



Teaching International Law in Asia: The Predicated Pedagogue

By:

[Rohini Sen](#)

September 24, 2020

Introduction:

The International Law Teacher in Context

I am a TWAIL, post-colonial, feminist scholar and I teach Critical International Law (CIL)^[i] in India. I begin with this statement for two reasons. First, teaching of CIL in Asia is rare if not absent. And second, while there is some divergence on how international law is taught, there is a fair amount of consensus [on its content](#). These two statements are in contradistinction to each other but, the latter qualifies the former. CIL is an [amalgamation](#) of all [techniques](#) that subject mainstream, [Eurocentric](#) international law to [various forms](#) of [critiques](#) especially its structures and tendency to mask history. But despite its vital colonial past, the teaching of international law in Asia is woefully conformist. It is predominantly Eurocentric and relies on [European knowledge production systems](#). Even when there is a demand for an Asian perspective to the discipline, this is relegated to representation at best. Law schools in India,

public or private, do not seem to teach CIL. In my own institution, the course I taught was offered only as an elective to those who may already be familiar with mainstream international law. And as per the [TRILA report](#), whether the history of international law should form a part of the curriculum is still subjected to debate.

In this backdrop, teaching CIL in Asia becomes mired in ontological and teleological challenges. I, however, enter this discussion as an ontological predicate. My intervention here is premised on my experiences and my relationship to the teaching of CIL. Instead of directly engaging with the question—[why teach critical international law](#)—I offer two interconnected accounts of the teaching process. This unpacking takes place at the site of my identity as a pedagogue where these two strands of enquiry intersect—why did I *choose* to teach CIL and why did I *choose* to teach CIL. These enquiries are dynamic and through them, I hope to cover some ground on the teleological question. I do this with the understanding that these are not dilemmas I share alone. Eurocentric international law is institutionalised imperialism and scholars such as myself are its diminished objects. Our association to the discipline is complex. We wear its oppressive inheritance in our history and identity as *the post-colonial*. And within the academe, we have to make a conscious choice to accept or reject this inheritance. This journey is rife with oppositions and scholars teaching CIL may find community in my consternation and conflict.

Teaching Critical International Law—making and unmaking of the pedagogue

I started this piece by declaring my location, position and intent. These coordinates are important because they indicate a possible dialogical relationship between CIL and the pedagogue (myself). While the choice to teach CIL is intended to be emancipatory, the journey and the process are continuous accounts of discomfort and challenges. I distinguish these challenges as external and internal. The external challenges frame the critical debates around the discipline. They include [mainstream resistance](#) to the critiques, absence of CIL from textbooks, [dehistoricization](#) of international law and relegating CIL scholars and scholarship [to the margins](#). The internal challenges pertain to our identities and form a dialectic space where the

pedagogue is often in conversation and conflict with oneself. This friction is epistemic and best understood through the following placements:

- a) The pedagogue unmade (why I *choose* to teach CIL)
- b) The pedagogue in opposition to the discipline (why I choose to teach CIL)

a) The pedagogue unmade: why I *choose* to teach CIL

My relationship with international law and its teaching can be best described as Stockholm syndrome. I acquired my training in eurocentric international law from Western knowledge systems and was heavily indoctrinated into a culture of fetishizing the discipline for its [honesty to realpolitik](#). As a student, I took to it because it stood apart from other law subjects given its apparent ability to subvert the doctrinal narrative of legal teaching. The teachers' consistently struggled with where to locate its politics, leaving ample room for us to imagine its interstices. However, at this juncture, I was unaware of its inherent eurocentrism. By the time I started teaching, [TWAIL](#) had entered my scholastic horizon and the eurocentric violence of ahistorical, mainstream international law was staring me in the face. The discipline looked to efface me (and my kind) and I was imparting it to students as universal knowledge! The experience of teaching what I had learnt/received uncritically wrung me out of any capacity to repose faith in my work. And my identity that was (is) deeply connected to my work was centered in this unmaking process.

My early experience of teaching eurocentric international law often put me in conflict with myself. As a teacher of international law *in* the Global South and as a scholar of international law *from* the Global South, I found myself oscillating between inadequacy and rage regarding my classroom politics and performance. Yet, for the longest time, I saw some merit in continuing to borrow, both substantively and pedagogically, from the eurocentric "motherhood" because I was unable to disinvest completely from what I had been trained in. This 'non' dialogical and reactionary response to the international law teaching process put me in a place where I could not reject all that I had learnt without accepting how much of my teaching was a product of it. I wanted to take international law apart and teach it for what I believed it was—an imperial knowledge system mired with [oppressive institutions and](#)

[practices](#). However, decoupling my own teaching methods from that which had inspired me to teach was difficult. I had to take ownership of the antagonism I felt for the subject in order to dismantle it (and its impact on me) and teach it in ways that healed me. In ways I think, it ought to be taught, particularly in former sites of historical oppression and violence. This is why I *chose* to teach CIL, as an act of resistance.

This choice, despite its liberating thrust, brought me in direct conflict with myself. This form of conflict was different from the one I experienced while teaching eurocentric international law as a post-colonial feminist. In the former, I felt a sense of betrayal by the discipline. In the latter, I was resisting against a part of myself. My own training and location in liberal, mainstream academe often got in the way of my pedagogy as well as my efforts to engage with other epistemologies. Despite teaching CIL, I often resorted to uncritical methods of engagement. Similarly, embracing other epistemologies and to see them as critical politics generated immense discomfort in the first place. This, I suspect, is a moment of consternation for TWAIL teachers (and scholars) at large. Despite our efforts at critical legal pedagogy, our training in Western liberal academia grossly limits our capacity to transcend this educational context.

