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Why is international law ineffective at times in achieving its aims, such as preventing human rights abuses, forestalling armed conflict, and ensuring global cooperation on matters ranging from the environment to nuclear proliferation? This Article offers original empirical research to suggest that an important and underappreciated part of the answer lies in legal education. Conducting a global survey on the study of international law at thousands of law schools in over 190 countries, the Article reveals significant cross-national disparities in the pervasiveness of international legal training, and draws on other research to highlight similar variations in instructional quality, topical emphases, and ideological orientation.

The central claim is that these conditions are likely to inhibit the efficacy of international law. In states where training in international law is widespread, rigorous, and supportive of the discipline, universities may contribute materially to norm awareness, utilization, and even obedience over the long run. But in the significant number of states where training is unavailable or limited, poor in quality, or critical of global norms, universities plausibly generate a neutral or opposite effect. Moreover, the fact of cross-national variation in these conditions likely imposes a systemic limit on the coherence and value of international law. This analysis suggests an expansive research agenda for scholars and may carry important implications for U.S. law schools, as well as universities and foreign ministries around the world.

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INTRODUCTION

International law addresses an array of foreign and domestic issues, but appears at times to be ineffective. States have committed *inter alia* to honor free speech, fight transnational crime, protect the environment, and refrain from the offensive use of force, but reports of significant violations are not uncommon. Russia invades Ukraine.[1] North Korea tortures prisoners.[2] The Syrian military violates a long-standing prohibition on the targeting of civilians and civilian infrastructure.[3] China makes unfounded maritime claims in the South China Sea.[4] And even in the West, respect for human rights is far from complete.[5]

Scholars have offered a number of explanations for this state of affairs. Some point to the absence of centralized enforcement as a major contributor. On this view, international norms are at times ineffective because there is no supranational government with power and authority to force compliance.[6] In contrast, others have argued that domestic political conditions play a part—in states where there is no internal rule of law, leaders are less likely to respect external legal constraints on their behavior.[7] Still others contend that inadequate financial and informational resources limit the capacity of states to honor international obligations,[8] or that major international institutions feature design defects that compromise the perceived legitimacy of the

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1. David M. Herszenhorn, *Fears Rise as Russian Military Units Pour into Ukraine*, N.Y. TIMES, Nov. 13, 2014, at A5.

2. Comm'n of Inquiry on Human Rights in the Democratic People's Republic of Korea, Rep. of the U.N. Human Rights Council on its Twenty-Fifth Session, ¶¶ 60, 62, U.N. Doc. A/HRC/25/63 (Feb. 7, 2014).

3. Indep. Int'l Comm'n of Inquiry on the Syrian Arab Republic, Rep. of the U.N. Human Rights Council Thirtieth Session, U.N. Doc. A/HRC/30/48 (Aug. 13, 2015).

4. U.S. DEP'T OF STATE, LIMITS IN THE SEAS, NO. 143, CHINA: MARITIME CLAIMS IN THE SOUTH CHINA SEA (Dec. 5, 2014), http://www.state.gov/documents/organization/234936.pdf [https://perma.cc/44L5-RS5A].

5. *See generally* AMNESTY INT'L, REPORT 2014/15: THE STATE OF THE WORLD'S HUMAN RIGHTS (2015) (documenting rights violations around the world, including in the West).

6. *See* Jack Goldsmith & Daryl Levinson, *Law for States: International Law, Constitutional Law, Public Law*, 122 HARV. L. REV. 1791, 1824–26 (2009) (summarizing this argument).

7. *E.g.*, Anne-Marie Slaughter, *International Law in a World of Liberal States*, 6 EUR. J. INT'L L. 503, 510 n.13 (1995).

8. *See generally* ENGAGING COUNTRIES: STRENGTHENING COMPLIANCE WITH INTERNATIONAL ENVIRONMENTAL ACCORDS (Edith Brown Weiss & Harold K. Jacobson eds., 1998).

contemporary order.[9] These are important contributions, but they are also incomplete as explanations of state behavior.

The purpose of this Article is to explore international legal education as an additional determinant of the efficacy of international law. I make two basic claims. First, the study of international law varies widely among different parts of the world. Conducting a global survey of curricula at thousands of law schools in over 190 countries, I reveal drastic fluctuations in the pervasiveness of international legal training among national jurisdictions. In some countries, all students must study international law prior to joining the legal profession, in others training is optional, and in still others it is simply unavailable. These findings dovetail with other research suggesting that training also varies cross-nationally in terms of its quality, topical emphases, and ideological orientation. Together, the evidence suggests that the world's lawyers learn about international norms in considerably different ways and to wildly different extents.

As legal systems go, such conditions are aberrational. A U.S. analogy would be mandatory and ideologically supportive training in federal constitutional law for all lawyers in California and Oregon, with perhaps a heavy emphasis on federalism in California and the First Amendment in Oregon; optional and cursory training on the subject for lawyers in Texas; no exposure for any lawyers in New York; mandatory coverage in Kansas with an unwaveringly communist ideological bent; and pervasive training in Indiana from an Islamic perspective. While variation in the domestic context is not altogether absent,[10] international law curricula diverge globally to a much greater degree because international governing bodies lack authority to standardize coursework, the professional networks that contribute to the homogeneity of training within a state are much weaker across borders,[11] cross-national disparities in wealth generate varying levels of educational resources,[12] and major legal traditions tend to approach university instruction in different ways.[13]

The second claim is that current training conditions around the world are likely to inhibit materially the efficacy of international law. To state the idea as a hypothetical, imagine two countries. In the first, law schools establish multiple courses on international law as compulsory for all students, ensure that the courses encourage rigorous analysis, and generally frame the discipline in a positive way. Over time, the

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9. *Cf.* U.N. Secretary General, A More Secure World: Our Shared Responsibility, Rep. of the High-Level Panel on Threats, Challenges and Change, ¶¶ 244–60 U.N. Doc. A/59/565 (2004) (suggesting that Security Council reform is needed to preserve the institution's legitimacy).

10. Harvard Law School, for example, does not require students to take a course on U.S. constitutional law. *See Requirements for the J.D. Degree*, HARVARD LAW SCHOOL, http://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/requirements-for-the-j-d-degree/ [https://perma.cc/2CKV-PUTE].

11. *Cf.* Christopher P.M. Waters, *Reconceptualizing Legal Education After War*, 101 AM. J. INT'L L. 382, 396–403 (2007) (documenting U.N. and civil society efforts to encourage domestic training on international law).

12. *See infra* Part I.B.

13. *See infra* Part I.C; *see also* Jens Beckert, *Institutional Isomorphism Revisited: Convergence and Divergence in Institutional Change*, 28 SOC. THEORY 150 (2010) (identifying causes of variation).

result is an entire generation of lawyers, prosecutors, judges, and other professionals who are aware of the relevant issues, proficient in doctrinal basics, and accustomed to a pro-compliance message. In the second, training is uncommon or overtly hostile toward international law. Would the foreign policies of these states differ? More precisely, would domestic training features render international law more effective in the first state than in the second, all else equal? Drawing on empirical work from the fields of social psychology and political science, I argue that there are compelling reasons to believe they would. The central thesis—what I will call the "training thesis"—is that domestic approaches to the study of international law plausibly influence the efficacy of international obligations within and among states, with norm awareness, utilization, and even compliance rates faring better to the extent that the study of international law is pervasive, rigorous, and supportive, and suffering to the extent that study is limited, poor in quality, or critical. A corollary is that cross-national commonalities in training are likely to facilitate amicable foreign relations by helping states to settle upon shared understandings of lawful conduct, while cross-national divergences likely have the opposite effect. These dynamics would suggest that pervasive global disparities in the study of international law are a compliance problem.

A couple of premises undergird this claim. One is that formal education is capable of ionizing students to act in accordance with views that the state, university, and faculty have chosen to privilege within the curriculum. The source of this capacity is that effective training can socialize its recipients to internalize the privileged views. Opinions differ on the desirability of this phenomenon,[14] but everyone from U.S. Supreme Court Justices[15] to Pink Floyd[16] understands intuitively that it happens. More importantly, an extensive literature on political socialization has corroborated the popular intuition across a range of educational contexts and cultures,[17] and studies in social psychology have identified the underlying causal mechanism as persuasion.[18] As I will demonstrate, there is reason to believe that this mechanism also operates in international legal education, and that training-induced attitudes about international law manifest as individual behaviors of support or disregard for the discipline once graduates enter their professions. Law schools may thus operate as portals through which attitudes about international norms—whether positive or negative—diffuse domestically.[19]

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14. *See, e.g.*, IVAN ILLICH, DESCHOOLING SOCIETY (1971) (critiquing institutionalized education).

15. *See, e.g.*, City of Cincinnati v. Discovery Network, Inc., 507 U.S. 410, 437 (1993) (Blackmun, J., concurring) ("Our cases have consistently recognized the importance of education to the professional and personal development of the individual.").

16. PINK FLOYD, *Another Brick in the Wall (Part II)*, *on* THE WALL (Columbia 1979) ("We don't need no education, we don't need no thought control."). In the same spirit, see GEORGE ORWELL, ANIMAL FARM (1946), in which a little pig uses education to persuade the other animals to expel Mr. Jones from Manor Farm and, later, uses it to subjugate them.

17. *See infra* Part II.A.

18. *See infra* Part II.B.

19. *Cf.* Margaret E. McGuinness, Medellín*, Norm Portals, and the Horizontal Integration of International Human Rights*, 82 NOTRE DAME L. REV. 755, 760 (2006) (defining norm por-

The other premise is that graduates persuaded toward support or disregard of international law are capable of influencing state action as professionals, especially in the aggregate. For example, some will become prosecutors, judges, or foreign policy elites with direct control over compliance decisions. Others will join interest groups or NGOs that pressure government actors to adopt or reject policies of obedience. Some will encounter opportunities to utilize or argue against global norms in the course of private practice. And as authoritative expositors of the law in domestic media, some will exert influence over public discourse and, in turn, popular attitudes about the legitimacy of international law. In summary, legal education can spur lawyers to act in conformity with privileged views about international law, and these professionals can in turn shape state behavior. On this logic, significant global variations in the study of international law generate kaleidoscopic perceptions on the contours and normative weight of the field, along with attendant effects on state policy.

The training thesis accepts that the international order is in one sense anarchic —the formal equality of functionally undifferentiated sovereign states ensures a general absence of legal authority to coerce.[20] Indeed, the absence of a supranational government with authority to mandate a single curriculum is probably a major contributor to the diversity of national approaches to international legal training.[21] But this condition does not dictate any particular view within states about the binding character or value of international law. Centralized enforcement is not a sine qua non of legal order.[22] Insofar as universities play a critical role in shaping how the legal profession around the world perceives international law and the profession in turn shapes state behavior, these institutions influence compliance. To adapt Alexander Wendt's famous dictum, anarchy is in part what law schools make of it.[23]

This argument draws upon sociological institutionalist and constructivist insights from an extensive literature on law and international relations theory. Particularly germane is the scholarship of Jeffrey Checkel, who traces the process by which transnational socialization mechanisms interact with domestic political structures to generate varying levels of norm compliance.[24] Like Checkel's work, the training thesis

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tals as "horizontal gateway[s] that allow[], through a formal procedural mechanism or substantive right, the importation of external norms into a legal system") (emphasis omitted).

20. *Cf.* KENNETH N. WALTZ, THEORY OF INTERNATIONAL POLITICS 102–16 (1979) (describing the conditions of anarchy).

21. *See generally* Ryan M. Scoville, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org [https://perma.cc/Z498-KSQE] (reporting data on varying rates of mandatory training in international law among states).

22. *See, e.g.*, Jutta Brunnée & Stephen J. Toope, *International Law and Constructivism: Elements of an Interactional Theory of International Law*, 39 COLUM. J. TRANSNAT'L L. 19, 65 (2000) (applying Lon Fuller's interactional theory to suggest that the status of "law" —international law in particular—does not depend on enforcement, but on "rhetorical activity producing increasingly influential mutual expectations or shared understandings of actors").

23. *See* Alexander Wendt, *Anarchy Is What States Make of It: The Social Construction of Power Politics*, 46 INT'L ORG. 391 (1992).

24. *See, e.g.*, Jeffrey T. Checkel, *International Norms and Domestic Politics: Bridging the Rationalist-Constructivist Divide*, 3 EUR. J. INT'L REL. 473 (1997) [hereinafter Checkel, *International Norms and Domestic Politics*]; Jeffrey T. Checkel, *Why Comply? Social Learn-*

has an eclectic theoretical foundation that draws on multiple disciplines to identify the chain of processes that produce compliance decisions.[25] The point of departure from his and other similar analyses is primarily chronological and venue-based. That is, scholars often treat norm entrepreneurs,[26] epistemic communities,[27] government elites,[28] and domestic political coalitions as important variables in the compliance equation, but either ignore where those actors obtained their attitudes or examine socializing influences that arise relatively late in the game, once the key individuals have already emerged as established professionals.[29] I move the socialization inquiry back in time by suggesting that many of the people who exert material influence over state behavior obtained enduring orientations in favor of or against international law from the university setting.

Most immediately, the argument suggests a research agenda for scholars. Studies on the nature and significance of international legal education have been largely absent for decades, and this notwithstanding a voluminous literature on norms. By offering a theoretical account of the significance of law schools, the training thesis helps to orient and structure future empirical work on the state of international legal education around the world, the determinants of cross-national variation and commonality, and the consequences of difference. By assembling supportive evidence from social psychology and political science, I hope to show that further study will be worth the effort.

If true, the training thesis also carries practical implications for scholars, universities, and policymakers. It would help to explain why violations of international law occur, why some states appear to adhere to their obligations more than others, and why states at times hold fundamentally different views about international norms. It would mean that the place of international law in the curriculum, and the particular way in which professors go about teaching the subject, are compliance issues. More concretely, it would support conclusions about specific states. For example, mapping

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ing and European Identity Change, 55 INT'L ORG. 553 (2001) [hereinafter Checkel, *Why Comply?*]; *see also* Thomas Risse-Kappen, *Ideas Do Not Float Freely: Transnational Coalitions, Domestic Structures, and the End of the Cold War*, 48 INT'L ORG. 185 (1994) (proposing a similar framework).

25. *See* Jeffrey T. Checkel, *International Institutions and Socialization in Europe: Introduction and Framework*, 59 INT'L ORG. 801 (2005).

26. *See, e.g.*, Amy Gurowitz, *Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State*, 51 WORLD POL. 413 (1999).

27. *See, e.g.*, Peter M. Haas, *Introduction: Epistemic Communities and International Policy Coordination*, 46 INT'L ORG. 1 (1992); Frans van Waarden & Michaela Drahos, *Courts and (Epistemic) Communities in the Convergence of Competition Policies*, 9 J. EUR. PUB. POL'Y 913 (2002).

28. *See, e.g.*, Richard Herrmann, *The Power of Perceptions in Foreign-Policy Decision Making: Do Views of the Soviet Union Determine the Policy Choices of American Leaders?*, 30 AM. J. POL. SCI. 841, 843 (1986).

29. Harold Koh's theory of transnational legal process, for example, holds that international norms infiltrate domestic society when transnational agents interact to resolve contested norms in law-declaring fora. *See* Harold Hongju Koh, *Why Do Nations Obey International Law?*, 106 YALE L.J. 2599, 2645–58 (1997). I accept this view, but think it incomplete insofar as it overlooks the possibility that the classroom is also an important "transmission belt" through which norms infiltrate the domestic context.

the theoretical argument onto the global survey data would suggest that the operative systems of legal education in states like Austria and Sweden, where international law training is pervasive and rigorous,[30] materially contribute to compliance while the systems of places like the United States and Pakistan, where such training is respectively uncommon and poor in quality, carry neutral or opposite effects.[31] The argument would also suggest that states such as Belize and The Bahamas, which by agreement share a common system of legal education with other Caribbean nations,[32] are on balance more likely to act on the basis of compatible views about international law in the course of executing their foreign policies. Finally, for law faculties and national and international policymakers, confirmation of the training thesis would establish that decisions about legal training requirements carry significant foreign policy consequences over the long run.

The Article proceeds in four parts. Part I substantiates the claim that there are significant global disparities in the study of international law. The Part conducts a survey of thousands of universities in over 190 countries, reveals new data on cross-national variations in the extent to which individuals must study public international law prior to completing a law degree, and then discusses accompanying differences in educational quality, topical emphases, and ideological orientation. PILMap.org, a website developed to accompany the Article, reports some of the findings in the form

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30. *See* Ryan M. Scoville, *Country: Austria*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/AT [https://perma.cc/TVL7-ELXV] (reporting evidence that Austrian law requires domestic law schools to make public international law a mandatory part of their curricula); Ryan M. Scoville, *Country: Sweden*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/SE [https://perma.cc/WMG4-D4R8] (reporting that all Swedish law schools require students to complete a course on public international law).

31. AHMED ALI KHAN, LEGAL EDUCATION IN PAKISTAN: A REVIEW 1, http://www.supremecourt.gov.pk/ijc/articles/6/1.pdf [https://perma.cc/58D3-VDBY] ("Legal Education in Pakistan is in a colossal mess at all levels."); Ryan M. Scoville, *Country: United States*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/US [https://perma.cc/YK9W-SDAB] (reporting that only approximately four percent of U.S. law schools require a course concerning public international law).

32. *See Agreement Establishing the Council of Legal Education (1970)*, CARIBBEAN COMMUNITY SECRETARIAT (1970), http://archive.caricom.org/jsp/secretariat/legal_instruments/agreement_cle.jsp?menu=secretariat [https://perma.cc/GS9Q-9SFY]. The Agreement provides that any LLB graduates of the University of the West Indies, and any Guyanese nationals who are LLB graduates from the University of Guyana, are entitled to automatic admission to any of three regional law schools—Norman Manley Law School in Jamaica, Hugh Wooding Law School in Trinidad and Tobago, and Eugene Dupuch Law School in The Bahamas. *See id.* at Art. 3. Graduates from these schools are in turn qualified to practice law in jurisdictions throughout the Caribbean. *Id.* at Art. 4–5. Several states in the South Pacific have created a similar arrangement. *See* Ryan M. Scoville, *Country: Fiji*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/FJ [https://perma.cc/ALY8-TXBN] (Fiji); Ryan M. Scoville, *Country: Papua New Guinea*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/PG [https://perma.cc/6A6X-7GHH] (Papua New Guinea); Ryan M. Scoville, *Country: Solomon Islands*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/SB [https://perma.cc/HA3P-63JS] (Solomon Islands); Ryan M. Scoville, *Country: Vanuatu*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/VU [https://perma.cc/5HZQ-L556] (Vanuatu).

of an interactive world map.[33] This evidence distinguishes the study of international law from the study of municipal law, which tends to be highly homogeneous within the jurisdiction to which it pertains.

The rest of the Article elaborates on the processes by which the global disparities identified in Part I might translate into state behavior. Part II justifies the view that legal education can mold its recipients. Using experimental evidence from social psychology, I contend that training in international law is capable of persuading students to view the discipline in ways that law faculties have chosen to privilege, the result of which is classes of graduates who are likely to act in support or disregard of international norms as professionals, depending on the nature of the instruction they received. Part III in turn justifies the view that these professionals can be sufficiently influential to align state policy with classroom orthodoxy. Using a diverse set of scholarship from political science, I argue that individuals with legal training are often well positioned to shape state behavior as government elites, activists, private practitioners, and experts, but also that national political structures are likely to mediate the types of professionals who will matter most. Part IV expounds upon the thesis's merits and implications.

To be clear, my purpose is primarily descriptive rather than normative. I assume that effective international law is desirable, but that assumption is not necessary to the argument. Thus, for readers who hold different normative priors, the training thesis is still significant; all that changes are the implications.

I. GLOBAL VARIATIONS IN INTERNATIONAL LEGAL EDUCATION

Contemporary doctrine holds that international law is universal—it generally applies in the same way across the entire globe, regardless of culture, nationality, and history.[34] The study of the discipline, however, is highly variegated in the sense that there are wide cross-national variations in the pervasiveness, quality, topical emphases, and ideological orientation of university instruction. This Part reveals these differences by conducting the most extensive global survey on the study of international law to date, and by highlighting relevant research from the fields of comparative international law and law and development.

A. Pervasiveness

To identify global study patterns, I conducted a survey in 2014 on the frequency with which law schools and governments around the world require law students to complete a course on public international law.[35] To collect the data, I relied on a combination of official government documents, information available on the websites of thousands of university law faculties, and, occasionally, email

33. Scoville, *supra* note 21.

34. Arnulf Becker Lorca, *Universal International Law: Nineteenth-Century Histories of Imposition and Appropriation*, 51 HARV. INT'L L.J. 475 (2010).

