A presumptuous beginner: Some thoughts on teaching international law at undergraduate level for the first time

1   Introduction

Over the years, scholarly debate regarding the teaching of international law at undergraduate level has centered on various concerns.[1] A variety of teaching methods have been examined: scholars have explored the suitability of less-traditional teaching methods, such as moot courts,[2] simulations[3] and debates,[4]

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[1]See, generally, eg, Gamble 'International law teaching: Glass(es) half full? Rose colored? Red/white and blue?' Paper delivered at the 75th Conference of the International Law Association, Sofia, Bulgaria 26 30 August 2012; Bishop 'International law in American law schools today' (1953) 47 *AJIL* at 686 697; Carlston 'The teaching of international law in law schools' (1948) 48 *Columbia LR* at 516 533; Franklin 'Needed: More and better courses in international law' (1952) 4 *Journal of Legal Education* at 326 328; and, more recently, Gamble and Shields 'International legal scholarship: A perspective on teaching and publishing' (1989) 39 *Journal of Legal Education* at 39 46; Gamble 'Teach or get off the lectern: Impediments to improving international law teaching' (2007) 13 *ILSA Journal of International and Comparative Law* at 379 385; Gamble 'Teaching of international law: Innovative techniques' in Lefeber (ed) *Contemporary international law issues: Opportunities at a time of momentous change* (1994); Beck *et al* 'Teaching international law' in Denmark (ed) *The International Studies Encyclopaedia* (2010); and Hey *Teaching international law: State consent as consent to a process of normative development and ensuing problems* (2003). For another excellent overview of what has been written with regards to international law teaching, see Beck 'Teaching international law as a partially online course: The hybrid/blended approach to pedagogy' (2010) 11 *International Studies Perspectives* at 273 290.

[2]See, eg, Ringel (2004) 'Designing a moot court: What to do, what not to do, and suggestions for how to do it' (2004) 37 *PS: Political Science and Politics* at 459 465; Collins and Rogoff 'The use of an interscholastic moot court competition in the teaching of international law' (1991) 24 *PS: Political Science and Politics* at 516 520; and Ambrosio 'Trying Saddam

and the use of student learning teams,[5] amongst others. More recently, responding to the demands of the information age, scholars have discussed the use of hybrid and blended teaching methods in international law.[6] In addition, the perspective from which international law should be taught has been debated: some scholars advocate that international law should be taught from the perspective of the municipal legal system (or transnationally);[7] others argue that it should be taught as purely international.[8] Being new to the teaching of international law, I have read with great interest and excitement the contributions on international law teaching methods and the debate around the perspective from which international law should be taught. With this article I should like to add my thoughts on the issue of why law students experience difficulties with the subject of international law – more so than with other law subjects. I think this problem is central to the debate on how the teaching of international law should be approached.

Being a seasoned law lecturer, but finding myself having to teach international law for the first time as a consequence of a colleague's unanticipated resignation,[9] I was immediately struck by the difficulties experienced by senior law students[10] when confronted with international law. As well, having some measure of faith in my ability to explain difficult concepts to students, I was puzzled by the problems students in the course experienced with (to my mind) relatively simple concepts and theories. I found it perplexing that, despite my colleague's and my best efforts, the initial assessment opportunities showed

Hussein: Teaching international law through an undergraduate mock trial' (2006) 7 *International Studies Perspectives* at 159 171.

[3]See, eg, Shellman and Kursad Turan 'Do simulations enhance student learning? An empirical evaluation of an IR simulation' (2006) 2 *Journal of Political Science Education* at 19 32; Siegel and Young 'Simulating terrorism: Credible commitment, costly signalling, and strategic behavior' (2009) 42 *PS: Political Science and Politics* at 765 771.

[4]See, eg, Omelicheva and Avdeyeva 'Teaching with lecture or debate? Testing the effectiveness of traditional versus active learning methods of instruction' (2008) 41 *PS: Political Science and Politics* at 603 607.

