



Reflection on the Teaching Path of International Law under the Background of “Anti-globalization”

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Abstract: The main goal of international law teaching is to help students improve their ability to understand the connotation of macro international law, understand the historical evolution of middle international law system, grasp the norms of micro international law and analyze international affairs. Under the background of “anti-globalization”, although the content of international law curriculum has not changed substantially, its value is easily alienated by external influences. On the one hand, “anti-globalization” will intensify the political bias of international law, weaken its legal attribute, cause students to question the effectiveness of international law, and then generate the “useless” attitude of international law; On the other hand, “anti-globalization” ignores the multi-value connotation of international law, tends to emphasize the instrumental value of international law, and imperceptibly affects students’ cognition of the value of international law, and reduces the positive effect of international law teaching. Based on this, this paper holds that, teachers should actively innovate the teaching path of international law, and under the guidance of the concept of multilateralism, increase the theoretical output in the teaching of international law, help students further acknowledge the multilateral characteristics of international law, thus overcoming the negative influence brought by “anti-globalization”.

Keywords: “Anti-globalization”, International law, Multilateralism, Teaching paths

Introduction

The state places significant emphasis on establishing the rule of law in its foreign affairs. Personnel training plays a crucial role in this process, highlighting the importance of courses centered around international law. Such courses aim to familiarize students with international legal norms and foster their understanding of the global multilateral system, ultimately equipping them with the skills to independently analyze international affairs. However, amidst the prevailing backdrop of “anti-globalization,” characterized by unilateralism and populism, the teaching of international law faces challenges. Teaching cannot occur in isolation but must align with current international and domestic social values and trends. This context not only diminishes the institutional emphasis on multilateral cooperation within international law but also conflicts with the core objectives of international law courses, leading to a diminished teaching efficacy.

Acknowledging these challenges, this paper delves into the fundamental concepts and features of “anti-globalization.” While it may appear as a manifestation of national behavior at the macro level, its micro-level risks should not be underestimated, as they can permeate the campus environment and impact every student. Building on the inherent characteristics of international law, this paper explores how “anti-globalization” might influence the teaching of international law courses and potentially distort students’ values and disciplinary cognition. In response, it advocates for a reassessment of the teaching approach for international law courses, emphasizing the need for targeted reforms in content and methodology. Specifically, the paper proposes two solutions: strengthening theoretical instruction in international law to foster a nuanced understanding of its value and characteristics, and firmly upholding multilateralism to effectively counter the negative effects of “anti-globalization” on both course content and teaching outcomes.

II. Literature review

2.1 Research on international law curriculum teaching

international law is an essential part of the general international picture and of an understanding of the way in which people have behaved in groups in the world^[1], The changing constellation of power, knowledge and international law needs to be understood if third world peoples are to inject the process with equity. It has, among other things, thrown up new challenges for the teaching and research of international law^[2], therefore, attaching importance to the teaching and research of international law jurisprudence is the practical need of training legal talents with international competitiveness^[3]. However, the problems still exist, such as the design of classroom teaching content is not scientific, and the form of practical teaching is single^[4]. Hence, the teaching of international law curriculum should emphasize theory teaching, aim at application and take the origin of international law as the basic structure of the teaching content, and cultivate the thinking of international law debate^[5]. At the same time, international law must be taught in context^[6], it is emphasized that in the Chinese context, international law teaching can be carried out with the help of Chinese practice and cases^[7].

2.2 Research on the influence of “anti-globalization” on higher teaching

The trend of “anti-globalization” presents a “multi-dimensional integrated” trend pattern, including protectionism in the economic field, isolationism in the political field, nationalism in the cultural field, populism in the social field and



imperialism in the ecological field^[8]. It not only changes the internal and external environment of higher education development, but also changes the higher education itself^[9], and hinders the high-quality development of higher education in our country. “Anti-globalization” is not only changing the internal and external environment of the development of higher education, but also changing the higher education itself, hindering the high-quality development of higher education in our country^[10]. Therefore, China’s higher education system needs to re-examine the new trend it is facing, develop new advantages in the initiative to seek change, turn danger into opportunity, and find a new direction in adversity^[11].