35. By "law degree," I mean the principal university degree that students complete prior to entering legal practice. In many countries, this is an LLB or a JD. The definition excludes LLMs, PhDs, and non-law undergraduate degrees that may be prerequisites to enrollment in a JD or JD-equivalent program.

correspondence with faculty members. Where this evidence established that a curriculum includes a mandatory course on "public international law," "international law," "international human rights law," or any other topic that on its face substantially implicates public international law,[36] I coded the corresponding university as requiring international legal training. Inversely, I coded a university as requiring no such training where the evidence demonstrated that courses on public international law are elective or unavailable. Finally, I coded a university as "no data" if it has a law faculty but evidence of its curriculum was inaccessible within the confines of the research methods. The results are available at PILMap.org in the form of an interactive map that allows users to examine summary statistics and details about the curricula of specific law schools within each national jurisdiction.[37]

Assuming that 2014 is generally representative of prior and subsequent years, the survey results are noteworthy in several respects. First, they illuminate the *minimum* amount of training that occurs among law students in a majority of states. They establish, for example, that at least one-third of law students in Australia take a course on international law, and that at least four percent of American students do so, along with at least forty percent of Saudi students and all Indian students.[38] The emphasis here is on minimum levels of training because the survey does not take into account elective courses or those completed for advanced law degrees, such as LLMs and JSDs. In countries where relevant electives or additional degrees are popular, the actual percentage of students who have completed some form of international law course will likely hover well above the reported percentage.[39] This fact limits the data's usefulness for comparisons of states with similar compulsory training rates, but still permits comparisons between the poles. For instance, given a compulsory training rate of 100% in Brazil and 0% in Japan, it is likely that Brazilian law students study international law at a much higher rate than their Japanese counterparts.[40]

Second, the survey establishes that compulsory education in international law is widespread, but also far from universal. It is common on all continents, particularly

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36. For example, I did not count evidence of a required course on private international law, the law of the European Union, or comparative law. I did, however, count "transnational law" courses that incorporate public international law.

37. Scoville, *supra* note 21.

38. *See* Scoville, *supra* note 21 (reporting national percentages).

39. From conversations with colleagues who are knowledgeable about international law teaching in Australia, New Zealand, and the United Kingdom, I have the sense that international law is a more popular elective in those countries than it has been in the United States. *Cf.* John A. Barrett, Jr., *International Legal Education in U.S. Law Schools: Plenty of Offerings, But Too Few Students*, 31 INT'L LAW. 845, 854 (1997) (suggesting that student enrollment in international law courses has been low for decades); Charlotte Ku & Christopher J. Borgen, *American Lawyers and International Competence*, 18 DICKINSON J. INT'L L. 493, 502–03 (2000) (describing how enrollment rates in international law courses in the United States have historically been low).

40. *Compare* Ryan M. Scoville, *Country: Brazil*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/BR [https://perma.cc/QSG9-M5EY] (reporting that all Brazilian law schools require a course on public international law), *with* Ryan M. Scoville, *Country: Japan*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/JP [https://perma.cc/LK7Z-UXCZ] (reporting that no Japanese law schools require a course on the subject).

Africa, Asia, and South America.[41] In this sense, it is not a peculiarity of the European lawyer, as the stereotype seems to hold, but standard for a majority of law graduates around the world. Indeed, there are many states in which every single law student must take at least one international law course.[42] Table 1 aggregates these results by reporting the percentage of law schools on each continent that mandate training on public international law. Table 2 in turn shows the average rate of compulsory training among states on each continent. The results recall earlier research by world society theorists, who have found cross-national similarities in a host of organizational domains, including education,[43] and Duncan Kennedy's work on the globalization of legal thought.[44]

Features of the survey methodology suggest that the results are, if anything, likely to understate the amount of training that is taking place. One reason is that the map codes universities as not requiring international legal education if they offer multiple forms of a basic law degree and even just one of those forms omits a compulsory international course.[45] Another is that the map does not account for electives, or for training that professors might incorporate into courses with titles that appear unrelated to the topic. Still another reason is that the map numbers do not reflect sources of non-university training, such as bar examinations and post-graduate programs for future judges and prosecutors, which appear to be fairly common. In Europe, for example, the bar exams of Albania, Austria, the Czech Republic, Estonia,

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41. *See* Ryan M. Scoville, Continental Map of Africa, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/ContinentalMaps?map=africa_en [https://perma.cc/P4V5-XF36] (Africa); Ryan M. Scoville, Continental Map of South America, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/ContinentalMaps?map=south_america_en [https://perma.cc/6D9F-J8TF] (South America).

42. *See, e.g.*, Ryan M. Scoville, *Country: Brazil*, *supra* note 40; Ryan M. Scoville, *Country: Ethiopia*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/ET [https://perma.cc/4T3D-RFZV] (Ethiopia); Ryan M. Scoville, *Country: India*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/IN [https://perma.cc/Y5MV-BFHE] (India).

43. *See, e.g.*, DAVID JOHN FRANK & JAY GABLER, RECONSTRUCTING THE UNIVERSITY: WORLDWIDE SHIFTS IN ACADEMIA IN THE 20TH CENTURY (2006) (reporting cross-national similarities in university curricula across a range of disciplines); John W. Meyer, Francisco O. Ramirez & Yasemin Nuhoğlu Soysal, *World Expansion of Mass Education, 1870–1980*, 65 SOC. EDUC. 128 (1992) (discussing evidence of global isomorphism in the provision of mass schooling).

44. Duncan Kennedy, *Three Globalizations of Law and Legal Thought: 1850–2000*, *in* THE NEW LAW AND ECONOMIC DEVELOPMENT: A CRITICAL APPRAISAL 19 (David M. Trubek & Alvaro Santos eds., 2006).

45. This was an issue for some law schools in countries with mixed legal traditions, like Canada and Saudi Arabia. In Canada, the use of civil law in Quebec and common law elsewhere has led some schools to offer separate degrees for civil and common law practitioners. In these cases, it is typical for only the civil law degree to include a mandatory course on international law. Universities in Saudi Arabia have dealt with the coexistence of secular and Sharia law in similar fashion by requiring study in international law only for secular degree candidates. Because it is possible for law students at these universities to avoid international law by opting for a common or Sharia law degree, I coded the institutions as not requiring international legal training.

Table 1. Aggregate compulsory training rates[46]

Continent	Aggregate Rate
Africa	88%
Asia	92%
Europe	70%
North America	43%
Oceania	30%
South America	99%

Table 2. Average compulsory training rates

Continent	Average Rate
Africa	84%
Asia	82%
Europe	85%
North America	90%
Oceania	11%
South America	99%

Finland, France, and Lithuania, among others, all covered international law in 2014,[47] while countries such as Albania and the Czech Republic also incorporated international law into specialized judicial training.[48]

Combined with population statistics from the World Bank[49] and UNESCO data on the annual number of university graduates in law from an assortment of national jurisdictions,[50] the PILMap.org results also make it possible to develop a baseline measure of international legal norm diffusion. Specifically, multiplying the number of law graduates for a given country and year by the corresponding rate of compulsory training in international law, and then dividing by the country's total population for that year reveals the minimum number of new law graduates per capita who have

46. The numbers for Tables 1 and 2 were calculated based on the curricular information reported at PILMap.org. *See* Scoville, *supra* note 21.

47. *See* Ryan M. Scoville, Continental Map of Europe, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/ContinentalMaps?map=europe_en [https://perma.cc/C9LL-3LXH] (data on European states).

48. *See, e.g.*, Ryan M. Scoville, *Country: Albania*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/AL [https://perma.cc/2X96-X55F] (Albania); Ryan M. Scoville, *Country: Czech Republic*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/CZ [https://perma.cc/D7Z8-FMBY] (Czech Republic).

49. *Data: Population, Total*, THE WORLD BANK, http://data.worldbank.org/indicator/SP.POP.TOTL [https://perma.cc/4AVG-LHTS].

50. UNESCO Inst. for Statistics, Tertiary-Level Enrollment in Law Programmes and the Number of Tertiary-Level Graduates from Law Programmes by Country, 2009–2013 (Feb. 19, 2016) (unpublished spreadsheet on file with the Indiana Law Journal). I obtained this data through email correspondence with a researcher at the UNESCO Institute for Statistics. E-mail from Chiao-Ling Chien, Researcher, UNESCO Institute for Statistics, to Ryan M. Scoville, Assoc. Professor of Law, Marquette Univ. Law Sch. (Feb. 19, 2016, 11:03 AM) (e-mail on file with the Indiana Law Journal).

completed at least one course on public international law. The results of this calculation suggest extreme variation in the pervasiveness of international legal knowledge among national populations. In 2012 in Lithuania, for example, slightly over 3100 individuals graduated with a law degree, and all of them appear to have completed at least one course on public international law.[51] Given a national population of approximately 2.9 million,[52] 3100 people is equivalent to approximately one new graduate with international legal training for every thousand Lithuanian residents. In the same year in Ghana, by contrast, the number was *five hundred times* smaller at approximately one in five hundred thousand. Table 3 reports these data for 2012 for a select number of countries.[53]

Table 3. Number of 2012 graduates in law who completed at least one compulsory course on public international law

Country	Number of Graduates (Per Pop. of 500,000)	Country	Number of Graduates (Per Pop. of 500,000)
Lithuania	522	Austria	130
Estonia	260	Bulgaria	120
Brazil	242	Sweden	108
Croatia	231	Greece	104
Denmark	192	Finland	99
Colombia	187	Norway	97
Iran	170	Guyana	29
Luxembourg	167	Lesotho	9
Tunisia	160	Qatar	7
Czech Republic	151	United States	4
Belgium	132	Ghana	1

Viewed in light of prior research, the PILMap.org results also suggest a trajectory in global practice. In 1967 and 1973, René-Jean Dupuy and his coauthors published surveys of training requirements across a selection of states, including on the extent to which international law is a compulsory subject of study.[54] Table 4 compares the results of those surveys with my own.

51. UNESCO Inst. For Statistics, *supra* note 50.

52. *Data: Population, Total*, *supra* note 49.

53. The table focuses on 2012 because that is the most recent year for which the UNESCO data is available, and reports only those countries for which there was *both* UNESCO and PILMap.org data. Importantly, for the minority of Table 3 countries whose compulsory training rates fell somewhere between 0% and 100% (Belgium, Ghana, and the United States), the accuracy of the data assumes that the graduating classes were roughly the same size across different universities—an assumption that may not hold true. The data also assume that compulsory training rates did not change materially from 2012 to the date of the PILMap.org survey in 2014.

54. RENÉ-JEAN DUPUY, THE UNIVERSITY TEACHING OF SOCIAL SCIENCES: INTERNATIONAL LAW (1967); RENÉ JEAN DUPUY & GREGORY TUNKIN, COMPARABILITY OF DEGREES AND DIPLOMAS IN INTERNATIONAL LAW: A STUDY ON THE STRUCTURAL AND FUNCTIONAL ASPECTS (1973).

Table 4. Compulsory training in international law: Historical comparison of national percentages

Country	1967	1973	2014
Bulgaria	—	100%	100%
Denmark	0%	0%	100%
Egypt	100%	100%	100%[55]
Finland	100%	100%	100%
France[56]	100%	100%	54%
West Germany	—	0%	47% (Germany)
Hungary	100%	100%	100%
India	~50%	~50%	99%
Italy	100%	100%	≥95%
Japan	0%	0%	0%
"Latin America"[57]	100%	100%	99%[58]
Nigeria	0%	0%	0%[59]
Norway	0%	0%	100%
Romania	—	100%	≥74%
Sri Lanka	—	0%	≥50%
Sweden	0%	0%	100%
UK[60]	48%	—	3%
USA	"Very few"	"Very few"	4%
USSR	100%	100%	100% (Russia)
Yugoslavia	100%	100%	≥77% (successor states)

55. This figure is tentative. All Egyptian universities that published their training requirements reported that students must take a course on international law, but such reports were not always available.

56. French universities first introduced international law as a compulsory subject in 1889. MARTTI KOSKENNIEMI, THE GENTLE CIVILIZER OF NATIONS: THE RISE AND FALL OF INTERNATIONAL LAW 1870–1960, at 31 (2001). "The situation was not very different in other continental States." *Id.*

57. The prior surveys did not identify the specific Latin American countries they included.

58. This figure is tentative because curricular information is not available for a handful of universities in Latin America.

59. This figure is also tentative, given the limited availability of curricular information for some universities in Nigeria.

60. In England, the "first chairs of international law proper were set up . . . in Oxford in 1859 . . . and in Cambridge in 1866," but it does not appear that any international law courses at these universities were compulsory during this early period. KOSKENNIEMI, *supra* note 56, at 33; *see also* MANFRED LACHS, THE TEACHER IN INTERNATIONAL LAW: TEACHINGS AND TEACHING 165–66 (2d rev. ed. 1987) (explaining that even by the late 1800s, international law was "not taught at a considerable number of European universities," and that even where the subject was taught, the "number of courses was very modest (one in general, during one semester, for a few hours per week)").

The comparison shows that most of the significant change in the surveyed states has been in the direction of more international legal training. Law schools in Scandinavian states did not require their students to study international law in the 1960s and 1970s, but do so now. Only 50% of Indian law schools mandated an international course up through 1973, but nearly 100% have the requirement today. Germany and Sri Lanka appear to have experienced shifts of similar magnitude.

The notion of a global trend toward international training is consistent with a more recent survey by John King Gamble, who in the early 1990s collected responses to questionnaires that he sent to "members of the American Society of International Law living outside the U.S. and Canada who had indicated in the Society's membership records that a major portion of their work involved the teaching of international law."[61] With responses from 150 professors in thirty different countries, most of which were European, Gamble reported that "an introductory course in public international law [was] required for the first law degree" at 66% of universities.[62] While methodological differences[63] between our surveys preclude any firm conclusions, it appears, based on the available data, that compulsory study rates have increased since the date of Gamble's survey. As reported in Table 2,[64] the PILMap.org data show not only that the aggregate rate of compulsory training is now 70% in Europe, but also that rates are even higher on a majority of the other continents.

Even in countries where international law is typically an elective, there is evidence of a significant expansion in the number and variety of international course offerings since the mid-twentieth century. Consider the United States: A survey from 1907 found that while ten schools—Harvard, Yale, Columbia, Cornell, Chicago, Indiana, Iowa, George Washington, John Marshall, and Washington University—offered an elective, "[m]any of the lesser schools and most of the Western schools omit[ted] international law."[65] This state of affairs persisted for quite some time. Manley Hudson complained in 1929 that law schools had "neglect[ed] the subject" for the past "several decades,"[66] and in 1938 only 22 of 84 Association of American Law Schools (AALS) member schools offered even one course on the subject.[67] But

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61. JOHN KING GAMBLE, TEACHING INTERNATIONAL LAW IN THE 1990S, at 68 (1993).

62. *Id.* at 68, 77–78.

63. The present survey differs from Gamble's in several respects, aside from its date. First, it is more global in the sense that it includes data on almost all states. Second, it does not focus exclusively on whether foreign educational institutions require courses on public international law; it also reflects whether foreign *law* requires such courses. And third, the present survey relies on different research methods. Rather than depend on responses to questionnaires, I tapped virtually every source I could imagine, with a particular emphasis on the curricular materials that are available on law school websites.

64. *See supra* text accompanying notes 43–46.

65. Charles Noble Gregory, *The Study of International Law in Law Schools*, 2 AM. L. SCH. REV. 41, 45 (1907); *see also* John M. Raymond & Barbara J. Frischholz, *Lawyers Who Established International Law in the United States, 1776–1914*, 76 AM. J. INT'L L. 802, 815–17 (1982) (discussing the introduction of international law into American legal education in the nineteenth century).

66. Manley O. Hudson, *The Teaching of International Law in America*, 15 A.B.A. J. 19, 22 (1929).

67. Manley O. Hudson, *Twelve Casebooks on International Law*, 32 AM. J. INT'L L. 447, 456 (1938).

international electives expanded steadily after World War II. By 1947, the number of schools with an elective in international law had increased to 30.[68] That number soon grew to 55, or 51% of AALS member schools, by 1953;[69] 91, or 68% of schools, by 1964;[70] and 117, or 78% of schools, by 1974.[71] At this point, moreover, it was not uncommon to see multiple offerings—32% of schools had three or more electives in international legal studies by the mid-1960s.[72] Reported contributors to this shift include the publication of new teaching materials, an increase in the number of law professors who were qualified to teach the subject, financial support from the Ford Foundation, and a growing student belief in the utility of international training.[73]

The postwar trend continued into more recent decades. By 1991, John King Gamble was able to report that 98% of American schools offered at least one course on international law.[74] By 1997, roughly 90% had 5 or more international offerings.[75] A 2004 American Bar Association (ABA) survey documented a "noted increase[]" in international electives during the 1990s, with 33 schools now making available not only an introductory course, but specialization certificates as well.[76]

Although it is uncertain whether the United Nations played a role, the expansion of international legal education over the second half of the twentieth century occurred alongside a litany of supportive resolutions from the UN General Assembly. In the first of these, adopted in 1947, the General Assembly resolved "to request the Governments of Member States . . . [t]o take appropriate measures to extend the teaching of international law in all its phases . . . in the universities and higher educational institutions of each country that are under government control . . . or to initiate such teaching where it is not yet provided."[77] Subsequent resolutions reaffirmed this request with more forceful language: The 1948 Universal Declaration of Human Rights proclaimed as one of its core purposes that "every individual and every organ

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68. Philip W. Thayer, *The Teaching of International and Comparative Law*, 1 J. LEGAL EDUC. 449, 449 (1949).

69. Wm. W. Bishop, Jr., *International Law in American Law Schools Today*, 47 AM. J. INT'L L. 686, 687 (1953).

70. RICHARD W. EDWARDS, JR., INTERNATIONAL LEGAL STUDIES: A SURVEY OF TEACHING IN AMERICAN LAW SCHOOLS 1963–1964, at 3, 32 (1965).

71. MICHAEL H. CARDOZO, THE PRACTICAL STATE OF TEACHING AND RESEARCH IN INTERNATIONAL LAW: 1974, at 29, 42 (1977). The utility of comparing these surveys assumes that they employed identical or at least similar methodologies.

72. *See* EDWARDS, *supra* note 70, at 3, 5.

73. *See, e.g.*, *id.* at 11, 34 (discussing growing student and faculty interest in international law); Jayanth K. Krishnan, *Professor Kingsfield Goes to Delhi: American Academics, the Ford Foundation, and the Development of Legal Education in India*, 46 AM. J. LEGAL HIST. 447, 450 (2004) (discussing the role of the Ford Foundation).

74. GAMBLE, *supra* note 61, at 121.

75. John A. Barrett, Jr., *International Legal Education in the United States: Being Educated for Domestic Practice While Living in a Global Society*, 12 AM. U. J. INT'L L. & POL'Y 975, 992 (1997).

76. SECTION OF LEGAL EDUC. & ADMISSION TO THE BAR, AM. BAR ASS'N, A SURVEY OF LAW SCHOOL CURRICULA: 1992–2002, at 7, 32 (2004), http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/1992_2002_survey_of_law_school_curricula.authcheckdam.pdf [https://perma.cc/4LDU-U6YU].

77. G.A. Res. 176 (II), ¶ 1 (Nov. 21, 1947).

of society . . . shall strive by teaching and education to promote respect" for its enumerated rights and freedoms.[78] In 1962, the General Assembly "[u]rge[d] Member States to undertake broad programmes of training . . . in the field of international law."[79] From 1970 to 1990, a string of ten resolutions repeatedly "[u]rge[d] all Governments to encourage the inclusion of courses on international law in the programmes of legal studies offered at institutions of higher learning."[80] In 1989, the General Assembly adopted a resolution declaring the 1990s the "United Nations Decade of International Law," one of the primary goals of which was to "encourage the teaching, study, dissemination and wider appreciation of international law."[81] Subsequent resolutions from 1991, 1993, 1995, 1997, and 1999 "[u]rge[d] all States . . . to make all possible efforts to implement th[is] goal[],"[82] and a resolution from 1992 invited states to "encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines."[83]

The postwar expansion also occurred alongside the adoption of a handful of multilateral treaties that explicitly call upon states to educate national publics on treaty norms, particularly in the areas of human rights law and international humanitarian law. Parties to the Geneva Conventions, for instance, "undertake . . . to disseminate the text of [the Conventions] as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population."[84] Likewise, the African Charter on Human and Peoples' Rights imposes on state parties "the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the [Charter] and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood."[85] Comparable provisions are also present in the International Convention for the Protection of All Persons from Enforced Disappearance,[86] the

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78. G.A. Res. 217 (III) A, Universal Declaration of Human Rights, 72 (Dec. 10, 1948).

79. G.A. Res. 1816 (XVII), ¶ 1 (Dec. 18, 1962).

80. G.A. Res. 44/28, ¶ 9 (Dec. 4, 1989); G.A. Res. 42/148, ¶ 9 (Dec. 7, 1987); G.A. Res. 40/66, ¶ 8 (Dec. 11, 1985); G.A. Res. 38/129, ¶ 8 (Dec. 19, 1983); G.A. Res. 36/108, ¶ 8 (Dec. 10, 1981); G.A. Res. 34/144, ¶ 8 (Dec. 17, 1979); G.A. Res. 32/146, ¶ 6 (Dec. 16, 1977); G.A. Res. 3502 (XXX), ¶ 6 (Dec. 15, 1975); G.A. Res. 3106 (XXVIII), ¶ 5 (Dec. 12, 1973); G.A. Res. 2838 (XXVI), ¶ 6 (Dec. 18, 1971).