[5]See, eg, Rothgeb 'The efficacy of learning teams: A comparative analysis' (2013) 9 *Journal of Political Science Education* at 336 344.

[6]Beck n 1 above at 273 290.

[7]Ku 'Teaching international law in the context of domestic legal systems: Towards a trans national approach' Discussion Paper Prepared for the meeting of the Teaching International Law Interest Group, International Law Association Biennial Meeting, Bulgaria, August 2012.

[8]See, eg, Noortmann 'International law and international relations, lost in translation?' (2012) 2 *International Studies Today* at 5 6.

[9]Hence the title of this note: I felt myself a novice   even an imposter   in the area of international law teaching as I had no prior teaching experience in the field, although having studied aspects of international law for my masters and doctoral degrees. I was additionally intimidated by the fact that the person lecturing the course with me was an expert in the field. I had no need to be   she proved to be very supportive.

[10]International law is a compulsory final year (4th year) LLB subject at the University of Pretoria.

that many students had failed to grasp even very basic concepts. These difficulties prompted me to examine my teaching methods and to probe the likely reasons for my students' difficulties with the subject. I began developing a theory regarding the reasons for my students' initial poor performance – a theory which gave birth to this contribution.

In the next few paragraphs, I briefly examine different pedagogies of law teaching and their effect on student learning. This is followed by an exploration of some of the theories on students' acquisition of new knowledge. In light of these theories, I examine a few of the reasons, to my mind, why international law poses difficulties for students. I conclude with a tentative, some might say presumptuous, suggestion of which approach to teaching international law is likely to overcome these difficulties.

2   Different pedagogies of law teaching

2.1   Introduction

In South Africa, international law is offered as part of an undergraduate degree in law or political science. It is generally offered at the final or fourth-year level or, in the case at a few universities, in the penultimate year of study.[11] International law is taught as a content-based or doctrinal subject (as opposed to a jurisprudential or skills-based course). As such, pedagogic methods on the whole are confined to those traditionally employed in law schools or faculties: the traditional lecture method, the Socratic method and Langdellian methods and, more recently, clinical legal education which encompasses moot courts, debates, simulations and law clinics.[12]

2.2   Lecture method

The traditional lecture method of teaching (international) law – chalk and talk – allows for little interaction between student and lecturer – the lecturer spends most of the lecture dictating course content, while the student takes extensive notes. We are all familiar with this method – it is habitually employed in various forms by more 'traditional' law lecturers and those younger colleagues who are less sure of themselves. Students are allowed to ask questions at the end of these sessions, but generally there is little interaction between student and lecturer. A problem with this method of teaching is that students do not engage actively with the material, nor do they relate the material they study to

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[11] See Botha 'The situation in South Africa' in *International Law Association New Delhi Conference Second report* (2002) 17 at 18 20.

[12] See Botha's comments in the regard: Botha n 11 at 20. For a comprehensive survey of pedagogic methods in law schools around the world, see Torres and Lundwall 'Moving beyond Langdell II: An annotated bibliography of current methods for law teaching' (2000) 35 *Gonzaga LR* at 1 61.

real-life situations. When preparing for assessment opportunities the student does little more than memorise the textbook and sees the subject content as something 'external' to life or even to future law practice. There are variations on the lecture method which allow for greater interaction between lecturer and student and which are less authoritative in nature. These methods provide opportunities for group discussions within the lecture or the students are required to prepare in advance and are prompted to ask or answer questions during the lecture.

