

Towards Scientific Guidelines for Interdisciplinary Research in the Field of Law

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ABSTRACT: This paper sets out to explore the absence of criteria in the field of law, to guide the legal researcher's choice to use interdisciplinary knowledge to explain or clarify certain types of subject-matter, under consideration in the field of law. It advances the view that interdisciplinary research proves desirable because it allows for connections and delineations to be made between different disciplines in an integrated way, that serve to clarify, broaden or benefit legal knowledge about a subject-matter in the field of law. This is particularly important for the legal researcher, when considering subject-matter in the field of law that requires insights from other disciplines, to bolster its legal understanding. However, assessing the appropriateness of the choice to use interdisciplinary knowledge, in a research context to clarify or explain subject-matter in the field of law could require that the use of interdisciplinary knowledge not be made. Even in such circumstances, it is an exemplar of interdisciplinary knowledge, informing research in the field of law.

KEYWORDS: interdisciplinary, research, law, scientific, prospect

1. Introduction

Interdisciplinary research is a type of research carried out by teams or individuals. It sets out to integrate a variety of components that constitute a discipline or field of study with the scientific aim to advance understanding, enhance knowledge or to solve problems, whose solutions lie beyond the scope of a single discipline or area of research practice (Schrama 2011, 148). These components generally include concepts, theories, tools, techniques, structures, information, data, views, explanations or perspectives, from two or more disciplines or bodies of specialized knowledge.

In the field of law, interdisciplinary research involves combining study and research tools from non-legal disciplines, to clarify or explain a given subject-matter under legal consideration (Jones 2009, 76). The use of interdisciplinary tools, in this way, in the field of law, provides pathways that enable the handling of a subject-matter in law to be considered in conjunction with other fields. It informs the development of certain core areas of law and proves particularly useful to clarify a topic under consideration in the different bodies of law. However, there are no fixed criteria in legal research to assess the appropriateness of the choice, to use interdisciplinary knowledge to explain or clarify subject-matter in the field of law. In the absence of indicators in legal research, to guide the legal researcher's decision to use interdisciplinary knowledge as such, reliance on it, although capable of being justified, by the legal researcher, can turn out to obscure the legal understanding of a given type of subject-matter, limit its legal understanding altogether or provide a piecemeal explanatory account, defeating the original aim of recourse to interdisciplinary knowledge, as a means to more comprehensively clarify or inform the given subject-matter, under examination in the field of law (Roux 2015, 57-61).

In such instances, the choice to use interdisciplinary knowledge would have to be reappraised and its employ rejected. This rejection, however, does not consist in a rejection of the use of interdisciplinary research in the field of law (Beck 1995, 122). Instead, it highlights the complexity and prudence connected to an appropriate handling of interdisciplinary knowledge, in the field of law (Vick 2004, 165). Moreover; it constitutes a way to assess the viability of the use of interdisciplinary knowledge, in legal research, with a view to optimize its utility in the field of law.

2. Advantages and Disadvantages of Interdisciplinary Research in the Field of Law

Although there is no general dispute concerning the utility of interdisciplinary knowledge in core disciplines, advantages and disadvantages have been detected regarding its use, in the field of law. (Jones 2009, 75-81).

Some of the main arguments advanced in support of interdisciplinary research in the field of law have been linked to its utility. It assists the legal researcher in his or her field to understand his or her own discipline, by providing a point of reference for how it relates to other disciplines. Secondly, interdisciplinary approaches provide for the use of techniques, data and understandings that are consonant with improving knowledge in the field of law (Bodig 2015, 44).

Thirdly, interdisciplinary research has become a useful component in degree programs, in the different fields of study. The interdisciplinary approach has no monopoly on any particular field of research, therefore, it can offer a wider framework of exploration for legal researchers. In this regard, it provides for comprehensive explanations and predictive capacity that can facilitate improved normative understandings. It also provides insights to confront less obvious questions that lie within the framework of the law (Argyrou 96, 2017).

It can serve to reduce the exigencies of *hyper-specialization* in a single field which tend not to concern itself with the bigger research field. In the field of law, it provides a basis to confront questions, argument and research methods from other fields of study about a subject matter, in that discipline and lays a pathway with the potential for creative solutions. Interdisciplinary approaches also possess the appeal of a larger framework because they induce the legal researcher to engage with different perspectives, synthesize the disciplines and accordingly solve legal problems from an informed standpoint.