81. G.A. Res. 44/23, ¶¶ 1–2 (Nov. 17, 1989).

82. G.A. Res. 54/102, ¶ 12 (Dec. 9, 1999); G.A. Res. 52/152, ¶ 13 (Dec. 15, 1997); G.A. Res. 50/43, ¶ 12 (Dec. 11, 1995); G.A. Res. 48/29, ¶ 13 (Dec. 9, 1993); G.A. Res. 46/50, ¶ 13 (Dec. 9, 1991).

83. G.A. Res. 47/32, annex ¶ IV(2) (Nov. 25, 1992).

84. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field art. 47, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31.

85. African Charter on Human and Peoples' Rights art. 25, June 27, 1981, 21 I.L.M. 58.

86. G.A. Res. 61/177, annex, International Convention for the Protection of All Persons from Enforced Disappearance, art. 23(1) (Dec. 20, 2006) ("Each State Party shall ensure that the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty includes the necessary education and information regarding the relevant provisions of this Convention . . . .").

Convention Against Torture,[87] and Additional Protocol I to the Geneva Conventions,[88] among various other treaties. These agreements impose obligations on states rather than universities, but may have spurred some governments to include international law as a compulsory subject of study in municipal laws that regulate the content of legal training. By helping to normalize the idea of international legal education, the agreements may have also inspired some universities to mandate pertinent courses on their own initiative.

But even given the historical trend, the survey data show that training in international law remains far from universal. Some states that suffer from severe poverty and instability, such as the Central African Republic and South Sudan, do not appear to have functioning law schools, much less compulsory training on international norms.[89] As Table 5 illustrates, law schools in developed states, such as Ireland, Japan, and New Zealand, have chosen categorically not to require the study of international law.[90] And in places like Australia, Canada, Ghana, the United Kingdom, and the United States, mandatory training is not the majority practice.[91] It is reasonable to assume comparatively low levels of exposure among graduates in these states. Moreover, the percentage of university faculty members who work in the discipline of law declined globally by roughly one-third over the course of the twentieth century, from 5.7% to 3.9%.[92] This development raises the possibility that fewer university students now study international law, even if compulsory study has become more common among those who do.

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87. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 10(1), *adopted* Dec. 10, 1984, S. TREATY DOC. No. 100-20 (1988), 1465 U.N.T.S. 85.

88. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts art. 83(1), *adopted* June 8, 1977, 1125 U.N.T.S. 3 ("The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed forces and to the civilian population.").

89. *See* Scoville, Continental Map of Africa, *supra* note 41 (data on African states).

90. *See* Ryan M. Scoville, *Country: Ireland*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/IE [https://perma.cc/T2FK-ATNV] (Ireland); Scoville, *Country: Japan*, *supra* note 40 (Japan); Ryan M. Scoville, *Country: New Zealand*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/NZ [https://perma.cc/5WUH-ZUNV] (New Zealand).

91. *See* Ryan M. Scoville, *Country: Australia*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/AU [https://perma.cc/B7S4-XBC3] (Australia); Ryan M. Scoville, *Country: Canada*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/CA [https://perma.cc/FZN5-F6P9] (Canada); Ryan M. Scoville, *Country: United Kingdom*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/GB [https://perma.cc/7C7S-JA2G] (United Kingdom); Scoville, *supra* note 31 (United States).

92. FRANK & GABLER, *supra* note 43, at 68–69.

Table 5. Lowest rates of compulsory study[93]

Country	National Rate
Ireland	0%
Japan	0%
New Zealand	0%
Nigeria	0%
Papua New Guinea	0%
United Kingdom	3%
South Korea	4%
United States	4%
Canada	23%
Ghana	25%

Finally, the map data raise questions about the etiological roots of cross-national variation. Part of the explanation appears to lie in domestic law. To the extent that there are rates of 100%, it is typically where a national government has adopted a statute or regulation that obligates universities to teach international law as a mandatory course. This is the case in a number of major jurisdictions, including Brazil, India, Pakistan, and Russia,[94] although China has achieved a similarly high rate under a law that merely recommends for the course to be mandatory.[95] In contrast, rates tend to be much lower in states where national regulation is absent.[96]

Differences in legal tradition might also play a role. Of the ten states with the lowest rates of compulsory training, eight are common law jurisdictions.[97] The correlation is not perfect—India, for example, mandates instruction[98]—but civil law jurisdictions appear more inclined to compel international training. The deeper questions of why only some states see the discipline as sufficiently important to include in their national or subnational requirements, and why common law jurisdictions often choose not to prioritize international legal education, present intriguing avenues for future research.

B. Quality

The study of international law also varies globally in the sense that there are vast domestic and cross-national disparities in quality of instruction. On one end of the

93. I calculated these percentages based on the curricular data I reported at PILMap.org. *See* Scoville, *supra* note 21.

94. *See* Scoville, *Country: Brazil*, *supra* note 40 (Brazil); Scoville, *Country: India*, *supra* note 42 (India); Ryan M. Scoville, *Country: Pakistan*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/PK [https://perma.cc/8YSJ-5VFC] (Pakistan); Ryan M. Scoville, *Country: Russia*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/RU [https://perma.cc/2V7A-BDW7] (Russia).

95. *See* Ryan M. Scoville, *Country: China*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/CN [https://perma.cc/C298-URH7].

96. *See, e.g.*, Scoville, *supra* note 31 (reporting a compulsory training rate of 4% in the United States, which does not have national curriculum requirements).

97. *See supra* text accompanying notes 55–60 (Table 4).

98. Scoville, *Country: India*, *supra* note 42.

continuum are the usual elite suspects—the top schools in Europe, the United States, and a few other places—that draw on vast financial resources, enjoy immensely qualified faculties, use rigorous training techniques, and otherwise promote cultures of scholarship and careful study. On the other end are a significant number of schools in the developing world, some of which do not have substantial library collections, functional facilities, full-time instructors, or casebooks in native languages.[99] An entire genre of research and practice in law and development assumes that these conditions materially influence the rule of law at the national level.[100] As I demonstrate below, the training thesis lays bare the causal mechanics behind that assumption and adapts them for an argument about the international rule of law.

C. Emphasis and Ideological Orientation

Finally, the study of international law is globally polymorphic in the sense that there appears to be significant cross-national variation in the topics that courses tend to emphasize and the ideological orientation with which instructors approach them. Forthcoming research by Anthea Roberts reveals material differences among the major textbooks used in powerful states.[101] While Russian textbooks often devote as much attention to the law of outer space as they do to the law of international trade, most American and British texts barely even mention the subject.[102] Some of the major Chinese offerings do not include any chapters on human rights.[103] U.S.

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99. *See, e.g.*, RULE OF LAW INITIATIVE, AM. BAR ASS'N, LEGAL EDUCATION REFORM INDEX FOR ARMENIA 2–3 (2007) (identifying some of these problems as common in Armenian law schools); RULE OF LAW INITIATIVE, AM. BAR ASS'N, LEGAL EDUCATION REFORM INDEX FOR MEXICO 2–3 (2011) (Mexico); Thomas F. Geraghty & Emmanuel K. Quansah, *African Legal Education: A Missed Opportunity and Suggestions for Change: A Call for Renewed Attention to a Neglected Means of Securing Human Rights and Legal Predictability*, 5 LOY. U. CHI. INT'L L. REV. 87, 90 (2007) (a number of African countries); Hikmahanto Juwana, *Legal Education Reform in Indonesia*, 1 ASIAN J. COMP. L. 1, 6 (Indonesia); C. Raj Kumar, *Legal Education, Globalization, and Institutional Excellence: Challenges for the Rule of Law and Access to Justice in India*, 20 IND. J. GLOBAL LEGAL STUD. 221, 235 (2013) (India); Bui Thi Bich Lien, *Legal Education in Transitional Vietnam*, *in* ASIAN SOCIALISM & LEGAL CHANGE: THE DYNAMICS OF VIETNAMESE AND CHINESE REFORM 135 (John Gillespie & Pip Nicholson eds., 2005) (Vietnam); Carl F. Minzner, *The Rise and Fall of Chinese Legal Education*, 36 FORDHAM INT'L L.J. 335, 354–55 (2013) (China); Stephen A. Rosenbaum, *The Legal Clinic Is More Than a Sign on the Door: Transforming Law School Education in Revolutionary Egypt*, 5 BERKELEY J. MIDDLE E. & ISLAMIC L. 39, 56–58 (2012) (Egypt). For a general discussion of these issues, see Philip G. Altbach, *Centers and Peripheries in the Academic Profession: The Special Challenges of Developing Countries*, *in* THE DECLINE OF THE GURU: THE ACADEMIC PROFESSION IN DEVELOPING AND MIDDLE-INCOME COUNTRIES 1 (Philip G. Altbach ed., 2003).

100. *See, e.g.*, MICHAEL J. TREBILCOCK & RONALD J. DANIELS, RULE OF LAW REFORM AND DEVELOPMENT: CHARTING THE FRAGILE PATH OF PROGRESS 279–306 (2008).

101. ANTHEA ROBERTS, IS INTERNATIONAL LAW *INTERNATIONAL*?: A STUDY IN THE GLOBALIZATION OF LEGAL EDUCATION AND SCHOLARSHIP (forthcoming 2017) (manuscript at 80–152) (on file with the Indiana Law Journal).

102. *Id.* (manuscript at 121, 127).

103. *See id.* (manuscript at 122).

casebooks cite to domestic law at a uniquely high rate.[104] And depending on their country of origin, casebooks appear to adopt different presentational strategies and espouse divergent views on matters of doctrine. For instance, Chinese and Russian textbooks tend to focus on the theory of international law, while Western texts generally use case studies to emphasize practice and application.[105] Chinese and Russian texts also tend to be more critical of humanitarian intervention,[106] and even among Western sources there are dissimilar analytical frameworks for dealing with extraterritorial jurisdiction.[107]

Other differences also seem likely. It would not be surprising, for example, if third-world approaches to international law[108] exert more substantial influence over curricula in lesser-developed countries than in places like France and Japan, or if Sharia law influences the content of education at universities in the Muslim world, some of which offer both Sharia and secular degrees.[109] Likewise, communism seems to shape training in places like Vietnam, where curricula include mandatory courses such as The Thought of Ho Chi Minh, Basic Principles of Marxism-Leninism, and The Bourgeois Constitution.[110]

Researchers have also started to provide evidence of cross-national variation in the educational and professional backgrounds of international law professors. Roberts, for example, shows that academics in the United Kingdom are far more likely to have studied their discipline at a foreign university than their counterparts in Russia.[111] Australian and British professors tend to publish more frequently in journals with international editorial boards.[112] And among scholars who reside and teach within the global core, Russians and Americans are the most likely to have entered the academy after working for their respective national governments.[113] Americans also tend to have relatively little experience studying or practicing law abroad, particularly outside of the West.[114] The result is that there is not a single,

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104. *See id.* (manuscript at 85).

105. *Id.* (manuscript at 86).

106. *See id.* (manuscript at 141–49).

107. *See id.* (manuscript at 149–52).

108. *Cf.* INTERNATIONAL LAW AND THE THIRD WORLD: RESHAPING JUSTICE (Richard Falk, Balakrishnan Rajagopal & Jacqueline Stevens eds., 2008) (collecting essays that "critically explor[e] the past, present and future relevance of international law to the priorities of the countries, peoples and regions of the . . . South").

109. *Compare, e.g.*, *A Summary of the Study Plan for Undergraduate Department: Sharia*, JAZAN UNIVERSITY, https://ryanscoville.files.wordpress.com/2017/05/shariah-degree-curriculum-jazan-university.pdf [https://perma.cc/G49R-E5ST] (curriculum for a degree in Sharia), *with A Summary of the Study Plan for Undergraduate Department: Law*, JAZAN UNIVERSITY, https://ryanscoville.files.wordpress.com/2017/05/law-degree-curriculum-jazan-university.pdf [https://perma.cc/8GUF-567Z] (curriculum for a law degree).

110. *See, e.g.*, *Curriculum in Jurisprudence*, Hue University, http://web.archive.org/web/20140824235038/http://hueuni.edu.vn/portal/index.php/vi/chuongtrinhdaotao/detail/68 [https://perma.cc/7LP2-B2QS].

111. *See* ROBERTS, *supra* note 101 (manuscript at 165–67, 171–73).

112. *See id.* (manuscript at 182–88).

113. *See id.* (manuscript at 190–99).

114. *See* Ryan Scoville & Milan Markovic, *How Cosmopolitan Are International Law Professors?*, 38 MICH. J. INT'L L. 119, 131 (2016) (analyzing the professional backgrounds of

invisible college of international lawyers, but a collection of "separate but overlapping epistemic communities, with different areas of expertise" and varying levels of national orientation.[115] This condition suggests that students of international law not only learn about different issues to different degrees, but also receive instruction that is informed by divergent perspectives on the nature and function of the discipline.

Training in municipal law within each state, by contrast, does not exhibit such significant variation. In fact, law school curricula within a national jurisdiction often appear to exhibit high levels of uniformity: faculties typically teach the same subjects, using the same vocabularies, authorities, theoretical frameworks, and even textbooks, and they do this on the basis of shared ideologies, similar professional backgrounds, and comparable resources. In part, such uniformity is government-imposed. National regulations require all law schools in Brazil, for example, to teach compulsory courses on tax and labor law,[116] and law schools in Slovenia to mandate courses on criminal sentencing and the law of the European Union.[117] In India, instruction includes a compulsory class on environmental law.[118] But intrajurisdictional uniformity also appears to be sociological and organic. For instance, many American torts professors have gravitated toward the use of economic principles,[119] and even without a federal mandate, virtually all law schools across the United States teach a compulsory course on federal constitutional law.[120] These forms of national uniformity might have a number of sources, including the common professional socialization of scholars within a state, the dominance of only a single legal tradition within most states, and evidence that wealth tends to be distributed more evenly within a state than across the entire globe.[121] For international law, these contributors to standardization are substantially absent.

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international law professors at 150 American law schools).

115. ROBERTS, *supra* note 101 (manuscript at 37); *see also* Anu Bradford & Eric A. Posner, *Universal Exceptionalism in International Law*, 52 HARV. INT'L L.J. 1 (2011) (identifying differences between American, Chinese, and European views of international law).

116. Portaria No. 1.886, 30.12.1994, DIÁRIO OFICIAL DA UNIÃO [D.O.U.], art. 6(II) (Braz.), http://www.oab.org.br/arquivos/pdf/LegislacaoOab/LegislacaosobreEnsinoJuridico.pdf [https://perma.cc/46P4-5BP9].

117. *See* Pravilnik o Zahtevanih Temeljnih Pravnih Znanjih Magistrov Prava za Sprejem v Sodniško Pripravništvo, 93 Uradni List R.S. no. 93/2008 (Slovn.), http://www.uradni-list.si/1/objava.jsp?urlid=200893&stevilka=3942 [https://perma.cc/7TD2-F2C7] (listing curriculum requirements for the degree of *magister prava*).

118. BAR COUNCIL OF INDIA: PART IV, RULES OF LEGAL EDUCATION 23–24 (2008), http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartIV.pdf [https://perma.cc/U3TQ-UNQN].

119. *See* Daria Roithmayr, *A Dangerous Supplement*, 55 J. LEGAL EDUC. 80, 84 n.7 (2005).

120. *See supra* note 10 (noting that Harvard Law School does not require students to study U.S. constitutional law).

121. *Cf.* RESEARCH INST., CREDIT SUISSE, GLOBAL WEALTH REPORT 19 (2015), https://publications.credit-suisse.com/tasks/render/file/?fileID=F2425415-DCA7-80B8-EAD989AF9341D47E [https://perma.cc/9RUW-J37Y] (reporting that the top one percent of global wealth holders owns half of all household assets in the world).

II. THE INFLUENCE OF LEGAL TRAINING ON LAWYERS

Having established that cross-national variation exists, the next step is to theorize on its significance. In the analysis that follows, I argue that the most likely process by which global variations in legal education might affect the efficacy of international law is one of student persuasion.[122] This process is essentially linear, beginning when universities exert meaningful influence over the way in which future practitioners view international law, and culminating where personal views obtained from the university setting manifest as individual behaviors of support or disregard for that law once students enter their professions. Of course, this process can occur only insofar as legal training communicates something about the discipline of international law, and only insofar as the operative message is sufficiently influential not only to overcome contrary attitudes that students might carry with them into law school, but also to generate new attitudes that persist over time and in the face of countervailing influences that may arise in subsequent professional settings. This is a tall order, and I am under no illusion that education always generates such transformative effects. At the same time, there is substantial evidence that formal training can be a potent source of influence. One might even say that it is inevitable for universities to socialize students to internalize privileged views, given certain standard features of the university environment. What is not inevitable is the direction and degree of that influence, which depend heavily upon the particularities of the training context, the chosen set of graduation requirements, and how those requirements are

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122. To be clear, I do not contend that international legal education matters only because it can persuade students. Law schools are academic institutions, but they are also social environments that can exert substantial pressure to conform to privileged views that students may or may not privately accept. They are also suppliers of knowledge that students have material incentives to exploit in law practice. Conceivably, these characteristics shape the efficacy of international law in ways that have nothing to do with whether training can convince students to view the discipline in privileged ways. *Cf.* RYAN GOODMAN & DEREK JINKS, SOCIALIZING STATES: PROMOTING HUMAN RIGHTS THROUGH INTERNATIONAL LAW (2013) (distinguishing between persuasion, acculturation, and material inducement as forms of social influence). Students might, for example, temporarily espouse pro- or anti-international-law positions because they perceive that doing so will bring social rewards in the form of faculty or peer approval. Or they might closely study and later utilize what they learned in the classroom because doing so will bring financial or other professional rewards. And it is possible that law schools socialize non-students. *See generally* John W. Meyer, *The Effects of Education as an Institution*, 83 AM. J. SOC. 55 (1977) (discussing how schools socialize both students and non-students by sorting them into positions of higher or lower social status). I nevertheless focus on student persuasion because I see it as the mechanism most likely to explain legal education's possible influence over the efficacy of international law. In particular, it is unclear how the acculturation that happens in law school could carry long-term significance, given that students are only in that setting for a short period and will inevitably encounter new and potentially contrary social environments as professionals. Moreover, the mere incentive to utilize knowledge acquired in the classroom tells us little about *how* graduates might do so—one could use doctrinal knowledge to undermine international norms as much as to promote them. And non-student socialization strikes me as a comparatively indirect source of influence, given that the students who become lawyers are most centrally involved in the interpretation and utilization of international law.

implemented. This Part employs evidence on political socialization and social psychological studies on persuasion to suggest that the manner in which a law school, university, or state decides to approach the issue of international legal training may play a significant role in determining student views and, later, professional behavior with respect to the subject.

A. The Evidence of Influence

Numerous studies on political socialization have tested the effects of post-secondary education on student attitudes and values. Simply put, much of this work shows that education is influential. At a general level, a variety of longitudinal studies have found that undergraduates tend to adopt political identities that align with the normative environment that predominates among faculty and peers.[123] Other studies have documented that academic majors affect student interests[124] and that college attendance generates statistically significant improvements in commitment to civic involvement,[125] racial and ethnic understanding,[126] and gender egalitarianism,[127] even after controlling for a range of variables. Similar dynamics also appear to occur abroad[128] and in professional and graduate schools.[129] For example, one study found that graduate-level training not only explained the professional role orientations of scientists and engineers employed at a major American aerospace company, but also that subsequent experience in the workplace failed to change or otherwise manipulate those orientations.[130] Another reported that students' career preferences generally evolved to align with the faculty's academic priorities[131]—students in research-oriented departments were more likely than counterparts in other departments to shift toward research careers.[132]

More importantly, a handful of studies have suggested that legal education can influence the values and political views of students.[133] One reported anecdotal

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123. *E.g.*, ALEXANDER W. ASTIN, WHAT MATTERS IN COLLEGE? FOUR CRITICAL YEARS REVISITED 150–59 (1993).

124. *See* JOHN C. SMART, KENNETH A. FELDMAN & CORINNA A. ETHINGTON, ACADEMIC DISCIPLINES: HOLLAND'S THEORY AND THE STUDY OF COLLEGE STUDENTS AND FACULTY 139–71 (2000).

125. *E.g.*, WILLIAM E. KNOX, PAUL LINDSAY & MARY N. KOLB, DOES COLLEGE MAKE A DIFFERENCE? LONG-TERM CHANGES IN ACTIVITIES AND ATTITUDES 97 (1993).

126. *E.g.*, Jeffrey F. Milem, *College, Students, and Racial Understanding*, 9 THOUGHT & ACTION 51 (1994).

127. *E.g.*, ASTIN, *supra* note 123, at 143.

128. *See, e.g.*, Roderic A. Camp, *University Environment and Socialization: The Case of Mexican Politicians*, 20 HIST. EDUC. Q. 313, 314 (1980).

