after year. I also want to thank you for allowing me to be the last speaker, which has challenged me to think of innovative points to add to the detailed and creative proposals and programs already presented.

Let me start today by saying that we first need to review why the issue of international and transnational law in the first year is an important one. The first year provides the framework and substance of the educational goal of “thinking like a lawyer.” To a certain extent, if that curriculum does not include a transnational and international law component, it is sending an incomplete message, in light of the interconnected nature of today’s world. Preparing students to practice in a global world (where the distinction between domestic and international is becoming increasingly blurred) should be a central educational goal of law schools. Moreover, we have not yet fully developed the global institutions and procedures that would ensure justice, peace and prosperity for all. Law schools can contribute even more to the realization of those goals.

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The organization of the “modern” first-year curriculum began in 1870 and has remarkably resisted seminal changes and events including two world wars, new developments worldwide, and a complete technological transformation in the way the world operates.

Today, there is hardly an issue that can be solved by one country acting alone. Modern times require cooperation, and cooperation is needed to address key issues facing humanity such as the strengthening of democracy, security against terrorism and international crime, protection of the environment, free trade and development, and human rights. We need to train individuals to practice law, in the private and public sectors, who are properly equipped to handle the new challenges of an interconnected world that has dramatically changed since 1870. We need to ask the theoretical questions that are relevant to achieving the goal of human dignity.

To be sure, the organization of the traditional law curriculum has already been criticized from what I would call a “domestic point of view.” The movement for clinical education and experiential learning alleges that the case method, which is the preferred but not the sole methodology for teaching first-year law students, does not impart the values and skills which are essential to the practice of law. For others, the traditional structure of the first-year curriculum fails to develop a theoretical understanding of the law and its historical underpinnings. However, the “global point of view” has not been the point of departure or the root for much criticism. I would suggest that in the current structure of the first year, no attention is given to the development and importance of interpersonal and negotiation skills that are required to navigate the new world reality and the “interconnectedness” of international with domestic legal issues. I also believe that the current structure of the first year does not provide the tools required to understand the world’s historical and theoretical underpinnings, which must inform lawyers’ value choices.

Now, what must be done about these issues? The first consideration involves the law school environment. Law schools anticipate the world in which we live. The students themselves are at least as important as the faculty in terms of what they bring to each institution. Every educational project involving international and domestic law requires a diverse student body, including international students, and not only those who speak or look “a certain way.” At Washington College of Law (WCL), for example, we have 30 international students in the first-year class. We have developed dual J.D. programs, through which students study two years at WCL and two years at participating universities in Spain, France, or Canada, and we are expanding that program. It operates on the basis of reciprocity, so international students from the

participating schools also study at WCL. WCL has approximately 200 foreign LL.M. students each year and we create ongoing opportunities for interaction with our J.D. students so that the richness of diversity in languages, cultures, and backgrounds is shared. This student body is a tremendous resource for our community and enhances our understanding of the world. As teachers, we are well aware that the educational process is extremely complex and cannot be limited only to classroom interaction between faculty members and students.

A diverse faculty is also fundamental. On this panel, for example, there are three individuals who speak English with the same “British” accent as I do.¹ There is something to the fact that 50 percent of a panel discussing first-year curriculum changes is composed of individuals with this “unique” foreign British accent. Again, from the faculty’s viewpoint, the educational process cannot consist solely of the materials one teaches and the courses in the curriculum. Also critical is *who* teaches. Exposing students to foreign faculty can enrich their education and enhance their ability to function in different environments. At WCL, faculty from different countries are full-time instructors in our tenure system and visitors within both the regular programs and specialized diplomas (*e.g.*, human rights, environmental law, and commercial arbitration, to mention a few). Further enriching this diversity, in our summer programs we teach law courses in Spanish as well as in English.

The educational environment also encompasses what we call “extra-curricular activities,” which create opportunities and motivate students to explore key issues of our time. WCL offers more than 50 conferences per year, many with an international component. Last year at WCL, we had two sitting U.S. Supreme Court Justices discussing the role of international law in the domestic realm. This year, we are having the President of the European Court of Human Rights, the President of the Inter-American Court on Human Rights, and the President of the International Criminal Court.