Once the order of the day, the lecture method is now less popular in law schools and faculties around the world, and in some cases is frowned upon. The lecture method is criticised in the context of international law teaching for its tendency to affirm hierarchy and discourage critical thought in students.[13]

2.3   Socratic method

Another method of communicating law course content to students is the Socratic method. This method is widely used in law faculties and schools, especially those in the United States of America (USA).[14] Named after Socrates' rhetorical style, the appeal of the Socratic method lies in its logical rationale which lends it a measure of scientific reputability. It is described as follows: 'After eliciting his interlocutor's position, Socrates asks a series of leading questions designed to elicit agreement with a series of related propositions. Socrates then reveals what he knew all along – that the statements to which his interlocutor has agreed contradict the interlocutor's original position'.[15] The Socratic method employs probing questions to prompt the student to realise that the falsehood of the initial understanding, and in acknowledging this, encourages learning.[16] Unlike the traditional lecture method which requires mere memorisation and recitation, the Socratic method teaches the student analytical skills and encourages critical thinking.[17] The student prepares for lectures by reading the prescribed material, and during

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[13] See, eg, Otto 'Handmaidens, hierarchies and crossing the public private divide in the teaching of international law' (2000) 1 *Melbourne Journal of International Law* 35 at 40. Otto discusses the work of an opponent to the lecture method, the educationalist Paulo Friere, who in *Pedagogy of the oppressed* (1995) at 56 57 criticises the lecture method for merely 'depositing' information in the student who is the uncritical passive recipient of such information. In this regard, see also Kennedy 'Legal education and the reproduction of hierarchy' (1983) 32 *Journal of Legal Education* at 591.

[14] See, generally, Stuckey *et al Best practices for legal education report. A vision and roadmap* (2007); Sullivan *et al Educating lawyers: Preparation for the profession of law Carnegie Report* (2007).

[15] Davis and Steinglass 'A dialogue about Socratic teaching' (1997) 23 *New York Univ Review of Law and Social Change* 249 at 249.

[16] *Ibid*.

[17] Sturm and Guinier 'The law school matrix: Reforming legal education in a culture of competition and conformity' (2007) 60 *Vanderbilt LR* 515 at 516.

lectures the student is guided through the prescribed material by the lecturer who asks questions, uncovering the student's assumptions, and unveiling principles of law.[18]

2.4   *Langdellian method*

A third method of lecturing is the Langdellian method which builds on the Socratic method. This method of lecturing law courses operates by facilitating questions among the students attending the lecture.[19] Three general features characterise the Langdellian method: First, pragmatist principles are used to teach law through a dialectical process where information is communicated reciprocally or multidirectionally instead of unidirectionally.[20] Second, the success of the Langdellian method depends largely on the student preparing by consulting the prescribed material before the lecture[21] and encourages a process of independent reasoning and questioning.[22] Third, during the Langdellian lecture the student is encouraged to identify general principles and to apply them to novel factual problems, or to deduce these principles from case law or other material which she has prepared, in the process acquiring both deductive and inductive reasoning skills.[23] The student is actively engaged in the learning process:[24]

> What is there to know? The law consists of a limited number of principles or doctrines. How are we to know them? From systematic organisation of the way they are embodied in cases. How will we teach them? By discussing the cases to see what they embody, and by applying the principles to hypothetical sets of facts. What materials will we use? Reports of the cases. Will this be practical? The reports are in the public domain; we can provide all the students copies of the cases, collected into casebooks. Of what use is knowledge of this sort? The application in this way of principles of this sort, to new cases, is what lawyers do.

Carlston points out that this method of teaching has only limited application in the study of international law.[25] Although case law is, in many jurisdictions, a primary source of law, the pre-eminent source of international law is in the practice of states; judicial precedents become a 'subsidiary means for the determination of rules of law'.[26]

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[18]*Ibid*.

[19]*Ibid*.

[20]Rakoff and Minow 'A case for another case method' (2007) 60 *Vanderbilt LR* 597 at 598.

[21]Davis and Steinglass n 15 above at 262 263.

[22]Rakoff and Minow n 20 above at 598.

[23]*Ibid*.

[24]*Id* at 599.

[25]Carlston n 1 above at 523.

[26]*Ibid*.