129. *See, e.g.*, D.A. Ondrack, *Socialization in Professional Schools: A Comparative Study*, 20 ADMIN. SCI. Q. 97, 101–02 (1975) (finding that nursing schools influenced the attitudes and values of their students).

130. George A. Miller & L. Wesley Wager, *Adult Socialization, Organizational Structure, and Role Orientations*, 16 ADMIN. SCI. Q. 151, 161 (1971).

131. David Gottlieb, *Processes of Socialization in American Graduate Schools*, *in* SOCIOLOGY OF EDUCATION 258, 260–68 (Ronald M. Pavalko ed., 1968).

132. *Id.* at 264–65.

133. *See* James R. Elkins, *Becoming a Lawyer: The Transformation of Self During Legal Education*, 66 SOUNDINGS 450, 451 (1983) (concluding that law school "significantly alters"

evidence that a substantial portion of a sample of American legislators first became interested in politics while in law school.[134] A detailed case study on student socialization at one elite school observed that "an identity formed by collective eminence limits the occupational horizons of the great majority to one path of achievement"—namely, employment at large corporate law firms in big cities.[135] Still another revealed correlational evidence that law school alters legal orientations, ideologies, and values.[136]

Equally significant, extensive research has established that particular university courses can change student attitudes and behaviors. For example, statistical analyses have consistently found strong evidence that the completion of even a single women's studies course can yield substantial and enduring improvements in student views and behavior with respect to gender equality, openness to diversity, and involvement in social activism.[137] One representative study conducted pre- and post-course tests of two groups at a random sample of thirty-two universities, with one group comprising students who enrolled in a women's studies course and the other comprising students who enrolled in a non-women's studies course.[138] Even after

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student identity and experiences of the world); Howard S. Erlanger & Douglas A. Klegon, *Socialization Effects of Professional School: The Law School Experience and Student Orientations to Public Interest Concerns*, 13 L. & SOC'Y REV. 11 (1978) (finding evidence that law school exerts modest influence over student interests, values, and modes of thinking); S.D. Ross, *The Role of Lawyers in Society*, AUSTRALIAN Q., Mar. 1976, at 61, 65–66 (relating findings that law schools in Australia increase political liberalism among their students); Robert Stevens, *Law Schools and Law Students*, 59 VA. L. REV. 551, 681–84 (1973) (finding that nearly half of those interviewed at Yale Law School reported change in their political views during their first year); Wagner P. Thielens, Jr., *The Influence of the Law School Experience on the Professional Ethics of Law Students*, 21 J. LEGAL EDUC. 587 (1969) (finding that the law school experience led students to internalize more ethical attitudes about appropriate professional behavior); *see also* Leonard D. Eron & Robert S. Redmount, *The Effect of Legal Education on Attitudes*, 9 J. LEGAL EDUC. 431, 443 (1957) ("[T]he selection of legal training and the learning process itself are, in part, a psychological experience. It profoundly affects attitude formation and change, and, as such, influences the development of professional role and professional practices."); Samuel E. Wallace, *Reference Group Behavior in Occupational Role Socialization*, 7 SOC. Q. 366 (1966) (finding that student aspirations to gain acceptance into the legal profession cause them to adopt professional values).

134. Allan Kornberg & Norman Thomas, *The Political Socialization of National Legislative Elites in the United States and Canada*, 27 J. POL. 761, 771 (1965).

135. Robert Granfield & Thomas Koenig, *Learning Collective Eminence: Harvard Law School and the Social Production of Elite Lawyers*, 33 SOC. Q. 503, 518 (1992); *see also* Robert Granfield, *Legal Education as Corporate Ideology: Student Adjustment to the Law School Experience*, 1 SOC. F. 514, 516–17 (1986) (finding that many students at an elite law school gravitated toward "business/corporatist ideology" because of their law school experience).

136. Gregory J. Rathjen, *The Impact of Legal Education on the Beliefs, Attitudes and Values of Law Students*, 44 TENN. L. REV. 85, 94 (1976).

137. Dozens of studies have reported similar findings. For a survey, see 2 ERNEST T. PASCARELLA & PATRICK T. TERENZINI, HOW COLLEGE AFFECTS STUDENTS: A THIRD DECADE OF RESEARCH 271–344 (2005).

138. *See* Jayne E. Stake & Frances L. Hoffmann, *Changes in Student Social Attitudes, Activism, and Personal Confidence in Higher Education: The Role of Women's Studies*, 38 AM.

controlling for variables such as class characteristics and pedagogical differences, the researchers found that the students in the first group were significantly more likely to demonstrate increases in egalitarian views on gender and likelihood of future activism.[139] Likewise, courses on racial and ethnic diversity have been shown to result in lower levels of prejudice and more concern for the promotion of racial understanding.[140] Additional research has demonstrated the causal significance of coursework on other topics for relevant attitudes and behaviors,[141] and that the act of taking multiple courses can produce cumulative effects.[142] These effects appear to persist over time,[143] specifically depend on curricular content,[144] and occur regardless of both the level of initial student interest in the subject matter[145] and the degree to which students' original views were consistent with the course's normative orientation.[146]

Perhaps even more relevant is a forthcoming study by Andrew Bell, who conducted a repeated cross-sectional survey of hundreds of freshman and senior cadets at the U.S. Military Academy and U.S. Army Reserve Officer Training Corps (ROTC) to assess the influence of military training on cadets' views regarding norms of noncombatant immunity and the law of armed conflict.[147] Bell found that training effectively socialized cadets to be more sensitive toward the treatment of civilians in wartime, and that the intensity of training correlated with the magnitude of the attitude change that occurred.[148] Cadets at the Academy, who undergo more intensive training than their ROTC counterparts, experienced a significant and more robust shift in their views on principles of distinction, necessity, and proportionality.[149]

The premise of the training thesis is modest: law school courses on international law are not inherently any less influential than the courses that existing scholarship

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EDUC. RES. J. 411, 415–20 (2001).

139. *See id.* at 420–34.

140. These findings have also been widely replicated. *See, e.g.*, Mitchell J. Chang, *The Impact of an Undergraduate Diversity Course Requirement on Students' Racial Views and Attitudes*, 51 J. GEN. EDUC. 21, 35 (2002).

141. *See, e.g.*, James R. Moran, *Social Work Education and Students' Humanistic Attitudes*, 25 J. SOC. WORK EDUC. 13 (1989).

142. Betsy Palmer, *The Impact of Diversity Courses: Research from Pennsylvania State University*, DIVERSITY DIGEST (Winter 2000), http://diversityweb.org/digest/W00/research.html [https://perma.cc/LH5H-X3AK].

143. *See, e.g.*, Jayne E. Stake & Suzanna Rose, *The Long-Term Impact of Women's Studies on Students' Personal Lives and Political Activism*, 18 PSYCHOL. WOMEN Q. 403, 410 (1994).

144. *See id.* at 404; Jayne E. Stake, Laurie Roades, Suzanna Rose, Lisa Ellis & Carolyn West, *The Women's Studies Experience: Impetus for Feminist Activism*, 18 PSCYHOL. WOMEN Q. 17, 23 (1994).

145. *See* Stake & Hoffmann, *supra* note 138, at 431–32.

146. *See* Jeanne M. Sevelius & Jayne E. Stake, *The Effects of Prior Attitudes and Attitude Importance on Attitude Change and Class Impact in Women's and Gender Studies*, 33 J. APPLIED SOC. PSYCHOL. 2341, 2342 (2003).

147. Andrew Bell, Can Military Training Change Combatant Norms? Comparing the Effects of Ethics and Law of War Training at the U.S. Military Academy and Army ROTC (Dec. 1, 2014) (unpublished Ph.D. dissertation on file with the Indiana Law Journal).

148. *See id.* (manuscript at 35–40).

149. *Id.* (manuscript at 38).

has already evaluated. Around the world, many future legal practitioners obtain their training as undergraduates, just like the students involved in the research on women's studies and diversity courses.[150] Others receive their legal training as graduate students, but it is not clear that the incremental differences in age and institutional context are material.[151] Indeed, as I explain below, it is entirely plausible that training on public international law is more effective, on balance, at socializing both undergraduate and graduate students than the other courses that have received primary attention in the political socialization literature.[152]

To be sure, the existing evidence is not entirely uniform—some studies have found that education does not generate attitude or value change,[153] including in law schools.[154] For instance, a researcher who tested for changes in career interests, attitudes, and personality characteristics at one school concluded that the "marked stability . . . reflected in [the] data strongly indicate that law school graduates are generally law school freshman grown older."[155] Such studies suggest that international legal training will not necessarily make a difference. But they also seem inadequate to establish that specific training requirements are necessarily or even usually inconsequential. First, they are against the weight of the evidence showing that course content matters.[156] Second, most of them did not test the efficacy of purposeful efforts to induce attitude change through the curriculum;[157] for all we know, the law schools under examination did not even attempt to influence students along the measured dimensions. Thus, the best conclusion seems to be that even limited amounts of formal education are generally capable of shaping student attitudes. The next challenge is to explain why. In Part II.B., I undertake that project by identifying the classroom as an ideal setting for persuasion.

B. The Mechanism of Influence

Social psychological research on persuasion offers a framework for understanding how even limited training can yield lasting effects. To explain, I employ the field's Elaboration Likelihood Model (ELM), which is an influential theory of persuasion

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150. *See supra* text accompanying notes 137–40.

151. There is abundant evidence that socialization can occur well into adulthood. *See* Jeylan T. Mortimer & Roberta G. Simmons, *Adult Socialization*, 4 ANN. REV. SOC. 421 (1978) (surveying the literature on postchildhood socialization).

152. *See infra* text accompanying note 180.

153. *See, e.g.*, Carol Copp, *Scholarly Belief and Attitude Formation: The Case of the Radical Economics Paradigm*, 25 SOC. FOCUS 121 (1992) (finding that postgraduate economics programs do not alter the preexisting political identities of students); Albert Somit, Joseph Tanenhaus, Walter H. Wilke & Rita W. Cooley, *The Effect of the Introductory Political Science Course on Student Attitudes Toward Personal Political Participation*, 52 AM. POL. SCI. REV. 1129 (1958) (finding that introductory courses on political science did not produce significant attitude change among students on the issue of personal participation in politics).

154. *See, e.g.*, Avrom Sherr & Julian Webb, *Law Students, the External Market, and Socialization: Do We Make Them Turn to the City?*, 16 J.L. & SOC'Y 225, 228 (1989).

155. James E. Hedegard, *The Impact of Legal Education*, 4 AM. B. FOUND. RES. J. 791, 865 (1979).

156. *See supra* text accompanying note 144.

157. *See, e.g.*, Sherr & Webb, *supra* note 154, at 227–29.

in the contemporary literature[158] and has been found to explain persuasion across disparate cultural contexts.[159] The ELM proposes that people are generally motivated to hold "correct" attitudes, but will use varying levels of cognitive effort to process persuasive communications, depending on the circumstances.[160] A person with a strong motivation and ability to process a particular message is more likely to engage a so-called "central" processing route that entails high levels of cognitive elaboration on the merits of the arguments contained within the message.[161] This might include, for example, careful scrutiny of an argument's internal logic or the strength of the underlying evidence. But where the motivation or ability to process is limited, a person is likely to engage a "peripheral" route that entails lower levels of cognitive elaboration, such as reliance on heuristics or contextual cues that are unrelated to the merits of the message. One person can simultaneously use both central and peripheral routes, but there is a zero-sum relationship such that more extensive central processing necessarily entails less reliance on peripheral cues.[162] For present purposes, what is critical about the ELM is its suggestion that persuasion is contextual—motivation and ability determine the processing route, which in turn dictates whether the particular characteristics of the message content, source, and recipient will render the communication sufficiently influential to change the recipient's attitude in the manner desired by the source. In the analysis that follows, I argue that legal training can engage central-route processing; that messages conveyed through the curriculum can be persuasive under conditions of high cognitive elaboration, given common features of the university setting; and that the attitude changes that result from curricular persuasion can manifest in professional behavior. The takeaway is significant: while contemporary theorists of international law are right to treat socialization as relevant, they may be looking for it in the wrong place—the most promising venue is not an elite international organization or foreign ministry, but instead the ubiquitous, even mundane, classroom through which all lawyers must pass.

1. Central-Route Processing in International Legal Education

Experimental research suggests that the university setting is more than capable of ensuring that students process curricular content primarily—even overwhelmingly—along the ELM's central route. This is true for several reasons.

First, an individual is more likely to carefully analyze a message that is clearly linked to her values, accomplishment of personal objectives, or ability to justify a position to others in a socially satisfactory manner.[163] Social psychologists have re-

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158. *See* RICHARD E. PETTY & JOHN T. CACIOPPO, COMMUNICATION AND PERSUASION: CENTRAL AND PERIPHERAL ROUTES TO ATTITUDE CHANGE 3 (1986).

159. Jennifer L. Aaker & Durairaj Maheswaran, *The Effect of Cultural Orientation on Persuasion*, 24 J. CONSUMER RES. 315 (1997).

160. PETTY & CACIOPPO, *supra* note 158, at 5–11.

161. *Id.* at 6–7.

162. *Id.* at 141–65.

163. *See* Blair T. Johnson & Alice H. Eagly, *Effects of Involvement on Persuasion: A Meta-Analysis*, 106 PSYCHOL. BULL. 290 (1989); Richard E. Petty, John T. Cacioppo & Rachel Goldman, *Personal Involvement as a Determinant of Argument-Based Persuasion*, 41 J.

ferred to these linkages as value, outcome, and impression involvement, respectively.[164] As an example, one study found that the quality of the arguments made in favor of a new university exam policy was a more important determinant of policy acceptance among students who had reason to believe that the policy would affect their ability to graduate, but that peripheral cues such as source expertise mattered more among those who had been led to believe that the policy would take effect only after they graduated.[165] In essence, students had a stronger incentive to think hard about the policy's merits when they perceived its personal relevance.

Common features of university instruction suggest that similar dynamics can encourage central processing in the classroom. Value involvement may flow from normative messaging that encourages students to think about course content in terms of personal values.[166] Outcome involvement may result both from the perceived practical need to understand the material as a future professional, and from exams, which can tether course content to academic and career goals by converting topical knowledge into performance outcomes that affect graduation and employment prospects. Impression involvement can in turn result from class discussions and assignments, both of which incentivize students to learn the material to present themselves in a favorable light to peers and faculty.

Second, individuals are more motivated to engage in central processing when they have been primed to adopt an active self-concept that matches a message frame predetermined by the source of the communication.[167] For instance, researchers in one experiment primed participants to extraversion or introversion by exposing them to words associated with one of those traits, and then had them read a product advertisement containing both arguments of high or low quality and language that matched or mismatched the primed trait.[168] The result was that, regardless of original personality, participants paid more attention to argument quality when the language in the ad matched the prime.[169] Priming thus molded active self-concepts so that recipients would think more carefully about messages delivered in accordance with speaker-selected frames.[170] There is a sense in which this is also common in the university setting, which can prime students to engage in central processing by repeatedly emphasizing the value of intellectual and professional ends that only careful thinking

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PERSONALITY & SOC. PSYCHOL. 847 (1981).

164. *See* Johnson & Eagly, *supra* note 163, at 290–93.

165. *See* Petty et al., *supra* note 163, at 852–54.

166. *See* Pierre Schlag, *Normativity and the Politics of Form*, 139 U. PA. L. REV. 801, 802–03 (1991).

167. S. Christian Wheeler, Kenneth G. DeMarree & Richard E. Petty, *A Match Made in the Laboratory: Persuasion and Matches to Primed Traits and Stereotypes*, 44 J. EXPERIMENTAL SOC. PSYCHOL. 1035 (2008).

168. *Id.* at 1036

169. *Id.* at 1037–39; *see also* Steven J. Sherman, Diane M. Mackie & Denise M. Driscoll, *Priming and the Differential Use of Dimensions in Evaluation*, 16 PERSONALITY & SOC. PSYCHOL. BULL. 405, 414–15 (1990) (reporting findings consistent with this conclusion).

170. In a sense, this is the opposite of the personal relevance concept discussed above, which hinges on the idea that a speaker can generate central processing by matching a message frame (i.e., that of self-relevance) to recipients' predetermined self-concepts.

can generate and then supplying a matching frame of sophistication in the classroom—the frame of the furrowed, professorial brow; chin-stroking pedanticism; rarefied nomenclatures; and the proud but arcane idiosyncrasies of the ivory tower.

A cluster of simpler dynamics can also encourage extensive cognitive elaboration in the classroom. For instance, a moderate level of message repetition promotes central processing by creating more opportunities for recipients to scrutinize the message's merits.[171] Personal interaction between the message source and recipient,[172] the use of multiple message sources,[173] and the absence of distractions[174] also enhance the motivation or ability to elaborate. Moreover, individuals who by disposition tend to engage in and enjoy effortful analytic activity are more likely to employ central-route processing than those who do not.[175] Universities can easily take advantage of these phenomena. Faculties can utilize relatively intimate classroom settings, with few external distractions, to expose students to course themes repeatedly over time. And insofar as college and graduate students are more cognitively motivated than the general public, the message will have a receptive audience. In short, the standard university classroom is an ideal venue for central processing.

This is a venue, moreover, in which the cognitive effort that occurs should tend to be relatively bias free, for a couple of reasons. First, limited prior knowledge about the subject of a communication facilitates unbiased information processing, while extensive prior knowledge has the opposite effect.[176] In essence, only people with relevant knowledge are motivated to process new information in a way that protects their preexisting views—their counterparts have nothing to protect. This is significant because, almost by definition, students tend to have limited knowledge on the subject matter of a new course. Second, even with prior knowledge, message recipients tend to engage in unbiased processing when the subject of the communication is of little emotional significance to them,[177] when their knowledge is not easily retrievable from memory,[178] or when they are led to believe that others will evaluate

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171. John T. Cacioppo & Richard E. Petty, *Effects of Message Repetition on Argument Processing, Recall, and Persuasion*, 10 BASIC & APPLIED SOC. PSYCHOL. 3, 9 (1989).

172. *See* Mark R. Young, *The Motivational Effects of the Classroom Environment in Facilitating Self-Regulated Learning*, 27 J. MARKETING EDUC. 25, 36 (2005).

173. *See* Stephen G. Harkins & Richard E. Petty, *Information Utility and the Multiple Source Effect*, 52 J. PERSONALITY & SOC. PSYCHOL. 260 (1987).

174. *See* Richard E. Petty, Gary L. Wells & Timothy C. Brock, *Distraction Can Enhance or Reduce Yielding to Propaganda: Thought Disruption Versus Effort Justification*, 34 J. PERSONALITY & SOC. PSYCHOL. 874 (1976).

175. *See* John T. Cacioppo, Richard E. Petty & Katherine J. Morris, *Effects of Need for Cognition on Message Evaluation, Recall, and Persuasion*, 45 J. PERSONALITY & SOC. PSYCHOL. 805, 814–15 (1983).

176. *See* Richard E. Petty & Duane T. Wegener, *Attitude Change: Multiple Roles for Persuasion Variables*, *in* 1 THE HANDBOOK OF SOCIAL PSYCHOLOGY 323, 357 (Daniel T. Gilbert, Susan T. Fiske & Gardner Lindzey eds., 4th ed. 1998).

177. *See* Wendy Wood, Nancy Rhodes & Michael Biek, *Working Knowledge and Attitude Strength: An Information-Processing Analysis*, *in* ATTITUDE STRENGTH: ANTECEDENTS AND CONSEQUENCES 283, 290–93 (Richard E. Petty & Jon A. Krosnick eds., 1995).

178. *See* Wendy Wood, *Retrieval of Attitude-Relevant Information from Memory: Effects on Susceptibility to Persuasion and on Intrinsic Motivation*, 42 J. PERSONALITY & SOC. PSYCHOL. 798 (1982).

them on the validity of their conclusions.[179] The emotional significance and mnemonic accessibility of attitudes will of course vary among students, but the accountability mechanisms of testing and class participation can provide a strong incentive to process information anew, without simple reliance upon preexisting attitudes or schema.

Here, too, the training thesis makes a modest claim: the social psychological evidence on the determinants of central versus peripheral routes, and biased versus unbiased processing, applies to the persuasive communications that occur in international legal education. As in other contexts, thoughtful pedagogy can create a robust incentive for students to expend significant cognitive effort learning new material, prime students to think like lawyers and then deliver a matching frame, enable personal interaction between professors and students, provide repetitious messaging, utilize multiple message sources such as lectures and casebooks, and eliminate distractions.

If anything, there is reason to believe that training on public international law can yield even more robust and unbiased central processing than the courses that have received primary attention in the political socialization literature. I would imagine, for example, that international law students generally have less prior experience and bias concerning the subject matter of their training than the students who completed the courses on gender and racial diversity—two issues on which everyone has not only some form of personal exposure, but also culturally ingrained viewpoints that can be difficult to budge. Moreover, it is conceivable that law students, particularly in countries where legal education happens at the graduate level, are on average higher in dispositional need for cognition than undergraduates such as those studied in the research on political socialization. And insofar as law students are more likely to have identified their future vocation than many undergraduates, the knowledge that their coursework carries at least some practical significance generates an even greater incentive for careful thinking. For these students, law is not simply an elective or a major, but an impending career.

