

**Series Introduction – Teaching International Law: Between Critique and the Canon**

Sujith Xavier* & Ntina Tzouvala*

As educators, we play a significant role in shaping the delivery of knowledge in our fields of study. One way of doing so is by choosing pedagogical materials and setting the stage for the students in our classes to engage with them in specific ways. Notwithstanding the embedded coloniality of most graduate and undergraduate education, as educators we are the guides who help students navigate the plains, hills and mountains of various fields inside and outside of the classroom. Educators often play an important role by deploying a particular pedagogical approach and in selecting the materials that are assumed to make up the field. This is true far beyond our own field of international law. Whether it is the humanities or the social sciences or even the so-called hard sciences, educators set the stage for how learners begin their journeys, how that journey will be structured and ultimately the student learner experience (whether positive or not). In doing so, educators rely on the established texts that outline the parameters of their fields. The established texts, often viewed as the canons of the field, nonetheless bring with them a set of underlying assumptions that may be debunked and considered unacceptable. We have witnessed such a process with the recent-ish (about 20 years ago) turn to the history of international law, including by Third World Approaches to International Law scholars. Even though our research sets out to debunk myths about the linear progress and benevolence of the discipline, we often find ourselves teaching materials that assert these precise tropes. There is a myriad of reasons for this situation, ranging from the internalised command that ‘students of international law must learn the law first’ to more mundane reasons like time and resources.

This dissonance is particularly pronounced for both of us as educators situated in albeit two distinct settler colonies with unique histories of dispossession and slavery, that guide students through various legal fields. Thinking about the canons in transnational and international law, there are many ‘must read’ texts that are well past their usefulness. For example, in teaching public international law, we rely on canonical texts like Brownlie’s *Principles of Public International Law* or Shaw’s *International Law*. Yet these texts deploy – albeit to varying degrees – uncritical perspectives about the very nature of international law and its role as the ‘handmaiden’ of colonialism and imperialism.

More recently, both students and educators are becoming more and more alive to the politics and the polemics of the established canons in law. Our awareness is manifested both inside and outside the classroom, largely precipitated by world events. There has been a surge in critical conversations, as result of direct action and other forms of resistance, about the realities of white supremacy, colonialism and imperialism and the daily impact of racial, gendered, and colonial subordination within the higher educational context and beyond. These realities manifest irrelevant of one’s location and or subject position within and outside the halls of established power within higher educational institutions.

* Sujith Xavier, Associate Professor Faculty of Law University of Windsor. Sujith is a founding member of the TWAAIL Review Editorial Collective.

*Ntina Tzouvala, Senior Lecturer Australian National University. Ntina is a founding member of the TWAAIL Review Editorial Collective.

In this vein, drawing from our own struggles and anxieties over teaching transnational and international law and having to balance falsely competing demands for doctrinal rigour, critical engagement and ensuring that students are ready for the real world of the “law” (i.e. the every day of legal practice), we invited submissions that reflect on the challenges of teaching international law critically. We asked contributors to focus on the question of canon from their own respective vantage points.

The five reflections that are included in this special series, **Teaching International Law: Between Critique and the Canon** take on these issues from various perspectives. Renisa Mawani and Sebastian Prange chronicle their experience of teaching undergraduate students at the University of British Columbia about the ‘aqueous history of international law’ by focusing on the relationships between ‘Indigenous seafarers’, traders and states. Doing so, Mawani and Prange open up a space to deploy the Indian Ocean as a site of knowledge and a space in which various legal orders interacted. In so doing, the authors suggest that there are histories beyond the Eurocentric canons and describe the experience as innovative and creative. Adopting a different theoretical perspective, Mark Massoud reflects on teaching international law to undergraduate students in Santa Cruz, California. Massoud bases his approach to teaching international law on his own experiences learning international law. He teaches a range of approaches side-by-side without explicitly privileging one. This allows students to understand that different theoretical frameworks lead to different conclusions in concrete legal questions. Srinivas Burra reflects on the problems emerging from the fact that most canonical international legal texts privilege positivism as the cardinal approach and treat everything else as decorative. In a careful exposition, he shows how teachers can demystify positivism and expose its politics. As a university professor at the South Asian University in New Delhi, Burra argues that despite the orthodoxy of the canon, students are receptive to critical approaches since they resonate fundamentally with their everyday lives. The everyday struggles of teaching international law in occupied territory form the backbone of Ata Hindi’s contribution. Hindi emphasises that the ongoing struggle of Palestinians all over the world for self-determination and justice shapes fundamentally the way international law is taught. Secondly, Hindi draws our attention to the sheer material difficulties (including, for example, accessing textbooks and other teaching resources) that teachers face under occupation. Finally, Jing Min Tan’s reflection adopts a different point of view: that of the student learner. Min Tan reflects on the lack of critical perspectives in their law school experience, which ultimately led to the emergence of a ‘decolonize the curriculum’ movement in an elite institution in England. This wonderful reflection signals to the challenges that ‘outsider’ student learners face within a law school context that is structured by, and embeded in traditional and orthodox means of teaching and learning.

Together these five Reflections offer important insights into the dilemmas, struggles and choices educators and learners face daily. They draw attention to the fact that we teach and learn somewhere, and that international law looks different if we engage with it in New Delhi, in Oxford, in Ramallah, or in Santa Cruz. We hope that these interventions are the beginning of a longer conversation about the relationship between critique and the canon in international law.