2.5   Clinical legal education and other 'newer' pedagogies

Clinical legal education gained prominence in law schools and faculties in the latter part of the 20th Century and continues to be used as a pedagogic method. The roots of clinical legal education lie in the proposal in 1901 by a Russian professor, Alexander Lyublinsky, that legal education could be modelled on medical training. Only much later were law clinics established at law schools and faculties – in the 1960s. Essentially clinical legal education is not a single method of teaching but a collection of experiential[27] teaching techniques, such as in-house law clinics, internship and externship programs, moot courts, and other simulation exercises.

Clinical legal education developed in response to the criticism that universities fail to prepare students for professional practice or 'real life'.[28] Another contributing factor to the emergence and growing prominence of this collection of teaching methods is the postmodern postulation[29] that the law is not objective, neutral, reasoned and logical. As well, the subjectivity of multiple voices, and the Lyotardian attitude of 'incredulity towards metanarratives'[30] were contributory.

The underlying pedagogical premise of clinical legal education is that students acquire the necessary skills through experiential learning, ranging from having to solve legal problems of real life clients in the law clinic, to arguing cases in a simulation exercise or moot court, and taking part in an internship at a law firm. In South Africa, students do vacation work at law firms under the supervision of an experienced professional.

Clinical legal education may benefit the study of international law, although the application of international law in a law clinic would be limited – for obvious reasons. The literature on the successful use of clinical legal education methods in the teaching of international law abounds, testimony to these methods giving students hands-on practical experience of the practice of international law[31] and as active participants in the learning process, demystifying abstract concepts.

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[27]'Experiential' teaching is teaching which encourages learning through practice.

[28]See, eg, Mandl, Gruber and Renkl 'Communities of practice toward expertise: Social foundation of university instruction' in Baltes and Staudinger (eds) *Interactive minds: Life span perspectives on the social foundation of cognition* (1996). In the context of international law teaching, Edelman and Pistone highlight several examples of international law clinics around the world; see Edelman and Pistone 'Teaching international law   "The visible college of international law clinicians: Making a real difference in law school and in the world"' (2001) 95 *Proceedings of the Annual Meeting of the American Society of International Law* at 188 195.

[29]In contrast to the modern promise that science would objectively control theory and practice.

[30]Lyotard *The postmodern condition: A report on knowledge* (1984) at xxiv.

[31]See the sources mentioned in n 1 6 above.

I stress that I do not suggest that clinical legal education entirely replace the more 'traditional' methods of teaching: generally contemporary law faculties and schools incorporate a mixture of more traditional teaching methods as well as clinical legal educational pedagogies in their curricula – and this includes the international law curriculum. In the words of Martyn and Salem: 'Clinical education can provide these real circumstances; the traditional classroom can provide the legal understanding necessary to assist clients in confronting and resolving them'.[32]

After this (somewhat cursory) survey of the most prominent pedagogies used in law schools and faculties, specifically, in the teaching of international law, I turn to the question which prompted this article: why did my students fare so poorly when confronted with the subject of international law?

3   Why do students find the study of international law difficult?

An examination of law school pedagogies presents only half of the picture: students not only do badly because they are (sometimes) taught badly. What is defective in student learning is also to blame. In an attempt to answer the question as to why students fare so poorly, I explore the other half of the picture: what I term 'student learning'. First, I revisit a few of the problems faced by international law students when confronted with the different pedagogies outlined in the section above, and then proceed to explore selected aspects of 'student learning' or the acquisition of new knowledge.

3.1   *Difficulties related to the subject matter of international law*

The more 'traditional' methods of communicating knowledge (such as the lecture, Socratic and Langdellian methods) have been criticised as imparting the substance of the law in a vacuum, that is, removed from the real lives of people and the everyday practice of law.[33] Herein lies the first problem: students perceive the study of international law as remote from their everyday lives. If they are not interested in international affairs, the subject matter of international law is seen as alien to the law they intend to practice when they graduate. Not only do they not discern a value in international law to their own future careers but, consequently, they regard it as something 'above' or unrelated to other subjects in the law faculty curriculum. I will return to this point later as it relates to the perspective from which international law should be taught in my opinion.[34]

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[32]Martyn and Salem 'The integrated law school practicum: Synergizing theory and practice' (2008) 68 *Louisiana LR* 715 at 715.
[33]*Id* at 715.
[34]See 'Implications of Gestalt theory and constructivism for student learning in international law' below.

