

The Role of International Law in the Law School Curriculum: A Critical Guide for Integration

*Achalie Kumara*¹

International law forms an integral part of the modern law school curriculum. With the changes ushered in by globalization and the transboundary life style, the law is increasingly accommodating an international approach to its evolution. So must the law school curriculum and courses. This think piece elucidates the idea that international law has become an omnipresent component in the modern law school curriculum, more than a stand-alone course. Identifying the law school curriculum as *modern*, it is distinguished with the law school curriculum prior to globalization.

The core proposition of this piece is advanced by three main propositions that collectively lead to determine the place of international law in the modern law school curriculum: International law no longer figures only in the curriculum as a core public international law course; International law is an overarching concept that has seeped into other courses in the curriculum; International law acts as a benchmark to guide legal imagination of students and their comparative perspective towards individual avenues in the study of law.

It remains undisputed that public international law should form a core course in the curriculum. It should ideally convey the core concepts and principles on which the body of international law is founded upon. However, offering a core course should not implicate that all aspects of international law are covered by this single course. International law is no longer a stand-alone regime but a living body of law and jurisprudence that is present in all other courses offered at law school. These courses vary from human rights to more territorial areas of law such as family law, law of torts or delict and labor law. Although these individual courses will not comprehensively refer to the entire body of international law, they will encompass what is relevant for their respective scope.

In integrating international law, the curriculum should manifestly admit that international law is an overarching concept than a compartmentalized individual course. Family law can be utilized to explicate the reality further. Globalization has transcended institutions such marriage, domicile and child custody beyond the territorial boundaries of an individual jurisdiction. For an

¹ Lecturer (Probationary), Faculty of Law, University of Colombo, Sri Lanka; achalie@law.cmb.ac.lk.

instance marriage is increasingly possible between two individuals from different jurisdictions belonging to different nationalities. In such a case, what law will govern their relationship, property and off-springs? At a point of dissolution how would the custody of children be determined? This is especially problematic when the two parents reside in two countries. Application of international law in protection of individual rights, particularly rights of the child in this case is inevitable. Similarly, reforms such as legalizing same sex marriage is becoming a legal norm in the name of equality and individual states can hardly close their door to changes in comparative jurisdictions and changing norms of international law.

Thirdly, law school reformists now contemplate on developing ‘legal imagination’ of students without merely imparting knowledge to hone critical and analytical skills.² Although still new to the adversarial legal system, legal imagination is proposed as an answer to an open mindset and an approach a twenty first century lawyer should possess in engaging with law. Modern day cases have the tendency to be of transboundary conflicts; resolution of them requires thinking beyond the territorial legal system. Overlooking the international legal framework can hamper the judgment of a law graduate regardless whether the person enters legal practice, research and advocacy or the academia, upon graduation. An effective reforming of law school curriculum should be guided on similar propositions and be accommodating of international law.

(608 words)

² This proposition is derived from the work of Susan Sturm and Lani Guinier; See Sturm and Guinier, ‘The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity’ 60 Vand. L. Rev. 515-554, 517.