

Cultivating Psychology in International Legal Education

Should Psychology Be Included in the Law School Syllabus?

01

Introduction



Unlike other disciplines, the study of law purports to be based solely on reasoned analysis, devoid of ideological bias or unconscious influences. Inspired by "The Psychology of International Law: An Introduction" written by Prof. Anne van Aaken and Prof. Tomer Broude, cognitive research and behavioural economics have been overlooked by public international law scholarship for years. This is a pity since they can uncover the unconscious influences on legal rules that often go unobserved.

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Objective



International legal education is essential to train foreign policymakers. International political psychology and the applications of behavioural economics are becoming more critical in the discipline of international law. Therefore, psychology is one of the significant disciplines of international law and ought to be included in the syllabus for international law subjects.

03

Psychology and International Relations in the Context of International Law



Psychology is a scientific study of human behaviours and minds. Behind every political decision-making process and action, there are sophisticated psychological mechanisms. However, those psychological mechanisms are overlooked constantly by mainstream international relations and international law scholarship.

International law and international relations are closely associated. International law is the set of rules, norms, and standards that are generally accepted in relations between nations, which are significant in the policy-making process and guide the behaviours of countries. As a set of studies examining the driving force behind the behaviour of states (i.e. both international cooperation and conflict), international relations play an important role in shaping the content of international law.

Historically, there are many examples of international legislation in the United Nations that could not enter into force because not enough United Nations member states were willing to ratify it. The Vienna Convention on Succession of States in Respect of State Property, Archives and Debts of 1983, for example, has not yet entered into force for this very reason. Hence, it is crucial to understand international relations better to understand international law-making processes.

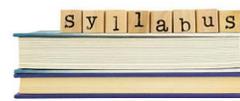
But a basic understanding of psychology, particularly political psychology, is essential for students to understand the underlying principles of international relations and international law. This is because political psychology is a study of psychological processes that shape political behaviour and of the process by which political events influence the psychological reactions of individuals and groups (Sasley, 2016).

The study of international law involves an in-depth analysis of the applicable legal framework in conflicts between states. However, international law scholarship often focuses on the legal framework itself and neglects the law's legislative intent. Since the search for legislative intent is crucial for statutory interpretation, it should also be focused on. Additionally, judges and counsel often use legislative history in the interpretation of statutes.

A comprehensive understanding of legislative intent requires not just the use of legislative history but also international relations and political psychology theory. This is because the legislative intent of international law is often driven by political wrestling that could be analysed from a political psychological perspective.

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Should Psychology Be Included in the Syllabus for International Law Subjects?



Along with the combined study of other social sciences (such as international relations) and the law, psychology and the law have been expanding markedly over the last few decades. Law schools often offer courses in both law and international relations simultaneously. Yet, psychology, particularly the political psychology of international relations, is not included in the syllabus of international law modules in most law schools.

Since international law is significant in the policy-making process, guiding countries' behaviours, international legal education is important to train foreign policymakers. A successful learning process for law students to understand the underlying principles of international law consists not only of the 'law' itself but also of international relations and political psychology.

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Conclusion



It is worthwhile for law schools to consider teaching about psychology, particularly political psychology in their international law modules.

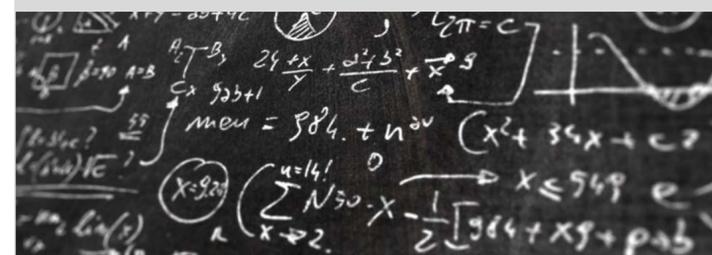


Related Literature

Anne van Aaken, Tomer Broude, The Psychology of International Law: An Introduction, *European Journal of International Law*, Volume 30, Issue 4, November 2019, Pages 1225–1236.

Brent E. Sasley, *Political Psychology*, Oxford Bibliographies.

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