III. The factual representation of “anti-globalization”

“Anti-globalization” is the inevitable result of the development of globalization to a certain stage. Generally speaking, it refers to the breakdown of economic and trade relations between countries, the deterioration of political exchanges between countries and the turmoil within countries. The external manifestations of this are increased trade protectionism, increased political extremes, rising nationalism, and the resulting imbalance of benefits between different types of countries and between different social groups within countries^[12], which reflects the ambition of developed capitalist countries to maintain and consolidate the unbalanced international political and economic order, as well as the difficult and conflicting interest demands among countries. Events such as Brexit and the United States’ withdrawal from the Paris Agreement are typical cases of “anti-globalization”. In terms of its essence, “anti-globalization” can be understood as an abstract idea and thinking logic. When referring to “anti-globalization” in many literatures, “trend of thought” is usually used as the continuation of its meaning, indicating its impact on the field of thought and concept. For example, it has been pointed out that “anti-globalization” has, to some extent, created challenges for young people to firmly establish a healthy, rational and mature international outlook;^[13] It is also pointed out that “anti-globalization” is a reflection on the benefits, ideas, rules and models of traditional globalization^[14]. Since the spread of ideas and ideas is not limited by regions, the trend of “anti-globalization” is extremely “contagious”, which means that it can not only spread on a global scale (that is, between countries), but also influence individuals’ thinking patterns and value positions in a subtle way, and even affect the teaching of college courses and the way students think. Therefore, colleges and universities should strengthen the education of globalization theory in ideological and political education courses, so as to make the globalization theory of Chinese Marxism deeply rooted in the people’s mind and dispel the negative influence of the “anti-globalization” trend of thought.

IV. The influence of “anti-globalization” on the teaching of International law

In this paper, the impact of “anti-globalization” on the teaching of international law is emphasized. Compared with domestic law, the special feature of international law lies in the particularity of its enacting subjects, which are mainly states and international organizations^[15]. Therefore, the content of international law courses centered on the subject is mostly limited to legal norms related to states and international organizations, such as international law of the sea, international human rights law, international treaty law, international organization law, international dispute settlement, etc., and most of the above content is related to specific international agreements or conventions. Since such norms are the product of long compromise negotiations between States, the content of the relevant international law courses does not change dramatically over time. In the final analysis, the international law course is a normative analysis of the main learning process.

In general, the “anti-globalization” based on the macro perspective does not directly affect the micro-level curriculum teaching, because it is more reflected in a one-way behavior pattern with the country as the main body and the opposition and conflict between different behavior patterns. However, since universities have always been an important place for the integration of different cultures, viewpoints, positions and thinking, the “anti-globalization” based on abstract ideas or behavior patterns will inevitably change the development environment of higher education, including the teaching environment, to a certain extent. In the context of this paper, it is a distortion of the normative value and core connotation of international law itself. Although the international legal texts do not change much, the students’ subjective thinking mode required for the analysis of the texts will deviate due to the change of the environment, which will further affect the understanding of the validity of the texts and make the teaching of international law deviate from the original intention. In the final analysis, it is “anti-globalization” that has a very important negative impact on the teaching effect of international law courses.

4.1 “Anti-globalization” unilaterally emphasizes the political nature of international law

The primary teaching purpose of international law course is to make students understand the legal characteristics of international law. International law is inherently political. In fact, there are views that the relationship between international law and international politics is mutually reinforcing and mutually permeating^[16]. In the academic field, this overlapping pattern of attributes extends to the debate about whether international law is law and whether its binding effect is sufficient. Whether international law is law or not is often discussed. For example, realist scholars generally believe that international law is not law, while liberal scholars believe that international law is law^[17]. Under the influence of “anti-globalization”, the stereotype of “illegality of international law” is often reinforced, that is, its political attribute obscures its legal attribute. Even so, international law should still be considered law. As Louis Henkin has argued, international law is important and effective because, despite its lack of enforceability, almost all of its principles are adhered to by all states almost all of the time, except in very few extreme circumstances.