Sheldon and Krieger argue that traditional legal education overvalues theoretical scholarship, such as the reading of cases, legislation and scholarly articles; a practice which is detrimental to law students' learning.[35] I am of the opinion that it is here that another difficulty arises: In doctrinal subjects other than international law students are 'drilled' to restate the facts of cases, derive principles from them, incorporate the opinions of legal scholars, and present a solution to a given problem. The restatement of facts is important because common law and many civil law systems rely on precedent, in essence, the reiteration of relevant facts, legal questions and interpretations. In the case of international law, however, not only is case law not a primary source of law, as pointed out above, but the reliance on the traditional facts – legal question – application – answer-approach to answering questions, is of limited relevance. This approach 'does little to orient students to the reality of unfolding problems'[36] in international law. The subject matter of international law does not fit neatly into a mould where students may repeat a formula by rote for success. Students must change their approach to studying – and in the case of my students, this took some time.

3.2   Context matters: Difficulties related to student 'learning'

A number of studies in the fields of neurology, psychology and education examine how students learn or acquire new knowledge and skills in a subject. These studies have led to a number of theories, ranging from Gestalt psychology, to humanist theories of learning. In the words of George Brown, these theories[37]

> may be placed on a continuum with behaviourism at one end and radical humanistic approaches at the other. In between are Gestalt psychology, cognitive psychology, studies of student learning, and constructivist, reflective, and humanist theories. As one moves along the continuum, the theories become less positivistic, less concerned with control and prediction and more ostensibly concerned with social values.

The discussion below highlights two of these theories, namely, Gestalt psychology and constructivism, and then the implications which flow from these theories are examined to account for my students' underperformance.

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[35]Sheldon and Krieger 'Understanding the negative effects of legal education on law students: A longitudinal test of self determination theory' (2007) 33 *Personality and Social Psychology Bulletin* 883 at 883.

[36]Rakoff and Minow n 20 above at 600.

[37]Brown *How students learn. A supplement to the Routledge Falmer key guides for effective teaching in higher education series* (2004) at 8.

3.2.1   Gestalt[38] learning theory

Gestalt theory stresses that human beings are intrinsically 'programmed' to search for patterns, organisation, and meaning.[39] The maxim that the whole is greater than the sum of its parts, originates from the Gestalt idea that the relationships between parts provide the key to understanding, and that a single part of the whole derives meaning from the context in which it appears.[40] Gestalt theorists emphasise the importance of the whole learning experience, including perception, active searching for meaning, and the learning context.[41] Some of these principles have provided the basis for constructivism,[42] specifically the emphasis on the importance of context in learning.

An important tenet of Gestalt theory that is relevant to my search for an answer is the notion that what one sees and hears is determined (in part) by what one already knows (in other words, by a pre-existing context).[43]

3.2.2   Constructivist learning theory

Constructivism builds on the work of theorists such as Piaget and Vygotsky.[44] Its proponents argue that students learn by constructing schemata[45] to interpret the world around them.[46] According to constructivist theorists, experience and knowledge are filtered through the student's perceptions and personal

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[38]In German, literally 'configuration'.

[39]Brown n 37 above at 15. For a more contemporary perspective on this theory, see Westheimer 'Gestalt theory reconfigured: Max Wertheimer's anticipation of recent developments in visual neuroscience' (1999) 28 *Perception* at 5 15; Moore and Fitz 'Gestalt theory and instructional design' (1993) 23 *Journal of Technical Writing and Communication* at 137 157; and Sekuler 'Motion perception: A modern view of Wertheimer's 1912 monograph' (1996) 25 *Perception* at 1243 1258.

