Teaching and Researching International Law at Private Law Schools: A Personal Reflection

By:

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As a teacher of international law to Under-Graduate Students, an attempt is made in this short note to share some of my thoughts and concerns on teaching and researching international law in a Private Law School setting. It needs to be underlined here at once that Private Law Schools come in many shapes and sizes. On the one hand there are (few) high-profile private institutions such as O. P. Jindal Global Law School which are an exceptional place to learn and a rewarding place to work. On the other hand, there are hundreds and hundreds of other Private Institutions located across India where opportunities for learning and conditions of employment are challenging to say the least. As for the student community, while the former has (relatively) a large number of better and highly-motivated students, this proportion is significantly lesser in the latter category. Though, issues relating to teaching and researching in international law in India in general has long been a subject

of critical enquiry, in the following pages, I offer an account of the problem areas that obtain in the latter category of law schools vis-à-vis teaching and researching international law.

Where the Big Picture is Missing

Historically international law as a subject of study has been low on the academic agenda of Private Law Schools. This was at least for two mutually –reinforcing reasons:

First, international law was always perceived as something that took place in faraway places touching only the grand matters of international relations (and hence having very little to do with the interests and lives of ordinary people located within domestic societies). In terms of this conventional wisdom, then, the theater of international law was *abroad* whereas the theater of domestic law was *national /local*.

Second, Law schools used to give a great deal of preference to more “bread and butter” related courses such as Constitutional law, Business Laws, Labour Law, Criminal Laws, etc.). This was aided by the primary motivation of a large number of law students to get a high-paying job immediately after the degree.

The old cry of international law being not so relevant continues to have purchase at Law Schools despite the current reality that international law is all-pervasive in nature. In our times;

- national legal systems can no longer be thought of in isolation from international developments;
- no branch of domestic law is left today untouched by the corresponding international rulebook;
- international laws increasingly dictate the content of domestic laws in many critical areas (such as trade, investment, intellectual property rights etc.);
- international laws incorporate matters of social justice (human rights treaties for example);
- international law has become an instrument of intervention and a weapon of choice utilized by predominant interests;

- there is a need to challenge the mainstream narratives of international law for being lopsided in terms of ignoring the local histories and concerns.

However, the thickening web of international law and the intrusive impact it has had on the authority, effectiveness and the sovereignty of (developing) States including its empowering and disempowering impact on the everyday lives of its ordinary citizens are not truly appreciated even today. All other issues highlighted below flow from this.

Where Anybody Can Teach International Law

A direct consequence flowing from the non-realization of the growing importance of international laws and their impact on States and their peoples is the way in which teaching of the subject is allocated in law schools.[1] A cavalier approach is adopted whereby any faculty can be asked to teach international law regardless of his or her background and familiarity with the subject matter. A grounding in international law would be an invaluable (and perhaps an indispensable) asset for a person to teach a subject as complicated as international law is not appreciated. A similar approach is followed in regard to the range of specialized fields within the rubric of international law. This creates two problems:

First, one does not get an opportunity to teach international law continuously because it is taught by different persons during different years. Even at a time when one teaches it, he or she has also to teach few other subjects. Hence, maintaining a sustained interest in international law is a big challenge. To be an effective teacher this is an imperative for in today’s world of international law, there are new developments every second day.

Second, this process of different people teaching international law is not in the best interest of the student community either.

Where Teaching Steals Precious Time from International Law Research

Given the high teaching and administrative burdens that we, as the faculties of the Private Law Schools (as opposed to Government colleges where things are pretty streamlined) need to bear, we are left with very little time to do research

in international law. No doubt, a very important purpose of academics is to teach. But the way teaching obligations are structured, one is reduced to a '*teaching machine*'[2]. That apart, a lot of other (administrative) works are also expected to be performed by us. Cumulatively, these work obligations take a serious toll on the time available to pursue one's research interests. Though the fact that you can carry your research into teaching is understood, the overall work atmosphere does not allow us to implement this. Detrimental as this is to the academic future of the teacher, it could also potentially impact the discipline of international law itself in an adverse manner.

Support for Research and Conferences

That paper presentations at Conferences contribute a significant deal to the professional life of the faculties is realized. This is seen as an invaluable opportunity to present one's work to his peers around the world to get their feedback and to exchange notes with them. It is also seen as a potential avenue for research collaboration. Accordingly, faculties wishing to present their work at Conferences particularly the international ones are encouraged to do so. To facilitate this, few incentives are also offered including on-duty for the days of absence from teaching obligations and reimbursement of half of the travelling allowances involved in a foreign trip subject to one giving an indemnity bond to serve the institution for a certain number of years. Though the culture of encouragement is well-appreciated by the faculties, the accompanying conditions are not always seen in a positive light. It is also worth adding here that there are no targets imposed on the faculties either to write a certain number of articles or to make a minimum number of presentations in a year.

Conclusion

This short note has identified few concerns in the teaching and researching of international law from a systemic perspective as experienced within a Private Law School setting. It needs to be underlined here that these are based on personal experiences and it could differ from person to person and setting to setting. Addressing these issues would go a long way in terms of enabling the members of the international law teaching community to put their best legal foot forward. This is critical today more than ever. As an old Chinese proverb

puts it: *The best time to plant a tree was 20 years ago, The second best time is now!*

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[1]International law is a compulsory subject for all students at the under graduate level. Special branches of international law such as international trade law, international investment law, human rights law are all offered as electives.

[2] A faculty needs to teach at least two subjects (and occasionally three subjects) which takes away a lot of time and energy.

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