For instance, I was actively using the rich scholarship produced by [Gayatri Spivak](#), [Saba Mahmood](#) and [Irene Watson](#) in my work. However, when it came to studying indigenous or 'religious' texts, I would self reflexively use liberal interpretative tools. My readings of these texts were anxious, suspicious and I questioned their authenticity often. However, by subjecting myself to this repeatedly, I eventually allowed for more [reparative reading](#) to take place. And this, in turn, had an impact on how I viewed the discipline. CIL was no longer just an array of critiques. It was a method as well as a movement. I call this churning the 'pedagogue unmade'. Centering critical approaches to international law has opened the possibility of an expansive, dialogical association between CIL and my teaching process. In engaging with the other, both the discipline^[iii] and I appear to undergo a dynamic transformation and extension. And in doing this, I am able to reclaim some of what teaching eurocentric international law had taken from me in the first place.

The act of teaching CIL is not just a choice of determining what international

law is. It also contains the choice to relinquish the inheritance of mainstream liberal [\[iii\]](#) learning, to understand other forms of knowledge and to escape parts of one's embedded self. The teaching of CIL (and its consequences) is a restorative practice. It allows the pedagogue and the discipline to be constantly in dialogue with each other. And makes one aware of the limits of/to the discipline and self. In the words of [Margaret Davies](#), "the warning of critical theory in all of this is to try to reflect beyond the horizons of one's own point of departure from the 'tradition'. The self as well as the world and the other must be a site of the most intense questioning." By choosing to teach CIL, we give ourselves an opportunity to transcend the limits eurocentrism imposes not just on our world but on our pedagogic selves as well.

b) The pedagogue in opposition to the discipline: Why did I choose to teach CIL?

The teaching of international law is myopic. There is a culture of sanitizing international law of all its vices (Judeo-Christian imageries seem to be all pervasive) and the only [permissible ones](#) are the ones that do not topple its eurocentric character. This is particularly deleterious for scholars from/in the Global South. If we do not offer a counter hegemonic account (CIL) of what it is in relation to who we are (what we are a product of) at the centre of it, the discipline is likely to consume us. If the choice to teach CIL reveals a dialogical relationship between the discipline and the pedagogue then, *who* chooses to teach it is the logical next step of this inquiry. The teaching of eurocentric international law is an act of erasure and in order to right this wrong, the pedagogue becomes relevant. Thus, *I* chose to teach critical international law because my third world and feminist identities are in constant opposition to the subject.

This opposition takes two forms—the third world pedagogue and the feminist pedagogue. The third world pedagogue is posed in opposition to the ahistorical pedagogue. International law teachers have been able to invoke a sense of disciplinary conscience through critical scholarship in addressing hegemony and politics within the system. But, I suggest that they have not gone far enough and the teaching of international law (both in form and content) deserves the same standard of scrutiny as well. Here, the relevance of the embedded identity of the pedagogue and the geographical context of teaching

in the third world is important. A “situated” pedagogue^[iv] can bring themselves to the classroom and ‘live’ the law as part of the teaching process. For international law, this means laying bare one of its most exploited objects - the third world itself. As a third world scholar, the only ethical relationship I can have with eurocentric international law is one of objection. And, I choose to articulate this dissent by invoking the teaching of critical international law in these spaces.

The other identity I inhabit is the feminist object. This form of opposition emerges through international law’s inherent [male-ness](#). The increasing participation of the non-male individual as a site of international law making still operates within the inimical anatomy of norms with distinct [male western epistemological basis](#). The anxiety of mainstream international law teaching is much more than the uncertainty of outcome, approach and movement of power. For the non-male, this lies in the uncertainty of their position as a norm-taking object, as an idea and as a secondary source of “expertise and scholarship”. I perform this anxiety as resistance to mainstream international law through teaching it as a feminist, rooted in a conscious departure from “*who international law is*”. I see it as a pedagogical prerogative to intervene in the gendered production and teaching of international law. The legitimacy (of a teacher) of each of these subject-identities is determined in response to their degree of divergence from the white, heterosexual male both as the gatekeepers of international law and as international law itself. If ‘white’, ‘male’ and ‘heterosexual’ is international law then one’s distance from each of these becomes structural mechanisms that govern the legitimacy of knowledge, knowledge giving and access to knowledge. My feminist critique-position challenges the fact that the teaching of international law and international law itself have identical pathologies of male-ness. And this is how the pedagogue is in opposition to the discipline itself.

Conclusion:

Writing Myself out of International Law

By centering myself in a conversation on teaching CIL in Asia, I emphasize the many facets of choice that international law teachers can make. I understand these as acts of choice because continuing to teach eurocentric international

law, disregarding one's positionality, is also a choice that academics make, even though some of them may not see it as such. The limitations may be institutional, epistemic or personal. But reconfiguring the ethos as a pedagogic choice is important. This brings with it many other possibilities of expanding oneself and the discipline as a dialectic relationship. This is not intended to be prescriptive in any manner. I deliberately break away from the academic form here in letting my readers take ownership of the transmission of my circumstances into their own teaching process. Similarly, what they make of the purpose and nature of my narrative is left to them. As a situated pedagogue CIL, I share my ongoing journey in hopes that it can serve as a heuristic for all those who are broken by the mainstream and looking to salvage the discipline and themselves.

[i] I use the terms as distinct here only account of how the discipline is taught. What passes for international law and its teaching in its current form is Eurocentric international law and what I call critical international law is how I think international law ought to be taught.

[ii] By the discipline I mean what I now understand of the discipline after engaging with newer epistemologies.

[iii] I am using the terms 'liberal' and 'eurocentric' interchangeably here.

[iv] Situated refers to one's positionality. For instance, I am a post-colonial feminist scholar from the third world.

View online: [Teaching International Law in Asia: The Predicated Pedagogue](#)

Provided by Afronomicslaw