[40]Brown n 37 above at 15.

[41]*Id* at 16 20.

[42]See below.

[43]Brown n 37 above at 16 20.

[44]*Id* at 35. See generally, Jarvis, Holford and Griffin *The theory and practice of learning* (2003) (2ed).

[45]'Schemata' are patterns imposed on complex reality or experiences to assist the individual in explaining it, to mediate perception, or guide her response. See, generally, Schwartz 'Teaching law by design: How learning theory and instructional design can inform and reform law teaching' (2001) 28 *San Diego LR* at 347; and Lustbaber 'Construction sites, building types, and bridging gaps: A cognitive theory of the learning progression of law students' (1997) 33 *Willamette LR* at 315.

[46]Brown n 37 above at 35. A sub field of constructivism is social constructivism which builds on traditional constructivism by adding the proposition that there can be no sensible definition of knowledge that ignores its social context: 'knowledge must necessarily be grounded in the social values, standards, mores, language and culture by which the learner acquires an understanding of the world' see Klinger '"Connectivism": A new paradigm for the mathematics anxiety challenge?' (2011) *ALM International Journal* 1 at 12.

theories.[47] When the student assimilates knowledge it is fitted into the existing schemata or the schemata are altered to accommodate the new knowledge.[48]

A central tenet of constructivist theory is therefore that knowledge is not transmitted from lecturer to student, but is a construct of the student's mind as a consequence of learning.[49] The lecturer transmits information to the student; but the transformation of information into knowledge is an internal process effected by the student who discovers relationships between new information and her inner knowledge and reality representations.[50] Consequently, the learner is not a passive recipient of information, but is an active participant in building understanding.[51] As well, new information is evaluated in the context of existing rules that are themselves subject to revision or rejection if found incapable of accommodating the new information or, otherwise, are discovered to lack internal consistency.[52] The role of the lecturer in the constructivist paradigm is to facilitate the learning process.[53]

As a theory of student learning, constructivism does not prescribe specific methodologies which advance constructivist learning. Neither does constructivist learning conform to a specific formula.[54] A constructivist lesson is one which uses what constructionist theory informs us about the process of learning in order to create the greatest possible opportunity for learning.[55] Large lecture halls are not necessarily antithetical to a constructivist approach and may be used effectively.[56]

From the above it is evident that constructivism is a student-oriented learning theory. As argued by Baviskar, Hartle and Whitney, the constructivist lecturer's role is to 'create a context where the learner is motivated to learn, which includes providing content and resources, posing relevant problems and questions at appropriate times […], and linking these resources and questions to the students' prior knowledge'.[57]

Strategies to elicit students' prior knowledge are central to constructivist

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[47]Brown n 37 above at 15.
[48]*Ibid*.
[49]Klinger n 46 above at 12.
[50]*Ibid*.
[51]*Ibid*.
[52]*Ibid*.
[53]*Ibid*.
[54]Baviskar, Hartle and Whitney 'Essential criteria to characterize constructivist teaching: Derived from a review of the literature and applied to five constructivist teaching method articles' (2009) 31 *International Journal of Science Education* 541 at 542.
[55]*Ibid*.
[56]*Ibid*.
[57]*Ibid*.

theory as the theory presupposes that new knowledge is acquired in relation to prior knowledge. Prior knowledge may be elicited in different ways; nevertheless the requirement is that the activity assesses the learner's prior knowledge and relates it to the new knowledge.[58]