The degree to which central and unbiased processing occurs will of course vary among schools and courses. Where training in international law is not required, and where professors do not skillfully employ techniques to encourage central processing, it is likely that few students will think hard about the subject.[180] But the mechanisms discussed above suggest that it is well within the power of legal educators to encourage students to think hard and objectively.[181] This conclusion carries two significant consequences. First, once central processing is engaged, there is a distinct set of variables that will influence the degree to which the study of international law yields attitude change among students. And second, attitude change under central processing can produce behavioral consequences. I take up these issues next.

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179. *See* Robert A. Schuette & Russell H. Fazio, *Attitude Accessibility and Motivation as Determinants of Biased Processing: A Test of the MODE Model*, 21 PERSONALITY & SOC. PSYCHOL. BULL. 704 (1995).

180. *Cf.* Barrett, *supra* note 39, at 854 (describing how enrollment rates in international law courses in the United States have historically been low); Ku & Borgen, *supra* note 39, at 502–03 (same).

181. *See supra* Part II.B.1.

2. Attitude Change Under Central-Route Processing

Where a professor of international law successfully engages unbiased central-route processing among students, there are multiple reasons to think that formal instruction can yield attitude change. Some of the reasons are intuitive and concern common attributes of the instructional message itself.[182] For instance, messages are more persuasive under central processing when they draw on evidentiary support,[183] explicitly rebut counterarguments,[184] and possess an open-ended quality that encourages recipients to draw their own conclusions.[185] Persuasion in this context also depends in part on stylistic features. The inclusion of metaphors,[186] for example, and the use of language that projects social status and confidence[187] both increase the likelihood of attitude change under central processing. A couple of studies on evaluatively biased language—that is, language implying a particular normative orientation on the subject matter to which it relates—have also found that the words contained in the message can themselves produce attitude change.[188] In one experiment, university students formulated arguments about a proposed weekend driving ban for adolescents after receiving a presentation containing either a set of pro-ban language, such as "road safety," "protective," and "effective," or anti-ban language, such as "patronizing" and "scapegoat."[189] The researchers found not only that the biased language produced parallel shifts in attitudes, but also that the resulting attitudes persisted after the exposure.[190] One way to understand these findings is to view the use of evaluatively biased language as a form of issue framing, which media studies have shown to affect attitudes among the public.[191]

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182. For an overview, see generally Lijiang Shen & Elisabeth Bigsby, *The Effects of Message Features: Content, Structure, and Style*, *in* THE SAGE HANDBOOK OF PERSUASION: DEVELOPMENTS IN THEORY AND PRACTICE 20 (James Price Dillard & Lijiang Shen eds., 2d ed. 2013).

183. Rodney A. Reynolds & J. Lynn Reynolds, *Evidence*, *in* THE PERSUASION HANDBOOK: DEVELOPMENTS IN THEORY AND PRACTICE 427, 428 (James Price Dillard & Michael Pfau eds., 2002).

184. *See* Mike Allen, *Meta-Analysis Comparing the Persuasiveness of One-Sided and Two-Sided Messages*, 55 W.J. SPEECH COMM. 390 (1991).

185. *See* Frank R. Kardes, *Spontaneous Inference Processes in Advertising: The Effects of Conclusion Omission and Involvement on Persuasion*, 15 J. CONSUMER RES. 225 (1988). *But see* Daniel J. O'Keefe, *Standpoint Explicitness and Persuasive Effect: A Meta-Analytic Review of the Effects of Varying Conclusion Articulation in Persuasive Messages*, 34 ARGUMENTATION & ADVOC. 1 (1997) (reviewing evidence that arguments are more persuasive when explicit).

186. *See* GEORGE LAKOFF & MARK TURNER, MORE THAN COOL REASON: A FIELD GUIDE TO POETIC METAPHOR 60–65 (1989).

187. *See* Nancy A. Burrell & Randal J. Koper, *The Efficacy of Powerful/Powerless Language on Attitudes and Source Credibility*, *in* PERSUASION: ADVANCES THROUGH META-ANALYSIS 203 (Mike Allen & Raymond W. Preiss eds., 1998).

188. Els C. M. Van Schie, Carolien Martijn & Joop Van Der Pligt, *Evaluative Language, Cognitive Effort and Attitude Change*, 24 EUR. J. SOC. PSYCHOL. 707, 708 (1994).

189. *Id.* at 708–10.

190. *Id.* at 711.

191. *See, e.g.*, James N. Druckman, Cari Lynn Hennessy, Kristi St. Charles & Jonathan Webber, *Competing Rhetoric Over Time: Frames Versus Cues*, 72 J. POL. 136 (2010); *see also*

The source of an instructional message in the university setting also helps to explain how formal training can yield attitude change. Perhaps most importantly, professors as a group tend to enjoy substantial credibility in the sense that students generally perceive them as both knowing the "correct" views within their discipline, and as motivated to communicate those views accurately and without expectation of personal gain. Such perceptions significantly enhance persuasion even under central processing.[192]

Student attributes also play a role. Unsurprisingly, it is easier to persuade individuals who lack easy access to beliefs and memories of prior experiences regarding the subject of a persuasive communication.[193] One researcher has hypothesized that this is true because individuals without such access have a harder time generating counterarguments.[194] Whatever the underlying cause, it goes without saying that this phenomenon operates in the university setting, it being the case that most students possess comparatively limited knowledge and experience regarding a new discipline.

In the aggregate, these phenomena indicate that the classroom is an ideal setting in which to generate attitude change through significant cognitive elaboration. It is ideal in part because so much is within the control of the professor—it is up to her whether to marshal evidence in favor of any particular message, whether to address counterarguments, whether to employ metaphor and empowered and evaluative language, and whether to frame issues in a way that shifts their salient features so as to elicit audience agreement. It is an ideal setting, moreover, because it allows faculty to employ tools of persuasion repeatedly over an extended period to a captive audience that is highly motivated to understand. And it is ideal due to the common perception of a substantial disparity between the knowledge and experience of the message source and of the recipients, the credibility that professors tend to enjoy, and the fact that novices of any kind are usually more impressionable. Given the social psychological evidence, it is little wonder that courses on women's studies, racial diversity, and the law of armed conflict have been able to generate attitude change among students; it is hard to think of a better setting for persuasion through central-route processing.

Once again, the claim of the training thesis is modest: the dynamics that social psychologists have shown to contribute to attitude change under conditions of high cognitive effort can also operate in the context of international legal training, includ-

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Robert D. Benford & David A. Snow, *Framing Processes and Social Movements: An Overview and Assessment*, 26 ANN. REV. SOC. 611 (2010) (reviewing findings on framing effects).

192. *See* William J. McGuire, *The Nature of Attitudes and Attitude Change*, *in* 3 THE HANDBOOK OF SOCIAL PSYCHOLOGY 136, 182–83 (Gardner Lindzey & Elliot Aronson eds., 2d ed. 1969); *see also* R. Glen Hass, *Effects of Source Characteristics on Cognitive Responses and Persuasion*, *in* COGNITIVE RESPONSES IN PERSUASION 141, 154 (Richard E. Petty, Thomas M. Ostrom & Timothy C. Brock eds., 1981) ("Few areas of research in social psychology have produced results as consistent as the findings that sources high in expertise and/or trustworthiness are more persuasive than those low in these qualities . . . .").

193. Chenghuan Wu & David R. Shaffer, *Susceptibility to Persuasive Appeals as a Function of Source Credibility and Prior Experience with the Attitude Object*, 52 J. PERSONALITY & SOC. PSYCHOL. 677 (1987).

194. *See* Wood, *supra* note 178, at 804.

ing to promote or undermine student internalization of the idea that public international law is important and binding. The relevance of most of the tools discussed above is obvious, but it is worth adding that the discipline of international law carries with it a whole basket of evaluatively biased language. To say that a party "breaches" a treaty, for example, is to evoke a comparison with contracts, which unquestionably enjoy legal enforcement. To say that the permanent members of the UN Security Council can "vote" on and "veto" proposed authorizations for the use of force is to suggest that legal process governs Council operations. Even the term "public international law" overtly claims legal status for international norms. In these ways, the lexicon of public international law is self-promoting to the point where even an otherwise neutral discussion of the discipline unavoidably uses a terminological frame that encourages pro-compliance views.

I will take this a step further. Just as there is reason to think that more central processing happens in the standard law school classroom than in the courses covered by the political socialization literature, there is reason to think that messages about international law in law school—whether pro or con—can be even more effective at producing attitude change than those conveyed in the courses on women's studies and racial diversity.[195] In part, this is due to a likely imbalance between the topic-relevant knowledge and experience of new students in these fields, with new international law students seemingly having less of each and, as a result, being more impressionable.[196] It is also, in part, a product of the fact that many law professors possess something that college professors in non-professional disciplines lack: membership in a guild to which their students aspire to belong. The in-group status of "lawyer" should intensify the persuasive influence of legal academics among prospective practitioners by adding a unique and potent form of additional credibility and influence. And finally, legal education should be more effective at generating attitude change than other types of formal training insofar as law schools tend to inculcate within students a general sense of deference to hierarchy and authority,[197] the result of which is to elevate the persuasive influence of those who deliver the curriculum.

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195. *See supra* notes 131–40 (collecting evidence regarding the persuasive effects of courses on women's studies and racial diversity).

196. I make this assumption for two reasons. First, matters of race and gender permeate daily life in direct and ubiquitous ways that, for the most part, simply do not apply to international law. These permeations give rise to experiential knowledge that constitutes a robust, non-university source of student attitudes on issues such as inequality and discrimination. Second, mass publics have not been particularly well informed on international affairs, particularly in the United States. *See, e.g.*, Shanto Iyengar, Kyu S. Hahn, Heinz Bonfadelli & Mirko Marr, *"Dark Areas of Ignorance" Revisited: Comparing International Affairs Knowledge in Switzerland and the United States*, 36 COMM. RES. 341 (2009). While the public in a number of European countries fared better in this research, knowledge is in all cases likely to be even more limited on comparatively technical matters of international law. *See, e.g.*, *id.* at 348 (reporting that, on international affairs, residents of Switzerland were generally much better informed than Americans).

197. *See* Duncan Kennedy, *Legal Education as Training for Hierarchy*, *in* THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE 54, 66–72 (David Kairys ed., 3d ed. 1998).

3. The Behavioral Effects of Attitude Change

Of course, even if formal training persuades students to adopt new attitudes on legal issues, it does not necessarily follow that those attitudes will matter. Separate research shows that the certainty, extremity, emotional intensity, and subjective importance of an attitude affect its strength and resulting influence over cognition and—most importantly—behavior.[198] It is questionable whether these variables will operate robustly with respect to the study of international law. Students with academic exposure to the discipline may remain uncertain about the status of global norms, hold moderate and unemotional attitudes about compliance, and perceive the discipline as tangential to their professional goals. Moreover, upon becoming practitioners, they might forget what they learned, change their mind in light of other messages, or simply choose not to act in accordance with views they internalized during law school. If the attitudes generated by curricular messages about international law are weak, then there is little reason to think they will affect how graduates behave, and the training thesis cannot explain state action.

But this line of reasoning seems overly pessimistic. In fact, a number of considerations support the view that attitudes acquired through training can influence the behavior of practitioners even over the long term. First, there is a great deal of evidence that attitudes can affect cognitions and behavior,[199] and that attitudes developed through significant cognitive effort are substantially more influential than those acquired via the peripheral route.[200] For instance, many of the same variables that shape an individual's motivation and ability to think carefully about a message also affect the persistence of the attitude changes that result.[201] Just as message repetition, dispositional need for cognition, and personal relevance intensify a recipient's ability and motivation to engage in central processing, they also lead the recipient to maintain a newly acquired attitude for a longer period of time.[202] Researchers have interpreted this parallel to mean that central-route attitudes are more likely to endure.[203] Additionally, experiments have shown that attitudes resulting from extensive elaboration on a message are more resistant to subsequent,

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198. *See generally* Penny S. Visser, George Y. Bizer & Jon A. Krosnick, *Exploring the Latent Structure of Strength-Related Attitude Attributes*, 38 ADVANCES EXPERIMENTAL SOC. PSYCHOL. 1 (2006) (discussing the effects of these variables and the relationships between them).

199. John T. Cacioppo, Stephen G. Harkins & Richard E. Petty, *The Nature of Attitudes and Cognitive Responses and Their Relationships to Behavior*, *in* COGNITIVE RESPONSES IN PERSUASION 31, 51−53 (Richard E. Petty, Thomas M. Ostrom & Timothy C. Brock eds., 1981).

200. *See* PETTY & CACIOPPO, *supra* note 158, at 173–95.

201. Richard E. Petty, Curtis P. Haugtvedt & Stephen M. Smith, *Elaboration as a Determinant of Attitude Strength: Creating Attitudes That Are Persistent, Resistant, and Predictive of Behavior*, *in* ATTITUDE STRENGTH: ANTECEDENTS AND CONSEQUENCES, *supra* note 177, at 93, 100–08.

202. *Id.*

203. *Id.*

counterattitudinal argumentation[204] and are more likely to guide behavior.[205] Particularly noteworthy is that the duration and amount of careful thinking that occurred in these experiments is far less than that which occurs during even a single course on international law. One of the studies, for instance, found evidence that a single, momentary exposure to an advertisement can generate behavioral effects when consumers think carefully about the message.[206] A fortiori, extensive and elaborate cognitions about international law based on repeated message exposure over the course of many weeks can also influence behavior. One explanation for this effect is that, having thought carefully about the merits and implications of a message, a recipient who has undertaken substantial elaboration will tend to hold greater confidence in the correctness of the resulting attitude, which will in turn embolden him to maintain it, resist counterattitudinal appeals, and enact it behaviorally.[207] Another explanation is that the cognitive effort that central processing entails makes the resultant attitude more accessible in memory and thus available to facilitate counterargumentation and guide behavior.[208]

Second, the prediction of behavioral consequences makes sense in light of priming theory, which posits that individuals ordinarily do not exhaustively analyze the merits and implications of the various judgments and choices that they make, but instead rely on the knowledge that is the most accessible in memory at the time of decision.[209] In ELM terms, accessible knowledge operates as a heuristic influence on behavior when individuals lack the motivation or ability to engage in more substantial elaboration. This theory enjoys substantial empirical support[210] and helps to explain, for example, how media emphases on selected political issues can shape public perceptions of the President and voting behavior.[211] Another way to think about the

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204. *Id.* at 108–14; *see also* Curtis P. Haugtvedt & Richard E. Petty, *Personality and Persuasion: Need for Cognition Moderates the Persistence and Resistance of Attitude Changes*, 63 J. PERSONALITY & SOC. PSYCHOL. 308, 317–18 (1992) (finding that, among individuals who possess a high subjective need for cognition, the ability to recall a larger number of attitude-compatible arguments correlates with a greater tendency to reject counterattitudinal messages).

205. Petty et al., *supra* note 201, at 114–19.

206. *See* Richard E. Petty, John T. Cacioppo & David Schumann, *Central and Peripheral Routes to Advertising Effectiveness: The Moderating Role of Involvement*, 10 J. CONSUMER RES. 135 (1983).

207. PETTY & CACIOPPO, *supra* note 158, at 22.

208. Russell H. Fazio, *Attitudes as Object-Evaluation Associations: Determinants, Consequences, and Correlates of Attitude Accessibility*, *in* ATTITUDE STRENGTH: ANTECEDENTS AND CONSEQUENCES, *supra* note 177, at 247, 250–51.

209. Jon A. Krosnick & Donald R. Kinder, *Altering the Foundations of Support for the President Through Priming*, 84 AM. POL. SCI. REV. 497, 499 (1990).

210. *See, e.g.*, Gerald M. Kosicki, *The Media Priming Effect: News Media and Considerations Affecting Political Judgments*, *in* THE PERSUASION HANDBOOK: DEVELOPMENTS IN THEORY AND PRACTICE, *supra* note 183, at 63.

211. *See* Joanne M. Miller & Jon A. Krosnick, *News Media Impact on the Ingredients of Presidential Evaluations: A Program of Research on the Priming Hypothesis*, *in* POLITICAL PERSUASION AND ATTITUDE CHANGE 79, 86–92 (Diana C. Mutz, Paul M. Sniderman & Richard A. Brody eds., 1996) (using case studies on the Persian Gulf War and the Iran-Contra scandal to test hypotheses regarding the effects of priming on public perceptions of presidential

training thesis is to view international legal training as a prime that supplies topical knowledge and attitudes that are accessible later to guide action when the practitioner's motivation or ability to rethink fundamental issues such as the legitimacy of international law is more limited. The prime is powerful insofar as the central-route processing that happens in law school produces accessible attitudes,[212] and because individuals who are less knowledgeable about a subject are more susceptible to primes.[213]

Finally, even assuming that the attitudes resulting from training on international law at times lack sufficient strength to influence behavior, they are not unavoidably weak. Thoughtful pedagogy can magnify attitude strength by enhancing the certainty, extremity, emotional intensity, and subjective importance of the compliance question among students. One study has found, for example, that the repeated articulation of an attitude has the effect of elevating its personal importance to the speaker.[214] Courses and other forms of training, such as clinics, that encourage student participation might capture this effect. Likewise, the evidence on the persuasive influence of credible sources suggests that the certainty and extremity of student attitudes will depend at least in part on the clarity and intensity with which faculty members convey a particular compliance message.[215]

In summary, substantial evidence supports the first premise of the training thesis. There is an abundance of empirical support for the idea that education in a university setting can affect student attitudes and behavior. Thus, regardless of whether faculties choose to persuade future practitioners with a message that favors or disfavors public international law, it is plausible and even likely that the chosen message will —when skillfully delivered—yield lasting effects on the individual and collective behavior of law graduates. In a sense, lawyers are what law schools make of them.

III. THE INFLUENCE OF LAWYERS ON THE STATE

For the training thesis to shed light on the efficacy of international law, it must next be true that law graduates who have been persuaded to support or disregard international law exert meaningful influence over the compliance decisions of the states in which they reside. In this Part, I discuss studies supporting this idea, illuminate the processes by which professional influence can occur, and then suggest that cross-national variations in the formal structure of national governments will mediate the availability and significance of these processes. The analysis completes the process of tracing the independent variable of training to the dependent variable of official policy by connecting the effects of training to state action.

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performance).

212. *See* Kardes, *supra* note 185, at 231.

213. Miller & Krosnick, *supra* note 211, at 94–95.

214. *See* Neal J. Roese & James M. Olson, *Attitude Importance as a Function of Repeated Attitude Expression*, 30 J. EXPERIMENTAL SOC. PSYCHOL. 39 (1994).

215. *See supra* note 192 and accompanying text.

A. The Conversion of Professional Ideology into State Policy

Individuals whose legal training has led them to support, disregard, or oppose public international law can shape state compliance in any of four basic professional roles: (1) as government elites with direct influence over compliance decisions and public opinion; (2) as activists who pressure the state to adopt or reject policies of obedience; (3) as private practitioners who may either utilize or ignore international law in the course of representing clients; and (4) as experts who shape popular perceptions of international law through discourse. These roles are all independent, but the training thesis anticipates that they will operate in the same direction and in a manner congruent to the persuasive messages that legal professionals internalized as law students. I discuss each in turn.

1. Lawyers as Government Officials

The most obvious form of influence occurs when individuals with legal training occupy positions of power within the government, including positions such as judges, prosecutors, legislators, and foreign policy elites. Such influence has been common in much of the world for quite some time.[216] Without even counting national judiciaries, Robert Putnam once observed that lawyers are politically prominent "[a]lmost everywhere" in that they "comprise roughly 15 to 25 percent of most national legislatures" and "have also traditionally supplied the lion's share of the bureaucratic elite in many countries."[217] The pattern is no accident. Government is a natural destination for lawyers insofar as their profession enjoys social status,[218] the

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216. *See* YVES DEZALAY & BRYANT G. GARTH, ASIAN LEGAL REVIVALS: LAWYERS IN THE SHADOW OF EMPIRE 76–80 (2010) (discussing the prominence of lawyers in Philippine politics); AKIRA KUBOTA, HIGHER CIVIL SERVANTS IN POSTWAR JAPAN: THEIR SOCIAL ORIGINS, EDUCATIONAL BACKGROUNDS, AND CAREER PATTERNS 81 (1969) (reporting that nearly seventy percent of Japanese bureaucrats at the time had a law degree); MICHAEL L. MEZEY, COMPARATIVE LEGISLATURES 239 (1979) ("Lawyers and other professionals tend to dominate the membership of most parliaments."); Rogelio Pérez-Perdomo, *Rule of Law and Lawyers in Latin America*, 603 ANNALS AM. ACAD. POL. & SOC. SCI. 179, 183 (2006) (discussing a tradition of lawyers filling high government positions in Latin America in the nineteenth and twentieth centuries); Robert D. Putnam, *The Political Attitudes of Senior Civil Servants in Western Europe: A Preliminary Report*, 3 BRIT. J. POL. SCI. 257, 266–67 (1973) (reporting data on the educational backgrounds of senior civil servants in Europe and the United States). There is, of course, variation among states on this front. For instance, Putnam observed that lawyers were less common in elite government positions in communist and Scandinavian countries in the 1970s, and were of declining importance in the parliaments of France and Italy. ROBERT D. PUTNAM, THE COMPARATIVE STUDY OF POLITICAL ELITES 59 n.40 (1976).