Moot court competitions offer additional opportunities including those in languages other than English. At WCL, our students participate in the French-language Renee Cassin competition in France, and our law school hosts the trilingual Inter-American Moot Court Competition, which draws approximately 150 students from 50 law schools around the hemisphere each year to compete in Portuguese, Spanish and English. WCL also has programs in countries around the world. Ensuring interaction with foreign faculty and students opens the whole law school, including first-year students, to the world. These developments contribute to creating an environment at WCL which is more receptive to

1. Dean Grossman’s native language is Spanish.

making changes to the first year curriculum.

In promoting change, different possibilities emerge. Some schools would have elective courses as the vehicle to present global issues. Others require international law, and still others are in the process of incorporating notions of international law into traditional courses such as torts, contracts, civil procedure, constitutional law, etc. At WCL, our strategic vision of interconnectedness in preparing our students for a new world reality, has led us to believe in the need to pursue what we call “the integration of the first-year curriculum” as a whole. That is why earlier on I wanted to spend a few minutes discussing the structure of the first year. Our program of integrated sections, which also encompasses an international component, seeks to prepare students in identifying and understanding the connections and inter-relationships between subjects that have been traditionally taught as isolated and unrelated units. Again, if one instead conceptualizes the role of “internationalizing” the curriculum as “adding” something to torts, something to civil procedure, and so on, one does not resolve the problems created by presenting the study of law as the addition of separate and isolated courses. In reality, legal issues present themselves as a confused and complex whole, and not in neatly isolated units such as torts, civil procedure, constitutional law, environmental law, etc. Learning how to address such a reality requires developing analytical skills to spot issues and understand the theoretical and historical relevance of problems. In our opinion, what is needed is thinking in terms of integrating the overall first-year curriculum rather than just adding the teaching of international law as another isolated unit.

To further explain our approach, allow me to share an excerpt about WCL’s integration efforts, as written by our own faculty:

For instance, students in a tort class might be treated to a day of team teaching in which professors analyze the contractual dimensions of a famous torts case. Or they may join in a lively debate as professors from several disciplines act out a law firm meeting in which the partners brainstorm the advantages and disadvantages of different theories of a case. Or they might have a special module on the fascinating “Baby M” case, looking not only at the issues it raises about contracts (the usual approach to this case involving a surrogate mother), but also at how questions surrounding legal procedure, torts, legal rhetoric, and property bear on the emotionally explosive case.²

We have prepared integrated first-year curriculum components for our sections and, within those, we are in the process of developing

2. *The Integrated Curriculum*, 12 THE ADVOCATE 4 (Fall 2003).

international law materials. For example, torture has implications for constitutional law and torts as well as international law. I am a member and vice chair of the Committee against Torture of the United Nations. In the performance of its supervisory functions, the Committee considers the overall political structure of a country, its legal system, its political parties, and compliance with its obligations. A valuable goal of education is to break down artificial barriers which conceptually separate different topics so that professionals may provide sound legal advice. In the case of torture, such a goal cannot be accomplished without an integrated approach that encompasses all relevant legal areas.

A third valuable educational component is service. In academia, some of us are reluctant to require individuals to participate in service, but we can create an environment where service is possible. I am told that 60 percent of law students nationwide choose to study law because they want to create a better world. I think we need to do something to satisfy that demand. At WCL, we have many initiatives (*e.g.*, Pro Bono Honors Program, Center for Human Rights and Humanitarian Law, Academy for Human Rights and Humanitarian Law, War Crimes Research Office, etc.) that create such an environment. Those initiatives include also non-legal work. For example, during our Alternative Spring Break, students participate in both legal and non-legal work, building schools, repairing houses for the poor, etc.

I would like to conclude my remarks by saying that in our view, the issue of integration of international law is not only an issue of integrating international law but rather of integrating the entire curriculum. The first year is essential to that purpose. To achieve this goal, imagination and creativity are required. Gabriel García Márquez, the Nobel Prize winner for literature, was recently asked what we can expect of the 21st century. He said that we cannot expect anything from a change in the calendar. Important things that have occurred, such as the heart transplant procedure or Beethoven's Ninth Symphony, are the result of people imagining things first and then making them happen.