Some of the main arguments advanced against the use of interdisciplinary approaches are related to attitudinal resistance displayed among scholars, communication limitations and differences of specialized methods (Kramer 1959, 565). More specifically; some opponents of interdisciplinary research advance the view that interdisciplinary approaches, function in a way that isolates understandings from the central part of the specific discipline. Secondly, they argue that it is a type of research that falls within two or more spheres of study, which by this fact, obscures understanding a subject-matter, grounded in the core of a specific discipline. Other arguments in opposition reflect nuanced viewpoints of these mentioned challenges (Cottrell 1986, 10-11).

The point herein, however, is not that the legal researcher's recourse to interdisciplinary knowledge in the field of law is a barrier to or detracts from enhancing legal understanding; rather dealing with the subject-matter in the field of law requires the use of certain criteria (Shrama 2011, 151). The consideration of these criteria can often only be adequately carried out according to those scientific tools belonging to the field of law. For instance, in a research context (illustrated in Figure 1 below) where a given subject-matter (X) under consideration in the field of law also constitutes the subject-matter in the field of a non-legal discipline that hyper-specializes and possesses well established frameworks for the handling of that subject-matter (X); it would be fitting to make recourse to knowledge from the said field (NLF).

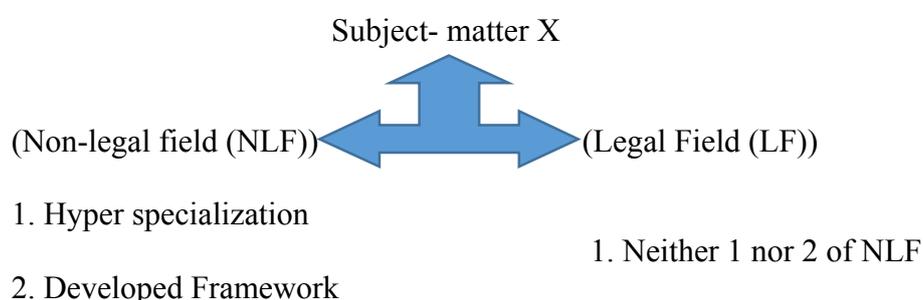


Figure 1: Same subject-matter in Different Disciplines

Yet, having regard to interdisciplinary knowledge in the sense of NLF may not prove adequate to clarify the given subject-matter in LF. In other words, the choice to opt for interdisciplinary knowledge, in such a research context, would be inappropriate for the legal researcher (Cairns 1941, 16). What would prove appropriate for the legal researcher's satisfactory handling of the subject-matter under legal consideration, in the research context, would amount to what is scientific

(Feldman 2009, 3). This reposes on what is in the service of the many goals set out scientifically, in the field of law.

Given that each field of study has its own concepts, theories, methods, logic, terminology, data, organization and perspectives which bear on the scientific elucidation of a given subject-matter, in different ways and to different degrees, it would be scientifically consonant in certain legal research contexts, to opt not to use interdisciplinary knowledge to adequately clarify a given subject-matter (Levit 1989, 265-289).

3. Legal Science and Social Science and the Field of Law

Science (Lundberg 1952, 373), however, is heterogeneous (Jørgensøhn 1974, 87). It has a posited objective reality (Levine 1985, 173) in the sense that it does not contain the scientist's ideas about it (Hussey 2013, 307) and is separate from extra-scientific motives such as funding or political incentives. Different sciences exhibit different purposes and features that combine to enable a fuller understanding of the field of research and in turn, the world that it influences. The particular focus of the choice confronting the legal researcher lies in the field of law and the option to use knowledge from the field of social science.

Social science involves systematic and disciplined studies of society, its institutions and the reasons for why and how people as individuals or groups behave the way they do. Its scientific character lies in the way, that it acquires knowledge that is verifiable (Bhattacharjee 2012, 1).

Legal science involves the systematic study and methods of law. The scientific knowledge of the positive legal system, that is the system of positive rules of law, can be pursued in three fundamental ways. These ways include the study of a subject - matter in law, through consideration of its legal history, its interpretation or legal dogmatism (Jørgensøhn 1974, 87).