217. PUTNAM, *supra* note 216, at 59; *see also* DONALD R. MATTHEWS, THE SOCIAL BACKGROUND OF POLITICAL DECISION-MAKERS 30 (1954) ("One small occupational group, the legal profession, has supplied a large majority of America's top-level public officials throughout our entire history.").

218. 1 ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 503–18 (Henry Reeve trans., Floating Press 2009) (1840) (ebook).

ability to practice law intermittently facilitates forays into politics,[219] lawyers' monopoly of many law enforcement and judicial offices places them in a favorable position to occupy other official roles,[220] and states' utilization of law to impose order and inform policy making creates a pressing internal demand for legal expertise.[221]

Scholars have found anecdotal evidence that the lawyers who hold public office tend to exert a unique and non-trivial influence over the state.[222] For example, based on a series of interviews and other research, Laura Dickinson found that American Judge Advocate Generals have generated demonstrable improvements in the U.S. military's compliance with international law by training, advising, and investigating troops.[223] Michael Scharf reported several instances in which the United States chose to comply with international obligations specifically because of advice from the Office of the Legal Adviser in the State Department.[224] In part, this influence flows from the formal prerogatives that accompany public office: Some officials with legal backgrounds possess authority to make national policy. Others are institutionally positioned to inject legal considerations into a policy calculus. Still others wield power to exercise enforcement discretion on a retail basis. In part, influence also results from the persuasive force of legal expertise,[225] which receives considerable deference in many societies around the world.[226] The training thesis thus anticipates that law graduates oriented to promote or disregard international law as government officials will, in aggregate, be able to exert meaningful influence over state action.

This line of thinking draws support from research on the causative power of ideas in policy making, including anecdotal evidence that the topical and ideological orientations of university training shape state behavior by molding future elites.[227] For

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219. *See* FROM MAX WEBER: ESSAYS IN SOCIOLOGY 85, 93–95 (H.H. Gerth & C. Wright Mills trans. & eds., 1946).

220. Joseph A. Schlesinger, *Lawyers and American Politics: A Clarified View*, 1 MIDWEST J. POL. SCI. 26, 31–32 (1957).

221. For an assessment of these arguments, see HEINZ EULAU & JOHN D. SPRAGUE, LAWYERS IN POLITICS: A STUDY IN PROFESSIONAL CONVERGENCE 31–53 (1964).

222. For an example of scholarship suggesting that government lawyers influence federal policy making, see generally PETER H. IRONS, THE NEW DEAL LAWYERS (1982). For a critique of this view, see, e.g., Robert L. Nelson, John P. Heinz, Edward O. Laumann & Robert H. Salisbury, *Lawyers and the Structure of Influence in Washington*, 22 LAW & SOC'Y REV. 237 (1988).

223. Laura A. Dickinson, *Military Lawyers on the Battlefield: An Empirical Account of International Law Compliance*, 104 AM. J. INT'L L. 1, 15–27 (2010).

224. Michael P. Scharf, *International Law in Crisis: A Qualitative Empirical Contribution to the Compliance Debate*, 31 CARDOZO L. REV. 45, 68–73 (2009).

225. Laurin A. Wollan, Jr., *Lawyers in Government—"The Most Serviceable Instruments of Authority,"* 38 PUB. ADMIN. REV. 105, 106–07 (1978).

226. *See, e.g.*, George Y. M. Won & In-Hwan Oh, *The Korean Lawyer: A Study of Career Development*, 4 KOREAN STUDIES 51, 101 (1980) ("The law profession in Korea enjoys high prestige at present, and access to the profession remains somewhat restricted.").

227. *See, e.g.*, EMANUEL ADLER, THE POWER OF IDEOLOGY: THE QUEST FOR TECHNOLOGICAL AUTONOMY IN ARGENTINA AND BRAZIL 5 (1987) (explaining that in Argentina and Brazil, the choice between policies favoring the acquisition of foreign technology or national technological autonomy depended on domestic ideological factors); William Ascher, *New Development Approaches and the Adaptability of International Agencies: The*

instance, David Law and Wen-Chen Chang have found that justices on the Taiwanese Constitutional Court routinely consult foreign law in deciding cases, and that there is a "strong correlation" between the patterns of this practice and the justices' educational backgrounds[228]—justices who obtained a master's or doctoral degree in Germany were responsible for a clear majority of the Court's citations to German law, while those with American legal training were responsible for a majority of the citations to U.S. law.[229]

Similarly, in an historical account of U.S. trade policy, Judith Goldstein has found that national interest is incapable of explaining why the United States retained protectionist policies well into the twentieth century, given that the nation would have benefited from low tariffs much earlier.[230] Instead, U.S. policies at the time were a product of the domestic hegemony of protectionist economic ideas, which conditioned the way in which political elites interpreted events and crowded out alternative paradigms.[231] Most intriguingly, Goldstein notes that free-trade ideas began to predominate in university classrooms much earlier, but nevertheless failed initially to influence government elites due to a lack of political interest and the inability of academic economists to communicate effectively with policymakers.[232] It was not until the diffusion of these ideas in the 1930s, after "a generation of students [had been] trained in classical economics," that the United States undertook a major shift toward lower tariffs.[233] Academic economists, it appears, had not become any more effective at communicating with government elites, but their old students, some of whom were now policy makers, had themselves become influential vectors of the ideas that began to dominate in the classroom years before.[234] The result was an ample supply of liberal solutions to the crisis of the Great Depression and, ultimately, a fundamental shift away from protectionism.[235] These findings suggest that formal training remains influential even decades after it occurs.[236] Scholars have argued that

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Case of the World Bank, 37 INT'L ORG. 415 (1983) (arguing that World Bank staff are resistant to new programs due to ethical and professional standards that accompany their self-concepts as technical experts); Peter A. Hall, *Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain*, 25 COMP. POL. 275 (1993) (discussing how the flow of ideas about economics has been an important influence on the process of economic policy making in Britain).

228. David S. Law & Wen-Chen Chang, *The Limits of Global Judicial Dialogue*, 86 WASH. L. REV. 523, 571 (2011).

229. *Id.* at 558. Law and Chang depict this behavior primarily as a reflection of competency by suggesting that judges are more likely to use and cite foreign law when they understand it, *see id.* at 571–72, but the training thesis suggests socialization as an additional mechanism—that is, some justices utilize German or American law more frequently not simply because they are familiar with it, but because the universities at which they studied persuaded them, intentionally or not, to view those authorities as worthy of consideration.

230. JUDITH GOLDSTEIN, IDEAS, INTERESTS, AND AMERICAN TRADE POLICY 81–136 (1993).

231. *Id.* at 127–36.

232. *See id.* at 88–90.

233. *Id.* at 249.

234. *See id.*

235. *See id.* at 248–50.

236. *See* David S. Law, *Judicial Comparativism and Judicial Diplomacy*, 163 U. PA. L. REV. 927, 1015–20 (2015) (discussing the influence of legal education on the use of foreign

ideas affect policy in these types of cases by supplying vocabularies that define and limit the range of possible actions,[237] serving as lenses that color the processing of new information[238] and perceptions of self-interest,[239] and providing conceptual organization in a world of incomplete information and uncertainty.[240]

Research on public opinion suggests an additional but less direct form of influence. In a twist on the traditional model of democratic governance, which posits that government officials act to effectuate public preferences, social scientists have found that mass publics often form their opinions about political and social issues by taking cues from government elites.[241] Officials' rhetorical support for or disagreement with even expert opinions on salient social issues tends to yield matching effects among the general public.[242] This can happen when an issue is of direct and immediate personal relevance to a population, such as whether to raise local taxes, but it is more common and robust on issues of greater abstraction.[243] Theorists have proffered a couple of explanations. One is that members of the public tend to lack sufficient knowledge and motivation to rigorously evaluate complex policy issues, so they rely on the positions of trusted officials as decisional shortcuts.[244] A more Machiavellian take is that elites are able to manipulate public opinion by deploying issue frames to encourage the public to think about policy along strategically selected dimensions.[245]

There is reason to anticipate that elite cues and frames will be influential, specifically on matters of international law compliance. First, historically, most of the American public has not devoted significant effort to independent thinking on

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law in judicial opinions); Law & Chang, *supra* note 228, at 571–72 (same).

237. Albert S. Yee, *The Causal Effects of Ideas on Policies*, 50 INT'L ORG. 69, 94–101 (1996).

238. Alexander L. George, *The Causal Nexus Between Cognitive Beliefs and Decision-Making Behavior: The "Operational Code" Belief System*, *in* PSYCHOLOGICAL MODELS IN INTERNATIONAL POLITICS 95, 101–04 (Lawrence S. Falkowski ed., 1979).

239. *See* KATHRYN SIKKINK, IDEAS AND INSTITUTIONS: DEVELOPMENTALISM IN BRAZIL AND ARGENTINA 243 (1991).

240. GOLDSTEIN, *supra* note 230, at 254. For an analysis on the role of individual beliefs in foreign policymaking, see generally YAACOV Y. I. VERTZBERGER, THE WORLD IN THEIR MINDS: INFORMATION PROCESSING, COGNITION, AND PERCEPTION IN FOREIGN POLICY DECISIONMAKING (1990).

241. *See, e.g.*, Adam J. Berinsky, *Assuming the Costs of War: Events, Elites, and American Public Support for Military Conflict*, 69 J. POL. 975 (2007); Matthew Gabel & Kenneth Scheve, *Estimating the Effect of Elite Communications on Public Opinion Using Instrumental Variables*, 51 AM. J. POL. SCI. 1013 (2007).

242. David Darmofal, *Elite Cues and Citizen Disagreement with Expert Opinion*, 58 POL. RES. Q. 381 (2005).

243. *See* David M. Paul & Clyde Brown, *Testing the Limits of Elite Influence on Public Opinion: An Examination of Sports Facility Referendums*, 54 POL. RES. Q. 871, 871 (2001) (discussing scholarly research that shows elite influence with respect to abstract issues that citizens have difficulty connecting to their lives).

244. *See* Darmofal, *supra* note 242, at 382; James H. Kuklinski & Norman L. Hurley, *On Hearing and Interpreting Political Messages: A Cautionary Tale of Citizen Cue-Taking*, 56 J. POL. 729 (1994); *see also* ARTHUR LUPIA & MATHEW D. MCCUBBINS, THE DEMOCRATIC DILEMMA: CAN CITIZENS LEARN WHAT THEY NEED TO KNOW? 2 (1998).

245. *See, e.g.*, W. Lance Bennett, *The Paradox of Public Discourse: A Framework for the Analysis of Political Accounts*, 42 J. POL. 792 (1980).

international affairs, due to a perception that the subject carries only limited and indirect personal relevance.[246] Insofar as this is also true of the public in other states, the result may be a general willingness to rely on elite cues. Second, an uninformed public is more vulnerable to framing effects.[247] Given evidence that national publics often lack even basic knowledge about international affairs,[248] much less arguments about the status and contours of international law, it seems to follow that elite frames on compliance issues can shape public opinion. In fact, a series of recent experiments suggests as much. One found that between two groups of subjects exposed to a message about U.S. interrogation methods in the war on terrorism, those who read an additional message that the methods violate international treaties were more likely to disapprove of the U.S. practice than those who received no international law message.[249] Other work has shown similar effects in different areas of international law and policy.[250] Legally trained elites may be able to capture these dynamics by strategically deploying or omitting arguments about the international legal implications of contested policies.

Inevitably, within any given state, there will be groups of political elites who favor or oppose compliance with international law for ideological or other reasons, regardless of legal training. The training thesis contends simply that the size and influence of those groups will vary depending on the attitudes with which generations of lawyers enter government service. Where law schools influence future government elites to discount international law, government institutions oriented toward the discipline will have a harder time generating interdepartmental and interbranch support for compliance, which will in turn complicate efforts to generate pro-compliance policies and concordant cues and frames for the public. Where law schools influence future elites to view international law as real law, the opposite is more likely to occur.

2. Lawyers as Activists

A second form of influence occurs when individuals with legal training operate as activists within civil society to pressure the state to adopt a particular course of action on an issue that implicates international norms. Legally trained activists can influence state policy through both institutional and other means; some might engage in litigation, lobbying, or voter drives, while others might organize boycotts or

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246. *See, e.g.*, MARTIN E. GOLDSTEIN, AMERICA'S FOREIGN POLICY: DRIFT OR DECISION 148 (1984) (discussing evidence of longstanding apathy and ignorance toward foreign affairs among the American public).

247. *See, e.g.*, Darmofal, *supra* note 242, at 390–91.

248. *See, e.g.*, GOLDSTEIN, *supra* note 246 (discussing evidence pertaining to the United States).

249. Geoffrey P.R. Wallace, *International Law and Public Attitudes Toward Torture: An Experimental Study*, 67 INT'L ORG. 105, 119–21 (2013).

250. *See, e.g.*, Stephen Chaudoin, *Promises or Policies? An Experimental Analysis of International Agreements and Audience Reactions*, 68 INT'L ORG. 235 (2014); Adam S. Chilton, *The Influence of International Human Rights Agreements on Public Opinion: An Experimental Study*, 15 CHI. J. INT'L L. 110 (2014); Michael Tomz, Reputation and the Effect of International Law on Preferences and Beliefs (Feb. 2008) (unpublished manuscript), http://www.stanford.edu/~tomz/working/Tomz-IntlLaw-2008-02-11a.pdf [https://perma.cc/3ZJD-LH53].

demonstrations to mobilize public opinion. That these types of individuals have at times exerted substantial influence over state policy hardly requires extensive elaboration here. Even just a few names make the point: Thurgood Marshall,[251] Raphael Lemkin,[252] Peter Benenson,[253] and influential members of the founders of the United States.[254]

International relations theorists have elaborated on the various means by which civil society actors shape compliance decisions. Some of this work focuses on how transnational networks comprising NGOs and individual activists contribute to the development of international norms. Richard Price, for example, found that a collection of transnational groups was primarily responsible for the emergence of a global norm against the use of antipersonnel land mines.[255] These actors generated and disseminated information to teach states that land mines were a problem, networked with governments and international organizations to access and influence the policy-making process, ensured that their campaign resonated with national publics by grafting it onto a preexisting and widely accepted ban on weapons of mass destruction, and shifted the burden of proof against land mines by demanding that states publicly justify any use.[256] Other scholarship focuses on how transnational activists contribute to state compliance with extant norms. For instance, Amy Gurowitz has shown that human rights advocates in Japan wielded international human rights covenants to argue more forcefully against national policies that discriminated against Koreans and migrant workers.[257] Audie Klotz found that, notwithstanding countervailing national interests, transnational anti-apartheid activists successfully mobilized U.S. support for sanctions against South Africa in the 1980s by framing apartheid in terms of a prevailing civil rights discourse of racial equality and obtaining access to those with decision-making power in government.[258] And in a noteworthy book, Thomas Risse, Stephen Ropp, and Kathryn Sikkink collected case studies suggesting that transnational networks effectively diffuse international human rights norms and generate compliance even among recalcitrant states by raising moral consciousness, mobilizing domestic opposition, and persuading international actors to apply pressure in favor of new policies.[259] On this particular account, the networks are effective

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251. *See generally* JUAN WILLIAMS, THURGOOD MARSHALL: AMERICAN REVOLUTIONARY (1998) (discussing Marshall's work and legacy).

252. *See generally* Sergey Sayapin, *Raphael Lemkin: A Tribute*, 20 EUR. J. INT'L L. 1157 (2009) (discussing Lemkin's career and work in promoting an international prohibition on genocide).

253. *See generally* SAMUEL MOYN, THE LAST UTOPIA: HUMAN RIGHTS IN HISTORY (2010) (discussing Benenson's work as the founder of Amnesty International).

254. *See generally* Erwin C. Surrency, *The Lawyer and the Revolution*, 8 AM. J. LEGAL HIST. 125 (1964).

255. Richard Price, *Reversing the Gun Sights: Transnational Civil Society Targets Land Mines*, 52 INT'L ORG. 613 (1998).

256. *Id.* at 619–37.

257. Gurowitz, *supra* note 26.

258. Audie Klotz, *Norms Reconstituting Interests: Global Racial Equality and U.S. Sanctions Against South Africa*, 49 INT'L ORG. 451 (1995).

259. Thomas Risse & Kathryn Sikkink, *The Socialization of International Human Rights Norms into Domestic Practices: Introduction*, *in* THE POWER OF HUMAN RIGHTS: INTERNATIONAL NORMS AND DOMESTIC CHANGE 1 (Thomas Risse, Stephen C. Ropp &

because of their ability to generate both pressure and dialogue—a target state initially responds to accusations of unlawful behavior by denying the validity of an applicable international norm, but then offers tactical concessions to dampen mounting criticism and, eventually, in the course of arguing with network agents, internalizes the norm's validity and starts to comply.[260]

The training thesis connects with this literature by suggesting that national legal communities are important nodes in the transnational networks that researchers have found capable of generating norm internalization and obedience. Not only can lawyers provide resources to full-time activists, such as financial support or expert counsel; they can also operate as norm entrepreneurs through creative litigation;[261] form or contribute to organizations that lobby for policies of compliance or disregard;[262] serve as sources of expertise for government elites grappling with international problems;[263] and exert influence through non-institutional means such as rallies, strikes, and demonstrations.[264] The training thesis contends that the number of individuals able and motivated to engage in these behaviors will vary with the nature of the international legal training that occurs in the domestic setting.

What is particularly intriguing here is that, if they so choose, members of national legal communities are well positioned to be at least as influential as many of the activists covered in the literature on transnational networks. This is in part because lawyers often go into government service, as discussed above.[265] But it is also true because they know the "rules of the game," often possess substantial financial means, interact with each other and political and economic elites, and tend to enjoy professional esteem. These forms of power suggest that, in the terminology of neoliberal international relations theory, communities of lawyers with specific and educationally derived orientations on international law might constitute one of the interest

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Kathryn Sikkink eds., 1999).

260. *Id.* at 11–17; *see also* Kathryn Sikkink, *Human Rights, Principled Issue-Networks, and Sovereignty in Latin America*, 47 INT'L ORG. 411 (1993) (discussing the influence of transnational human rights networks on state policy).

261. One example is the lawyers at the Center for Constitutional Rights, who broke new ground in the early eighties by successfully asserting federal jurisdiction under the Alien Tort Statute for the adjudication of alleged violations of international human rights law. *See* Filartiga v. Pena-Irala, 630 F.2d 876 (2d Cir. 1980).

262. *See* Xinyuan Dai, *Why Comply? The Domestic Constituency Mechanism*, 59 INT'L ORG. 363 (2005) (arguing that compliance decisions reflect the relative power of competing domestic constituencies); Joel P. Trachtman, *International Law and Domestic Political Coalitions: The Grand Theory of Compliance with International Law*, 11 CHI. J. INT'L L. 127, 144–45 (2010) (discussing the effect of pro- and anti-international law lobbies on compliance).

263. *See, e.g.*, Bruce G. Carruthers & Terence C. Halliday, *Negotiating Globalization: Global Scripts and Intermediation in the Construction of Asian Insolvency Regimes*, 31 LAW & SOC. INQUIRY 521, 529–32 (2006) (discussing how legal experts mediate the translation, enactment, and implementation of international norms at the national level).

264. *See, e.g.*, Eric Cheung & Tom Phillips, *Hong Kong: Lawyers and Activists March Against Beijing 'Meddling*,*'* THE GUARDIAN (Nov. 8, 2016), https://www.theguardian.com/world/2016/nov/08/hundreds-silently-march-in-hong-kong-in-protest-at-beijing-meddling [https://perma.cc/6RNU-DQCP] (discussing the role of lawyers in public protests against Beijing's intervention in Hong Kong's elections).

265. *See supra* text accompanying notes 216–21.

groups that scholars have found to exert influence over foreign policy.[266] In the different terminology of social movements theory, legal professionals might matter because their expertise, status, and social connections amount to important intellectual, cultural, and organizational resources that a transnational network can marshal in favor of or against state action with international legal implications.[267] These professionals are established polity members who collectively wield sufficient influence to see that the decision-making process accounts for their interests,[268] and are influential allies who can create or foreclose political opportunities for norm internalization.[269] Thinking about legal professionals in these ways transforms the case studies on transnational networks into indirect but additional empirical support for the training thesis—if civil society influences compliance and lawyers are influential members of civil society, then lawyer activists matter to compliance. And if these lawyers matter, then we should be concerned with the sources of their ideas about international norms.

