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The International Dimension of Law School Curriculum

Anne-Marie Slaughter*

I. The Required Course Debate

Members of the American Society of International Law spend a certain amount of time at their annual meetings lamenting the fact that public international law is not a required course in American law schools and debating how to make it a required course. The debate very quickly turns to the bar and then to state bar associations because the fastest way to ensure that a law school course is required is to put the subject on the bar exam. For a whole host of reasons, that is unlikely to happen.

Rather than making international law a required course, law schools should strongly recommend that students take such a course. Strongly recommending a course, as opposed to requiring it, is likely to be more effective. Students tend to dislike required courses, in part, because they are required courses! I concur with the law schools that recommend four or five courses after the first year, from constitutional law to tax, as part of the portfolio of any well-educated lawyer.¹ An international course, whether it is private, public, or hybrid, should be one of those recommended courses. Law schools should be sending the message to all law students that a working knowledge of international law should be a basic part of any lawyer's education in the 21st century.

II. What a Global Curriculum Should Achieve

The consensus among lawyers, CEOs, NGO activists, and others is

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1. Constitutional law, corporations, tax, and accounting; I would include administrative law. There might be some disagreement among law professors about which four or five fundamental courses students should be required to take.

that the people whom they would most like to hire are those who understand how to navigate between cultures and who have at least some cultural competence. In a dream world, such competence would include knowledge of at least one foreign language. At a minimum, it should include exposure to at least one foreign culture, through lots of courses and, ideally, some actual travel abroad in the summer or in a semester. Law schools must train students to be boundary-crossers, literally and figuratively.

In addition to offering specific courses that focus on international subjects or that include an international component, an important part of internationalization concerns the individuals who teach those courses. Law schools should be hiring boundary-crossers. Deans and members of appointments committees, who spend many hours looking at a range of candidates and choosing the best, should be mindful of this dimension. Many potential candidates to fill these vacancies are now being educated in the United States as S.J.D. candidates.² In many ways, they define cultural competence: they have completed an entire course of legal training in their home countries; have obtained an LL.M. degree at a law school in either the U.S. or a third country such as England, Canada, or France; and have now been admitted to a highly selective program to pursue a Ph.D. in law. A growing number of these students are on the American teaching market and are getting jobs. As teachers, these men and women automatically teach from multiple perspectives—American and foreign. They will not have to add a module on foreign perspectives because it is simply the way they think.

An even better approach is that described by Dean Vanistendael.³ The students he is training embody an even higher ideal of what law schools should produce. They will be taught in several languages; will spend at least a year in another country in addition to their own; and will study international foreign and comparative law in addition to national law. These will be people who will automatically think from multiple perspectives. Educators thinking about this project from the point of big intellectual ideas will want to teach students not only to be boundary-crossers, but to be cosmopolitan.

Cosmopolitan is a word that can connote hopeless idealism. It can

2. Harvard's S.J.D. (Doctor of Juridical Science) program has fifty S.J.D. students at any one time. Many other schools across the country also have distinguished programs. S.J.D. candidates are typically foreign students who have completed their legal training in another culture, have received an LL.M. degree, and, based on that performance, have been selected to spend an additional three to four years taking American law school courses and writing dissertations.

3. Frans Vanistendael is the Dean of the University of Leuven School of Law in Belgium. He is also a co-founder of the European Law Faculties Association.

have very nasty associations of rootlessness. It has often been a cover for anti-Semitism. The better and different version of cosmopolitanism is defined by philosopher Anthony Appiah who says:

[A]s cosmopolitans, far from being disposed toward world government, we hold to a vision that accepts, even celebrates, the diversity of social and political systems in the world, taking pleasure in the existence and the products of peoples and places other than our own homes. Thus, what is distinctive about cosmopolitans is that we display our concern for our fellow humans without demanding of them that they become like ourselves.⁴

Appiah also writes, “We expect to be able to learn from other societies as from others in our own societies.”⁵ This idea is a mind set, not a skill set or a knowledge set. Law school professors fundamentally teach students to think like lawyers. A successful, global curriculum would produce American lawyers who understand that thinking like a lawyer also means thinking like a cosmopolitan.

4. Kwame Anthony Appiah, *The University in an Age of Globalization*, Lecture at the Princeton-Oxford Conference on Globalization at Oxford University (June 2002).

5. *Id.*