Unfortunately, under the influence of the trend of “anti-globalization”, the political attribute of international law has been greatly enlarged, and the institutional space of international law as a law has been crowded out. At the same time, because

the undergraduate students of law have received orthodox legal education for a long time, they even form the thinking mode with fixed direction of legalistic doctrine to a certain extent. This mode of thinking emphasizes the understanding and analysis of established laws, as well as text-based logical reasoning and judgment. If a correct understanding of “international law is law” is not formed at this stage, the legal validity of multilateral and bilateral international law agreements, international customs and general principles of international law are ignored, and such legal norms are regarded as nothing more than political compromises between States, the basic understanding of international law will be completely distorted. Overemphasis on political positions and attitudes will only weaken students’ understanding of the institutional status of international law as a legal existence. Even though international law is usually in the form of texts such as conventions, agreements and even court decisions, under the influence of “anti-globalization”, the above-mentioned legal documents will lose their existing institutional status in the wrong cognitive concept. They are accused of being the product of international political relations.

4.2 “Anti-globalization” magnifies the instrumentality of international law

Like domestic law, international law is mainly created to provide a basis for the conduct of frequent exchanges between states, and to provide norms for the application of law to disputes between states and corresponding international dispute settlement tribunals. In these scenarios, international law can be effective only if it is fully utilized. Since “use” is often bound with “instrument”, international law is thus endowed with the attribute of an instrument.

There is nothing wrong with recognizing the instrumental nature of international law, but to overemphasize it is to deviate from the established cognitive track. The instrumental nature of international law reflects legal instrumentalism (or legal instrumentalism) in essence, which emphasizes the ruling function represented by law, that is, law is only a tool and means to achieve social purposes, and completely ignores its methodological value. To speak of international law in purely instrumental terms is one-sided and a clumsy attempt to cover up other values that international law possesses. This interpretation often leads to a simplistic view of international law as rules, obligations and dispute settlement mechanisms^[18], it regards international law as something to be used when it suits it and discarded when it does not. This kind of mechanical application and abandonment of international law is undesirable, ignoring the diversity of value behind international law, which is mainly based on instrumental value.

Unfortunately, under the influence of the trend of “anti-globalization”, more and more countries, groups and even individuals are holding unilateralism and egoism. For such subjects, international law is the practical way to achieve political, diplomatic and economic goals, or it is a reasonable means to justify their violations of international law. What is more worrying is that when a country tastes the so-called benefits brought by the use of the so-called “instruments” and spreads “experience” everywhere, international law is repeatedly “used” as a mere tool more frequently, and such behavior will completely subvert the basis of the existence of international law, and then allow individuals to form a single stereotype of international law. As mentioned above, since universities are the core places where various viewpoints are gathered, this wrong idea of international law as a tool will gradually penetrate into the campus and classroom, and change students’ basic understanding of international law in a subtle way.

V. Reflection on the teaching path of International law under the background of “anti-globalization”

Under the influence of the trend of “anti-globalization”, the teaching of international law courses should adhere to the following basic methods: First, strengthen the theoretical foundation of international law for students, introduce the existing rules and principles of international law and the theories behind them from a static point of view, and further strengthen the theoretical analysis in international law teaching; Second, adhere to Marxist materialism, observe the phenomenon of “anti-globalization” from a dynamic perspective, and take the “community of human destiny” proposed by China as an example to deepen students’ understanding of the instrumental value of international law.

5.1 Emphasis on the theoretical education in international law course teaching

Personal position, viewpoint and cognitive shaping of a certain thing are often formed gradually after learning the basic theory. By increasing the output of theories, we can guide college students to correctly understand the game between globalization and anti-globalization, and improve their ability to criticize and analyze various social and cultural trends of thought^[19]. From the perspective of international law teaching, on the one hand, we should strengthen the study of basic theories of international law from a static perspective. Specifically, in the teaching course of international law, it is not only necessary to strengthen the understanding of traditional concepts and institutions of international law, such as the principle of state sovereignty, non-interference in each other's internal affairs, and the principle of peaceful settlement of international disputes, but also to be familiar with the historical process of the birth, development and flourishing of international law. The purpose of this is to make students clear that behind any law there must be a set of political logic, international law is no exception, but its legal attributes are not arbitrarily invaded by political attributes, but through political ideas to achieve the realization of the theory of enrichment. For example, the Five Principles of Peaceful Coexistence proposed by China in 1953 is a typical example. These five Principles have also been adopted by a series of international organizations and documents, widely endorsed and observed by the international community, and have become guiding principles for international relations in parallel with the UN Charter^[20].