3. Lawyers as Practitioners

A third form of influence occurs when lawyers enact in private law practice the orientations that they obtained from their training. Among those who studied international law and internalized the view that it counts as "real law," the enactment manifests as the inclusion of international legal principles and insights in advice to clients; in claims, defenses, and arguments before courts; and in communications with opposing parties. Among those who received no education on international law, or who received an education that downplays the status of the discipline, the enactment tends to be one of silence—the omission of international rules from practice, even when relevant. The difference reflects the reality that circumstance never completely dictates the laws and arguments that one employs in the course of client representation; there is always room for creativity and discretion. It also reflects the fact that lawyers can deploy rules of law to serve client interests only when they know and understand them. And it reflects the condition that a lawyer's choice of argumentation inevitably reflects his or her subjective perception of persuasive merits. Even where domestic rules of legal ethics encourage creativity and analytical rigor by demanding vigorous representation, those rules do little to promote the utilization of international norms when lawyers and the broader profession hold preexisting perceptions of the norms as sublegal, ineffective, and irrelevant.

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266. *See generally* PETER GOUREVITCH, POLITICS IN HARD TIMES: COMPARATIVE RESPONSES TO INTERNATIONAL ECONOMIC CRISES (1986) (arguing that realignments of domestic political coalitions explain national responses to economic crises); JACK SNYDER, MYTHS OF EMPIRE: DOMESTIC POLITICS AND INTERNATIONAL AMBITION (1991) (arguing that expansionist foreign policies are attributable to domestic political groups with imperialist interests).

267. *See generally* JOHN D. MCCARTHY & MAYER N. ZALD, THE TREND OF SOCIAL MOVEMENTS IN AMERICA: PROFESSIONALIZATION AND RESOURCE MOBILIZATION (1973) (developing the resource mobilization theory of social movements).

268. *See* DOUG MCADAM, POLITICAL PROCESS AND THE DEVELOPMENT OF BLACK INSURGENCY, 1930–1970, at 20–24 (2d ed. 1999) (discussing research on this issue).

269. *See* SIDNEY G. TARROW, POWER IN MOVEMENT: SOCIAL MOVEMENTS AND CONTENTIOUS POLITICS 166–67 (3d ed. 2011).

There is anecdotal evidence that these differences manifest regularly in courts and law offices around the world. In the United States, where historically only a small minority of practitioners has taken even one course on international law,[270] lawyers often overlook relevant doctrines and rules. For example, Sandra Babcock notes that in the first two decades immediately following U.S. ratification of the Vienna Convention on Consular Relations, criminal defense lawyers hardly ever raised arguments based on the treaty because "few law school graduates understand the relevance of international law in domestic legal proceedings."[271] She attributes this tendency to the fact that "[i]nternational law is not a required subject in the vast majority of law schools in the United States."[272] Similarly, with respect to Japan, another country that does not require training in international law, Amy Gurowitz observed that "Japanese courts . . . are reluctant to deal with arguments based on international law, in part because they tend to be relatively unfamiliar with it."[273] Under the training thesis, none of this is accidental or even surprising; national fluency in international law corresponds closely with whether and to what extent prospective practitioners acquire training in the discipline.

It is probably true that lawyers in some countries avoid arguments based on international law not because of limited personal knowledge or hostility, but simply because they anticipate that the arguments will be unpersuasive to others. For instance, Philip Trimble has suggested that lawyers prefer to use constitutional rather than international law in criminal trials in U.S. courts because constitutional law is more familiar and persuasive to American judges.[274] But this observation calls for further inquiry on why international law is less persuasive in the first place. Judges must acquire their views about international law from somewhere. Would they find international authority to be more persuasive if they had studied the discipline and internalized pro-compliance attitudes during law school? And would they find international law more compelling if American lawyers did? Would a steady stream of international claims and arguments elevate the status of this body of law in the eyes of the judiciary? The training thesis says yes, yes, and yes.[275] There is nothing inherently unpersuasive about international authority.

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270. Barrett, *supra* note 39, at 854; Ku & Borgen, *supra* note 39, at 502–03.

271. Sandra Babcock, *The Role of International Law in United States Death Penalty Cases*, 15 LEIDEN J. INT'L L. 367, 374 n.31 (2002).

272. *Id.*

273. Gurowitz, *supra* note 26, at 437.

274. Philip R. Trimble, *International Law, World Order, and Critical Legal Studies*, 42 STAN. L. REV. 811, 839 (1990) (discussing evidence that lawyers prefer to use constitutional rather than international law in criminal trials in U.S. courts because constitutional law is more familiar to American judges).

275. *Cf.* Aharon Barak, *Response to* The Judge as Comparatist*: Comparison in Public Law*, 80 TULANE L. REV. 195, 195 (2005) (describing a cycle whereby "[j]udges [do] not tend to rely on comparative law; lawyers d[o] not cite comparative law to judges; law schools d[o] not stress comparative law; scholars d[o] not emphasize comparative law; judges d[o] not tend to rely on comparative law; and so on").

4. Lawyers as Experts

The fourth and final form of influence occurs when individuals with legal training act as experts to provide counsel and opinion on matters of international law. There is a sense in which the other roles each encompass this one, given that they envision influence derived in part from authoritative claims to special forms of knowledge. But the role of a legal expert differs from the others in that it is, by appearances at least, less partisan and more committed to objectivity. Unlike the lawyer as government elite, the legal expert is not constrained by bureaucracy or political expediency. Unlike the lawyer as activist, she intentionally avoids partisan advocacy and commits to no cause other than an unbiased explication of legal principles. And unlike the practitioner, she is not a mercenary. Graduates might acquire this role by becoming legal academics, public intellectuals, certain types of media commentators, and the like.

The legal expert's influence derives both from what she says and who she is. By writing in academic journals and providing public commentary to news media, she identifies previously unrecognized problems, proposes solutions, resolves uncertainties, and supplies interpretations. Because of her qualifications, nonpartisan status, and the complex or technical nature of the problem at hand, she attracts an audience. Her opinions are capable of generating sizable shifts in public opinion[276] and can exert substantial influence over policy makers, including those involved in foreign policy.[277] This influence appears to derive in part from an ability to frame the way in which others understand issues,[278] in part from third-party reliance on expertise as a low-effort heuristic that suggests credibility and encourages deference,[279] and in part from the way in which a comparative lack of personal experience and knowledge limits the audience's capacity to counterargue.

The claim of the training thesis is that the persuasive messaging that occurs in the classroom will also affect the tenor of expert opinion on matters of international law. Where the socialization process is effective, the long-term result will be a "body of conventional knowledge strong enough to compel agreement among differently predisposed users."[280] Generations of legal experts will arrive at an orthodoxy on the

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276. *See, e.g.*, KAREN S. JOHNSON-CARTEE, NEWS NARRATIVES AND NEWS FRAMING: CONSTRUCTING POLITICAL REALITY 220–25 (2005) (discussing evidence of expert influence on public opinion); JOHN R. ZALLER, THE NATURE AND ORIGINS OF MASS OPINION 319–28 (1992) (same); Benjamin I. Page, Robert Y. Shapiro & Glenn R. Dempsey, *What Moves Public Opinion?*, 81 AM. POL. SCI. REV. 23, 35–36, 39 (1987) (same).

277. *See* Lawrence R. Jacobs & Benjamin I. Page, *Who Influences U.S. Foreign Policy?*, 99 AM. POL. SCI. REV. 107, 117, 120–21 (2005).

278. *Cf.* Adam J. Berinsky & Donald R. Kinder, *Making Sense of Issues Through Media Frames: Understanding the Kosovo Crisis*, 68 J. POL. 640 (2006) (finding that media frames affect citizen understanding and opinions on matters of foreign policy).

279. *See generally* Richard E. Petty, Pablo Briñol & Joseph R. Priester, *Mass Media Attitude Change: Implications of the Elaboration Likelihood Model of Persuasion*, *in* MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH 125 (Jennings Bryant & Mary Beth Oliver eds., 3d ed. 2009) (supplying a social psychological framework for evaluating the influence of mass media).

280. ZALLER, *supra* note 276, at 325.

status and value of international law writ large, even if they disagree about the content or application of particular norms. This orthodoxy will not only color the conclusions that the experts provide to others, but serve as a force multiplier in the persuasion process as third parties realize that even otherwise diverse commentators agree on fundamental principles. Put differently, the creation of expert orthodoxy on matters of international law is an intergenerational process, and law schools are at the center of it. Whether future experts promote or undermine international law is partially up to the current experts who shape tomorrow's consensus. That consensus will in turn shape the conclusions of both government elites and the nature and tenor of national discourse on compliance questions as experts communicate their informed views to a receptive public.[281]

This conclusion finds support in research on epistemic communities.[282] International relations scholars have developed an impressive array of case studies showing that these groups are able to empower or limit the influence of ideas by wielding their expertise to provide the public and government decision makers with advice about the likely consequences of policy options, frame issues for discussion, develop fixes, and identify state interests.[283] As an example, Emanuel Adler has shown that an epistemic community of American scientists and civilian strategists was instrumental in generating a shift in U.S. nuclear policy toward bilateral arms control from the 1950s to the early 1970s.[284] Members of think tanks and university faculties began by cultivating and packaging a set of new ideas involving the utility of technical verification measures, insights from game theory, and the limitations of deterrence at conferences and in academic publications.[285] These experts then worked to convert their theories into national policy by acquiring influence within the government.[286] Community members had the ear of President Eisenhower, their ideas acquired bureaucratic support with the creation of the Arms Control and Disarmament Agency, they won congressional allies who disseminated pro-arms control views to the public, and many of them obtained important positions within the executive branch.[287] Moreover, these same individuals played a critical role in persuading an initially skeptical group of elites from the Soviet Union to also pursue arms control.[288] One important product was the Anti-Ballistic Missile Treaty, which the United States and

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281. *See generally* MARC LYNCH, STATE INTERESTS AND PUBLIC SPHERES: THE INTERNATIONAL POLITICS OF JORDAN'S IDENTITY (1999) (arguing that the process of formulating arguments in the public sphere influences state policy by constituting the meaning and range of legitimate state action and interests).

282. *Cf.* Peter M. Haas, *Introduction: Epistemic Communities and International Policy Coordination*, 46 INT'L ORG. 1, 3 (1992) (defining epistemic communities as "network[s] of professionals with recognized expertise and competence in . . . particular domain[s] and . . . authoritative claim[s] to policy-relevant knowledge within [a] domain or issue area").

283. *See id.* at 2.

284. Emanuel Adler, *The Emergence of Cooperation: National Epistemic Communities and the International Evolution of the Idea of Nuclear Arms Control*, 46 INT'L ORG. 101 (1992).

285. *See id.* at 111–24.

286. *See id.* at 124–33.

287. *See id.*

288. *See id.* at 133–40.

Soviet Union signed in 1972 to place limitations on ballistic missile defenses.[289] Additional case studies have observed comparable influence in such diverse policy domains as international trade,[290] whaling regulations,[291] food aid,[292] international banking,[293] Mediterranean pollution control,[294] and efforts to stem the spread of AIDS.[295]

This research bolsters the training thesis insofar as a national collection of lawyers, policy makers, and academics working in the discipline of international law constitutes an epistemic community. As one example, Frans van Waarden and Michaela Drahos contend that an epistemic community comprising legal scholars, lawyers, judges, policy makers, and business consultants with expertise in competition law was the most important force behind a convergence toward stricter antitrust norms in EU member states.[296] In their account, national convergence happened organically, without either market integration or explicit EU efforts to harmonize state legislation, because community interactions in academic and professional fora facilitated a transnational exchange and diffusion of ideas and promoted consensus among community members, who in turn utilized their domestic influence to ensure that the community episteme shaped policy at home.[297] Framed in similar terms, the training thesis posits that domestic approaches to the study of international law will shape compliance by empowering or limiting the influence of domestic and global epistemic communities of international legal experts. Where training is pervasive, rigorous, and supportive, the epistemic community will be able to diffuse its expertise more broadly and establish influence over a larger number of future government elites, which will in turn promote compliance. Where training is limited, poor in quality, or hostile, the domestic epistemic community will have a harder time acquiring influence, and any transnational or international counterpart will suffer from fewer national collaborators.

In summary, university courses can affect compliance because they can shape the ideas that generations of students internalize about international law, and students can later act under the influence of those ideas as government elites, activists, law practitioners, and experts. This thesis does not claim that the collective influence of law graduates in any single role will necessarily suffice to yield parallel state action. But it does posit that such a scenario is possible. Moreover, assuming common

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289. *Id.* at 102.

290. *See* William J. Drake & Kalypso Nicolaidis, *Ideas, Interests, and Institutionalization: "Trade in Services" and the Uruguay Round*, 46 INT'L ORG. 37 (1992).

291. *See* M. J. Peterson, *Whalers, Cetologists, Environmentalists, and the International Management of Whaling*, 46 INT'L ORG. 147 (1992).

292. *See* Raymond F. Hopkins, *Reform in the International Food Aid Regime: The Role of Consensual Knowledge*, 46 INT'L ORG. 225 (1992).

293. *See* Ethan Barnaby Kapstein, *Between Power and Purpose: Central Bankers and the Politics of Regulatory Convergence*, 46 INT'L ORG. 265 (1992).

294. *See* Peter M. Haas, *Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control*, 43 INT'L ORG. 377 (1989).

295. *See* Jeremy Youde, *The Development of a Counter-Epistemic Community: AIDS, South Africa, and International Regimes*, 19 INT'L REL. 421 (2005).

296. Frans van Waarden & Michaela Drahos, *Courts and (Epistemic) Communities in the Convergence of Competition Policies*, 9 J. EUR. PUB. POL'Y 913, 923–32 (2002).

297. *Id.* at 928–32.

training, it suggests that waves of new lawyers executing a multiplicity of professional roles will act under the influence of the same messages about international law, and that the aggregate influence of these individuals is sufficient to shape the manner in which a state approaches the question of compliance. Thus, while the international system is anarchic in the sense that there is no global institution with general legal authority to coerce sovereign states, legal training can influence state compliance policies. The international order does not dictate international law's irrelevance; anarchy is in part what law schools make of it.

B. Regime Type as a Mediator

Even if all curricula were identical, it is unlikely that training's influence would remain constant among different states. Inevitably, cross-national variables will mediate the extent to which individual professional attitudes translate into state policies of compliance with or disregard for international law. Perhaps the most important of these is the type of governmental structure under which a national collection of law graduates operates. Much of the preceding analysis and supporting evidence assumes a democratic state that leaves a domestic legal community with multiple avenues of influence, but of course many states substantially depart from that model in ways that will affect the manner and possibly the extent of professional sway over the policy-making process. Part III.B. draws on the work of Jeffrey Checkel and Thomas Risse-Kappen, among others, to offer a typology of domestic regimes and then to hypothesize on how each might mediate training's effects.[298] I anticipate that whether and how law schools teach international law can affect compliance rates even in illiberal states, but that the professional roles that matter will vary by regime type.

The first step in this analysis is to recognize simply that there are different forms of national governance structures under which professionals might work to promote or undermine obedience. Checkel proposes that there are four basic structural categories, each of which has a unique effect on the mechanisms by which international norms diffuse domestically.[299] First, in a *liberal* structure, "the role of elites is highly constrained" and policy is formed from the bottom up, the result of which is that "societal pressure explains the domestic empowerment of global norms."[300] Checkel offers the United States as an example.[301] Second, at the opposite end of the typology is the *state-above-society* structure, which has a "'top-down' policy-making environment."[302] In this category, typified by the former Soviet Union, the domestic empowerment of international norms depends exclusively on elite learning.[303] In between the two extremes are *corporatist* and *statist* structures in which societal pressure and

298. For relevant works by Checkel, see *supra* notes 24–25. For other relevant works, see, e.g., Erick Bleich, *From International Ideas to Domestic Policies: Educational Multiculturalism in England and France*, 31 COMP. POL. 81 (1998); Andrew P. Cortell & James W. Davis, Jr., *How Do International Institutions Matter? The Domestic Impact of International Rules and Norms*, 40 INT'L STUD. Q. 451 (1996).

299. Checkel, *International Norms and Domestic Politics*, *supra* note 24, at 478–80.

300. *Id.* at 478.

301. *Id.*

302. *Id.* at 479.

303. *Id.*

elite learning share influence.[304] Government elites in the corporatist category have more influence than their counterparts in liberal states, but social pressure is still the most important determinant of norm empowerment.[305] The example here is the Federal Republic of Germany.[306] Finally, in the statist structure, exemplified by France, relative influence is simply reversed: societal pressure is not irrelevant, but learning by government elites plays a more dominant role.[307]

This typology operates in tension with the training thesis insofar as it suggests that there are states in which the preferences of government officials do not matter. As the preceding analysis makes clear, there is quite a bit of evidence that officials will always exert some form of material and independent influence over state action, whether by directly injecting their preferences into policy or by providing cues that help to mold public opinion.[308] The result is that the existence of truly liberal states is questionable—most, including the United States, fall into the other three categories. But Checkel's analysis is nevertheless useful, for in suggesting that national governance structures generally dictate the mechanisms of norm empowerment, the typology offers a starting point for hypothesizing about the more specific issue of cross-national variation in the means by which lawyers are able to translate professional ideology into state policy.

Checkel's ideas are easy to extend. For example, insofar as there are truly liberal states, activists, practitioners, and experts should exert the most significant influence over compliance policies—activists by mobilizing public opinion or lobbying government actors, practitioners by incrementally incorporating international norms into private transactions and dispute resolution, and experts by shaping public opinion. Public officials in these states should, by contrast, hold limited, if any, influence, as the government acts simply to effectuate societal demands. At the other extreme, where the state is above society, activists and independent law practitioners should have far more limited influence, while government elites should dominate as they decide policy free of popular pressures. In this context, independent legal experts might also play a role, but only insofar as they help to shape the views of official decision makers, rather than by influencing public opinion. Likewise, it may be difficult for private practitioners in states with top-down structures to generate compliance due to the absence of an independent judiciary. To put these ideas more concretely, legal training will matter mostly for its effect on future government lawyers and expert consultants in statist or state-above-society regimes such as Iran and Cuba, but more for its effect on future activists, private practitioners, and public intellectuals in liberal regimes such as Canada and Sweden.

Another possibility is that regime type influences the degree of professional influence over compliance decisions. It is plausible, in other words, that the effect of training is more substantial under liberal and corporatist structures because these leave open more avenues by which lawyers can transform their professional orientations into state action. Policy is not simply a product of elite decision making, but rather the aggregation of activist, practitioner, and expert influences, all of which will

304. *Id.*
305. *Id.*
306. *Id.*
307. *Id.*
308. *See supra* Part III.A.1.

tend to point in the same direction, whether in favor of or against compliance, depending on the nature of the training that occurs. If accepted, this proposition would mean that legal training is most effective at explaining compliance rates in comparatively liberal states. It is also plausible, however, that professional influence is more intense under statist and state-above-society structures, because these grant government elites substantial freedom to transform their attitudes about international law directly into state policy. Only a relatively small number of individuals with legal backgrounds will have influence, but their influence will be more substantial because the closed political structure excludes societal actors who might possess interests contrary to the predominant professional orientation.[309] If accepted, this proposition would mean that legal training is more effective at explaining the compliance rates of illiberal governments that include government lawyers in their decision-making processes. Given a dearth of empirical testing, I offer no conclusions on these points other than to say that they are possibilities that future research should consider.

But even if domestic political structures influence the means and degree to which law schools influence compliance, the training thesis contends that legal education will always generate congruent policy effects over the long term. There are two reasons for this. First, the multiplicity of professional roles available to individuals with legal training renders law schools' influence resilient. For legal training not to matter, there must be a state in which legal education occurs but graduates are never government officials, activists, law practitioners, or experts. That is essentially a null set. Second, scholars have shown in a variety of case studies that activists are able to influence state action regardless of regime type.[310] Margaret Keck and Kathryn Sikkink go so far as to suggest that domestic human rights activists can bypass the state and even change domestic structures by networking with international allies to generate multiple sources of pressure for reform.[311] As discussed above,[312] legal

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309. *Cf.* Matthew Evangelista, *Transnational Relations, Domestic Structures, and Security Policy in the USSR and Russia*, *in* BRINGING TRANSNATIONAL RELATIONS BACK IN: NON-STATE ACTORS, DOMESTIC STRUCTURES AND INTERNATIONAL INSTITUTIONS 146, 172–88 (Thomas Risse-Kappen ed., 1995) (discussing how the opening up of the Soviet system paradoxically made it more difficult for disarmament proponents to influence Russian policy by forcing them to compete with other societal actors who held contrary views); Risse-Kappen, *supra* note 24, at 208–12 (explaining that a liberal internationalist community influenced the security policy of the Soviet Union more than that of the United States because the Soviet Union had a centralized decision-making structure that only required the community to acquire influence among government elites, while the United States had an open, society-dominated structure that required the more complicated task of forming a stable and winning political coalition).

310. *Compare, e.g.*, Klotz, *supra* note 258 (revealing how transnational anti-apartheid activists mobilized U.S. support for sanctions against South Africa in the 1980s), *with* THE POWER OF HUMAN RIGHTS: INTERNATIONAL NORMS AND DOMESTIC CHANGE, *supra* note 259 (collecting case studies on the influence of transnational human rights networks in illiberal states).