Legal dogmatism is a way of undertaking legal research that considers the entire system of positive law. According to this way of carrying out legal research, the legal order's isolated parts belong to the legal system and are ordered according to classification and definition (Gareis 1911, 303).

The interpretative way of undertaking legal research considers the text. It is distinct from that of its dogmatic interconnections and its historical evolution. It commences from a given standard, demonstrates the legal rule itself and sets out to establish a systematic organization (Gareis 1911, 304).

The legal historical way of undertaking legal research is based on the view that legal knowledge can be ascertained by way of history that involves legal order as a progressive unity, through a consideration of the evolution, origin, alterations and modifications of institutions under which regulative precepts of conduct develop into legal rules. These three ways of undertaking legal research can be used individually or in combination (Gareis 1911, 303 - 304).

For the legal researcher confronted with the choice to opt for a way to clarify a legal subject – matter in the field of law, the research capacity of these three fundamental ways of undertaking legal research, would be a satisfactory choice (Argyrou 2017, 96 - 98). However, when the subject-matter may have emerged or has been emerging in legal practice, under different legal branches, in the different legal orders and cannot be reconciled with normative precepts of legal areas, located in the traditional framework of the law, the legal researcher's general choice to opt for interdisciplinary knowledge is triggered, in the field of law, in such a way, that it militates for use of knowledge in the field of the social sciences as an appropriate option (Lundberg 1952, 377; Husa 2014, 28 - 31).

4. Assessing the Appropriateness of the Choice to Use Interdisciplinary Knowledge in the Field of Law

How social science informs law, however, is unsettled. Without fixed criteria to guide the legal researcher's choice to use interdisciplinary tools, in legal research, the decision to use knowledge from the field of social science, in the field of law, can be under-informed (Bodig 2015, 44-54).

Social science adopted in the service of the law cannot be carried out in the same way as it is carried out to advance the aims of social science (Levine and Howe 1985, 174). The authoritative input of social science knowledge in the field of law may depend on the degree of relevance, utility and acceptance contained in research results, paradigms or theories and the object under research in the field of law (Redding 1999, 586).

In certain instances, there may be sound reasons to compel the legal researcher to use interdisciplinary tools such as methods, techniques concepts or knowledge from the social sciences to clarify, explain or account for the inadequacy of the given subject-matter, in the field of law. For instance, a concept in the field of law, may be unable to adequately explain a subject-matter's range of forms in legal practice because the concept is either too narrow or unable to accommodate the developments, in the field of law or it lacks the degree of complexity required, in certain areas of law, to facilitate practices, in the law, that are not sufficiently uniform.

In certain other instances, a subject-matter under consideration, in the field law, may be so broad as to conform to other disciplines, in an analogous but not strictly identical way. In such a case, it is essential for the legal researcher to preserve the subject-matter's separateness and therefore retain the disciplinary distinction, in order to accord to the subject-matter under consideration, the requisite specificity for its use, in the discipline of law.

In yet, certain further instances, the legal researcher may be confronted with a related problem of this type, of setting parameters from other disciplines when a subject-matter under legal consideration is the object of shared disciplinary interests. A legal consideration of societal values is an example of the type of subject-matter that gives rise to this kind of concern. Legal systems reflect core societal values. As such, the legal researcher is obliged to consider the connection between the axiological and the legal, in conjunction with its relationship to society. This means taking into consideration those elements required to maintain a certain degree of coherence between a society and values, to alleviate problems that adversely affect the potential of the law to carry out its legal regulatory function. If the legal researcher were to clarify a type of subject-matter, such as "justice" the legal researcher in this configuration, would be required to deal in such a research undertaking with "justice" as a value in the field of law, the field of law per se and the common nexus between society, the law and justice as a value. These considerations would be essential to an appropriate scientific handling of the subject-matter in the field of law by the legal researcher because it maximally rules out preferences, biases, current social uses and policies. It habitates the legal researcher to bring the requisite epistemological quality to the subject-matter under legal consideration with scientific responsibility.

5. Conclusion

This paper has set out to problematize the legal researcher's choice to use interdisciplinary knowledge, in the field of social science, as a research tool to clarify or explain subject-matter under consideration in the field of law. In this pursuit, it prospects for scientific guidelines of interdisciplinary research in the field of law.

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