3.2.3 Implications of Gestalt theory and constructivism for student learning in international law

As indicate above, I turned to an examination of different theories on student learning in an attempt to uncover some of the reasons for my students' poor performance in international law. Each theory provides an insight: from Gestalt theory the insight that context matters; that what the student perceives when acquiring knowledge is determined in part by what she already knows – pre-existing contexts. From my readings of constructivist theory, the insight, related to the Gestalt notion of the importance of context, that students do not learn passively but that they actively construct knowledge. Student learning in international law, therefore, is a recursive process of assimilation and accommodation whereby new information is interpreted by assigning it to existing internal representations or schemata. Before I continue, I need to point out that I do not wish to suggest that either Gestalt theory or constructivism represents the whole truth regarding student learning; only that they proved useful in my search for understanding in the knowledge that constructivist approaches have been widely criticised.[59]

A large part of my students' difficulties with international law springs from their inability to assign the new information I communicated in the lectures to any pre-existing context, because in lecturing from an international law perspective I failed to show its synergy with the municipal legal system; a system that my students were well acquainted with after more than four years of study. So, the students in my course found it difficult to fit the new information on international law into their existing schemata.

In response to this realisation I started to search how I could present information to my students in ways that are relevant to the context of what they already knew about the law generally (not necessarily international law) and so engage their prior knowledge. That is, I attempted to build on existing knowledge of the South African legal system in order to make sense of the international legal system. For example, a lecture dealing with jurisdiction in international law started by eliciting from my students their knowledge about jurisdiction in municipal law, and proceeded from there to show the difference

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[58] Baviskar, Hartle and Whitney n 54 above at 543.
[59] See, eg, Coll and Taylor 'Improving tertiary chemistry teaching: Implications of science education research for classroom practice' (2000) 64 *Chemistry in New Zealand* 17 at 18 20.

between the rules of the municipal system and the international law principles regarding jurisdiction. This change in teaching practice was not anticipated to become the topic of an article and I did not keep accurate statistics, nevertheless, my students fared much better in subsequent assessment opportunities.

As a consequence of the numbers in the group I was teaching (over 400 students) I was unable, in the constraints of a single semester, to organise simulations or moot courts. Simulations and moot courts may be viewed as falling within constructivist learning theory if they rest on prior knowledge so that students 'may build [...] an internal mental model' of the work covered in the moot or simulation. Problem-oriented learning activities relevant to student interests are also in keeping with constructivist learning theory.[60]

4   Conclusion

As said at the beginning of this article, the impetus was to uncover a reason for my students' poor performance in international law. As I embarked on that quest, I discovered very soon that '[c]hoosing which theories of learning are best for understanding one's own teaching and how one's students learn are challenging and reflective tasks'.[61]

My research into learning theory, especially constructivist learning theory, as well as my own subsequent lecturing experience, prompt me to conclude that a viable method of teaching international law at senior undergraduate level is by building on students' prior knowledge of (municipal) law. Of course not all aspects of international law fit neatly into the theory: I am yet to discover how to relate topics such as diplomatic protection to my students' prior knowledge of the municipal legal system.

 In conclusion I emphasise that incorporating constructivist learning theory is successful only in a context of teaching international law from a transnational perspective. Therefore, I support Charlotte Ku: 'This transnational approach may be chosen in order to establish relevance for students, but the approach is also practical – to relate international law to things that are familiar to students …'.[62]

Or, more emphatically, in the words of Rosalyn Higgins:[63]

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[60]Baviskar, Hartle and Whitney n 54 above at 543.
[61]Brown n 37 above at 16.
[62]Ku n 7 above at 3.
[63]Higgins 'Teaching and practicing international law in a global environment: Toward a common language of international law' (2010) *Proceedings of the Annual Meeting of the American Society of International Law* at 198.

Today it is widely recognized that international law is not just a recondite and perhaps mythical topic of interest only to the specialists. International law has begun to imbue both legal process and substantive law at the national level in large numbers of jurisdictions and across a wide range of topics. The congruence of norms of international and national origin is achieved by a simple fact, mentioned by Blackstone and indeed acknowledged in all jurisdictions, namely, that 'the law of nations is part of the law of the land'.

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