On the other hand, according to the characteristics and development trend of “anti-globalization”, the reform trend and content of international law theory should be re-identified, and the development prospect of international law system should be analyzed from a dynamic perspective. In this process, the dynamic behavior of the state as the main body also plays a very important role in promoting the development of international law theory. By providing conceptual initiatives, such acts of states become theoretical supplements to support the survival and development of international law, and also demonstrate the enrichment and shaping function of different values on the connotation of international law theory. In fact,

almost all international law systems (including the formation of theories) are shaped and formed by state behavior, and the value characteristics of different national positions will also become the value pluralism of international law. For example, in 2012, the idea of community with a shared future for mankind put forward in our country is a new concept to be conceived in response to the trend of the current political situation. This highly political concept reflected the grim situation facing the international order and human survival at that time, and thus formed an international consensus in the continuous development and was incorporated into important international legal documents. The three resolutions adopted by the Disarmament and International Security Committee of the UN General Assembly on November 1 and 3, 2022 all included the concept of a community with a shared future for mankind proposed by China^[21].

5.2 Correctly understand the instrumental value of international law

Instrumental value is not equal to legal instrumentalism. Instrumental value pays more attention to the realization way and value situation of law as a means of governance in the practice of rule of law^[22]. It is the sublation of legal instrumentalism and the value with methodological significance to realize the rule of law of international society by means of the attribute of international law instrument. In the course of international law teaching, students should be distinguished between the instrumentalism of international law and the value of instruments. In fact, there is a fierce collision of the above two values in the international community. For example, the “rules-based international order” that the United States has always emphasized is the embodiment of unilateralism and power politics, and it regards international law as a tool to maximize its own interests. However, the “international order based on international law” and “international order based on the purposes and principles of the Charter of the United Nations” proposed by China are intended to realize the good operation of international order through the instrumental nature of international law, which is an inevitable requirement for practicing international rule of law. In short, international law should not be thought of as a disposable, materialized tool, and this must be emphasized to students when teaching international law.

More importantly, the emphasis on legal instrumentalism conceals the pluralism of the value connotation of the international law discipline. The value pluralism reflects the multilateralism color of international law, which is also the secondary purpose of international law teaching, that is, to clarify the value pluralism of international law itself. International law itself also contains other value elements besides the instrumental value, such as the full protection of human rights and the well-being of people of all countries. Meanwhile, the instrumental value itself also has multiple connotations, among which peace, development, cooperation and win-win are its main contents, which have been recognized by most countries, and the understanding of its connotation is basically the same^[23]. The value connotation of such diversification is in sharp contrast to the unilateralism, populism and separatism advocated by “anti-globalization”, and should be paid more attention and carried forward.

VI. Conclusion

The paper highlights the significant challenges posed by "anti-globalization" to the teaching of international law, emphasizing the potential distortion of students' perception of the discipline's value and core principles. In response, it recommends innovative teaching approaches to counteract these negative influences. “Anti-globalization” is the inevitable outcome of the development of globalization to a certain stage. It not only has many impacts on international relations and domestic environment, but also shapes individual values in a subtle way. Under the background of anti-globalization, the teaching of international law is also facing the situation of keeping the right and innovating. Due to the institutional attributes of international law itself and the characteristics of universities as a meeting place of views, “anti-globalization” will inevitably have an impact on the teaching of university courses, and the international law course is more susceptible to the impact of “anti-globalization” because of its characteristics different from domestic laws. In this context, the teaching of international law courses should propose ways to deal with the “anti-globalization” trend based on the characteristics of international law, and reflect on the existing teaching paths of international law courses, including strengthening the theoretical teaching of international law courses and clarifying the value diversity of international law itself, so as to lay a solid ideological and knowledge foundation for students to resist the “anti-globalization” trend.

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