311. MARGARET E. KECK & KATHRYN SIKKINK, ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS 1–2 (1998); *see also* Risse & Sikkink, *supra* note 259, at 4, 18 (incorporating this idea into a "spiral model" of state socialization).

312. *See supra* Part II.B.

education can play a role in these dynamics by substantially influencing the number of individuals who are sufficiently informed and motivated to press for action.

IV. MERITS AND IMPLICATIONS

To recap, the argument is that there are significant global disparities in international legal education, and that this condition likely limits the efficacy of international law by socializing influential professionals to understand and value international law in divergent ways, thereby generating varying levels of official understanding and concern for international norms. A variety of evidence from the field of social psychology suggests that legal education can persuade law students to adopt attitudes about public international law that faculties have chosen to privilege, and that those attitudes may be sufficiently robust to persist after graduation and influence professional behavior. Where formal instruction is pervasive, rigorous, and ideologically oriented to support the discipline, classes of law graduates are more likely to identify and use international law, and to consider carefully and act in accordance with a pro-compliance message on covered topics. Where training is optional, unavailable, or lacking in rigor, or where professors frame the discipline in an unfavorable way, the effect could range from ignorance to a sense that international law is peripheral and unequal to domestic law, plus parallel behavioral consequences. In turn, evidence from political science suggests that law graduates may wield sufficient collective influence to ensure that their attitudes affect state policy. By the transitive property, universities could materially influence the efficacy of international law. This thesis, to be clear, does not anticipate that training is the only determinant of national policy. Nor does it make any claim about the relative importance of legal training in comparison to other conceivable influences. Nor, finally, does it suggest that training will produce immediate effects. The idea is simply that law schools might over time exert material influence over the way in which a government understands international law and approaches decisions about whether to adhere to it. Below, I discuss the merits and implications of thinking about global norms in this way.

A. Merits

From a theoretical standpoint, the training thesis has several strengths. First, it brings psychology back to its natural home by focusing on the mental processes that occur within human beings. A sizable volume of legal scholarship has incorporated insights from social psychology, but much of this work has treated juridical entities such as states as the unit of analysis.[313] Insofar as entities cannot think other than through the human beings that comprise them, such an approach risks error by personifying abstractions and overlooking the aggregations of individual cognitions that determine institutional behavior. By treating the microprocesses of human psychology as a key source of institutional behavior, the training thesis avoids this problem.

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313. *See, e.g.*, Ryan Goodman & Derek Jinks, *How To Influence States: Socialization and International Human Rights Law*, 54 DUKE L.J. 621 (2004) (identifying social mechanisms for influencing states, and discussing acculturation as a distinct mechanism with unique implications for human rights promotion).

Second, the thesis draws attention to a potentially important source of norm internalization, and one that legal scholars and political scientists typically ignore. The vast literature on norms includes a number of works that focus on government agencies and international organizations as persuasion venues. Martha Finnemore, for example, explains that many states adopted national science policy bureaucracies in the mid-twentieth century because the United Nations Educational, Scientific, and Cultural Organization (UNESCO) taught national officials at international conferences, in private meetings, and through correspondence that such bureaucracies are effective tools for achieving legitimate state interests in the coordination and direction of scientific research.[314] I certainly do not deny that this sort of persuasion happens. But in the long run, the classroom is plausibly a more effective place for it. Consistent with the social psychological evidence discussed above, theorists have suggested that norm internalization is most likely where contact with a persuasive message is intense, significant in duration, and less politicized; where the persuadee has few ingrained beliefs on the subject matter and is in a novel or uncertain environment; and where the persuader "is an authoritative member of the ingroup to which the [perusadee] belongs or wants to belong" and does not lecture "but, instead, acts out principles of serious deliberative argument."[315] It seems that these conditions describe classroom persuasion better than any alternative.

Consider, for example, how elite socialization runs headlong into a couple of problems that student socialization largely avoids: First, individuals are more susceptible to persuasion when their preexisting, message-relevant cognitions are limited or otherwise inaccessible.[316] This is a boon for student socialization, which tends to involve individuals whose limited prior exposure to a discipline makes them more impressionable,[317] but a problem for elite socialization, which tends to involve established professionals who may have acquired robust, issue-relevant schema through both education and substantial time in the field. Put differently, it will be easier to persuade John Bolton the law student than John Bolton the Under Secretary of State.[318] Second, the use of culturally dissonant message frames tends to limit persuasion by undermining a message's affective appeal.[319] This tendency should complicate international and foreign efforts to socialize domestic elites, who often will not share a common cultural background with the message source, but, if anything, contribute to persuasion in the law school setting. The idea here is that law

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314. Martha Finnemore, *International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy*, 47 INT'L ORG. 565 (1993).

315. Checkel, *supra* note 25, at 810–13; *see also* Checkel, *Why Comply?*, *supra* note 24, at 562–64; Liesbet Hooghe, *Several Roads Lead to International Norms, but Few via International Socialization: A Case Study of the European Commission*, 59 INT'L ORG. 861, 866–68 (2005).

316. *See* Wood, *supra* note 178; Wu & Shaffer, *supra* note 193.

317. *See supra* text accompanying notes 192–97.

318. *Cf.* Hooghe, *supra* note 315, at 887 (finding that socialization in the European Commission is limited in part because "international organizations rarely benefit from the primacy effect—the opportunity to influence members in their young adult years").

319. *See, e.g.*, Sang-Pil Han & Sharon Shavitt, *Persuasion and Culture: Advertising Appeals in Individualistic and Collectivistic Societies*, 30 J. EXPERIMENTAL SOC. PSYCHOL. 326 (1994).

professors, who tend to come from the states in which they teach, will possess sufficient fluency in national culture to identify and utilize appropriate frames for greater persuasive effect. Put differently, cultural fluency makes it easier for an American law professor to persuade American law students than for a U.N. official from, say, Switzerland to persuade members of Congress, all else being equal.[320]

Third, the thesis offers a deeper explanation for state behavior by suggesting that many of the phenomena and actors covered in the literature are simply intermediate variables that channel training's influence. It may help to explain, for example, the domestic diffusion and empowerment of international norms.[321] And it suggests a potentially important source of the attitudes that drive nonstate actors like norm entrepreneurs, activists, and epistemic communities to promote or undermine state compliance.

Finally, the thesis appears more meritorious upon acknowledging the cognitive biases that might generate unwarranted skepticism among readers. One is a bias in favor of proximate causation—there is a natural tendency to assign greater relevance to independent or intervening variables that are closer in causal structure to a dependent variable, even when distant causation is established.[322] Applied here, this would manifest as an irrational tendency to discount the significance of universities in favor of variables that operate more directly on compliance decisions, such as contemporary public opinion or bureaucratic pressures. A second is the so-called bias blind spot—people tend to view their own perceptions as less susceptible to bias than those of others.[323] The result may be an unwarranted tendency to perceive oneself as an independent and neutral analyst who is immune from the influence of an idiosyncratic intellectual upbringing.

B. Implications

Thinking about the evidence of global curricular variation in light of the training thesis generates a number of significant implications. Some of these hold regardless of one's normative priors, but I frame others in a way that presupposes a commitment to effective international law. For readers who do not share that commitment, the prescriptions may be different, but either way, divergent normative preferences do not affect the causal argument; they merely inform what one does with it.

First, the training thesis suggests a substantial research agenda. Additional empirical work is necessary to identify more fully the nature of cross-national differences in international legal education. Scholars might profitably supplement the

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320. *Cf.* Price, *supra* note 255, at 627–31 (discussing how the international campaign to ban antipersonnel land mines was successful in part because it managed to frame the proposed prohibition in a way that resonated with preexisting norms).

321. *Cf.* Checkel, *Why Comply?*, *supra* note 24, at 557–59 (discussing the significance of norm diffusion).

322. *See* Russell C. Burnett, *Close Does Count: Evidence of a Proximity Effect in Inference from Causal Knowledge*, 27 PROCS. ANN. MEETING COGNITIVE SCI. SOC'Y 366 (2005), http://www.psych.unito.it/csc/cogsci05/frame/poster/2/f509-burnett.pdf [https://perma.cc/GX4Q-ABV7].

323. Joyce Ehrlinger, Thomas Gilovich & Lee Ross, *Peering into the Bias Blind Spot: People's Assessments of Bias in Themselves and Others*, 31 PERSONALITY & SOC. PSYCHOL. BULL. 680, 681 (2005).

PILMap.org site with data on bar examinations, elective courses, casebook content, the professional backgrounds of international legal academics, and judicial and prosecutorial training, among other topics. There are also important causal questions to explore: Does the completion of an introductory course on public international law yield attitude change among students? If so, how long does the change persist? In which types of national governments does legal education have the greatest effect on state policy? Why do some states compel the study of international law while others do not? And what are the concrete effects of cross-national differences for matters such as treaty compliance and popular attitudes about international norms? Scholars might profitably address these questions through both qualitative and quantitative studies and thus help to illuminate the role of universities as venues for the reflection and diffusion of international norms.

Second, the training thesis suggests that there may be systemic barriers to the efficacy of international law even from a constructivist perspective. International law is formally universal, but the evidence described in Part I shows that it is, to varying degrees, practically parochial: many students graduate without obtaining even basic education about the discipline, while others acquire training that is poor in quality or peculiar in its topical emphases or ideological orientation. The likely result is a collection of states with varying numbers of government elites, activists, private practitioners, and experts who have studied international law, and varying levels of knowledge about and subjective commitment to international norms within those groups. If anything, such conditions may complicate enforcement by generating inconsistency of understanding, irregularity of application, and confusion.

To put the matter more concretely, the evidence from Part I supports hypotheses about the effects of legal education in and between specific countries. For instance, one might imagine that universities in Scandinavian states contribute to the efficacy of international human rights norms by requiring all students to complete courses that are analytically rigorous and norm-supportive.[324] At the opposite extreme, legal education probably fails to contribute in any way to the domestic acceptance of international norms in places like the Central African Republic, where functioning law schools do not appear to exist.[325] In between these poles, universities in much of the developing world, such as India and many African states, generally require students to study international law but seem to lack the resources to take advantage of the classroom's full persuasive potential.[326] Insofar as professors do not possess the professional background, teaching materials, or financial incentive to expend the time

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324. *Compare* Scoville, *supra* note 21 (reporting that all law schools in Denmark, Norway, and Sweden require students to complete a course on public international law), *with World University Rankings 2014–15*, TIMES HIGHER EDUCATION, http://www.timeshighereducation.co.uk/world-university-rankings/2014-15/world-ranking [https://perma.cc/C3SU-3UMZ] (favorably reviewing the quality of several Scandinavian universities) *and* Bradford & Posner, *supra* note 115, at 14 ("The EU maintains a strong commitment to international human rights.").

325. *See* Ryan M. Scoville, *Country: Central African Republic*, WHO STUDIES INTERNATIONAL LAW? A GLOBAL SURVEY, http://pilmap.org/Details/CF [https://perma.cc/PPG3-ZQPD] (reporting that there are no law schools with functioning websites in the Central African Republic).

326. *Compare* Ryan M. Scoville, *Continental Maps*, WHO STUDIES INTERNATIONAL LAW?

necessary for effective instruction, it is doubtful that international law students in these states will have an adequate opportunity to understand their subject, let alone internalize robust attitudes about its claim to legal status. Parts of the developed world appear to suffer from a different problem. In countries like the United States, the issue is not one of instructional quality as much as one of pervasiveness and ideological orientation—international law is almost entirely elective, has not been particularly popular among students, and has a hard time distinguishing itself from foreign relations law.[327] The probable consequences are limited knowledge among graduates and a general sense of uncertainty about the value of the discipline. For example, recounting his own experience as a student, David Kennedy explains that the marginal status of international law in his school's curriculum left him "sceptical about the institutional stature that international law seemed to be claiming for itself" and feeling that the discipline was "subservient to a private municipal practice."[328] In the aggregate, these kinds of conditions suggest a global order comprising states whose nationals hold varying levels of understanding and concern for international norms. This is an order in which noncompliance should come as no surprise.

Of course, it is likely the case that, in any given state, elites with substantial influence over the foreign policy bureaucracy will be better trained in international law than the average graduate. In that sense, there will probably always be a class of knowledgeable domestic actors who both support the idea of international law and exert influence over state policy. But even insofar as that is true, the training thesis identifies a problem: where study is uncommon or lacking in rigor, most graduates will not have internalized robust attitudes on compliance questions, and any state decisions to follow international obligations are likely to result not from broad and deep commitment within domestic legal communities, but instead the work of a thin crust of elite specialists. In states where non-elite attitudes matter, commitments might be fragile. When even many law graduates do not understand international law, it may be overly optimistic to expect national publics to value compliance for its own sake.

A third implication is perhaps the most tantalizing: the thesis would place the efficacy of international law partly in the hands of those who teach. This is probably an invigorating thought to many readers, but neither the degree, nor the direction, nor the cross-national uniformity of the classroom's persuasive influence is a given. The degree to which instruction shapes student attitudes is likely to depend on a raft of nano-choices about the curriculum, pedagogy, and resource allocation. Individual professors will intensify the persuasive impact of their courses by requiring extensive class participation, selecting compelling reading materials, creating opportunities for

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A GLOBAL SURVEY, http://pilmap.org/ContinentalMaps [https://perma.cc/WKP4-G3DE] (reporting high rates of compulsory study in Africa), *with* Scoville, *Country: India*, *supra* note 42 (reporting that all law students in India must complete a course on international law), *and supra* notes 94–95 (collecting sources on the state of legal education in lesser-developed countries).

327. *See* Barrett, *supra* note 39, at 854–55 (same); Ku & Borgen, *supra* note 39, at 502–03 (describing how enrollment rates in international law courses in the United States have historically been low); Scoville, *supra* note 31 (reporting that only four percent of U.S. law schools require a course concerning international law).

328. David Kennedy, *International Legal Education*, 26 HARV. INT'L L.J. 361, 367 (1985).

personal interaction with students, addressing counterarguments, providing students with opportunities to act in ways that approximate the roles of established practitioners, and otherwise approaching the quality of their instruction as a professional priority.[329] The standard lecture is less likely to persuade.

The direction of persuasion is also a choice. While the language and authorities of international law are generally norm supportive, there is ample space for different angles of approach. Just as one might lecture on ways in which the discipline has shaped state action, draw students' attention to fundamental similarities with domestic law,[330] and otherwise frame international law in a positive way, one could easily highlight compliance problems and call into question the value of the field. Either way, the research suggests that there will be an attentive and impressionable audience.

Still other choices concern the issue of cross-national uniformity. International law academics might promote uniformity through professional cosmopolitanism. They might seek out dialogue and collaboration with counterparts in other states, organize and attend international conferences, and work with foreign coauthors to diffuse and harmonize understandings across borders.[331] Some of this happens already, but cosmopolitanism appears uncommon where it is needed most—namely, among scholars from different civilizations and states with antagonistic relationships. Ideally, we would see events like Sino-Japanese conferences on the law of the sea, papers coauthored by Indian and Pakistani scholars, and far more dialogue between Americans and Russians. There are real logistical challenges to reckon with here, including language and distance, but the alternative is insularity and the likely perpetuation of cross-national difference.

Law schools are not off the hook in this analysis. Much is up to individual professors, but there are important organizational decisions to be made, including whether to make a course on international law mandatory, whether to offer few or many elective courses in the discipline, and whether to incorporate international topics into courses that are traditionally domestic in orientation. Other choices might also make a difference, such as whether to promote and support international law journals, library acquisitions of international law volumes, and guest speakers on relevant topics. These types of environmental influences might supplement pro-compliance messaging in the classroom by signaling international law's status as a priority for not just one professor, but the law school as a whole. Given their outsized influence within the profession, elite law schools may play a particularly important role in deciding the popularization of these reforms.[332]

The prescriptions here are obvious. Above all, academics should think hard about

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329. *See supra* Part II.B.

330. *Cf.* Jack Goldsmith & Daryl Levinson, *Law for States: International Law, Constitutional Law, Public Law*, 122 HARV. L. REV. 1791 (2009) (identifying fundamental similarities between international law and U.S. constitutional law).

331. *Cf.* Paul J. DiMaggio & Walter W. Powell, *The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields*, 48 AM. SOC. REV. 147, 152 (1983) (identifying the "growth and elaboration of professional networks that span organizations" as an important source of isomorphism).

332. *Cf. id.* ("Organizations tend to model themselves after similar organizations in their field that they perceive to be more legitimate or successful.").

pedagogy and approach instruction with an eye toward the compliance messages they send. These are issues of delicacy, in which minutiae can matter a great deal. My impression is that, at least in the United States, instruction tends to focus on a canonical set of issues and cases regardless of persuasive consequences. For example, decisions such as the *Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States)*[333] and the *Case Concerning Avena and Other Mexican Nationals (Mexico v. United States)*[334] are not only common fare in American classrooms, but are common fare in substantial part because of the compliance problems they expose. Such problems are undoubtedly of interest, but the amount of attention they receive suggests that even supporters of international law suffer from a certain lack of confidence. Most criminal law professors do not devote any of their introductory lectures to compliance issues even though violence and drug use are common. Why the difference? Perhaps it is time to rethink parts of international law's introductory canon.

Fourth, the thesis could help to identify the practical significance of other compliance theories, such as scholarship on transnational legal process by Harold Koh[335] and Abram and Antonia Chayes[336] and, on the other side, rationalist analyses by scholars such as Jack Goldsmith and Eric Posner.[337] These works tend to come across as academic debates with limited practical significance. But the training thesis suggests that they are critically important as source material for the narratives that faculties present to generations of future professionals. The persuasive merits of compliance theories might affect state behavior by making it possible for instructors to present intellectually honest arguments consistent with a particular view about international law's status, and by influencing the extent to which law schools are in fact able to persuade students to view international law as a body of genuine legal obligations that require obedience. The content of a message, after all, is an important determinant of attitude change in central-route processing.[338] To the extent that faculties side with and are able to draw students' attention to a theory of compliance that is compelling, graduates are more likely to enter any number of professional roles with congruent views about the relevance and weight of global norms.

There are also consequences for policy makers. While it is far from universal for states to require their law graduates to study international law, a number of them

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333. Judgment, 1986 I.C.J. Rep. 14 (June 27) (holding that the United States violated international law pertaining to the use of force by supporting the Contras in their opposition to the government of Nicaragua); *see also* U.N. SCOR, 41st Sess., 2718th mtg. at 51, U.N. Doc. S/PV.2718 (Oct. 28, 1986) (documenting the U.S. veto of a resolution calling for compliance with the *Nicaragua* judgment).

334. Judgment, 2004 I.C.J. Rep. 12 (Mar. 31) (holding that the United States breached Article 36.1(b) of the Vienna Convention on Consular Relations); *see also* Medellin v. Texas, 552 U.S. 491, 504–23 (2008) (holding that the *Avena* judgment is not directly enforceable in federal court).

335. *See* Koh, *supra* note 29.

336. *See* ABRAM CHAYES & ANTONIA HANDLER CHAYES, THE NEW SOVEREIGNTY: COMPLIANCE WITH INTERNATIONAL REGULATORY AGREEMENTS (1995).

337. *See* Jack L. Goldsmith & Eric A. Posner, *A Theory of Customary International Law*, 66 U. CHI. L. REV. 1113 (1999).

338. *See supra* Part II.B.2.

do.[339] Moreover, the UN General Assembly has repeatedly emphasized the importance of this area of study,[340] and some treaties specifically call for education on the rules they codify.[341] The training thesis suggests that national governments and international organizations might profitably extend these efforts by agreeing, formally or informally, to mandate and standardize international legal education, or even by promoting the idea of a nascent custom that obliges states to compel training. International actors may also view development assistance as a mechanism for improving the efficacy of international law over the long run, and domestic policy makers may view governmental curriculum standards and bar examinations as compliance issues.

CONCLUSION

Ideas matter. Education matters. Law graduates are collectively influential. These notions, each of which is uncontroversial, combine to sustain the plausibility of the training thesis. There is reason to think that anarchy is in part what law schools make of it. Stated another way, it is *im*plausible that legal education has no effect on the efficacy of international law. As Peter Hall explained years ago:

> [I]deas acquire force when they find organizational means of expression. Most ideas have some power on their own: a number of people will be persuaded by them. But the social power of any set of ideas is magnified when those ideas are taken up by a powerful political organization, integrated with other ideological appeals, and widely disseminated.[342]

In this case, the powerful organization is the university. Attitudes about international law do not simply exist; they must come from somewhere, and it is reasonable to think that at least one of their principal sources is the classroom, which provides the only significant training on international law that most lawyers ever receive. If this is right, then national aggregations of small choices about curricular design and classroom instruction carry significant policy consequences over the long run, and noncompliance should come as no surprise, given the varied state of training around the globe.

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339. *See* Scoville, *supra* note 21.

340. *See supra* text accompanying notes 77–83.

341. *See, e.g.*, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 10(1), *adopted* Dec. 10, 1984, S. TREATY DOC. No. 100-20 (1988), 1465 U.N.T.S. 112.

342. PETER HALL, GOVERNING THE ECONOMY 280 (1986).